



## MELTON CITY COUNCIL

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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 26 March 2018 at 7.00pm.

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**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 5 March 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**

- 3 March 2018 Record of Assembly of Councillors
- 5 March 2018 Record of Assembly of Councillors
- 13 March 2018 Record of Assembly of Councillors
- 19 March 2018 Record of Assembly of Councillors

**RECOMMENDATION:**

That the Record of Assembly of Councillors dated 3 March, 5 March, 13 March and 19 March 2018 attached to this Agenda be received and noted.

**LIST OF APPENDICES**

1. 3 March 2018 Record of Assembly
2. 5 March 2018 Record of Assembly
3. 13 March 2018 Record of Assembly
4. 19 March 2018 Record of Assembly

**8. CORRESPONDENCE INWARD**

Nil.

**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 AUTHORISATION OF AFFIXING 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 26 March 2018.

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#### 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:

##### 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 26 March 2018

## 12.2 MUNICIPAL AUDIT COMMITTEE MINUTES - 28 FEBRUARY 2018

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

### PURPOSE OF REPORT

To present to Council the minutes of the Municipal Audit Committee meeting held on Wednesday, 28 February 2018.

### RECOMMENDATION:

That Council:

1. Note the minutes of the Municipal Audit Committee meeting held on Wednesday, 28 February 2018 at **Appendix 1**.
  2. Adopt the recommendations arising within the minutes.
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### REPORT

#### 1. Executive Summary

The minutes of the Audit Committee meeting held on 28 February 2018 are appended to this report as **Appendix 1**. The Committee considered various issues in relation to financial management and governance and the minutes contain recommendations for the consideration of Council.

#### 2. Background/Issues

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

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

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

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

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

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

#### 4. Financial Considerations

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

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

The Municipal Audit Committee consists of Cr Hardy and three independent external members Mr Robert Tommasini, Mr Alan Hall and Mr Farshan Mansoor.

## **6. Risk Analysis**

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

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

## **7. Options**

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

### **LIST OF APPENDICES**

1. Municipal Audit Committee Minutes - dated 28 February 2018
2. Quarterly Finance Report - dated 31 December 2017

## **12.3 RESPONSE TO NOTICE OF MOTION 541 - POSSIBLE EXTENSION TO PAVILLION AT TOWN CENTRE RECREATION RESERVE**

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

### **PURPOSE OF REPORT**

To respond to Notice of Motion 541 (Cr Majdlik) in relation to providing a building option to extend the sports pavilion at Town Centre Recreation Reserve.

### **RECOMMENDATION:**

That Council note the requirements and cost estimate to extend the pavilion at Town Centre Recreation Reserve based on obtaining a 250m<sup>2</sup> social room.

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### **REPORT**

#### **1. Executive Summary**

At the Ordinary meeting of Council held 5 March 2018, Council endorsed via a Notice of Motion 541(Cr Majdlik):

*That Council officer's prepare a report outlining the requirements, scope and costs to extend the 'Add-On' pavilion at Caroline Springs Leisure Centre and that consideration be given for an allocated budget amount for the design work in the 2018/19 budget deliberations.*

The social space at the Caroline Springs Town Centre Pavilion is considered as being small in size when compared to the size of the largest tenant, the Caroline Springs Football Club. This report provides a cost estimate to extend the existing footprint of the social space to better cater for current club members and game day visitors.

#### **2. Background/Issues**

The Caroline Springs Cricket Club and the Caroline Springs Football Club share the primary tenancy at Town Centre Recreation Reserve. The Caroline Springs Football Club are the largest AFL club residing in Melton City Council. For the 2018 season the club has:

- 22 teams in total
- 70 male playing members, 18 years of age and over
- 30 female playing members, 18 years of age and over
- 350 junior male playing members, under 18 years of age
- 76 junior female playing members, under 18 years of age
- Providing a total of 526 playing members.

In addition there are a number of parents, extended family and social club members that regularly attend the site each week for training, volunteer and game day commitments. Officers estimate that the site would experience up to 5000 visits per week during the AFL season.

The current social space can accommodate 100 people maximum standing, as per the existing Buildings Occupancy Permit. The existing social space is inefficient in its current configuration with approximately 95 usable square metres of floor space and does not allow for multiple activities to occur at the one time as entrances and amenities in place are shared.

The Western Metropolitan Region Football Facilities Strategy May 2016 states:

*'Caroline Springs Town Centre Recreation Reserve are new facilities where core amenity provision is of a high standard. However, as Social Room sizes are less than the 100m<sup>2</sup> minimum provision identified in the AFL Preferred Facility guidelines, they have received a lower rating identifying the facility as potentially requiring improvement.'*

To extend the current footprint of the existing facility by a further 170m<sup>2</sup> (**Attachment 1** – guide only), would increase capacity by another 150 people bringing the total capacity to 250 and provide opportunities to provide flexible spaces for multiple activities.

Officers estimate that \$90k is required for detailed design of a new social space with a total cost envisaged in the vicinity of \$1m. Detailed design is required to consider daily operations, additional bathroom and kitchen amenity requirements to cater for the increase in occupancy capacity.

### **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**

Up to \$1m would be required to extend the Social area, with \$90k required for detailed design. Should Council proceed to a design phase, officers recommend club financial contributions be sought.

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

Further consultation would need to occur with the Caroline Springs Football Club and Caroline Springs Cricket Club.

### **6. Risk Analysis**

The cost estimate provided in this report is estimated only. Quantity surveyor assessments would need to be completed to finalise true actual costs for construction.

### **7. Options**

1. Council may choose to reduce or increase the square meterage of the social space extension.
2. Council may choose to not proceed with this project.

### **LIST OF APPENDICES**

1. Site Map - dated 19 March 2018



## 12.4 EXPANDED CAPACITY OF MELTON CEMETERY

**Author: Daniel Hogan - Manager Engagement & Advocacy**  
**Presenter: Peter Bean - General Manager Corporate Services**

### PURPOSE OF REPORT

To inform Council of Melton Cemetery expansion works and stock availability.

### RECOMMENDATION:

That Council receive and note the report.

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## REPORT

### 1. Executive Summary

The Melton Public Cemetery, located at the corner of Centenary Avenue and O'Neill's Road, Melton, has been managed by Council since 1922.

The capacity of the cemetery for burial interments has been consistently expanded, most recently accommodating approximately 2,500 burial sites and 1,050 sites for cremated remains.

At Ordinary Council Meeting 15 December, 2015, anticipating the ultimate capacity of the cemetery was soon to be reached, Council adopted a motion to provide only 'at-need' purchases of burial sites, removing the option of pre-purchasing sites for future use.

As a result, burial sites remained available for immediate use up until November 2016, significantly extending the time to reach ultimate burial capacity.

At the same meeting, Council further directed that Officers engage with the Greater Metropolitan Cemetery Trust (GMCT) to investigate any options in relation to meeting the cemetery facility needs of the community.

GMCT and Melton Council has since explored two separate initiatives, both planning for the development of the Harkness Road cemetery in Melton West, and further expanding the existing Melton Public Cemetery.

Expansion works have proven successful (**Appendix 1**), 85 additional double burial sites have been provided in five separate sections of the site, providing space for 170 interments. A single infant grave has also been provided. A further 48 burial sites in one section are due to complete the expansion program in April 2018, providing space for 96 interments.

In total, 134 additional sites will provide space for 266 interments. Allowing for at-need purchases only, it is forecast that burial sites will remain available until August 2021.

Upon receipt of this report by Council, the new burial sites will be released for public at-need consumption. Local funeral homes will be informed and information published to Council's website.

### 2. Background/Issues

Melton Public Cemetery has been serving the community since 1861, originally managed by a community representative Trust. In 1922, control of the cemetery was transferred to Melton Shire Council. The Melton Public Cemetery is a Class B cemetery under the *Cemeteries and*

*Crematoria Act* 2003 (The Act) and is currently managed by Council staff under delegation of the Trustees, being all Councillors of the City of Melton.

The cemetery is 2.4 hectares of crown land and until current works, comprised approximately 2,500 burial sites and 1,037 sites for interment of cremated remains. Historically, burial sites were purchased for single burials or as a family plots, which is common amongst the old monument areas within the cemetery. In more recent times, burial sites are generally purchased to enable two burials. Burials at the cemetery are in perpetuity.

Records indicate that 2,500 burials have been received to date, however with prepaid burial sites and reopens of double sites, capacity for approximately 2,000 more burials remains.

Expansion works to prolong the usable life of the cemetery have been consistent. Between 2010 and 2016, twelve lawn beams were constructed to provide a further 250 burial sites, accommodating up to 500 burials in total.

The current expansion program has proven successful (**Appendix 1**). 85 additional double burial sites have been provided in five separate sections of the site, providing space for 170 interments. A single infant grave has also been provided. A further 48 burial sites in one section are due to complete the expansion program in April 2018, providing space for 96 interments.

Current expansion works are described in the table below, sites identified in conjunction with GMCT and Council sub-contractor F&G House.

#### Current expansion works

Section	Compartment	Quantity	Available	Description
9	4	6	Now	Bronze Plaque Burial Sites
2	70	10	Now	Headstone Burial Sites
2	71	10	Now	Bronze Plaque Burial Sites
10	6	5	Now	Bronze Plaque Burial Sites
10	3	4	Now	Bronze Plaque Burial Sites
10	5	5	Now	Bronze Plaque Burial Sites
11	8	14	Now	Bronze Plaque Burial Sites
11	9	26	Now	Bronze Plaque Burial Sites
11	3	6	Now	Bronze Plaque Burial Sites
12	12	32	Apr-18	Bronze Plaque Burial Sites
12	5A	8	Apr-18	Bronze Plaque Burial Sites
12	14	8	Apr-18	Bronze Plaque Burial Sites
<b>Total:</b>		134		

In total, 134 additional sites will provide space for 266 interments. Allowing for at-need purchases only, it is forecast that burial sites will remain available until August 2021.

The only remaining section of vacant land is in the south east corner of the cemetery. The Shire of Melton Heritage Study Citation 181 states that this section of the cemetery is the final resting place of the bones of Aboriginal people found on Greenhills station, and close by are the bones of workers from the old Rockbank quarry. As such, it has been determined that this area cannot be developed.

GMCT continues to work towards developing the Harkness Road site in Melton West, which has been earmarked to provide the long term provision of cemetery and interment services to the Melton community and the western region of Victoria more broadly. Council will continue to work closely with GMCT for planning and community engagement purposes in relation to this site.

### **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 costs of works to date have totaled \$35,136 excluding GST. Any additional costs as the program nears completion is likely to be minor.

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

Consultation with the Greater Metropolitan Cemeteries Trust has been successful in both identifying opportunities for Melton Cemetery site expansion, and for considering cemetery development opportunities for the Harkness Road site in Melton West.

### **6. Risk Analysis**

No material risks apply or arise as a consequence of the recommendations attached to this report, as works are soon to be completed as directed by previous Council motion. Standard operating procedures for the sale of the additional stock will apply.

### **7. Options**

Not applicable.

### **LIST OF APPENDICES**

1. Cemetery Site Map - Expansions - undated

## **12.5 CONTRACT No. 18/028 - MELTON CITY COUNCIL COMMUNITY CAMPAIGN FOR A PUBLIC HOSPITAL - AWARD OF TENDER**

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

### **PURPOSE OF REPORT**

To seek Council's approval for the award of Contract No. 18/028 for Melton City Council Community Campaign for a Public Hospital.

### **RECOMMENDATION:**

That Council:

1. Award Contract No.18/028 for Melton City Council Community Campaign for a Public Hospital to the Civic Group.
2. Advise all Tenderers accordingly.

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### **REPORT**

#### **1. Executive Summary**

On 18 December 2017, Council adopted the following motion;

That Council:

1. Adopt the Melton Advocacy Priorities booklet, as the primary basis for Council's advocacy position on a range of community issues,
2. Tender for an advocacy campaigns agency to develop and deliver a holistic campaign for the establishment of a major public hospital within the City of Melton, and
3. Delegate authority to the Chief Executive Officer to execute all necessary actions to award the tendered contract for the supply of advocacy campaign services up to a maximum.

As directed, the tender was advertised within The Age newspaper published Saturday 17 February 2018, submissions opened to the public via Tendersearch website on Monday 19 February 2018, and closed Monday 5 March, 2018.

#### **Tender submissions**

Council received tender submissions from the following eight firms:

1. CPR Communications and Public Relations
2. Hawker Britton
3. Icon Agency
4. Newgate Communications
5. Pace Advertising
6. Premier Strategy
7. The Agenda Group

## 8. The Civic Group

**Tender Evaluation Panel**

The Tender Evaluation Panel (the Panel) met on Wednesday 7 March 2018 to assess all applications received. Panel membership was selected based on the necessary skills, experience and responsibility within the fields of advocacy and communications to competently evaluate any tender applications. The panel comprised;

- Peter Bean – General Manager Corporate Services, Melton City Council
- Dan Hogan – Engagement and Advocacy Manager, Melton City Council
- Kwabena Ansah – Executive Officer, Advocacy, Melton City Council
- Elissa Haley – Coordinator Communication, Melton City Council
- Craig Rowley – CEO, Leadwest

**Assessment Criteria**

Applications were assessed against the following criteria:

- Capability, Capacity & Experience  
Experience implementing advocacy campaigns for government organisations, capability to meet campaign deliverables, and capacity to deliver resources required to complete work program, particularly if existing work commitments may stretch resources. Inclusive of
  - Market Research and Polling
  - Strategic Communications
  - Media Relations
  - Community Engagement
- Methodology  
Proposed work methodology, standard operating models and procedures, including KPIs and milestones within a mature project management model. Inclusive of;
  - Advertising & Promotion
  - Writing and Editing
  - Online and Social Media
  - Media Buying
  - Print and Production Management
- Quality Management  
Demonstrated understanding of local government landscape in Victoria, Victorian State Parliament and related Federal issues. Provide references and details of governmental relations and access to key influencers and decision makers within Government and Opposition. Inclusive of;
  - Stakeholder Relations
  - Government Relations
- Price  
Costs and charges associated with the provision of the services offered, considered within the context of relative and absolute value for money.
  - Value for money

- Local Content  
Favourable consideration for local businesses and employment opportunities for residents within the municipality of Melton.

### **Outcome**

At the conclusion of all tender evaluations, the Panel shortlisted a preferred candidate, the Civic Group.

A follow up interview with the Civic Group was convened two days later, Friday 9 March 2018, to further examine perceived relative strengths and weaknesses of the tenderer and confirm suitability for recommendation to Council.

Relative to other tender applications, the Civic Group scored significantly higher overall. The tender documents clearly articulated strengths across all subsets of the major evaluation criteria. The Panel was particularly impressed with the market research and polling expertise of Civic Group, leveraged through an established methodology to inform key campaign messages and positioning to ensure community attention and activation. The Civic Group also demonstrated excellent bipartisan and minor party governmental relations, considered critical in influencing key decision makers at the political level. Civic Group committed to working within the governance framework dictated by Council, and also demonstrated flexibility in the engagement of local and Council preferred suppliers. Finally, Civic Group demonstrated a track record of success, with a number of successful initiatives and campaigns that achieved desired objectives of previous clients.

The first **Confidential Appendix 1** is the full tender evaluation summary separately circulated to this report. The second **Confidential Appendix 2** is the submission proposal by the Civic Group. The third **Confidential Appendix 3** is the panel evaluation score. All these documents have been listed confidential to protect the commercial interests of the tenderers.

### **Contract**

Should Council accept the recommendations of the Panel, commencement of the contract of engagement is expected on 2 April 2018, allowing for a period of three years with the option of two single year extensions.

## **2. Background/Issues**

It has been a long held position of successive Councils that a major public hospital be established within the City of Melton to service chronic and acute health needs of the community within one of Australia's fastest growing development corridors.

Unfortunately, across the spectrum of health and wellbeing indicators, including social determinants of health, service access, service use and health characteristics, the City of Melton continues to perform significantly worse than the State average. As two examples, hospital admissions and premature mortality rates within the City of Melton are significantly higher than State averages. The immediate health needs of Melton and surrounding regions are not being met by current or planned major health assets, a situation exacerbated by exceptional population growth within the urban growth boundary west of Melbourne.

