



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 25 June 2018 at 7.00pm.

THIS AGENDA CONTAINS REPORTS TO BE DEALT WITH AT A CLOSED MEETING OF COUNCIL

Kelvin Tori
CHIEF EXECUTIVE

Visitors to the Gallery please note:

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

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

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

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

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

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1. OPENING PRAYER AND RECONCILIATION STATEMENT

The Chairperson will read the opening prayer and reconciliation statement.

Prayer

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

Reconciliation Statement

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

2. APOLOGIES AND LEAVE OF ABSENCE

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

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

Pursuant to Section 77A, 77B, 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 28 May 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**

- 28 May, 2018 Record of Assembly of Councillors
- 29 May, 2018 Record of Assembly of Councillors
- 4 June, 2018 Record of Assembly of Councillors
- 12 June, 2018 Record of Assembly of Councillors

RECOMMENDATION:

That the Record of Assembly of Councillors dated 28 and 29 May 2018, 4 and 12 June 2018 attached to this Agenda be received and noted.

LIST OF APPENDICES

1. 28 May 2018 Record of Assembly of Councillors
2. 29 May 2018 Record of Assembly of Councillors
3. 4 June 2018 Record of Assembly of Councillors
4. 12 June 2018 Record of Assembly of Councillors

8. CORRESPONDENCE INWARD**8.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR**

- Jenny Mikakos MP – Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs – Funding for Neighbourhood Houses in the City of Melton

RECOMMENDATION:

That the letter from Jenny Mikakos MP - Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs addressed to the Mayor be received and noted.

LIST OF APPENDICES

1. Correspondence Inwards - Jenny Mikakos MP - dated 17 May 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 25 June 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 and Affixing of the Common Seal of Council - dated 25 June 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 meetings at **Appendix 1** and **2**.
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
24 May 2018	Road2Zero Committee Meeting Minutes	Appendix 1
29 May 2018	S223 Submissions Committee – 2018/19 Budget	See separate report to this meeting
13 June 2018	Policy Review Panel Minutes	Appendix 2

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. Road2Zero Committee Meeting Minutes - dated 24 May 2018

2. Policy Review Panel Minutes - dated 13 June 2018

12.3 MINUTES OF THE SECTION 223 SUBMISSIONS COMMITTEE HELD 29 MAY 2018, ADOPTION OF 2018/19 BUDGET.

Author: Sam Rumoro - Manager Finance
Presenter: Sam Rumoro – Manager Finance

PURPOSE OF REPORT

This report advises Council of the minutes of the Section 223 Submissions Committee Meeting held on 29 May 2018, on 2018/19 Budget.

RECOMMENDATION:

That Council:

1. notes the minutes of the Section 223 Submissions Committee meeting held Tuesday, 29 May 2018.
2. adopts the recommendations arising within the minutes at **Appendix 1**.

REPORT

1. Executive Summary

At the Ordinary Meeting of Council held on 26 March 2018, after reviewing the 2018/19 Proposed Budget, Council resolved that:

- Proposed Budget will be placed on public display as required by the Local Government Act 1989 ('Act') and submissions will be received up until 27 April 2018.
- The 'Section 223 Submission Committee' of Council consider any submissions made in accordance with Section 223 of the Act and report these submissions to Council.

The Section 223 Submission Committee met on 29 May 2018 to hear from the submitters and consider the submissions received.

A total of 35 submissions were received on the proposed budget. Of those submissions 23 were from the public and 12 were Councillor Initiatives.

The Minutes of the Section 223 Submissions Committee Meeting held on 29 May 2018 are attached at **Appendix 1** with the 2018/19 Budget at **Appendix 2**.

2. Background/Issues

The Proposed Budget for 2018/19 was presented to Council at the Ordinary Meeting of the Council on 26 March 2018. Council resolved that the proposed Budget be displayed for 28 days as required by the Act, inviting public submission.

Council received a total of 35 submissions on the Proposed Budget, primarily from organisations seeking an allocation of additional funding for Council facilities and programs.

The Section 223 Submissions Committee meeting was held on 29 May 2018 to consider the submissions received. The Committee reviewed the submissions received, of which 7 verbal presentations were made in support of their written submission.

3. Council and Wellbeing Plan Reference and Policy Reference

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

2. A thriving and resilient natural environment: A City that preserves and enhances its natural environment for future generations

2.1 A resource efficient City.

4. Financial Considerations

Costs associated with advertising and exhibiting the 2018/19 Proposed Budget have been provided for in the current budget

5. Consultation/Public Submissions

Council, in accordance with section 223 of the Local Government Act 1989, invited submissions from the community, for consideration by Council on 29 May 2018 before adopting the 2018/19 Proposed Budget.

The Section 223 Committee considered all submissions received on 29 May 2018 and made recommendations to Council before formally adopting the 2018/19 Municipal Budget.

6. Risk Analysis

Council's process of endorsing the 2018/19 Proposed Budget and seeking public submissions is in accordance with in the Local Government Act 1989 and poses no risk to Council.

7. Options

Council is required to have the 2018/19 Budget adopted by 30 June 2018.

LIST OF APPENDICES

1. Section 223 Submission Committee Meeting minutes - dated 29 May 2018
2. Attachment 1 of Minutes of Section 223 Submissions Committee - Budget 2018/2019 - undated

12.4 STATE AND COMMONWEALTH BUDGET 2018/19

Author: Kwabena Ansah - Executive Officer - Advocacy
Presenter: Peter Bean - General Manager Corporate Services

PURPOSE OF REPORT

To inform Council of locally significant outcomes of the 2018/19 State and Commonwealth Budgets.

RECOMMENDATION:

That Council note the report.

REPORT

1. Executive Summary

On 1 May 2018, the Andrews Labor Government handed down its third budget. An overview is attached at **Appendix 1**.

Key policy areas for funding were Infrastructure investment and Education. The budget had a surplus of \$1.4 billion and a forecast average surplus of \$2.5 billion over the next four years.

Direct investment in the City of Melton was predominately limited to education as per the previous 2017/18 budget. Local investment highlights include:

- Burnside Proposed P6 – additional stages with new school set to open in 2019, value \$5.6 million
- Melton West Primary School upgrades, value \$6.4 million
- Four additional police, drawn from a pool of 144 across North West Metro Region

Other items of note include:

- Western Region Water Corporation Project - Melton waste to energy facility, value \$450,000
- \$241 million for community and suburban oval upgrades has been committed
- \$50 to each household for visiting a government website to compare powerbills, total value of \$48 million
- Free TAFE course under \$172 million skills package
- Reinstating the Growing Suburbs Fund (previously the Interface Growth Fund) funding to \$50 million.
- \$30 million 'pick my project' initiative – Community funded projects between \$20,000 to \$200,000 in value

On 8 May 2018 the Turnbull Liberal Government handed down its third budget. An overview is attached at **Appendix 2**.

Key measures announced centred on reducing company tax rates and announcing a return to surplus by 2019-20. New infrastructure spending initiatives such as the Melbourne airport rail link were also announced.

The City of Melton received no direct funding, but other budget items have implications for Council and local government as a national sector:

- Roads of Strategic Importance Initiative – \$3.5 billion over the next 10 years
- Up to \$5 billion for a future Melbourne Airport Rail Link
- Budget reconfirmed the build of the \$9.3 billion Inland Rail Project between Brisbane and Melbourne
- \$29.7 million to deliver up to 500 local community sporting infrastructure grants
- \$440 million funding to support 15 hours of kindergarten a week

2. Background/Issues

State Government Funding

In addition to the 2018/19 Budget announcements identified in the Executive Summary of this report, investment committed in previous financial years and due for expenditure in 2018/19 within the City of Melton include:

Burnside Primary School

New school construction – stage two
Total estimated investment \$13,806,000
2017/18 investment \$2,664,000
2018/19 investment \$5,635,000
Completion Q4 2018/19

Kurunjang Primary School

Upgrade and modernisation
Total estimated investment \$1,005,000
2017/18 investment \$49,000
2018/19 investment \$856,000
Completion Q2 2019/20

Melton Secondary College

Upgrade and modernisation
Total estimated investment \$2,500,000
2017/18 investment \$1,262,000
2018/19 investment \$1,732,000
Completion Q3 2018/19

Taylor's Hill Secondary College (interim name)

Total estimated investment \$23,296,000
2017/18 investment \$1,738,000
2018/19 investment \$16,620,000
Completion Q3 2019/20

Melton Specialist School

Total estimated investment \$5,400,000
2017/18 investment \$2,788,000
2018/19 investment \$3,408,000
Completion Q2 2018/19

Federal Government Funding

In addition to key announcements presented in the executive summary within the Commonwealth Budget 2018/19, the following outlines regionally significant announcements for future consideration by Council:

Regional Growth Fund

Investment of \$272 million in large regional infrastructure projects that support long-term economic growth and creates jobs in regions undergoing structural adjustment.

Building Better Regions Fund

\$200 million for third round of Building Better Regions Fund to support regional communities by funding infrastructure and community investment projects – projects within the western corridor of Melton City are eligible for funding.

Roads to Recovery

Allocation for Councils across Australia has been determined on the basis of the recommendation of the Local Government Grants Commissions in each state.

Total 2014/15 to 2018/19: \$7,050,343 million

Estimated 2018/19 Allocation: \$135,575

Financial Assistance Grants

Provided to local government nationally since 1974/75, the Commonwealth Government brought forward 50 per cent of the Financial Assistance Grant program 2017/18 estimate for payment in 2016/17. This \$1.2 billion was paid to states and territories on 7 June 2017. The remaining 50 per cent of the 2017/18 allocation to states and territories has been determined as \$1.2 billion resulting in a total entitlement allocation of \$2.4 billion.

In 2017-18 Victorian councils received a total of \$293.3 million in financial assistance grants, comprising \$218.2 million in general purpose grants and \$75.0 million in local roads grants.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

2.5 Advocate in the best interests of our community and region

4. Financial Considerations

No direct cost impacts, but indirect costs and potential funding sources arise.

5. Consultation/Public Submissions

N/A

6. Risk Analysis

N/A

7. Options

N/A

LIST OF APPENDICES

1. State Budget 2018/19 Overview - dated 1 May 2018
2. Federal Budget 2018/19 Overview - dated 8 May 2018

12.5 RESPONSE TO NOTICE OF MOTION 562 - PROVIDE AN URGENT MAINTENANCE REPORT FOR BROOKSIDE RECREATION RESERVE WITH RECOMMENDATIONS TO IMPROVE THE CONDITIONS OF THE OVAL.

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

PURPOSE OF REPORT

To consider the response to Notice of Motion 562 (Cr Abboushi) in respect to provision of an urgent maintenance report for Brookside Recreation Reserve.

RECOMMENDATION:

That Council note this report and continue to maintain Brookside Recreation Reserve in accordance with current practice.

REPORT

1. Executive Summary

This report responds to Notice of Motion 562.

Council provides regular maintenance to Brookside Recreation Reserve, the facility is also assessed 6 times per annum by an independent consultant. There are no outstanding works required from these assessments. Council will continue to attend this ground each week to address any maintenance issues as they arise. The challenges associated with this ground are attributed to higher than normal usage resulting from growing demand in the eastern corridor.

2. Background/Issues

The purpose of this report is to provide a response to Notice of Motion 562 moved by Cr Abboushi at the Ordinary Meeting of Council held in April 2018. Council resolved the following:

'Provide an urgent maintenance report for Brookside Recreation Reserve with recommendations to improve the conditions of the oval.'

Caroline Springs Brookside Recreation Reserve is the most heavily used sporting facility in the municipality. The ground is used by an average of 2,640 patrons and is booked for 84 hours each week. The reserve is the shared home of Westside Strikers, Caroline Springs, George Cross Soccer Club and also is encumbered under a joint use agreement with the adjacent Caroline Springs College. In addition, the prominent location of the reserve makes it a popular choice for incidental public use which is currently unquantified.

This high usage represents a success for Council and the community alike, however it places a significant load on the ground. Not surprisingly, Council maintenance of this facility exceeds any other sporting facility. In the 17/18 year, unscheduled works on this oval were in the order of \$60,000.

The demand for sporting grounds in the eastern corridor is well known and Council has responded with the construction of a new sporting facility in Taylors Hill West. This facility will

be the new home of the George Cross Soccer Club, with opening anticipated in February 2019. Until this time there is no likely reprieve in current patronage at Brookside.

Council engages the services of Sportsturf Consultants Pty Ltd bi-monthly to inspect and inform maintenance requirements on all sporting facilities. As part of this report a score is calculated on each ground to rate condition and playability, based on industry standards. At no time has Brookside Oval been deemed 'unfit for play' and this is testament to the rigorous maintenance regime that Council has established over time. Below is the assessment score of Brookside which meets within agreed limits (>75%).

Dec 17	Feb 18	April 18
89%	91%	88%

Recently Council has engaged Citywide to undertake drill seeding with perennial rye grass. This will assist in maintaining turf coverage throughout the winter season. Slow release fertiliser has also been applied in accordance with our standard maintenance practice.

In response to regular wear that occurs on the ground, Council has committed to visiting the site each week to fill in any low areas or depressions that may pose a trip hazard. Officers are not aware of any urgent works that are currently pending, however acknowledge that a high level of maintenance will need to continue throughout the season to align with current usage.

