



# MELTON CITY COUNCIL

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

**6 February 2017**

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**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 6 FEBRUARY 2017 AT 7.00PM**

**Present:** Cr S Ramsey (Mayor)  
Cr B Turner (Deputy Mayor)  
Cr S Abboushi  
Cr L Carli  
Cr M De Santis  
Cr K Hardy  
Cr G Kesic  
Cr M Mendes

Mr K Tori, Chief Executive Officer  
Mr P Bean, General Manager Corporate Services  
Mr M Heaney, General Manager Community Services  
Mr L Shannon, General Manager Planning and Development  
Mr B Baggio, Manager Planning Services  
Ms LJ Mellan, Manager City Design, Strategy and Environment  
Ms C Denyer, Manager Legal and Governance  
Ms T Spiteri, Governance Coordinator  
Ms A Raijer, Communications Coordinator

#### **1. OPENING PRAYER AND RECONCILIATION STATEMENT**

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

#### **2. APOLOGIES AND LEAVE OF ABSENCE**

Cr K Majdlik.

#### **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 12 December 2016 be confirmed as a true and correct record.

Crs Carli/Hardy. That the recommendation be adopted.

CARRIED



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

- 12 December 2016 Record of Assembly of Councillors
- 30 January 2017 Record of Assembly of Councillors

**RECOMMENDATION:**

That the Record of Assembly of Councillors dated 12 December 2016 and 30 January 2017 attached to this Agenda be received and noted.

Crs Carli/De Santis. That the recommendation be adopted.

CARRIED

**LIST OF APPENDICES**

1. 12 December 2016 Record of Assembly of Councillors
2. 30 January 2017 Record of Assembly of Councillors

**8. CORRESPONDENCE INWARD**

Nil.

**9. PETITIONS AND JOINT LETTERS**

Nil.

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

**10.1 NOTICE OF MOTION 443 (CR KESIC)**

**Councillor: Goran Kesic - Councillor**

**MOTION:**

That commencing Christmas 2017 Council financially support up to \$10,000 'In Church', or in their absence an alternate community organisation, to provide a community level 'Carols by Candlelight' event in Caroline Springs.

Crs Kesic/Hardy.

That the matter lay on the table for a further month pending the briefing that is to be given to Councillors on this subject.

CARRIED

**11. PUBLIC QUESTION TIME**

<b>Name</b>	<b>Question asked of Council</b>
Garrick Oates	Infrastructure Section 173 Agreement between Melton City Council and the Eynesbury Developer.

**Procedural Motion**

Crs Turner/Abboushi

That the recommendations as printed in Items 12.1, 12.2, 12.3, 12.12 and 12.13 be adopted in block.

CARRIED

**12. PRESENTATION OF STAFF REPORTS****12.1 AUTHORISATION OF AFFIXING THE COMMON SEAL OF COUNCIL**

Author: Dominique Roberts - Governance Officer

Presenter: Kel Tori - Chief Executive Officer

**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 6 February 2017.

Crs Turner/Abboushi. That the recommendation be adopted.

CARRIED

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**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, executes a document.

The *Local Government Act* 1989 (S.5(2) and (3)) 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 must be present and 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 - dated 6 February 2017

## 12.2 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

Author: Tracy Spiteri - Governance Coordinator  
Presenter: Kel Tori - Chief Executive Officer

### PURPOSE OF REPORT

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

### RECOMMENDATION:

That Council:

1. note the minutes of Advisory Committee meetings at **Appendix 1, 2, 3, 4 and 5**
2. adopt the recommendations arising within the Minutes.

Crs Turner/Abboushi. That the recommendation be adopted.

CARRIED

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## 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 2017 were adopted by Council at the Ordinary Meeting held 21 November 2016.

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
24 November 2016	Early Years Partnership Committee	Appendix 1
30 November 2016	CALDAC	Appendix 2
1 December 2016	Community Learning Board	Appendix 3
1 December 2016	Disability Advisory Committee	Appendix 4
15 December 2016	Policy Review Panel	Appendix 5

### 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 Committees 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. Early Years Partnership Committee Meeting Minutes - dated 24 November 2016
2. CALDAC Meeting Minutes - dated 30 November 2016
3. Community Learning Board Meeting Minutes - dated 1 December 2016
4. Disability Advisory Committee Meeting Minutes - dated 1 December 2016
5. Policy Review Panel Minutes - dated 15 December 2016

## 12.3 MUNICIPAL AUDIT COMMITTEE MINUTES - 7 DECEMBER 2016

Author: Cheryl Santoro - Senior Administration Officer  
Presenter: Kel Tori - Chief Executive Officer

### PURPOSE OF REPORT

To present to Council the minutes of the Municipal Audit Committee meeting held on Wednesday, 7 December 2016.

### RECOMMENDATION:

That Council:

1. note the minutes of the Municipal Audit Committee meeting held on Wednesday, 7 December 2016
2. adopt the recommendations arising within the minutes.

Crs Turner/Abboushi. That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

The minutes of the Audit Committee meeting held on 7 December 2016, are appended to this report as **Appendix 1**. The Committee considered various issues in relation to risk, financial management and governance and the minutes contain recommendations for the consideration of Council.

### 2. Background/Issues

It is a requirement within the Terms of Reference of the Municipal Audit Committee to meet and report its decision and recommendations to the Council for consideration.

Issues discussed and recommendations made by the Committee are noted in the minutes for action by both individuals and Council.

### 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

A provision has been provided in this year's budget for the remuneration on a fee per meeting basis for independent members of the Committee, with an additional amount paid to the Chairperson.

## **5. Consultation/Public Submissions**

The Municipal Audit Committee consists of Crs Carli and Hardy and three independent external members Mr Adam Roberts as Chairperson, Mr Alan Hall and Mr Stan Naylor.

## **6. Risk Analysis**

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

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

## **7. Options**

The Audit Committee is an advisory Committee of Council, and Council therefore has the discretion to accept, reject or amend its recommendations.

## **LIST OF APPENDICES**

1. Audit Committee Minutes - dated 7 December 2016
2. 1st Quarter Finance Report - dated 30 September 2016

## 12.4 INVESTIGATION OF VENUES IN THE EASTERN CORRIDOR SUITABLE FOR HOSTING ORDINARY MEETINGS OF COUNCIL

Author: Tracy Spiteri - Governance Coordinator  
Presenter: Kel Tori - Chief Executive Officer

### PURPOSE OF REPORT

To provide Council with an assessment of alternate venues in the Eastern Corridor suitable for the hosting of an Ordinary Meeting of Council.

### RECOMMENDATION:

That Council:

1. hold the Ordinary meeting of Council scheduled for 6 March 2017 at Taylors Hill Youth and Community Centre
2. tentatively schedule the Ordinary meeting of Council to be held on 26 June 2017 at Taylors Hill Youth and Community Centre, subject to Council satisfaction with facilities as evidenced at the March meeting
3. Officers incorporate into the design of Stage 2 of the Burnside Children's and Community Centre, appropriate multi-function space that would facilitate the efficient conduct of Council meetings.

Crs Carli/Hardy

That Council:

1. hold the Ordinary meeting of Council scheduled for 6 March 2017 at Taylors Hill Youth and Community Centre
2. that Council schedule the Ordinary meeting of Council to be held on 26 June 2017 tentatively at Taylors Hill Youth and Community Centre, or at an alternate site should Council determine Taylors Hill Youth and Community Centre unsuitable
3. that Council officers conduct an assessment of Taylors Hill Youth and Community Centre as soon as practicable following the conduct of the meeting on 6 March 2017, to enable Council to determine on the appropriateness of the venue.
4. Officers incorporate into the design of Stage 2 of the Burnside Children's and Community Centre, appropriate multi-function space that would facilitate the efficient conduct of Council meetings.

CARRIED

Cr Ramsey called for a division of Council

**For:**

Crs Abboushi, Carli, De Santis, Hardy, Kesic and Mendes

**Against:**

Crs Ramsey and Turner

The Mayor declared the division CARRIED

## REPORT

### 1. Executive Summary

At the Ordinary Meeting of Council held 12 December 2016, Council determined that the Caroline Springs Civic Centre/Library was not a suitable venue for the conduct of Council Meetings, and requested officers investigate alternate venues in the Eastern Corridor, and assess their suitability for hosting Ordinary Meetings of Council.

Council officers have completed an investigation and assessment of Council venues/facilities within the Eastern Corridor of the municipality, including the Caroline Springs College – Lakeview Campus Theatre/Auditorium for this purpose. This report provides Council with the results of the review against specific criteria, including the availability of the venues to coincide with the adopted 2017 Ordinary Meeting of Council schedule.

### 2. Background/Issues

A report was presented at the Ordinary Meeting of Council held 12 December 2016 in response to Notice of Motion 439. The report detailed costs associated with holding alternate Ordinary Meetings of Council at Caroline Springs Civic Centre/Library and the Melton Civic Centre. Whilst Council determined that the Caroline Springs Civic Centre/Library was not a suitable venue for the conduct of meetings, it directed that Council Officers investigate alternate venues in the Eastern Corridor and assess their suitability for the hosting of Ordinary Meetings.

Council venues in the Eastern Corridor comprise primarily of Children's and Community Centres, a small number of neighbourhood houses and sports pavilions. Excluding facility space reserved for kindergarten services, there are very few facilities that have large areas available for immediate use.

Community and user groups are invited annually to apply for the use of community facilities spaces on an ongoing basis. Bookings in Council facilities for 2017 were received with allocations confirmed in October and November 2016. Licence agreements were subsequently issued to confirm the tenure and use of the respective facility. The availability of venues is therefore limited for 2017 as licence agreements with external user groups limits Council's ability to book venue spaces.

All Melton City Council community facilities with large floor spaces or which have multiple rooms that can be opened up to provide a large floor space were selected for assessment. The Caroline Springs College – Lakeview Campus theatre/auditorium was also included in the review, available for Council use via a Contribution and Use Agreement.

Venues selected to review:

- Taylors Hill Youth and Community Centre – Taylors Hill
- Banchory Community Centre – Hillside
- Parkwood Green Community Centre – Hillside
- Springside Children's and Community Centre – Caroline Springs
- Caroline Springs College - Lakeview Campus Theatre/Auditorium

In determining suitability of the venue to host an Ordinary Meeting of Council, each was assessed against a number of critical criteria which considered safety, capacity and general facilities. The results of the suitability assessment are detailed in **Appendix 1**.

The availability of each venue was also assessed against the 2017 Council Meeting Schedule of dates. Venues generally need to be available from midday on the day of the

Ordinary Meeting date to enable equipment to be delivered and set up for the meeting. The availability of each venue is detailed in **Appendix 2**.

In reviewing the venues and the needs of Councillors and the public, it was determined that the whole of the venue would generally be required for the conduct of a Council Meeting. Access to the whole facility enabled unencumbered access to adjoining and/or other room spaces, providing Councillors with a secure space to meet before and after the meeting, and was necessary for the preparation of catering and/or refreshments for Councillors and the public.

Based upon the suitability and availability of Council venue/facilities in the eastern corridor, the Taylors Hill Youth and Community Facility, located at 121 Calder Park Drive is recommended as the most appropriate location for the hosting of Ordinary Meetings of Council.

The whole of the Taylors Hill Youth Facility can be made available to staff on the day of the Council meeting for delivery of additional equipment and for set up, and is a secure and accessible facility with multiple rooms available for Councillors to meet and for catering and/or refreshments to be prepared. The facility has the greatest flexibility with regards to its availability, and is available for multiple meeting dates enabling the rotation of Council meetings between the Melton Civic Centre and the eastern corridor. The only significant limitation in this site over the Melton Civic Centre is the lack of amplification and recording facilities, which will need to be hired as an additional financial cost.

### **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**

There are no financial considerations associated with the preparation of this report.

### **5. Consultation/Public Submissions**

No public consultation has been undertaken in the preparation of this report.

### **6. Risk Analysis**

Holding an Ordinary Meeting of Council outside of the purpose built Council Chamber located at the Melton Civic Centre is likely to carry risks, real or potential.

A number of facilities have been trialled in the past for the conduct of Citizenship ceremonies with the most appropriate venue, in terms of size and facilities being the Taylors Hill Youth and Community Centre. The use of this facility is also considered the most appropriate in terms of limiting safety risks to the public and Councillors because:

- the degree of separation between the public gallery and Councillors can be maintained at an appropriate distance
- Councillors can ingress and egress the 'chamber area' and access a secure room if required
- evacuation of the entire site can be conducted safely as there are multiple egress points from the 'chamber area' and the facility in general

- Confidentiality can be expected as the room can be closed and secured for the hearing of 'in-camera' matters.

The Taylors Hill Youth and Community Centre provides staff and Councillors the ability to meet before and after the Council meeting in a secure space, and allows for catering and refreshments to be provided to the Councillors and public.

The availability of the venue is the most flexible of all the venues assessed and can be accessed by staff during business hours for the purpose of delivering and setting up the necessary equipment.

Limitations to the holding of Ordinary Council Meetings in this venue is that amplification and recording facilities are not available at this site and will need to be hired at an additional cost as outlined in the report presented to Council 12 December 2016.

