



MELTON CITY COUNCIL

Notice is hereby given that the Ordinary Meeting of the Melton City Council will be held in the Council Chamber, Civic Centre, 232 High Street, Melton on 15 October 2018 at 7.00pm.

**Kelvin Tori
CHIEF EXECUTIVE**

Visitors to the Gallery please note:

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

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

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

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

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

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- 12.11 AMENDMENT C182 TO THE MELTON PLANNING SCHEME - ELECTRONIC GAMING MACHINE PLANNING POLICY PROJECT 436**
To consider submissions received in response to Amendment C182 to the Melton Planning Scheme during the exhibition period.
- 12.12 AMENDMENT C201 TO THE MELTON PLANNING SCHEME - MT ATKINSON AND TARNEIT PLAINS INFRASTRUCTURE CONTRIBUTIONS PLAN 509**
To present Melton City Council's submission to Planning Scheme Amendment C201 to the Melton Planning Scheme – Infrastructure Contributions Plan for the Mt Atkinson and Tarneit Plains Precinct Structure Plan.
- 12.13 PLANNING APPLICATION PA 2018/6177/1 - USE OF AN EXISTING BUILDING AS A HALL AND UNDERTAKE ASSOCIATED BUILDING AND WORKS AT 32 - 40 GREENS ROAD, STRATHTULLOH 645**
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1. OPENING PRAYER AND RECONCILIATION STATEMENT

The Chairperson will read the opening prayer and reconciliation statement.

Prayer

‘Almighty God we humbly beseech Thee to vouchsafe Thy blessing upon this Council, direct and prosper its deliberations to the advancement of Thy glory and the welfare of the people whom we serve – Amen.’

Reconciliation Statement

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

2. APOLOGIES AND LEAVE OF ABSENCE

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

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

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

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

That the Minutes of the Ordinary Meeting of Council held on 17 September 2018 be confirmed as a true and correct record.

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

- 17 September 2018 Record of Assembly of Councillors
- 19 September 2018 Record of Assembly of Councillors
- 20 September 2018 Record of Assembly of Councillors
- 24 September 2018 Record of Assembly of Councillors
- 8 October 2018 Record of Assembly of Councillors

RECOMMENDATION:

That the Record of Assembly of Councillors dated 17, 19, 20, 24 September and 8th October 2018 attached to this Agenda be received and noted.

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1. 17 September 2018 Record of Assmebly of Councillors
2. 19 September 2018 Record of Assembly of Councillors
3. 20 September 2018 Record of Assembly of Councillors
4. 24 September 2018 Record of Assembly of Councillors
5. 8 October 2018 Record of Assembly of Councillors

8. CORRESPONDENCE INWARD

8.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR

- Tim Pallas MP – Treasurer of Victoria – Rail Services along the Ballarat Corridor.

RECOMMENDATION:

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

LIST OF APPENDICES

1. Correspondence Inwards - Tim Pallas MP - dated 4 September 2018

9. PETITIONS AND JOINT LETTERS

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

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

Nil.

11. PUBLIC QUESTION TIME

12. PRESENTATION OF STAFF REPORTS

12.1 AUTHORISING THE AFFIXING OF THE COMMON SEAL OF COUNCIL

Author: Rebecca Bartlett - Acting 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 15 October 2018.

REPORT

1. Executive Summary

Documents requiring the Common Seal 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
- b. be kept at the Council office
- 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 authorised officers who must be present and sign every document to which the common seal is affixed.

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2017-2021 Council and Wellbeing Plan references:

5. A high performing organisation demonstrating leadership and advocacy: An organisation operating with innovation, transparency, accountability and sustainability .
5.3 Effective civic leadership, advocacy, partnerships and good governance.

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. Authorising the Affixing of the Common Seal of Council - dated 15 October 2018

12.2 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

Author: Rebecca Bartlett - Acting Governance Officer
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 meeting at **Appendix 1**.
2. adopt recommendations arising within the Minutes.

REPORT

1. Executive Summary

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

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

2. Background/Issues

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

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

Councillor representation on Advisory Committees is generally for one year and is reviewed annually at the Statutory Meeting of Council. Councillor representation on current Council Committees and to other organisations for 2018 were adopted by Council at the Ordinary Meeting held 13 November 2017.

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
28 August 2018	Melton Transport Community Reference Group	Appendix 1

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2017-2021 Council and Wellbeing 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. Melton Transport Community Reference Group Meeting Minutes - dated 28 August 2018

12.3 RESPONSE TO NOTICE OF MOTION 464 - STIRLING TERRACE, MELTON WEST PARKING CONCERNS

Author: Kerry Walton - Coordinator Traffic and Transport
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

A response to Notice of Motion 464 (Cr De Santis) was tabled at the Ordinary Meeting of Council on 21 August 2017. This report provides a response to Item 3 of the resolution.

RECOMMENDATION:

That Council note the parking restriction signage installed in Stirling Terrace, Melton West twelve months ago has been effective in maintaining traffic flow and has provided guidance to drivers as to appropriate locations to park.

REPORT

1. Executive Summary

At the Ordinary Meeting of Council held on 21 August 2017, Notice of Motion 464 (Cr De Santis) was carried requesting that Council officers;

1. *Do not construct indented parking bays in Stirling Terrace, Melton West.*
2. *Install 'No Stopping' zones (applying 8.00-9.30am and 2.30-4.00pm school days) along the west side of Stirling Terrace as shown in **Appendix 1**.*
3. *Undertake a review of the site in 12 months time and report back to Council to advise if the 'No Stopping' zone signs that have been installed are effective.*

The parking restriction signage has been installed for twelve months. Council's Traffic Engineering team have monitored the site and confirm that the installation of no standing signage has been effective in maintaining traffic flow, and has provided guidance to drivers as to appropriate locations to park. Council has not received any further complaints in the area.

2. Background/Issues

2.1 Background

At the Ordinary Meeting of Council held on 21 August 2017, Notice of Motion 464 (Cr De Santis) was carried requesting that Council officers;

1. *Do not construct indented parking bays in Stirling Terrace, Melton West.*
2. *Install 'No Stopping' zones (applying 8.00-9.30am and 2.30-4.00pm school days) along the west side of Stirling Terrace as shown in **Appendix 1**.*
3. *Undertake a review of the site in 12 months time and report back to Council to advise if the 'No Stopping' zone signs that have been installed are effective.*

The report presented results of the consultation in relation to the proposed indented parking bays in Stirling Terrace, Melton West (refer **Appendix 2**).

A survey of residents in Stirling Terrace, Meadow Glen Drive and the two schools (Catholic Regional College and St Catherine's Primary School) was undertaken. Council officers also surveyed parents parking in Stirling Terrace. The results were as follows:

- Out of the nine residents surveyed in Stirling Terrace, seven residents responded and did not support the proposed indented parking bays in Stirling Terrace.
- Out of the eight residents surveyed in Meadow Glen Drive, three residents responded and supported the proposed indented parking bays in Stirling Terrace.
- Both Catholic Regional College and St Catherine's Primary School supported the proposed indented parking bays in Stirling Terrace.
- Eight parents who were parked in Stirling Terrace supported the proposed indented parking bays in Stirling Terrace.

Based on the survey outcome, it was identified that indented parking bays were not supported. An alternative option to modify existing parking restrictions was the preferred outcome.

The parking restriction signage has been in place for twelve months. Councils Traffic Engineering team have monitored the site and confirm that the installation of no standing signage has been effective in maintaining traffic flow, and has provided guidance to drivers as to appropriate locations to park. Council has not received any further complaints in the area.

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2017-2021 Council and Wellbeing Plan references:

3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way

3.4 A flexible, safe and health promoting transport network that enables people to move around.

4. Financial Considerations

The parking restriction signage is in place, with no modifications recommended. Given this, there are no financial risks associated with this report.

5. Consultation/Public Submissions

Parking restriction changes were communicated in writing to residents and the school community prior to parking signage being installed. No further consultation is required.

6. Risk Analysis

There are no risks associated with the adoption of this report.

7. Options

Nil

LIST OF APPENDICES

1. Map of current parking restrictions - dated 19 September 2018
2. Response to Notice of Motion 464 - Stirling Terrace, Melton West Parking Concerns
- dated 21 August 2017

12.4 RESPONSE TO NOTICE OF MOTION 559 AND PETITION TO CLEAN UP LAKE CAROLINE

Author: Wayne Kratsis - Parks and Open Space Coordinator - Operations
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To respond to Notice of Motion 559 tabled at the Ordinary Meeting of Council held on 30 April 2018 and Petition tabled at the Ordinary Meeting of Council held on 7 May 2018, requesting that Council implements measures to ensure the condition and maintenance of Lake Caroline was improved. .

RECOMMENDATION:

That Council:

1. notes the works that have been undertaken to improve the condition of Lake Caroline.
2. continues to provide an increased level of service at Lake Caroline.

REPORT

1. Executive Summary

This report responds to Notice of Motion 559 (Councillor Kesic) at the 30 April 2018 Ordinary Meeting of Council, and Petition tabled at the 7 May 2018 Ordinary Meeting of Council which had 487 signatures requesting the implementation of measures to improve the condition and amenity of Lake Caroline. Council has implemented a number of measures to increase the level of maintenance at Caroline Springs and it is recommended that the increased level of maintenance continues.

2. Background/Issues

This report responds to Notice of Motion 559 (Councillor Kesic) at the 30 April 2018 Ordinary Meeting of Council. Council resolved;

'That Council explore the cost of a thorough clean-up of Lake Caroline and refer it to the current 2018/2019 Budget deliberation.'

Further, a Petition was tabled at the 7 May 2018 Ordinary Meeting of Council which had 487 signatures requesting the implementation of measures to improve the condition and amenity of Lake Caroline. Residents have been active in lobbying Council for improvements around Lake Caroline. Primarily the concerns relate to litter in the waterway, prolific growth of aquatic plants, and generally poor presentation. Council has provided an increased level of service to deliver these outcomes.

- Commissioning Aquatic Weed Harvester Australia to periodically remove plant growth within the lake to keep it at a sustainable level.
- Council is advanced in upgrading the landscape treatments surrounding the lake to provide a higher level of amenity and foster civic pride. This includes new plants, garden bed edging and significant renovation works.

- New signage has been installed in accordance with advice received from the group. This signage enforces a number of local laws as well as informing people not to feed ducks.
- The water fountain has been restored to full functionality.
- New irrigation systems are being installed to support turf establishment and places for passive recreation.
- A painting contractor has been commissioned to repaint the fluorescent walls and seating along Lake Street which are peeling and damaged.
- An aquatic survey has been commissioned to detail the flora and fauna that exists in this environment. Further reports are to be received outlining a recommended maintenance regime for the site.
- Litter is removed from the lake on a regular basis in line with community expectations.