The establishment of a major public hospital has major local and regional benefits extending beyond its immediate health services advantages, including attraction of allied and private health services, economic development and employment, additional and expedited community infrastructure and stimulation of tertiary education facilities and providers.

Recognising this context and community demand, in order to further advance and strengthen advocacy to achieve a public hospital, Council directed a community campaign for a public hospital at Ordinary Council Meeting 18 December 2017, authorising expenditure of up to \$350,000 + GST.

**Declaration of interests**

No member of the Tender Evaluation Panel declared any conflict of interest in relation to this tender evaluation. Craig Rowley, CEO Leadwest, informed the panel of his previous professional experience with ICON, Agenda Group and the Civic Group, unanimously agreed by the panel not to precipitate a conflict of interest. Peter Bean and Daniel Hogan also disclosed previous professional contact with Markstone Consulting with no interest or conflict of interest arising.

**3. Council 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**

At Ordinary Council meeting held 18 December 2017, Council authorised expenditure of up to \$350,000 for the engagement of a firm for the delivery of Council's advocacy campaign for a public hospital

To ensure best value, Council invited tenderers to submit a completed pricing schedule, fully inclusive of all expenses, duties, imposts, taxes and fees and charges that apply to the supply of the services. The tender allowed for a range of pricing models and charges, to ensure the standard operating fees of tendering firms could be accommodated.

Ultimately a fee for service contract, as per industry standards, Council will seek to pay the successful tenderer upon achievement of agreed milestones.

**5. Consultation/Public Submissions**

Internal Council stakeholders were consulted in order to determine and develop tender specifications and contract content.

Council also consulted with the City of Casey, Wyndham City Council, the City of Whittlesea, the National Growth Areas Alliance (NGAA) and the Victorian Chamber of Commerce and Industry (VECCI), to benchmark previous local government and community advocacy campaigns, and to further understand common advocacy methodologies and campaign tactics.

**6. Risk Analysis**

A risk assessment workshop facilitated by the Risk & Performance department was held on 15 December 2017 to identify and mitigate any possible risks attached to the campaign, including agency procurement. The tender process was compliant with legislation and Council policy.

**7. Options**

Council has the option to:

1. Request the panel reconsider the assessment and a further report be presented again to Council.
2. Not proceed with procurement of an advocacy campaigns agency to develop and deliver a holistic campaign for the establishment of a major public hospital within the City of Melton.

**LIST OF APPENDICES**

**CONFIDENTIAL APPENDIX 1** – separately circulated

**CONFIDENTIAL APPENDIX 2** – separately circulated

**CONFIDENTIAL APPENDIX 3** – separately circulated



## 12.6 PREPARATION OF THE MUNICIPAL BUDGET 2018/2019

Author: Sam Rumoro - Manager Finance

Presenter: Peter Bean - General Manager Corporate Services

### PURPOSE OF REPORT

To endorse the proposed Municipal Budget for the 2018/19 financial year and commence the statutory process to exhibit this proposed budget to receive submissions.

### RECOMMENDATION:

That:

1. The draft Municipal Budget 2018/2019 annexed (**Appendix 1**) be the 'proposed budget' for 2018/2019, prepared in accordance with Section 127 of the *Local Government Act 1989* ('the Act').
2. The Chief Executive Officer be authorised to:
  - a. Give 'public notice' of the preparation of such proposed budget, in accordance with Section 129 of the Act.
  - b. Make available for public inspection a copy of the proposed budget as set out in the public notice.
3. The Section 223 Submission Committee of Council hear from any person who wishes to be heard in support of his/her submission pursuant to the public notice and Section 223 of the Act and report to Council accordingly.
4. The Chief Executive Officer be authorised to undertake the necessary administrative procedures to enable the Committee to meet, consider such submissions and prepare report to Council.
5. Council consider:
  - a. Any report of the Committee described in recommendation 3.
  - b. Adoption of the Municipal Budget 2018/2019, at the Ordinary meeting of Council to be held on 25 June 2018.

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## REPORT

### 1. Executive Summary

Section 127 of the *Local Government Act 1989* ('the Act') requires that Council prepare a budget for each financial year, and that the budget contain the following information:

- Financial statements in the form and containing the information required by the regulations
- A description of the services and initiatives to be funded in the budget
- A statement as to how the services and initiatives will contribute to achieving the strategic objectives specified in the Council Plan
- Major initiatives to be undertaken during the financial year

- For services to be funded in the budget, the prescribed indicators of service performance that are required to be reported against in the performance statement
- The amount which the Council intends to raise by general rates, municipal charges, service rates and service charges
- Whether the general rates will be raised by uniform rate or differential rate and information required relating to differential rates as per section 161(2) of the Act
- Any other information required by the regulations.

The proposed budget in this report has been prepared for public display and to receive public comment. It is proposed that public submissions close on 27 April 2018 and be heard by Council's section 223 Submission Committee on 29 May 2018.

It is further proposed that the budget will be adopted by the Council at its Ordinary Meeting to be held on 25 June 2018.

- The major highlights of the proposed budget include:
- A 2.25 per cent increase in the level of total Rate and Charges income from 2017/2018 levels
- Debt redemption of \$2.8 million for the year has been budgeted.
- \$70 pensioner rebate to eligible property owners
- Capital Works expenditure of \$65.3 million (excluding carry forward).

Despite the rate capping restrictions, the Council is in a good financial position largely due to containing cost increases. In addition the Council has also been successful in attracting State funding from Growing Suburbs Fund. The favourable financial position has resulted in Council being able to deliver Capital Works of \$65.3 million and loan repayments of \$2.8 million, without additional borrowing in 2018/19.

## 2. Background/Issues

Council commenced its budget process for 2018/2019 in October 2017. The proposed budget has been prepared giving consideration to the growing needs of the community, service delivery demands, 'high priority' requests received from the public via various forums, surveys and requests from Councillors. The proposed budget reflects the priority of Council in delivering high quality and best value services and infrastructure to the community. After much review and discussion, the proposed budget has been finalised and is presented for consideration.

The proposed budget includes Capital Works expenditure of \$77.1 million, including projected \$11.8 million of carry forward works from 2017/2018.

Projects included in the proposed budget are funded by a combination of rate revenue, developer contributions and government grants.

The full list of new initiatives included in the proposed budget.

## 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

The table below lists the more significant new projects and initiatives.

<b>Project Description</b>	<b>Budgeted for 2018/2019 \$'000</b>
<b>Building &amp; Building Improvements</b>	
Fraser Rise Children's & Community Hub	\$4,000
Westwood Drive Bridge	\$4,784
Melton Town Centre Streetscape Renewal	\$4,720
Kurunjang Community Hub	\$2,419
Melton Central Community Hub (White House)	\$2,685
Aintree Children's & Community Hub	\$2,580
Weir View Park and Wetlands	\$690
Melton Recycling Facility	\$1,115
Melton Civic Centre Redevelopment	\$6,200
<b>Roads, Drainage, Footpath &amp; Bridge Works</b>	
Pedestrian Level Crossing Upgrades	\$3,151
Hume Drive Duplication	\$915
Annual Resurfacing Periodic Reseals	\$2,229
Footpaths Replacement	\$1,150
Building Components Annual Renewal Program	\$700
<b>Recreational Projects</b>	
Purchase Land for Aquatic and Leisure Centre	\$3,000
City Vista Sporting Ovals Courts & Pavilion	\$2,903
Caroline Springs Leisure Centre & Tennis Complex	\$2,700
Recreation Facilities - Female Change Room Upgrade	\$700
Macpherson Park Redevelopment	\$5,900
Hannah Watts Park	\$850
<b>Others</b>	
Toolern Bus Interchange Land	\$1,450
Melton North Land	\$930
Plant and Machinery	\$1,250

The proposed budget includes total income of \$262.9 million, inclusive of developer contributed infrastructure assets valued at \$47.1 million. The following table provides a breakdown of this income with comparative amounts for 2017/2018 (adopted Budget).

	2017/18 \$ millions	2018/19 \$ millions	Per cent Change
Rates & Charges Income <i>see note below</i>	\$104.28	\$114.47	9.8%
Grants & Subsidies	\$30.11	\$38.05	26.4%
Fees & Charges	\$13.28	\$14.87	12.0%
Developer Contributions- Cash	\$8.36	\$26.90	221.8%
Developer Contributions- Assets	\$72.95	\$47.09	-35.4%
Net gain (loss) on assets sales	\$5.60	\$16.88	201.4%
Other Income	\$4.56	\$4.67	2.4%
<b>Total Income and Receipts</b>	<b>\$239.14</b>	<b>\$262.93</b>	<b>9.9%</b>

The total increase in Rates and Charges income, includes rates income received from supplementary valuations during the year due to growth, 2.25 per cent rate increase on the 2017/2018 level after allowing for Council rebates for Pensioners and Environmental Enhancement works.

The total budgeted expenditure including Capital expenditure and debt redemption is \$249.55 million as detailed below.

	2017/18 \$ millions	2018/19 \$ millions	Per cent Change
Staff costs	\$53.41	\$58.17	8.9%
Other operating expenditure	\$64.42	\$76.18	18.3%
Finance costs	\$0.96	\$0.79	-17.7%
Capital expenditure including carry forward works	\$52.17	\$77.10	47.8%
Debt redemption	\$3.38	\$2.83	-16.3%
Depreciation / Amortisation	\$29.42	\$34.48	17.2%
<b>Total Expenditure &amp; Outgoings</b>	<b>\$203.76</b>	<b>\$249.55</b>	<b>22.5%</b>

The proposed budget has been prepared taking into consideration Council's Strategic Resource Plan (SRP). The proposed budget includes no new borrowing for 2018/2019. The net loan repayment during the year is budgeted at \$2.83 million.

### Differential Rating Categories

The proposed budget includes differential rating categories as detailed below:

- General Rate
- Vacant Land Rate
- Retirement Village Rate
- Extractive Industry Land Rate
- Commercial and Industrial Developed Land Rate
- Commercial and Industrial Vacant Land Rate
- Rural Living Land Rate
- Rural Land Rate

- Urban Growth Land Rate.

Full definitions of the differential rating categories are included of the attached proposed budget. This section also provides a detailed analysis of the number of properties, valuation and the rates raised by each differential rating category proposed.

### Waste Management Charges

The Waste Management Charges included in the proposed budget is detailed in the following table.

Service Option	Bin Garbage	Green	Recycle	Full year charge
A	120 litre bin	240 litre bin	240 litre bin	\$335
B	80 litre bin	240 litre bin	240 litre bin	\$298
C	120 litre bin	120 litre bin	240 litre bin	\$287
D	80 litre bin	120 litre bin	240 litre bin	\$250
E	120 litre bin	No Bin	240 litre bin	\$238
F	80 litre bin	No Bin	240 litre bin	\$205
Additional Bin				\$146

### Municipal Charge

The proposed budget proposes a levy of \$146 per property as the Municipal Charge for 2018/2019 year.

### Fees and Charges

The Fees & Charges for various services provided by Council were reviewed and increased where appropriate. The recommended Fees & Charges schedule is included in the proposed budget.

### Environmental Enhancement Rebate

The properties in Rural Zone, Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone, Farming Zone, Special Use Zone 5 and Urban Growth Zone may be entitled to an Environment Enhancement Rebate subject to certain conditions being met as per the approved Environmental Enhancement Guidelines.

The amount of rebate applicable for Rural Living, Rural and Urban Growth properties are based on the Differential Rating applied to the property.

The proposed budget proposes the following rebates be allowed for eligible properties within the referred rating categories.

Differential Rating Category	EER Rebate Available
Rural Land	50% of the rate up to a maximum of \$10,000
Rural Living Land	25% of the rate up to a maximum of \$10,000
Urban Growth Land	25% of the rate up to a maximum of \$10,000
General Rate (with approved Precinct Structure Plan)	25% of the rate up to a maximum of \$10,000

Costs for exhibiting the budget will be approximately \$2,600 for advertisements in the local and state newspapers and this has been incorporated into the current budget.

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

Council undertook two Community Engagement sessions on 9 and 10 November 2018. Proposals received from the community were considered in developing the proposed budget.

Council, in accordance with section 223 of the Act, will be inviting submissions on the proposed budget from the community, to be considered by Council before finalising the budget.

It is proposed the Section 223 Committee consider all the submissions received on 29 May 2018 and make recommendations to the Council, which will consider the recommendations before it formally adopts the 2018/2019 Municipal Budget.

## **6. Risk Analysis**

The process of endorsing the proposed budget and seeking public submissions is prescribed in the Act. The process set out in this report complies with the Act and, as such, there is no risk associated with placing the proposed budget on public exhibition and seeking feedback/submissions.

## **7. Options**

Council is scheduled to have the budget adopted by 25 June 2018. Council could defer endorsing the proposed budget at this time which would delay the public consultation process. However, there is no reason to defer commencing the public consultation process as it will allow the maximum amount of time to consider submissions received and make any adjustments to the proposed budget and have it adopted by Council before 30 June 2018.

## **LIST OF APPENDICES**

1. Draft Municipal Budget 2018/2019

## **12.7 RESPONSE TO COUNCILLOR NOTICE OF MOTION 539 (CR KESIC) TO FIND ALTERNATIVE SITES FOR THE EASTERN CORRIDOR AQUATIC CENTRE (BETWEEN NEALE ROAD AND TAYLORS ROAD).**

**Author: Sophie Thompson - Acting Coordinator Social Planning and Wellbeing**  
**Presenter: Maurie Heaney - General Manager Community Services**

### **PURPOSE OF REPORT**

To provide a report in response to Notice of Motion 539 tabled at the Ordinary Meeting of Council held on 5 March 2018.

### **RECOMMENDATION:**

That Council reconfirm its current position to pursue the identified location of the future aquatic centre in the approved Plumpton Precinct Structure Plan, in accordance with the Council adopted *Aquatic Plan 2014-2034* and subsequent *Plumpton Aquatic Leisure Centre Business Case and Funding Strategy (October 2017)*.

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### **REPORT**

#### **1. Executive Summary**

At the Ordinary Meeting of Council held on 5 March 2018 Notice of Motion 539 was carried identifying the need review at the existing location of the proposed Aquatic Centre in the Eastern Corridor. The Notice of Motion (NOM) was as follows:

*That Council officers provide a report identifying suitable Council or private land for the Caroline Springs Leisure Centre with space for a minimum of an indoor and outdoor swimming pool to be located in between Neale Road and Taylors Road.*

This report outlines history of the proposed aquatic centre in the Eastern Corridor, provides a chronology of the site selection process and identifies and analyses sites in response to Notice of Motion 539.

This report reiterates the adopted justification for the aquatic centre in the Eastern Corridor through the *Melton City Council Aquatic Plan 2014-2034* which Council considered and resolved upon at the Ordinary meeting of Council on 23 September 2014.

Council further considered the aquatic centre facility, site and funding at the Ordinary Meeting of Council on 16 October 2017 through the adoption of the *Plumpton Aquatic Leisure Centre Business Case and Funding Strategy – October 2017 (Appendix 1)*, and at a number of stages through the preparation of the Plumpton Precinct Structure Plan (PSP), including as part of Council's formal submission to the Exhibition Draft PSP which was adopted on 22 August 2016.

#### **2. Background/Issues**

##### **Justification and Specifications for an Aquatic Centre**

*Melton City Council Aquatic Plan 2014-2034*

The *Melton City Council Aquatic Plan 2014-2034* (Aquatic Plan) was adopted by Council on 23 September 2014, this report was confidential due to the inclusion of financial information

(of a 3<sup>rd</sup> Party). A version of the Aquatic Plan, with costings removed, can be found in **Appendix 1**.

Specifically Council resolved to do the following:

1. *Endorse the Melton City Council Aquatic Plan 2014-2034 as presented.*
2. *Approve Officers to investigate options to purchase a site for a new district aquatic facility within the Plumpton area (Note: now known as the Plumpton Precinct Structure Plan (PSP) area or the new suburb of Fraser Rise).*
3. *Approve the inclusion of a project to design and construct a new district aquatic facility in the Plumpton area in the Capital Works Plan for the financial year 2019-2020.*

The Aquatic Plan was prepared to provide guidance and direction for the provision of aquatic facilities across the City of Melton. In particular, the Aquatic Plan included a review of potential sites and facility types to service both the Eastern Corridor and new growth areas.