Council Officers have at times provided the assessment data from the consultant's report directly to sporting bodies. This may be an appropriate method to approach discussions with club officials regarding ground conditions going forward. We believe the advice received from our turf consultant provides a thorough assessment of our facilities and the results are consistently of a high standard. The issues that pertain to Brookside are primarily associated with high usage and not poor ground construction or substandard infrastructure or maintenance practices.

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
 - 1.5 *Environments that enable and encourage positive public health and wellbeing outcomes.*

4. Financial Considerations

No additional funding is being sought for the maintenance of this facility at the current time.

5. Consultation/Public Submissions

Officers are aware that sporting clubs are a significant entity. We will continue to encourage correspondence to be directed to Councils Recreation Services Team who are best placed to respond to operational queries.

6. Risk Analysis

The weekly site visits conducted within the scope of parks maintenance contract 16/001 are adequate to control known risks at this facility. The independent report commissioned by Council 6 times annually further informs Council of any necessary works. In accordance with their user agreement clubs are required to perform their own assessment of the ground for suitability prior to use.

7. Options

All necessary maintenance works have now been performed on this oval.

LIST OF APPENDICES

Nil

12.6 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.
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 - 2 May 2016
3. C173 Panel Report - dated 30 April 2018
4. C173 Planning Scheme Ordinance - undated

12.7 AMENDMENT C191 TO THE MELTON PLANNING SCHEME - 21A TAME STREET

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

PURPOSE OF REPORT

To consider the adoption of Planning Scheme Amendment C191 to the Melton Planning Scheme.

RECOMMENDATION:

That Council:

1. Adopt Amendment C191 – 21A Tame Street into the Melton Planning Scheme as contained in **Appendix 2**.
2. Submit Amendment C191 to the Minister for Planning for approval.

REPORT

1. Executive Summary

Council received a request from WSP, on behalf of Western Water, to prepare an amendment to the Melton Planning Scheme. The amendment proposes to rezone land at 21A Tame Street, Diggers Rest from Public Use Zone 4 - Transport (PUZ4) and General Residential 1 (GRZ1) to Public Use Zone 1 - Service & utility (PUZ1) and remove the Environmental Significance Overlay 1 (ESO1) that applies to the land.

Rezoning the property from GRZ1 and PUZ4 to PUZ1 is necessary to reflect the current use of the land for service and utility purposes. The subject land contains no native vegetation or vegetation of significance, and therefore the ESO1 can be removed.

At the Ordinary Council Meeting of 5 February 2018, Council resolved to prepare and exhibit and amendment to implement this change (**Appendix 1**).

Authorisation to prepare Amendment C191 was received on 16 March, 2018 and the amendment was exhibited from 16 April – 14 May, 2018. Landowners and occupiers on Tame Street and adjacent to the subject site were formally notified of the amendment. No submissions were received during this period and no changes are required to be made to the amendment as a result.

It is recommended that Council adopt the amendment (**Appendix 2**) and submit it to the Minister for Planning.

2. Background/Issues

The land is located on the western side of the Sunbury Rail Line, approximately 350m south of Diggers Rest Station. The land is located in proximity to three main roads, Old Calder Highway (to the east) and Diggers Rest-Coimadai Road (to the north), while the Calder Freeway is approximately 500m east of the site.

The land is currently operated by Western Water as a sewer pumping station and rising main, facilitating the provision of sewerage and drainage services to surrounding communities.

The amendment proposes to rezone land at 21A Tame Street, Diggers Rest from GRZ1 and PUZ4 to PUZ1 and proposes to remove the ESO1 that applies to the land as the property is currently being used for service and utility purposes for Western Water.

Rezoning the property is necessary as the current zoning is not consistent with the historical and current use of the land. Under the existing zoning, Western Water which operates on the land are required to gain a planning permit for any buildings or works that occur, a process that does not meet the goal of providing efficient, effective and timely sewerage and drainage services for the growing municipality.

The subject site to the east is currently used for purpose of transport. This may explain the anomaly of the subject land being zoned incorrectly, as the land is not currently used for transport purposes. The ESO1 that applies to the land is assumed to be associated with the PUZ4 zoning. The subject land contains no native vegetation or vegetation of significance, and therefore the ESO1 can be removed.

At the Ordinary meeting of 5 February 2018, Council resolved to seek authorisation to commence Amendment C191 and place it on exhibition with limited notice following receipt of authorisation (**Appendix 1**). Amendment C191 introduces changes the Melton Planning Scheme by amending the relevant maps as they apply to the subject site to:

- change GRZ1 and PUZ4 to PUZ1; and
- delete ESO1.

In accordance with the resolution from its Ordinary Meeting February 5 an exemption under Section 20(2) of the *Planning and Environment Act 1987* was sought and received on 16 March, 2018.

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 amendment. Council is also required to pay the mandatory fees associated with the amendment process.

5. Consultation/Public Submissions

The amendment seeks to rezone land to reflect the existing land ownership and use of the site by Western Water for the purpose of a sewer pumping station.

Council resolved at its Ordinary Meeting (February 5, 2018) to seek an exemption under Section 20(2) of the *Planning and Environment Act 1987* with regards to the notice requirements for planning scheme amendment. The exemption was granted, exempting Amendment C191 from the notice requirements in Section 19, except for:

- Notice to properties directing abutting the site and VicTrack (Section 19)(1)(a))
- Notice to prescribed Ministers in the *Planning and Environment Act 1987* (Section 19(1)(c))

These exemptions were considered appropriate given that the amendment seeks to correct an anomaly, and will not directly impact any individual.

The Exhibition period was from 16 April - 14 May and involved letters (giving notice) to land owners and occupiers that aren't directly affected by the Amendment but were notified as the properties that are located on Tame Street. VicTrack was also notified as the subject site is located adjacent to the Sunbury Rail Line.

In addition to letters, information on Amendment C191 has been provided on Council's website and folders have been placed at Melton and Caroline Springs Civic Centres.

No submissions were received during the Exhibition period and no changes are required to be made to Amendment C191 as a result.

6. Risk Analysis

If Council chooses not to adopt Planning Scheme Amendment C191 it would prevent the necessary updates required to the Melton Planning Scheme to reflect the appropriate zoning of the land.

It would also result in difficulties for Western Water, as they will be required to continue to gain a planning permit for any building and works that occur on the land.

7. Options

Council has the option to:

1. Adopt Amendment C191 into the Melton Planning Scheme.
2. Not adopt Amendment C191 into the Melton Planning Scheme.

LIST OF APPENDICES

1. Melton City Council Minutes - dated 5 February 2018
2. C191 Planning Scheme Ordinance - undated

12.8 AMENDMENT C195 TO THE MELTON PLANNING SCHEME - KOROROIT AND PLUMPTON 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 C195 to the Melton Planning Scheme - Infrastructure Contributions Plan for the Kororoit and Plumpton Precinct Structure Plans.

RECOMMENDATION:

That Council:

1. Endorse and submit **Appendix 2** to the Victorian Planning Authority requesting changes to the Infrastructure Contributions Plan for the Kororoit and Plumpton Precinct Structure Plans.
2. Authorise the General Manager Planning and Development and the Manager City Design, Strategy and Environment to negotiate and resolve issues with the VPA.
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 C195 to introduce the Plumpton and Kororoit Infrastructure Contributions Plan (ICP) into the Melton Planning Scheme. The ICP can be found at **Appendix 1**.

The ICP complements the Plumpton and Kororoit Precinct Structure Plans (PSP) that were incorporated into the Melton Planning Scheme on 1 February 2018. 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 Plumpton and Kororoit PSP areas.

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

- There are discrepancies between the proposed ICP and the approved PSPs. Discrepancies include project descriptions, land areas, and the staging of projects.
- The ICP levy will contribute only 73.3% of the money required to construct community and recreation infrastructure projects, which is a departure from the Development Contribution Plan system where Council was able to recover a greater proportion of money to construct this infrastructure.
- Three transport projects required to service the communities in the Plumpton and Kororoit Precinct Structure Plan areas are apportioned to proposed development in

the Kororoit PSP area 1080.2 (Kororoit Creek Regional Park). The State Government is currently reviewing the boundaries of the Regional Park, and the revised boundaries will need to be approved by the Commonwealth Government. The full cost of these transport projects cannot be fully recovered by development in PSP 1080.2

- The ICP proposes to change the description of the Plumpton Aquatics Centre to Indoor Recreation Component (Plumpton Aquatics Centre), which redefines the project from what was considered in the PSP and the panel hearing.

The information contained in Amendment C195 to the Melton Planning Scheme provided by the VPA there is significant 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 such financial burdens on Council. It is therefore recommended that Council strongly advocate to the Minister for Planning, DELWP and the VPA to highlight the extent of the deficit.

2. Background/Issues

The Plumpton and Kororoit PSPs were incorporated into the Melton Planning Scheme on 1 February 2018.

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 public land identified in the preparation of the PSPs.

At the Ordinary Meeting of Council on 18 September 2017 (confidential section), the draft Plumpton and Kororoit Infrastructure Contributions Plan (ICP) was considered, and a submission was made to the Victorian Planning Authority (VPA) which requested changes be made to the ICP.

The ICP system was implemented in June 2016, and has recently been changed in response to the *Planning and Environment Amendment (Public Land Contributions) Act 2018*, which received Royal Assent on 27 February 2018 and is expected to be in effect from 1 July 2018.

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

The Victorian Planning Authority (VPA) has recently released Amendment C195 to introduce the Plumpton and Kororoit Infrastructure Contributions Plan (ICP) into the Melton Planning Scheme (**Appendix 1**). The ICP was developed in consultation with Council officers.

In the new system the Plumpton and Kororoit ICP specifies that landowners and developers are required to contribute 14.11% of residential land, and 5.20% of employment land to Council. Where land owners / developers are contributing less than this average, the ICP specifies a land equalisation amount that they will need to pay, which will offset the land credit amount to be paid to land owners / developers who are contributing more land.

In the ICP system a set of standard levies are specified for transport construction, and community and recreation construction.

Table 1: 2017/18 Infrastructure Levy Rates

Class of development	Community and Recreation Construction / hectare	Transport Construction / hectare	Total Levy Rate / hectare
Residential	\$86,800	\$108,700	\$195,500
Commercial and industrial	-	\$108,700	\$108,700

The VPA have undertaken cost estimates for all of the transport, and community and recreation construction projects. Council officers have had the costs peer reviewed, and are satisfied that the cost estimates are reasonable and reflect the actual cost of delivering these projects.

Based on the standard levies there are shortfalls in the community and recreation construction levy, and the transport construction levy.

Table 2: Standard Levy Calculation

Class of development	Amount Collected	Project Values	Shortfall
Community Infrastructure Construction	\$98,176,008	\$133,961,409	\$35,785,401
Transport Infrastructure Construction	\$135,138,014	\$173,995,432	\$38,857,418
Total	\$233,314,022	\$316,538,817	\$74,642,819

Based on the substantial deficit in the transport infrastructure construction levy, the VPA proposes a supplementary levy of \$31,256 per net developable hectare to ensure that transport infrastructure construction is covered.

Table 3: Supplementary Levy Calculation

Class of development	Amount Collected	Project Values	Shortfall
Community Infrastructure Construction	\$98,176,008	\$133,961,409	\$35,785,401
Transport Infrastructure Construction	\$173,996,098	\$173,995,432	\$666
Total	\$233,314,022	\$316,538,817	\$35,784,735

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

The community and recreation infrastructure project costs were provided by Council and are based on the baseline level of facilities required to service the community and have been informed by recent similar projects.

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

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

Discrepancies with the approved Precinct Structure Plans

A number of discrepancies have been identified between the proposed ICP and the approved PSPs. Council requests that the information in the ICP and the PSPs should match each other. Discrepancies include:

- Some of the project descriptions in the ICP do not match the descriptions in the approved PSPs.
- Some of the land areas in the ICP do not match those stated in the PSPs.
- The staging in the ICP for most of the projects do not match the staging in the PSPs.

Community and Recreation Construction Levy

Council officers raise concerns about the current capped rate for the Community and Recreation Construction Levy.

Using the current levy rate, the levy will only collect 73.3% 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 they review the Community and Recreation Construction Levy rate to ensure that the levy is fair and reasonable, and appropriate to deliver this essential infrastructure.

Precinct Structure Plan Area 1080.2 – Regional Park

The Kororoit Creek Regional Park area (PSP 1080.2) has three infrastructure projects attributed to it:

- The upgrade of Neale Road between Sinclairs Road and Clarke Road, which is projected to cost \$10,396,271.77 to construct;
- 50% of the construction cost of intersection of Sinclairs Road and Neale Road (\$1,517,077.54); and
- 10% of the construction cost of a pedestrian bridge over the Kororoit Creek (\$212,496.86).

The combined value of the transport infrastructure construction projects are \$12,125,846.17, to recover this money the net developable area within PSP 1080.2 would need to be 111.6 hectares.

It is noted that the Kororoit Creek Regional Park area (PSP 1080.2), which is bounded by Sinclairs Road to the west, Clarke Road to the east, the Kororoit Creek to the north, and the Western Highway to the south, is currently identified as being Conservation Area 3 in the Biodiversity Conservation Strategy by the Commonwealth Government, and therefore cannot be developed for urban purposes.