## **7. Options**

1. Council not rotate Council Meetings.
2. Council direct alternate venues for assessment.
3. Council incorporate a suitable meeting space with adaptability for Council meeting purposes into the construction specifications for the Burnside Children's and Community Centre due for construction 2017/18.

## **LIST OF APPENDICES**

1. Assessment of Venue Suitability - Eastern Corridor - undated
2. Assessment of Venue Availability - Eastern Corridor - undated

## 12.5 (DRAFT COMMUNITY VISION) MELTON CITY 2036 - THE CITY WE IMAGINE

Author: Kate Waters - Coordinator Social Planning and Wellbeing  
Presenter: Maurie Heaney - General Manager Community Services

### PURPOSE OF REPORT

To present the (Draft Community Vision) Melton City 2036 – The City We Imagine.

### RECOMMENDATION:

That:

1. Council note the (Draft Community Vision) Melton City 2036 – The City We Imagine, as presented at **Appendix 1**, and that the document be placed on public exhibition
2. post the exhibition period, the final document be presented to Council for endorsement.

Crs Hardy/De Santis. That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

Melton City 2036 – The City We Imagine will be the first community vision for the City of Melton and highlights opportunities and challenges for the municipality. It was informed by extensive community consultation. It puts people first, embedding them at the heart of the vision, surrounded by the four domains:

- Our safe and socially connected City
- Our well-built City
- Our strong local economy
- Our thriving natural environment.

These domains are equally weighted and intrinsically connected.

To achieve the vision, a whole of community approach will be required. As the arm of government closest to the people, Council is well placed to contribute to many elements of the vision through planning, advocacy, service and program delivery and decision making. It will provide the foundation for the Council Plan 2017-2021 (Council Plan), incorporating the Municipal Public Health and Wellbeing Plan 2017-2021 (MPHWP) and other key strategic documents.

### 2. Background/Issues

Our community is growing fast and to enable appropriate and relevant planning, program delivery and decision making, a number of strategic documents are concurrently being prepared. These documents include Melton City 2036 - The City We Imagine, Council Plan, incorporating the MPHWP and the Municipal Strategic Statement (MSS).

Melton City 2036 - The City We Imagine will be the first of these strategic documents to be completed and provides the foundation for the Council Plan, MPHWP, MSS and other strategies and plans. Melton City 2036 - The City We Imagine has been designed and



facilitated by Council officers, however the words and sentiments are solely informed by input from the community.

### **Development of Melton City 2036 - The City We Imagine**

A community engagement process was developed to better understand what the community values, what their hopes and aspirations for the future are and to identify aspects of the municipality that can be improved or protected.

#### **Phase One**

The first phase of the engagement process commenced in April 2016, via a series of 'My City My Say – Join the Conversation' events in the smaller townships. The locations for these events included Rockbank, Diggers Rest, Toolern Vale and Eynesbury.

Following these, a whole of municipality campaign was launched. Anyone who lives, works, studies, recreates or visits Melton City was invited to participate. Via a short survey on a postcard or online, community members were asked the following questions:

- What do you love about the City of Melton?
- What don't you like about the City of Melton?
- What are your hopes for the City of Melton in 20 years time?
- What needs to happen for those hopes to become a reality?

These four questions were also used in a child friendly format and distributed to schools and family daycare providers. Children were encouraged to write and draw their responses. Community members were also able to participate via Facebook, OurSay (on-line forum) and at community festivals and events.

In addition, data obtained via the Household Customer Satisfaction Survey was used to inform the draft vision. The Survey provided relevant information related to issues of importance, levels of satisfaction and community attitudes.

At the conclusion of phase one, the below interest areas had emerged:

What do people love about the City of Melton?	<ul style="list-style-type: none"> <li>- Parks and green spaces</li> <li>- The shops and shopping opportunities</li> <li>- Libraries and leisure facilities</li> <li>- Country feel close to Melbourne</li> <li>- Pride and sense of community</li> </ul>
What don't people like about the City of Melton?	<ul style="list-style-type: none"> <li>- Lack of public transport and connectivity</li> <li>- Roads and traffic management</li> <li>- Safety and crime</li> <li>- Rubbish and litter</li> <li>- The bad reputation</li> </ul>
What are the hopes for the City of Melton in 20 years time?	<ul style="list-style-type: none"> <li>- Parks , green space and nature</li> <li>- Quality and well connected infrastructure</li> <li>- Local schools and tertiary education</li> <li>- Hospitals and services</li> <li>- A safe and peaceful place to live and visit</li> <li>- Local jobs and businesses</li> <li>- A good reputation</li> <li>- Local activities and facilities</li> </ul>

What needs to happen for these hopes to become a reality?	<ul style="list-style-type: none"> <li>- Planning and development</li> <li>- Funding from State and Federal Government for improvement of transport and facilities</li> <li>- Community consultation, working together and a shared vision</li> <li>- More police</li> </ul>
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### ***Phase Two – Small Group Workshops***

Phase two of the consultation process was tailored and targeted to small group workshops. Community members were invited to small group workshops where the findings of phase one were presented and participants were able to further explore the hopes and aspirations expressed in phase one. Specifically, the workshops were designed to have participants contribute to the analysis of the hopes and aspirations, and work to lift the findings into vision statements.

Detailed information resulting from both phases one and two of the engagement process is available for reading via Council's website.

### **Melton City 2036 - The City We Imagine**

More than 2000 community members have contributed to Melton City 2036 - The City We Imagine which is the first community vision for the City of Melton and highlights opportunities and challenges for the municipality. It puts people first, embedding them at the heart of the vision and surrounded by the four domains:

Our safe and socially connected City

- Clean, welcoming and safe
- Accepting and inclusive
- Diverse, active and socially connected

Our well-built City

- Well planned neighbourhoods with linking footpaths and bike lanes
- Lots of parks and open spaces
- Efficient public transport and free flowing traffic
- Access to schools and a local hospital and services

Our strong local economy

- Opportunities for education, job training and lifelong learning
- A mix of local employment
- Fun and interesting places for residents and visitors
- Unique local suburbs

Our thriving natural environment

- Green city with native trees
- Natural spaces for wildlife and people
- Sustainable planning and design

These domains are equally weighted and intrinsically connected. The vision cannot be achieved unless all domains are addressed.

### **Implementing Melton City 2036 - The City We Imagine**

Melton City 2036 - The City We Imagine is the community's vision. To achieve it, the community, service providers, businesses, the private sector and all levels of government including Council will be required to work together.

Melton City 2036 - The City We Imagine will form a foundation for the development and implementation of the Council Plan, MPHWP, MSS and other relevant strategies and policies. In particular the Council Plan will be the first opportunity for Council to start working toward achieving the vision.

Melton City 2036 - The City We Imagine will be reviewed and refreshed periodically to ensure its currency.

### **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**

There are no new budget requirements to implement Melton City 2036 - The City We Imagine. Council's work toward the vision will occur within Council strategies, action plans and recurrent budget. Where a new initiative is identified, requiring Council funding, a proposed initiative will be submitted.

Where external funding opportunities become available, Council will work with relevant partners to consider funding applications.

### **5. Consultation/Public Submissions**

Melton City 2036 - The City We Imagine has been informed purely by community input. People who live, work, study, recreate or visit the municipality were invited to provide feedback.

In total, 2226 community members participated in the engagement process:

<b>Techniques used to consult the community</b>	<b>Number of participants</b>
Small Group Conversations	33
Facebook	55
OurSay (Online Forum)	77
Children's survey (schools and family daycare)	200
Community Festivals and events	200
Survey (postcards and online)	711
Household Customer Satisfaction Survey	800
My City My Say – Join the Conversation' events	150

Although there is no legislative requirement, Melton City 2036 - The City We Imagine will be placed on public exhibition. It is not only good practice to re-engage with the community but essential to ensuring the final community vision is accurate and a true reflection of our community. Any feedback received and the final document will be presented to Council.

## **6. Risk Analysis**

Melton City 2036 – The City We Imagine has only been informed by community input and as such it is the community's vision. There is no risk identified in noting this work and endorsing the recommendation contained in this report.

## **7. Options**

Nil.

## **LIST OF APPENDICES**

1. (Draft Community Vision) Melton City 2036 - The City We Imagine - February 2017

## 12.6 PLANNING PERMIT PA 2014/4456 - EXTENSION OF TIME TO A PERMIT FOR A TELECOMMUNICATIONS FACILITY AT 115 TENTERFIELD DRIVE, BURNSIDE HEIGHTS (BURNSIDE HEIGHTS RECREATION RESERVE)

Author: Steve Finlay - Coordinator Statutory Planning  
Presenter: Bob Baggio - Manager Planning Services

### PURPOSE OF REPORT

To consider and determine a request for an Extension of time to a Permit for a Telecommunications Facility at 115 Tenterfield Drive, Burnside Heights (Burnside Heights Recreation Reserve).

### RECOMMENDATION:

That Council extend the expiry date of the permit, such that the permit will now expire on 29 December 2018.

Crs Abboushi/Kesic.

That Council defer consideration of this report until such time as Council has informally notified surrounding land owners and occupiers of the request to extend the time of the permit, and enable submissions to be made by potentially affected people.

CARRIED

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## REPORT

### 1. Background

#### Executive Summary

Applicant:	Optus Mobile Pty. Ltd. C/- Visionstream Pty. Ltd.
Proposal:	Request for an extension of time to a permit for a telecommunications facility
Existing Land Use:	Burnside Heights Recreation Reserve
Zone:	Public Park and Recreation Zone
Overlays:	Development Plan Overlay (Schedule 7 – Tenterfield)
Number of Objections:	Nil (although there were two objections prior to the initial permit being issued)
Key Planning Issues:	State Planning Policy Length of time since permit initially issued Relevant Case Law
Recommendation:	Grant permit extension by two years

### The Land and Surrounding Area

The subject site has an area of 21.85ha and is the Burnside Heights Recreation Reserve located at 115 Tenterfield Drive, Burnside Heights. Other features of the site are as follows:

- The land is used for both active and passive recreation, and has two sports ovals, clubrooms, playground, basketball courts and cricket nets, all with associated car parking. The reserve is the home of the Burnside Heights Football Club and the Burnside Springs Cricket Club.
- The land is abutted to the south by the Kororoit Creek and associated creek reserve. Land to the north (on the opposite side of Tenterfield Drive) is used for residential purposes. The Kororoit Creek Primary School is also located to the north of the reserve, on the opposite side of Tenterfield Drive.
- Planning permit number PA2014/4456 was issued on 29 December 2014 and allows for the use and development of the land for the purpose of a telecommunications facility comprising a 25-metre high monopole (replacing an existing light pole) with associated antennae and an equipment shelter in accordance with plans endorsed under the permit.
- The proposed telecommunications facility is proposed to replace an existing light pole in the south-eastern corner of the senior oval at the Burnside Heights Recreation Reserve.

The surrounding area can be characterised as predominantly residential to the north and west of the reserve, whilst land to the east and south is generally associated with the Kororoit Creek and its associated environmental reserve.

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

### The Application

The application proposes the consideration of a request to extend time on planning permit number PA2014/4456, which expired on 29 December 2016.

The proposal can be summarised as follows:

- The permit allows for the use and development of the land for the purpose of a 25-metre high monopole (replacing an existing light pole) with associated antennae and an equipment shelter. The permit was issued on 29 December 2014.
- An earlier planning permit (PA2010/2734) was issued at the direction of the Victorian Civil and Administrative Tribunal on 29 April 2011 for a similar proposal, however, this permit expired, and no extension of time was requested for the permit.
- Although the current planning permit expired on 29 December 2016, the request for an extension of time was received prior to the expiry date, and so therefore, in accordance with the requirements of Section 69 of the *Planning and Environment Act 1987*, Council has the capacity to extend the time on the permit if it so desires.
- Visionstream Pty. Ltd. acting on behalf of Optus Mobile Pty. Ltd. has requested an extension of time to planning permit PA2014/4456 owing to unexpected delays in lease negotiations with Council, as the landowner of Burnside Heights Recreation Reserve.

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

### Planning Controls

Zone	(Clause 36.02 – Public Park and Recreation Zone)	Permit is required to use the land for a telecommunications facility, and the current permit expired on 29 December 2016.
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Overlays	(Clause 43.04 – Development Plan Overlay (Schedule 7))	Permit must not be issued to use, develop or subdivide land until a development plan is prepared for the land. A development plan was prepared for the land and approved on 14 November 2002 and nominates the land for district public open space.
Particular Provisions	(Clause 52.19 – Telecommunications Facility)	Permit is required to construct a building or carry out works for a telecommunications facility, and the current permit expired on 29 December 2016.
<i>Planning and Environment Act 1987</i>	Section 69	Before the permit expires, or within six months afterwards, the owner or occupier of land may ask the Responsible Authority to extend the permit. Given that the request to extend time was received by Council prior to the permit expiry date, the request has been submitted within the relevant statutory timeframe.

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

#### **Is the land affected by a Restrictive Covenant?**

The land is not affected by a Restrictive Covenant, however is affected by a Section 173 Agreement that imposed requirements on the original subdivider of the land and does not affect the ability of Council to determine the extension of time request.

#### **Is the land of Cultural Heritage Sensitivity?**

The land is considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*; however the proposal constitutes an exempt activity which does not require a cultural heritage management plan.