The Aquatic Plan was prepared in consultation with internal and external stakeholders including:

- Presentation to Council's Executive team.
- Two Council briefings in addition to being considered for adoption at Council.
- 300 person household telephone survey.
- Consultation with Belgravia Leisure staff (Melton Waves).
- Melton Waves User Survey (85 completed).
- School survey (35 sent with 11 completed).
- Internal consultation with Council officers from various departments.
- Presentation to the City of Melton Leisure Committee.

The Aquatic Plan recommended the provision of up to three 'aquatic and leisure facilities' to meet the projected population growth in the City of Melton. The Aquatic Plan recommended that Melton Waves be retained and upgraded and two additional facilities, one of which was a 'new major aquatic centre' within Fraser Rise (Plumpton PSP area), be provided to meet the needs of the population.

The Aquatic Plan identified the need to demonstrate innovation in the provision of aquatic infrastructure, highlighting the importance of future locations and components that will positively contribute towards the City of Melton's character. It includes strategies and recommendations that seek to ensure future aquatic provision offers a diverse range of multi-use facilities for the community rather than just the standard 'indoor and outdoor pool' provision.

The Aquatic Plan used a 'Neighbouring Aquatic Facility Catchment Analysis' to identify aquatic facility catchment areas for existing facilities within the Melton, Brimbank, Moorabool, Hume and Wyndham Council areas. This analysis identified an area in the Eastern Corridor (west of Caroline Springs) which did not have an aquatic facility within a 10km radius.

Given the population growth that will continue to occur between Melton Township and Caroline Springs and the identified lack of access for current residents to an existing aquatic facility, the Aquatic Plan identified the need for the following:

- An upgrade to Melton Waves to ensure it has the capacity to service new users in the Melton South, Melton West, Rockbank and Toolern (PSP) areas.
- A second aquatic facility identified to be 'placed in the Plumpton or Kororoit areas' (referring to Precinct Structure Plan areas). It was recognised that this facility be located in these growth areas but 'would service the new residents along with



Caroline Springs and the Taylors Hill West residents' also. (It should be noted this Plan was prepared prior to the new suburbs being approved hence it is considered that the facility will also meet the needs of residents in Fraser Rise, Hillside, Taylors Hill and Deanside.

- The potential for a smaller, longer term facility in the Rockbank North PSP (Aintree) area.

The Aquatic Plan proposed a model, regardless of size, which had a mixture of facilities to ensure the long term sustainability and viability of the centre. It did not propose an outdoor pool as part of the model. It is officers understanding that no new outdoor pools have been constructed in metropolitan Melbourne in recent years and that the facilities that do exist are generally only useable during the summer period (3 months), which has an impact on their financial viability.

Of particular relevance to this NOM, is the identified the need for a district level facility in Fraser Rise (Plumpton PSP). A 'District level' facility has the capacity to support activities that draw people from across a large part of the Local Government Area, whilst also catering for people in surrounding Local Government Areas. The site for a future facility is required to address following 'key site and area criteria':

- Area requirement – 4 hectares (Melton Waves only 1.02 hectares)
- High visibility site – linked to main road/trail networks.
- Located with access to public transport
- Capacity for future expansion.
- Opportunity to collocate with other sporting/recreation facilities creating a sporting precinct.
- Outside of catchment of other regional aquatic leisure facilities.
- Close to major retail and other community/education facilities.
- Potential linkage with other major sporting facilities.

The Aquatic Plan recommended the preparation of a funding strategy, concept design and costings, site purchase (for a 4 hectare site) and construction. The total timeframe from pre-planning to ultimate construction of the facility was anticipated to be six years. Through the adoption of the Aquatic Plan, Council endorsed Council officers to investigate the purchase of a site in the Plumpton Precinct Structure Plan (PSP) area, and once a suitable site was identified (based on the above criteria), prepare a Business Case and Funding Strategy to be presented to Council.

#### *Plumpton Aquatic Leisure Centre Business Case and Funding Strategy*

The *Plumpton Aquatic Leisure Centre Business Case and Funding Strategy – October 2017* (the Strategy) was prepared to implement the recommendation of the adopted *Aquatic Plan 2014-2034*. The Strategy was presented in the Confidential section of the Ordinary Meeting of Council on 16 October 2017. It identified expected costs for the facility and reconfirmed the resolved position of Council respect of Recommendations 2 and 3 detailed above, in respect of investigating the options to purchase sites within the Plumpton PSP and to include a project in the 2019/20 budget to design and construct the facility.

The Strategy also identified funding models for the facility and included a comprehensive business plan which could be used to advocate to potential funding partners, including State government, for financial support.

As part of the Strategy, two options for the delivery of the Plumpton PSP facility were presented. One was a smaller model which contained only one pool and associated uses, the other was a larger facility that included a range of pools, components and features. The second option was endorsed by Council. The adoption of this option reconfirmed that the 4

hectare facility proposed in the Plumpton PSP was appropriate and once again endorsed Council officers to commence concept planning, site acquisition and proceed with funding for land and construction to be included in future Capital Works budgets.

Council's resolution to adopt The Strategy included recommendations that reinforced the Council resolution for the Aquatic Plan. The resolution was as follows:

1. *Confirm Option two (2) as the preferred facility option model, including components for the future aquatic and leisure centre for the Eastern corridor.*
2. *Note the aquatic and leisure centre Business Case and Funding Strategy as presented.*

### **History and justification for locating the proposed district level Aquatic Centre in the Plumpton Precinct Structure Plan (PSP)**

Planning for the Kororoit and Plumpton Precinct Structure Plans (PSP) commenced in 2013. In 2013, based on the draft Aquatic Plan, Council requested that an aquatic centre be included in the Plumpton PSP area to service the needs of the future communities in the Kororoit and Plumpton PSP areas, as well as the existing population in the Eastern Corridor. The purpose of this aquatic centre was to service the eastern part of the municipality. The Victorian Planning Authority (VPA) accepted Council's request and the provision of this facility was included in the VPA's *Open Space and Community Infrastructure Needs Assessment* report in 2015.

In 2014, Melton City Council adopted the Aquatic Plan, which recommended that a 4 hectare aquatic centre be provided in the Plumpton PSP area.

In 2014 and 2015, a series of draft future urban structures were produced, which were used to inform the final Future Urban Structure in the Plumpton PSP.

The landowners in the Plumpton PSP area were asked to comment on the draft Future Urban Structure plan on 25 and 26 March 2014. This plan (see **Appendix 2**) identified that the Plumpton Major Town Centre would include 'higher order community facilities'. This plan was a high level plan that showed the potential locations for town centres and community facilities.

Following the first drop-in session the draft Future Urban Structure plan (see **Appendix 3**) was refined to show what facilities would be provided, their sizes, and their proposed locations. A drop-in session was held on 10 November 2014, which showed the location of the 4 hectare aquatic centre on Beattys Road within the Plumpton Major Town Centre.

Following the development of the PSP, the VPA commenced the planning scheme amendment process to incorporate the PSP into the Melton Planning Scheme (C146). As part of the Exhibition, an additional landowner drop-in session was held on 8 June 2016. The exhibition draft of the PSP retained the aquatic centre's size and location on Beattys Road. (See **Appendix 4**), consistent with Council's adopted position.

Since 2015, Council and the VPA have been engaged in conversations with the landowner who repeatedly requested that the aquatic centre not be located on their land, or be relocated within the industrial precinct on the west side of Plumpton Road. Despite these concerns, the VPA and Council resolved to retain the site in the location which was based on the following principles which accord with the siting criteria in the Aquatic Plan.

- Provides capacity for the facility to be expanded if required
- Located on Beattys Road to allow early delivery
- Beattys Road has been designed to be a civic spine with schools, community centres, and the aquatic centre hinging off it
- Walking distance from State and Non-Government Secondary Schools, and a State Primary School

- Adjacent a Level 2 Community Centre
- Located where four connector roads converge, with high visibility and links to main roads, located on a pedestrian and cyclist trail network, and access to public transport.

The landowner made a submission to the Plumpton PSP that requested that the aquatic centre be relocated from its current position, and objected to the size of the aquatic centre.

An independent Planning Panel was convened as the VPA could not resolve all of the submissions that requested changes to the Plumpton PSP. During this process Council and the VPA maintained the position that based on Council's adopted *Aquatic Plan* and *Business Case and Funding Strategy*, the aquatic centre was in the best location to meet the needs of the existing and future community.

The panel found that the aquatic centre is located in its optimal location for the following reasons:

- The site provides convenient and direct public transport connections
- The site is highly accessible by pedestrians and cyclists
- The site has good public exposure
- The site is accessible from the broader catchment.

During the planning panel hearing Council made submissions that 50% of the land for the aquatic centre should be funded through the Infrastructure Contributions Plan (ICP). The planning panel agreed with Council and made a recommendation that 50% of the land for the aquatic centre will be purchased using funds collected through infrastructure contributions.

The Plumpton PSP was approved by the Minister for Planning on 1 February 2018. The aquatic centre location supported by Council, the VPA and Planning Panels has been retained (see **Appendix 5**). The ICP is currently being prepared and it is expected that it will include the 50% of the value for the land recommended through the planning panel process.

It should be noted that any decision to change land use which is not considered to be 'generally in accordance' with the approved PSP will require a Planning Scheme Amendment. This amendment must be supported by strategic justification to explain the change in Council's position, and it must be supported by the VPA and the Department of Environment, Land, Water and Planning (DELWP). Given the rigorous planning process, including the recommendations of an independent Panel, that supported Council's original position to locate the facility within the Plumpton PSP, there is a risk that a Planning Scheme Amendment would not be supported by the state at this stage.

#### **Identification of Alternative Locations for a district level Aquatic Facility between Neale Road and Taylors Road**

In response to the NOM, an assessment has been undertaken to identify suitable sites to accommodate the district level facility between Neale Road and Taylors Road. At the request of the NOM the assessment looked at land which was 1.02 hectares in size to reflect the request for sites for an 'indoor and outdoor pool'.

It should be noted that the Council adopted Aquatic Plan identified the need for a 4 hectare site for a new district level aquatic facility which would ensure Council can deliver an innovative mixed use facility to meet current and expected future trends in aquatics parks. This was then supported and endorsed by Council as part of the *Business Case and Funding Strategy*.

Notwithstanding this, a review of possible sites has been prepared and is contained at **Appendix 6**.

The review identified that whilst there are sites that may be large enough for a facility between Neale Road and Taylors Road, there are a number of significant constraints to

acquiring and developing these sites, meaning they are not suitable for Council to purchase and develop for an aquatic facility, particularly in the short term.

A summary of these constraints are outlined below:

- There is no agreement from the State or Commonwealth Governments to allow urban development to occur within the Regional Park.
- Access constraints as a result of the existing access to the site (which would not have been designed to accommodate this use) or limitations to future access due to the proximity to Primary Arterial Roads.
- Possible acquisition and development constraints due to existing subdivision concept plans which are already in the statutory planning permit process.
- General locational constraints given the location and design criteria identified in the Council adopted Aquatic Plan would not be met.
- A lack of collocation opportunities with community, education and recreation facilities.
- Council may also have difficulty purchasing these sites which may mean that the acquisition of land for an aquatic centre will require compulsory acquisition which can trigger compensation payouts to landowners.
- It should also be noted that the current zoning of the Regional Park is Rural Conservation Zone and as such an aquatic facility is prohibited in this zone. Council will be required to rezone future land which will trigger the need for a Planning Scheme Amendment, which as identified previously takes significant time and resources, requires adequate justification, will be exhibited publically and without adequate justification, may not be approved by the Minister for Planning.

The following section provides a response to the specific locations identified between Taylors Road and Neale Road.

#### *Sites between Taylors Road and Neale Road*

There are limited sites available between Taylors Road and Neale Road. The land area identified in NOM 539 is currently located in the proposed Kororoit Creek Regional Park and the Kororoit PSP. The land is also subject of a Commonwealth approval under the *Biodiversity Conservation Strategy*, which identifies the land as a conservation area.

In June 2016, the VPA wrote to landowners within the Kororoit Creek Regional Park to advise them that the VPA was working with the Department of Environment, Land, Water and Planning (DELWP) to finalise the boundary for the proposed Kororoit Creek Regional Park, and to clarify possible options for purchase of the land by the government should their property be required for the proposed park.

A decision was made to excise the Regional Park area from the Kororoit PSP to allow the rest of the PSP to proceed while the boundaries are being finalised. A PSP will need to be prepared for the excised area once the boundaries of the Regional Park are finalised. The VPA and DELWP had an information session for affected landowners on 20 June 2016.

It is therefore considered to be a risk to Council to consider a site within the Regional Park for the following reasons:

- There is no agreement from the State or Commonwealth Governments to allow urban development to occur within the Regional Park.
- No Precinct Structure Plan has been developed for the Regional Park area.
- It is still unknown whether Neale Road can be widened within the Regional Park, or whether it can developed as a four lane (two lanes in each direction) road.

- The boundaries of the Regional Park are not yet determined and there is a risk that the Commonwealth Government may not approve the proposed Regional Park and Kororoit Part 2 PSP.

Additional constraints between Taylors Road and Neale Road:

- The High Pressure Gas Pipeline to the west of Sinclairs Road restricts development of an aquatic centre within its pipeline measurement length (571 metres either side of the pipe), which is the western half of the proposed Regional park.
- 100 metres either side of the Kororoit Creek has been identified as Growling Grass Frog Habitat.
- Presence of a High Voltage Transmission Line easement.
- Conservation Areas 1 and 2 on the north side of the Kororoit Creek encumber land parcels and reduce the land available for development.
- Land is fragmented in the Kororoit PSP, with many landowners having reduced land available for development due to the presence of utility easements, conservation areas, drainage corridors, and community facilities required to support development.

*Sites south of Taylors Road (in Kororoit PSP)*

No suitable sites have been identified for the relocation of the aquatic centre to sites south of Taylors Road within the Kororoit PSP (outside the Regional Park), in addition to the land fragmentation, access and availability of land constraints outlined above, the use of this land is further constrained as a result of the following:

- The Kororoit PSP has been approved, and many developers are advanced in their designs of residential developments which are based on the approved Future Urban Structure.
- Most developers close to Caroline Springs along Taylors Road have either commenced discussions regarding development or have planning permit applications in with Council.

Other matters that would restrict the development of an aquatic centre along Taylors Road:

- Location of the high pressure gas pipeline. The aquatic centre cannot be located within the pipeline measurement length.
- Location under the 120m wide High Voltage powerline easement. The aquatic centre building cannot be located within the powerline easement.
- Taylors Road will be a Primary Arterial VicRoads road, and limited access is provided and allowed along Taylors Road.

If the aquatic centre was located on Taylors Road it would potentially require a signalised intersection, and would require permission from VicRoads to create this access. This might impact the approved traffic network and will also result in increased costs for delivery of the facility. It was also not a project that was part of the PSP process and therefore would require an amendment to the PSP as it is not generally in accordance with the approved plan.

The development of the Kororoit and Plumpton PSPs was undertaken over a period of 5 years, where the community infrastructure shown in the PSP, and their sizes and locations were thoroughly tested, including through a panel process.

The relocation of the aquatic facility would result in a material change to the land use planning and infrastructure contributions of the approved PSPs and would not be considered to be 'generally in accordance'. Any decision to change land use which is not considered to be 'generally in accordance' with an adopted PSP requires a Planning Scheme Amendment which may not be supported by the VPA or DELWP nor approved by the Minister for Planning, particularly given the original location was based on an adopted Council position.

In summary, the proposed site located in the approved Plumpton PSP meets all necessary catchment, design and locational criteria identified in the Council adopted Aquatic Strategy. Furthermore, given the PSP is now approved and the Infrastructure Contributions Plan which sits alongside the PSP is expected to be approved shortly, this ensures the site is secured for the use, and part funding for acquisition of the land can be obtained.

Furthermore when assessing land between Taylors Road and Neale Road it has been identified that there are no suitable sites for this facility regardless of whether the land take required for the facility is 4 hectares as identified in the Aquatic Plan or 1.02 hectares.

### **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**

As detailed above, should Council pursue an alternative location than the one proposed in Fraser Rise (Plumpton PSP), there are expected to be considerable cost implications.