Advice has been received from the group acknowledging the works completed by Council in response to the concerns raised in the petition.

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2017-2021 Council and Wellbeing Plan references:

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives
 - 1.1 *A community where all people feel welcome, valued and proud.*

4. Financial Considerations

Any costs that are associated with the increased level of service will be articulated in the recurrent budget for consideration by Council.

5. Consultation/Public Submissions

Key stakeholders within the group have been identified and regular communication has occurred to ensure their concerns are being considered in the development of the measures to increase the level of service.

6. Risk Analysis

There are risks relating to the reputation of Council in choosing not to respond to the needs of the community. There is a risk that a return to the previous level of service at Lake Caroline may have an impact on the condition and amenity of the Lake.

7. Options

Council has the option to:

1. continue the works to deliver an increased level of service at Lake Caroline.
2. revert to previous maintenance levels at Lake Caroline.

LIST OF APPENDICES

Nil

12.5 COMMUNITY EPILEPSY AWARENESS

Author: Liz Smith - Health Promotion and Planning Team Leader
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To respond to the Council resolution regarding the raising of community awareness about epilepsy adopted at the Ordinary Meeting of Council on 26 March 2018, under Item 14 - Councillor Representations and Acknowledgements.

RECOMMENDATION:

That Council notes the event taking place in Epilepsy Awareness Month in November 2018.

REPORT

1. Executive Summary

At the Ordinary Meeting of Council on 26 March 2018, Council adopted the following resolution under Item 14 - Councillor Representations and Acknowledgements:

'That Officers provide a report outlining how Council can work with existing community campaigns and local activists to raise community awareness about epilepsy, including promotion of available health services and community support groups, and how Council may assist in fundraising initiatives that support this cause.'

As part of Council's commitment to raising the community's awareness of key health and wellbeing issues, an event has been organised to align with Epilepsy Awareness Month in November 2018. Epilepsy Action Australia have been engaged as a guest presenter to speak to the community about epilepsy. This event will build the community's capacity to support community members with epilepsy. The event will be held on the front lawn of the Melton Civic Centre.

2. Background/Issues

Cr Abboushi, seconded by Cr Majdlik, moved a motion at the Ordinary Meeting of Council on 26 March 2018 under Councillor Representations and Acknowledgements for Officers to provide a report outlining how Council can work with existing community campaigns and local activists to raise community awareness about epilepsy.

As part of Council's commitment to raising the community's awareness of key health and wellbeing issues, Officers have developed an event to align with Epilepsy Awareness Month in November 2018. Held throughout Australia, 'E-Tea: Put the Kettle on For Epilepsy' is a great opportunity to raise awareness about epilepsy.

Epilepsy Action Australia have been engaged as a guest presenter to speak to the community about epilepsy including available health services and community support groups. The event will build the community's capacity to support community members with epilepsy. The E-Tea will be held at the Melton Civic Centre on the front lawn and will be advertised widely. The event will be held on Friday 23 November and Councillors will be invited to attend. The event will provide Epilepsy Action Australia an opportunity to fundraise in support of this important cause.

Officers will also contact local activists to invite them to be part of the event.

3. Council and Wellbeing Plan Reference and Policy Reference

Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2017-2021 Council and Wellbeing Plan references:

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives

1.3 Equitable, inclusive and accessible community and health infrastructure and services.

4. Financial Considerations

Council has contributed additional funds towards health promotion in the current budget. A small allocation will be utilised to support this event.

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

Not applicable.

7. Options

Not applicable.

LIST OF APPENDICES

Nil

12.6 BORONIA DRIVE RECREATION RESERVE SPORTS LIGHTING FUNDING

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

PURPOSE OF REPORT

To inform Council of the recent announcement by Sport and Recreation Victoria of the successful funding application under the Community Sports Infrastructure Fund for the Boronia Drive Recreation Reserve sports lighting project.

RECOMMENDATION:

That Council:

1. Note the \$165,000 in funding received from the State Government toward the Boronia Drive Recreation Reserve sports lighting project (**Appendix 1**).
2. Approve a budget allocation of \$85,000 towards the Boronia Drive Recreation Reserve Sports Lighting Project.

REPORT

1. Executive Summary

The Sport and Recreation Victoria Community Sports Infrastructure Fund provides funding to assist Council to support increased active participation opportunities at community facilities. The program funds projects to improve change amenities, upgrade playing surfaces and develop or upgrade lighting to facilitate increased participation.

The installation of sports lighting at Boronia Drive Recreation Reserve will provide further opportunities for clubs to increase participation and training. This will also provide Council further flexibility in programming sport and recreation activities.

Council received correspondence from the Hon John Eren MP, Minister of Sport on 8 October 2018 confirming the funding as per **Appendix 1**.

2. Background/Issues

The sports lighting project at Boronia Drive Recreation Reserve is required to facilitate growth predominantly of the Hillside Football Club which has training and competition at Hillside Recreation Reserve 7 days per week during the winter football season. Hillside Recreation Reserve Oval is at capacity with some training accommodated at Taylors Hill Recreation Reserve that has 3 soccer clubs, also sharing space at this venue. Due to continued growth of junior teams, and the introduction of AFL female teams, there is simply not enough room to accommodate everyone (19 teams) at their 'home' venue.

The introduction of sports lighting at Boronia Drive Recreation Reserve will not only assist the Hillside Football Club in managing growing participation numbers, but it will provide a "flow on" effect of freeing up training space at other recreation reserves in the East.

Community demand and need is a common theme throughout Melton's Eastern Suburbs for active recreation. The installation of lights at Boronia Drive Recreation Reserve will allow

Council to provide additional training allocations as membership within local clubs continues to increase and the number of teams being fielded by AFL football and soccer clubs within the area continues to grow.

Council will be able to establish Boronia Drive Recreation Reserve as an additional winter training venue. Furthermore, this project will benefit the wider community by enabling the reserve to be used all year round as an overflow space for established clubs, provide increased opportunity for new recreational groups and various community events.

During the 2018/19 Council budget deliberations, Council requested officers to submit a capital grant for the Boronia Drive Recreation Reserve when the opportunity presented itself and report back to Council of the outcome.

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2017-2021 Council and Wellbeing Plan references:

3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way

3.2 Community facilities, infrastructure and services that are equitably planned for, provided and maintained.

4. Financial Considerations

Total cost of the project has been estimated pre-tender at \$250,000 plus GST. The State Government has confirmed a contribution of \$165,000.

Council's allocation towards the project is \$85,000.

5. Consultation/Public Submissions

As part of developing the project for the grant funding submission, engagement was undertaken with the following key stakeholders:

- Hillside Football Club
- Essendon and District Football league
- Cricket Victoria
- AFL Victoria
- Sport and Recreation Victoria

6. Risk Analysis

If Council were not to support the \$85,000 contribution requested, officers would need to notify Sport and Recreation Victoria which would result in the project not proceeding.

7. Options

Council has options to:

1. Accept the recommendation of the report,
2. Not proceed with the project and advise Sport and Recreation Victoria of this decision.

LIST OF APPENDICES

1. The Hon John Eren MP letter

12.7 CONTRACT 17-010 CAROLINE SPRING LEISURE CENTRE - PROJECT VARIATION TO CONTRACT TO INCLUDE ADDITIONAL FEMALE FRIENDLY CHANGE FACILITIES

Author: Wayne Hurst - Project Manager

Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To seek Council's approval for a variation to Contract No. 17-010 for the construction of female friendly change rooms for Caroline Springs Town Centre Facilities.

RECOMMENDATION:

That Council:

- a. Approves the variation to Contract No. 17-010 for construction of female friendly change rooms and amenities for Caroline Springs Town Centre facilities submitted for the sum of \$846,000 (excl. GST).
- b. Approve additional expenditure of up to \$124,000 for design and contingencies as referred in the financial section of this report.
- c. Delegate to the Chief Executive Officer the execution of the variations documents.

REPORT

1. Executive Summary

This report seeks Council resolution for the award of a variation to Contract No. 17-010 for construction of new female friendly change amenities at Caroline Springs Town Centre facilities.

At the Ordinary Council Meeting on 18 December 2017, Council resolved to endorse an implementation schedule for the female friendly change room amenities program. As part of that program, the Caroline Springs Town Centre Recreation Reserve was allocated \$470,000 in the 2018/19 budget.

The number and quality of facilities at community clubs plays a key role in encouraging and sustaining women and girls' involvement. In Victoria, women and girls participation rates in sport and active recreation remain lower than males, particularly in community club settings.

Council has now received additional funding of \$500,000 from Sport and Recreation Victoria towards the facility extensions providing a total budget of \$970,000.

This Reserve has one of the highest levels of female participation across the municipality with more than 100 females taking part in football programs. It is important to note that these facilities are for all users and will replace the existing two re-locatable buildings that currently service Oval 2.

At present, constructions works by 2Construct are well progressed in extending the Caroline Springs Leisure Centre and building of the Sub-Regional Tennis facility. It is proposed that the Change Facilities be integrated with the current building works.

It is therefore recommended that the existing Contract No. 17-010 be varied to include the female friendly change amenity works for a variation amount of \$846,000 (excl.GST).

2. Background/Issues

Community sport and recreation facilities are becoming outdated and often do not provide the range of amenities that attract and sustain participation by women and girls throughout their life. To encourage more women and girls to become active and involved in sport and active recreation, user-friendly facilities are required.

The Caroline Springs Football Club currently fields more than 21 teams, predominantly using the main pavilion adjacent to Oval 1. Of the 21 teams, this Reserve has one of the highest levels of female participation across the municipality with more than 100 females taking part in football programs. It is important to note that these facilities are for all users.

The new construction footprint comprises of:

- Two change rooms for opposing teams (toilets, showers & change area) including an accessible toilet in each area. Total 145 sq mts.
- Two change spaces for umpires (toilet, shower & change area). The need exists for separate umpire change areas as it is possible to have both male and female umpires involved in the same game. Total 26 sq mts.
- The total area of the female friendly additions equates to 171 sq mts. Refer **Appendix 1** for more detail.
- **Appendix 2** indicates the current stadium additions and outlines the female friendly change rooms locations.

In light of the desire of Council to build female friendly facilities for Oval 2, Brand Architects were requested to design the amenities so as to compliment the new extension currently being constructed to the Caroline Springs Leisure Centre. Once designed, the Drawings and Specification were provided to 2Construct for pricing.