## **2. Council Plan Reference and Policy Reference**

The Melton City Council 2013-2017 Council Plan references:

### **1. Managing our Growth.**

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

## **3. Financial Considerations**

A lease arrangement is currently being negotiated with the telecommunications provider, with these negotiations well advanced, and will be the subject of a future report to Council.

## **4. Consultation/Public Submissions**

### **Public notification of the application**

The application was not subject to notification given that the proposal is for the extension of a pre-existing permit.

When the application was first determined, and permit issued in 2014, it was extensively advertised at the time by sending 87 letters to adjoining landowners and occupiers, placing two signs on the land and placing a public notice in the local paper. Public notice was also

given to the relevant sporting clubs occupying the reserve, being the Burnside Heights Football Club and the Burnside Springs Cricket Club. There were two objections at the time based upon health grounds, including from the Kororoit Creek Primary School. However, it was determined that the permit should be issued owing to compliance with relevant Australian Standards, and relevant planning policies.

### **Referral of the application**

The application for the extension of time was not required to be referred to any other government agencies.

## **5. Issues**

### **Criteria for extending the time of a permit**

Section 69 of the *Planning and Environment Act 1987* enables the owner or occupier of the land to which a planning permit applies to apply for an extension of time prior to the permit expiring or within six months afterwards. By way of correspondence dated 13 December 2016, Visionstream Pty. Ltd. acting on behalf of Optus Mobile Pty. Ltd. has requested an extension of time to the permit. The request to extend the permit has been received within the relevant statutory timeframe, since it was received before the permit expiry date of 29 December 2016.

Information submitted in support of the extension of time request indicates that the permit has not been enacted and an extension of time is required owing to unexpected delays in lease negotiations with Council as the land owner of the Burnside Heights Recreation Reserve. These lease negotiations are well advanced and will be the subject of a future Council Report.

The Act generally envisages a time limit be imposed on planning permits. The time limit condition that was originally imposed on the subject permit is consistent with most planning permits related to telecommunications facilities. The reason for imposing a time limit on planning permits is to ensure that permit holders do not 'warehouse' planning permits. The time limit enables Responsible Authorities to reconsider planning permits, where they have not been acted upon, taking into account any new policy or control that may have been introduced in the intervening period.

In considering the request for the time extension to the permit, it is necessary for Council to act reasonably and to base its decision on any relevant matters.

Since the original date of the permit being issued, there have been no changes to the relevant planning controls or circumstances surrounding the subject land that would warrant the request being refused. The permit conditions applicable to the permit are also still as relevant today as they were when the permit was issued, and no additional conditions or modification to existing permit conditions would be needed.

The Supreme Court decision in *Kantor vs Murrundindi Shire* is the most comprehensive statement of matters to be taken into account as to whether or not to allow a request for an extension of time. The principles of this case law in respect to the treatment of an extension of time request are that the Responsible Authority:

- Should treat the applicant as being obliged to advance some reason or material in support of the grant of an extension.
- May rightly consider as a factor in favour of an exercise of discretion, that there has been no change in planning policy (including the planning scheme legislation) – but it does not follow that, absent a change in planning policy, an extension should normally be granted.
- Consideration as a factor tending against the grant of an extension, any material suggesting that an owner of land is intending to "warehouse" a permit – ie obtain a windfall by selling the land together with the benefit of an unused permit.



- Consideration of any intervening circumstances, such as if in seeking an extension of time, whether steps have already been taken to develop the land in accordance with the permit, this will count in favour;
- Consideration of the total amount of time which has elapsed when a request to extend is being considered. If a permit has been long held and not acted upon, this will tend against an application for an extension of time, particularly where other possible developments nearby are being stultified. The philosophy of the *Planning and Environment Act 1987* that a permit should not be unlimited as to time must also be borne in mind here.
- Consideration as to whether the time limit originally imposed was adequate in all the circumstances.
- Consideration as to whether the permit casts a considerable economic burden on the owner of the land, making it necessary for him or her to proceed slowly, whilst always intending to proceed with the development; and
- Consideration as to the probability that if a request to extend time were refused and a fresh application lodged, it would be granted. This factor would be particularly relevant where planning policy has remained unchanged and it is improbable that potential objectors to a fresh proposal will be able to raise any new considerations.

On the basis of the above tests, it is noted that:

- There has not been a significant amount of time elapse since the permit was initially issued, and this is the first extension of time request associated with the current permit.
- The reasons given justifying a delay in completing the telecommunications facility are sufficient to justify non-completion of the development. Lease negotiations with the telecommunications provider are well advanced and will be the subject of a separate report to Council.
- There have been no changes to State or Local Planning Policies, or other planning controls affecting the land, to the extent that if a fresh application were lodged it would be recommended to be approved.
- Although a new Scout facility is being proposed on the Reserve in future, it is intended to be located some distance from the proposed tower.

#### **Assessment against relevant Code of Practice**

*A Code of Practice for Telecommunications Facilities in Victoria* is an incorporated document in planning schemes, whose purpose it is to:

*...set out principles for the design, siting, construction and operation of a telecommunications facility which a responsible authority must consider when deciding on an application for planning permit.*

Although it should be noted that this is not a new application as it is a request to extend the time on an existing permit, it is nevertheless instructive to assess the proposed facility against the principles articulated in the Code:

- ***A Telecommunications facility should be sited to minimise visual impact***

The proposed monopole is located on the southern side of the main oval, as far as practical from surrounding houses and the primary school.

It is to be sited about 280m from the primary school, about 180m from houses to the north, and about 330m from houses to the west. While the facility will be visible from surrounding urban areas, it is considered that no views to significant vistas or landscape features are unreasonably compromised.

- ***Telecommunications facilities should be co-located wherever possible***

The facility provides for both Optus and Vodafone through a joint venture arrangement. It is generally acknowledged that Council reserves are becoming the main focus for new telecommunication facilities in the Eastern Corridor given that most existing development comprises residential areas, with the exception of the shopping / commercial areas. Council has previously supported these facilities in the larger open space reserves, where amenity issues to surrounding sensitive uses can be minimised.

- **Health standards for exposure to radio emissions will be met**

The proposal will be designed and installed to satisfy the requirements contained with Radiation Protection Standard - Maximum Exposure Levels to Radiofrequency Fields - 3kHz to 300 GHz, Arpana, May 2002.

An EME report has been produced for the Telecommunications Facility which demonstrates compliance and is in accordance with this standard. The report shows that the maximum predicted EME will equate to 1.17% of the maximum exposure limit. This is substantially less than the maximum allowable exposure limit (where 100% of the limit is still considered to be safe).

On the EME issue, VCAT has previously found:

*In this case, based on the material before me and the matters discussed above, it is therefore appropriate to strike out the objectors' grounds in this proceeding that raise issues about electromagnetic radiation and/or related public health concerns stemming from the operation of the proposed facility. These grounds are not relevant to the planning assessment of a telecommunications facility where the ARPANSA standard will be met. Even if these grounds are at least arguably planning-related, they are misconceived and lacking in substance on the facts of this case given compliance with the ARPANSA standard.*

- **Disturbance and risk relating to siting and construction should be minimised. Construction activity and site location should comply with State environmental protection policies and best practice environmental guidelines**

The construction area and overall compound area of the facility will have minimal disturbance to the environmental characteristics of the site. The installation of the proposed facility can be undertaken at any time without affecting the use of the site or the surrounding area due to the accessibility of the site.

Construction of the facility will be carried out in accordance with relevant Occupational Health and Safety Guidelines. Construction of the facility is unlikely to cause any disruption to adjoining properties or public access areas. The applicants have advised that due care will be taken to ensure construction is undertaken at times least likely to cause disturbance.

## 6. Options

Council can either support the application by extending the permit for any length of time considered appropriate and reasonable, or it can refuse to extend the planning permit.

## 7. Conclusion

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

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

Therefore, it is recommended that the application be approved and the permit extended for a further two year period, such that it will expire if the development is not started by 29 December 2018.

**LIST OF APPENDICES**

1. Locality Plan - dated 20 January 2017
2. Current permit and plans - dated 29 December 2014
3. Policy assessment - undated

Cr Kesic left the Chamber at 7.52pm.

Cr Kesic returned to the Chamber at 7.55pm.

Cr Abboushi left the Chamber at 7.56pm.

Cr Abboushi returned to the Chamber at 8.02pm.

## **12.7 PLANNING APPLICATION PA 2016/5303/1 - USE AND DEVELOPMENT OF THE LAND FOR THE SALE OF CHRISTMAS DECORATIONS AND CHRISTMAS THEMED PRODUCTS (MARKET) WITH ASSOCIATED CAR PARKING IN CONJUNCTION WITH THE MELTON CHRISTMAS TREE FARM AT 319-391 LEAKES ROAD PLUMPTON**

**Author: Simon Temple - Principal Planner**

**Presenter: Bob Baggio - Manager Planning Services**

### **PURPOSE OF REPORT**

To consider and determine the above planning application.

### **RECOMMENDATION:**

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

Crs Turner/Hardy.

That Council issue a Notice of Decision to Grant a Permit subject to the conditions outlined in **Appendix 6** of this report with the adequacy of toilet facilities be added as a condition on the permit.

The Mayor declared the Motion CARRIED on her casting vote

Cr Carli called for a division of Council

#### **For:**

Crs Hardy, Kesic, Ramsey and Turner

#### **Against:**

Crs Abboushi, Carli, De Santis and Mendes

The Mayor declared the division CARRIED on her casting vote

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## **REPORT**

### **1. Background**

#### **Executive Summary**

Applicant:	F luele
Proposal:	Sale of Christmas decorations and themed products (Market) with associated car parking

Existing Land Use:	Agriculture (Melton Christmas Tree Farm)
Zone:	Green Wedge Zone
Overlays:	Nil
Number of Objections:	Five
Key Planning Issues:	Traffic and safety along Leakes Road and Melton Highway Hours of operation Amenity (noise, rubbish etc) to adjoining/surrounding properties
Recommendation:	Approve application subject to conditions

### The Land and Surrounding Area

The subject site has an area of approximately 84 hectares and is located on the eastern side of Leakes Road in Plumpton, about 1 kilometre north of Melton Highway and the Leakes Road Tourist Precinct. Other features of the site are as follows:

- The site is rectangular in shape.
- The front portion of the land contains two large colourbond clad sheds, an extensive Christmas tree plantation, large gravel car park and a free standing sign advertising the Melton Christmas Tree Farm.
- A larger dam is located towards the rear of the subject site.

The surrounding area can be characterised as a rural area comprising single and double storey brick dwellings with concrete tiled or colourbond clad roofing and associated colourbond or aluminium clad outbuildings (farm sheds) in conjunction with the use of the land for agricultural, farming and rural living purposes. A Quarry (extractive industry) occupies the adjoining land to the south while a materials recycling and rock crushing facility occupies the adjoining land to the east.

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

### The Application

The application proposes the use and development of the land for the sale of Christmas decorations and Christmas themed products in conjunction with the existing agricultural use of the land (Melton Christmas Tree Farm).

The proposal is summarised as follows:

- The use will occupy an existing colourbond shed located near the southern boundary of the subject land. No other works are to be undertaken on the land.
- The shed has a total floor of 648 square metres. A total of 31 market stalls will be set up within the existing building.
- The market will involve the sale of hand and commercially made Christmas decorations and Christmas themed products in conjunction with the sale of Christmas Trees which currently take place on the land. No other items will be permitted for display or sale from the market.
- The market will be held once a week (Sundays) between the months of September and December each year.
- Hours of operation are 9am-3pm. A total of two staff will be employed.
- Two food vendors and a coffee vendor will be set up on an existing concrete area outside the front of the existing building.

- An existing gravel car park (capacity of 80-100 spaces) is located adjacent to the existing outbuildings (sheds) within the front (western) portion of the subject land. Parking for stallholders is provided to the south and east of the shed.
- Vehicle access to the subject land is via two existing access points (entry and exit) at the southern end of the site.

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

### Planning Controls

Zone	(Clause 35.04 – Green Wedge Zone)	A permit is required to use the land for the purposes of a market.
Overlays	Nil	
Particular Provisions	(Clause 52.06 – Car Parking)	8 car spaces are required per 100 square metres of floor area. A total of 52 car spaces are required for the proposal. The application makes provision for 80-100 car spaces with an additional overflow car parking area (50 car spaces) available to the north of the existing car park.

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

#### Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

#### Is the land of Cultural Heritage Sensitivity?

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

## 2. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

### 1. Managing our Growth.

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

1.2 *Generate an innovative local economy that stimulates opportunities for investment, business and training.*

## 3. Financial Considerations

No Council related financial considerations are involved with the application.

## 4. Consultation/Public Submissions

### Public notification of the application

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

The grounds of objection may be summarised as follows:

- The proposal will cause traffic and safety issues on Leakes Road and Melton Highway.

- Unreasonable impacts on nearby properties such as noise, rubbish and vehicle activity.
- Hours of operation are not clearly stated.
- Gravel and dirt/mud on the road.
- Loss of property values.
- The proposal will adversely impact on the rural living and agricultural uses in the area.
- The proposal would create an eyesore when viewed from Leakes Road.

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

#### **Referral of the application**

The application was referred to a number of Council departments for comment and advice. The application was also required to be referred to Vic Roads, Melbourne Water and Department of Economic Development, Jobs, Transport and Resources. A complete list of responses is included in **Appendix 5**.