An alternative site will mean the loss of Infrastructure Contributions from developers that Council Officers negotiated with State government during the Planning Panel phase of the Plumpton and Kororoit PSPs. This equates to a loss of 50% of the cost of the 4 hectare site (details of this cost are provided in a confidential document which has been circulated separately).

In addition, the acquisition of the alternative sites considered are expected to be costly given many of those identified are already the subject of discussions and planning permit applications for residential development. The expected cost of acquiring residential zoned land could be up to \$7million. This does not include the construction of the facility. It should also be noted, that the acquisition of land for a public purpose that is not identified in the PSP would also potential be subject of compensation and may require a compulsory acquisition process.

It should also be noted significant officer time and external resources have gone in to all work to date, including for the preparation of the *Aquatic Plan* and *Business Case and Funding Strategy* which cost approximately \$100,000 to engage qualified consultants to prepare the documents.

In addition to significant officer time over the four year period, the planning panel process for the PSPs also included the appointment of expert witnesses and legal counsel to represent and defend Councils position at Panel, which cost approximately \$63,000.

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

The need for the aquatic centre and process in which the proposed location was defined has taken a number of years to be realised. Throughout that time both Council and the community have had numerous opportunities to provide feedback and commentary on the best location for the facility.

More specifically, the Aquatic Plan was prepared in consultation with Councillors at numerous stages during the preparation of the Plan. The Aquatic Plan was also prepared using a range of internal and external commentary and feedback.

The Plumpton PSP which contains the proposed aquatic centre was both formally and informally exhibited at various stages of the preparation period. This included a public exhibition process whereby public submissions were sought.

Council officers prepared a formal submission to the draft Plumpton PSP which contained commentary on the importance of the Fraser Rise site for a future aquatic centre to meet the needs of the Eastern Corridor. This submission was endorsed by Council and from there Council officers participated in a Planning Panels process which tested the location of the facility and recommended the proposed site was suitable for a range of reasons. The PSP and the site for the aquatic centre has now been approved.

Given the certainty around the proposed aquatic facility site Council commissioned the preparation of the *Plumpton Aquatic Leisure Centre and Business Case and Funding Strategy – Final Report*, which provided Council with options for delivery, funding mechanisms and provided the necessary information to commence concept design and acquisition discussions for the facility.

## 6. Risk Analysis

Should Council pursue an alternative location that the one proposed in Fraser Rise there are expected to be a number of risks. These include:

- The Notice of Motion proposes an ‘indoor and outdoor’ pool only will not meet the Eastern Corridor population’s needs for aquatics and leisure infrastructure.
- A smaller facility which does not contain a mix of uses other than an ‘indoor and outdoor pool’ has been identified as a model which is not a good business venture.
- There is the potential that Council may not be able to acquire an alternative site which meets the relevant criteria in the Council adopted Aquatic Plan.
- By choosing an alternative site which does not meet the relevant locational criteria there is the risk that existing and future populations will be provided with an inferior aquatic facility than what should be provided.
- Council cannot deliver an aquatic facility on the state and Commonwealth approved land identified for the Regional Park and Biodiversity Conservation Strategy reserve at this time as it is not identified for urban development.
- There also a number of unknowns in regards to the cost of acquisition of land between Neale Road and Taylors Road.
- There is considerable reputational risk for Council in terms of requesting future sites for Council purposes, including for Community Infrastructure, this is particularly a risk when working and negotiating with State government and the development industry into the future.
- There are resourcing and timing implications should Council wish to remove the site from the Plumpton PSP and associated Infrastructure Contributions Plan as this will require a Planning Scheme Amendment which has not been considered in existing staff work plans.
- Any Planning Scheme Amendment to move the aquatic facility will be subject to public exhibition. Given the rigorous planning process, including an independent Panel that supported Council’s original position there is a risk that a Planning Scheme Amendment would not be supported at this stage.

## 7. Options

NIL

**LIST OF APPENDICES**

1. Aquatic Plan 2014-2034 (Financial Information Removed) - dated May 2015
2. Draft Future Urban Structure - Concept Plan 2014 - undated
3. Draft Future Urban Structure Plan 2014 - undated
4. Draft Future Urban Structure Plan - exhibition version 2016 - undated
5. Future Urban Structure Plan - Approved - undated
6. Assessment of Alternative Sites - Aquatic Centre in Eastern Corridor - undated

**CONFIDENTIAL APPENDIX** – Separately circulated



## **12.8 RESPONSE TO COUNCILLOR NOTICE OF MOTION 540 (CR MAJDLIK) REGARDING THE POTENTIAL TO RELOCATE THE FUTURE EASTERN CORRIDOR AQUATIC CENTRE**

**Author: Sophie Thompson - Acting Coordinator Social Planning and Wellbeing  
Presenter: Maurie Heaney - General Manager Community**

### **PURPOSE OF REPORT**

To provide a report in response to Notice of Motion 540 tabled at the Ordinary Meeting of Council held on 5 March 2018.

### **RECOMMENDATION:**

That Council reconfirm its current position to pursue the identified location of the future aquatic centre in the approved Plumpton Precinct Structure Plan, in accordance with the Council adopted *Aquatic Plan 2014-2034* and subsequent *Plumpton Aquatic Leisure Centre Business Case and Funding Strategy*.

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### **REPORT**

#### **1. Executive Summary**

At the Ordinary Meeting of Council held on 5 March 2018 a Notice of Motion was carried identifying the need review the location of the proposed aquatic centre to service the Eastern Corridor. The Notice of Motion (NOM) was as follows:

*That officer's prepare a report;*

- 1. Revising the location of the proposed Aquatic Centre in the Eastern Corridor and provide alternative locations in or closer proximity to Caroline Springs than what is currently proposed.*
- 2. Provide a list of possible sites that Council owns or could potentially purchase within the year in the Eastern Corridor to build the Aquatic Centre; Example; Sites along or near Taylors Road.*
- 3. That consideration be given for the 2018/19 Budget deliberations for the purchase of the land for the aquatic centre to expedite the project and bring it forward in the capital works program.*
- 4. That the report include the costs and implications of potentially moving the location from the current Fraser Rise site.*
- 5. That the site of Clarke Road and the Western Highway be included as a potential site for the aquatic centre.*

This report outlines the history of the proposed aquatic centre in the Eastern Corridor, provides a chronology of the site selection process and identifies and analyses sites in response to Notice of Motion 540.

This report reiterates the adopted justification for the aquatic centre in the Eastern Corridor through the *Melton City Council Aquatic Plan 2014-2034 (Appendix 1)* which Council considered and resolved upon at the Ordinary meeting of Council on 23 September 2014.

Council further considered the aquatic centre facility, site and funding at the Ordinary Meeting of Council on 16 October 2017 through the adoption of the *Plumpton Aquatic Leisure Centre Business Case and Funding Strategy – October 2017* and at a number of stages through the preparation of the Plumpton Precinct Structure Plan (PSP), including as part of Council's formal submission to the Exhibition Draft PSP which was adopted on 22 August 2016.

## 2. Background/Issues

### Justification and Specifications for Aquatic Facility

#### *Melton City Council Aquatic Plan 2014-2034*

The *Melton City Council Aquatic Plan 2014-2034* (Aquatic Plan) was adopted by Council on 23 September 2014, noting this report was confidential due to the inclusion of financial information (of a 3<sup>rd</sup> Party). A version of the Plan, with costings removed, can be found in **Appendix 1**.

Specifically, Council resolved to do the following:

1. *Endorse the Melton City Council Aquatic Plan 2014-2034 as presented.*
2. *Approve Officers to investigate options to purchase a site for a new district aquatic facility within the Plumpton area (Note: now known as the Plumpton Precinct Structure Plan (PSP) area or the new suburb of Fraser Rise).*
3. *Approve the inclusion of a project to design and construct a new district aquatic facility in the Plumpton area in the Capital Works Plan for the financial year 2019-2020.*

The Aquatic Plan was prepared to provide future guidance and direction for the provision of aquatic facilities across the City. In particular, the Aquatic Plan included a review of potential sites and facility types to service both the Eastern Corridor and new growth areas.

The Aquatic Plan was prepared in consultation with internal and external stakeholders including:

- Presentation to Council's Executive team.
- Two Council briefings in addition to being considered for adoption at Council.
- 300 person household telephone survey.
- Consultation with Belgravia Leisure staff (Melton Waves).
- Melton Waves User Survey (85 completed).
- School survey (35 sent with 11 completed).
- Internal consultation with Council officers from various departments.
- Presentation to the City of Melton Leisure Committee.

The Aquatic Plan recommended the provision of up to three 'aquatics and leisure facilities' to meet the projected population growth in the City of Melton. The Aquatic Plan recommended that Melton Waves be retained and upgraded and identified the need for up to two additional facilities, one of which was a 'new major aquatic centre' within Fraser Rise (Plumpton PSP area).

The Aquatic Plan identified the need to demonstrate innovation in the provision of aquatic infrastructure, highlighting the importance of future locations and components that will positively contribute towards the City of Melton's character. It includes strategies and recommendations that seek to ensure future aquatic provision offers a diverse range of multi-use facilities for the community.

The Aquatic Plan used a 'Neighbouring Aquatic Facility Catchment Analysis' to identify aquatic facility catchment areas for existing facilities within the Melton, Brimbank, Moorabool, Hume and Wyndham Council areas. This analysis identified an area in the Eastern Corridor (west of Caroline Springs) which did not have an aquatic facility within a 10km radius.

Given the population growth that will continue to occur between Melton Township and Caroline Springs and the identified lack of access for current residents to an existing aquatic facility, the Aquatic Plan identified the need for the following:

- An upgrade to Melton Waves to ensure it has the capacity to service new users in the Melton South, Melton West, Rockbank and Toolern (PSP) areas.
- A second aquatic facility identified to be 'placed in the Plumpton or Kororoit areas' (referring to Precinct Structure Plan areas). It was recognised that this facility be located in these growth areas but 'would service the new residents along with Caroline Springs and the Taylors Hill West residents' also. (It should be noted this Plan was prepared prior to the new suburbs being approved hence it is considered that the facility will also meet the needs of residents in Fraser Rise, Hillside, Taylors Hill and Deanside.
- The potential for a smaller, longer term facility in the Rockbank North PSP (Aintree) area.

Of particular relevance to this NOM, the Aquatic Plan identified the need for a district level facility in Fraser Rise (Plumpton PSP). A 'district level' facility has the capacity to support activities that draw people from across a large part of the Local Government Area, whilst also catering for people in surrounding Local Government Areas. The site for a future facility is required to address the following 'key site and area criteria':

- Area requirement – 4 hectares (Melton Waves only 1.02 hectares)
- High visibility site – linked to main road/trail networks.
- Located with access to public transport
- Capacity for future expansion.
- Opportunity to collocate with other sporting/recreation facilities creating a sporting precinct.
- Outside of catchment of other regional aquatic leisure facilities.
- Close to major retail and other community/education facilities.

Potential linkage with other major sporting facilities. The Aquatic Plan recommended the preparation of a funding strategy, concept design, costings, site purchase (for a 4 hectare site) and construction. The total timeframe from pre-planning to ultimate construction of the facility was anticipated to be six years. Through the adoption of the Aquatic Plan, Council endorsed Council officers to investigate the purchase of a site in the Plumpton Precinct Structure Plan (PSP) area, and once a suitable site was identified (based on the above criteria), prepare a Business Case and Funding Strategy to be presented to Council.

#### *Plumpton Aquatic Leisure Centre Business Case and Funding Strategy*

The Plumpton Aquatic Leisure Centre Business Case and Funding Strategy – October 2017 (the Strategy) was prepared to implement the recommendation of the adopted *Aquatic Plan 2014-2034*. The Strategy was presented in the confidential section of the Ordinary Meeting of Council on 16 October 2017. It identified expected costs for the facility and reconfirmed the resolved position of Council in respect of Recommendations 2 and 3 detailed above. In particular to investigate options to purchase sites within the Plumpton PSP and to include a project in the 2019/20 budget to design and construct the facility.

The Strategy also identified funding models for the facility and included a comprehensive business plan which could be used to advocate to potential funding partners, including State government, for financial support.

As part of the Strategy, two options for the delivery of the Plumpton PSP facility were presented. One was a smaller model which contained only one pool and associated uses, the other was a larger facility that included a range of pools, components and features. The second option was endorsed by Council. The adoption of this option reconfirmed that the 4 hectare facility proposed in the Plumpton PSP was appropriate and once again endorsed Council officers to commence concept planning, site acquisition and proceed with funding for land and construction, to be included in future Capital Works budgets.

Council's resolution to adopt The Strategy included recommendations that reinforced the Council resolution for the Aquatic Plan. The resolution was as follows:

1. Confirm Option two (2) as the preferred facility option model, including components for the future aquatic and leisure centre for the Eastern corridor.
2. Note the aquatic and leisure centre Business Case and Funding Strategy as presented.

### **History and justification for locating the proposed district level aquatic centre in the Plumpton Precinct Structure Plan (PSP)**

Planning for the Kororoit and Plumpton Precinct Structure Plans (PSP) commenced in 2013. In 2013, based on the draft Aquatic Plan, Council requested that an aquatic centre be included in the Plumpton PSP area to service the needs of the future communities in the Kororoit and Plumpton PSP areas, as well as the existing population in the Eastern Corridor. The purpose of this aquatic centre was to service the eastern part of the municipality. The Victorian Planning Authority (VPA) accepted Council's request and the provision of this facility was included in the VPA's *Open Space and Community Infrastructure Needs Assessment* report in 2015.

In 2014, Melton City Council adopted the Aquatic Plan, which recommended that a 4 hectare aquatic centre be provided in the Plumpton PSP area.

In 2014 and 2015, a series of draft future urban structures were produced, which were used to inform the final Future Urban Structure in the Plumpton PSP.

The landowners in the Plumpton PSP area were asked to comment on the draft Future Urban Structure plan on 25 and 26 March 2014. This plan (see **Appendix 2**) identified that the Plumpton Major Town Centre would include 'higher order community facilities'. This plan was a high level plan that showed the potential locations of town centres and community facilities.

Following the first drop-in session the draft Future Urban Structure plan (see **Appendix 3**) was refined to show what facilities would be provided, their sizes, and their proposed locations. A drop-in session was held on 10 November 2014, which showed the location of the 4 hectare aquatic centre on Beattys Road within the Plumpton Major Town Centre.

Following the development of the PSP, the VPA commenced the planning scheme amendment process to incorporate the PSP into the Melton Planning Scheme (C146). As part of the Exhibition, an additional landowner drop-in session was held on 8 June 2016. The exhibition draft of the PSP retained the aquatic centre's size and location on Beattys Road. (See **Appendix 4**), consistent with Council's adopted position.

Since 2015, Council and the VPA have been engaged in conversations with the landowner who repeatedly requested that the aquatic centre not be located on their land, or be relocated within the industrial precinct on the west side of Plumpton Road. Despite these concerns, the VPA and Council resolved to retain the site in the location which was based on the following principles which accord with the siting criteria in the Aquatic Plan.

- Provides capacity for the facility to be expanded if required
- Located on Beattys Road to allow early delivery
- Beattys Road has been designed to be a civic spine with schools, community centres, and the aquatic centre hinging off it
- Walking distance from State and Non-Government Secondary Schools, and a State Primary School
- Adjacent a Level 2 Community Centre
- Located where four connector roads converge, with high visibility and links to main roads, located on a pedestrian and cyclist trail network, and access to public transport.

The landowner made a submission to the Plumpton PSP that requested that the aquatic centre be relocated from its current position, and objected to the size of the aquatic centre.

An independent Planning Panel was convened as the VPA could not resolve all of the submissions that requested changes to the Plumpton PSP. During this process Council and the VPA maintained the position that based on Council's adopted *Aquatic Plan* and *Business Case and Funding Strategy* the aquatic centre was in the best location to meet the needs of the existing and future community.

The panel found that the aquatic centre is located in its optimal location for the following reasons:

- The site provides convenient and direct public transport connections
- The site is highly accessible by pedestrians and cyclists
- The site has good public exposure
- The site is accessible from the broader catchment.

During the planning panel hearing Council made submissions that 50% of the land for the aquatic centre should be funded through the Infrastructure Contributions Plan (ICP). The planning panel agreed with Council and made a recommendation that 50% of the land for the aquatic centre will be purchased by the ICP.