At present constructions works by 2Construct are well progressed in extending the Caroline Springs Leisure Centre and building of the Sub-Regional Tennis facility. It is proposed that the Change Facilities be integrated with the current building works. Council engaged 2Construct Pty Ltd, through a competitive tender process, in July 2017 to undertake the \$10M Leisure Centre extension works, and they commenced on site in September 2017. These works are nearing completion and it is opportune that 2Construct be engaged under Contract No 17-010 to construct the female friendly amenities as they are to be integrated with the new Leisure Centre extension facilities.

Consideration was given as to whether Council should go to separate tender for this component of the build. If this occurred then any new building works could only commence after 2Construct had achieved practical completion on the current stadium extension and therefore the new works would not be completed in time for the upcoming football season. In addition it is not feasible to engage a new builder to construct these facilities during the defects liability period of the stadium extension. This would impact Council's ability to manage defects as there is potential for conflict between contractors.

3. Council Plan Reference and Policy Reference

The Melton City Council 2017-2021 Council and Wellbeing Plan references:

3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way

3.2 Community facilities, infrastructure and services that are equitably planned for, provided and maintained

4. Financial Considerations

The project is being jointly funded by Sport & Recreation Victoria through the 2018/19 Female Friendly Facilities Fund, and Melton City Council. Council's component is funded from the 2018/19FY Capital Works Program.

The Sport and Recreation Victoria funding announcement providing \$500,000 for construction of female friendly change amenities for Caroline Springs Town Centre Oval 2 was made on the 5 May 2018.

Funding Sources	Amount \$
City of Melton	\$470,000
Sport & Recreation Victoria	\$500,000
TOTAL	\$970,000

Expenditure	Amount \$
Construction	\$846,000
Design	\$46,650
Contingency	\$77,350
TOTAL	\$970,000

A financial assessment was undertaken by Corporate Scorecard in May 2017 at the time of the initial tender assessment to engage 2Construct Pty Ltd and this returned a satisfactory result.

5. Consultation/Public Submissions

Consultation of the proposed works to provide new female friendly facilities has taken place with the sporting clubs who utilise the existing ovals and they are in favor of the proposal. Key internal and external stakeholders were consulted in order to determine the user requirements and reach final design.

Consultation has also occurred with Sport and Recreation Victoria in reference to grant applications and Council's commitment towards female friendly change amenities.

6. Risk Analysis

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

1. The initial engagement of 2Construct Pty Ltd to undertake construction of the Caroline Springs Leisure Centre Extension & Regional Tennis Facility project was via a robust EOI and RFT process which involved:
 - Advertisement of an open expression of interest to construction companies via The Age and on the Tendersearch website.
 - Select tender process to construction companies shortlisted through the open expression of interest process.

- Required companies tendering for construction of the Caroline Springs Leisure Centre Extension & Regional Tennis Facility 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 third party accreditation of their Occupational Health and Safety Management System. Council also required the tenderers to provide evidence of public liability insurance and work cover.
 - Conducted referee checks for the appointment of the construction company.
2. Engagement of a financially capable construction company:
 - The engagement of an independent and expert consultant to conduct a financial review of the short-listed companies.
 3. Development of risk management plans for the project.
 4. Supervision of construction works to be undertaken by the appointed architectural firm Brand Architects.

7. Options

Council has the options to:

1. Adopt the Officers' recommendations as presented in this report.
2. Re-advertise the works package pertaining to the construction of the female friendly change amenities through a separate tender process.

LIST OF APPENDICES

1. Caroline Springs Town Centre Floor Plan - dated 1/03/2018
2. Caroline Springs Town Centre Aerial - undated

12.8 MELTON CITY COUNCIL ANNUAL REPORT 2017-18

Author: Bob Baker - Corporate Planning and Performance Coordinator
Presenter: Liz Hunter - Acting General Manager Corporate Services

PURPOSE OF REPORT

To present the Melton City Council Annual Report 2017-2018, pursuant to Section 134 of the *Local Government Act 1989*.

RECOMMENDATION:

That Council adopt the Melton City Council Annual Report 2017-2018 as presented (**Appendix 1**).

REPORT

1. Executive Summary

Council is required to consider the Annual Report at a meeting of the Council following it being submitted to the Minister and Public Notice being given.

The Annual Report has been available for inspection, and is appended to this report (**Appendix 1**).

2. Background/Issues

Section 131 of the *Local Government Act 1989*, ('the Act') requires Council to prepare an Annual Report in respect of each financial year, and specifies that the report must contain:

- a report of Council's operations during the year,
- audited financial statements for the financial year
- audited performance statement for the financial year

The Annual Report must be submitted to the Minister for Local Government by 30 September, and Council achieved compliance with this requirement by producing a designed PDF version of the report. An electronic version is available from Council's website and Council has produced a small number of printed versions.

Section 134 of the Act requires that Council consider the Annual Report at a meeting of the Council that is open to the public.

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2017-2021 Council and Wellbeing Plan references:

5. A high performing organisation demonstrating leadership and advocacy: An organisation operating with innovation, transparency, accountability and sustainability

5.4 *An organisation that demonstrates excellence in local government leadership and customer and community service.*

4. Financial Considerations

Preparation of the Annual Report is provided for in Council's recurrent expenditure Budget.

5. Consultation/Public Submissions

Public notice was given Tuesday, 25 September in the Star Weekly Local Newspaper, in accordance with Section 134 of the Act that the Melton City Council 2017-2018 Annual Report (**Appendix 1**), will be discussed at this meeting of Council.

Copies of the Melton City Council 2017-2018 Annual Report were made available at the Melton Civic Centre, Melton Library and Learning Hub and Caroline Springs/Library Civic Centre for public inspection in accordance with Sections 131 and 134 of the Act.

6. Risk Analysis

Not applicable.

7. Options

Council has a statutory obligation to consider the Annual Report at a formal meeting of Council.

LIST OF APPENDICES

1. Melton City Council Annual Report 2017-2018

12.9 ANNUAL RISK MANAGEMENT REPORT

Author: Anthony Hinds - Risk and Performance Manager
Presenter: Liz Hunter - Acting General Manager Corporate Services

PURPOSE OF REPORT

To present the status of Council's identified significant risks, as detailed in Council's Risk Register, at the conclusion of the 2017 – 18 year.

RECOMMENDATION:

That the report be received for information.

REPORT

1. Executive Summary

Council manages its significant risks using an online Risk Register, with governance provided by the internal Risk Management Committee.

As at 30 June 2018, Council had 33 risks recorded in the Risk Register. At that time two risks had mitigation actions that were overdue: 'fraud and corruption', and 'planning permit processes'.

From 1 July 2017 to 30 June 2018, three risks were added: 'infrastructure renewal gap', 'deterioration or loss of public art works', and 'non-current fixed asset revaluation'. In that same period, one corporate and two operational risks were completed, and 14 risks were deleted from the Risk Register as a result of data cleansing.

2. Background/Issues

Council has had an organisation-wide approach to risk management since 2008, and uses an online Risk Register to record significant risks, and mitigation actions.

The internal Risk Management Committee provides oversight and governance regarding risk management, and is chaired by the Chief Executive.

Six-monthly reports regarding Council's strategic risks are presented to the Audit Committee, and annual reports are presented to Council.

As part of its ongoing risk review program, Council contracted JLT Australia in May 2018 to review its strategic and corporate risk controls. The report provided assurance that Council is managing these risks appropriately, and also provided some opportunities for continual improvement. The Risk Management Committee considered and agreed to most of the recommendations and they were integrated into the 2018 - 2021 Enterprise Risk Management Strategy.

A. Total number of risks

At 30 June 2018, there were 33 identified risks to Council entered in the Risk Register.

<p>7 strategic risks (risks to the whole organisation)</p>	<p>Failure of service provider; economic environment; natural disaster/loss of IT; growth pressures; change of State or Federal government policy; significant misconduct; and work-related stress.</p>
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8 corporate risks (risks to multiple parts of the organisation)	Public safety; fraud and corruption; staff OHS (lone workers); staff OHS (aggressive customers); IT systems integration; compliance with legislated duties; climate change; and infrastructure renewal gap.
18 operational risks (risks to one part of the organisation)	3 each for Engagement & Advocacy and Risk & Performance; 2 each for Information & Technology and City Design, Strategy & Environment; 1 each for Operations, Finance, Libraries, Capital Projects, Planning Services, Families & Children, Recreation & Youth and Legal & Governance.

B. Risks added

Strategic and corporate risks are identified by the Risk Management Committee. Operational risks are identified by Council Officers, and vetted and approved by the Risk Management Committee. From 1 July 2017 to 30 June 2018, the following risks were added to the Risk Register:

- One corporate risk: 'infrastructure renewal gap'. This is being addressed via: engineering assessments; Council's Long Term Financial Plan; the use and maintenance of the Assetic asset register; Asset Management Plans for road and drainage assets; and the incorporation of infrastructure renewal into the Ten Year Capital Works Program.
- Two operational risks:
 - 'Deterioration or loss of public art works'
 - 'Non-current fixed asset revaluation'.

C. Risks removed

From 1 July 2017 to 30 June 2018:

- One corporate and two operational risks had their mitigating actions completed, and no further actions were deemed to be required. (All such risks are reviewed annually to identify if any actions are required.) They related to public safety, security of health information records, and non-current fixed asset revaluation.
- 14 operational risks were deleted from the Risk Register as part of Council's regular data review and cleansing program. They related to issues such as IT, procurement, climate change, Developer Contributions, asset maintenance, Statements of Compliance and the Environmental Enhancement Policy. They were cleansed because either:
 - The issue no longer presents a risk to Council
 - They were re-assessed as being of a minor impact, and therefore managed as part of 'business as usual' by Council Officers
 - The relevant issue is covered by another strategic or corporate risk and is being controlled appropriately by that mechanism.

D. Risks overdue

At 30 June 2018, two risks were overdue for completion:

- One regarding fraud and corruption
 - Finalisation of some internal documentation remains to be completed, but in the same period, risk assessments were undertaken, preventative training was delivered to staff, and external and internal reviews identified no major deficiencies in Council's integrity framework.

- One regarding permit planning processes
 - While staff are made immediately aware of any legislative or Planning Scheme changes, some completion of internal policy and procedure documentation remains.

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2017-2021 Council and Wellbeing Plan references:

5. A high performing organisation demonstrating leadership and advocacy: An organisation operating with innovation, transparency, accountability and sustainability

5.4 An organisation that demonstrates excellence in local government leadership and customer and community service.

4. Financial Considerations

There are no financial considerations as a result of preparing this report.

5. Consultation/Public Submissions

Consultation and/or public submissions were not required in the preparation of this report.

6. Risk Analysis

A risk analysis is not required for this report.

7. Options

Nil.