## **5. Issues**

### **Planning Assessment**

Council has previously considered two planning permit applications to use and develop the subject land for the purposes of a market. The first planning application (PA2009/2401) proposed a farmers market (2,400 square metres of floor area and 146 market stalls) and trout farm with associated car parking and earthworks (landfill). Council resolved to refuse this application at its meeting on 3 March 2011 on the grounds that the proposal was inconsistent with state and local policies relating to green wedge areas, agriculture and tourism.

The second planning application (PA2012/3520) also proposed a farmers market (940 square metres of floor area and 58 market stalls) with associated car parking. Council resolved to approve this application at its meeting on 20 September 2012. However, an appeal against Council's decision was lodged with the Victorian Civil and Administrative Tribunal (VCAT). The Tribunal set aside Council's decision and directed that no planning permit be issued for the proposal on the grounds that the location was unsuitable for the use due to its lack of exposure to Melton Highway, poor public transport access, was not located in proximity to any existing or proposed activity centres and would result in the loss of productive agricultural land for a retail use. However, the Tribunal also commented that the use of the land for a market was not discouraged, was unlikely to prejudice intensive agricultural activities and would complement existing agricultural uses on the subject land.

The market proposed as part of this application is significantly different in terms of its size and scale compared with those previously considered by Council. The type of market proposed as part of this application is also different as it is directly associated with the existing agricultural use (cultivation and ancillary sale of Christmas trees) of the land and will operate from one of the existing outbuildings (shed) on the land. The products to be sold at the market will be limited to handmade and commercially made Christmas tree decorations and Christmas themed products. A condition can be included restricting the nature of items which can be sold from the market in a similar way to the planning permit issued for the existing Christmas Tree Farm located nearby in Taylors Road.

The market is proposed to operate one day a week (Sundays) from 9am-3pm during the months of September to December each year compared to previous applications where the markets were proposed to operate every weekend for the entire year. In this regard, the proposed market contemplated by this application is of a much smaller scale than those previously considered by Council and the Victorian Civil and Administrative Tribunal, and is

also seasonal in nature, as opposed to a year round market.

The proposal is consistent with the State and Local Planning Policy Framework (including Council's Municipal Strategic Statement and Council's Rural Land Use Policy) and the purpose and decision guidelines of the Green Wedge Zone.

The proposed use will complement the existing agricultural use of the land, protect and conserve the green wedge values of the land and will not result in the loss of any productive agricultural land.

The proposal is consistent with the objectives of Council's adopted Western Plains North Green Wedge Management Plan. The subject land is located in Precinct 3 (Leakes Road-Holden Road) which is characterised by open, flat landscapes with large lot sizes (generally over 40 hectares) and lack of development. The application will not involve any changes to the existing landscape as no buildings or works are to be undertaken on the subject land as part of the proposed market. The proposal will also complement the existing agricultural use of the land and will not create any conflict with future agricultural activities.

The market will occupy a total floor area of 648 square metres.

Based on the standard car parking ratio for market outlined under Clause 52.06 of the Melton Planning Scheme, a total of 52 car spaces are required on site for the proposal.

An existing unmarked gravel car park is located to the west of the existing buildings within the front portion of the subject land. The applicant has advised that this car park has the capacity to accommodate 80 to 100 vehicles. There is also the opportunity for an overflow car parking area to be provided directly north of this car park with the capacity to accommodate another 50 vehicles. Therefore, it is considered that adequate car parking is available on the subject land for the proposed use.

Council's Engineering Department has advised that the existing car park is not line marked and has requested amended plans be submitted showing dimensions of car spaces and access lanes and details showing the demarcation of car parking areas. The existing vehicle crossovers in Leakes Road will need to be upgraded to meet Council's rural standards, including sealing the crossover directly adjacent to Leakes Road to prevent migration of dirt and other debris on to Leakes Road. Also, additional works will be required in Leakes Road in the form of a suitable intersection treatment and upgrade of Leakes Road adjacent to the front of the site, such that suitable left and right turn treatment into the site in accordance with an approved functional layout plan that satisfies AustRoads guidelines is provided at the cost of the applicant.

It is also noted that no details have been provided as part of the application in relation to how traffic entering and exiting the subject land will be managed. The applicant has advised that there is currently no traffic management plan for the existing Christmas Tree Farm. However, given the potential increase in traffic likely to be generated by the proposed use, it is recommended that a traffic management plan be prepared which will address how traffic entering and exiting the site will be managed, including how they will be directed to and from designated car parking areas. This can be requested as a condition should Council resolve to approve this application.

The application has been referred to a number of Council departments along with Vic Roads, Melbourne Water and Department of Economic Development, Jobs, Transport and Resources. The issues raised can be addressed as conditions (amended plans) should Council resolve to approve the proposal.

The grounds of objection are acknowledged, however, cannot be substantiated. Whilst the proposal is likely to generate an increase in traffic, conditions suggested to form part of any approval given will address residents' issues relating to traffic or safety concerns along Leakes Road and the Melton Highway. Council's Engineering Department has suggested appropriate conditions to form part of any approval given, and Vic Roads have not objected to the application.



The proposal is unlikely to cause any adverse impacts on the amenity of adjacent or surrounding properties in terms of noise, rubbish and vehicle activity. The hours of operation are outlined earlier in this report and are considered reasonable. Conditions proposed to form part of any approval are proposed to address concerns raised in relation to gravel or dirt/mud on the road. The loss of property values is not a relevant planning consideration.

The proposal will complement the existing rural living and agricultural use and activities occurring on adjacent and surrounding properties as well as non rural uses (quarry, materials recycling facility and Leakes Road Tourist Precinct) located in the area. The proposal will not create an eyesore to the street as the market will be operating from one of the existing sheds and no new buildings or works are proposed as part of this application.

There are also significant points of difference between this proposal and those previously considered by both Council and Victorian Civil and Administrative Tribunal, with those points of difference being the seasonal nature of the proposed market (ie: September to December), the limited hours of operation for the proposed market (Sundays 9am-3pm) and the utilization of an existing shed on the land, as opposed to any new buildings.

## 6. Options

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

## 7. Conclusion

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

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

Therefore, it is recommended that the application be approved as outlined in **Appendix 6**.

## LIST OF APPENDICES

1. Locality Plan - dated 12 January 2017
2. Development Plans - undated
3. Assessment against Planning Scheme - undated
4. Response to objections - undated
5. Referral comments - undated
6. Notice of Decision to Grant a Permit conditions - undated

## 12.8 AMENDMENT C171 TO THE MELTON PLANNING SCHEME - RETAIL ACTIVITY CENTRES STRATEGY AMENDMENT

Author: Georgina Borg - Strategic Planner  
Presenter: Laura-Jo Mellan - Manager City Design, Strategy & Environment

### PURPOSE OF REPORT

To consider submissions received in response to Amendment C171 to the *Melton Planning Scheme* during the exhibition period.

### RECOMMENDATION:

That Council:

1. Request the Minister for Planning to establish an independent Planning Panel to consider unresolved submissions received in response to Amendment C171 in accordance with the *Planning and Environment Act 1987*.
2. Authorise the General Manager Planning and Development to negotiate and resolve issues that are raised during the Planning Panel process prior to the Amendment being reported back to Council for consideration.

Crs Hardy/Kesic. That the recommendation be adopted.

**CARRIED**

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## REPORT

### 1. Executive Summary

Amendment C171 seeks to amend the *Melton Planning Scheme* to implement the recommendations of the *Melton Retail and Activity Centres Strategy* (the Strategy). The Strategy was adopted by Council at the Ordinary Meeting of 1 April 2014 (**Appendix 1**).

At its Ordinary Meeting on 10 November 2015, Council resolved to prepare and exhibit Amendment C171 to the *Melton Planning Scheme* to implement the recommendations of the Strategy.

Following this resolution, Council Officers sought authorisation to commence the amendment from the Department of Environment, Land, Water and Planning (DELWP). Subsequently the draft amendment was publicly exhibited during the period of 11 August 2016 – 8 September 2016 and 12 submissions were received (submissions are summarised in section five of this report and detailed in **Appendix 2**).

It is recommended that Council request the Minister for Planning to establish an independent Planning Panel to consider unresolved submissions received in response to Amendment C171 in accordance with the *Planning and Environment Act 1987*.

### 2. Background/Issues

#### Melton Retail and Activity Centres Strategy

Council has a role in shaping development to deliver a network of centres that individually and collectively meets the needs of our residents, businesses and institutions. In this context, Council commenced the preparation of the *Melton Retail and Activity Centres Strategy* (the Strategy) in 2013.

The Strategy is underpinned by strong economic, planning and urban design analysis and provides a robust policy framework to guide the future development of activity centres supporting long term integrated land use planning and the delivery of a hierarchy of retail and activity centres across the Municipality.

The Strategy provides directions for Council in its planning for centres, a framework for the assessment of development proposals and support for retailing and activity centres throughout the Municipality.

The preparation of the Strategy was identified as critical to informing the update of the *Municipal Strategic Statement* and relevant local policies in the 2012 Planning Scheme Review adopted at the Ordinary Council Meeting of 26 July 2012.

The Strategy was undertaken in four stages and included consultation with the community and stakeholders at key stages:

- Stage 1: Project Inception
- Stage 2: Preparation of the Background Technical Report
- Stage 3: Preparation of the Draft Strategy
- Stage 4: Finalisation of Strategy

The Strategy was adopted by Council at the Ordinary Meeting of 1 April 2014 (**Appendix 1**).

#### **Amendment C171**

Following Council's adoption of the Strategy at its Ordinary Meeting of 1 April 2014, Council was advised by DELWP to delay any proposed amendment to implement the Strategy due to the expected change to the format of the Planning Scheme that was due to be released by the State government at that time.

The proposed change to the format of the Planning Scheme never eventuated and at its Ordinary Meeting on 10 November 2015, Council resolved to prepare and exhibit Amendment C171 to the *Melton Planning Scheme* to implement the recommendations of the Strategy (**Appendix 3**).

Following Council's resolution, Council Officers sought authorisation from DELWP to commence the amendment on 6 July 2016, which was granted.

In consultation with DELWP, Amendment C171 was publicly exhibited during the period of 11 August 2016 – 8 September 2016 (refer to **Appendix 4** for exhibited amendment documentation) and 12 submissions were received through this process.

#### **Strategic Assessment of 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 consistent with the SPPF as follows:

- *Clause 11.01 (Settlement): Activity Centres* seeks to establish a well connected network of activity centres that provide a variety of land uses such as retail, commercial, residential, leisure and community facilities. The hierarchy of centres as identified in proposed Clause 21.05 of the amendment provides for a connected network of centres that have differing uses and roles to meet existing and future community needs.

- *Clause 11.02 (Settlement): Urban Growth* seeks to ensure that adequate land is available for a variety of land uses (such as those uses stated above) to support future growth and meet forecast demand. The hierarchy of centres identified in proposed Clause 21.05 of the amendment provides adequate land for the municipality for these land uses based on a detailed analysis that assessed future population growth and future retail and commercial demand for the municipality.
- *Clause 11.04 (Settlement): Metropolitan Melbourne* aims to create healthy and active 20 minute neighbourhoods and plan for jobs closer to where people live. Proposed Clause 21.05 supports this objective through the implementation of a hierarchy of centres that promotes accessibility to all residents. The hierarchy of centres integrates with the existing and proposed transport network to provide residents access to goods and services and a range of local employment opportunities.
- *Clause 17.01 (Economic Development): Commercial* seeks to locate commercial development in existing or planned activity centres and discourages out of centre development. The amendment, specifically the strategies of proposed Clause 21.05 discourages commercial and retail development into identified existing, planned and proposed centres in the hierarchy. Proposed Clause 22.06 supports the inclusion of commercial development into new centres, and also includes a policy to assess the introduction of new centres (not identified in the hierarchy) on a 'needs only basis.'
- *Clause 19.02 (Infrastructure)* encourages health, education, social and cultural facilities to integrate in appropriate activity centres to achieve co-location opportunities. Proposed Clause 21.05 in the amendment encourages a variety of uses in our centres to provide higher order essential services to residents such as health and education and recreational and entertainment services.

It should be noted that Amendment C171 proposes to update the LPPF to implement the recommendations of the adopted Strategy and reflect the objectives of the SPPF as outlined above (**Appendix 4**).

### **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. Statutory fees such as those associated with a Planning Panel are required to be borne by Council as the Responsible Authority. The budget for Planning Scheme Amendments is within the units recurrent budget.

### **5. Consultation/Public Submissions**

#### **Public Exhibition**

The amendment was on public exhibition from 11 August 2016 – 8 September 2016 and involved letters (giving notice) to affected land owners and occupiers and Government bodies and agencies who may be materially affected by the amendment.

Letters were sent to affected land owners and occupiers in the following areas (noting that this amendment is retail focused):

- Commercial 1 and 2 Zones throughout the Municipality;

- Industrial 1 Zone at the Melton Homemaker Precinct;
- Comprehensive Development Zone at the Caroline Springs Town Centre; and
- Mixed Use Zone at the future town centre location at Eynesbury.

Letters were sent to the following Government bodies and agencies:

- Prescribed Ministers
- Victorian Planning Authority
- Surrounding Councils (Brimbank, Hume, Macedon, Moorabool and Wyndham).