The Plumpton PSP was approved by the Minister for Planning on 1 February 2018. The aquatic centre location supported by Council, the VPA and Planning Panels has been retained (see **Appendix 5**). The ICP is currently being prepared and it is expected that the ICP will include the necessary funds for the value of half the land.

It should be noted that any decision to change land use which is not considered to be 'generally in accordance' will require a Planning Scheme Amendment. This amendment must be supported by strategic justification to explain the change in Council's position, and it must be supported by the VPA and the Department of Environment, Land, Water and Planning (DELWP). Given the rigorous planning process, including an independent Panel that supported Council's original position there is a risk that a Planning Scheme Amendment would not be supported by the state at this stage.

#### **Response to NOM 540**

The following section responds to each point raised in Notice of Motion 540 in more detail and in the context of the work undertaken to identify the site to date as outlined above.

- (1) *Revising the location of the proposed Aquatic Centre in the Eastern Corridor and provide alternative locations in or closer proximity to Caroline Springs than what is currently proposed.*
- (2) *Provide a list of possible sites that Council owns or could potentially purchase within the year in the Eastern Corridor to build the Aquatic Centre; Example; Sites along or near Taylors Road.*
- (5) *That the site of Clarke Road and the Western Highway be included as a potential site for the aquatic centre.*

This section addresses points 1, 2 and 5 of Notice of Motion 540 as they all related to the consideration of alternative sites and deal with a number of common issues.

In considering alternative sites, it should be noted that the Council adopted Aquatic Plan identified the need for a 4 hectare site for a new aquatic facility which would ensure Council can deliver an innovative mixed use facility to meet current and expected future trends in aquatics parks. This was then supported and endorsed by Council as part of the *Business Case and Funding Strategy*.

A review of possible sites to move the facility to has been prepared (see **Appendix 6**).

The review identified that whilst there are sites that may be large enough for a facility in closer proximity to Caroline Springs, there are a number of significant constraints to acquiring and developing these sites, meaning they are not suitable for Council to purchase and develop for an aquatic facility, particularly in the short term. The below is a summary for why identified sites are not appropriate:

- Environmental and drainage reserve constraints which impact purchasing of and ability to develop sites.
- Access constraints as a result of existing access conditions (which would not have been designed to accommodate this use) or limitation to future access due to the proximity of Primary Arterial roads.
- Possible acquisition and development constraints due to existing subdivision concept plans which are already in the statutory planning process.
- General locational constraints given the location and design criteria identified in the Council adopted Aquatic Plan would not be met.
- A lack of collocation opportunities with community, education and recreation facilities.
- Council may also have difficulty purchasing these sites which may mean that the acquisition of land for an aquatic centre will require compulsory acquisition which can trigger compensation payouts to landowners.
- It should also be noted that the current zoning of the Regional Park is Rural Conservation Zone and as such an aquatic facility is prohibited in this zone. Council will be required to rezone future land which will trigger the need for a Planning Scheme Amendment, which as identified previously takes significant time and resources, requires adequate justification, will be exhibited publically and without adequate justification, may not be approved by the Minister for Planning.

No suitable sites have been identified for the relocation of the aquatic centre to sites along Taylors Road within the Kororoit and Plumpton PSPs. In addition to the constraints outlined above, the following issues impact the development of this land for the purposes of an aquatic facility:

- The PSPs have been approved, and many developers are advanced in their designs of residential developments which are based on the approved Future Urban Structures.
- Most developers close to Caroline Springs along Taylors Road have either commenced discussions regarding development or have planning permit applications in with Council.

Other matters that would restrict the development of an aquatic centre along Taylors Road:

- Location of the high pressure gas pipeline. The aquatic centre cannot be located within the pipeline measurement length.
- Location under the 120m wide High Voltage powerline easement. The aquatic centre building cannot be located within the powerline easement.
- Taylors Road will be a Primary Arterial VicRoads road, and limited access is provided and allowed along Taylors Road.

If the aquatic centre was located on Taylors Road it would potentially require a signalised intersection, and would require permission from VicRoads to create this access. This might impact the approved traffic network and will also result in increased costs for delivery of the facility. It was also not a project that was part of the PSP process and therefore would require an amendment to the PSP as it is not generally in accordance with the approved plan.

There are limited sites available around Clarke Road and Western Highway available for development. The land area identified is currently located in the proposed Kororoit Creek Regional Park and is identified as having high biodiversity value and is subject of a state and Commonwealth approval under the Biodiversity Conservation Strategy.

In respect of the balance of the area identified for the regional park, the VPA in June 2016, the VPA wrote to landowners within the Kororoit Creek Regional Park to advise them that the VPA was working with the Department of Environment, Land, Water and Planning (DELWP) to finalise the boundary for the proposed Kororoit Creek Regional Park, and to clarify

possible options for purchase of the land by the government should their property be required for the proposed park.

A decision was made to excise the Regional Park area from the Kororoit PSP to allow the rest of the PSP to proceed while the boundaries are being finalised. A PSP will need to be prepared for the excised area once the boundaries of the Regional Park are finalised. The VPA and DELWP had an information session for affected landowners on 20 June 2016.

It is therefore considered to be a risk to Council to consider any site within the Regional Park for the following reasons:

- There is no agreement from the State or Commonwealth Governments to allow urban development to occur within the Regional Park.
- No Precinct Structure Plan has been developed for the Regional Park area.
- It is still unknown whether Neale Road can be widened within the Regional Park, or whether it can be developed as a four lane (two lanes in each direction) road.
- The boundaries of the Regional Park are not yet determined and there is a risk that the Commonwealth Government may not approve the proposed Regional Park and Kororoit Part 2 PSP.
- An aquatic centre is not a permitted use in the Rural Conservation Zone which applies to this area. Given this any future use of this area for an aquatic centre (should the above be resolved) will require a Planning Scheme Amendment which again requires justification, will be exhibited publically and without adequate justification, may not be approved by the Minister for Planning.

Additional constraints between Taylors Road and Neale Road:

- The High Pressure Gas Pipeline to the west of Sinclairs Road restricts development of an aquatic centre within its pipeline measurement length (571 metres either side of the pipe), which is the western half of the proposed Regional park.
- 100 metres either side of the Kororoit Creek has been identified as Growling Grass Frog Habitat.
- Presence of a High Voltage Transmission Line easement.

The development of the Kororoit and Plumpton PSPs was undertaken over a period of 5 years, where the community infrastructure shown in the PSPs, and their sizes and locations were thoroughly tested, including through a panel process.

The relocation of the aquatic facility would result in a material change to the land use planning and infrastructure contributions of the approved PSPs and would not be considered to be 'generally in accordance'. Any decision to change land use which is not considered to be 'generally in accordance' with an adopted PSP requires a Planning Scheme Amendment, which may not be supported by the VPA and DELWP, nor approved by the Minister for Planning, particularly given the original location was based on a adopted Council position.

In summary, the proposed site located in the approved Plumpton PSP meets all necessary catchment, design and locational criteria identified in the Council adopted Aquatic Plan. Furthermore, given the PSP is now approved and the Infrastructure Contributions Plan which sits alongside the PSP is expected to be approved shortly, this ensures the site is secured for the use, and part funding for acquisition of the land can be obtained.

Furthermore when assessing land between Taylors Road and Neale Road it has been identified that there are no suitable sites for this facility regardless of whether the land take required for the facility is 4 hectares as identified in the Aquatic Plan or 1.02 hectares.

*(3) That consideration be given for the 2018/19 Budget deliberations for the purchase of the land for the aquatic centre to expedite the project and bring it forward in the capital works program.*

The Draft 18/19 Council Budget has allocated \$3 million in its budget for initial funding for the Aquatic facility. It is expected that this funding will enable the commencement of negotiations to acquire the site.

The Council adopted funding strategy highlights the expected total funding required to acquire the site and design and ultimately construct the facility.

*(4) That the report include the costs and implications of potentially moving the location from the current Fraser Rise site.*

As identified throughout this report there have been no suitable sites identified for the facility to be relocated to, given this it is difficult to provide cost implications for moving the location of the aquatic centre from the current Fraser Rise (Plumpton PSP) site. The following does provide some guiding commentary in this regard.

- Firstly it is submitted that costings for the Regional Park cannot be accurately calculated at this time as there is no certainty that the site can be used for urban purposes.
- Looking at alternative residential zoned land (and understanding the constraints identified above), Council can expect to pay up to \$7 million for sites, depending on their location. In regards to sites zoned for commercial uses it is estimated that the cost to acquire these sites would be in the region of \$5 million and above.  
This does not include the construction of the facility but estimated land acquisition costs only.
- Council acquisition of the Fraser Rise site is expected to benefit from developer contributions identified in the ICP whereby 50% the value of the land will be funded through developer contributions which provides a saving to Council in respect of land acquisition costs. It should also be noted, that the acquisition of land for a public purpose that is not identified in the PSP or ICP would also potentially be subject of compensation and may require a compulsory acquisition process.

### **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**

As detailed in Section 2 above, should Council pursue an alternative location than the one proposed in Fraser Rise (Plumpton PSP) there are expected to be considerable cost implications.

An alternative site will mean the loss of developer contributions Council Officers negotiated with State government and developers for the Plumpton PSP site.

Furthermore, the alternative site is expected to be costly, both in terms of land acquisition costs (expected to be significantly greater than the current site) and costs related to the additional work required for Council staff to identify, plan for and acquire a new site. If an appropriate new site can be located and purchased.

It should also be noted significant officer time and external resources have gone in to all work to date, including for the preparation of the Aquatic Plan and Business Case and Funding Strategy which cost approximately \$100,000 to engage qualified consultants to prepare the documents.

In addition to significant officer time over the four year period, the planning panel process for the PSPs also included the appointment of expert witnesses and legal counsel to represent and defend Councils position at Panel, which cost approximately \$63,000.



## 5. Consultation/Public Submissions

The need for the Aquatic facility and process in which the proposed location was defined has taken a number of years to be realised. Throughout that time both Council and the community have had numerous opportunities to provide feedback and commentary on the best location for the facility.

More specifically, the Aquatic Plan was prepared in consultation with Councillors at numerous stages during the preparation of the Plan. The Aquatic Plan was also prepared using a range of internal and external commentary and feedback.

The Plumpton PSP which contains the proposed aquatic centre was both formally and informally exhibited at various stages of the preparation period. This included a public exhibition process whereby public submissions were sought.

Council officers prepared a formal submission to the draft Plumpton PSP which contained commentary on the importance of the Fraser Rise site for a future aquatic centre. This submission was endorsed by Council and from there Council officers participated in a Planning Panels process which tested the location of the facility and recommended the proposed site was suitable for a range of reasons. The PSP and hence site for the aquatic centre has now been approved.

Given the certainty around the proposed aquatic centre site Council commissioned the preparation of the *Plumpton Aquatic Leisure Centre and Business Case and Funding Strategy – Final Report* which provided Council with options for delivery, funding mechanisms and provided the necessary information to commence concept design and acquisition discussions for the facility.

## 6. Risk Analysis

Should Council pursue an alternative location that the one proposed in Fraser Rise there are expected to be a number of risks. These include:

- There is the potential that Council may not be able to acquire an alternative site which meets the relevant criteria in the Council adopted Aquatic Plan.
- Council cannot deliver an Aquatic facility on land identified for the Regional Park and BCS reserve at this time.
- There also a number of unknowns in regards to the cost of acquisition of land between Neale Road and Taylors Road.
- By choosing an alternative site which does not meet the relevant locational criteria there is the risk that existing and future populations will be provided with an inferior aquatic facility than what should be provided.
- There is considerable reputational risk for Council in terms of requesting future sites for Council purposes, including for Community Infrastructure, this is particularly a risk when working and negotiating with State government and the development industry into the future.
- There are resourcing and timing implications should Council wish to remove the site from the Plumpton PSP and associated Infrastructure Contributions Plan as this will require a Planning Scheme Amendment which has not been considered in existing staff work plans. The Amendment may be exhibited and will require approval from the Minister for Planning which is not a certainty.
- Any Planning Scheme Amendment required to move the aquatic facility will be subject to public exhibition. Given the rigorous planning process, including an independent Panel that supported Councils original position may not be support by state government at this stage.

## 7. Options

NIL.

### LIST OF APPENDICES

1. Aquatic Plan 2014-2034 (financial information removed) - dated May 2015
2. Draft Future Urban Structure - Concept Plan 2014 - undated
3. Draft Future Urban Structure Plan 2014 - undated
4. Draft Future Urban Structure Plan - exhibition version 2016 - undated
5. Future Urban Structure Plan - approved - undated
6. Assessment of Alternative Sites - Aquatic Centre in Eastern Corridor - undated

**CONFIDENTIAL APPENDIX** – Separately circulated

## 12.9 APPROVAL FOR AMENDMENT C181 TO THE MELTON PLANNING SCHEME - DIGGERS REST DEVELOPMENT CONTRIBUTIONS PLAN

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

### PURPOSE OF REPORT

To consider the adoption of Planning Scheme Amendment C181 to the Melton Planning Scheme to make changes to the Diggers Rest Precinct Structure Plan and the Diggers Rest Development Contributions Plan.

### RECOMMENDATION:

That Council:

1. Adopt Amendment C181 to the Melton Planning Scheme as contained in **Appendix 2, 3 and 4**.
2. Submit the Amendment to the Minister for Planning for Approval.

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### REPORT

#### 1. Executive Summary

A request was made by a land owner in the Diggers Rest Precinct Structure Plan (PSP) area to make changes to the Diggers Rest Precinct Structure Plan and the Diggers Rest Development Contributions Plan (DCP) to reflect changes to the design of the intersections that link Vineyard Road with the outbound lanes of the Calder Freeway (**Appendix 1**). The proposed changes to the DCP will result in a reduction in the development levies to be paid by developers in Diggers Rest, as the overall cost of developing the relevant road project will decrease by approximately \$6,306,486 (at July 2015 dollars).

Council resolved at the Ordinary Meeting of Council of 2 May 2016 to seek Authorisation to commence the Amendment and Exhibit on receipt of Authorisation (**Appendix 1**).

Council officers then prepared the changes to the Diggers Rest Precinct Structure Plan and the Diggers Rest Development Contributions Plan, and submitted the relevant documentation to the Minister for Planning seeking Authorisation to commence Amendment C181.

Authorisation was granted and the Amendment was placed on Exhibition from 16 January 2018 to 1 March 2018. One submission was received, which requested a change to the Planning Scheme Amendment to provide additional clarity that the money collected for projects that are no longer required will be returned. This is already a requirement of the DCP and an issue that should be dealt with as part of the statutory planning process. Council officers have written to the submitter on this matter advising them that any over provision of funds will be reimbursed (or credited) following the gazettal of C181. Based on this advice the submitter has since withdrawn their submission.

It is recommended Council adopt the Planning Scheme Amendment and submit it to the Minister for Planning for approval on the basis that it is consistent with relevant state and local policies and no submissions were received objecting to the Amendment.

## 2. Background/Issues

A request was made by a land owner in the Diggers Rest Precinct Structure Plan area to make changes to the Diggers Rest Precinct Structure Plan and the Diggers Rest Development Contributions Plan to reflect changes to the design of the intersections that link Vineyard Road with the outbound lanes of the Calder Freeway. The Amendment reduces the overall cost of these works in the Diggers Rest DCP of approximately \$6,306,486 (at July 2015 dollars).

The Amendment makes the following changes to the Melton Planning Scheme:

- Amend Schedule 5 to Clause 37.07 Urban Growth Zone to include a new Future Urban Structure for the Diggers Rest Precinct Structure Plan, and update the names of Government bodies to their current names.
- Amend Schedule 5 to Clause 45.06 Development Contributions Plan Overlay to reduce levies payable by the development.
- Amend the Schedule to Clause 81.01 Incorporated Documents to include the revised *Diggers Rest Precinct Structure Plan, March 2012 (Amended September 2017)* and the revised *Diggers Rest Development Contributions Plan, March 2012 (Amended September 2017)*.