LIST OF APPENDICES

Nil

12.10 AMENDMENT C173 TO THE MELTON PLANNING SCHEME - SIGNIFICANT LANDSCAPE FEATURES STRATEGY PANEL REPORT

Author: Donald Lewis - Strategic Planner

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

PURPOSE OF REPORT

To consider the recommendations of the Planning Panel on Amendment C173 to implement the Significant Landscape Features Strategy into the Melton Planning Scheme.

RECOMMENDATION:

That Council:

1. Adopt Amendment C173 to the Melton Planning Scheme as contained at **Appendix 4**.
2. Submit the Amendment to the Minister for Planning for approval.

REPORT

1. Executive Summary

Amendment C173 seeks to amend the Melton Planning Scheme to implement the recommendations of the Significant Landscape Features Strategy, 2016 (the Strategy) (**Appendix 1**). At its Ordinary meeting on 2 May 2016, Council adopted the Strategy and resolved to prepare and exhibit Amendment C173 to the Melton Planning Scheme (**Appendix 2**).

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 5 October 2017 – 6 November 2017 and 16 submissions were received.

At its Ordinary meeting on 18 December 2017, Council resolved to request the Minister for Planning to establish an independent Planning Panel to consider unresolved submissions received in response to Amendment C173 in accordance with the *Planning and Environment Act 1987*.

On 10 January 2018, Planning Panels Victoria appointed a two person Panel to hear and consider unresolved submissions. The Panel conducted a Directions Hearing on 30 January 2018, and considered the submissions at a Panel Hearing on 8 March 2018.

Council officers received the Panel Report (**Appendix 3**) on 30 April 2018. The report fully supported Amendment C173 and the Strategy, recommending only minor changes to the exhibited Amendment documentation and reflecting Councils Submission in respect of deleting the extension of the Significant Landscape Overlay at Mt Atkinson in the context of the approved Precinct Structure Plan (**Appendix 4**).

It is now recommended that Council adopt Amendment C173 to the Melton Planning Scheme subject to the minor changes recommended in the Panel Report.

2. Background/Issues

Significant Landscape Features Strategy

The 2012 Planning Scheme Review identified the need to undertake a Landscape Strategy to protect important features and recommended improved planning controls. This was also a key recommendation from the Western Plains North Green Wedge Management Plan (WPNGWMP) which was adopted by Council in 2014. On this basis, the Strategy was prepared and adopted by Council at its Ordinary Meeting on 2 May 2016.

The Strategy identifies significant landscapes across the municipality and provides policy direction from Landscape Management Guidelines contained in a Local Planning Policy. The Strategy also recommended the extension of the existing Significant Landscape Overlay (SLO) affecting Mt Kororoit, Mt Atkinson and Mt Cottrell, and updating schedules to the SLO1, Environmental Significance Overlay 1 (ESO1) and Environmental Significance Overlay 2 (ESO2). The ESO1 is applied to Remnant Woodlands, Open Forests and Grasslands. The ESO2 is applied to Wetlands, Waterways, and Riparian Strips.

The Amendment sets out detailed guidance for responsive design and siting of development. Specifically it:

- Extends existing Significant Landscape Overlay (SLO) mapping of Mt Kororoit, Mt Cottrell and Mt Atkinson.
- Amends the Significance Landscape Overlay Schedule 1, Environmental Significance Overlay Schedules 1 and 2 (ES01 & ES02).
- Amends the Municipal Strategic Statement at Clause 21.01 and 21.03.
- Introduces a Rural Landscape Character Policy into the Melton Planning Scheme at Clause 22.16.
- Introduces the *Significant Landscape Features Strategy, May 2016* as a Reference Document

Following Council's adoption of the Strategy and resolution to proceed with an Amendment to the Melton Planning Scheme to implement the recommendations of the Strategy, Council officers commenced preparation of Amendment C173. Officers had discussions with DELWP concerning the form and content of the Amendment. Authorisation was received from DELWP on 23 August 2017 subject to some changes to Amendment documents.

The amendment was placed on public exhibition from 5 October 2017 – 6 November 2017 and 16 submissions were received through this process. All submissions opposed the amendment in some form except for a submission received from the CFA which supported the Amendment.

Following exhibition, Council Officers contacted submitters to attempt to resolve the submissions. Most submitters requested significant changes to the Amendment and indicated their support for an independent Planning Panel to consider these submissions.

Planning Panel

At its Ordinary meeting on 18 December 2017, Council resolved to request the Minister for Planning to establish an independent Planning Panel to consider unresolved submissions received in response to Amendment C173 in accordance with the *Planning and Environment Act 1987*.

On the 10 January, Planning Panels Victoria appointed a two person panel to hear and consider submissions received. The Planning Panel conducted a Directions Hearing on 30 January 2018 and considered submissions at a Panel Hearing on 8 March 2018.

Following discussions with two submitters after the Directions hearing and their subsequent withdrawal. The two submissions related to the proposed extension of the SLO at Mt Atkinson would have extended into areas identified for development for urban uses that

would be inconsistent with the objective of the overlay control. This issue arose when the Strategy was approved prior to the finalisation of the Mt Atkinson and Tarneit Plains Precinct Structure Plan (PSP). At the time the Mt Atkinson and Tarneit Plains PSP was approved, the planning scheme amendment was authorised and ready for exhibition and therefore could not be changed. However, Council officers agreed that the proposed extension conflicted with the approved PSP and agreed to delete the extension of the SLO but retain the existing SLO.

There were five submitters who requested to be heard at the Panel Hearing.

It is important to note that all 16 submissions were considered by the Planning Panel, whether the submitter was heard at the Planning Panel or not.

Planning Panel Report

The Panel issued its report to Council officers on 30 April 2018 (**Appendix 3**). The Panel Report supported the Amendment and the Strategy and noted that the extension of the Significant Landscape Overlay at Mt Cottrell and Mt Kororoit is appropriate and the methodology underpinning this was sound. The Panel agreed with Melton City Councils submission that the abandonment of the Mt Atkinson Significant Landscape Overlay mapping was appropriate, particularly in circumstances where the Significant Landscape Overlay would extend over a future urban area within an approved Precinct Structure Plan. The Panel supports the introduction of the Rural Landscape Character local planning policy to provide a policy framework for Council to exercise discretion in respect to development in rural areas and in the use of the application requirements.

The Panel recommended that Council adopt the Amendment as exhibited subject to the following changes (**Appendix 4**):

1. Abandon the proposed extension of the Significant Landscape Overlay at Mt Atkinson.
2. Amend Schedule 1 to the Significant Landscape Overlay by replacing landscape objective dot points 2, 3, 4 and 5 with:
 - To keep the core volcanic cone areas free from development where possible, by discouraging building and works at:
 - i. Mt Kororoit above the 180 metre AHD contour line
 - ii. Mt Cottrell above the 160 metre AHD contour line
 - iii. Mt Atkinson above the 120 metre AHD contour line.
3. Amend Clause 3.0 of Schedule 1 to the Environmental Significance Overlay to introduce a permit exemption for fencing within the Eynesbury mixed use development as defined by the Mixed Use Zone, as follows:
 - This does not apply if the fence is within the Eynesbury mixed use development as defined by the Mixed Use Zone.

It is recommended that Council adopt Amendment C173 to the Melton Planning Scheme subject to minor drafting changes as recommended by the Panel (**Appendix 3**) and detailed in **Appendix 4**. Council officers as required by the *Planning & Environment Act 1987* made the report public on 30 April 2018. Officers also sent letters to all submitters advising them that the report was available.

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2017-2021 Council and Wellbeing Plan references:

3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way
 - 3.1 *A City that strategically plans for growth and development.*

4. Financial Considerations

Council Officer time and resources are involved in the preparation of the Strategy and preparation, exhibition, the consideration of submissions and the adoption of the amendment as well as attendance at the Panel Hearing. Council engaged suitably qualified consultants to prepare the adopted Significant Landscape Features Strategy to the value of \$120,000.

Council has incurred costs associated with the Planning Panel, including legal representation and fees payable to Planning Panels Victoria to conduct the Directions Hearing and Panel Hearing. The total fees payable were \$37,782.09.

Given the process is almost completed, the amendment will no longer add significantly to the resource and administrative costs of Council. The amendment will result in a negligible increase in planning applications to Council and provide a clear and robust policy framework to consider all applications.

5. Consultation/Public Submissions

Public Exhibition

The amendment was on public exhibition from 5 October 2017 – 6 November 2017 and involved letters (giving notice) to affected land owners and occupiers and Government bodies and agencies who may have been materially affected by the amendment.

Letters were sent to land owners and occupiers that are affected by the:

- SLO1
- ESO1 and ESO2
- Previous submitters to the Strategy
- Previous submitters to the WPNGWMP.

Letters were sent to the following Government bodies and agencies:

- Prescribed Ministers
- Victorian Planning Authority
- Southern Rural Water
- Vic Track
- Western Water
- CFA
- Victorian Planning Authority (VPA)
- DELWP

Included in the mail out was an information brochure and the public notice.

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 16 submissions were received in response to the amendment.

All submissions opposed the amendment in some form except for one submission received from the CFA which supported the Amendment.

Following exhibition, Council Officers contacted submitters who sought clarification on some issues and the process for the next stage of the Amendment. Most submitters requested significant changes to the Amendment and indicated their support for an independent Planning Panel to consider these submissions.

6. Risk Analysis

Should Council choose not to adopt Amendment C173, the absence of a local planning policy in the Melton Planning Scheme will result in a lack of clear direction for Council officers in assessing future planning permit applications in a consistent and efficient manner. This may result in inappropriately design development impacting the landscape features within the City of Melton, contrary to the policy intent of the adopted *Significant Landscape Features Strategy* (The Strategy).

It should also be noted that should Council choose not to adopt C173, it would mean that an adopted Council document, The Strategy, would not be implemented into the Planning Scheme and may have an impact on any weight afforded to the Strategy in VCAT proceedings.

7. Options

Council can resolve to either:

1. Adopt Amendment C173 to the Melton Planning Scheme subject to the changes recommended in the Panel Report and submit the Amendment to the Minister for Planning for approval; or
2. Abandon Amendment C173 to the Melton Planning Scheme.

LIST OF APPENDICES

1. The Significant Landscape Features Strategy - dated May 2016
2. Minutes of Ordinary Meeting - dated 2 May 2016
3. C173 Panel Report - dated 30 April 2018
4. C173 Planning Scheme Ordinance - undated

12.11 AMENDMENT C182 TO THE MELTON PLANNING SCHEME - ELECTRONIC GAMING MACHINE PLANNING POLICY PROJECT

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

PURPOSE OF REPORT

To consider submissions received in response to Amendment C182 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 C182 in accordance with the *Planning and Environment Act 1987*.
2. Authorise the General Manager Planning and Development and the Manager City Design, Strategy and Environment to negotiate and resolve issues that are raised during the Planning Panel process prior to the Amendment being reported back to Council for consideration.