The above analysis reveals that the \$12,125,846.17 value of transport project construction apportioned to development in PSP 1080.2 cannot be fully recovered by development in this area.

Council officers therefore recommend that the three transport projects attributed to PSP 1080.2 be included in the global ICP for the Kororoit and Plumpton PSPs, and additional items be subject to the supplementary levy to ensure that the transport construction costs are fully covered. To fully cover the cost of these transport projects the supplementary levy should be increased by \$9,754 to \$41,010 per net developable hectare.

Plumpton Aquatics Centre

The ICP proposes to change the description of the *Plumpton Aquatics Centre* to *Indoor Recreation Component (Plumpton Aquatics Centre)*. Council officers are concerned that this redefines the project from what was considered in the PSP and the panel hearing.

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 the money to be 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. It is therefore recommended that Council strongly advocate to the Minister for Planning to highlight the extent of the community and recreation construction deficit.

The submission at **Appendix 2** identifies a course of action to mitigate the transport construction levy deficit.

5. Consultation/Public Submissions

The VPA formally exhibited the ICP for one month with the submission period closing on Friday, 15 June 2018.

Letters were sent to landowners within the Kororoit and Plumpton PSP areas and adjacent properties at the beginning of the exhibition period, notifying them of 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.

The ICP has been developed in consultation with Council officers (**Appendix 1**). Council's proposed submission to the VPA can be found at **Appendix 2**.

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 there are actions that Council should take to mitigate the risk:

- Request the full cost of delivering transport projects RD-21 (upgrade of Neale Road between Sinclairs Road and Clarke Road), IN-24 (Sinclairs Road and Neale Road intersection) and PBR-03 (pedestrian bridge over the Kororoit Creek) be included in the global ICP for the Plumpton and Kororoit PSP area.
- The supplementary levy rate be increased by \$9,754 to \$41,010 per net developable hectare to cover the cost of these essential transport projects.
- Advocate to the Minister for Planning to 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.
- Not endorse the recommendations.

LIST OF APPENDICES

1. Amendment C195 Exhibition Documents - Planning Scheme - Ordinance, and the Plumpton and Kororoit Infrastructure Contributions Plan - dated April 2018
2. Melton City Council Submission to Amendment C195 - dated 25 June 2018

12.9 PLANNING SCHEME AMENDMENT GC99 - REGIONAL PARKS

Author: Kelly Archibald - City Strategy Coordinator
Presenter: Laura-Jo Mellan - Manager City Design, Strategy & Environment

PURPOSE OF REPORT

To consider Melton City Council's submission to Planning Scheme Amendment GC 99 to the Melton, Wyndham and Casey Planning Schemes which relates to Regional Parks proposed in each of the municipalities.

RECOMMENDATION:

Prepare a submission outlining that Planning Scheme Amendment GC 99 is premature prior to the application to amend the boundaries being determined by the Commonwealth, and detailing the key issues as identified in this report.

REPORT

1. Executive Summary

The Department of Environment, Land and Water have exhibited Planning Scheme Amendment GC 99. GC 99 has been prepared by the Minister for Planning to implement the Kororoit Creek Regional Park, Clyde Regional Park and the Werribee Township Regional Parks into the Melton, Casey and Wyndham Planning Schemes.

Specifically the amendment seeks to amend the Melton Planning Scheme in the following manner –

- Apply the Public Acquisition Overlay 11 (PAO 11) to the site proposed for the Kororoit Regional Creek Park.
- Update Clause 45.01 of the scheme to reference the Minister for Energy, Environment and Climate Change as the acquiring authority for the regional park.

Council staff have undertaken a review of the amendment documentation and have identified a number of key issues. The key issues relate to the Kororoit Regional Park boundaries which have not been confirmed, the proposed method of acquisition of 1352 – 1402 Western Highway and the information contained the background reports regarding the Kororoit Precinct Structure Plan.

2. Background/Issues

The Department of Environment, Land and Water have exhibited Planning Scheme Amendment GC 99. GC 99 has been prepared by the Minister for Planning to implement the Kororoit Creek Regional Park, Clyde Regional Park and the Werribee Township Regional Parks into the Melton, Casey and Wyndham Planning Schemes respectively.

The Kororoit Regional Park was first identified in state planning strategies in 2002 in *Linking people and spaces: A strategy for Melbourne's open space network*. Since then it has been identified in numerous state government planning documents including the West Corridor Growth Plan, and Plan Melbourne.

The Biodiversity Conservation Strategy (2013) formalised the boundary of the Kororoit Creek Regional Park as shown in **Appendix 1**. The area was identified to protect the high quality, herb-rich native grassland that contains a range of biodiversity values of national and state significance within a practically managed area, which includes the most significant population of Small Golden Moths Orchid in Victoria.

Planning Scheme Amendment

Planning Scheme Amendment GC 99 is a Group Council amendment which seeks to amend the Melton, Wyndham and Casey Planning Schemes to implement the Kororoit Creek, Clyde and Werribee Township regional parks respectively.

Specifically the amendment seeks to amend the Melton Planning Scheme in the following manner –

- Apply the Public Acquisition Overlay 11 (PAO 11) to the site proposed for the Kororoit Regional Creek Park.
- Update Clause 45.01 of the scheme to reference the Minister for Energy, Environment and Climate Change as the acquiring authority for the regional park.

A copy of the proposed planning scheme ordinance is contained in **Appendix 2**.

The effect of the amendment is to put in place the planning mechanisms to acquire the land for the regional park. The proposed Public Acquisition Overlay identifies land proposed to be acquired for a public purpose. It has the effect of reserving the land under the *Land Acquisition and Compensation Act 1986*. The amendment also sets the acquiring authority for the regional park as the Minister for Energy, Environment and Climate Change.

Key Issues

Council officers have undertaken a review of the amendment documentation and have identified a number of issues. These relate to the process of setting the boundaries for the regional park and the correlation with the PAO boundary, and the relationship of this amendment with the Kororoit and Kororoit (Part 2) Precinct Structure Plans and are summarised below.

Kororoit Creek Regional Park Boundaries

The Biodiversity Conservation Strategy (BCS) sets in place the boundaries of the Kororoit Creek Regional Park. Any amendment to the boundary of the regional park as identified in the BCS requires a formal application to the Commonwealth for assessment under the *Environmental Protection and Biodiversity Conservation Act 1999*.

The boundaries of the PAO proposed in GC 99 do not align to those contained in the BCS, and the documentation provided does not provide a clear rationale on why these areas have been removed.

A copy of the proposed boundary changes are contained in **Appendix 3**.

Irrespective of the rationale to alter the boundaries, Council officers question the process that is being undertaken. An application to the Commonwealth is required to assess any proposed boundary changes to conservation areas identified in the BCS. It is considered progressing a scheme amendment to set the boundaries of the PAO prior to the application being approved by the Commonwealth is flawed. Should the boundaries of the regional park be approved by the Commonwealth in a different alignment to what is anticipated in the amendment then a further planning scheme amendment will be required to align the PAO boundary to the final approved boundary as identified in the BCS.

1352 – 1402 Western Highway

Council officers have reviewed the proposed PAO boundaries in relation to the proposed boundaries of the regional park. Whilst the supporting documentation identifies the property at 1352 – 1402 Western Highway as being contained within the regional park, it is not

included in the proposed PAO boundaries as shown in **Appendix 4**. The property is proposed to be acquired via the Melbourne Strategic Assessment, rather than via the PAO.

Council officers question why the property is proposed to be acquired via a different mechanism to the rest of the regional park, and what the timing and triggers are for the timely acquisition of this property to ensure the landowners have certainty regarding the future use and acquisition of their land.

Relationship to the Kororoit and Kororoit (Part 2) Precinct Structure Plans

The land the subject of this amendment is located on land to the south east of the Kororoit Precinct Structure Plan. The Kororoit PSP originally included this land, however it was excised to allow for the finalisation of the regional park boundaries through the Commonwealth application. This land is now within the Kororoit PSP (Part 2).

The background documents make reference to the Kororoit Precinct Structure Plan. Council officers are concerned that the information regarding this does not accurately show the gazetted version of the PSP. There are a number of inconsistencies including incorrect infrastructure items shown incorrectly.

The background documents also identify a regional active open space in the Kororoit Regional Park to be constructed by Council. Through the Kororoit PSP process it was identified that this regional active open space was no longer required. The Melton Open Space Plan 2016-2026 does not demonstrate the need for a regional active open space in this location, consequently the gazetted version of the Kororoit Precinct Structure Plan shows a drainage asset in this location.

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

Putting in place a Public Acquisition Overlay will provide clarity to the acquisition process for the Kororoit Creek Regional Park. Should the overlay not be put in place there may be an increase in officer time and resources spent resolving acquisition issues through any permit process that is initiated by landowners.

The Minister for Energy, Environment and Climate Change has been identified as the acquisition authority. This ensures that Council will not bear any cost of the acquisition of the land.

The Planning Scheme Amendment has been undertaken by DELWP, and as such Council is not responsible for any of the costs associated with the preparation of the amendment, or Standing Advisory Committee hearing.

If the issues raised in the Melton City Council are not resolved, officers will request to be heard at the Standing Advisory Committee (Advisory Committee), hearing. Council will potentially seek 3rd party representation to appear on behalf of Council at the Advisory Committee Hearing then this can be funded through the standard operating budget of City Design, Strategy and Environment.

5. Consultation/Public Submissions

The Minister for Planning have referred the proposal for the development of the Kororoit Creek, Clyde and Werribee Regional Parks to the Independent Regional Parks standing

Advisory Committee for consideration and to provide recommendations on the suitability of the proposed planning scheme changes.

The Advisory Committee comprises independent experts in statutory and strategic planning, land development, social and environmental issues. The advisory committee will consider the proposal and any submissions made to it during the exhibition period.

The advisory committee held public information sessions in each of the affected Municipalities. The City of Melton session was held on Thursday 14 June 2018 at the Melton Library.

The proposed planning scheme amendment is being exhibited from Monday 28 May to 6 July 2018.

6. Risk Analysis

Should the Planning Scheme Amendment proceed with the current PAO boundaries, and these do not align with the boundaries of the Commonwealth approval that has been received this will trigger a further Planning Scheme Amendment to rectify the boundaries. This will involve further officer time and resources to prepare a submission to the future amendment.

7. Options

1. Council resolve Prepare a submission outlining that Planning Scheme Amendment GC99 is premature prior to the application to amend the boundaries being determined by the Commonwealth, and detailing the key issues as identified in this report.
2. Council resolve to support the amendment in the current form.
3. Council resolve to oppose the amendment in the current form.

LIST OF APPENDICES

1. Regional park boundary as shown in BCS - undated
2. Proposed planning scheme ordinance - undated
3. Proposed boundary changes - undated
4. Method of acquisition - undated

12.10 PLANNING APPLICATION PA 2017/5871/1 - DEVELOPMENT OF THE LAND WITH TEN DOUBLE-STOREY DWELLINGS AT 6 JOAN STREET, MELTON

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 Grant a Permit subject to the Proposed Conditions outlined in **Appendix 6** of this report.

REPORT

1. Background

Executive Summary

Applicant:	Richmond Bridge Investment Pty Ltd
Proposal:	10 double storey dwellings
Existing Land Use:	Existing single Storey dwelling
Zone:	Residential Growth
Overlays:	Nil
Number of Objections:	six
Key Planning Issues:	Strategic justification Adequacy of on-site car parking Respect for Neighbourhood Character Off-site amenity impacts Objector concerns
Recommendation:	Support planning application

The Land and Surrounding Area

The subject site has an area of 1572m² and is located on the east side of Joan Street. Other features of the site are as follows:

- The site is regular in shape.
- It contains an existing single storey dwelling located near the front of the site.
- An existing drainage and sewerage easement is located at the centre of the site.

The surrounding area can be characterised as predominantly residential with single dwellings on each lot. Approximately 250m north east of the site is Melton Town Centre shopping strip located on High Street and the Woodgrove Shopping Centre is approximately 900m west of the site.

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

The Application

The application proposes the use and development of ten double-storey dwellings.

The proposed development is summarised as follows:

- The existing dwelling is to be demolished and replaced with the proposed dwellings.
- Nine dwellings each containing two bedrooms and a single garage.
- One dwelling containing four bedrooms and a double garage.
- The dwellings have a contemporary design with a range of external wall materials including brick and colorbond cladding.
- All dwellings will be accessed from one shared crossover off Joan Street.
- Two visitor car spaces.
- Seven trees located on-site will be removed.
- A 1.5m high steel picket front fence with an angled 1.2m brick front fence on the western property boundary.

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

Planning Controls

Zone	(Clause 32.08 – General Residential Zone)	Permit required to construct two or more dwellings on a lot.
Particular Provisions	(Clause 52.06 – Car Parking)	Two car spaces are required for each three bedroom dwelling and one car space for each two bedroom dwelling. One visitor car space is also required for every five dwellings. A total of 13 car spaces are required and provided.