The following changes have been made to the Diggers Rest Precinct Structure Plan and the Diggers Rest Development Contributions Plan:

- Update the name of Melton Shire Council to Melton City Council;
- Alterations to the road layout to reduce the extent of new construction;
- Reduction in the size of the Calder Freeway / Vineyard Road interchange, and resulting change that increases the amount of residential area in the Precinct Structure Plan area; and
- Changes to the levies payable by the development for the delivery of infrastructure.

Council resolved at the Ordinary Meeting of Council of 2 May 2016 to seek Authorisation to commence the Amendment and Exhibit on receipt of Authorisation (**Appendix 1**).

Council officers prepared the changes to the Diggers Rest Precinct Structure Plan and Development Contributions Plan, and submitted the relevant documentation to the Minister for Planning seeking Authorisation to commence Amendment C181.

Authorisation was granted and the Amendment was placed on Public Exhibition from 16 January 2018 to 1 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, exhibition and adoption of the amendment.

The proponent will pay the fees for the consideration and approval of the amendment to the Department of Environment, Land, Water and Planning.

The proposed changes to the Development Contributions Plan will result in a reduction in the development levies to be paid by developers in Diggers Rest. The proposed changes to the DCP will result in a reduction in the development levies to be paid by developers in Diggers Rest, as the overall cost of developing the relevant road project will decrease by approximately \$6,306,486 (at July 2015 dollars).

If the Amendment is approved and the development levies are reduced, Council will return money to developers for the projects that are no longer required to be funded by the Development Contributions Plan. Council's Major Development officers are in the process of developing a strategy to return money to developers.

## 5. Consultation/Public Submissions

The amendment was placed on Public Exhibition from 16 January 2018 to 1 March 2018 in the following ways:

- A notice was placed in the Melton and Moorabool Star Weekly on 16 January 2018.
- Letters were sent to affected developers, Government bodies (including VicRoads and the Victorian Planning Authority), a letter to Hume City Council, and Prescribed Ministers on 16 January 2018.
- A notice was placed in the Government Gazette on 18 January 2018.
- Details of the Amendment was placed on Council's website, under the Planning Scheme Amendment section.

One submission was received, which requested a change to the Planning Scheme Amendment to provide additional clarity that the money collected for projects that are no longer required will be returned. This is already a requirement of the DCP and an issue that should be dealt with as part of the statutory planning process. Council officers have written to the submitter on this matter advising them that any over provision of funds will be reimbursed (or credited) following the gazettal of C181. Based on this advice the submitter has since withdrawn their submission.

Letters of support for the Amendment were received from VicRoads and the Victorian Planning Authority.

Given that there are no unresolved submissions, there is no need to request a Planning Panel to be convened. It is recommended that Council Adopt the Amendment (**Appendix 2, 3 & 4**) and send it to the Minister for Planning for Approval.

## 6. Risk Analysis

Should Council choose to not adopt the Amendment, the intersection designs that have been approved by VicRoads as the road manager would be constructed, which would result in Council collecting contributions for a project that would not be built. This would potentially open Council to challenge in respect of the levy being collected through the DCP.

## 7. Options

Council can resolve to either:

1. Adopt the Amendment and submit it to the Minister for Planning for Approval.
2. Abandon the Amendment.

**LIST OF APPENDICES**

1. Council Minutes - dated 2 May 2016
2. Planning Scheme Ordinance to be Approved - undated
3. Diggers Rest Precinct Structure Plan - dated March 2012 (Amended September 2017)
4. Diggers Rest Development Contributions Plan - dated March 2012 (Amended September 2017)

## 12.10 ENVIRONMENTAL ENHANCEMENT PROGRAM 2017

Author: Ben Kroker - Senior Land Management Officer  
Presenter: Laura-Jo Mellan - Manager City Design, Strategy & Environment

### PURPOSE OF REPORT

To inform Council of the results of the 2017 Environmental Enhancement Program.

### RECOMMENDATION:

That Council note:

- the effort undertaken by 88 per cent of eligible landholders in managing their land responsibly
- that 140 property owners (**Appendix 1**) who have not complied with the requirements of the program will have their rebate withdrawn
- that the General Manager of Planning and Development will make the final decision on appeals by any of these landowners
- that Council officers will continue to liaise with the Department of Economic Development, Jobs, Transport & Resources (via 'Agriculture Victoria') to facilitate their support of the Environmental Enhancement Program.

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## REPORT

### 1. Executive Summary

The Environmental Enhancement Program (EEP) encourages eligible landholders to undertake agreed works on their properties that will lead to improvements in the condition of the landscape within the municipality.

In 2017, 88 per cent of the 1267 eligible properties met the requirements of the program, with 140 properties failing to comply.

The program continues to be well received by landowners within the municipality. It is a key method for Council to engage with landholders on sustainable land management issues.

### 2. Background/Issues

Melton City Council's Environmental Enhancement Program (EEP) encourages eligible landholders to undertake agreed works on their properties that will lead to improvements in the condition of natural resources within the municipality. The EEP has been in effect since 1994, when it was introduced to provide a rebate on municipal rates. The EEP applies to properties within particular planning scheme zones, and which are larger than two hectares in size. The EEP operates on an 'opt-out' basis, meaning that eligible landowners must participate to retain the rate rebate.

Council has an established annual program for delivery of the EEP. The EEP Guidelines detail how the program will be delivered, and landholders' obligations (**Appendix 2**). The EEP is accounted for in Council's recurrent budget.

In February 2017, the EEP Guidelines and Proposed Works Form were sent to all eligible landowners (**Appendix 3**). In keeping with the policy, each eligible landowner was then required to submit a completed Proposed Works Form by 31 March 2017. This form outlines work that the landholder commits to undertake to address land management issues, with an emphasis on addressing the presence of environmental and agricultural weeds.

Landowners who did not return their forms by 31 March 2017 were sent up to two reminder letters and then contacted by Council officers via telephone. Extensive efforts were made to encourage the participation of eligible landholders in the EEP. Council's Land Management Officers assessed the incoming Proposed Works Forms, and sent written approval to landowners. Proposed Works Forms that could not immediately be approved (for example due to insufficient commitment to weed control) were amended prior to approval, in consultation with the landowner. Agreed works were required to be complete by 30 September 2017.

On-site meetings with landowners and inspections of properties by Council's Land Management Officers occurred throughout the year. Landowners who successfully undertook agreed works were notified of their satisfactory compliance with the policy and retention of their rebate.

The overall compliance rate for 2017 was 88 per cent of the 1,267 eligible properties. The compliance rate over the life of the program has ranged between 87-98 per cent; averaging 94 per cent.

Of the 140 rebate withdrawals:

- 92 failed to return a Proposed Works Form, and
- 48 failed to effectively or successfully complete their agreed works.

This is important to note as landowners who do not submit a Proposed Works Form at all are electing not to participate (opting out), and automatically have their rate rebate withdrawn.

Of the non-compliant properties:

- 37 have an entrenched history of withdrawn rebates
- 59 properties had not previously had the rebate withdrawn (43 didn't submit a form, 16 didn't control weeds).

All of the properties that submitted a form, but did not meet the requirements of the program, are affected by Serrated Tussock. Serrated Tussock is considered to be the highest priority weed for control in Melton, and a Weed of National Significance.

The property owners who will have their rebate withdrawn:

- have either failed to undertake any work; or
- undertook insufficient work to control extensive infestations of high priority weeds on their land.

Their failure to effectively manage priority weeds compromises the work undertaken by compliant landowners, and other land managers including Council.

In accordance with the program guidelines, each landowner that failed to comply with the EEP will be sent a letter from Council explaining that the rebate has been withdrawn, the reasons why, and have the value of the rebate added to their fourth rates installment notice. In writing to each landowner they are given the opportunity to discuss the reasons for not meeting the requirements of the policy. These discussions may provide a better understanding of why they did not comply and an opportunity to work more closely with Council's Land Management Officers in future.

In accordance with the program guidelines, any appeal made in writing against the notice of non-compliance will be considered by a panel consisting of the Manager City Design, Strategy & Environment, the Coordinator Environmental Services and another senior officer.



The recommendation from this panel will then be reported to the General Manager Planning & Development for final consideration.

### 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

2.3 *A City with healthy waterways, biodiversity and ecosystems.*

### 4. Financial Considerations

The value of all rebates for eligible properties is \$1,993,782.54 (as per budget).

The value of rebates to be withdrawn is \$235, 249.39 (see **Appendix 1**).

Depending on how many successful appeals are made, the value of withdrawn rebates may decrease.

### 5. Consultation/Public Submissions

The EEP is a successful, long running and ongoing program. Council officers correspond with eligible land holders by mail and telephone calls, face-to-face discussions on site, and by email as required throughout the annual process of delivering the program.

### 6. Risk Analysis

Failure to effectively deliver the program could undermine rural land productivity, jeopardise public and private recreational facilities, and diminish overall environmental values. This may also result in the loss of environmental assets, and damage the reputation of Council.

It is important that Council continues to administer the EEP fairly, effectively and according to the annual program timetable.

### 7. Options

That Council note:

- the effort undertaken by 88 per cent of eligible landholders in managing their land responsibly
- that 140 property owners (see **Appendix 1**) who have not complied with the requirements of the program will have their rebate withdrawn
- that the General Manager of Planning and Development will make the final decision on appeals by any of these landowners
- that Council officers will continue to liaise with the Department of Economic Development, Jobs, Transport & Resources (DEDJTR; via 'Agriculture Victoria') to facilitate their support of the Environmental Enhancement Program.

### LIST OF APPENDICES

1. List of Properties - dated December 2017
2. EEP Guidelines 2017 - undated
3. Proposed Works Form 2017 - undated
4. EEP Map of results 2017 - dated 6 March 2018

## 12.11 PLANNING APPLICATION PA 2016/5287 - USE AND DEVELOPMENT OF A PLANT NURSERY, GARDEN SUPPLIES, CARETAKERS DWELLING AND REDUCTION OF CAR PARKING AT 1-13 KEATING ROAD, TRUGININA

Author: Julian Berzins - Major Developments Planner  
Presenter: Bob Baggio - Manager Planning Services

### PURPOSE OF REPORT

To consider and determine the above planning application.

### RECOMMENDATION:

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

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## REPORT

### 1. Background

#### Executive Summary

Applicant:	B.W & A Building Consultants
Proposal:	Plant nursery with garden supplies and caretakers dwelling
Existing Land Use:	Rural residential
Zone:	Part Urban Growth Zone (UGZ) and part Farming Zone (FZ)
Overlays:	Nil
Number of Objections:	Six
Key Planning Issues:	Appropriateness of the use in this location Amenity issues (noise, hours of operation, proximity to dwellings on adjoining/surrounding properties) Car parking
Recommendation:	Approve Application

#### The Land and Surrounding Area

The subject site has an area of 1.98 hectares and is located on the southern side of the Western Highway and on the corner of Sheahan Road and Keating Road in Truganina.

The site is rectangular in shape, relatively flat and was previously used as horse stables and training area and contains a vacant dwelling and a number of outbuildings and stable buildings.

The surrounding area can be characterised as rural-residential in nature. The adjoining properties to the east and west contain single storey detached brick or weatherboard dwellings with concrete tiled or galvanised iron roofing and associated outbuildings.

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

### The Application

Proposed is to use of the site as a plant nursery and garden supplies, including as follows:

- Buildings and works internally to the existing dwelling including flooring, replacement windows, laundry, bathroom and kitchen fit out. The dwelling will not be externally altered.
- A proposed Shade House (a steel framed structure roofed with shade cloth) 402.56m<sup>2</sup> in area, 4m in height located 10m from the northern property boundary and 17m from Keating Road.
- A proposed Igloo (clear plastic film hot house) 100m<sup>2</sup> in area, 3.5m in height located 7m from the western boundary.
- A proposed Colorbond Sales and Plant Shed 18m<sup>2</sup> in area, 3.5m in height located adjacent to the proposed car park.
- A proposed gravel access road with 16 car spaces located centrally to the site.
- A 2m high pre-cast concrete Garden Supplies Area to store bark chips, soil, rocks etc. located 5m from the western boundary.
- The nursery sales area will operate Monday – Sunday 7am to 6pm.
- No business identification signage is proposed as a part of this application.

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

### Planning Controls

Zone	35.07-1 Farming Zone (FZ)	<ul style="list-style-type: none"> <li>• A Permit is required for Landscape Gardening Supplies which includes a Plant Nursery and Garden Supplies.</li> </ul>
	37.07-2 Urban Growth Zone (UGZ)	<ul style="list-style-type: none"> <li>• A Permit is required for Landscape Gardening Supplies which includes a Plant Nursery and Garden Supplies.</li> </ul>
Overlays	Nil	
Particular Provisions	(Clause 52.06 – Car Parking)	<ul style="list-style-type: none"> <li>• The clause requires 10 per cent of the site area to be for car parking.</li> <li>• 14 car spaces are proposed for customers, with a double carport provided for the dwelling.</li> <li>• 10 per cent of the total site area equates to in excess of 50 car spaces.</li> </ul>

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

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

The land is not affected by a Restrictive Covenant.

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

The land is considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*, and an approved cultural heritage management plan has been submitted with the planning application.

**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 seven objections (one has since been retracted) in the form of a pro forma were received. The grounds of objection may be summarised as follows:

- A change in the streetscape and neighbourhood character.
- Increased traffic flow.
- Devaluation of surrounding properties.
- The local area is designated for residential purposes.
- Significant noise impacts.
- A danger to livestock within the area.

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

**Referral of the application**

The application was referred to Council's Engineering (Infrastructure) and City Strategy and City Design areas. The application was also referred to the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) given the nature of the application.

A complete list of responses is included in **Appendix 5**.

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

The land is located within the future Warrawee Precinct Structure Plan. This PSP has yet to be commenced, and there is no indication at this stage when it might be. The PSP area is relatively small (compared to other PSPs) and unusual in that the area and the site, are partly with the Urban Growth Zone and partly within the Farming Zone.

The application of the Farming Zone in this area is essentially to act as a buffer from future sensitive uses and the Boral Quarry land, which is located directly to the south of this PSP area. Although it is difficult to speculate on what future uses in the PSP will be, it is important to note that the West Growth Corridor Plan identifies this area for future industrial uses.

In the meantime, it is expected that the area will continue to be used for rural-residential type activity. It is considered that the main issues for Council to consider in assessing this application, is whether the proposal has potential to:

- Detrimentally affect the amenity of surrounding residents to an unreasonable extent.
- Detrimentally affect future urban development and use of the land, having regard to a future PSP.

In terms of possible detriment to surrounding residents, it is noted that a commercial use such as a plant nursery and garden supplies, will increase traffic along this section of Sheehans Road particularly on weekends. It is unlikely however, that a use of this type will generate a large volume of traffic at any one time, and it is noted that this section of Sheehans Road does not contain any existing dwellings which directly front onto the road. Further, as this section of the road is constructed to a sealed rural standard, any additional vehicles are unlikely to create problems in terms of noise, dust and the like.

It is also noted that the proposed hours of operation are 7am to 6pm, which are generally considered a spread of hours which is compatible with a residential environment. Any potential off-site impacts, such as odour or use of pesticides, can be generally controlled by appropriate permit conditions.

In terms of possible detriment to the future PSP, it is important to note that the PSP's preparation and approval is still years away, and in any event the uses proposed are generally considered to be compatible with a future industrial area. As a safeguard, it is proposed that the permit be issued on a temporary basis for 10 years, to enable its impact to be assessed in the context of the future PSP.

## 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 22 February 2018
2. Development Plans - dated 5 October 2017
3. Assessment against Planning Scheme - undated
4. Response to Objections - undated
5. Referral Comments - undated
6. Permit Conditions - undated

## 12.12 PLANNING APPLICATION PA 2017/5892 - DEVELOPMENT OF THREE DWELLINGS AT 107 CAITLYN DRIVE, HARKNESS

Author: Joseph Oyelowo - 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 conditions outlined in Appendix 6 of this report.

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## REPORT

### 1. Background

#### Executive Summary

Applicant:	Draft Comps Services
Proposal:	Three dwellings
Existing Land Use:	Vacant
Zone:	General Residential
Overlays:	None
Number of Objections:	Twelve
Key Planning Issues:	Suitability of the land for more than one dwelling Respect for Neighbourhood Character Design Response Amenity impacts on abutting and neighbouring properties Traffic and Car Parking
Recommendation:	Approve application

#### The Land and Surrounding Area

The subject land has an area of 1,001m<sup>2</sup> and is located on a bend on Caitlyn Drive in Harkness. The lot is within a largely established residential area known as Micasa Rise Estate. Other features of the site are as follows:

- The land is regular in shape
- An existing crossover is located near the southeast corner of the site
- Adjoining lots are also vacant
- Adjoining land to the west is located within the Urban Growth Zone, and is an undeveloped part of the Future Melton West PSP area.
- Opposite the site to the east is the Arnolds Creek (East Branch) Reserve.