Attached to all letters were the following copies of the draft amendment documentation (**Appendix 4**):

- Draft Explanatory Report of Amendment C171
- Draft Clause 21.05 to the *Melton Planning Scheme*
- Draft Clause 22.06 to the *Melton Planning Scheme*.

Notices were placed in the local newspaper the *Melton and Moorabool Star Weekly* and the *Government Gazette* and posted on DELWP's and Council's website.

### Submissions

A total of 12 submissions were received in response to the amendment (refer **Appendix 5** Locality Map). On 13 December 2016, Council Officers provided a response to submitter objections and revised Clauses 21.05 and 22.06. Revised Clauses 21.06 and 22.06 attempted to resolve a number of objections (**Appendix 6**). The majority of submitters have responded to the Council Officers either:

- Outlining their unresolved issues or
- Withdrawing their submission as they are satisfied with Council Officers response.

The table below summarises the outstanding issues of submitters and Council Officers responses to the outstanding issues at the time of writing this report. Full details of original submissions, Council responses to original submissions and outstanding issues are detailed in **Appendix 2**.

At the time of writing this report ongoing negotiations are taking place to resolve outstanding issues and the status of the submissions are as follows:

- Four submissions are in support of the amendment.
- Two submissions have been withdrawn.
- Six submissions are in objection to the amendment.

If Council resolves to request a Panel for Amendment C171, Council Officers will continue to negotiate with submitters in a bid to resolve outstanding issues before the commencement of the Planning Panel.

Submitter	Outstanding Issues	Council Response
Citinova Development Managers	<p>Principally concerning a site at 24 Melton Highway</p> <ul style="list-style-type: none"> <li>• In regards to the following policy objective in proposed Clause 22.06 <i>'To ensure equitable and efficient access to goods and services for all residents,'</i></li> </ul>	<p>No further changes are proposed to the amendment ordinance for the following reasons:</p> <ul style="list-style-type: none"> <li>• The amendment cannot consider alternate uses as the zone applied to the land determines the uses allowed. Alternate uses</li> </ul>

Submitter	Outstanding Issues	Council Response
	<p>Citinova suggest amending this wording to include alternative uses within existing centres as follows:</p> <p><i>‘Consider alternate uses in existing activity centres and neighbourhood centres, including the Bulky Goods Precinct, where there has been higher than expected population growth or where the network needs to be adjusted in order to meet resident needs.’</i></p> <ul style="list-style-type: none"> <li>• Citinova suggest that the term ‘(existing)’ is either removed in Figure 1 (formerly Map 1) to proposed Clause 21.05 or the following wording is added to the Bulky Goods Precinct section on the legend:</li> </ul> <p><i>‘and the potential additional site of 24 High St, Melton.’</i></p>	<p>can only be considered through a rezoning of land, which is out of scope of this amendment.</p> <ul style="list-style-type: none"> <li>• The term ‘existing’ on Figure 1 of proposed Clause 21.05 identifies the centres that are ‘existing’ in the municipality.</li> </ul> <p>Council Officers do not agree with identifying the site (24 High Street) in Figure 1 as it is not an existing, planned or proposed centre identified in the retail hierarchy. Any proposed application for an activity centre or rezoning is out of scope of this amendment.</p>
<p>Ranfurlie Developments</p>	<p>Ranfurlie is concerned about:</p> <ul style="list-style-type: none"> <li>• The accuracy of the Strategy that Council is relying upon as the basis of Amendment C171.</li> <li>• The introduction of indicative floor space allowances and percentages requesting they should be limited to activity centres in growth areas only.</li> <li>• The ongoing encouragement of additional ‘restricted retail premises’ within the Burnside Activity Centre even though the market has demonstrated an over-saturation of this land use.</li> </ul> <p>Ranfurlie request:</p> <ul style="list-style-type: none"> <li>• The softening of the wording surrounding the discouraging of out of centre retail/commercial development.</li> </ul>	<p>No further changes are proposed to the amendment ordinance for the following reasons:</p> <ul style="list-style-type: none"> <li>• The Strategy was developed based on detailed economic analysis and accounts for the projected growth in the municipality. The Strategy was tested through a separate consultation process and was adopted by Council in 2014. Regardless of any changes since adoption, there are no differences to the objectives of the Strategy or the retail hierarchy which form the strategic directions of the document.</li> <li>• The floor space allowances and non-retail use percentages are a guide only and are</li> </ul>

Submitter	Outstanding Issues	Council Response
		<p>intended to be a target for Council and developers as to the extent of land required and to encourage a mix of retail and non-retail uses and a wider range of local employment opportunities. The language around these numbers is clear that they are a target.</p> <ul style="list-style-type: none"> <li>• The Strategy notes that Burnside would be able to offer a more extensive bulky goods offering due to its position on the Western Highway and availability of land. This is not prescriptive and proposed Clause 21.05 does not specifically mention restricted retail in regards to Burnside Activity Centre.</li> <li>• The wording surrounding the discouragement of out of centre development was not included in the revised versions of the proposed Clauses distributed to all parties on 21 December 2016.</li> </ul>
<p>Geopec</p>	<p>Council Offers are awaiting a response from Geopec, therefore issues in their original submission are considered as outstanding issues.</p> <p>Geopec is concerned about:</p> <ul style="list-style-type: none"> <li>• For the Chisholm House site at 1-7 Caroline Springs Boulevard, the retail hierarchy is too prescriptive as: <ul style="list-style-type: none"> <li>- The site is smaller than is required for a Neighbourhood Activity Centre yet larger than typically identified for most local convenience centres.</li> </ul> </li> </ul>	<p>The following is Council's response to Geopec's original submission.</p> <p>No further changes are proposed to the amendment ordinance for the following reasons:</p> <ul style="list-style-type: none"> <li>• The assessment of Chisholm House is out of scope of this amendment.</li> <li>• Discretion is given to Council Officers through the updated policy at Clause 22.06 to consider proposals for new centres (other than those identified in approved PSPs).</li> <li>• The floor space allowances for centres are</li> </ul>

Submitter	Outstanding Issues	Council Response
	<ul style="list-style-type: none"> <li>- The desire to create a mix of uses on the site means it is difficult to specifically classify the floor space scale, mix and function.</li> <li>- The retail hierarchy does not allow for an appropriate degree of flexibility and discretion for Council to consider proposals in more established parts of the municipality.</li> <li>• Council must retain the ability to consider on merit proposals which by innovation or necessity do not neatly fit into the retail hierarchy framework.</li> <li>• Geopac are uncomfortable with the highly prescriptive and definitive working of key elements in Amendment C171 such as in 22.06 <i>'Ensure new local activity centres are between 300sqm and 800sqm.'</i> This wording is more prescriptive than the generalised description used in the Strategy itself that a local activity centre should <i>generally provide retail space in the range of 300sqm to 800sqm.'</i></li> </ul>	<p>a guide only and are intended to be a target for Council and developers as to the extent of land required. The language around these numbers is clear that they are a target.</p> <p>Wording has been added into proposed Clauses 21.05 and 22.06 that indicates 'larger local activity centres' (larger than 800 square metres) may be considered where the local demand for services warrants and where it does not adversely affect the development of nearby larger centres.</p>
Mount Atkinson Holdings (MAH)	<ul style="list-style-type: none"> <li>• MAH request that the Hopkins Road Business Precinct be included in the retail hierarchy as a restricted retail precinct.</li> </ul>	<ul style="list-style-type: none"> <li>• The recent release of the <i>C162 Mt Atkinson and Tarneit Plains PSP Panel Report</i> (9 December 2016) will affect Council Officers and potentially the submitters response to this outstanding issue.</li> </ul> <p>The Panel Report recommends deleting the 40,000 square metre restricted retail soft cap of the Hopkins Road Business Precinct in section 2.4 of the Urban</p>



Submitter	Outstanding Issues	Council Response
		<p>Growth Zone 9 (UGZ9).</p> <p>If the Planning Authority, the Victorian Planning Authority (VPA) chooses to adopt this recommendation, Council Officers will not support Hopkins Road Business Precinct being included in the retail hierarchy as a restricted retail precinct. This will not be supported, as the soft cap in the UGZ is the only mechanism that identifies restricted retail in the Hopkins Road Business Precinct. However it should be noted that this will not affect the submitters ability to develop restricted retail at this location as it is an as of right use in the Commercial 2 Zone.</p> <p>If the VPA does not choose to adopt the recommendation, and retains the soft cap explained above, then Council Officers will support introduction of the Hopkins Road Business Precinct into the retail hierarchy as a restricted retail precinct. Council Officer support will be based on the restricted retail soft cap in the UGZ providing clear policy direction for the Hopkins Road Business Precinct.</p>
<p>Avid Property Group</p>	<p>Council Offers are awaiting a response from Avid, therefore issues in their original submission are considered as outstanding issues.</p> <p>Avid is concerned about:</p> <ul style="list-style-type: none"> <li>• The proposed policy wording seeking to implement a discretionary requirement for</li> </ul>	<p>The following is Council's response to Avid's original submission.</p> <p>No further changes are proposed to the amendment ordinance for the following reasons:</p> <ul style="list-style-type: none"> <li>• The Diggers Rest UDF is an endorsed document that identifies the areas of</li> </ul>

Submitter	Outstanding Issues	Council Response
	<p>minimum non-retail floor areas of 30% in Neighbourhood Activity Centres.</p> <p>The future activity centre at Bloomdale Estate in Diggers Rest has approval under the approved Diggers Rest Urban Design Framework (UDF), however will be subject to future planning permit applications. Avid seek assurance that the 30% of non-retail will not obstruct the issue of future planning permits to deliver the centre.</p>	<p>retail and non-retail uses for the Neighbourhood Centre, therefore the 30% non-retail policy cannot be applied retrospectively. In any case the figure of 30% non-retail space is only a target to allow developers and Council allocate an appropriate area of land for development.</p>
Lend Lease	<p>Lend Lease is concerned about:</p> <ul style="list-style-type: none"> <li>• The elevation of Burnside in the retail hierarchy from a neighbourhood activity centre to an activity centre and the lack of strategic planning work done by Council to justify this. Further Plan Melbourne refers to certain tests to be met for new centres to identify new centres and their locations and Lend Lease are concerned this was not taken into account.</li> <li>• That it is not clear that the independent finding of the Melton C91 and 112 Panel Report has appropriately filtered through to Amendment C171.</li> <li>• The non-retail percentage of 40% and how it will apply to the Caroline Springs Town Centre.</li> </ul>	<p>No further changes are proposed to the amendment ordinance for the following reasons:</p> <ul style="list-style-type: none"> <li>• Amendment VC100, prepared by the Minister for Planning, reformed the previous Business Zones to two new Commercial Zones and removed all floor space caps for these commercial zones. This is implemented through the commercial zones in the Victorian Planning Provisions.</li> </ul> <p>The Melton C91 and C112 Panel Report (21 September 2012) occurred before Amendment VC100 and given this State policy change the Panel Report is out of date.</p> <p>The Strategy acknowledges the provision of these new zones and the amount of land zoned for Commercial 1 and 2 at Burnside, which would enable the development as an activity centre rather than a neighbourhood</p>

Submitter	Outstanding Issues	Council Response
		<p>activity centre.</p> <ul style="list-style-type: none"> <li>The non-retail use percentages are indicative only and are intended to be a target to encourage a mix of retail and non-retail uses in centres. The language around these numbers is clear that they are a target.</li> </ul> <p>The percentage target will not impact any current approvals for the centre. In any case, indicative percentages are intended to apply to the whole centre and not to any one particular site. Any future stages will still be subject to discussion with Council.</p>

## 6. Risk Analysis

Proceeding with an independent Planning Panel, will provide submitters the opportunity to be heard by an independent third party and for Council to present their position on the issues referred to the Panel in accordance the *Planning and Environment Act 1987*. The recommendations of the Panel will be reported to Council for consideration.

Should Council choose to abandon the amendment, it will result in a lack of strategic justification and clear direction for Council Officers to facilitate appropriate development and determine future planning permit applications for existing and future retail and activity centres. It will also undermine the policy direction of the Strategy adopted in 2014.

## 7. Options

Council can resolve to either:

- Request the Minister for Planning to establish an independent Planning Panel to consider unresolved submissions received in response to Amendment C171 in accordance with the *Planning and Environment Act 1987* and authorise the General Manager of Planning and Development to negotiate and resolve any issues raised during the Planning Panel process prior to the Amendment being reported back to Council for consideration.
- Abandon the amendment.

## LIST OF APPENDICES

- Pages from the Minutes of the Ordinary Meeting of Council - dated 1 April 2014
- Submission Table - undated
- Pages from the Minutes of the Ordinary Meeting of Council - dated 10 November 2015

4. Amendment C171 Exhibition Documentation - undated
5. Locality Map - dated 31 November 2017
6. Revised Clauses 21.05 and 22.06 - undated

## 12.9 MELTON HIGHWAY - STATUS OF FUTURE UPGRADE

Author: Charles Cornish - Manager Engineering Services  
Presenter: Luke Shannon - General Manager Planning & Development

### PURPOSE OF REPORT

To inform Council of the status of the VicRoads process and investigations into the duplication of the Melton Highway.