REPORT

1. Executive Summary

Amendment C182 proposes to incorporate the recommendations of the Melton Electronic Gaming Machine Planning Policy Project Reference Document into the Melton Planning Scheme.

At the Ordinary meeting held on the 24 July, 2017 Council resolved to seek authorisation to:

1. *Adopt the City of Melton Electronic Gaming Machine Planning Policy reference document*
2. *Note the City of Melton Electronic Gaming Machine Planning Policy Background Report*
3. *Prepare Planning Scheme Amendment C182 to the Melton Planning Scheme for the Minister for Planning and upon receiving authorisation, prepare and exhibit the amendment in accordance with Section 19 of the Planning and Environment Act , 1987*
4. *Authorise the General Manager Planning and Development or Manager City Design, Strategy & Environment to negotiate and resolve any issues that are raised by submitters during the exhibition process prior to the Amendment being reported back to Council for referral to a Planning Panel or Adoption.*

Following this resolution, Council officers sought authorisation to commence the Amendment from the Department of Environment, Land, Water and Planning (DELWP). Authorisation which was received on 20 April, 2018. Subsequently, the Amendment was publicly exhibited

during the period of 28 June 2018 – 9 August 2018. Two submissions were received during the exhibition period and are summarised in section five of this report and detailed in **Appendix 2**.

The Amendment will provide a clear direction for the assessment of gaming related planning applications and for Council to defend these positions at VCAT.

It is recommended that Council requests the Minister for Planning to establish an independent Planning Panel to consider unresolved submissions received in response to Amendment C182 in accordance with the *Planning and Environment Act 1987*.

2. Background/Issues

Melton Electronic Gaming Planning Policy Project Reference Document

The *City of Melton Responsible Gambling Policy* is Council's social policy that was adopted by Council in October 2014. The policy describes Council's commitments in relation to addressing harms associated with all gambling products and activities over which Melton City Council has influence.

A key recommendation from the policy was to strengthen Council's position on Electronic Gaming Machines (EGM's) by developing a Local Planning Policy to be included in the Melton Planning Scheme.

As part of the project, a Reference Document was produced based on the following key principles:

- a. *Gaming venues and EGM's should be accessible to the extent that they are available but not convenient.*
- b. *Growth Areas – The availability of EGM's and gaming venues should be managed to reflect population growth and distribution.*
- c. *Exposure to opportunities to gamble should be managed to safeguard the health and wellbeing of communities at an elevated risk of gambling related harms.*
- d. *Venues should be designed and operated to maximise their potential community benefits.*

Sections 4 and 5 of the Reference Document makes recommendations for changes to the Melton Planning Scheme to provide the policy framework to implement these key principles.

These recommendations form the basis of Amendment C182 to the Melton Planning Scheme.

Amendment C182

The amendment implements the recommendations of the City of Melton Electronic Gaming Planning Policy Project Reference Document, June 2017 in order to guide the location of electronic gaming machines in the municipality.

In particular, the Amendment:

- Inserts a new Local Planning Policy for Electronic Gaming into the Melton Planning Scheme at Clause 22.13, including the City of Melton Responsible Gambling Policy, October 2014 and the City of Melton Electronic Gaming Planning Policy Project Reference Document, June 2017 as reference documents.
- Amends the Particular Provisions at Clause 52.28, Schedule to Clause 52.28 Gaming.

In accordance with Ministerial Direction No 11 the amendment has been assessed against the relevant Strategic Assessment Guidelines.

The purpose of Amendment C182 is to provide improved direction from the Melton Planning Scheme and enable a more comprehensive assessment of gaming related planning

applications. The Amendment will ensure that Council has the policy guidance to defend decisions at VCAT and advise applicants at the pre application stage.

The Amendment provides a fair and orderly approach to EGMs acknowledging the economic role of venues to local communities whilst minimising the impacts from gambling on these communities.

The proposed amendment supports the PPF, in particular Clause 11 (Settlement) and Clause 17 (Economic Development).

- Clause 11 (Settlement) seeks to provide a focus for business, shopping, working, leisure and community facilities, to improve the social, economic and environmental performance and amenity of centres and to reduce the number of private motorised trips by concentrating activities in accessible centres by encouraging economic activity and business synergies.
- Clause 17 (Economic Development) seeks to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development. Relevant policy encourages various retailing options that meet the needs of local residents.

The Amendment will address a current gap in the Local Planning Policy Framework by including a Local Planning Policy in the Melton Planning Scheme.

The Amendment also updates Clause 52.28 of the Particular Provisions and is consistent with the following objectives:

- To ensure that gaming machines are situated in appropriate locations and premises.
- To ensure the social and economic impacts of the location of gaming machines are considered.
- To prohibit gaming machines in specified shopping complexes and strip shopping centres.

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2017-2021 Council and Wellbeing Plan references:

3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way

3.1 A City that strategically plans for growth and development.

4. Financial Considerations

The City of Melton Electronic Gaming Machine Planning Policy was prepared by an external consultant within the approved budget of \$40,000.

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 the Planning Scheme Amendment is within the City Design Strategy & Environments recurrent budget.

5. Consultation/Public Submissions

The Amendment was on public exhibition from 28 June 2018 – 9 August 2018 and involved letters (giving notice) to existing venue operators, industry groups, government agencies, surrounding Councils and community organisations who participated in the development of the project. A more extensive mail out to include households was not considered necessary

as the changes proposed to the Melton Planning Scheme do not change current operations of existing venues.

Notices were placed in local newspaper the *Melton and Moorabool Star Weekly* and the Government Gazette and posted on DELWP's and Councils website in accordance with *The Planning and Environment Act 1987*.

Submissions

A total of two submissions were received in response to the amendment (**Appendix 2**).

A summary of issues raised through submissions to be considered by the Planning Panel are detailed below:

Submitters	Issue	Response
2	Description of West Waters Hotel as a Shopping Complex in schedule is ambiguous.	Agree, changes to description will be made to ensure clarity.
1 & 2	Net community benefit and other references to 'community' are not mandated to be considered under the Victoria Planning Provisions (VPP).	Disagree, while community benefit is required to be considered under the Gambling Regulation Act, it is often applied to local policies and was supported by DELWP during the drafting of the amendment. No change.
1	Objects to the policy that venues and EGMs should not be located on land where a shopping complex or a strip shopping centre has not been fully established.	Disagree, sequencing of development is important particularly in growth areas to ensure that gaming is not the only entertainment option available. No change.
1 & 2	Object to the requirement that gaming venues and EGMs should be located at least 400m walking distance from various uses including residential and public transport interchanges.	Disagree, this is a key mechanism for ensuring EGMs are accessible but not convenient. No change.
1 & 2	Object to the requirement that signage on venues should be modest in size and discrete	While a separate approval process is required through the VCGLR, signage is required to be assessed under planning schemes and is therefore a legitimate issue to be included in a local gaming policy. No change.
1 & 2	The requirement that EGMs should not be located in venues that operate 24 hours per day should be removed from the policy.	Disagree, while the VCGLR regulates hours of operation through its licensing process, the planning permit process must consider hours of operation in order to determine the location of venues and EGMs and potential impacts on amenity. No change.
1 & 2	A Social and Economic Impact Assessment to show that the proposal will produce a net community benefit should be deleted or re-worded as is not a relevant test.	Disagree, this forms part of the application requirements and ensures all relevant information is made available to Council during the assessment process. No change.

1 & 2	The need to provide evidence of the impact of the proposal on community well-being through a community survey or other data is excessive.	Disagree, this forms part of the application requirements and ensures all relevant information is made available to Council during the assessment process. No change.
1 & 2	<i>The City of Melton Responsible Gambling Policy</i> reference document dated 2014 has expired.	Noted, the reference document is still current, however, the expiry date indicates otherwise. The policy remains current until it is replaced or amended.
1 & 2	The Reference Document fails to acknowledge the benefits associated with gaming and is not balanced in its approach.	Disagree, the policy responds to the relevant Victorian Planning Provisions which requires Councils to consider amongst other issues, the social and economic impacts of the location of gaming machines.

Following exhibition, discussions were held with submitters to clarify some of the issues raised. One submitter has withdrawn its submission following the agreement by Council officers to clarify the land description of the Caroline Springs Town Centre.

The remaining submitter has indicated that their submission cannot be resolved, and has requested to be referred to an independent Planning Panel for its consideration.

6. Risk Analysis

If Council chooses not to adopt Amendment C182 to the Melton Planning Scheme, there are a number of associated risks:

1. The absence of an Electronic Gaming Machine Local Planning Policy in the Melton Planning Scheme will result in a lack of clear direction for Council officers in assessing future planning applications in a consistent and efficient manner.
2. A lack of guidance for existing venues operators and new venue operators.
3. Inappropriate planning outcomes in relation to the location of new venues and expansion of existing venues.

7. Options

Council can resolve to either:

1. Request the Minister for Planning to establish an independent Planning Panel to consider unresolved submissions received in response to C182 in accordance with the *Planning and Environment Act 1987* and authorise the General Manager of Planning and Development and the Manager, City Design, Strategy & Environment to negotiate and resolve any issues raised during the Planning Panel process prior to the Amendment being reported back to Council for consideration.
2. Abandon the Amendment.

LIST OF APPENDICES

1. Planning Policy Reference Document - dated June 2017
2. Submissions - dated August 2018
3. Proposed Ordinances - undated

12.12 AMENDMENT C201 TO THE MELTON PLANNING SCHEME - MT ATKINSON AND TARNEIT PLAINS INFRASTRUCTURE CONTRIBUTIONS PLAN

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

PURPOSE OF REPORT

To present Melton City Council's submission to Planning Scheme Amendment C201 to the Melton Planning Scheme – Infrastructure Contributions Plan for the Mt Atkinson and Tarneit Plains Precinct Structure Plan.

RECOMMENDATION:

That Council:

1. Endorse and submit **Appendix 2** to the Victorian Planning Authority requesting changes to the Infrastructure Contributions Plan for the Mt Atkinson and Tarneit Plains Precinct Structure Plan.
2. Authorise the General Manager Planning and Development and the Manager City Design, Strategy and Environment to negotiate and resolve issues with the Victorian Planning Authority.
3. Write to the Minister for Planning to request that the Community and Recreation Construction Levy be reviewed to ensure that the levy is fair and reasonable, and appropriate to deliver this essential infrastructure.

REPORT

1. Executive Summary

The Victorian Planning Authority (VPA) has recently released Amendment C201 to introduce the Mt Atkinson and Tarneit Plains Infrastructure Contributions Plan (ICP) into the Melton Planning Scheme. The ICP can be found at **Appendix 1**.

The ICP complements the Mt Atkinson and Tarneit Plains Precinct Structure Plan (PSP) that was incorporated into the Melton Planning Scheme on 12 September 2017. The ICP is the statutory mechanism which specifies the monetary and public land contributions that developers will make to Council to provide essential works and services for new communities in the Mt Atkinson and Tarneit Plains PSP area.

It is noted that the proposed ICP exhibited as Amendment C201 will replace an existing ICP which was incorporated into the Melton Planning Scheme on 12 September 2017 with the PSP. The new ICP has been prepared in response to the changes made to *Planning and Environment Amendment (Public Land Contributions) Act 2018* which came into effect on 1 July 2018.

Officers have reviewed the information provided by the VPA in respect of the ICP and have prepared a detailed submission which is attached at **Appendix 2** to this report. In summary, there are four key issues identified in the submission:

- The VPA have used benchmark infrastructure costs for transport projects. However the transport project designs are specific to the Mt Atkinson and Tarneit Plains PSP.

It is therefore considered that the costs should reflect the PSP specific designs and not be based on benchmark costs.

- The ICP levy will contribute only 62% of the money required to build community and recreation infrastructure projects. Whilst it is understood that the levy is a contribution only for these projects, it is a departure from the Development Contribution Plan system where Council was able to recover a greater proportion of money to construct this infrastructure.
- There are discrepancies between the exhibited ICP and the approved PSPs. Discrepancies include project descriptions, land areas, and the staging of projects.

The information contained in Amendment C201 to the Melton Planning Scheme provided by the VPA presents a financial risk to Council in the delivery of the required transport, and community and recreation infrastructure. Whilst recognising that the levies are intended to provide contributions to the delivery of infrastructure and it is expected that Council will also contribute, officers do not believe that the intention of the new ICP system was to place increased financial burdens on Council.

2. Background/Issues

The Mt Atkinson and Tarneit Plains PSP and ICP was incorporated into the Melton Planning Scheme on 12 September 2017.

The ICP system has replaced the Development Contribution Plan (DCP) system in respect of the collection of financial contributions to fund the construction of community, recreation and transport infrastructure, and purchase land identified in the preparation of the PSPs. Although all existing DCP's are still retained.

The ICP system was first implemented in June 2016. Initially the ICP system had three levies, which collected money for the purchase of land, the construction of transport projects, and the construction of community and recreation projects. Under this system money could be shared between the public land and transport levies if there was a surplus in one and a shortfall in the other.

The Mt Atkinson and Tarneit Plains ICP approved in 2017 was a standard levy ICP as it was sharing money between the public land and transport construction levies. The over-contribution of money in the public land levy was offsetting the under-contribution of money in the transport construction levy.

The Mt Atkinson and Tarneit Plains ICP approved in 2017 had a shortfall in the community and recreation construction levy as a supplementary levy is not allowed for community projects. The shortfall for the construction of community and recreation projects in the Mt Atkinson and Tarneit Plains ICP (2017) was estimated to be \$8,161,656.

On 1 July 2018 the ICP system was changed by the *Planning and Environment Amendment (Public Land Contributions) Act 2018*.

The changes to the ICP system introduces a new public land contributions model for the ICP system. The new land contribution model requires land for public purposes to be provided as part of an infrastructure contributions when land is developed, and replaces the public land component of the standard levy.

The ICP that was approved in 2017 for the Mt Atkinson and Tarneit Plains PSP area was required to be changed to reflect the changes to the ICP system.

The rates for the transport construction levy, and the community and recreation construction levy are set by the Minister for Planning every year. The current rates for the 2018/19 financial year are detailed in Table 1 below:

Table 1: 2018/19 Infrastructure Levy Rates

Class of development	Community & Recreation Construction / hectare	Transport Construction / hectare	Total Levy Rate / hectare
Residential	\$86,627	\$114,062	\$200,689
Commercial & Industrial	-	\$114,062	\$114,062

The VPA prepared cost estimates for the transport construction, and community and recreation construction projects.

If there is a shortfall between the amount being collected and the amount to be expended for the construction of transport projects, a supplementary levy can be applied to ensure that the cost of the construction of transport projects are fully recovered.

The community and recreation construction levy is a fixed rate, and it is not possible for community and recreation projects to be dealt with through a supplementary levy.

Exhibited C201

The exhibited Mt Atkinson and Tarneit Plains ICP standard levy rates and cost estimates for infrastructure projects are detailed in Table 2 below:

Table 2: Standard Levy Calculation

Class of development	Amount Collected	Project Values	Shortfall
Community & Recreation Construction Levy	\$35,567,314	\$60,113,990	\$24,546,676
Transport Construction Levy	\$103,412,031	\$105,948,255	\$2,536,224
Total	\$138,979,345	\$166,062,245	\$27,082,900

Based on the deficit in the transport infrastructure construction levy, the VPA proposes a supplementary levy of \$2,797 per net developable hectare to ensure that transport infrastructure construction is covered. The details of the supplementary levy proposed for the Mt Atkinson and Tarneit Plains ICP is detailed below in Table 3:

Table 3: Supplementary Levy Calculation

Class of development	Amount Collected	Project Values
Transport Construction Levy	\$105,947,875	\$105,948,255

As a supplementary levy cannot be applied to the community and recreation levy, the deficit for the community and recreation projects in Table 2 does not change.

Council officers have reviewed the information provided by the VPA in respect to the ICP and have prepared a detailed submission which is attached at **Appendix 2** to this report.

Council officers have had the transport designs and costs in the Mt Atkinson and Tarneit Plains ICP peer reviewed, which has revealed further shortfalls in the transport construction levy.

Council have identified the following high level issues with the ICP:

Shortfall in the Construction of Transport Projects

As the PSP was developed prior to the commencement of the *benchmark infrastructure costing* project by the VPA the design of the intersection and bridge projects did not utilise the standard designs being prepared by the VPA. However the VPA has sought to apply the draft benchmark costs for these projects in the ICP.

Officers do not support the use of benchmark costs for the transport projects, as the VPA have used non-standard (bespoke) designs for these projects.

WT Partnership were engaged to provide costings for the transport projects, based on the designs prepared by the VPA to support the approved PSP.

There is a \$14,123,063 difference between the VPA's cost estimate of \$105,948,255 to construct the transport projects and WT Partnership's estimate of \$120,071,318.

Based on the cost estimates prepared by WT Partnership the supplementary levy should be increased from \$2,797 per net developable hectare to \$18,375 per net developable hectare.

The supplementary could be applied to additional bridge and culvert projects in the ICP.

Shortfall in the Construction of Community and Recreation Projects

As noted above the community and recreation construction levy rate is a set rate, and it is not possible for community and recreation projects to be dealt with through a supplementary levy.

The VPA have used the draft benchmark costs prepared for Level 1 and Level 2 Community Centres. These costs were peer reviewed by Turner and Townsend, who arrived at similar costs for these projects. The cost estimates for these assets are not disputed.

The VPA have used bespoke costs for the 6 and 10 hectare active open space reserves. The peer review by Turner and Townsend arrived at similar costs for these projects. The cost estimates for these assets are not disputed.

The estimated costs of constructing the community and recreation projects prepared by the VPA, and the peer review estimates by Turner and Townsend are detailed in Table 4 below:

Table 4: Estimated Cost of Constructing Community and Recreation Projects

Cost Estimate for Community & Recreation projects	Levy Amount Collected	Project Values	Shortfall
VPA	\$35,567,314	\$60,113,990	\$24,546,676
Turner and Townsend	\$35,567,314	\$57,418,000	\$21,850,686

Based on Turner and Townsend's cost estimates, the community and recreation construction levy will only collect 62% of the money required to construct essential community and recreation infrastructure, which is a departure from the DCP system where Council was able to recover a greater proportion of the money required to construct this infrastructure.

Council officers recommend that Council write to the Minister for Planning to request that the Community and Recreation Construction Levy be reviewed to ensure that the levy is fair and reasonable, and appropriate to deliver this essential infrastructure.

Discrepancies with the Approved Precinct Structure Plan

A number of discrepancies have been identified between the proposed ICP and the approved PSP. Council requests that the information in the ICP and the PSP should match each other. Discrepancies include project descriptions, land areas, and the staging of projects. The VPA have indicated that some of these discrepancies are clerical errors.

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2017-2021 Council and Wellbeing Plan references:

3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way

3.1 A City that strategically plans for growth and development.

4. Financial Considerations

Once development commences funds are expected to be collected by Council as outlined in the ICP. The ICP identifies the projects to be funded, the money to be collected, and expended in the delivery of essential community and recreation, and transport infrastructure.

Based on the current information provided by the VPA the information highlights a significant financial risk to Council. Whilst recognising that the levies are intended to provide contributions to the delivery of infrastructure and it is expected that Council will also contribute, Council officers do not believe the intention of the new ICP system was to place such financial burden on Council.

5. Consultation/Public Submissions

The VPA formally exhibited the ICP for one month with the submission closing on Friday, 14 September 2018.

Council's request for an extension of time to make a submission has been granted by the VPA to allow the submission to be presented to Council.

The VPA sent letters to landowners within the Mt Atkinson and Tarneit Plains PSP area and adjacent properties at the beginning of the exhibition period, notifying them on an opportunity to comment on the amendment documentation.

All affected parties were provided an opportunity to make a submission to the VPA on the ICP and associated amendment documentation.

6. Risk Analysis

The ICP presents financial risk to Council and has the potential to damage Council's reputation with the community if we cannot deliver the required services to the local community.

As outlined in this report and detailed at Appendix 2 there are actions that Council should take to mitigate the risk:

- Request the VPA use WT Partnership's detailed cost estimates that have been based on the specific transport project designs in the ICP.
- Advocate to the Minister for Planning to review and address the significant deficit in the community and recreation construction levy.

7. Options

Council has the option to:

- Endorse the submission and recommendations of this report and make a submission as detailed at Appendix 2 to the VPA on Amendment C201 to the Melton Planning Scheme.
- Not endorse the recommendations, and choose not to make a submission to Amendment C201 to the Melton Planning Scheme.

LIST OF APPENDICES

1. Amendment C201 Exhibition Documents - Planning Scheme - Ordinance, and the Mt Atkinson and Tarneit Plains Infrastructure Contributions Plan - dated August 2018
2. Melton City Council Submission to Amendment C201 - dated 15 October 2018

12.13 PLANNING APPLICATION PA 2018/6177/1 - USE OF AN EXISTING BUILDING AS A HALL AND UNDERTAKE ASSOCIATED BUILDING AND WORKS AT 32 - 40 GREENS ROAD, STRATHTULLOH

Author: Valentine Sedze - Development 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 Refuse to Grant a Permit subject to the grounds outlined in **Appendix 6** of this report.

REPORT

1. Background

Executive Summary

Applicant:	Patricia Cooper
Proposal:	Use of an existing building as a hall and associated buildings and works
Existing Land Uses:	Existing single storey dwelling, animal husbandry and agriculture
Zone:	Green Wedge
Overlays:	Nil
Number of Objections:	39 objections Six submissions in support of proposal
Key Planning Issues:	Strategic justification Suitability of the use in this area Effects on the amenity of surrounding residents
Recommendation:	Refuse Application

The Land and Surrounding Area

The subject site has an area of 4.18 hectares and is located on the corner of Ferris Road and Greens Road in Strathulloh. Other features of the site are as follows:

- The site is regular in shape.
- It contains an existing single storey dwelling, barn, salt bush plantation, orchard, feeding paddocks, animal shelters, greenhouses, chicken coop and a vegetable garden.
- An existing dam with a cantilevered timber deck.

- Scattered native trees.

The surrounding area commonly known as the Strathtulloh Estate, comprises rural residential lots of various sizes with most lots containing a single dwelling. These rural lifestyle dwellings are associated with minor ancillary uses such as hobby farming, livestock grazing and equine activities.

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

Site History

The subject site has been used as a function centre on multiple occasions within the past 12 months. A function centre is defined in the Melton Planning Scheme as land used, by arrangement, to cater for private functions, and in which food and drink may be served. It may include entertainment and dancing.

The applicant was advised in writing by Council in the letter dated 6 April 2018 to immediately cease the use of the land as a function centre operating as La Gomme Rouge. The events that have been carried out on the land include DIY weddings, birthdays, parties and engagements.

The use of the land as a function centre is prohibited on the subject land as the land size is less than the required 12 hectares. As such the applicant has applied to use the subject site as a hall, which is not defined in the Planning Scheme.

The Application

The application proposes use of an existing building as a hall and associated buildings and works.

The proposal is summarised as follows:

- Use existing barn as a hall with a ground floor area of 115.14m² (excluding storage areas at the ground floor and the mezzanine floor totalling 42.42m² in floor area).
- The hall constructed of timber is to accommodate a maximum of 120 patrons at one given time.
- The hall will be available for use from 9am to 10pm, Monday to Friday and 12 noon to 12 midnight on Saturday and Sunday.
- According to the application, the hall will be used for community meetings and events, and gatherings by sporting, social/activity groups. It is to be open to the general public for hire for a range of events with the emphasis on community involvement.
- Depending on the nature of the use there may be up to six staff on-site at any given time.
- A total of 54 on-site car parking spaces comprised of 46 grassed visitor car spaces located at the front portion of the site, and seven gravelled car spaces for staff plus one loading bay located adjacent to the barn.
- The applicant has advised that the future use of the hall will not be intensive but modulated to accord with its rural setting and compatible with the current zoning. In certain circumstances there may be entertainment of a modest nature as an ancillary aspect of the usage. However, for the most part community groups will use the hall for purposes that do not involve entertainment.
- Provision of directional signage at the existing and proposed entrances.
- A second new vehicle crossover off Greens Road.

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

Planning Controls

Zone	(Clause 35.04 – Green Wedge Zone)	Permit required for use and development.
Particular Provisions	(Clause 52.06 – Car Parking)	0.3 car spaces are required to each patron permitted. 120 patrons are proposed equating to 36 car spaces The application makes provision for 54 spaces.

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 or Section 173 Agreement?

The land is affected by a Restrictive Covenant and a Section 173 Agreement; however the proposal does not breach any conditions of the Covenant or Agreement.

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 and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2017-2021 Council and Wellbeing Plan references:

3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way.

3.1 A City that strategically plans for growth and development.

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 by way of:

- Letters were sent to residents within a 1,000m radius from the subject site. Letters were sent on the 10 August 2018 with a closing date of 31 August 2018 (more than the minimum notice period of 14 days was provided for submissions to be lodged).
- Two notice were also erected on the subject site on the 24 August 2018, one fronting Ferris Road and the other fronting Greens Road. A period of 14 days (to the 7 September 2018) was allowed for submitters to respond.

In total 39 objections were received and six submissions in support of the proposal were received.

The grounds of objection may be summarised as follows:

- Noise generated from music, patron and vehicle noise.
- Increase in traffic during events and road damage.
- Safety concerns for residents due to increase in traffic.
- Risk of criminal activity associated with the use and security concerns.

- Hours of operation.
- Proposal is not in keeping with the character of the area and is contrary to the objectives of the Green Wedge Zone.
- Littering by venue patrons.
- Loss of privacy.
- Intrusive lighting on the subject site and light pollution from vehicles headlights.
- Bushfire risk in the area.
- Dust from car parking area.
- Buses parked on the roadway.
- Property devaluation.
- Approval of the proposal will set a precedent for similar uses in the future.
- Potential of effluent run-off due to septic tank overflows.
- The use is categorised as a function centre and not a hall.
- On-site consumption of liquor without a liquor licence.
- Intoxicated patrons in the area.
- Impact on livestock.
- Number of patrons.
- The recently constructed 1.8m high galvanised internal fencing is in breach of the covenant as it is located outside the building envelope.

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

Referral of the application

The application was referred to Council's Engineering Services and Environmental Health Unit for comment and advice. A complete list of responses is included in **Appendix 5**.

5. Issues

Planning Assessment

The Planning Policy Framework (PPF), Local Planning Policy Framework (LPPF) and Zoning Provisions of the Melton Planning Scheme place a strong emphasis on protecting and avoiding the permanent loss of agricultural land, protecting the green wedge areas from inappropriate development, preserving the integrity of the non-urban character of the green wedge land, and discouraging urban based uses in non-urban areas. It is considered that the proposal is contrary to relevant policy. It is inappropriately located, results in potential loss of agricultural land to a car park and would adversely affect the rural amenity of the area due to the nature and intensity of the use, noise generated by the use, patron numbers and hours of operation.

Objectors have raised concerns in regard to amplified music, noise from patrons and vehicles. Noise impacts on the adjoining residential properties to the east and north of the site relating to music and patron noise have been considered in the Noise Assessment Report submitted by the applicant. The assessment for music noise levels was during daytime/early evening between 6.30pm and 11pm on Friday and Saturday, and between 6.30pm and 10pm on Sunday. According to the report, the predicted music noise levels will exceed the nominated criteria of 40 dB(A). The nearest sensitive receivers to residences east and north of the proposed hall recorded 49 dB(A) and 42 dB(A) respectively.

The assessment for patron noise levels was during the periods between 6.30pm and 10pm on Friday and Saturday evenings, and between 6.30pm and 10 pm on Sunday evening, and 10pm to 11pm on Friday and Saturday night. The patron noise levels in the report is predicted to meet the evening noise criteria of 45 dB(A) between 6.30pm to 10pm and exceed the night-time criteria of 40 dB(A) between 10pm to 11pm. The nearest sensitive

receivers to residences east and north of the proposed hall recorded at night 43 dB(A) and 44 dB(A) respectively. Whilst the report recommends reducing the number of guests, reducing sound levels by at least 10 dB(A) and installing noise limiters to limit the maximum and overall sound levels, it is considered that music and patrons at night would be alien and unexpected in a rural setting. The noise would be contrary to the character and amenity of the area as it is usually associated with an urban setting.

Concerns expressed by objectors that the hall could potentially operate as function centre are acknowledged considering the history of the site. However the proposal under consideration is for a hall and not a function centre. Given a hall is not defined in the Melton Planning Scheme, the ordinary meaning of a hall applies. The Oxford dictionary defines a hall as including "a building or large room used for meetings, concerts, or other events". The Macquarie dictionary defines a hall as including "a large building or room for public assembly and other community uses". Therefore while not defined, it is considered that the term Hall is more commonly associated with a public building used for community uses rather than a building on private land used for private functions. While the applicant has indicated in the application that the building is to be used largely by community groups, it is considered that the nature of the use suggests that it is more likely to be used for private functions.

Therefore there is an argument that the proposed use is more appropriately categorized as a Function Centre rather than a Hall, which would render the use prohibited on the site based on the zoning of the land.

Other concerns expressed by residents regarding capacity of the existing road network to accommodate increase in traffic volumes, safety impacts due to increase in traffic volumes as a result of the use, potential dust generated from the car parking area and site's vehicle access arrangements are acknowledged. Council's Traffic and Transport Unit has reviewed the proposal and raises no concerns subject to appropriate conditions. It is considered that the local road network can accommodate the anticipated increase in traffic that will be generated by the proposal.

The subject site is not covered by a Bushfire Management Overlay but is located within a bushfire prone area. In accordance with Clause 13.02 (Bush fire) of the Melton Planning Scheme bushfire risk, consideration should be given for use and development in a bushfire prone area for any application that will result in people congregating in large numbers. It is considered that if approval is to be granted, appropriate bushfire protection measures can be implemented to address the bushfire risk.

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 does not comply with the relevant requirements of the Planning Scheme.

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

LIST OF APPENDICES

1. Locality Plan - dated 26 September 2018
2. Plans for the Proposal - dated 28 May 2018
3. Assessment against Planning Scheme - undated
4. Response to Objections - undated
5. Referral Comments - undated
6. Grounds of Refusal - undated

12.14 CONTRACT 18-046 LIGHT-UP LAKE CAROLINE PROJECT - STAGE 2

Author: Wayne Hurst - Project Manager
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To seek Council's approval for the variation of Contract No 18-046 for installation of lighting pertaining to the Light-Up Lake Caroline project

RECOMMENDATION:

That Council:

- a. Approve a variation to Contract No. 18-046 for the Stage 2 works associated with the Light-Up Lake Caroline project submitted by electrical contractor HarrisHMC for the sum of \$163,265 (excl. GST).
 - b. Delegate to the Chief Executive Officer the execution of the variation documents.
-

REPORT**1. Executive Summary**

This report seeks Council resolution for the approval of a variation to Contract No. 18-046 for the Stage 2 works associated with the Light-Up Lake Caroline Project.

Council has previously gone out to tender for appropriately qualified electrical contractors who had the capability and experience to undertake the lighting installation works as detailed in the Request for Tender (RFT). In all, 72 light poles are to be installed with LED luminaires with connectivity to the mains grid. The RFT was released on Tendersearch on the 18 June 2018 and tenderers were asked to provide separate pricing for Stage 1 and Stage 2.

Following a tender evaluation process HarrisHMC were appointed to install the Stage 1 component on the 25 July 2018. HarrisHMC commenced Stage 1 installation works under Contract No. 18-046 on the 24 September 2018.

Now that funding for the Stage 2 installation has been received it is appropriate that these works be awarded to HarrisHMC, conditional on Council approval.

This variation will allow for the installation of the 24 lights along the pathway bounding the southern residential side of Lake Caroline.

It is therefore recommended that the existing Contract No. 18-046 be varied to include the Stage 2 works for a variation amount of \$163,265 (excl.GST)

2. Background/Issues

Council is currently partnering with the Victorian State Government, through the Department of Justice & Regulation, to deliver a much needed project of installing pedestrian lighting around Lake Caroline which will improve community safety and promote a healthy lifestyle by allowing residents to make better use of the Lake's amenity. The Department of Justice & Regulation has committed funding of \$250,000 to the project, and in addition Council has allocated an amount of \$69,600 (Passive Reserves Lighting Program) in the 2017/18 financial year and \$200,000 in the Capital Works program for the 2018/19 financial year to

deliver on Stage 1 of the project. The total cost of the project (Stages 1 & 2) was estimated to be \$700,000.

The entire Light-Up Lake Caroline project involves the installation of approximately 72 LED lights around the 1.9km perimeter pedestrian walking path around Lake Caroline. Stage 1 consisted of the installation of 48 lights to the east and west parkland areas, and Stage 2, the installation of 24 lights to the southern residential side of the Lake.

In July 2018 Council officers drafted a further funding application to the Department of Justice & Regulation seeking funding of \$105,000 for the Stage 2 lighting installation, with Council to contribute the same figure under the funding agreement. On 2 October 2018 Council was informed that the application was successful.

3. Council Plan Reference and Policy Reference

The Melton City Council 2017-2021 Council and Wellbeing Plan references:

3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way

3.3 Public spaces that are vibrant and engaging places for all

4. Financial Considerations

The project is being jointly funded by the Department of Justice through the Public Safety Infrastructure Fund and Melton City Council. Council's component is funded from the 18/19FY Capital Works Program.

Stage 2 of the Department of Justice funding of \$105,000 was announced on 2 October.

Following engagement of HarrisHMC, and early project planning, it was identified that there was a ten week lead time in the supply of the light poles and luminaires. Whilst the poles and luminaires for Stage 1 were included in the Stage 1 contract let to HarrisHMC, it was considered appropriate that the order of poles and luminaires also include those for Stage 2. To this end a separate Purchase Order was issued to HarrisHMC for \$55,425 for the purchase. This provides for consistency of design and colour, and if Stage 2 funding was received, the poles would be immediately available for installation.

Funding Sources (Stage 1 & 2)	Amount \$
City of Melton	\$375,000
Department of Justice	\$355,000
TOTAL	\$730,000

Expenditure	Amount \$
Installation Stage 1 (previously approved and awarded)	\$357,740
PO for Stage 2 Poles & Lights (ordered with Stage 1)	\$55,425
Installation Stage 2 (this variation)	\$163,265
Design	\$36,700
Landscaping reinstatement	\$35,000
8% Contingency	\$51,870
TOTAL	\$730,000

5. Consultation/Public Submissions

A Communications Plan outlining consultation with key stakeholders, local residents, members of the public using Lake Caroline, and local businesses was developed. A mail-out to owners of nearby residences was conducted as was a letterbox drop to all properties within a two block radius of the Lake. Whilst providing information on the project, these publications invited interested residents to a Community Drop-In Session which was held at the Caroline Springs Civic Centre on Wednesday, July 25 2018. A number of residents and local business owners attended the drop-in session, as did Councillor Turner.

A project website containing information about the Light-Up Lake Caroline project was created, is regularly updated and will continue to be updated throughout the lighting installation. Updates are also occurring on Council's Facebook page.

Council personnel have also been in regular contact with State Government to communicate project progress and to report on achievements of agreed Milestones.

6. Risk Analysis

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

1. Engagement of a suitably qualified electrical contractor through the Stage 1 Tender process:
 - Advertised an open Request for Tender process to contractors 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 an electrical contractor with suitable occupational health and safety work practices, Council required contractors to provide third party accreditation of their Occupational Health and Safety Management System. Council also required the tenderers to provide evidence of public liability insurance and work cover.
 - Conducted referee checks for the appointment of the electrical contractor.
2. Development of a risk management plan for the project.
3. Supervision of construction works to be undertaken by the appointed Council Capital Projects Officer

7. Options

Council has the options to:

1. Adopt the Officers' recommendations as presented in this report.
2. Re-advertise the Stage 2 works as a separate tender package and seek another electrical contractor to install the 24 lights.

LIST OF APPENDICES

Nil

12.15 LEASE OF COUNCIL LAND- ELECTRICAL KIOSK SUBSTATION

Author: Jaci Wagner - Property Officer
Presenter: Christine Denyer - Manager Legal and Governance

PURPOSE OF REPORT

For Council to make a decision in relation to offering Powercor Australia Ltd a lease for the purposes of an electrical substation at part of a Council Reserve located at 46 City Vista Court, Fraser Rise.

RECOMMENDATION:

That Council:

1. Decide to offer Powercor Australia Ltd a lease with a maximum term of 50 years at a peppercorn rent of \$0.10 cents per annum.
2. Authorise the CEO to execute the lease in the form set out at **Appendix 1**.

REPORT

1. Executive Summary

The purpose of this report is for Council to consider Powercor Australia Ltd (Powercor) request to enter into a lease for a period of 50 years for an area measuring 51.84m² of Council reserve at 46 City Vista Court, Fraser Rise, located within the City Vista and Fraser Rise precinct.

A report was presented at the Ordinary Meeting of Council on 25 June 2018, where it was resolved that Council bring back a report after publishing a public notice in the local newspaper and allowing 4 weeks for public submissions.

The public notice was placed in the Melton & Moorabool Star Weekly newspaper on 2 July 2018 and applications for public submissions closed on 31 July 2018. There were no public submissions received during the 28 day period that followed the notice.

The draft lease is attached and is in order for execution.

2. Background/Issues

On 25 June 2018 a report was presented at the Ordinary Meeting of Council to commence the process to offer a lease to Powercor for an area measuring 51.84m² of Council reserve located at 46 City Vista Court, Fraser Rise for a term of 50 years at a peppercorn rent of \$0.10 cents per annum.

A public notice was placed in the Melton & Moorabool Star Weekly newspaper on 2 July 2018 and applications for public submissions closed on 31 July 2018. There were no public submissions received during the 28 day period that followed the notice.

Powercor has prepared the draft lease and it has been checked by Council officers. The draft lease is attached at **Appendix 1**.

3. Council and Wellbeing Plan Reference and Policy Reference

The electrical substation and lease proposal is in accordance with the following strategies in the Council and Wellbeing Plan 2017-2021:

The Melton City Council 2017-2021 Council and Wellbeing Plan references:

3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way
 - 3.2 *Community facilities, infrastructure and services that are equitably planned for, provided and maintained.*

4. Financial Considerations

The proposal is for a peppercorn rent of \$0.10 cents per annum payable on demand and thus financial considerations are not relevant here however please see further risk analysis below.

5. Consultation/Public Submissions

In accordance with Section 190 and 223 of the Local Government Act 1989, Council published a notice in the Melton & Moorabool Star Weekly newspaper on 2 July 2018 of its intention to lease and inviting any submissions.

Submissions closed on 31 July 2018 and no submissions were received in relation to the lease proposal.

6. Risk Analysis

The risks associated with not proceeding with the lease at all are twofold. First, the potential liability associated with the future construction of the electrical substation on part of the Council reserve may cause delay in the whole of the works currently being undertaken within the City Vista and Fraser Rise precinct. Secondly, potential legal action by Powercor on the basis of the execution of the Agreement to Lease (albeit which is ultra vires) referred to in the report dated 25 June 2018.

7. Options

Council has the option to:

1. Adopt the recommendation as set out; or
2. Refuse to lease the land to Powercor and request that infrastructure (if any) on the area of land be removed without further delay.

LIST OF APPENDICES

1. Lease - Powercor Australia Ltd 46 City Vista Court, Fraser Rise- undated

13. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES

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

14. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS

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

15. NOTICES OF MOTION**15.1 NOTICE OF MOTION 586 (CR RAMSEY)****Councillor: Sophie Ramsey - Councillor**

Notice was given at the Ordinary Meeting of Council held 17 September 2018 of my intention to move the following motion at the Ordinary Meeting of Council to be held on 15 October 2018.

MOTION:

That Council write to Daniel Andrews, Premier and Matthew Guy, Opposition Leader, requesting that in the lead up to the State election they detail for Council their parties commitments on the key advocacy priorities listed in Council's Advocacy Priorities booklet, as well as key current issues of Waste Management and the landfill levy, a CPI cap on Fire Services Levy, level of the State pensioner rate rebate, and distribution of Growth Area Infrastructure Charge funds to projects in growth areas.

OFFICER'S COMMENTS:

Council has a strong advocacy record regarding improved infrastructure, services and reducing the financial burden on our community and a letter to the Premier and Opposition Leader is supported. Specifics in relation to the context of information sought on a number of the subject areas noted can be followed up with the Councillors in pre Council meeting, to ensure the letter outlines a clear position for the Premier and Opposition Leader to respond.

15.2 NOTICE OF MOTION 587 (CR ABBOUSHI)

Councillor: Steve Abboushi - Councillor

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 15 October 2018.

MOTION:

That Council Officers prepare a report exploring options and costing to extend the cricket nets at the Burnside Heights Recreational Reserve.

OFFICER'S COMMENTS:

A report will be presented at a future Council meeting once Officers have finalised quotes.

15.3 NOTICE OF MOTION 588 (CR ABBOUSHI)

Councillor: Steve Abboushi - Councillor

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 15 October 2018.

MOTION:

That Council Officers prepare a report to Council on possible options and costing to provide acoustic treatment to the large common area/social space of the Burnside Heights Recreational Reserve Pavilion.

OFFICER'S COMMENTS:

A report will be presented at a future Council meeting once Officers have finalised quotes.

15.4 NOTICE OF MOTION 589 (CR CARLI)**Councillor: Lara Carli - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 15 October 2018.

MOTION:

That Council rotate Ordinary Council Meetings on a monthly basis, between Burnside Community Hall and Melton Civic Centre commencing from the first meeting that will be held in February 2019.

OFFICER'S COMMENTS:

The Council's Meeting Procedure Local Law 2013 in Clause 2.1 a) deals with the fixing of the date, time and places of Council Ordinary Meetings for a twelve month period. It requires this to be done at the Statutory Meeting of Council.

Consequently, whether the Council adopts this Motion or not at the October 2018 Ordinary Meeting of Council, this matter will be included in the Agenda for the Statutory Meeting to be held 1 November 2018 for Council's consideration and resolution.

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

19. CONFIDENTIAL BUSINESS

Nil.

20. CLOSE OF BUSINESS