The existing predominant character of this area is of single detached dwellings although two storey forms are also evident in the area.

There are no examples of medium density housing in the immediate neighbourhood. However within the wider surrounding area (within 900 metres from the subject land) there are a number of medium density developments.

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

### The Application

The application proposes the development of the land with three dwellings comprising of two double-storey dwellings and a single-storey dwelling.

The proposed development is summarised as follows:

- The dwellings are located one behind the other.
- Dwellings 1 and 2 will be double-storey, contain four bedrooms and are provided with a single car garage and a tandem space in front of the garage.
- Dwelling 3, at the rear, is single-storey with three bedrooms and provided with a single car garage and a tandem space in front of the garage.
- The dwellings have a contemporary design with a range of external wall materials including brick and render, with concrete tiled roofs.
- Separate vehicle access is provided for Dwelling 1, while Dwellings 2 and 3 share a driveway abutting the southern site boundary.
- It is proposed to remove the existing double crossover and construct a new double crossover to Council's satisfaction.
- The dwellings will be detached, with only the garage of Dwellings 2 and 3 being located along the 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
Overlays	None	N/A
Particular Provisions	(Clause 52.06 – Car Parking)	Two car spaces are required for each dwelling. A total of six 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.

### **Melton Housing Diversity Strategy**

The Melton Housing Diversity Strategy locates the site within the existing character area 1: Melton. The various precincts which make up character area 1 range in size from smaller pockets (located to the south) and larger more expansive estates (located to the north and west), but all consist of newly established residential development, which represents recent expansion of the existing Township. This area broadly typifies a 'standard suburbia' format consisting of single and double storey detached dwellings with dominant garage frontages. There are a range of external building material styles. Brick and render are a consistent material palette.

### **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, indicate that the site is located within the Compact Suburban 1 (CS1) character area. The essential components of the CS1 which need to be maintained into the future are:

- Majority of the front setback used as permeable garden landscape
- Absence of front fencing
- Limited visual separation between dwellings.

It is considered that the proposed design response is generally consistent with the requirement of the above mentioned design guidelines.

### **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 considered to be of cultural heritage sensitivity under the Aboriginal Heritage Regulations 2007. However the proposal constitutes an exempt activity which does not require a cultural heritage management plan because the lot is not within 200 metres of the coastal waters of Victoria or the Murray River and is less than 1,100 square metres in area.

## **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:

- The proposed development is not respectful of neighbourhood character.



- Scale and visual bulk of the double storey dwellings.
- Overshadowing of the secluded private open space and habitable room windows of future adjoining dwelling to the north and south.
- Overlooking - Invasion of privacy.
- Increase in noise.
- Traffic/road safety concerns.
- Insufficient car parking spaces provided, in particular visitor parking.
- Bought the land because of the single dwelling covenant.
- Approving this proposal will set a precedent for more unit developments.
- Property devaluation.

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

### **Referral of the application**

The application was referred to a number of Council Departments for comment and advice. A complete list of responses is included in **Appendix 5**.

## **5. Issues**

### **Planning Assessment**

A recommendation to support the proposal is based on an assessment against the requirements of the Melton Planning Scheme, adopted Strategies and Guidelines and consideration of written objections.

### **Suitability of the land for more than one dwelling**

The development of this site with three dwellings is broadly consistent with the purpose of the General Residential Zone (GRZ), policy direction for housing diversity and urban consolidation as outlined by the Melton Planning Scheme.

The site is reasonably placed to established services and facilities including open space, schools and community facilities, with the minimum distance being 2.05 kilometres and a maximum of 5 kilometres. A bus stop (bus 455) is within a short walking distance from the subject land along Scarlet Oak Avenue, providing future residents with full access to public transport. The development of the land for three dwellings would add housing diversity at the same time making good use of existing infrastructure and services.

Residents have raised a number of concerns in relation to the proposal, including that that the area would remain as single dwellings and that approval of this development will set a precedent for more medium density development in the area. There is no single dwelling restriction affecting the subject site and also each planning application is assessed and approved on their merits.

The absence of multi-unit developments in this estate is not a sufficient reason on its own to reject medium density housing on this site. The GRZ anticipates modest housing growth which facilitates a diversity of housing types in locations offering good access to services and transport – which is achieved on this site. Therefore the land is suitable for more than one dwelling.

This does not mean that any development for more than one dwelling would be approved. Rather decisions must be balanced against neighborhood character considerations and whether this proposal will achieve a respectful outcome.

It is considered that the proposed development would achieve a reasonable fit with the prevailing character of the surrounding area for the following reasons:

1. The tandem arrangement of the dwellings presents the development as one dwelling to the street with the single car garage incorporated into the roof line.
2. The architectural style and materials would complement the existing buildings in the street.
3. The scale and bulk of the proposed dwellings is generally in keeping with the surrounding area. Adequate side and rear setbacks along the property boundary reduces the bulk and mass of the dwellings.
4. The ground level front setback of Dwelling 1 enables adequate areas to be retained as garden landscape visible from Caitlyn Drive which is a common characteristic in this neighbourhood.
5. Lack of front fencing is consistent with the pattern in the street.

Also, the design response of the development on the subject site will produce an acceptable outcome for the following reasons:

1. The housing type proposed is consistent with the preferred housing types for the CS1 character area.
2. The second storey portions of the dwellings will be recessed from the ground level. This ensures that the built form avoids a boxy development with unarticulated wall surfaces.
3. Limited garage walls on the boundary to only the rear dwellings. This provides visual separation between the dwellings at the same time avoids a boundary to boundary development.
4. A landscape strip with a minimum width of 1 metre is provided between the common driveway and the side boundary of the property. The 1 metre landscape strip would also be provided between the common driveway and southern side of Dwelling 1. This will soften the amount of hard stand within the front setback.
5. The design maintains appropriate visual separation between the dwellings and the front setback area of Dwelling 1 which will enable adequate landscaping and the planting of a canopy tree in front of Dwelling 1.
6. Increased articulation to reduce impression of blank walls that are visible from the street.
7. There is sufficient private open space provided for each dwelling that is required for the reasonable recreation and service needs of potential residents.
8. Orientation of the proposed dwellings makes appropriate use of daylight and solar energy.
9. The garages for Dwelling 1 will be setback behind the line of the dwelling. This will maintain the dwelling frontage as the dominant built form from the street.

#### **Amenity impacts on abutting and neighbouring properties**

Adequate side setbacks from the property boundary have been provided to ensure that the scale of the built form is reduced.

The amount of overshadowing is considered appropriate. The design response minimises the degree of overshadowing by using measures such as changes in wall setbacks and heights.

The proposal provides for fixed and obscured glazing for windows in some instances in accordance with Standard B22 of the Scheme. There are some areas which this has not been demonstrated. Amended plans will be required to provide fixed obscure glazing or screens to obscure the view as required by the requirement under Clause 55.04-6 of the Scheme, in particular the north east and south west elevations.

Noise associated with the residential use of land is not regarded as an unacceptable off-site impact. Development of the land for multiple dwellings would be expected to increase activity on the land. However, this is not a strong enough reason to refuse the development proposal.

### **Traffic and Parking**

The proposed development is also considered unlikely to impose vehicle movements that will exceed that which is common to residential traffic volumes. Council's Traffic Officers have not raised any concerns regarding increased vehicle traffic.

The amount of car parking to be provided for residents as on-site car parking is adequate. Clause 52.05 of the Melton Planning Scheme requires that the proposal provides one on site car parking space for every one or two bedroom dwelling and two on-site car parking spaces for every three or more bedroom dwellings. The proposed development makes provision for six on-site car parking spaces. Hence, there will be no need for on-street parking.

## **6. Options**

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

## **7. Conclusion**

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

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

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

## **LIST OF APPENDICES**

1. Locality Plan - dated 2 March 2018
2. Plans for the proposal - dated 8 November 2017
3. Assessment against the Planning Scheme - dated 5 March 2018
4. Response to objections - dated 5 March 2018
5. Referral responses - dated 9 January 2018
6. Notice of Decision - dated 6 March 2018

## 12.13 CONTRACT FOR AWARD - 18/030 ALLENBY RESERVE DEVELOPMENT

**Author: Joel White - Graduate Engineer**  
**Presenter: Luke Shannon - General Manager Planning & Development**

### PURPOSE OF REPORT

To seek Council's approval for the award of Contract No. 18/030 for the construction of Allenby Reserve Development project.

### RECOMMENDATION:

That Council:

1. Receive and note the Tender Evaluation Report found in **Confidential Appendix 1** (separately circulated).
2. Award Contract No. 18/030 for the construction of Allenby Reserve Development project to UDL Pty Ltd for the amount of \$537,625.00 (excluding GST).
3. Delegate execution to the Chief Executive Officer in relation to all relevant contract documentation for the contract above.

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## REPORT

### 1. Executive Summary

The purpose of this report is to seek approval from Council to award Contract No. 18/030 for the construction of Allenby Reserve Development Project.

Melton City Council applied for funding from the State Government through the Growing Suburbs Grant to fund Allenby Reserve Development project. Council was successful in receiving \$300,000 to match Council funding of \$300,000 to develop Allenby Reserve.

This project will be completed over two financial years 2017 to 2019.

A consultant was engaged to undertake the detailed design. An expression of interest was advertised on the 25 November 2017. Council received nine submissions and shortlisted five capable tenderers. An invitation to direct tender which closed on the 5 March 2018 was sent to the shortlisted companies with three submitting tenders. It is recommended to award the Allenby Reserve Development contract to UDL Pty Ltd for an amount of \$537,625.00.

Construction is expected to commence in April 2018 and is expected to be completed by August 2018 in line with Growing Suburbs Funding Agreement milestones.

The tender evaluation summary is provided in the **Confidential Appendix 1** separately circulated to this report.

### 2. Background/Issues

Council completed an investigation in 2016 which identified a list of sites where the development / upgrade of park amenities is required. Every year Council allocates a budget for the Passive Park Reserve Program. The Passive Park Reserve Program aims to developed / upgrade a reserve or park to provide residents with the opportunity to increase social and physical activity within walking distance of homes. The Allenby Reserve Development was one of the identified sites included in the 2017/18 financial year.

In 2017 Council applied for the Growing Suburbs Grant which would see State Government match Council funding to the Allenby Reserve Development project. The details can be found in Council Ordinary Report on 24 July 2017 Council was successful in receiving the funding. Therefore \$300,000 from both Council and State Government funding made up the approved \$600,000 budget.

Council engaged the services of Fitzgerald Frisby Landscape Architectures (FFLA) to design Allenby Reserve. An initial Masterplan was completed by FFLA and approved by Council in October 2017. The Final Detailed Design and construction documentation was completed by FFLA in February 2018 (refer **Appendix 1**).

An expression of interest for Allenby Reserve Development was advertised on 25 November 2017 and closed on 11 December 2017. Council received nine submissions and shortlisted five capable tenderers.

Allenby Reserve Development project was direct tendered to the shortlisted companies on 10 February 2018. Three submissions were received before the tender closure date of the 5 March 2018.

A tender evaluation was complete with one contractor being shortlisted. Following a tender evaluation process (refer **Confidential Appendix 1**) it is recommended to award the Allenby Reserve Development contract to UDL Pty Ltd for an amount of \$537,625.00.

Construction is expected to commence in April 2018 and is expected to be completed by August 2018. This is in line with Growing Suburbs Milestones.

### 3. Council Plan Reference and Policy Reference

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

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

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

### 4. Financial Considerations

Allenby Reserve Development Project requires an overall budget of \$600,000 (excluding GST).

The breakdown of expenditure required for Allenby Reserve Development is as follows:

<b>Expenditure</b>	<b>Amount \$</b>
Construction contract	\$537,625.00
Design, Consultant	\$34,440.00
Contingency (5%)	\$27,000.00
<b>PROJECT TOTAL excluding GST</b>	<b>\$599,065.00</b>

<b>Funding</b>	<b>Amount \$</b>
Growing Suburbs Fund	\$300,000.00
Melton City Council Contribution	\$300,000.00
<b>TOTAL PROJECT FUNDING excluding GST</b>	<b>\$600,000.00</b>

The project will be funded from the 2017-18 and 2018-19 Capital Works Program with State Government (Growing Suburbs Fund) providing their contribution at tender award.

The spend profile across the financial years for Allenby Reserve Development contract is:

Financial year expenditure	Expected Spend	Melton Funding	Growing Suburbs Funding	Current Total Budget
2017-18	\$200,000.00	\$0.00	\$300,000.00	\$300,000.00
2018-19	\$400,000.00	\$300,000.00	\$0.00	\$300,000.00
<b>TOTAL</b>	<b>\$600,000.00</b>	<b>\$300,000.00</b>	<b>\$300,000.00</b>	<b>\$600,000.00</b>

## 5. Consultation/Public Submissions

Community Consultation was undertaken by Council and FFLA on the 14 October 2017. The feedback was incorporated into the detailed design.

## 6. Risk Analysis

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

### 1. Engagement of a suitably qualified construction company:

- Advertised an open expression of interest to landscape companies via The Age and on the Tendersearch website
- Select tender to construction companies shortlisted through the open expression of interest process
- Required companies tendering for the construction phase to comply with Council's occupational health and safety requirements.
- To assist in the selection of a construction company with suitable occupational health and safety work practices, Council requires construction companies invited to tender to provide third party accreditation of their Occupational Health and Safety Management System. Council also required the tenderers to provide evidence of public liability insurance and work cover.
- Conducted referee checks for the appointment of the construction company.

### 2. Engagement of a financial capable construction company:

- The engagement of an independent and expert consultant to conduct a financial review of the short-listed companies.

## 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

1. Allenby Road Reserve Master Plan - Undated

**CONFIDENTIAL APPENDIX 1** – separately circulated

## **12.14 CONTRACT NO. 17/036 FOR THE CONSTRUCTION OF THE MELTON TOWN CENTRE STREETScape REDEVELOPMENT - STAGES 4 & 5**

**Author: Braith Norman - Capital Projects Coordinator**  
**Presenter: Luke Shannon - General Manager Planning & Development**

### **PURPOSE OF REPORT**

To seek Council's approval for the award of Contract No. 17/036 for the construction of the Melton Town Centre Streetscape Redevelopment – Stage 4 (Bakery Square) & Stage 5 (Wallace Square).

### **RECOMMENDATION:**

That Council:

1. Awards Contract No. 17/036 for the construction of the Melton Town Centre Streetscape Redevelopment – Stages 4 & 5 to 2Construct Pty Ltd for the sum of \$4,990,355.00 (excl. GST).
2. Authorise the Chief Executive Officer to sign and seal all relevant contract documentation for this project.

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### **REPORT**

#### **1. Executive Summary**

This report seeks Council resolution for the award of Contract No. 17/036 for the refurbishment and improvement of the streetscape within Bakery and Wallace Squares.

The project involves the renewal of the streetscape in Bakery and Wallace Squares between Smith Street and Palmerston Street to transform them into vibrant, attractive, safe and pedestrian friendly precincts. Clear pathways to encourage activation, spaces for passive and organised use and places for traders to engage with pedestrian traffic. The contractor is required to commence construction by no later than the middle of April 2018 and complete the works by no later than the 30 November 2018. The proposed completion date will meet the requirements set out in the funding partner's agreement for a completion prior to 22 February 2019.

In preparation for the procurement of this contract, officers advertised for expression of interest and following an assessment process, five companies were invited to direct tender. Of the five companies, two submissions were received and were assessed in detail to clarify a variety of exclusions, conditions and contract departures. An interview was conducted with both companies and referee checks conducted.