### RECOMMENDATION:

That Council:

1. note the status of the VicRoads Preliminary Planning Study into the duplication of the Melton Highway; and
2. write to the Minister for Roads and local MP's advocating for the duplication of the Melton Highway to be funded.

Crs Abboushi/Mendes. That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

VicRoads have completed a Preliminary Planning Study for Melton Highway between The Regency and Federation Drive, along with an Investment Logic Mapping process for the duplication of the Melton Highway. These are key steps in the process to seek funding from Government for the duplication of the Melton Highway, however there is still uncertainty as to the timing to complete the process to present a business case to Government to bid for the required funds.

The duplication of the Melton Highway or the staged duplication of this highway will become critical to support development along this corridor and provide a safe road environment. Council has recently employed an advocacy adviser to work across Council to facilitate and develop advocacy strategies. Its intended that the Melton Highway duplication will form part of future strategy.

### 2. Background/Issues

The Melton Highway is a state arterial road, with VicRoads being the co-ordinating road authority for this key east-west link within the municipality. VicRoads have been active in planning for the duplication of Melton Highway, including having completed a Preliminary Planning Study.

#### Preliminary Planning Study

VicRoads completed a Preliminary Planning Study for Melton Highway between The Regency and Federation Drive in July 2016.

The purpose of the study being:

- Investigating the suitability of the existing road reservation for the ultimate configuration of Melton Highway (3 lanes in each direction).

- Developing concept designs for an improved crossing of Kororoit Creek due to road safety risks.
- Identifying any constraints and future requirements associated with the duplication of Melton Highway.
- Identifying any land acquisition requirements.

The study included input from Council and the Victorian Planning Authority, and identified the following:

- The majority of the current road reservation can accommodate the future ultimate alignment of Melton Highway, with additional land likely to be required for an improved crossing of Kororoit Creek.
- The study included a Preliminary Cultural Heritage Study and Biodiversity Assessment which identified potential areas of significance. Further detailed environmental investigations will be required as part of any future studies.

The study was presented to the VicRoads - Metro North West Region - Project Review Committee, which required that a series of Investment Logic Mapping (ILM) workshops be conducted in conjunction with the City of Melton to further explore issues and options associated with an upgrade of Melton Highway. The ILM workshops were completed in December 2016 and involved participation from City of Melton representatives.

### **Next Steps**

#### ***Formal Planning Investigation***

VicRoads - Metro North West Region has advised that a budget submission has been made for funding to undertake a formal planning investigation for the duplication of Melton Highway from The Regency to Federation Drive. This will include:

- Detailed environmental investigations.
- Options assessments (including any staging options)
- A potential planning scheme amendment for any additional land required to improve the Melton Highway alignment at Kororoit Creek
- .The formal planning investigation will take approximately 1 to 2 years.

It is expected that the success of the funding application will be known before mid 2017.

#### ***Strategic Assessment & Business Case***

Following the completion of the formal planning investigation, the process for securing funding for construction works involves the preparation of a business case for submission to government, in line with the Department of Treasury and Finance requirements. This process involves;

- Investment Logic Mapping (ILM) process (this has already been completed);
- Preparation of a Strategic Assessment for review by Department of Economic Development, Jobs, Transport and Resources.
- Preparation of a full business case (typically business cases are presented to Government at the end of the calendar year).

### **Discussion**

VicRoads have undertaken key steps in the process to seek funding from Government for the duplication of the Melton Highway, however there is still uncertainty as to the timing to ultimately complete the process to present a business case to Government to bid for and secure the required funds.

Traffic volumes on Melton Highway will continue to increase, particularly when considering the Plumpton Precinct Structure Plan will be gazetted later this year which will facilitate the development of the land directly south of the Melton Highway between the Hillside area and Plumpton Road for urban development. The duplication of the Melton Highway or the staged duplication of this highway will become critical to support development along this corridor and provide a safe road environment.

Council has recently employed an advocacy adviser to work across Council to facilitate and develop advocacy strategies. Its intended that the Melton Highway duplication will form part of future strategy. To assist advocacy efforts for the duplication of the Melton Highway it would be appropriate to write to local MP's and relevant Ministers seeking funding for this project to enable VicRoads to complete key studies and ultimately implement the construction works.

Council has also recently written to VicRoads proposing a joint study to review potential interim improvements to the intersection of Leakes Road and Melton Highway, following a number of vehicle collisions at this intersection.

### **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

*1.5 Support a transport system that connects and moves our community*

### **4. Financial Considerations**

There is no financial consideration for Council from this item.

### **5. Consultation/Public Submissions**

At this stage there is no public consultation required or planned. VicRoads will undertake the required consultation as the project progresses and it would be expected that Council will be involved in this process.

### **6. Risk Analysis**

There are no risk issues associated with Council advocating for improvements to the arterial road network managed by VicRoads.

### **7. Options**

That Council:

1. Advocate State Government to duplicate the Melton Highway.
2. Do not actively advocate for the duplication of the Melton Highway.

### **LIST OF APPENDICES**

Nil

**12.10 THRICE LANE & GLOAMING RIDE, KURUNJANG - THROUGH TRAFFIC REVIEW**

**Author: Charles Cornish - Manager Engineering Services**  
**Presenter: Luke Shannon - General Manager Planning & Development**

**PURPOSE OF REPORT**

To respond to Notice of Motion 441 that sought a report on options available regarding the opening or not of Thrice Lane and Gloaming Ride to through traffic.

**RECOMMENDATION:**

That Council not reopen Gloaming Ride and Thrice Lane to through vehicle traffic.

Crs Kesic/Mendes.

That Council not reopen Gloaming Ride and Thrice Lane to through vehicle traffic at present.

CARRIED

Cr Ramsey called for a division of Council

**For:**

Crs Abboushi, Carli, De Santis, Hardy, Kesic, Mendes and Ramsey

**Against:**

Cr Turner

The Mayor declared the division CARRIED

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**REPORT****1. Executive Summary**

This report summarises the history of the Thrice Lane and Gloaming Ride road closure and reviews the options regarding the reopening of this road closure.

Reopening the link between Thrice Lane and Gloaming Ride will provide better access and allow for a potential public transport bus route to serve this area. However reopening this link will result in increased traffic along these streets and a potential loss of amenity for residents abutting Thrice Lane and Gloaming Ride.

Gloaming Ride and Thrice Lane are also rural standard roads and as such have not been built to cater for a significant increase in traffic loading. Therefore any reopening must first involve an upgrade of both these roads, with the required works estimated to cost \$3.43M.

**2. Background/Issues****Site**

Gloaming Ride and Thrice Lane are located in Kurunjang and run in an east-west direction, extending from Coburns Road in the west to Outlook Ride in the east, a distance of approximately 1.2 kilometers (refer to the Appendices for a locality plan). Gloaming Ride and Thrice Lane each terminate with a cul-de-sac and are separated by barriers and a distance of approximately 50m.



## History

### 1986 – Gloaming Ride & Thrice Lane closed to through traffic

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

- a. *Council, pursuant to section 539C of the Local Government Act 1958, having duly considered written objections received and a report from the Road Traffic Authority hereby resolves to close to through traffic the east-west Government Road situated 0.8km north of Centenary Avenue, Melton through erection of barriers situated approximately in line with the 2029/2030 and 2031/2032, with the effective date of the said closure being Monday, March 16th, 1987, being after the estimated completion of construction for the northern section of Kurunjang Drive.*
- b. *That the Road Traffic Authority, adjoining owner, objectors to the road closure proposal and local Emergency Agencies be advised of Council's decision as in a) above*
- c. *That appropriate arrangements be made regarding special access (if desired) past the locked barriers with respect to bona-fide transport of agricultural machinery, also with respect to fire emergency access by the Melton Fire Brigade.*

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

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

### 2001 – Kurunjang LATM

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

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

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

Recommendation 5 never occurred and was subsequently built out.

**2009**

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

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

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

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

The Section 223 committee received submissions on 26 May 2009 and again on 2 June 2009 and reconvened on 9 June 2009 to consider an officers report. The Officers report recommended Thrice Lane and Gloaming Ride remain closed. The Committee made the following recommendation to Council:

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

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

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

The duplication of Centenary Ave was completed in 2013.

**2016**

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

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

**Motion**

*Following consideration of the Officer's report on 30 May 2016, Council resolved to:*

1. *Retain the current arrangement and that Thrice Lane and Gloaming Ride remain closed to through traffic.*
2. *Council's Engineering department undertake detailed design work to ascertain costs for a report for Council.*

CARRIED

### **Emergency Services**

In March 2016 comments were sought from the emergency services agencies, in particular Country Fire Authority (CFA) and Ambulance Victoria to understand their position on this matter, with the following responses received:

#### **CFA response**

*'It would appear this emergency access point was provided several years ago. While at the time CFA often required such alternative access points into subdivisions, it is less mandatory today. In saying this CFA would still like to retain such an emergency access easement with allocated keys to the local Melton Fire Brigade.'*

#### **Ambulance Victoria response**

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

### **Works required to open Thrice Lane & Gloaming Ride to through traffic**

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

To enable Gloaming Ride and Thrice Lane to be opened safely to through traffic will require the existing pavement to be reconstructed and the overall pavement width increased, this work is required along the entire length of the Gloaming Ride and Thrice Lane link which is 1.2 kilometres.

Thrice Lane and Gloaming Ride have been surveyed and the required works to safely open this link to through traffic scoped and designed. The cost of the required construction works has been estimated at \$3.43M and includes the following:

- Widening and reconstruction of the existing road pavement, the total length of road being 1.2 km
- Construction of kerb and channel
- Construction of concrete driveways
- Construction of underground drainage, including upgrade/construction of a drainage outfall to serve this area
- Lowering of a Western Water water main
- Construction of a concrete shared path and concrete footpath
- Construction of traffic calming treatments along Gloaming Ride and Thrice Lane, including speed humps
- Construction of a right turn lane at the intersection of Coburns Road and Gloaming Ride
- Upgrade of public lighting

### **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
  - 1.5 Support a transport system that connects and moves our community

#### **4. Financial Considerations**

The estimated cost of works required to open Gloaming Ride and Thrice Lane to through traffic is \$3.43M, which would have to be funded from Councils Capital Works Program.

#### **5. Consultation/Public Submissions**

Council has received a petition from 435 signatories requesting that Gloaming Ride and Thrice Lane be opened to through traffic.

#### **6. Risk Analysis**

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

#### **7. Options**

##### **a. Open Thrice Lane & Gloaming Ride to Through Traffic**

Upgrade Thrice Lane and Gloaming Ride and thereafter reopen it to through traffic.

Negative impacts of this option are:

- Council will have to inform the owners of properties in Thrice Lane and Gloaming Ride of a decision to review the reopening of this road to through traffic and undertake a consultation process, most likely a number of impacted properties have changed owners since the previous 2009 consultation process. It would be expected that this will result in objections from the owners of properties in Thrice Lane and Gloaming Ride.
- Property owners who purchased in Gloaming Ride and Thrice Lane bought their property based on it being a low density development with little traffic movements and with the understanding that the subject roads were cul-de-sacs and not open to vehicle traffic. Some of these properties owners may consider that the option to reopen these roads to through traffic has a detrimental impact on their amenity.
- Thrice Lane and Gloaming Ride have to be upgraded to accommodate the through traffic at an estimated cost of \$3.43M. Council will have to review the Capital Works Program to prioritise the timing of this work against competing projects.
- Gloaming Ride and Thrice Lane will require traffic calming measures such as raised platform style speed humps to slow traffic to an appropriate speed.

Positive impacts of this option are:

- Alternate travel paths are provided for vehicles to access the secondary arterial road network for properties in the areas serviced by Kurunjang Drive and Outlook Ride, improving access to destinations to the west including the Western Highway and Woodgrove Shopping Precinct.
- Congestion at the southern end of Kurunjang Drive, especially in the proximity of the Kurunjang Primary and Secondary Schools, will be reduced.
- Provides a potential route for public transport through this area, which requires Public Transport Victoria assessing the viability of this route and allocating funds for a bus service.

Actions required to implement this option:

- Council will have to inform the owners of properties in Thrice Lane and Gloaming Ride of a decision to review the reopening of this road to through traffic and undertake a consultation process with these owners.
- Council to prioritise and allocate \$3.43M from the Capital Works Program to undertake the required works to upgrade the Thrice Lane – Gloaming Ride link.
- Construct the required upgrade works to enable Thrice Lane and Gloaming Ride to function as a through road.

**b. Remain Closed to Through Traffic**

Thrice Lane and Gloaming Ride remain closed to through traffic preserving the status quo.

Negative impacts of this option are:

- The residential areas served by Kurunjang Drive continue to be reliant on this road as the sole road for all vehicle access to the secondary arterial road network (Centenary Avenue).
- Does not create a route for a potential public transport bus service to operate in this area.

Positive impacts of this option are:

- The properties abutting Thrice Lane and Gloaming Ride continue to experience low traffic volumes and retain a rural road type cross section.
- Capital works expenditure of \$3.43M is not required to upgrade Thrice Lane and Gloaming Ride.

Actions required to implement this option:

- Council would respond to all those who signed the petition lodged in 2016 advising them of this decision.

**Discussion**

The proposition of the petition is to reopen the Thrice Lane and Gloaming Ride link, providing a connection to Coburns Road for the areas served by Kurunjang Drive and Outlook Ride. Reopening this link will provide better access and allow for a potential public transport bus route to serve this area, however this must be weighed against the expenditure associated with the upgrade of the existing roads to bring about this link and the loss of amenity for the residents living in Gloaming Ride and Thrice Lane. Emergency services agencies have also been consulted and have not requested that the current road closure between Thrice Lane and Gloaming Ride be removed, therefore it is recommended that Thrice Lane and Gloaming Ride remain closed to through traffic.

**LIST OF APPENDICES**

1. Thrice Lane and Gloaming Ride Locality Plan - dated 16 January 2017

## 12.11 CONTRACT AWARD - 17/018 BRIDGE ROAD STREETScape

Author: Brendan Sell - Civil Projects Coordinator

Presenter: Luke Shannon - General Manager Planning & Development

### PURPOSE OF REPORT

To present to Council an overview of the Tender Assessment process and contract recommendation for Contract No. 17/018, streetscape works to Bridge Road, Melton South.

### RECOMMENDATION:

That Council:

1. receive and note the Tender Evaluation Reports found in **Confidential Appendix 1** (separately circulated)
2. award Contract No. 17/018 - Bridge Road Streetscape to CDN Constructions for the amount of \$534,029.77 (excluding GST), and make available a project contingency of \$25,970.23 for a total project budget of \$560,000
3. delegate to the Chief Executive Officer authority to execute all relevant documentation to award Contract No. 17/018 – Bridge Road Streetscape to CDN Constructions, and advise all Tenderers accordingly.

Crs Hardy/Mendes. That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

The purpose of this report is to present to Council an overview of the Tender Assessment process and contract recommendation for Contract No. 17/018 for the streetscape works at Bridge Road, Melton South.

Council committed to completing works to Bridge Road in 2016/2017, with funding to upgrade the streetscape to create a gateway to Atherstone Estate and to upgrade the road to a collector standard between Blamey Drive and Exford Road. Council allocated a budget of \$560,000.

The tender was advertised on 3 December 2016 and two responses were received. Both submissions were assessed in detail to clarify a variety of exclusions, conditions and contract departures. Tender interviews were conducted with both of the companies and referee checks conducted for the preferred contractor.

The contractor is required to commence construction in late February 2017 and complete the works by June 2017.

The assessment panel is recommending that the contract be awarded to CDN Constructions for the amount of \$534,029.77 (excluding GST).

### 2. Background/Issues

The objective of the Bridge Road Streetscape Project is two-fold.

1. To improve the aesthetics of the entrance way into Melton South with landscaping treatments to the north side including new trees, grassing, crossovers, kerb and footpath.
2. Upgrade the road to a collector standard including public lighting, modification to traffic management devices, addition of bike lanes and parking bays.

Due to growth of the nearby Atherstone Estate development and the impending construction of the Bridge Road bridge by Lend Lease, traffic volumes will increase on Bridge Road as the road becomes a gateway to the Toolern PSP area. To cope with the increased traffic volume, Bridge Road will be upgraded to a collector standard. Landscaping treatments are also required to visually connect this road to the new estate creating a visual gateway from Melton South into Atherstone.

The tender was advertised on 3 December 2016 and two responses were received. All submissions were assessed in detail to clarify a variety of exclusions, conditions and contract departures. Tender interviews were conducted with two of the companies and referee checks conducted on the preferred candidate. The tender evaluation is contained in Confidential **Appendix 1** – Tender Evaluation Report for Bridge Road Streetscape Project.

The contractor is required to commence construction by late February 2017 and complete the works by June 2017.

The assessment panel is recommending that the contract be awarded to CDN Constructions for the amount of \$534,029.77 (excluding GST).

### 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*

1.2.3 *Improve our gateways and entry points, open spaces and streetscapes to enhance the presentation, local pride and accessible amenity for residents, businesses and visitors.*

### 4. Financial Considerations

Bridge Road Streetscape Project has an overall budget of \$560,000. The budget is made up of the following:

**Table 1.0:**

Funding body	\$
City of Melton	560,000
TOTAL	560,000

The recommended tender amount is within the budget for the project.

### 5. Consultation/Public Submissions

As part of the landscaping works to improve the streets visual aspect it was proposed to replace the existing trees on the north side of Bridge Road with similar species to that in the Atherstone Estate. The continuation of tree species through the estate and Bridge Road will create a gateway entrance visually connecting Melton South with the new estate.

Consultation was undertaken to ascertain if the residents were in favour of the proposed removal of trees on the north side of Brooklyn Road. Consultation occurred in 2 stages.

1. Mail out to all residents introducing the works and proposed landscaping changes. 3 residents phoned the project manager all in favour of the changes
2. On site consultation session where 1 resident attended and was in favour of the proposed changes.

Further Consultation will be conducted with affected stakeholders during the construction of each project.

## **6. Risk Analysis**

The following measures have been put in place to reduce or eliminate the risk to Council for this project.

- a. Engagement of a suitably qualified civil construction companies:
  - Advertised open tenders to construction companies via The Age and on the Tendersearch website.
  - Required companies tendering for the construction phase to comply with Council's occupational health and safety requirements.
  - To assist in the selection of a construction company with suitable occupational health and safety work practices, Council requires construction companies invited to tender to provide evidence of a third party certified occupational health and safety management plan.
  - Conducted referee checks for the appointment of the construction company.
- b. Engagement of a financial capable construction company:
  - The engagement of an independent and expert consultant to conduct a financial review of the short-listed companies.

## **7. Options**

To support the Officers recommendation within the report.

## **LIST OF APPENDICES**

Nil



## 12.12 REQUEST FOR WAIVER OF RATES - FAMILY VIOLENCE EMERGENCY HOUSE - HOUSING CHOICES AUSTRALIA

**Author: Kel Tori - Chief Executive Officer**  
**Presenter: Kel Tori - Chief Executive Officer**

### PURPOSE OF REPORT

To consider a request from Housing Choices Australia to grant rate exempt status to a property to be purchased by the organisation for the purpose of housing women and children fleeing family violence in the City of Melton.

### RECOMMENDATION:

That Council grant rate exempt status to Housing Choices Australia for the property to be purchased to accommodate residents fleeing family violence.

Crs Turner/Abboushi. That the recommendation be adopted.

CARRIED

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### REPORT

#### 1. Executive Summary

A request has been received for a rate exemption from Housing Choices Australia as an expression of Council support for their Family Violence emergency house to be purchased in the City of Melton. Funding for the acquisition of 69 homes across the State, one of which will be in the City of Melton, has been provided by the State Government as part of the response to the recommendations from the Royal Commission.

#### 2. Background/Issues

Housing Choices Australia is a not for profit community Housing Association. They are currently in the process of purchasing 69 homes for women and children fleeing from family violence, and 1 (one) of those properties is to be located within the City of Melton. This program is a key element of the Governments \$152M housing blitz announced in the 2016-17 State Budget in response to the Royal Commission.

The granting of rate exemptions by the relevant local authorities will enable the limited program funding to be maximized.

Although there is not a formal policy statement referring to a rates exemption for this type of housing, the case for considering such a request is compelling for the following reasons;

- a) Lack of housing options is a significant barrier to women leaving violent relationships
- b) There are no family violence refuges/houses within the City of Melton, and only one in the Western Region, which accommodates more than 120 women and children annually
- c) Council's Community Services capacity and Attraction framework adopted in June 2015 identifies the need for affordable, accessible flexible facilities. This includes the provision of facilities to meet emergency accommodation requirements of resident families.

- d) Within the City of Melton in 2014/15 there were 1,165 family related violent offences, and City of Melton police receive on average 4 callouts per day (1,460 per annum) for family violence related matters

### **3. Council Plan Reference and Policy Reference**

The Melton City Council 2013-2017 Council Plan references:

4. Community Health and Wellbeing: A City of people leading healthy and happy lives  
*4.4 Minimise social harms caused by gambling, tobacco, alcohol and other drugs*

### **4. Financial Considerations**

The value of the exemption that may be provided would be determined by the value of the property acquired for the stated purpose. It is likely however to be in the range of \$1,000 to \$2,500 pa

### **5. Consultation/Public Submissions**

There has been no consultation with respect to this specific request

### **6. Risk Analysis**

Council needs to consider what, if any, impact the provision of a rate exemption for this property could have on future requests that may be forthcoming for other social housing options

### **7. Options**

Council has the option to deny the request, as it is clearly a discretion that Council may choose to apply or not.

### **LIST OF APPENDICES**

Nil

## 12.13 COUNCILLOR CODE OF CONDUCT

**Author: Christine Denyer - Manager Legal and Governance**  
**Presenter: Christine Denyer - Manager Legal and Governance**

### PURPOSE OF REPORT

To advise Council of the requirements of the *Local Government Act* 1989 in relation to the revision and adoption of revised Councillor Code of Conduct

### RECOMMENDATION:

That Council call a special meeting for the purposes of reviewing and adopting the revised Councillor Code of Conduct to be held on Monday, 20 February 2017 at the Civic Centre Melton at 6.30pm.

Crs Turner/Abboushi. That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

The *Local Government Act* ('the Act') requires that all Victorian Councils adopt a Councillor Code of Conduct and that each Councillor make a declaration, before the Chief Executive Officer, that he/she will abide by it.

Section 76C of the Act states that a Council must, within 4 months after a general election, call a special meeting solely for the purpose of reviewing the Councillor Code of Conduct.

In order to be as transparent as possible, and because of the specific reference to 'Council' in section 76C, officers believe that the best way to call the special meeting is by a Council resolution.

### 2. Background/Issues

The Act requires that all Victorian Councils adopt a Councillor Code of Conduct and that each Councillor make a declaration, before the Chief Executive Officer, that he/she will abide by it.

Certain information is required by the Act to be contained within each Councillor Code of Conduct such as dispute resolution provisions. Otherwise, each Councillor Code of Conduct should be a reflection of each Council's own ideas and expectations of the conduct and behavior that should be displayed by its Councillors.

Ideally, the Councillor Code of Conduct is a document, reflective of the current Council, that will strengthen the working relationships between Councillors and set out an informal and fair process to resolve internal disputes should they ever arise.

Melton City Council's current Councillor Code of Conduct was adopted by the previously constituted Council on 23 May 2016.

The current Councillor Code of Conduct includes:

- summaries of relevant parts of the Act, such as in relation to the roles of Council and of a Councillor

- clauses which set out the standards of behaviour and conduct that Melton City Council expects of its Councillors and that Councillors are entitled to expect of each other
- an internal dispute resolution procedure for the resolution of disputes between Councillors and allegations of non compliance with the Councillor Code of Conduct by one Councillor in relation to another Councillor.

Following the recent election, each Councillor of the newly (current) constituted Council made a declaration that he/she would abide by the current Councillor Code of Conduct. These declarations were made on 7 November 2016.

However, given that the document is largely Council's own internal rules, imposed against itself, it is appropriate and desirable that it be reviewed and if necessary, amended, by the newly constituted (current) Council within a reasonable time of its having been sworn in.

This is also a requirement of the Act. Section 76C of the Act states that a Council must, within 4 months after a general election, call a special meeting solely for the purpose of reviewing the Councillor Code of Conduct.

The Act provides that a special meeting must be called by either:

- the Mayor by written Notice (stating the time, date and business to be transacted); or
- at least 3 Councillors by written notice (stating the time, date and business to be transacted); or
- a Council by resolution (stating the time, date and business to be transacted) (s84).

It is a further requirement of the Act that each Councillor formally agree to abide by the Councillor Code of Conduct within one month of its being amended and approved. The declaration must be in writing and witnessed by the Chief Executive Officer.

### **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.

### **5. Consultation/Public Submissions**

There has been no public consultation in relation to the Councillor Code of Conduct nor would consultation be appropriate. The Councillor Code of Conduct is the conduct that Council expects *of itself*. It is in addition to the conduct that is required by the Act to which the public can hold Council accountable for and in relation to which appropriate authorities may be able to prosecute.

### **6. Risk Analysis**

If the Councillor Code of Conduct is not adopted at a special meeting called for that purpose by 22 February 2017 then Council will be in breach of the provisions of the Act.

## **7. Options**

1. Enter text Call the special meeting for the purpose of reviewing the Councillor Code of Conduct by one of the other means mentioned in the document.
2. Call a special meeting for a different date (prior to 22 February 2017), time and venue.

## **LIST OF APPENDICES**

Nil

## 12.14 LEASE TO OPTUS- TELECOMMUNICATIONS INFRASTRUCTURE

**Author: Christine Denyer - Manager Legal and Governance**  
**Presenter: Christine Denyer - Manager Legal and Governance**

### PURPOSE OF REPORT

To advise Council in relation to a proposed lease of part of Burnside Heights Recreation Reserve, 1-31 Freelands Drive, Burnside Heights.

### RECOMMENDATION:

That Council, provided it has resolved to extend the date of permit number PA2014/4456 (Item 12.6 of this Council meeting):

1. offer a lease to Optus in substantially the same terms as the draft at **Appendix 1** (after appropriate details in relation to the extended permit have been added)
2. delegate to the Chief Executive Officer the task of execution of the lease on Council's behalf.

Crs Carli/Abboushi.

That the matter lay on the table pending the outcome of Council's previous resolution to Item 12.6 in this Agenda, Planning Permit PA2014/4456 – Extension of Time to a Permit for a Telecommunications Facility at 115 Tenterfield Drive, Burnside Heights (Burnside Heights Recreations Reserve).

CARRIED

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## REPORT

### 1. Executive Summary

The proposed lease that is the subject of this report to Council is intended to be subsequent to a decision by Council to extend the expiry date of Permit number PA2014/4456 (Item 12.6 of this Council meeting). The draft lease at **Appendix 1** includes a condition which requires compliance with the extended permit (a copy of which would be added to the draft prior to execution).

If Council decides at this Council meeting to refuse the permit extension then the lease is not only irrelevant but, by reason of there then being no valid permit, could not be complied with in any event

The proposed lease is for a term of 20 years, with no further terms, at a commencing rental of \$12k per annum with 3% annual increases, compounding.

Similar to other leases of this nature that Council has offered telecommunications carriers in the past, the proposed lease, includes standard clauses in relation to matters such as repairs, alterations and damage, insurance, allowable use of premises and so on.

Pursuant to the permit and the proposed lease, Optus will remove and replace the existing light pole with a new monopole at a date and time suitable to Council having regard to the users of the adjacent sporting ground.

Importantly, and again, in keeping with other leases offered by Council to telecommunications carriers, the proposed lease also requires the tenant to ensure that the level of electromagnetic radiation (EMR) emanating from the Tenant's Equipment is within

the limits specified in Australian Standard AS/NZS 2772.1 (or any subsequent Australian Standard).

## 2. Background/Issues

Installation of telecommunication infrastructure is essential to meet the increasing mobile phone usage demands and expectations of our growing community.

From time to time, Council receives planning applications for mobile phone towers and associated structures.

Where those structures are intended to be built on Council land then, in addition to the question of the permit, Council must decide whether and on what terms to grant the applicant a lease of the area in which the infrastructure will be placed. Therefore, the question of the lease is only relevant if a permit exists (or will exist). Compliance with the permit is one of the conditions of any lease of this nature.

### *Threshold Question*

With this in mind, the proposed lease that is the subject of this report to Council is intended to be *subsequent* to a decision by Council to extend the expiry date of Permit number PA2014/4456 (Item 12.6 of this Council meeting) which permit will otherwise expire. The draft lease at **Appendix 1** includes a condition which requires compliance with the extended permit (a copy of which would be added to the draft prior to execution).

If Council decides at this Council meeting to refuse the permit extension then the lease is not only irrelevant but, by reason of there then being no valid permit, could not be complied with in any event

### *Lease preparation*

Council has completed the statutory obligations pursuant to sections 190 and 223 of the *Local Government Act 1989*. Council first advertised its intention to enter into a lease with Optus at this site on 15 November 2011 in the *Melton Leader*. Council received no objections in the 28 day period that followed the notice.

Given the delay in finalisation of the matter, Council took the prudent step of re-advertising its intention in *The Age* on 5 October 2016 (the *Melton Leader* having since been discontinued). No objections were received during the 28 day period that followed that notice.

As set out in the advertisement, the proposed lease is for a term of 20 years, with no further terms, at a commencing rental of \$12k per annum with 3% annual increases, compounding.

Council engaged Maddocks lawyers to draft the proposed lease and ensure that the interests of both Council and the community are appropriately protected.

The proposed lease, similar to other leases of this nature that Council has offered telecommunications carriers in the past, includes standard clauses in relation to matters such as repairs, alterations and damage, insurance, allowable use of premises and so on.

Pursuant to the permit and the proposed lease, Optus will remove and replace the existing light pole with a new monopole at a date and time suitable to Council having regard to the users of the adjacent sporting ground.

Importantly, and again, in keeping with other leases offered by Council to telecommunications carriers, the proposed lease also requires the tenant to ensure that the level of electromagnetic radiation (EMR) emanating from the Tenant's Equipment is within the limits specified in Australian Standard AS/NZS 2772.1 (or any subsequent Australian Standard).

### **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**

Commercial terms under the proposed lease will ensure Council will receive \$12,000 per annum plus GST at the commencement of the lease. This amount will increase annually by 3% compounding. Full legal costs are yet to be established for the preparation of the lease documents, for which Optus has agreed to contribute up to \$5,000 + GST plus disbursements. Minor costs in relation to public advertising of Council's intent to enter leasing arrangements have been expended, provided for within the Governance recurrent budget.

### **5. Consultation/Public Submissions**

Council has completed the statutory obligations under section 190 and 223 of the *Local Government Act* 1989. Council first advertised its intention to enter into a lease with Optus at this site on 15 November 2011 in the *Melton Leader*. Council received no objections in the 28 day period that followed the notice.

Given the delay in finalisation of the matter, Council took the prudent step of re-advertising its intention in *The Age* on 5 October 2016 (the *Melton Leader* having since been discontinued). No objections were received during the 28 day period that followed the notice.

### **6. Risk Analysis**

Predominately administrative in nature, there is no risk inherent in entering into a lease with Optus to allow construction of mobile telecommunication infrastructure as anticipated by the approved planning permit (provided such permit has been extended at this Council Meeting).

Council is not bound to offer the lease by reason of the planning permit however a failure to offer the lease would certainly be inconsistent with the planning permit (assuming the extension of permit is granted).

### **7. Options**

Council may choose to vary the proposed terms of the lease, or refuse to lease the land identified within the Planning Permit.

### **LIST OF APPENDICES**

1. Draft lease between Council and Optus - undated, commencing 6 February 2017.



Cr Carli left the Chamber at 8.55pm.

Cr Carli returned to the Chamber at 8.58pm.

**13. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES**

Verbal reports were received from Crs De Santis, Turner, Hardy and Ramsey.

**14. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS**

Crs Turner, Abboushi, Mendes, Kesic, De Santis, Hardy, Carli and Ramsey addressed the Chamber in respect to a variety of matters of significance.

## 15. NOTICES OF MOTION

### 15.1 NOTICE OF MOTION 446 (CR HARDY)

**Councillor: Ken Hardy - Councillor**

#### **MOTION:**

That Melton City Council CEO contact the following –

- Public Transport Corporation
- VicTrack
- VLine
- VicRoads
- State Government Representatives on Rail and Road Transport
- Melton City Council Officers and Councillors

In relation to a Melton precinct road and rail transport plan.

Currently, there are numerous reports on the duplicated rail line, but none addressing the following issues –

- Station Road and Coburns Road boom gates – these need to be coordinated to ensure that local traffic is not log-jammed whilst both boom gates are down and trains approaching, upgrade signalling.
- Car parking arrangements are currently fully utilised and there is a need for further car parking arrangements as the duplicated rail line will bring forward further patronage.
- The traffic lights on Coburns Road and Station Road need to be coordinated to ensure local traffic can move around Melton when the boom gates are operational.
- Bulmans Road and Western Highway interchange needs to be brought forward; ensuring local traffic can access the freeway without going into the heart of Melton via Coburns Road interchange to the freeway. Bulmans Road to Brooklyn Road needs to be freed up with Brooklyn Road being duplicated for heavier traffic use through to Ferris Road and this would create a ring road effect from Melton vehicle traffic.
- Local residents on Brooklyn Road need to be given parking identification to ensure they are not processed by local parking officers.

This is an integrated rail and traffic precinct plan and needs to be assessed but is not limited to the dot points above.

Rail patronage need seating, and time table to facilitate adequate train services. In assessing these points the community needs to be consulted to ensure that the Council addresses all the issues that will affect the local and broader community of Melton.

Crs Hardy/Turner.

**CARRIED**

**15.2 NOTICE OF MOTION 447 (CR TURNER)**

**Councillor: Bob Turner - Councillor**

**MOTION:**

That Council write to the relevant State Government Ministers requesting the timelines for the construction of the Eynesbury Primary School and any relevant developments at Exford Primary School.

Crs Turner/Hardy.

CARRIED

**15.3 NOTICE OF MOTION 448 (CR ABBOUSHI)****Councillor: Steve Abboushi - Councillor****MOTION:**

That Melton City Council:

1. Signs up to the Keep Me Posted Pledge for the Council's communications channels.
2. Supports the campaign via the supporters' page of Keep Me Posted website (including the inclusion of the Council's logo).
3. Resolves to communicate support for the Keep Me Posted Campaign through all channels to ensure Melton Council residents are aware of their right to choose communications preferences from Council without penalty.

Crs Abboushi/Carli.

CARRIED

**15.4 NOTICE OF MOTION 449 (CR ABBOUSHI)****Councillor: Steve Abboushi - Councillor****MOTION:**

That Council write to the Minister for Public Transport The Hon. Jacincta Allan MP and the local member for Kororoit The Hon. Marlene Kairouz MP, seeking an urgent review of the number of car parking spaces provided at the newly opened Caroline Springs Train Station as the 350 spaces provided will not meet the local demand.

Crs Abboushi/Kesic

That Council:

1. Write to the Minister for Public Transport The Hon. Jacincta Allan MP and the local member for Kororoit The Hon. Marlene Kairouz MP, calling on the state Government to commit to providing additional parking spaces in the upcoming state budget at the newly opened Caroline Springs Train Station as the 350 spaces provided will not meet the local demand.
2. Call on the State Government to provide, in the short term, overflow car parking in close proximity to the train station until such time as a longer term solution is achieved.

CARRIED

**15.5 NOTICE OF MOTION 450 (CR MAJDLIK)****Councillor: Kathy Majdlik - Councillor****MOTION:**

That Council write to the Premier Daniel Andrews, Minister for Corrections Gayle Tierney MLC, Minister for Youth Affairs the Hon. Jenny Mikakos and Local Member the Hon. Marlene Kairouz, confirming the location of the new 'Supermax Youth Prison', and implore them not to build the new Supermax Youth Prison near the three existing prisons in the Ravenhall area.

The Mayor advised that a media release was made today stating that the new site had been determined and was not in the City of Melton.

The Notice of Motion Lapsed for want of a Mover or Seconder.

**15.6 NOTICE OF MOTION 451 (CR DE SANTIS)**

**Councillor: Melissa De Santis - Councillor**

**MOTION:**

That Officers prepare a report regarding the establishment of a Family Violence Committee in response to the high levels of family violence within the municipality, inclusive of representatives from different service providers specialising within this area.

Crs De Santis/Carli.

CARRIED

**16. COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Hardy

Can Council look at reserves, like the high voltage power reserves, to be allocated for future telecommunication towers to be located in those zones, so they don't come into the interface of public amenity? And if so can this be incorporated into Council's Planning scheme?

Cr Carli

Land located at the corner of Melton Highway and Banchory Grove, which is owned by the QIC. Does Council know if the QIC have intentions to build on this site and if Council can stop developers from land banking?

Cr Mendes

The duplication of Hume Drive, can I please get an indication if funded in this year's budget, when will this road be completed?

Cr Turner

What are the works that are currently taking place on the Western Highway, near Mount Cottrell Road, as it was understood that the roadworks were meant to be completed before Christmas (2016)?

Cr Abboushi

Filling in of the Spring Lake or Chisholm House Lake at the entrance of the Caroline Springs estate. What can Council do via Melbourne Water to expedite the filling of the lake as opposed to waiting nine months for the natural filling of the lake?



## 17. MOTIONS WITHOUT NOTICE

### MOTION WITHOUT NOTICE

Cr Carli

That Council write to:

1. The Hon. Marlene Kairouz, Member for Kororoit, to thank her for her hard work in regards to delivering the Caroline Springs station for our community
2. The Hon. Natalie Hutchins, Member for Sydenham, thanking her for all her hard work in regards to securing funding for the much needed secondary school in Taylors Hill West.

### MOTION WITHOUT NOTICE

Cr Mendes

That Council officers write to VicRoads and request that the 80km speed limit on the Diggers Rest Coimadai Road be reduced to 60km.

### MOTION WITHOUT NOTICE

Cr Mendes

That:

1. Council officers investigate the costs of sealing Creamery, Burtons and Mechanics Roads, Toolern Vale and provide a report to Council.
2. Council write to VicRoads requesting a 40km school zone be introduced on Creamery, Burtons and Mechanics Roads, Toolern Vale.

### MOTION WITHOUT NOTICE

Cr Abboushi

That Council facilitate an official opening of the Melton Botanic Gardens in 2017 with a focus on inviting the Hon. Daniel Andrews MP, and the Governor of Victoria the Hon. Linda Dessau AM to officially open the gardens.

### MOTION WITHOUT NOTICE

Cr Turner

That Council officers provide a report to Council on the outcomes of the free green waste service provided at the Melton Recycling Facility (MRF) in November, along with options for expanding the times/days in which the service is available.

**18. URGENT BUSINESS**

Nil.

**19. CONFIDENTIAL BUSINESS****Procedural Motion**

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

**19.1 Municipal Audit Committee Meeting Minutes 7 December 2016 - Confidential Report**

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.

Crs Turner/Carli. That the recommendation be adopted.

CARRIED

Cr Turner left the Chamber at 9.58pm and did not return to the meeting.

**Procedural Motion**

Crs Carli/Hardy

That the meeting be opened to the public.

CARRIED

**20. CLOSE OF BUSINESS**

The meeting closed at 9.58pm.

Confirmed

Dated this

.....CHAIRPERSON