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

Clause 55 – ResCode

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

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

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

House Rules - Housing Character Assessment & Design Guidelines

The Housing Character Assessment & Design Guidelines as adopted at the Ordinary Meeting of Council on 13 October 2015. The site is located within the Garden Suburban 2 (GS2) character area. The essential components of the (GS2) which need to be maintained into the future are:

- Front gardens are visible from the street, forming part of the street landscape.
- Front setback retained, and the majority of it used as permeable garden landscape.
- The impression of separation between buildings from the streetscape.

- Garage and carports occupy a minor portion of the dwelling frontage.

The preferred Character Statement requires that as change occurs, space will be provided for more tree planting, so these areas can become greener and leafier, by:

- providing for canopy a tree on the site.
- minimising interruption of nature strips by driveways, so that regularly-spaced street tree avenues can be planted or retained.

Built form intensity will be greatest close to commercial areas.

The preferred housing types of Melton's GS2 area are:

- Dual occupancy.
- Villa units
- Duplex.
- Apartment.

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

Is the land of Cultural Heritage Sensitivity?

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

2. Council 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 and six objections were received.

The grounds of objection may be summarised as follows:

- Loss of on-street car parking, and increase in parking demand and safety issues created with additional traffic.
- Local road network cannot accommodate additional traffic.
- Inconsistency with the existing neighbourhood character.
- Waste collection.
- Impact on sewerage and drainage infrastructure.
- Dwelling density.
- Increased noise.

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

Referral of the application

The application was referred to Engineering Services, City Design Unit and Waste Services for comment and advice. A complete list of responses is included in **Appendix 5**. Of particular note is the City Design comments which relate to separation between dwellings, walls on boundary, visual bulk, form and appearance of the development have satisfactorily been addressed in the submitted amended plans dated 27 March 2018.

5. Issues**Planning Assessment*****Strategic Assessment***

The land is zoned Residential Growth and in principle, is apt for an intensification of residential development. The proposal meets the overarching objectives of housing policies within the SPPF and LPPF as it would provide for urban consolidation in an area which has good access to local services and facilities. State policy objectives also include encouraging development that improves housing choice and accommodates future housing needs. In terms of strategic location, the subject site is appropriately located for infill residential development given the size, its zoning, proximity to public transport, public open spaces and community infrastructure.

Neighbourhood Character

The aspects of neighbourhood character which are of particular note relate to detached single storey dwellings with single driveways on generous lots predominantly ranging from 500m² to 2000m², the sense of spaciousness, the generous landscaped front setbacks ranging from 5m to 22m, low front fences or absence of front fences, separation between dwellings and “backyard scape” mainly comprising open space, vegetation and smaller outbuildings. The dwellings are predominantly constructed of brick veneer with gable or hipped roofs, clad in tiles.

It is recognized that the existing neighbourhood character will be subject to substantial change over time given the site is located within the Residential Growth Zone where a greater density of residential development is anticipated than other residential zones. The Residential Growth Zone allows provision of housing at increased densities in buildings up to and including four storeys.

Objectors are concerned that the proposal represents an overdevelopment and that this overdevelopment will adversely affect neighbourhood character. It is considered that the scale of the development is appropriate within this strategic location, being the Residential Growth Zone, where increased density and change in residential character is supported by relevant policy of the Melton Planning Scheme. The proposed development is also consistent with the approved development at 10 Joan Street, Melton which allows construction of 10 double storey dwellings.

The proposal generally complies with the guidelines for the Garden Suburban 2 (GS2) character area under Council’s Housing Character Assessment and Design Guidelines and the Rescode requirements subject to conditions. The proposal will complement the emerging character as supported under the zone.

Off-site amenity impacts

Objectors are concerned about the increase in noise from future residents and traffic generated by the proposed development. Whilst noise issues can arise as result of development, the noise generated will be residential in nature and not unreasonable in a residential area.

Car parking and Traffic

Provision of car parking for each dwelling complies with the requirement of Clause 52.06 of the Melton Planning Scheme.

The proposal provides two visitor car spaces as required by Clause 52.06 of the Melton Planning Scheme.

Residents have expressed concern regarding traffic congestion, off-street impacts and safety impacts due to increase in traffic volumes as result of the development. It is considered that the local road network can accommodate the anticipated increase in traffic that will be generated by the proposal.

Impact of development on existing trees on-site and adjoining properties

An arborist report prepared by Arbor Solutions Pty Ltd has been submitted with the application. The arborist report recommends consideration of the Tree Protection Zone (TPZ) of trees on the adjoining properties, removal of trees with poor or fair structure and removal of trees where it is not practical to retain if a high density development is proposed. Given the intensity of the development no existing trees will be retained however the proposed landscaping includes canopy trees.

The encroachment of the development into the TPZ of two existing trees located at 4 Joan Street, Melton and six trees located on the adjoining property at 8 Joan Street is considered minor and will not impact on the health and vitality of the trees. However it is noted that all trees located at 8 Joan Street are proposed to be removed as part of a current application to allow construction of ten dwellings.

The arborist report concludes that the development will not negatively impact the existing trees on the adjoining properties subject to the recommendations in the arboricultural report being undertaken.

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/Particular provisions and Clause 65 of the Melton Planning Scheme.

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

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

LIST OF APPENDICES

1. Locality Plan - dated 6 June 2018
2. Plans for the Proposal - dated 27 March 2018
3. Assessment against Planning Scheme - undated
4. Response to Objections - undated
5. Referral Comments - undated
6. Proposed Conditions - undated

12.11 PLANNING APPLICATION PA 2017/5873 - DEVELOPMENT OF THE LAND WITH EIGHTEEN DOUBLE STOREY DWELLINGS AT PROPOSED LOT 2 PS 814595B AT 17 JOAN STREET, MELTON

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 Grant a Permit subject to the Proposed Conditions outlined in **Appendix 6** of this report.

REPORT

1. Background

Executive Summary

Applicant:	1730 MELTON PTY LTD
Proposal:	18 dwellings
Existing Land Use:	Existing single Storey dwelling
Zone:	Residential Growth
Overlays:	Nil
Number of Objections:	12
Key Planning Issues:	Strategic justification Adequacy of on-site car parking Respect for Neighbourhood Character Off-site amenity impacts Objector concerns
Recommendation:	Support planning application

Planning History

Planning permit PA2017/5724 was issued on 15 August 2017 for the re-alignment of the shared boundary between 17 Joan Street and 30 Christopher Crescent, Melton to create Lot 1 and 2 on PS814595B. Land titles for the approved boundary re-alignment have not been issued. The street address for Lot 1 and 2 on PS814595B will be 30 Christopher Crescent and 17 Joan Street, Melton. The proposed development is only proposed on Lot 2 on PS814595B.

The Land and Surrounding Area

The subject site on the proposed Lot 2 on PS814595B has an area of 2467m² and is located on the west side of Joan Street in Melton. Other features of the site are as follows:

- The site is regular in shape.
- It contains an existing single storey dwelling located near the front of the site.
- An existing drainage and sewerage easement is both located at the centre of the site and on the rear western boundary.

The surrounding area can be characterised as residential in nature with a single dwelling on each lot. Approximately 250m north east of the site is Melton Town Centre shopping strip located on High Street and the Woodgrove Shopping Centre is approximately 900m west of the site.

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

The Application

The application proposes the development of eighteen double-storey dwellings.

The proposed development is summarised as follows:

- The existing dwelling is to be demolished and replaced with the proposed dwellings.
- Twelve dwellings each containing two bedrooms and a single garage.
- Six dwellings each containing three bedrooms, a single garage and a second car space fronting the garage.
- The dwellings have a contemporary design with a range of external wall materials including brick, masonry wall and colorbond roofing.
- All dwellings will be accessed from one shared crossover off Joan Street.
- Three visitor car spaces.
- 15 trees located on-site will be removed.
- The existing crossover will be widened.
- A 1.5m high steel picket front fence with an angled 1.2m brick front fence.

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

Planning Controls

Zone	(Clause 32.07 – Residential Growth Zone)	Permit required to construct two or more dwellings on a lot.
Particular Provisions	(Clause 52.06 – Car Parking)	Two car spaces are required for each three bedroom dwelling and one car space for each two bedroom dwelling. One visitor car space is also required for every five dwellings. A total of 27 car spaces are required and provided.

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

Clause 55 – ResCode

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

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

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

House Rules - Housing Character Assessment & Design Guidelines

The Housing Character Assessment & Design Guidelines as adopted at the Ordinary Meeting of Council on 13 October 2015. The site is located within the (Garden Suburban 2 (GS2) character area). The essential components of the (GS2) which need to be maintained into the future are:

- Front gardens are visible from the street, forming part of the street landscape.
- Front setback retained, and the majority of it used as permeable garden landscape.
- The impression of separation between buildings from the streetscape.
- Garage and carports occupy a minor portion of the dwelling frontage.

The preferred Character Statement requires that as change occurs, space will be provided for more tree planting, so these areas can become greener and leafier, by:

- providing for canopy a tree on the site.
- minimising interruption of nature strips by driveways, so that regularly-spaced street tree avenues can be planted or retained.

Built form intensity will be greatest close to commercial areas.

The preferred housing types of Melton's GS2 area are:

- Dual occupancy.
- Villa units
- Duplex.
- Apartment.

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

Is the land of Cultural Heritage Sensitivity?

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

2. Council 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 and 12 objections were received.

The grounds of objection may be summarised as follows:

- Loss of on-street car parking, and increase in parking demand and safety issues created with additional traffic.
- Local road network cannot accommodate additional traffic.
- Inconsistency with the existing neighbourhood character.
- Waste collection of 36 bins.
- Impact on sewerage and drainage infrastructure.
- Property devaluation.
- Overshadowing impact
- Dwelling density.
- Loss of privacy.
- Increased noise.
- Development would be visually intrusive.

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

Referral of the application

The application was referred to Engineering Services, Environmental Services, City Design Unit and Waste Services for comment and advice. A complete list of responses is included in **Appendix 5**.

5. Issues

Planning Assessment

Strategic Assessment

The land is zoned Residential Growth and in principle, is apt for an intensification of residential development. The proposal meets the overarching objectives of housing policies within the SPPF and LPPF as it would provide for urban consolidation in an area which has good access to local services and facilities. State policy objectives also include encouraging development that improves housing choice and accommodates future housing needs. In terms of strategic location, the subject site is appropriately located for infill residential development given the size, its zoning, proximity to public transport, public open spaces and community infrastructure.

Neighbourhood Character

The aspects of neighbourhood character which are of particular note relate to detached single storey dwellings with single driveways on generous lots predominantly ranging from 500m² to 2000m², the sense of spaciousness, the generous landscaped front setbacks ranging from 5m to 22m, low front fences or absence of front fences, separation between dwellings and “backyard scape” mainly comprising open space, vegetation and smaller outbuildings. The dwellings are predominantly constructed of brick veneer with gable or hipped roofs, clad in tiles.

It is recognized that the existing neighbourhood character will be subject to substantial change over time given the site is located within the Residential Growth Zone where a greater density of residential development is anticipated than other residential zones. The Residential Growth Zone allows provision of housing at increased densities in buildings up to and including four storeys.

Objectors are concerned that the proposal represents an overdevelopment and that this overdevelopment will adversely affect neighbourhood character. It is considered that the scale of the development is appropriate within this strategic location, being the Residential Growth Zone, where increased density and change in residential character is supported by relevant policy of the Melton Planning Scheme. The proposed development is also consistent with the approved development at 10 Joan Street, Melton which allows construction of 10 double storey dwellings.

The proposal generally complies with the guidelines for the Garden Suburban 2 (GS2) character area under Council's Housing Character Assessment and Design Guidelines and the Rescode requirements subject to conditions. The proposal will complement the emerging character as supported under the zone.

Off-site amenity impacts

The proposal complies with relevant standards in relation to overlooking, overshadowing, daylight to existing habitable room windows, side and rear setbacks.

Objectors are concerned about the increase in noise from future residents and traffic generated by the proposed development. Whilst noise issues can arise as result of development, the noise generated will be residential in nature and not unreasonable in a residential area.

Car parking and Traffic

Provision of car parking for each dwelling complies with the requirement of Clause 52.06 of the Melton Planning Scheme.

The proposal provides three visitor car spaces as required by Clause 52.06 of the Melton Planning Scheme.

Residents have expressed concern regarding traffic congestion, off-street impacts and safety impacts due to increase in traffic volumes as result of the development. It is considered that the local road network can accommodate the anticipated increase in traffic that will be generated by the proposal.

Impact of development on existing trees on-site and adjoining properties

An arborist report prepared by Arbor Solutions Pty Ltd has been submitted with the application. The arborist report recommends consideration of the Tree Protection Zone (TPZ) of the three trees on the adjoining properties, removal of 10 trees with poor or fair structure and removal of trees where it is not practical to retain if a high density development is proposed. Given the intensity of the development no existing trees will be retained however the proposed landscaping includes canopy trees.

The proposed development does not encroach into the TPZ of one existing tree located at 15 Joan Street, Melton. However the development encroaches into the TPZ of two existing trees located at 19 Joan Street and 11 Norma Street, Melton by five percent and 12.5 percent respectively. It is noted that the existing garage located on the subject site occupies a greater proportion of the TPZ of the tree located at 19 Joan Street Melton than the proposed garage of dwelling 13 which encroaches into the TPZ by 12.5 percent. The Australian Standards (AS4970-2009 Protection of trees on development sites) states that construction works can only encroach within a defined TPZ by up to 10 percent, without the need for further assessment or analysis. An encroachment into the TPZ by more than 10 percent requires appropriate measures to be taken to ensure the tree remains healthy.

The arborist report concludes that the development will not negatively impact the existing trees on the adjoining properties subject to the recommendations in the arboricultural report being undertaken.

6. Options

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

7. Conclusion

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

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

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

LIST OF APPENDICES

1. Locality Plan - dated 6 June 2018
2. Plans for the Proposal - dated 8 February 2018
3. Assessment against Planning Scheme - undated
4. Response to Objections - undated
5. Referral Comments - undated
6. Proposed Conditions - undated

12.12 GROWING SUBURBS FUND 2018-19

Author: David Caligari - Manager Capital Projects
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

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

RECOMMENDATION:

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

1. MacPherson Park - \$3M funding for \$12M project
2. Melton Central Community Centre - \$1M funding for \$6M project
3. Melton Indoor Stadium - \$3M funding for \$10M project
4. Caroline Springs Community Space - \$1M funding for \$2M project
5. Moreton Homestead Playspace - \$200k funding for \$400k project
6. Hannah Watts park - \$500k for \$1.5M project
7. Bloomsbury Drive Playspace - \$300k funding for \$600k project
8. Marlo Drive Playspace - \$350k funding for \$700k project
9. Stan Payne Reserve Playspace - \$200k funding for \$500k project
10. Kirkton Drive Playspace - \$300k funding for \$600k project
11. Arbour Boulevard - \$350k funding for \$700k project
12. Eynesbury Recreation Reserve - \$3M funding for \$7M project

Note: the project costs for item 3 – 12 are estimates and may change in the funding applications once Quantity Surveyor assessments are complete.

REPORT

1. Executive Summary

The State Government officially launched the Growing Suburbs Fund (initially the Interface Growth Fund) in July 2015 announcing an initial \$50M followed by \$50M in 2016 and \$50M in 2017 to provide support for the delivery of critical local infrastructure needs for growing communities in the outer suburbs. A further announcement was made in April 2018 allocating an additional \$50M. The 10 interface Councils that are eligible for funding under the GSF are Cardinia, Casey, Hume, Melton, Mitchell, Mornington Peninsula, Nillumbik, Whittlesea, Wyndham and Yarra Ranges.

Council has been successful in obtaining GSF funding in rounds one, two and three as follows:

Round	Funding Received	Council Funds	Total
Round 1 – 2015/16	\$6,321,000	\$11,948,491	\$18,269,491
Round 2 – 2016/17	\$4,384,900	\$8,120,036	\$12,504,936
Round 3 – 2017/18	\$8,100,000	\$21,300,000	\$29,400,000
Total	\$18,805,900	\$41,368,527	\$60,174,427

A further \$50M has been allocated in the 2018-19 Victorian State budget with applications opening on 18 May 2018 and closing on 9 July 2018.

The following projects are recommended for submission to the 2018-19 GSF in priority order:

1. MacPherson Park - \$3M funding for \$12M project (\$2M funding received from GSF Round 3)
2. Melton Central Community Centre - \$2M funding for \$6M project (\$2M funding received from GSF Round 3)
3. Melton Indoor Stadium - \$3M funding for \$10M project
4. Caroline Springs Community Space - \$1M funding for \$2M project
5. Moreton Homestead Playspace - \$200k funding for \$400k project
6. Hannah Watts park - \$500k for \$1.5M project
7. Bloomsbury Drive Playspace - \$300k funding for \$600k project
8. Marlo Drive Playspace - \$350k funding for \$700k project
9. Stan Payne Reserve Playspace - \$200k funding for \$500k project
10. Kirkton Drive Playspace - \$300k funding for \$600k project
11. Arbour Boulevard - \$350k funding for \$700k project
12. Eynesbury Recreation Reserve - \$3M funding for \$7M project

Note: the project costs for item 3 – 12 are estimates and may change in the funding applications once Quantity Surveyor assessments are complete.

2. Background/Issues

Council has received the 2018-19 Growing Suburbs Fund application guidelines which outline how Council can apply for funding and the funding criteria. A summary of the guidelines is outlined below.

The 2018-19 GSF will fund a mix of projects that have a direct benefit to communities across the following broad infrastructure categories:

- community health, well-being, and social interaction
- early education, and learning and training
- sport, recreation, and leisure facilities that support multi use purposes
- environmental and climate change resilience
- placemaking, civic amenity, and community connecting..

All infrastructure projects must commence construction within 12 months of the grant being announced and must be completed within a three year timeframe from the start of construction.

The 2018-19 GSF will contribute to meeting critical local infrastructure needs for communities in Melbourne's changing and fast-growing outer suburbs. It is positioned to quickly respond to the pressures being experienced by interface communities by accelerating infrastructure projects that will make a big difference in the liveability and resilience of these communities.

Grants will be targeted towards high priority community infrastructure projects that contribute to:

- stronger, more resilient and liveable interface communities
- improved local economic conditions in Melbourne's interface communities
- improved capacity for councils to respond to changing community needs and demands.

Council is expected to contribute funding with a program wide target of at least \$1 leveraged funds to \$1 GSF funding.

Assessment Criteria

Criterion 1 – Why is this project required? – 25%

Applications will be required to demonstrate the extent to which the project addresses an identified need in the community by:

- clearly identifying the need or gap in infrastructure provision that the project will address
- demonstrating (by quantifying) the breadth and depth of the need or gap in infrastructure provision
- demonstrating how the project aligns with and delivers against current state policy objectives.

Applications that directly address needs resulting from population growth will be favourably considered.

Criterion 2 – Who will benefit and how? – 25%

Applications must clearly demonstrate the extent to which the project will deliver benefits to the locality and must:

- clearly identify the expected benefits (social, economic, and/or environmental) that the project will deliver
- demonstrate the breadth and depth of the expected benefits including who will benefit and how
- demonstrate how the project will deliver on the purpose of the GSF and the desired outcomes.

Criterion 3 – What will be delivered – 20%

Applications must provide details of what the funding will be used for and:

- demonstrate the relationship between what the project will deliver, the need for the project, and the expected benefits
- demonstrate consistency with climate change, environmental sustainable design, and universal design principles

- explain how the project benefits will be sustained once the infrastructure is delivered.

Criterion 4 – How will the project be delivered - 20%

Applications must provide details that:

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

Projects that have significant council contributions and attract further public, not-for-profit or private sector investment are desirable and strongly encouraged. Applicants must contribute resources and funding to any GSF funded project.

Council's previous performance in delivering state funded projects, including projects funded under previous GSF funding rounds, will be considered in the assessment of this criterion.

Where there are concurrent funding applications, applications must identify how council will fund the difference if other applications are unsuccessful.

Criterion 5 -The extent of council and community support for the project – 10%

Applications must:

- demonstrate that the project is a recognised strategic council priority and is consistent with key council plans such as the current Council Plan and Strategic Resource Plan, community plans or structure plans and/or policy documents
- demonstrate the level of support at the community level. This could be demonstrated by engagement activities, co-contributions or in-kind support from community members or groups
- where appropriate, demonstrate the increase in activities and community use of the facility the project will support.

Application Process and Key Timing

Applications Open	18 May 2018
Applications Close	9 July 2018
Assessment and Decision Making	From July 2018
Announcements	From August 2018
Funding Agreements Executed	From September 2018
Construction Commencement	No later than September 2019
Construction Complete	Within 3 years of commencement

Officers have reviewed the funding guidelines and assessment criteria and assessed the projects in the 10 year Capital Works Program to determine the projects that most closely address the funding requirements. Officers have also met with State Government Officers who administer the GSF to seek their advice on the type of projects the State Government is most likely to fund. Based on the funding guidelines and State Government advice, the projects listed below are in priority order. The priority of Eynesbury Recreation Reserve may change as more information becomes available around land availability.

1. MacPherson Park - \$3M funding for \$12M project (\$2M funding received from GSF Round 3)
2. Melton Central Community Centre - \$1M funding for \$6M project (\$2M funding received from GSF Round 3)
3. Melton Indoor Stadium - \$3M funding for \$10M project
4. Caroline Springs Community Space - \$1M funding for \$2M project
5. Moreton Homestead Playspace - \$200k funding for \$400k project
6. Hannah Watts park - \$500k for \$1.5M project
7. Bloomsbury Drive Playspace - \$300k funding for \$600k project
8. Marlo Drive Playspace - \$350k funding for \$700k project
9. Stan Payne Reserve Playspace - \$200k funding for \$500k project
10. Kirkton Drive Playspace - \$300k funding for \$600k project
11. Arbour Boulevard - \$350k funding for \$700k project
12. Eynesbury Recreation Reserve - \$3M funding for \$7M project

Note: the project costs for item 3 – 12 are estimates and may change in the funding applications once Quantity Surveyor assessments are complete.

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

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

5. Consultation/Public Submissions

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

6. Risk Analysis

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

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

7. Options

That Council:

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

LIST OF APPENDICES

Nil.

12.13 CONTRACT FOR AWARD - CONTRACT No. 18/037 - MELTON WAVES LEISURE CENTRE EXTERNAL CLADDING REFURBISHMENT

Author: Nor Rahman - Capital Projects Officer
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To seek Council's approval for the award of Contract No. 18/037 for the Melton Waves Leisure Centre - External Cladding Refurbishment.

RECOMMENDATION:

That Council:

1. Receive and note the Tender Evaluation Report found in **Confidential Appendix 1** (separately circulated).
2. Award Contract No. 18/037 for the Melton Waves Leisure Centre - External Cladding Refurbishment to Bayside Commercial Builders Pty Ltd for the amount of \$657,250 (excluding GST).
3. Delegate execution to the Chief Executive Officer in relation to all relevant contract documentation for the contracts above.

REPORT

1. Executive Summary

The purpose of this report is to seek approval from Council to award:

Contract No. 18/037 for the Melton Waves Leisure Centre - External Cladding Refurbishment

Council agreed to deliver the external cladding refurbishment of Melton Waves Leisure Centre as part of the 2017/2018 building component renewal program to reduce unplanned maintenance of the building's ageing facade.

The project includes the replacement of the external façade, replacing existing tilt doors, replacing existing glazing and shade structure. The renewal work is planned to be completed by summer 2018/19. The refurbishment project will deliver a new colour scheme for the façade that will complement the new branding and signage of the Melton Waves Leisure Centre.

In preparation, Council awarded Brand Architects Pty Ltd through a closed tender to provide design consultancy services for the project. Council officers, in accordance with Council procurement policies, sought to engage a suitably qualified and experienced contractor to undertake the refurbishment work for the facade.

An Expression of Interest (EOI) was advertised on 24 February 2018 for the external cladding refurbishment and related works. The contractor is required to commence on 15 July 2018 with construction expected to take two months. The EOI closed on 19 March 2018 with only one company submitting an expression of interest. The Evaluation Panel unanimously agreed to issue the project as an open tender to get more competitive prices.

The RFT was reissued on 21 April 2018 and closed on 14 May 2018 through Council's tender portal, TenderSearch. The tender successfully closed with five contractors who

submitted a price. All contractors were identified as having the capability and resources to undertake the refurbishment project. Bayside Commercial Builders Pty Ltd (Bayside) submitted the lowest price at tender closing. Upon clarifications from all tenderers, Bayside still emerged as having submitted the lowest price. The Evaluation Panel did a preliminary tender assessment and shortlisted only Bayside whose price was within the allocated project budget, for a tender interview.

Members of the Tender Evaluation Panel, comprising of two Council staff conducted the interview session with Bayside on 21 May 2018. During the interview, Bayside was asked to confirm their prices for the door and shade structure to ensure that they priced in items that meet the specifications. Bayside reviewed and adjusted their total price to include items that were clarified during the interview and they still emerged as having submitted a compliant tender at the lowest price of \$657,250. The Evaluation Panel completed the evaluation review based on the set evaluation criteria.

The tender evaluation summary is provided in the **Confidential Appendix** separately circulated to this report.

2. Background/Issues

The project has been identified to reduce the operating cost of maintaining the building's external façade and to update the look of the building to align with the Council and Wellbeing Plan. The external fabrics have reached the end of their effective life and are beyond repair, the recently upgraded signage is highlighting the poor condition of the building fabric. In addition, the building is Council's only Aquatic centre and so it has some iconic status. Hence the need to maintain it to a high standard.

On 26 September 2017, Council engaged the design services of Brand Architects Pty Ltd via a closed tender, to provide consultancy services for the project.

The contract for this project provides for:

- Replacing the existing cladding
- Replacing the existing tilt doors
- Replacing the existing glazing
- Supply and install new shade structure
- New painting works

Detailed design and tender documentation for the above contract was issued via TenderSearch on 21 April 2018 and closed on 14 May 2018.

A total of five tender submissions were received and assessed on the basis of the evaluation criteria described in the tender documents. Four out of five tender submissions quoted a fixed lump sum in excess of the allocated budget for the project.

Statutory Declarations from nominated subcontractors were not submitted in all of the tenders resulting in all tenders being considered non-conforming. Statutory Declarations are required to be signed by nominated subcontractors and submitted as part of the tender. They ensure that subcontractors understand the terms of the tender, have no conflicts of interest and will keep the information supplied during the tender confidential. All contractors confirmed that they will provide relevant information upon the award. Despite this non-conformance all submissions were evaluated.

No member of the Tender Evaluation Panel declared any conflict of interest in relation to the tender evaluation.

3. Council Plan Reference and Policy Reference

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

3. 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; and*
 3.3 *Public spaces that are vibrant and engaging places for all.*

4. Financial Considerations

A previous financial assessment on the Bayside Commercial Builders Pty Ltd was undertaken by Corporate Scorecard and returned a 'Satisfactory' result.

Melton Waves Leisure Centre - External Cladding Refurbishment project requires an overall budget of \$742,135.00 (excluding GST).

The budget components for the project are as follows:

Expenditure	Amount \$
Melton Waves Leisure Centre - External Cladding Refurbishment	\$ 657,250.00
10% Construction Contingency	\$ 65,725.00
Consultant Fees	\$ 14,760.00
Superintendent fees	\$ 4,400.00
TOTAL	\$ 742,135.00

The project will be funded from Melton City Council.

Funding Body	Amount \$
Melton City Council	\$ 990,000.00
TOTAL	\$ 990,000.00

The spend profile estimate across the budgetary years is as follows:

Expenditure Year	Amount \$	Budget \$
2018-19	\$ 742,135.00	\$ 742,135.00
TOTAL	\$ 742,135.00	\$ 742,135.00

5. Consultation/Public Submissions

A Colour Concept for the new cladding was chosen in consultation with the reference group for Melton Waves and Leisure Centre. Brand Architects proposed three options for selection and it provided an opportunity for the group to select their preferred colour scheme that complements the new Melton Waves Leisure Centre branding and sign.

6. Risk Analysis

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

- a. Engagement of a suitably qualified construction company:

- Advertised an open expression of interest to construction companies via The Age and on the Tendersearch website
 - Required companies tendering for the construction phase to have previous project experience with refurbishment works
 - Required companies tendering for the construction phase to have a good understanding of public and staff safety
 - Required companies tendering for the construction phase to have a good understanding of installation methodology especially in a public building
 - Made reference calls to their previous clients to check on their performance
- b. Engagement of a financially capable construction company:
- The engagement of an independent and expert consultant to conduct a financial review of the company.
 - Council required the tenderers to provide evidence of public liability insurance and work cover.
- c. Supervision of works to be undertaken by Brand Architects Pty Ltd, the consultant company awarded to design and superintend the project.

7. Options

Council has the options to:

1. Adopt the Officers' recommendations as presented in this report.
2. Re-advertise the tender seeking further submissions.

LIST OF APPENDICES

Confidential Appendix 1 – separately circulated

12.14 LEASE OF COUNCIL LAND - ELECTRICAL KIOSK SUBSTATION

Author: Michael Reidy - Capital Works Officer
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To present to Council a request from Powercor Australia Ltd to lease part of a Council Reserve located at 46 City Vista Court Fraser Rise, for the purposes of an electrical kiosk substation.

RECOMMENDATION:

That Council:

1. Note the Officer's report.
2. Advertise and invite submissions pursuant to section 190 and section 223 of the *Local Government Act 1989* ('the Act') of its intention to lease an area of 51.84m² of a Council reserve located at 46 City Vista Court Fraser Rise to Powercor Australia Ltd for a term of 50 years at a peppercorn rent of \$0.10c payable on demand.
3. Receive any submission and conduct a hearing in relation to any submitters that wish to be heard on the matter, pursuant to section 223 of the Act.
4. Officers prepare a further report to Council following close of the submission period.

REPORT

1. Executive Summary

In early 2018, Council received a request from Powercor Australia Ltd ('Powercor') to lease an area of land 51.84m² of a Council reserve located at 46 City Vista Court Fraser Rise located within the City Vista and Fraser Rise precinct (the area shown as 'Proposed New Kiosk Substation' and 'Kiosk Substation Location' in **Appendix 1**).

A recent review of the file has identified an anomaly in process undertaken in the preparation of the agreement to lease with Powercor dated April 3, 2018.

This report outlines the statutory processes that must be undertaken pursuant to the Act in order to lease the area of land to Powercor

2. Background/Issues

A requirement for an on-site electrical kiosk substation was identified during the planning stage of the City Vista Pavilion and Sports Fields Project and the Fraser Rise Children's and Community Centre Project, in order to service the expected electrical load for both the current and future stages of the City Vista Precinct's development.

In conjunction with Powercor and Brand Architects, Council is presently overseeing the inclusion of the kiosk substation into the design documentation for the City Vista Pavilion and Sports Fields Project and the Fraser Rise Children's and Community Centre Project. This included an area of land 51.84m² set aside for the purposes of a substation (that is the subject of this report). During this time, Council officers received from Powercor a draft Agreement to Lease and a draft Lease in order to lease the area of land to Powercor for the purposes of the kiosk substation.

The *Local Government Act 1989* (the Act) sets out the process in which Councils must treat certain land transactions. In order for Council to enter into an Agreement to Lease of this nature, Council must comply with the statutory requirements as set out in the Act specifically, sections 190 and 223.

Upon receipt of the Agreement to Lease, officers did not obtain advice from within Council's Legal and Governance business unit and subsequently, officers executed the Agreement to Lease in breach of the Act.

The Agreement to Lease is either void or voidable because it is ultra vires (and has been executed outside of the terms of a delegation). An action is 'ultra vires' or beyond the power of the Council when Council does not have the power to take the action and has failed to comply with procedural requirements to take the action. A void lease would essentially be a nullity and be as if it never existed and a voidable lease would be able to be set aside. Powercor have been advised of the identified errors and of the statutory processes that must be undertaken pursuant to the Act in order to lease the area of land

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.*

3.2. *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 \$0.10c per annum payable on demand.

Full legal costs are yet to be established for the preparation of the lease documents.

Minor costs in relation to public advertising of Council's intent to enter leasing arrangements can be absorbed from within the Legal and Governance recurrent budget.

5. Consultation/Public Submissions

In accordance with Section 190 and 223 of the Local Government Act 1989, Council is required to publish a public notice in a newspaper that circulates in the municipality of its intention to lease and invite any submissions from the affected parties.

Should any submitters wish to be heard in relation to the matter, Council will need to conduct hearing in accordance with section 223 of the Act.

Council would then take those submissions (including any hearings) into account in making a final decision as to whether to enter into the lease

6. Risk Analysis

That the Agreement to Lease contravenes the Act and any subsequent Lease would be in breach of the provisions of the Act.

To remove the risk of breaching the Act this report has been prepared to address the outstanding requirements of the Act, that is, to lease land for the maximum term of 50 years and the public notice.

The risks associated with not proceeding with the Agreement to Lease are twofold. First, the potential liability associated with the future construction of the electrical substation on

Council's reserve may cause delay on the works currently being undertaken and secondly, potential legal action by Powercor on the basis of the execution of the Agreement to Lease (albeit which is ultra vires the Act).

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 any infrastructure on the area of land be removed without further delay.

LIST OF APPENDICES

1. Locality Map - undated

12.15 MELTON RECYCLING FACILITY UPGRADE

Author: Les Stokes - Manager Operations
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To consider, adopt and fund the Melton Recycling Facility Master Plan, including the proposed operating model.

RECOMMENDATION:

That Council:

1. adopt the Melton Recycling Facility Master Plan (**Appendix 1**)
 2. fund the Melton Recycling Facility Upgrade as part of Councils capital works program and the works commence in the 2019/2020 financial year.
 3. prepare the new Melton Recycling Facility Operations contract in line with proposed upgrade
 4. advertise the new Melton Recycling Facility Operations contract in the 2018/2019 financial year with three key components
 - a. Operation and Management of the Transfer Station
 - b. Operation and Management of the Weighbridge and Gate House
 - c. Operation and Management of the Materials Recovery Area and Resale Shop
 5. request Expressions of Interest for the Materials Recovery Area and Resale Shop and consider the feasibility of a Community Enterprise Partnership in conjunction with the tender for the new contract.
-

REPORT

1. Executive Summary

The Melton Recycling Facility is nearing capacity and will not be able to appropriately service the growing population of the City of Melton. An analysis of the options to increase the capacity and efficiency of the site has been carried out, with a master plan for the preferred option now complete. The capital cost required for this upgrade are estimated to be \$7.7M including contingencies.

Council has engaged a consultant to prepare a business case for the proposed upgrade and possible operating models. It is recommended that Council proceed with the capital works required to upgrade the facility in the 2019/2020 & 2020/2012 financial years and pursue a Community Enterprise Partnership to run the Materials Recovery Area and Resale Shop.

2. Background/Issues

Council currently operates the Melton Recycling Facility (MRF) located off Ferris Road, Cobblebank. Operation of the site in its current manner results in a net annual operating cost to Council of approximate \$5.1 million per annum. The continued operation of the site in this manner will result in a facility that is unable to meet the needs and expectations of

Council's residents and will result in an increased level of dissatisfaction by customers of the facility through delays, increased costs and poor perceptions of the operational practices employed at the facility.

In 2017, Council commissioned the specialist consultancy firm Rawtec to undertake a review the facility to assess amongst other things the current performance of the MRF and identify the areas for improvement and establishing the wider longer term strategic and infrastructure opportunities/options for the facility.

A key finding of this review was that the site faced a significant limitation due to its current operating capacity and impacts of significant population growth in the region would place limitations on its ability to effectively function into the future. Without additional resource recovery activities and infrastructure investment, the facility's residual waste disposal capacity would be reached around 2020/21.

The Rawtec Report recommended a series of smaller infrastructure improvements (known as Option A in the Rawtec report) to the site that will address short terms issues and resource recovery opportunities. They were packaged together and submitted as a grant application to Sustainability Victoria's Infrastructure Grant Program which was approved, with works commencing shortly.

To address the more significant capacity issue, the following 3 options were considered to deliver the required infrastructure improvements and enable the site capacity to be expanded to cater for future growth in the Melton region.

- Large Expansion of the Sawtooth Mixed-Waste Drop-Off Area (Option B)
- Large Undercover Shed with Residents Dropping-Off Waste on Flat Floor with Top Loading of Bulk Haul Transfer Trailers (Option C)
- Residents Drop-Off onto Conveyor/Walking Floor with Operations Conducting Some Resource Recovery Before Waste Moved into Bulk Transport Trailer (Option D)

Rawtec's detailed assessment around each of these options identified Option C as being the preferred approach for Council to pursue. This type of Resource Recovery operation exists in numerous sites across the Country and accords with Sustainability Victoria's, *Guide to Better Practice at Resource Recovery Centres*.

Council subsequently engaged specialist consultants Tonkin Consulting to develop a Business Case for the Melton Recycling Faculty Upgrade, providing design options and cost estimates for the upgrade of the facility to meet current and future needs of Council and the community. The upgrade of the MRF will require various components of the facility to be redeveloped and constructed. In particular, these works can be broken down into the following components:

- Provision of a large undercover shed for general waste drop-off
- Semi-trailer loading tunnel
- Provision of new Resale Shop infrastructure
- Provision of new Front End Resource Recovery Infrastructure
- Alterations to site roads to suit reconfiguration
- Provision of all necessary services to meet the needs of this development

The Melton Recycling Faculty Masterplan is attached in **Appendix 1** and the Business Case is attached in **Appendix 2**.

The delivery of the project also opens up the opportunity for Council to separate the operation of the Resource Recovery (resale and recycling) component from the waste transfer station component. Commercial contractors placed in charge of recycling areas and

resale facilities, often only pursue the removal of recyclables from the waste stream where there is a clear profit to be made.

There are groups that specialise in running these facilities with the aim of providing not only a lower operating cost but also seeking to improve social, economic and environmental outcomes at a broader level. Similar such operations have been implemented at the likes of Eaglehawk Eco-Centre in Bendigo and the Hampton Park Resource Recovery Centre and Outlook Market Shop. Council should consider this implementation of this model following the upgrade

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

The works required to complete the Melton Recycling Facility Upgrade have been scoped and costed by Tonkin. The total cost of the works is \$7.7M (including 20% contingency).

The Business Case (**Appendix 2**) assessed the resultant operational costs following the implementation of the upgrade. The increased revenue and reduced operating costs associated with increased resource recovery and diversion of waste from landfill will see a reduction in net annual operating costs from the current \$5M per annum to approximately \$4M per annum. This return of approximately \$1M per annum is significant and makes funding the project an attractive proposition.

Council funding is sort through capital works program in 2019/2020 and 2020/21 financial years with a view to having infrastructure commissioned by 30/6/21. This is seen as the most appropriate funding strategy for Council to pursue.

A review of future funding commitments reflected in Council's capital works program and associated prioritisation of this project has identified the ability for Council to effectively cover the MRF upgrade costs without negatively impacting on other strategic initiatives. The exact breakdown in funds over the two financial years will determined prior to the 2019/2020 budget process and will be included in the Capital Works Program.

There is the possibility of the alternative sources of funding for this project, it is possible that through the tender process for the Operation of the Melton Recycling Facility at tenderer may submit and option to forward fund the capital works in return for a longer operating term. This would require Council approval as part of the contract award.

Also, it is likely that funding opportunities through Sustainability Victoria and the Metropolitan Waste & Resource Recovery Group will become available, should the opportunity present itself, Council would apply for such funding to offset any Council expenditure

5. Consultation/Public Submissions

Council has been briefed at various stages through the development of this project. The Rawtec report was developed in consultation with the current site operator and various industry bodies, such as Sustainability Victoria and the Metropolitan Waste & Resource Recovery Group. Should the project proceed, public consultation will occur prior to and during construction

6. Risk Analysis

Should Council choose not to upgrade the Melton Recycling Facility, there is a significant risk of adverse impacts such as illegal dumping and conflict at the gatehouse if the site was to run at or over capacity.

The introduction of the not-for-profit has some risk, it is possible that their business model may fail over the life the facility, this risk is easily mitigated by ensure the main site operator is contracted to step-in and provide these services, therefore maintaining continuity of service to the community.

7. Options

As part of Council's consideration around the implementation of the Melton Recycling Facility Upgrade, three options are available to Council.

Option 1: Only Undertake Current Site Improvements.

In this scenario, the key issues associated with providing a site covering future material types and overall capacity would not be addressed. This could lead to a continual negative impact on Council's budget as well as a failure to provide a key council service to local residents.

Option 2: Development of the MRF and Fully Contract Out All Operations

Upgrading site infrastructure at the existing site will provide the necessary capacity to meet resident's needs in the medium to long-term. This approach will also assist in delivering waste diversion targets and assist in managing ongoing operating costs. There is a concern however that should a general contractor be placed in charge of the recycling area and resale facility, there would be minimal incentive for this contract to actively pursue the removal of recyclables from the waste stream. Furthermore, the Rawtec report identifies the high cost of operating a resale facility of this nature with the goal of achieving a commercial profit and provides details on alternative operational models that could be used in such a scenario.

Option 3 (Recommended): Development of the MRF, Contract Out General Operations but Allocate Front of house to a Not-For-Profit Entity

Similar to the approach identified an option 2, this option looks at outsourcing the recyclable drop-off area and resale area to a not-for-profit business. There are groups that specialise in running these facilities with the aim of providing not only a lower operating cost but also seeking to improve social, economic and environmental outcomes at a broader level. Similar such operations have been implemented at the likes of Eaglehawk Eco-Centre in Bendigo and the Hampton Park Resource Recovery Centre and Outlook Market Shop.

LIST OF APPENDICES

1. Melton Recycling Facility Masterplan - dated 24 April 2018
2. Melton Recycling Facility Business Case - dated 7 June 2018

12.16 ACTION FOR EQUITY 2018-2022 - A SEXUAL AND REPRODUCTIVE HEALTH STRATEGY FOR MELBOURNE'S WEST

Author: Sophie Thompson - Acting Coordinator Social Planning & Wellbeing

Presenter: Matthew Wilson - Acting General Manager Community Services

PURPOSE OF REPORT

To present Council with the regional strategy *Action for Equity 2018-2022 – A sexual and reproductive health strategy for Melbourne's west*, for consideration and endorsement.

RECOMMENDATION:

That Council endorses the regional strategy, *Action for Equity 2018-2022 – A sexual and reproductive health strategy for Melbourne's west*.

REPORT

1. Executive Summary

Action for Equity: A sexual and reproductive health strategy for Melbourne's west 2018–2022 (The Strategy) is a four year sexual and reproductive health promotion strategy for the western region of Melbourne (**Appendix 1**). This is the second western region strategy of this kind.

The Strategy, led by Women's Health West, was prepared in partnership with a range of stakeholders including community health networks, state and local government and academics.

Evidence has shown the City of Melton rates poorly compared to the State in some areas of sexual and reproductive health. It is for this reason Melton City Council has become a key partner for this Strategy. In this partnership Council officers have been actively involved in the development of the strategy, have given endorsement of the final version and will continue to be involved when action plans and implementation of the strategy will occur.

The Strategy incorporates primary prevention initiatives that work to improve sexual and reproductive health outcomes for the community by redressing the social, cultural and economic drivers of sexual and reproductive health inequities. In particular the Strategy articulates a vision for the community where everyone has:

- *Freedom to express their gender, sex, sexuality and individuality*
- *The right to healthy, respectful relationships and a pleasurable sex life*
- *The right to control decision making, to support active and informed decisions about their sexual and reproductive health free from violence (including reproductive coercion*), stigma and discrimination*
- *Equitable access to health services and programs that are inclusive and culturally sensitive and appropriate.*

Women's Health West are now seeking formal endorsement of the strategy from Partners to ensure partner buy-in, commitment to implementation and to enable action planning to occur.

2. Background/Issues

Sexual and reproductive health is a human right and a fundamental contributor to people's optimal health and wellbeing (World Health Organisation 2010). Victoria's population is statistically among the healthiest in the world; however, the burden of sexual and reproductive health morbidity continues to rise (Department of Health and Human Services 2015).

Melbourne's west is one of Victoria's most vibrant and diverse regions. It is also home to many communities who experience poorer sexual and reproductive health outcomes when compared to the state average (Women's Health Victoria 2018).

It is for this reason Women's Health West has led a regional sexual and reproductive health partnership, *Action for Equity*, since 2009. *Action for Equity: A sexual and reproductive health strategy for Melbourne's west 2018–2022* is the second strategy prepared by Women's Health West and partners. The previous strategy, *Action for Equity: A sexual and reproductive health plan for Melbourne's west 2013–2017* was launched in 2012 and it was the first of its kind in Victoria.

The new 2018-2022 Strategy builds on findings from the previous strategy and also considers a range of existing frameworks and studies to prepare a vision, objectives and strategies designed to guide action across Melbourne's west in order to promote fairness and opportunities for all communities to achieve better sexual and reproductive health.

The Strategy is broken down into six key themes which have been recognised as the key areas to be addressed to achieve sustainable long term outcomes. These themes are:

- Gender norms
- Cultural and societal norms and values
- Violence, discrimination and stigma
- Socioeconomic status
- Public policy and the law
- Provision of culturally appropriate, accessible healthcare and services.

Each theme contains objectives and strategies which aim to achieve the Strategy's vision which is to have a community where everyone has:

- *Freedom to express their gender, sex, sexuality and individuality*
- *The right to healthy, respectful relationships and a pleasurable sex life*
- *The right to control decision making, to support active and informed decisions about their sexual and reproductive health free from violence (including reproductive coercion*), stigma and discrimination*
- *Equitable access to health services and programs that are inclusive and culturally sensitive and appropriate.*

As a key partner, Council officers have had significant involvement in the preparation of both this and previous Strategies through attendance at Senior Management Committee meetings, in workshops, in program specific working groups and have assisted with drafting, implementing and evaluating strategies and action plans.

This new Strategy requires formal endorsement from Council to cement the partnership and ensure Council is in a position to assist with the implementation of the four year plan.

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
 - 1.5 *Environments that enable and encourage positive public health and wellbeing outcomes.*

4. Financial Considerations

Officer time spent on this project is considered in existing work plans. There are no additional financial implications as this is considered a business as usual activity.

5. Consultation/Public Submissions

The Strategy has been prepared in consultation with partners from the community health sector, state and local government and academics, including Council officers.

Officers will also be involved in the development of annual action plans to implement the strategy. Each year's action plan will be reviewed and endorsed at the appropriate operational level.

6. Risk Analysis

Should Council not adopt the strategy there are a number of significant risks including:

- Reputational risk – Council has been involved in this space since the first Strategy, and the partnership with Women's Health West and other parties has been positive. Should Council not adopt the Strategy, these relationships may be impacted as Council withdraws from the partnership.
- Community risk – Should Council not endorse the Strategy this may impact the ability for projects to be delivered in Melton, impacting the health and wellbeing of the local community.
- Resource risk – To date officers have attended Senior Management Committee meetings, provided expertise in working groups and have assisted with drafting, implementing and evaluating strategies and action plans. If the Strategy is not endorsed, the work to date will have resulted in no outcome.

7. Options

Council has the option to:

1. Endorse the recommendation in this report, or
2. Not endorse *Action for Equity 2018-2022 – A sexual and reproductive health strategy for Melbourne's west.*

LIST OF APPENDICES

1. Action for Equity 2018 - 2022 - undated

12.17 COMMUNITY GRANTS PROGRAM 12 MONTH REVIEW

Author: Danielle Vandermeij - Community Funding Officer
Presenter: Matthew Wilson - Acting General Manager Community Services

PURPOSE OF REPORT

To present to Council proposed changes to the Community Grants Program following the first year of implementation after its review in 2017; and to seek Council endorsement to proceed with recommended changes.

RECOMMENDATION:

That:

1. Council note this report on the revised Community Grants Program as identified in May 2017.
2. Council endorse the proposed changes to the Community Grants Program as outlined in **Appendix 1**.

REPORT

1. Executive Summary

Council is committed to building resilient people and communities through opportunities to participate in community life. The proposed changes to the Community Grants Program (CGP) supports Council in achieving this commitment.

We have reached the end of the first year of the enhanced grants program which has proven to be well received by the community. The program has achieved full subscription of funds available across all programs, and in some cases exhausted funds well before the end of the financial year.

Based on feedback from the panel and community over the past 12 months, and as resolved by Council, the program has been reviewed and further enhancement of the program is recommended to ensure it continues to meet the needs of the growing City of Melton community.

Recommendations are presented to Council for consideration.

2. Background/Issues

Council received and adopted a revised CGP at its Ordinary Meeting held on May 29, 2017. As resolved at this meeting, Council sought a further review of the CGP after 12 months.

Over the first year of operation of the CGP, Officers have recorded feedback from applicants, assessment panel members (Councilors, community representatives and officers), and monitored application quality and detail, which has informed the recommended enhancements to the program. Based on this feedback, the Community Grants Program has been amended to improve the current grants process and ensure greater community understanding. These changes are reflected in the Community Grants Program Guidelines, as presented in **Appendix 1**.

The following changes to the Community Grants Program are recommended:

1. Reallocation of funds. Reducing the Semi-Annual Grants allocation by \$10,000 to allow more funds for the Responsive Grants category:

	Current	Proposed
Semi-Annual Grants	\$150,000 (\$75,000 each of the two rounds)	\$140,000 (\$70,000 each of the two rounds)
Responsive Grants (allocation inclusive of Establishment Grants)	\$25,000	\$35,000

2. Name of the Bi-Monthly Responsive Grants changed to **Responsive Grants**. This grant category is not the only category that runs bi-monthly, therefore removing 'bi-monthly' from the title will keep it consistent with concurrent categories.
3. Amount of funds eligible to apply for through Responsive Grants reduced to \$2,000 rather than \$2,500. \$2,500 is excessive as these grants are designed to be responsive to activities that are either short term or result from an unplanned opportunity and are not an alternative to the Semi-Annual Grants program which remains Councils key vehicle for community support of key programs and events. Of the 13 applications received this financial year, 12 sought the full amount, yet the panel only awarded 1 out of the 13 for the full \$2,500. The balance received \$2,000 and below.
4. Amount of funds eligible to apply for through Establishment Grants reduced to \$1,500 rather than \$2,500. The primary purpose of this program is to assist new community groups to meet statutory requirements when becoming established. Typical establishment costs for a new group including insurance and incorporation fees are under \$1000. Once established, these groups are able to be supported to seek program and activity grants through Council's primary grants programs. Of the 12 applications received this financial year, 11 sought the full amount, yet the panel only awarded 4 out of the 12 for the full \$2,500. The balance received \$2,000 and below.
5. A table of relevant Council contacts added to the grants guidelines, with the aim to streamline the community's contact with Council in regards to grants, and boost relationship building between Council staff and community.
6. The following conditions added to the Establishment Grants conditions:
 - a. *The maximum amount that a group can request for incorporation is \$50.* Based on past successful applicants, incorporation generally costs around \$30-40.
 - b. *The maximum amount that a group can request for Public Liability Insurance is \$1,000.* Based on past successful applicants, insurance generally costs between \$800 – 1,000.
7. The following conditions added to the Resident Achievement Donations conditions: *In cases where multiple persons from one family have applied for funding in the one round to participate in a competition, Melton City Council reserves the right to allocate an alternative amount of funds to the one family.*
8. Altering the process of close-out meetings so it is clear a close-out meeting only occurs 'if required'. Carrying out a close-out meeting with every applicant would be very time consuming. This way, we can hold meetings with those we deem requiring additional support.
9. The following condition added to the general grant conditions: *Funding is allocated on a competitive basis. Once the allocated funds are exhausted, no additional funding will*

be available within the financial year. Prospective applicants will be advised accordingly.

10. Altering the Resident Achievement Donations criteria from *'Applicant has demonstrated need for funding support to participate in activity/event'* to *'applicant has provided evidence of selection in activity/event'*. It is not feasible for the Grants Officer to determine whether an applicant 'needs' the funds to participate.
11. The following condition added to the general grant conditions: *Approved funds must be spent on the project as described in the application, and/or as directed by the Funding Agreement.*

In addition to above changes, there are also various minor wording changes, as well as overall restructure of the guidelines to ensure better flow and community comprehension. The current Community Grants Program Guidelines have been included in **Appendix 2** as a reference.

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

4. Financial Considerations

This program is funded by Council's existing Community Grants Program budget.

5. Consultation/Public Submissions

Recorded feedback from applicants, assessment panel members (Councilors, community representatives and officers), and monitored application quality and detail, has informed the recommended enhancements to the program.

6. Risk Analysis

The proposed changes to the Community Grants Program aims to address areas identified that need improvement. Not adopting the recommended changes involves the risk that the benefits identified will not be achieved.

7. Options

Council has the following options:

1. To endorse the recommendations as presented, and thus approve the 12 month review of the new grants program.
2. To not approve the 12 month review of the new grants program and for the information to remain in its current form.

LIST OF APPENDICES

1. Proposed Community Grants Program Guidelines - dated April 2018
2. Current Community Grants Program Guidelines - dated June 2017

12.18 UPDATE ON ACCESS AND ACTIVITY AT THE WILLOWS HISTORICAL PARK**Author: Dale Heyward - Leisure Facilities Officer****Presenter: Matthew Wilson - Acting General Manager Community Services****PURPOSE OF REPORT**

To provide an update on activities and events that has increased activation of the Willows Historical Park over the past 12 months.

RECOMMENDATION:

That Council:

1. Note the activities and events contained within this report.
 2. Endorse the continuation of ongoing community access to the Willows Historical Park on weekends and during daylight savings periods from dawn to dusk.
-

REPORT**1. Executive Summary**

The previous 12 months at the Willows Historical Park has seen existing tenants work with Council demonstrating effective collaboration to deliver positive community outcomes. This has resulted in a further increase in activation of the site and access opportunities for the community.

2. Background/Issues

The buildings located within the Willows Historical Park consists of Dunvegan Cottage, Mac's Cottage, the Melton Men's Shed, the Barn, the Willows Homestead, Melton and District Historical Society Museum, public amenity and the surrounding grounds. The Melton and District Historical Society (Historical Society) has operated from the Homestead since the 1970s when Council purchased and restored the property. The Melton Men's Shed was opened on-site in 2009 and in 2014 the Vietnam Veterans Association Australia (Melton and District Sub-Branch) took up residence in Mac's Cottage.

Dunvegan Cottage is currently hired out to various community users in accordance with Council's adopted Community Facilities Access Policy. The Willows Historical Park is treated as a public open space and therefore cannot be hired for exclusive use.

Current tenants include the Young Diggers Dog Squad, Willows Quilting Group, Brigitte's Dog School, Australian Plants Society, Melton Women Aglow, Science of Meditation, Western Vehicle Restorers Club, Vietnam Veterans, the Historical Society and Women's Health West.

In the 2017/18 financial year ongoing and casual bookings of Dunvegan Cottage, and identified usage of the Willows park grounds total 320 which compares favourably to the 270 reported for the 2016/17 financial year.

A range of new activation activities have been undertaken by Council in partnership with existing tenants to increase 'anytime' visitation to the park in the past 12 months including the Willows Open Day in October 2017.

The open day hosted a range of family orientated activities which included tenants of the park showcasing their groups. Activities included the Willows Homestead being open for tours, Vietnam Veterans group operating a barbeque, Brigitte's Dog School holding a tips and tricks session, and the Men's Shed showcasing their facility. There was also a historical trail activity where patrons could undertake a questionnaire inviting them to look around the entire park to find the historical clues. The open day also promoted the park being open for seven days a week during day light hours and community hire of Dunvegan Cottage, as well as the tenant/council activity calendar. The day was particularly successful introducing well over 500 people to the site.

The following table lists other activation activities undertaken, and the resulting attendance figures:

Facility	Month	Attendance
Leisure Multi Sports Day	January 2018	250
Big Board Games in the Park' school holiday activity	January 2018	50
Harmony Day	March 2018	500
Premiers Active April - Senior Tai Chi Program	April 2018	15
Melton Heritage Festival	May 2018	80

Ongoing activities include:

- The Melton District Historical Society have opened the Willows Homestead on Sundays and Wednesdays for tours, as well as by appointment for community groups and schools.
- All existing tenants are part of an events calendar to attract new casual visitors and promote the various tenant's activities to the Park that is promoted onsite.
- Opening the Willows Historical Park gates from dawn until dusk has continued daily on weekends and during daylight saving periods.
- The Park and Homestead was open for Australia Day weekend celebrations.

In addition, it is worth noting that feedback from tenants is that they have noticed an increase in passive use of the grounds since the gates have been opened on a regular basis.

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
 - 1.5 *Environments that enable and encourage positive public health and wellbeing outcomes.*

4. Financial Considerations

Revenue from bookings of the Willows Historical Park is on target to achieve budget income target of \$13,837 for the 2017/18 financial year.

5. Consultation/Public Submissions

Current tenants of the park are continuously being consulted and have committed to continue to participate in the Parks activation. All feedback to date has been positive in nature. The current tenants have supported officer's development of the 2017/18 activation

plan and will continue to assist in developing many exciting initiatives to engage the community.

6. Risk Analysis

Previous reports have identified the potential for the risk of increased chance of theft, vandalism and graffiti, and disruption to existing tenant programs from opening the Park to public access. In addition a further risk identified was a potential reduction in annual revenue from community hire of the Park. To date, none of the identified risks have resulted in a cause for concern for tenants or Council over the past 12 month's operation.

7. Options

Council has the following options:

1. Endorse the recommendation as presented; or
2. Provide alternative direction to Officers.

LIST OF APPENDICES

Nil

12.19 INSTRUMENTS OF DELEGATION AND SUB-DELEGATION

Author: John Whitfield - Governance Coordinator
Presenter: Christine Denyer - Manager Legal and Governance

PURPOSE OF REPORT

To advise Council on a review and proposed amendment of various Instruments of Delegation and Sub-delegation in favour of the Chief Executive Officer and other Council Officers.

RECOMMENDATION:

That Council:

1. in exercise of the power conferred by Section 98(1) of the Local Government Act 1989 ('the Act'), and other legislation referred to in the attached Instruments of Delegation, delegates each duty and/or function and/or power described in column one of the Schedule (and summarised in column two of the schedule) to the Chief Executive Officer and member of the Council staff holding, acting in or performing the duties of the office of each such duty and/or function and/or power in column three of the schedule within:
 - i) S5 Instrument of Delegation to the Chief Executive Officer (**Appendix 1**)
 - ii) S6 Instrument of Delegation - Members of staff (**Appendix 2**)
 2. Notes that in the exercise of the power conferred by Section 98(2) of the Local Government Act 1989 ('the Act'), and other legislation referred to in the attached Instrument of Sub-Delegation, the Chief Executive Officer delegates each duty and/or function and/or power described in column one of the schedule (and summarised in column two of the schedule) to the member of Council staff holding, acting in or performing the duties of the office of each such duty and/or function and/or power in column three of the schedule within the S7 Instrument of Sub-Delegation from CEO to Council staff (**Appendix 3**)
 3. Notes that in the exercise of the power conferred by other legislation referred to in the attached Instrument of Delegation, the Chief Executive Officer delegates each duty and/or function and/or power described in column one of the schedule (and summarised in column two of the schedule) to the member of Council staff holding, acting in or performing the duties of the office of each such duty and/or function and/or power in column three of the schedule within S13 Instrument of Delegation of CEO powers, duties and functions (**Appendix 4**)
 4. Records that upon the coming into force of the revised Instruments of Delegations and Sub-delegation, each delegation under the former Instruments of Delegations and Sub-delegation by the Council and Chief Executive Officer are revoked.
 5. Affix the Common Seal of the Council to:
 - i) S5 Instrument of Delegation to the Chief Executive Officer (**Appendix 1**)
 - ii) S6 Instrument of Delegation - Members of staff (**Appendix 2**)
-

REPORT

1. Executive Summary

A Council may, by Council resolution, make an Instrument of Delegation (**Appendices 1 and 2**) and delegate to a member of its staff a range of powers, duties or functions of a Council under the *Local Government Act 1989* ('the Act') or any other applicable Act.

The Chief Executive Officer (CEO) may by delegation or sub-delegation, delegate a range of powers, duties and functions of his/her office to Council staff. (**Appendices 3 and 4**)

The schedule of delegations now presented will provide for the proper and efficient use of Council's powers in allowing Council staff to undertake the day to day management of the organisation in a timely and responsive manner.

2. Background/Issues

Council last updated its Instruments of Delegation and Sub-delegation at its Ordinary meeting held 26 June 2017. This update of delegations as attached to this report takes into account subsequent legislative changes and updates to the organisational structure and its delegated positions.

A Council, by Instrument of Delegation delegates to a member of its staff any power, duty or function of a Council under this Act or any other Act other than:

- This power of delegation (except as provided for in s.98(3) of the *Local Government Act 1989* that allows the CEO to sub-delegate)
- The power to declare a rate or charge
- The power to borrow money
- The power to approve any expenditure not contained in a budget approved by the Council
- Any power, duty or function of the Council under Section 223
- Any prescribed power.

A person exercising a delegation is effectively 'standing in the shoes of the Council'. A decision made under delegation is a decision of the Council. A delegation in force does not prevent Council from making the decision.

A brief explanation for each of the Instruments of Delegation and Sub-delegation now presented to Council is provided below:

S5 Instrument of Delegation to the Chief Executive Officer

This Instrument of Delegation from Council to the Chief Executive Officer provides that the CEO has the power to:

1. Determine any issue,
2. Take any action, or
3. Do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act, subject to the conditions and limitations as outlined in the Instrument.

It is unchanged from the Instrument of Delegation endorsed at its 26 June 2017 Ordinary meeting.

S6 Instrument of Delegation - Members of staff

This delegation covers a range of powers, duties and functions under specific Acts and Regulations where the delegation must be from the Council direct to the position, rather than through a sub-delegation from the Chief Executive Officer.

S7 Instrument of Sub-Delegation from CEO to Council staff

This delegation covers powers, duties and functions under a wide range of Acts and regulations and a range of miscellaneous (i.e. non statutory) items. It is a sub-delegation from the CEO to Council staff. The CEO's ability to sub-delegate to staff is provided to him by the Council in the execution of the 'S5 Instrument of Delegation to the Chief Executive Officer'.

S13 Instrument of Delegation of CEO powers, duties and functions

This delegation is from the CEO to staff but differs from the S7 sub-delegation above as these are powers, duties and functions that legislation provides directly to the CEO rather than to the Council.

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 relevant to this matter.

5. Consultation/Public Submissions

There is no requirement for public consultation in this process.

6. Risk Analysis

The same risks apply in decision making by Officers as with decisions by Council. Namely that the decision could be tainted by conflict of interest, ultra vires and may be subject to administrative review by a Court or Tribunal.

If the Council chooses Option 2 below it potentially puts some decisions in the hands of inappropriate officers and also could slow down some decision-making processes by not having the appropriate delegate in place.

7. Options

That Council:

1. Adopt the Recommendation as presented.
2. Take no action and leave the current S5 and S6 Instruments of Delegation in place; while noting the S7 Instrument of Sub-Delegation from CEO to Council staff and the S13 Instrument of Delegation of CEO powers, duties and functions.

LIST OF APPENDICES

1. S5 Instrument of Delegation to the Chief Executive Officer - undated
2. S6 Instrument of Delegation - Members of staff - undated
3. S7 Instrument of Sub-delegation from CEO to Council staff - undated
4. S13 Instrument of Delegation of CEO powers, duties and functions - 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 566 (CR MAJDLIK)****Councillor: Kathy Majdlik - Councillor**

Notice was given at the Ordinary Meeting of Council held 28 May 2018 of my intention to move the following motion at the Ordinary Meeting of Council to be held on 25 June 2018.

MOTION:

That Council Officers report on any savings identified to date on the City Vista Sports Project, and costings for items previously removed from the specifications during the value managements process, with recommendation on what, if any, elements could be reinstated to the project.

OFFICER'S COMMENTS:

Nil.

15.2 NOTICE OF MOTION 567 (CR RAMSEY)**Councillor: Sophie Ramsey - Councillor**

Notice was given at the Ordinary Meeting of Council held 28 May 2018 of my intention to move the following motion at the Ordinary Meeting of Council to be held on 25 June 2018.

MOTION:

That Council please investigate a speed hump near the vicinity of 54 Westlake Drive, Melton West to deter hooning behaviour.

OFFICER'S COMMENTS:

Officers can investigate the viability of placing a speed hump at that location. This would be considered in the context of existing traffic conditions and controls in Westlake Drive.

15.3 NOTICE OF MOTION 568 (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 25 June 2018.

MOTION:

That Council Officers write to VicRoads in relation to the countless accidents on the corner of Caroline Springs Blvd and Commercial Roads, Caroline Springs and discuss options to reconfigure the traffic signal cycle at this intersection.

OFFICER'S COMMENTS:

Whilst the traffic signals in question are on a local road managed by Council, VicRoads approval is required for changes to the signaling.

Discussions with VicRoads on these changes has already taken place, however it would be appropriate to further engage with VicRoads on this issue.

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

19. CONFIDENTIAL BUSINESS

Recommended Procedural Motion

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

19.1 City of Melton Youth Awards 2018

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

19.2 Melton Waves Leisure Centre 2018/19 Service Delivery Plan

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

Recommended Procedural Motion

That the meeting be opened to the public.

20. CLOSE OF BUSINESS