The assessment panel is recommending that a contract be awarded to 2Construct Pty Ltd for the amount of \$4,990,355.00 (excluding GST)

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

## 2. Background/Issues

The Melton Town Centre project consists of five stages. To date the work completed in Stages 1, 2 & 3 has included construction of (Stage 1) a new taxi shelter, (Stage 2) complete reconstruction of the streetscape in Palmerston Street between High Street and McKenzie Street inclusive of; Improve pedestrian safety, installation of public lighting, a public amenity, traffic lights, a mixture of soft and hard landscaping, street furniture within and around the amphitheater and outdoor deck associated with the refurbished Former Courthouse and Visitor Information Centre.(Stage 3) complete redevelopment of the streetscape in McKenzie Street between Palmerston Street and Alexandra Street to a similar standard to the Stage 2 works detailed above.

The proposed works being Stages 4 & 5 will bring about a complete reconstruction of the streetscape in Bakery and Wallace Squares between Smith Street and Palmerston Street including the installation of public lighting, raised pedestrian crossings, soft and hard landscaping and street furniture.

A total of two tenders were received and assessed on the basis of the evaluation criteria described in the tender documents.

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

## 3. Council Plan Reference and Policy Reference

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

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

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

## 4. Financial Considerations

The Melton Town Centre Streetscape Redevelopment has received grants from the following funding partners with the remaining cost being funded by Council.

### Funding Contributions

Funding Body	\$
State Government – Taxi Rank Safety Program	73,000
State Government – Interface Growth Fund	3,500,000
State Government – Community Infrastructure Fund	200,000
Federal Government – Nation Stronger Regions Fund	5,546,000
<b>Total Funding</b>	<b>9,319,000</b>

To date and over the last four years \$8,109,645.00 has been spent on the design, construction and delivery of stage 1, stage 2, stage 3 and the design of stage 4 & 5.

### 2017-2019 Available Budget

Description	\$
2017/18 Budget (minus completion of stage 3)	2,201,692
2018/19 Budget (proposed budget for adoption)	4,720,000



<b>Total budget available</b> (For balance of public realm works, maintenance of stage 2, 3 and construction of Stages 4 and 5).	<b>6,921,692</b>
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The tender amount of \$4,990,355 (excluding GST) is within the budget for Stage 4 & 5 of the project listed in the Table 5.0 above and allows for a contingency of \$300,000 with the remainder given over to the ongoing maintenance (for 2 years) of each stage and delivery of the public realm works and public wifi network.

## 5. Consultation/Public Submissions

Consultation on the overall masterplan for this project has taken place over the last four years and has included;

- Over 700 people provided feedback via an online survey, over 300 adults and 200 children voted on mood boards and 65 drawings provided.
- 300+ votes were provided on drawings at the opening of the Melton Library & Learning Hub. Over 700 people provided their comment on what they wanted.
- Disability Advisory Committee
- Multiple briefings to Council
- Multiple briefings and ongoing consultation sessions to affected retailers within the Melton Township
- The Taxi Association
- A Place Manager within the Economic Development team has been engaged to assist in the development of businesses and the business area, and be the point of contact prior to and during the construction phase.

## 6. Risk Analysis

Council has taken measures to reduce the risk to Council as it seek to appoint a reputable provider of construction services for the construction of the Melton Town Centre Streetscape Redevelopment Stage 4 & 5. These include:• Invited expressions of interest for the construction phase and conducted a capacity assessment.

- Advertised Direct Tenders to a select number of construction companies deemed capable of completing the work.
- Required companies direct tendering for the construction phase to comply with Council's occupational health and safety requirements.
- Conducted referee checks on the companies invited to the direct tender phase.
- The engagement of an independent and expert consultant to conduct a financial review of the short-listed companies.
- Council has committed to a commencement date for this construction project under the funding agreements with the Victorian Government and the Australia Government. It is important to Council's ongoing advocacy for continuation of the Growing Suburbs Fund that timelines are met.
- Developed a communications plan and allocated a number of staff to work closely with a variety of stakeholders in the area surrounding Stages 4 & 5.

## **7. Options**

Council is already committed to the project and has received significant state and federal funding with milestone requirements for completion of the works. Therefore the only option is to proceed to award a contract at this time.

### **LIST OF APPENDICES**

**CONFIDENTIAL APPENDIX** – Separately circulated.

## 12.15 LEASE OF COUNCIL LAND - ELECTRICAL SUBSTATION

Author: John Rifat - Project Officer Capital Projects  
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 132 Bridge Road, Strathulloh, for the purposes of an electrical 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 27.5m<sup>2</sup> of a Council reserve located at 132 Bridge Road, Strathulloh to Powercor Australia Ltd for a term of 50 years at a peppercorn rent of \$1 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.

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## REPORT

### 1. Executive Summary

In early 2015, Council received a request from Powercor Australia Ltd ('Powercor') to lease an area of land 27.5m<sup>2</sup> of a Council reserve located at 132 Bridge Road, Strathulloh located within the Bridge Road Athletics Facility (the area shown as 'L-1' in **Appendix 1**).

The area of land was allocated as a space for an electrical substation from early in the design phase of the Bridge Road Athletics Facility, and has been in use as one following the construction of the substation in 2016.

A recent review of the file has identified an anomaly in process undertaken in the preparation of a lease by Powercor in 2015.

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 substation was identified during the planning stage of the Bridge Road Athletics Facility, in order to service the expected electrical load for both the current and future stages of the Precinct's development.

In conjunction with Powercor and Lend lease, Council oversaw the inclusion of the substation into the design documentation for the Bridge Road Athletics Facility. This included an area of land 27.5m<sup>2</sup> set aside for the purposes of a substation (that is the subject of this report) and the subsequent easements for the conduits and vehicle access which link back to

the road reserve. After agreement between Council officers, Powercor and Lend lease the electrical substation and easement locations were finalised and constructed in 2016 alongside the Bridge Road Athletics Facility.

During this time, Council 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 substation. Council engaged an external legal services provider to review the documentation and to provide legal advice.

A recent review of the file has found that the advice received at this time, set out a number of amendments that were required to be made to both sets of documents to align with the requirements of the Act. The requirements being that a lease pursuant to section 190 of the Act is limited to a term of 50 years and also the requirement to advertise and take submissions on the intention to Lease.

Despite the legal advice received at the time, the Agreement to Lease unamended was executed and at some stage thereafter, the electrical substation was constructed on the area of land. No further action was taken in respect of the lease.

The matter was enlivened by a request to Council from Powercor to execute the Lease and a full review of the file was then conducted. It was at this time that the errors were discovered.

The Agreement to Lease which provides for a term beyond 50 years 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. In other words, Council does not have the power to grant a lease for 60 years (because the Act limits the term to 50 years). 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.

Powercor have indicated that they now wish to enter into a lease with Council for the area of land for a term of 50 years with a peppercorn rent.

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

### **4. Financial Considerations**

The proposal is for a peppercorn rent of \$1.00 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**

If the Lease were to have been executed in its original drafting form, the 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 lease at all are twofold. First, the potential liability associated with the construction of the electrical substation and conduits on Council's reserve 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. Plan for Lease & Creation of Easement - dated 5 May 2016

## 12.16 LEASE - MELTON COUNTRY CLUB

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

### PURPOSE OF REPORT

To advise Council in relation to an approach by Essendon Football Club in relation to the lease of Melton Country Club.

### RECOMMENDATION:

That Council:

1. consider entering into a new lease with Essendon Football Club (EFC) to replace the Existing Lease in relation to the property known as the Melton Country Club:
  - a) for a period of 4 years with 5 x 5 further terms
  - b) with a rental based on a market valuation
  - c) and with a form of lease reflecting updated leasing practice and plain english
2. communicate its willingness to consider the new lease on the above terms to EFC
3. obtain a market valuation and place a public notice in a local newspaper (provided EFC are agreeable to the terms set out in 1 above)
4. bring a report back to Council to consider any submissions and make a final decision on the matter.

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## REPORT

### 1. Executive Summary

The purpose of this report is for Council to consider entering into a new lease with Essendon Football Club (EFC) to replace the existing lease in relation to the property known as the Melton Country Club ('the Premises').

EFC are seeking greater security of tenure of the premises given it is now in the process of negotiating the next round of gaming machine entitlements for the venue with the State Government, for the period of August 2022 to August 2042.

If Council decides to consider a new lease it would commence the process by obtaining a market valuation and advertising its intention to lease the Premises including calling for submissions and/or those wishing to be heard on the matter.

If Council decides at this council meeting to not consider a new lease then the existing lease will expire on the 28 February 2022.

### 2. Background/Issues

Council currently leases the Premises at 28-30 Reserve Road, Melton, Victoria 3337, known as the Melton Country Club to Essendon Football Club (EFC) ('the Existing Lease'). The Existing Lease was initially entered into on the 29 of December 1995 and is currently in its final term. The final extension was entered into on the 1 March 2016 and is due to expire on the 28 of February 2022.

In December 2017 EFC had a meeting with Council's CEO Mr Kelvin Tori and Legal & Governance Manager Ms Christine Denyer regarding the current lease. EFC are seeking greater security of tenure of the premises given it is now in the process of negotiating the next round of gaming machine entitlements for the venue with the State Government, for the period of August 2022 to August 2042.

More specifically (and subject to execution of final terms), EFC is seeking to replace the current lease with a new lease to reflect the following:

- a new lease to replace the existing lease
- with a term of 4 years with 5 further options of 5 years each
- initial term of the lease commencing 1 September 2018 to the 31 August 2022
- commencing rent based on Existing Lease
- terms of new lease based on Existing Lease

Insofar as the rental is concerned, the current lease provides for a market valuation upon further term and therefore this should be obtained in relation to any new lease.

Insofar as the form of lease is concerned the Existing Lease was drafted in 29 December 1995. It's drafting style and language and indeed some of the clauses are outdated. There have been significant legislative changes since its drafting including but not limited to the introduction of *Retail Leases Act*. Accordingly, it is recommended that a fresh lease using current style and form be used.

The *Local Government Act 1989* ('the Act') requires the for any lease of 10 years of more or where the annual rental is \$50,000 or more that Council must place a public notice in a newspaper circulated in the municipality.

If Council is not minded to offer a new lease then the current lease would expire on the 28 February 2022 and has no further options.

### **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**

The current lease yields \$287,184.62 pa plus GST

The cost of a valuation would be approximately in the order of \$5,000 and would need to be borne by Council.

Costs of a deed of surrender would be in the order of \$2,000 and would need to be borne by Council.

The cost of lease preparation may or may not be able to be borne by the tenant depending upon the applicability of the *Retail Leases Act*.

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

If Council is minded to consider EFC's request for a new lease then Council must put a public notice in a local newspaper calling for submissions in relation to the proposed lease. If any submitters wish to be heard then a hearing will be conducted. 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**

If Council does not consider a new lease then the existing lease will expire on the 28th February 2022.

We have nothing to indicate that if Council did not accede to EFC'S request that it would try and end the lease early. If EFC did want to end the lease early Council would need to find a new tenant.

## **7. Options**

1. Decide to consider EFCs proposal but ensuring rental is based on a current valuation and therefore publicly advertise is consideration of this possibility in line with the officer's recommendation
2. Decide to reject EFCs proposal and ask EFC to consider a different term or different commencement time/rent/terms
3. Decide to let the Existing Lease lapse (or continue on overhold) on 28 February 2022.

## **LIST OF APPENDICES**

Nil



## 12.17 LOAN VEHICLE - VICTORIA POLICE

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

### PURPOSE OF REPORT

To advise Council in relation to the proposed change-over of the loan vehicle Council has provided since 2008 to the Victoria Police Proactive Policing Unit, seeking endorsement.

### RECOMMENDATION:

That Council

- a) Dispose of the existing loan vehicle being a 2008 Dodge Nitro as it is no longer appropriate for its original purpose and has reached the end of its serviceable life.
  - b) Purchase a Toyota Camry Ascent (or equivalent) vehicle, and make it exclusively available to Victoria Police Proactive Policing Unit under a loan agreement in a similar form to the 18 September 2008 Agreement (**Appendix 1**).
  - c) Fund the cost of acquisition from Council's Plant Replacement Reserve.
- 

### REPORT

#### 1. Executive Summary

In 2008 Council entered into an agreement with Victoria Police to provide a vehicle for the exclusive use of the Victoria Police Youth Resource Officers. The vehicle provided is now approaching 10 years of age and has travelled in excess of 100,000km, and has been assessed by police as no longer meeting requirements, and as being beyond its serviceable life.

Under the loan agreement Victoria Police have been responsible for all operating and maintenance costs of the vehicle. It is proposed that a new agreement be entered into with Victoria Police on the same terms as those applying to the 2008 Agreement, noting that the Youth Resource Officers role and function are now encompassed within the Proactive Policing Unit.

#### 2. Background/Issues

In 2008 Council entered into an agreement with Victoria Police to provide a vehicle for the exclusive use of the Victoria Police Youth Resource Officers. Council purchased a Dodge Nitro, which has been used extensively by police, however is now approaching 10 years of age and has travelled in excess of 100,000km, and has been assessed by police as no longer meeting requirements, and as being beyond its serviceable life. Council officers are in agreement with this assessment.

Under the 2008 loan agreement Victoria Police have been responsible for all operating and maintenance costs of the vehicle, including registration. An update of this agreement is required, however it is proposed the terms would remain the same, save for noting that the Youth Resource Officers role and function are now encompassed within the Proactive Policing Unit.

### **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.
  - 1.2 *A safe and equitable community.*

### **4. Financial Considerations**

A vehicle of the type indicated by Victoria Police would cost \$26,000, and it is anticipated that the disposed of vehicle will return approximately \$5,000. The net cost of \$21,000 can be provided from Council's Plant Replacement Reserve.

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

No public consultation has been undertaken on this matter. Mayor and CEO met with Sgt. Dampier, Officer in Charge, Brimbank Proactive Policing Unit to discuss police requirements and this request for a replacement vehicle.

### **6. Risk Analysis**

The only risk to Council is a potential reputational risk of how the community may perceive a withdrawal of this support from local police, and the possible impact it could have on the extremely positive relationship that exists between Council and police.

### **7. Options**

The option exists to not continue the loan arrangement, or to provide a vehicle of lower value.

## **LIST OF APPENDICES**

1. 2008 Loan Agreement - dated 18 September 2008

## 12.18 CHRISTMAS 2018 OPENING HOURS

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

### PURPOSE OF REPORT

To advise Council of the planned opening hours over the 2018 Christmas period, seeking endorsement.

### RECOMMENDATION:

That Council endorse the proposed opening hours detailed in the below report for the 2018 Christmas period.

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### REPORT

#### 1. Executive Summary

Traditionally Council offices close at midday on the last working day before Christmas, effectively gifting a half days leave to staff. In 2018 Christmas Day falls on a Tuesday, therefore this arrangement would lead to Council offices opening for a half day on the Monday, which seems rather futile.

It is recommended in the interests of practicality and staff morale that Council in fact close all offices (other than the two libraries which have normal opening hours on Saturdays and Sundays) from 5.00 pm Friday, 21 December 2018, reopening at 8.30 am on Thursday 27 December 2018. The Melton and Caroline Springs Libraries would close for Christmas at 4.00 pm on Saturday 22 December 2018.

#### 2. Background/Issues

Traditionally Council offices close at midday on the last working day before Christmas, effectively gifting a half days leave to staff. In 2018 Christmas Day falls on a Tuesday, therefore this arrangement would lead to Council offices opening for a half day on the Monday, which seems rather futile and of little or no benefit to either Council or the community.

It is recommended in the interests of practicality and staff morale that Council in fact close all offices (other than the two libraries which have normal opening hours on Saturdays and Sundays) from 5.00 pm Friday, 21 December 2018, reopening at 8.30 am on Thursday 27 December 2018. The Melton and Caroline Springs Libraries would close for Christmas at 4.00 pm on Saturday 22 December 2018.

#### 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

*5.2 A flexible, innovative and creative organisation that responds to rapidly changing community and operating environments.*

**4. Financial Considerations**

There are no financial implications for Council, as all staff salaries are fully budgeted for in Council's recurrent budget.

**5. Consultation/Public Submissions**

No public consultation has occurred on the proposal, however office hours over the Christmas period are widely advertised in the lead up Christmas.

**6. Risk Analysis**

There is some reputational risk with having the office closed all day on Christmas Eve, however normally very little business occurs on this day, and the closure would be well advertised to prevent inconvenience to members of the public.

**7. