



MELTON CITY COUNCIL

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

8 February 2016

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

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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 8 FEBRUARY 2016 AT 7.00PM

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

Mr K Tori, Chief Executive Officer
Mr P Bean, General Manager Planning and Development
Mr L Shannon, General Manager Corporate Services
Mr M Heaney, General Manager Community Services
Mr D Hogan, Manager Customer Engagement
Ms K Archibald, Coordinator City Strategy
Ms A Rajer, Communications Coordinator
Ms T Spiteri, Governance Coordinator

1. OPENING PRAYER AND RECONCILIATION STATEMENT

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

2. APOLOGIES AND LEAVE OF ABSENCE

Cr Dunn.

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

Nil.

6. ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on 15 December 2015 and Special Meeting of Council held on 7 January 2016 be confirmed as a true and correct record.

Crs Bentley/Turner. That the recommendation be adopted.

CARRIED

7. CORRESPONDENCE INWARD

Nil.

8. PETITIONS AND JOINT LETTERS

Nil.

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

Nil.

10. PUBLIC QUESTION TIME

Name	Question asked of Council
Robert Zwarteveen	Completion date of Councils Green Wedge Management Plan.
Seamus Ryan	Confirmation that schools and sporting clubs within a 300m radius of the mobile phone tower at Brookside Recreation Reserve were given notice of the planning permit.
Seamus Ryan	Councils approval of a permit to build a mobile phone tower at Brookside Recreation Reserve.
Michelle Spiteri	Not present. Written response to be provided.
Michelle Spiteri	Not present. Written response to be provided.
Michelle McKenzie	Council to consider cancelling a Lease issued to Vodafone.
Michelle McKenzie	Compliance with the Australian Communications and Media Authority (ACMA) in the granting of a permit to Vodafone to construct a mobile phone tower.
Alisa Matesic	Evidence that residents and corporate bodies were given notice of the planning permit to construct a

	mobile phone tower, including how to object.
Mario Cachia	Inclusion of their property in the Kororoit PSP.
Alisa Matesic	Councils approval of a permit to build a mobile phone tower at Brookside Recreation Reserve.
David O'Connor	Waive costs for A frame signage for the Diggers Rest 'whole town garage sale'.

11. PRESENTATION OF STAFF REPORTS

Procedural Motion

Crs Cugliari/Ramsey

That the recommendations as printed in items 11.1 and 11.2 be adopted in block.

CARRIED

11.1 AUTHORISATION OF AFFIXING THE COMMON SEAL OF COUNCIL

Author: Tracy Spiteri- Governance Coordinator

Presenter: Luke Shannon- General Manager Corporate Services

PURPOSE OF REPORT

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

RECOMMENDATION:

That the Council Seal be affixed to the documentation as detailed in the schedule for Authorising of Affixing of the Common Seal of Melton City Council dated 8 February 2016.

Crs Cugliari/Ramsey. 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.

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, 2 and 3**
2. adopt recommendations arising.

Crs Cugliari/Ramsey. 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
25 November 2015	CALD Advisory Committee	Appendix 1
26 November 2015	Early Years Partnership Committee	Appendix 2
3 December 2015	Community Learning Board	Appendix 3

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

2.3 Facilitate community engagement in planning and decision making

4. Financial Considerations

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

5. Consultation/Public Submissions

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

6. Risk Analysis

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

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

7. Options

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

LIST OF APPENDICES

1. CALD Advisory Committee Meeting Minutes - 25 November 2015
2. Early Years Partnership Committee Meeting Minutes - 26 November 2015
3. Community Learning Board Meeting Minutes - 3 December 2015

11.3 AMENDMENT C100 TO THE MELTON PLANNING SCHEME - DRY STONE WALLS

Author: Matthew Milbourne- Senior Strategic Planner
Presenter: Kelly Archibald-Coordinator City Strategy

PURPOSE OF REPORT

To consider the recommendations of the Planning Panel in their report on Amendment C100 to the Melton Planning Scheme.

RECOMMENDATION:

That Council:

1. Adopt Amendment C100 to the Melton Planning Scheme subject to the changes recommended in the Panel Report.
2. Adopt the exclusion of the westernmost 22 metres of dry stone wall F93 from Schedule 200 of the Heritage Overlay (HO200).
3. Adopt the removal of the interim control provisions in Clause 52.37 of the Melton Planning Scheme.
4. Submit the Amendment to the Minister for Planning for approval.

Crs Ramsey/Bentley. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

Amendment C100 seeks to amend the Melton Planning scheme to implement the recommendations of the *Melton Dry Stone Wall Study*. The *Melton Dry Stone Wall Study* was adopted by Council at its Ordinary Meeting on 10 November 2011.

The Study surveyed over 300 dry stone walls and structures. All of these were mapped and their details recorded. It was found that there were 10 types of walls in Melton, and that some of these are unique in Australia. Many, however, were in a poor and deteriorated condition. Based on the assessment undertaken it was recommended that 140 of the walls be protected through their inclusion to the Schedule of the Heritage Overlay in the Melton Planning Scheme.

At its meeting on 17 December 2013, Council resolved to prepare and exhibit Amendment C100 to the Melton Planning Scheme that implements the recommendations of the *Melton Dry Stone Wall Study*.

Following the Council meeting of 17 December 2013, Council officers submitted the relevant documentation to the Minister for Planning seeking authorisation to commence Amendment C100. Authorisation was given, and Amendment C100 was placed on public exhibition from 5 May - 7 August 2015. 25 submissions were received and were considered by Council at its Ordinary Meetings on 8 September 2015 and 13 October 2015.

At its Ordinary Meeting on 8 September 2015, Council:

- considered submissions received to Amendment C100 and approved the removal of 13 dry stone walls (or parts thereof) from the Heritage Overlay (as either the walls had been removed or did not possess values which merited their inclusion in the Heritage Overlay), and
- resolved that Council request the Minister for Planning convene a Panel to consider unresolved submissions to Amendment C100 in accordance with the requirements of the *Planning and Environment Act 1987*.

A number of submissions to Amendment C100 were received late in the exhibition period, and Council officers were not able to arrange site inspections to assess whether they should be included in the Heritage Overlay prior to the Ordinary Meeting of Council on 8 September 2015. Hence, Council officers put a supplementary report to Council on 13 October 2015 where Council resolved to remove or make changes to the extent of the Heritage Overlay to a number of walls.

As a result of the resolutions at the Ordinary Meetings of Council on 8 September and 13 October 2015, Council resolved to not include 13 dry stone walls in the Heritage Overlay and resolved to reduce the extent of the Heritage Overlay polygon for an additional four dry stone walls.

The Panel Hearing was held 9, 10 and 11 November 2015, which considered all unresolved submissions made to Amendment C100.

The Panel issued its report on 17 December 2015, which recommends adoption of the amendment subject to a number of changes to the Heritage Overlay, and subsequent changes to the relevant Statements of Significance.

It is recommended that Council makes the changes as recommended by the Planning Panel and adopts the amendment and sends it to the Minister for Planning for approval.

2. Background/Issues

Melton Dry Stone Wall Study

The *Melton Dry Stone Wall Study* was adopted by Council at its Ordinary Meeting on 10 November 2011.

The Study surveyed over 300 dry stone walls and structures (recording matters such as the location, height, width, and construction type of each dry stone wall), and recommended that 140 of the walls be protected through their inclusion in the Schedule of the Heritage Overlay.

Amendment C100

At its Ordinary Meeting on 17 December 2013, Council resolved to prepare and exhibit Amendment C100 to the Melton Planning Scheme that implements the recommendations of the *Melton Dry Stone Wall Study* (**Appendix One**).

Amendment C100 was placed on Public Exhibition from 5 May 2015 to 7 August 2015. 25 submissions were received.

To protect dry stone walls while Amendment C100 is being processed, Council has implemented the Schedule of Clause 52.37. This applies to all dry stone walls constructed prior to 1940 across the municipality, and provides an interim control that requires all landowners across the municipality to apply for a planning permit to demolish a dry stone wall. This control will apply until Amendment C100 has been gazetted, or 1 July 2016, whichever is earlier.

Council at its Ordinary Meeting of 8 September 2015 (agenda item 11.14) considered the 25 submissions received to Amendment C100 to the Melton Planning Scheme, and agreed to changes to remove the Heritage Overlay from 13 dry stone walls (or parts thereof). Council

resolved to request the Minister for Planning to convene a Planning Panel to consider the unresolved submissions to Amendment C100 in accordance with the requirements of the *Planning and Environment Act 1987* (**Appendix Two**).

Council resolved to not include dry stone walls in the Heritage Overlay as some of the walls had been removed since the Study had been adopted, and some walls had been altered and no longer possessed values that merited their inclusion in the Heritage Overlay.

A Supplementary Report was considered by Council at its Ordinary Meeting of 13 October 2015 (agenda item 11.14) to consider submissions received late in the amendment process. At this meeting Council agreed to changes to the extent of Heritage Overlay for nine dry stone walls. Council also authorised the General Manager of Planning and Development to instruct Council's lawyers to present Council's submissions at the hearing of the Amendment by the Panel in a way that is consistent with the recommendations of an expert witness engaged by Council, including any recommendations to not pursue application of the Heritage Overlay where heritage fabric no longer exists (**Appendix Three**).

Planning Panel

The Planning Panel conducted a Directions Hearing on 7 October 2015, and considered the submissions at a Panel Hearing conducted on 9, 10 and 11 November 2015.

During the course of the hearing the Panel heard from Council's heritage expert witness who indicated that changes should be made to the extent of a further three dry stone walls as heritage fabric no longer existed (F98, F193 and B170).

The Panel considered all submissions (including the comments made by Council's expert witnesses) and concluded that the Amendment has merit as it will protect two individual walls of significance and groupings of walls that collectively contribute to the significance of each of the five precincts (**Appendix Four**).

The Panel found that:

- The application of the Heritage Overlay to dry stone walls in the City of Melton was justified.
- The amendment is strategically justified under the Melton Planning Scheme.
- The Melton Dry Stone Wall Study was prepared with rigour. The Panel reported that that the documentation in the Melton Dry Stone Wall Study *exhibits a rigorous process of field identification and recording, supported by an unusually detailed and meticulous consideration of relevant historical sources*. The Dry Stone Wall Study provides a sound basis for the application of the Heritage Overlay as proposed in Amendment C100.
- That condition of dry stone walls should not in itself be a determinant of heritage significance.
- That the structure of the amendment is appropriate and is supported by appropriate documentation.
- That the amendment will not result in adverse economic effect on the community of the City of Melton.
- That the proposed local policy (subject to minor changes) is appropriate and will result in dry stone walls being protected and will assist in making decision on proposed changes to the dry stone walls.
- That the proposed dry stone wall precincts are justified and the walls located within them should be protected by the Heritage Overlay. Alterations are recommended by the Planning Panel to not include 15 of the walls in the Heritage Overlay, and to reduce the extent of the Heritage Overlay polygon to a further five walls (which is in line with Council's submission during the course of the hearing).

- That the proposed statements of significance are appropriate and should be altered to add reference to the Heritage Overlay number and to remove reference to the 15 walls agreed to be removed from the Heritage Overlay.
- That a minor alteration to the extent of the polygon associated with Heritage Overlay Schedule 118 (HO118) is justified and should be included as part of this amendment, by removing the polygon from the western boundary of 1233-1287 Taylors Road, Plumpton.

The Panel recommended that Amendment C100 to the Melton Planning Scheme should be adopted as exhibited subject to the following changes:

1. Revise the local policy 'Dry Stone Walls' (Clause 22.14).

During the course of the hearing a submitter proposed minor revisions to the proposed Local Policy (Clause 22.14). Council's legal representative in his closing statement agreed to some of the proposed changes to the wording. The Panel's recommended changes to the local policy are consistent with Council's position at the hearing.

The changes make it clearer when the local policy should be applied.

Council officers support the proposed changes to the local policy.

2. Remove HO200 (Mount Cottrell) from dry stone walls C67, F101, F103, F98 and F183.

The proposed changes to C67, F101 and F103 are consistent with the changes approved by Council at its Ordinary Meetings on 8 September and 13 October 2015.

During the course of the hearing Council's heritage expert witness conducted further site inspections of walls F98 and F183 and submitted that these walls should not be included in the Heritage Overlay.

Council officers support the proposed changes to the extent of the Heritage Overlay pertaining to these five dry stone walls.

3. Remove HO201 (Mount Kororoit) from dry stone walls A270 and A280 (in part).

The proposed changes to A270 and A280 are consistent with the changes approved by Council at its Ordinary Meetings on 8 September and 13 October 2015.

Council officers support the proposed changes to the extent of Heritage Overlay pertaining to these two dry stone walls.

4. Remove HO202 (She Oak Hill) from dry stone wall R190.

The proposed change to R190 is consistent with the changes approved by Council at its Ordinary Meeting on 8 September 2015.

Council officers support the proposed change to the extent of the Heritage Overlay pertaining to this dry stone wall.

5. Remove HO203 (Mount Atkinson) from dry stone walls B117, B119, B122, B170 (in part), B41 and B42.

The proposed changes to B117, B119, B122, B41 and B42 are consistent with the changes approved by Council at its Ordinary Meetings on 8 September and 13 October 2015.

During the course of the hearing Council's heritage expert witness conducted a further site inspection of wall B170 and submitted that part of this wall should not be included in the Heritage Overlay.

Council officers support the proposed changes to the extent of the Heritage Overlay pertaining to these six dry stone walls.

6. Remove HO204 (Greigs Road) from dry stone walls D83, J135, J136, J138, J143 and J18.

The proposed changes to D83, J135, J136, J138, J143 and J18 are consistent with the changes approved by Council at its Ordinary Meetings on 8 September and 13 October 2015.

Council officers support the proposed changes to the extent of the Heritage Overlay pertaining to these six dry stone walls

7. Revise the statements of significance in the proposed Incorporated Document by including the HO numbers (for each precinct and the two individual walls) and removing from the tables for the relevant precinct the walls listed in recommendations 2 to 6 above.

Council officers support the proposed changes as they are minor and are in line with the agreed changes above.

8. Realign the western boundary of HO118 to exclude the remains of the dry stone wall located on that boundary from the land to which the HO applies.

During the course of the hearing one of the submitters stated their concern with the amendment is that they have an existing Heritage Overlay (HO118) which pertains to a dry stone wall dam. A small segment of dry stone wall exists on the property's western boundary within the dry stone wall dam heritage overlay polygon, which under the provisions of this amendment would need a planning permit to remove or alter.

Council during the course of the hearing agreed that this segment of wall on the western boundary ideally should not be covered by the Heritage Overlay. Council was of the view that HO118 polygon could not be altered as it did not form part of this amendment. Council's legal representative invited the Panel to explore this matter in its Panel report, and indicated that it would be open to changing the size of polygon HO118 if the Panel was of the view that this was appropriate.

The Panel considered this and has recommended that the polygon associated with HO118 can be altered through Amendment C100 as:

- *The change in shape of the polygon is minor and will not affect any other party and will not transform the amendment.*
- *The dry stone wall on the western boundary was not considered to have heritage significance in the Melton Dry Stone Wall Study.*

Council officers therefore recommend that the Heritage Overlay polygon for HO118 be amended by deleting the westernmost five metres of the polygon from the Heritage Overlay. This will remove the dry stone wall on the western boundary from the Heritage Overlay polygon, and will retain the dry stone dam wall and dam within the polygon.

If the recommendations of the Planning Panel to the amendment are adopted the number of dry stone walls subject to the Heritage Overlay will be reduced from 140 dry stone walls to 125 dry stone walls, and the extent of wall covered by the Heritage Overlay for six of the dry stone walls will be reduced (including the proposed change to wall F93). Council officers support these proposed changes.

Additional Changes to Amendment C100

Council officers recommend two additional changes to Amendment C100 to the Melton Planning Scheme:

- The Panel in its report suggested that Council officers conduct further investigation of Dry Stone Wall F93 to determine whether the part which was dismantled and rebuilt following the laying of a gas pipeline should be removed from the Heritage Overlay.

The westernmost 22 metres of the wall was dismantled and reinstated when a gas pipeline was laid through the site. The site inspection carried out during the hearing (9 November 2015) confirmed the westernmost 22 metres of the wall was removed to construct the gas pipeline and has been poorly reinstated, Council officers therefore recommend that this section of wall be excluded from the Heritage Overlay.

- As discussed earlier in this report, Council applied for an interim control to protect dry stone walls while Amendment C100 was being processed. This interim control is provided in the Schedule to Clause 52.37, which will expire on 1 July 2016. Council officers recommend that Amendment C100 should be altered to remove this interim control from the Melton Planning Scheme, as it will not be required when Amendment C100 is finalised.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

1.1 Strategically plan for a well designed and built City

4. Financial Considerations

Council officer time and resources are involved in the preparation, exhibition, the consideration of submissions, and the adoption of the amendment.

Council has incurred costs associated with the panel hearing, including legal representation, two expert witnesses, and fees payable to the Planning Panels Victoria to conduct the hearings.

The amendment will not add significantly to the resource and administrative costs of Council. The amendment will result in a small increase in the number of planning applications to Council as the Heritage Overlay controls trigger permits for various buildings and works.

5. Consultation/Public Submissions

Public notification of the amendment involved notice to land owners and occupiers and Government bodies and agencies who may be materially affected by the amendment.

Notices were placed in local newspapers circulating in Melton, a notice in the Government Gazette, letters to affected land owners and land occupiers, Government bodies and agencies.

The amendment was placed on an extended exhibition period from 5 May 2015 to 7 August 2015, generating 25 submissions to the amendment.

Council considered the submissions made at its Ordinary Meeting on 8 September 2015, and received a supplementary report at its Ordinary Meeting on 13 October 2015. At these meetings Council resolved to alter the extent of the Heritage Overlay for 17 dry stone walls.

Based on the unresolved submissions, Council officers recommended that Council request a Planning Panel. Council resolved at the meeting of 8 September 2015 to request a Planning Panel.

The Planning Panel considered the unresolved submissions and has recommended that the amendment be adopted as exhibited subject to conditions agreed to during the course of the Planning Panel.

6. Risk Analysis

Amendment C100 to the Melton Planning Scheme is seeking to provide statutory protections to dry stone walls. If the amendment does not proceed Council runs the risk of losing many dry stone walls, which contribute to the heritage of our municipality.

7. Options

Council can resolve to either:

- Adopt Amendment C100 to the Melton Planning Scheme subject to the changes recommended in this report and submit to the Minister for Planning for approval; or
- Abandon Amendment C100 to the Melton Planning Scheme.

LIST OF APPENDICES

1. Appendix One - Council Report - Request for Authorisation and Exhibition
2. Appendix Two - Council Report - Request Planning Panel
3. Appendix Three - Council Report - Supplementary Report
4. Appendix Four - Planning Panel Report

11.4 AMENDMENT C166 TO THE MELTON PLANNING SCHEME - PROPOSED REZONING OF LAND IN THE EXFORD NORTH AREA

Author: Bob Baggio- Manager Planning Services
Presenter: Kelly Archibald- Coordinator City Strategy

PURPOSE OF REPORT

To consider initiating a planning scheme amendment to rezone two existing estates in an area north of Murphys Road in Exford.

RECOMMENDATION:

That Council:

1. Seek authorisation to prepare Amendment C166 to the Melton Planning Scheme from the Minister for Planning.
2. Upon receiving authorisation, exhibit the Amendment in accordance with the Planning and Environment Act 1987.

Crs Turner/Cugliari. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

There are currently two areas north of Murphys Road in Exford which, although rural-residential in nature, continue to be zoned Green Wedge.

A recent VCAT decision relating to the keeping and training of racing dogs in this area have identified that this zone may not be appropriate for these areas, particularly in terms of considering amenity impacts to surrounding residents. This is due to the Green Wedge A Zone providing the ability to recognise and protect the amenity of existing rural living areas, where the Green Wedge Zone does not provide the ability to consider this.

It is therefore proposed to initiate a planning scheme amendment to rezone the land to the Green Wedge A Zone.

2. Background/Issues

Victorian Civil and Administrative Tribunal (VCAT) Decision

Council will recall a VCAT decision reported in July last year relating to a planning application for a retrospective permit to keep and train greyhounds at 320 Telephone Road in Exford.

In that case, VCAT set aside Council's decision to refuse the application (essentially on amenity grounds), and directed the issue of a permit including conditions relating to noise attenuation.

In the report to Council responding to the decision, officers made the following comments:

...Probably a bigger issue from Council's perspective is the comments made by the Tribunal about the zoning of the land and surrounding area (which is Green Wedge) and

the lack of protection that it affords in terms of considering amenity issues for surrounding residents. While this is understandable for larger rural properties which are being used for agricultural uses, the same cannot be said for, in effect rural-residential estates such as this area, where lots are generally about 4ha in area and are being used for largely residential and hobby farming purposes.

Council is proposing to develop a Green Wedge Management Plan for the southern green wedge, similar to what has already been prepared and approved by Council for the northern green wedge area. Ordinarily, the Management Plan would identify amongst other things, whether any rezoning was warranted based upon the particular circumstances of a site or area. The timeframe however for the preparation of the Management Plan has yet to be determined, as part of this green wedge is also in the City of Wyndham and relies on coordinating work priorities between the two councils. At this stage, it is anticipated that the Plan would be prepared during 2016/17.

On the basis of this VCAT decision, it is recommended that Council officers liaise with the Department of Environment, Land, Water and Planning (DELWP) to determine the feasibility of initiating an amendment to the Council's Planning Scheme to rezone this estate to Green Wedge A Zone.

While the Green Wedge A Zone would not prohibit uses such as Animal Keeping or Animal Training, one of the purposes of the zone is 'to recognise and protect the amenity of existing rural living areas'. It should be noted that there is currently a Green Wedge A zoned area within the municipality, located between Harkness Road and the western municipal boundary.

Subject Land and Surrounding Area

The subject land can generally be described as two rural-residential type estates which are located north and south of the Melbourne-Ballarat Rail Line.

The first estate which includes the subject land contains 19 lots each about 4ha in area and is located to the north of the rail line and bounded by Telephone Road and the Melton Weir. The estate to the south of the rail line contains 17 lots of about 4ha each, and is north of Murphys Road.

Refer **Appendix 1** for a copy of the Locality Plans.

Most of the properties have been developed with a dwelling and sheds, and are generally being used for grazing or agistment purposes. The surrounding area more generally is characterised by much larger rural properties, although land north of the Weir is earmarked for future urban development.

Details about how the estates were originally created is difficult to find, probably due to the fact that the land used to be in the then Shire of Werribee and was included in Melton as part of the 1994 Council Amalgamation. However, they were developed prior to the Green Wedge Zone being introduced into the Planning Scheme.

Amendment C166

It is considered that an amendment to Council's Planning Scheme is required to rezone this area to a zone which is able to consider amenity impacts of surrounding uses on the residential properties, in addition to continuing to provide the protection that the Green Wedge Zone currently provides.

Council officers have discussed the amendment with their counterparts at the Department of Environment, Land, Water and Planning (DELWP), and it is considered that the Green Wedge A Zone would be the most appropriate zone under the circumstances. The appropriateness of the zone lies in that it continues to offer a similar level of protection as the existing Green Wedge Zone to ensure the continued use of the land primarily for agricultural purposes, with residential land uses being supplementary to this use. However, it also provides the ability for Council to recognise and protect the amenity of existing rural living

areas. This would provide the ability for Council to consider the amenity impacts of planning applications on the existing residential properties.

The Rural Living Zone was considered in the assessment of appropriate zones – however it does not currently exist in the City of Melton. Areas of Green Wedge A Zone currently exist on land between Harkness Road and the Djerriwarrh Creek in Melton West.

DELWP's Planning Practice Note 42 – 'Applying the Rural Zone' indicates that:

The Green Wedge A Zone is primarily concerned with protecting and conserving non-urban land outside of the Urban Growth Boundary (UGB) for its agricultural, environmental, historic, landscape, infrastructure, natural resource or rural living attributes. The zone provides opportunity for all agricultural uses and limits non-rural uses to those that support agriculture or tourism, schools, major infrastructure and rural living. A dwelling requires a permit and is restricted to one dwelling per lot.

The zone provides a minimum lot size of eight hectares unless an alternative is specified in a schedule to the zone. The creation of smaller lots is prohibited unless the subdivision is the re-subdivision of existing lots or the creation of a small lot for a utility installation.

The existing areas of Green Wedge A zoned land mentioned above generally have lots in excess of 12ha in area, however there is potential under the zone schedule for a permit to be considered for future subdivision of lots down to 2ha and 5 ha.

The Rural Living Zone provides for residential use in a rural environment. It is designed to cater for lots in a rural setting that are large enough to accommodate a dwelling and a farming use. The farming use is likely to be carried on for reasons other than the need to provide a significant source of household income.

In this zone:

- *it is not essential that a dwelling be genuinely associated with a farming use of the land*
- *some farming may take place on the land, however this will not always be the case*
- *residents have a reasonable expectation that their amenity will be protected*
- *a wider range of tourism, commercial and retail uses may be considered in the zone.*

The zone provides a minimum lot size of 2 hectares unless an alternative is specified in a schedule to the zone. The creation of smaller lots is prohibited unless the subdivision is the re-subdivision of existing lots, creating lot sizes consistent with the schedule or the creation of a smaller lot for a utility installation.

Because of the zone's primarily residential function, a planning authority must be able to show that using the Rural Living Zone is part of its strategy to provide appropriate housing diversity and choice to meet housing needs.

In the Rural Living Zone, development must be provided with certain community infrastructure and services normally expected for residential areas. This is why land uses that are normally located in urban areas may be considered in the zone. These uses need to be considered carefully, to ensure that the zone does not become an unplanned urban area and farming on adjacent land is not compromised.

In this instance it is considered that the Green Wedge A Zone should be selected over the Rural Living Zone for the following reasons:

- Council has yet to prepare a Green Wedge Management Plan for the southern green wedge which would consider the strategic basis for identifying areas for future rural living opportunities.

- The area is generally surrounded by existing rural land and given its location does not provide the transition between urban and rural land normally associated with areas zoned Rural Living.
- The Green Wedge A Zone has as one of its purposes to recognise and protect the amenity of existing rural living areas.
- The Zone currently exists in the Melton Planning Scheme.
- The 8ha minimum lot size would ensure that existing lots cannot be further subdivided.
- In areas zoned Rural Living there is a heightened expectation that Council will provide community infrastructure and services normally expected in residential areas.

Strategic Justification for the Amendment

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

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

The amendment is considered to be consistent with the SPPF and LPPF which aim to ensure that amenity of sensitive uses is not reduced by the establishment of other uses which have potential to cause unreasonable off-site effects through increased noise and reduced air quality. In essence, it is contended that the amendment addresses what could be described as a current anomaly in the Planning Scheme and has no planning policy implications as the area is already largely developed.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

1.1 Strategically plan for a well designed and built City

4. Financial Considerations

Council officer time and resources are involved in the preparation, exhibition and adoption of the amendment and statutory fees are required to be paid by Council as the Responsible Authority which is within Councils recurrent budget. There would also be Panel costs if one is needed.

5. Consultation/Public Submissions

Planning Scheme Amendments are subject to an exhibition process which includes direct notification to affected residents, a public notice in local newspapers, and referral to Government agencies. Further, any submissions received would need to be assessed by Council and may require consideration by the Planning Panel.

6. Risk Analysis

In the event that the area is retained in the current Green Wedge Zone, there is potential for planning applications to be made for uses which could detrimentally affect the amenity of surrounding residents, without these effects being properly considered in particular at VCAT.

7. Options

Council can either:

- Seek authorisation to prepare and exhibit the amendment
- Not proceed with the amendment.

LIST OF APPENDICES

1. Locality Plan

11.5 SNAKE REMOVAL PROGRAM

Author: Ian Stewart- Manager Compliance

Presenter: Luke Shannon- General Manager Corporate Services

PURPOSE OF REPORT

To respond to Notice of Motion 413 in relation to establishing a Snake Catching Program in the City of Melton and provide details on how this could be implemented.

RECOMMENDATION:

That Council introduce a Snake Removal Service, initially for a 5 month trial period, at full cost to Council, on the following basis:-

1. A panel of appropriately qualified and geographically located Snake Removal providers be established
2. A resident seeking a Council funded service be required to request such service through Council's Local Laws office, who will instruct a service provider to attend
3. The requirement for property owners to provide authorisation for removal of any snake be noted
4. Records be maintained of the number of requests for service, number of snakes removed, and cost to Council of each attendance to assist in a review of the service
5. Service requests will only be responded to where the resident indicates the snake is visible, and;
6. A report detailing the outcomes from the trial be presented to Council for assessment at the August 2016 ordinary meeting of Council.

Motion

Crs Carli/Cugliari

That Council introduce a Snake Removal Service, initially for a 5 month trial period, at full cost to Council, on the following basis:-

1. A panel of appropriately qualified and geographically located Snake Removal providers be established
2. A resident seeking a Council funded service be required to request such service through Council's Local Laws office, who will instruct a service provider to attend
3. The requirement for property owners to provide authorisation for removal of any snake be noted
4. Records be maintained of the number of requests for service, number of snakes removed, and cost to Council of each attendance to assist in a review of the service
5. Service requests will only be responded to where the resident indicates the snake is visible, and;
6. A report detailing the outcomes from the trial be presented to Council for assessment at the August 2016 ordinary meeting of Council.

Amended Motion

Crs Bentley/Ramsey

That Council introduce a Snake Removal Service, initially for a 5 month trial period, at full cost to Council, on the following basis:-

1. A panel of appropriately qualified and geographically located Snake Removal providers be established
2. A resident seeking a Council funded service be required to request such service through Council's Local Laws office, who will instruct a service provider to attend
3. A contribution fee of \$50 to be made by the resident seeking the service
4. The requirement for property owners to provide authorisation for removal of any snake be noted
5. Records be maintained of the number of requests for service, number of snakes removed, and cost to Council of each attendance to assist in a review of the service
6. Service requests will only be responded to where the resident indicates the snake is visible, and;
7. A report detailing the outcomes from the trial be presented to Council for assessment at the August 2016 ordinary meeting of Council.

LOST

Cr Carli called for a division of Council

For:

Crs Bentley, Ramsey and Turner

Against:

Crs Carli, Cugliari, Majdlik

The Mayor declared the division LOST
on her casting vote.

Procedural Motion

Crs Ramsey/Bentley

That Item 11.5 be deferred for further consideration at the next ordinary meeting of Council.

LOST

Cr Majdlik called for a division of Council

For:

Cr Ramsey

Against:

Crs Bentley, Carli, Cugliari, Majdlik and Turner

The Mayor declared the division LOST

Motion

With leave of the Chairperson, both the mover and seconder of the substantive motion agreed to an amendment as proposed by Cr Ramsey to point 4.

Crs Carli/Cugliari

That Council introduce a Snake Removal Service, initially for a 5 month trial period, at full cost to Council, on the following basis:-

1. A panel of appropriately qualified and geographically located Snake Removal providers be established
2. A resident seeking a Council funded service be required to request such service through Council's Local Laws office, who will instruct a service provider to attend
3. The requirement for property owners to provide authorisation for removal of any snake be noted
4. Records be maintained of the number of requests for service, location of the service provided, number of snakes removed, and cost to Council of each attendance to assist in a review of the service
5. Service requests will only be responded to where the resident indicates the snake is visible, and;
6. A report detailing the outcomes from the trial be presented to Council for assessment at the August 2016 ordinary meeting of Council.

CARRIED

Cr Majdlik called for a division of Council

For:

Crs Bentley, Carli, Cugliari, Majdlik, Ramsey and Turner

Against:

Nil.

The Mayor declared the division CARRIED

REPORT**1. Executive Summary**

This report responds to a Council resolution, being Notice of Motion 413 of 15 December 2015, specifically 'That Council investigate and prepare a report to come to Council at the next meeting on establishing Snake Catching Program for the City of Melton, and include costs of such a program.'

It is noted that there is some demand within the community for such a service based on calls received by Council seeking such assistance. It is however recognised that there are a number of factors that lead to snakes being present on residential properties, and the preventative actions by landowners will generally be far more effective than relying on a removal program once the presence of a snake is identified.

Much of the argument about such a program is that it will enhance community safety, whereas in fact it will have little impact in this regard as in most instances snake bites to animals and humans most commonly occur before the presence of a snake is identified.

Council has no real data in terms of cost, effectiveness or appropriateness of such a service, and therefore a trial is recommended to enable a better informed evaluation to be undertaken to determine whether such a service delivers value for money to the community and Council.

2. Background/Issues

Council has been operating a snake removal program from public land for many years. This program involved the removal of snakes around high use areas (playgrounds and sporting facilities) and this is managed by our Parks unit utilising the service of a professional snake catcher. The Environmental Health Unit also managed a program for removing snakes from nature strips adjacent to residential properties, but very few snakes have actually been caught due to the time taken to have a service provider visit the site from the time the snake was observed.

Over the past two summer seasons Council received approximately 50 calls per season seeking assistance with snake removal. In these circumstances Council provided a list of snake catchers to the resident so they could call to obtain this service. It is expected that if Council was to offer a free or subsidised service the number of calls would increase dramatically.

Council has undertaken an investigation with our neighbours and similar Councils (Moorabool, Wyndham, Brimbank, Hume, Whittlesea, Casey and Cardinia) and only one Council (Wyndham) provides a service on private property which is managed by the Local Laws Unit utilising the services of a professional snake catcher. The current program at Wyndham has a removal rate of 20% thus meaning that for 80% of calls the snake has moved on or can't be found. This service has only recently been extended until June 2017 when it will again be reviewed. The majority of Councils either direct enquires to professional snake catchers, Department of Environment, Land, Water, and Planning (DELWP) or Wildlife Victoria.

Introducing a Snake Catching program will not resolve the issue of snakes in the urban areas. Snakes are attracted to creeks, linear reserves, drainage reserves and native vegetation reserves that have good vegetation cover and good food sources. By removing snakes from these areas only provides a vacancy that other snakes can move into.

The most effective preventative measure residents can undertake to reduce the likelihood of snakes on their property is to reduce the level of "snake habitat" on their property. Research has indicated that residents can reduce the chances of snakes moving into their yards by over 90% by removing ground cover, thus not giving snakes a place to hide.

When designing landscapes around the home, residents can reduce this habitat by not having ground covers or creeping vegetation, filling holes around rocks and removing any litter or rubbish. Residents can also use mechanical aids such as snake mesh or snake deterrent systems to minimise the risk of snakes entering their properties.

Other reasons snakes are attracted to residential properties is the need for a food source such as mice, rats and water, often related to drinking bowls for pets in backyards. By removing any potential attraction for mice in residential homes and gardens, and not leaving water containers out will assist in reducing these risks. Providing more effective education will achieve a greater level of awareness and potentially reduce the risk to residents.

To introduce a service for the residents Council would need to have a preferred supplier list of appropriately qualified service providers that were geographically spread so as to provide a reasonable response time to residents. Any supplier would need to hold a current wildlife licence and have appropriate insurance. Any snake that is removed by a licensed snake catcher must be released with five (5) kilometres unless special approval is received from the DELWP. The service provider as part of their licence conditions requires the land owner's written consent to remove the snake. Depending on the type of service that Council may

wish to provide to their residents will determine how the service will be delivered. As the number of licensed snake catchers operating within this municipality is limited, the time taken to respond to calls can vary depending on their work load. From past experiences this time can range anywhere up to 2 hours from time of initial contact.

Providing a free service to residents would require the resident contacting the Council and then the service provider being allocated the job. The licensed snake catcher can only remove the snake with the written approval of the land owner and this would mean the resident would need to be on site and have observed the snake on their property.

This service is anticipated to cost the Council up to \$30,000 per year depending on the number of requests. This cost has been estimated on 150 requests per year at an average cost of \$200 per job. Costs can vary depending on the location, disposal locations and time. The costs are best estimate only and until the service has operated for a period, the level of demand and consequent cost cannot be verified. It is suggested that should Council introduce the service it be reviewed after a trial period to determine its "value for money" to the community.

Council could consider a full cost recovery or part cost recovery program in which case the cost to Council would be lower, and the shared obligation with the owner would act as a guarantee against "speculative" service requests. With a part cost recovery Council would have a tendered schedule of rates from suppliers and would subsidise the rate to the resident. With this model Council would set the subsidy at a percentage of the tender rate (say 50%) or a fixed amount (\$50.00). The contractor would recover the part cost from the resident and invoice Council regularly for the subsidised amount.

With a full cost recovery model Council would again set the rate by a contract and the supplier would recover the cost from the resident at the time of the service call. The resident would ring Council for a reference number to obtain access the reduced rate or the subsidised rate.

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

2.2 Provide levels of service that balance community need with organisational capacity

4. Financial Considerations

The financial consideration for Council will depend on the level of service provided to our residents. Should Council adopt a fully funded option the cost to Council is anticipated to be \$30,000 per annum, however for the trial period this is expected to be less than \$15,000 as we are well into the summer season. The option of full-cost recovery from the resident would only require Council having an agreement in place with service providers and providing these details to the community.

A service where Council subsidises the cost to the resident would involve considerable amount of staff time managing the process as well as the subsidy.

5. Consultation/Public Submissions

Not Applicable

6. Risk Analysis

Should Council decide to undertake this service they will be taking on a higher level of risk as snakes are protected under the Wildlife Act and they are the responsibility of the State

Government. Snakes on private property would normally be the responsibility of the landowner to manage.

Relocating snakes caught by the snake catcher from the residential areas will not significantly reduce the risk to residents as other snakes will then occupy these areas vacated by removing the snake.

Residents need to understand the types of vegetation and landscaping that provide a suitable habitat for snakes. By removing loose ground cover material in the form of rubbish, logs, rocks and sheets of tin from the property will be very effective in reducing their risk. Removing overgrown and creepy vegetation will reduce the likelihood of attracting snakes. Generally stem type trees that have space between the canopy and the ground will also reduce the risk.

Minimising food sources around the home that may attract mice and rats will again reduce the risk of snakes being attracted to the property.

Residents can also be proactive by installing snake proof mesh around their boundaries or installing such items as snake deterrent devices.

7. Options

Council has a number of options and they are:

1. Undertake the program at full cost to Council
2. Undertake the program at full cost to the resident
3. Undertake the program by subsidising the cost to the resident
4. Maintain the status quo, that is to limit Council's direct action on snake catching to Council managed land (nature strips in residential areas and public open space) and to continue to provide details of available snake catchers to residents for residents to take appropriate action in relation to their own property.

LIST OF APPENDICES

Nil

11.6 RECONNECT PROGRAMME FUNDING EXTENSION

Author: Mark Goodie- Youth Services Coordinator
Presenter: Maurie Heaney- General Manager Community Services

PURPOSE OF REPORT

To provide Council with an overview of the funding received for the Reconnect programme.

RECOMMENDATION:

That Council:

1. Note the funding received (\$214,970.24) for the Reconnect programme for a further 12 month term from 1 July 2016 until 30 June 2017.
2. Write to the Minister of Social Services, the Hon Christian Porter MP, expressing Council's appreciation for the funding extension.

Crs Turner/Bentley. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The Reconnect programme is a Federally funded initiative through the Department of Social Services (DSS). It is a community based early intervention service for young people aged 12 to 18 years who are homeless or at risk of homelessness and their families. Reconnect uses early intervention strategies to help the young person stabilise their living situation, achieve family reconciliation, and improve their level of engagement with work, education, training and the community.

Reconnect was established by the Federal Government in 1998 as a national response to youth homelessness. Melton City Council has successfully delivered the Reconnect service, retaining funding in recurring three (3) year rounds since the programme's inception. The programme has provided support to significant numbers of young people and their families during this period of time, which has contributed to reducing homelessness and disengagement within the community.

This extension of funding of \$214,970.24 is in recognition of Council's continued achievement with this long-running programme in improving outcomes for homeless youth and young people at risk of homelessness. Confirmation of funding extension is attached as **Appendix 1** of this report.

This reflects the Federal Government's position on reviewing the programme in relation to the timing of the 2015-17 National Partnership Agreement on Homelessness (NPAH). Under the 2015-17 NPAH, the Commonwealth has made homeless youth a funding priority.

2. Background/Issues

The Reconnect programme is an important part of Council's direction to support the reduction in youth homelessness across the municipality.

The primary focus of Melton City Council's Reconnect programme is casework with young people and their families. In delivering the service, the programme utilises strategies such as

mediation, counselling, recreation and personal development activities for young people and their families where appropriate. Reconnect workers ensure service accessibility for young people and families across the municipality by providing outreach case management, rather than limiting service accessibility to an office location.

Reconnect links with other local services and schools to provide collaborative support to young people and their families. Group work activities such as the annual Girls with Attitude program has enabled participants to develop greater resilience and conflict resolution skills resulting in a return to mainstream education.

Reconnect continues to meet or exceed all agreed performance targets and receives consistently positive feedback from The Department of Social Services. In the Reconnect 2014-2015 Annual Progress Report Assessment, facilitation of action research, community development projects and group work activities were deemed as significant successes for the financial year. The report also highlighted improved relationships with co-located services and local secondary schools, participation in community activities, events and festivals and increased recreational activities for Reconnect clients.

No issues were identified through the progress report or data to indicate improvement was required. Overall Melton City Council achieved an outstanding level of performance in each of the assessed areas.

The Minister's recent decision to extend the funding until June 2017 provides the Reconnect programme with funding certainty for the 2016-17 financial year.

The one (1) year extension will align with the timing of the 2015-17 National Partnership Agreement on Homelessness (NPAH). Under the 2015-17 NPAH, the Commonwealth has made homeless youth a funding priority.

The one (1) year extension also means that future funding decisions can be made in the context of the Reform of the Federation process, through which reforms to housing and homelessness services are being considered.

The Reconnect programme continues to deliver a vital service to young people by providing support and assistance to stabilise and maintain a safe living situation, re-engage with education and employment, and to experience a positive connection to the community.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

3.1 *Provide an accessible range of services for all, including children, young families and older adults*

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

3.2.1 *Provide targeted support and assistance to disadvantaged, at-risk and vulnerable residents.*

4. Financial Considerations

The Reconnect programme comes at a minor cost to Council, at an approximate \$20,000.00. Council also supports the Reconnect programme by way of office accommodation provision and access to fleet vehicles.

5. Consultation/Public Submissions

Engagement will continue with the Federal government to advocate to retain the funding beyond 30 June 2017.

6. Risk Analysis

Currently there is no risk to Council as the funding is secured until June 2017. If the funding does not proceed post this date, it may become a risk to Council with regards to whether Council continues to provide the service or not.

7. Options

Council endorse the Officer recommendations as detailed in this report.

LIST OF APPENDICES

1. Letter from the Department of Social Services regarding Reconnect Funding Extension, 22 December 2015

11.7 SUBMISSION TO THE DRAFT METROPOLITAN WASTE & RESOURCE RECOVERY IMPLEMENTATION PLAN

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

PURPOSE OF REPORT

To seek Council's endorsement of the Melton City Council submission to the Draft Metropolitan Waste and Resource Recovery Implementation Plan.

RECOMMENDATION:

That Council endorse the Melton City Council submission to the Draft Metropolitan Waste and Resource Recovery Implementation Plan as presented at **Appendix 2**.

Crs Turner/Ramsey. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

In addition to Council's strong commitment to the minimising waste through reduction, reuse and recycling, Council plays a key role in the guiding State Policy and Strategic Planning in the area of waste management.

The Metropolitan Waste and Resource Recovery Group (MWRRG) have developed a draft Metropolitan Waste and Resource Recovery Implementation Plan (Draft Implementation Plan) for public comment.

Council officers have prepared a submission (as presented at **Appendix 2**), for Council's consideration and endorsement.

2. Background/Issues

The Metropolitan Waste and Resource Recovery Group (MWRRG) has developed a draft Metropolitan Waste and Resource Recovery Implementation Plan (Draft Implementation Plan) that sets out how Melbourne's waste needs will be met over the next 10 years.

The Draft Implementation Plan is a requirement of the Environment Protection Act 1970, and was released for comment, with submissions due by 18 December 2015.

MWRRG is responsible for coordinating and facilitating the delivery of waste management and resource recovery across Melbourne, and works with 31 metropolitan councils to:

- Plan for waste management and resource recovery facilities and services
- Facilitate joint procurement of facilities and services to provide better economic, environmental and waste management outcomes for councils
- Help build the capacity and knowledge of councils and their communities of best practice, waste minimisation and opportunities for improved services and infrastructure.

The strategic directions outlined in the Draft Implementation Plan include:

- Maximise the diversion of recoverable materials from landfills

- Support increased resource recovery
- Achieve quantities for reprocessing
- Manage waste and materials streams
- Maximise economic outcomes, provide cost-effective service delivery and reduce community, environment and public health impacts
- Facilitate a cost-effective state-wide network of waste and resource recovery infrastructure.

A key objective of the Draft Implementation Plan is to set out how the waste and resource recovery infrastructure needs of the greater Metropolitan Melbourne region will be met over a 10 year period. Ten priority actions are identified to achieve the strategic directions and are shown at **Appendix 1** to this report.

Due to the timing of the submission due date and Council's Meeting Schedule, the Metropolitan Waste and Resource Recovery Group agreed to receive "working draft" submissions from Council Officers until submissions could be formally endorse by Council.

Council's draft submission to the Draft Implementation Plan is shown at **Appendix 2** to this report.

The Draft Implementation Plan, its strategic directions and 10 priority actions are generally supported, however the draft submission addresses concern about the reliance on landfills in Melbourne's west to meet the disposal requirements of the metropolitan region over the long term. There is a need to invest in alternative waste technologies that reduce the reliance on landfill. The reliance on the Ravenhall landfill is a concern, particularly given the demands waste vehicles place on an already stressed arterial road network along with the resultant effects of traffic, noise, odour and litter that effect our local community.

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

Nil

5. Consultation/Public Submissions

The MWRRG sought public comment on the Draft Implementation Plan, by way of a written submission, completing a survey, providing comment, or attending a community drop in session.

Melton City Council is committed to working in partnership with MWRRG and also plays an active role in the Metropolitan Waste Forum, Metropolitan Regional Landfill User Group, Wyndham Landfill User Group and the Veolia Regional Organics Facility User Group.

6. Risk Analysis

Failure to make a formal submission to Draft Metropolitan Waste and Resource Recovery Implementation Plan would result in Council's view on the Plan not being noted by the MWRRG and could result in an unsatisfactory outcome for the Melton Community.

7. Options

Nil

LIST OF APPENDICES

1. Priority Actions - Metropolitan Waste and Resource Recovery Implementation Plan
2. Submission to the draft Metropolitan Waste and Resource Recovery Implementation Plan

12. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES

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

12.1 PUBLIC ADDRESS BY EACH COUNCILLOR

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

13. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS

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

- 1 February 2016

RECOMMENDATION:

That the Record of Assembly of Councillors dated 1 February 2016 attached to this Agenda be received and noted.

Crs Ramsey/Carli. That the recommendation be adopted.

CARRIED

LIST OF APPENDICES

1. 1 February 2016 Record of Assembly of Councillors

14. NOTICES OF MOTION**14.1 NOTICE OF MOTION 414 (CR TURNER)****Councillor: Bob Turner****Motion**

Crs Turner/Bentley.

That Council write to National Broadband Network Company (NBN Co), Mr Ian Lockyer, Planner Stakeholder Engagement urging NBN Co. to commit to the rollout of NBN technology into all populated existing residential areas of the City of Melton including Taylors Hill and Melton West which is not in the planned rollout until at least 2018.

Amended Motion

With leave of the Chairperson, both the mover and seconder of the substantive motion agreed to an amendment as proposed.

Crs Turner/Bentley.

That Council write to National Broadband Network Company (NBN Co), Mr Ian Lockyer, Planner Stakeholder Engagement urging NBN Co. to commit to the rollout of NBN technology into all populated existing residential areas of the City of Melton, including but not limited to, Melton West which is not in the planned rollout until at least 2018.

CARRIED UNANIMOUSLY

15. COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Turner

Given recent local media coverage in relation to the Melton Cemetery no longer selling new burial plots for pre-need purchase, for the benefit of our residents who have not read the December report to Council, could you please explain again any plans for a future cemetery and when it might be ready for burials, who might be responsible for the construction and running of any proposed cemetery, and if Council is working to speed up or cooperate in any such planning?

Cr Ramsey

In regards to the local Melton Cemetery, can Officers satisfy Council that all possible capacity for additional burials has been exhausted, in the hope that more local people can bury their loved ones within?

16. MOTIONS WITHOUT NOTICE

Cr Ramsey

That Council officers write to QIC and the owners of the Melton Bunnings store requesting the urgent repair and modification of the eastern access driveway into Bunnings from Barries Road. In its current condition the access is a safety hazard to motorists.

Cr Ramsey

That Council write to the Melton Police Inspector and the Police delegate to Council thanking them for their diligence and professionalism during the public rally last year making the Melton community safety paramount during the course of the day.

17. URGENT BUSINESS

Nil.

18. CONFIDENTIAL BUSINESS

Procedural Motion

Crs Cugliari/Carli

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 Minutes of the 2016 Community Achievement Awards Assessment Panel Meeting

This report is confidential in accordance with s89(2)(h) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person.

18.2 Minutes of Harness Racing Victoria & Tabcorp Park Grants Assessment Panel Meeting

This report is confidential in accordance with s89(2)(h) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person.

18.3 Property Development Advisory Committee Meeting Minutes - 8 December 2015

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

18.4 Awarding of Contract 15/033b Provision of Sanitary & Hygiene Services

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

18.5 Contract 1906/0625 Retail Electricity, Natural Gas and Associated Services

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

18.6 Awarding of the Contract for the Management and Operations of the Melton Waves Leisure Centre - Contract 16/027

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

CARRIED

Procedural Motion

Crs Ramsey/Carli

That the meeting be opened to the public.

CARRIED

19. CLOSE OF BUSINESS

The meeting closed at 8.50pm.

Confirmed

Dated this

.....CHAIRPERSON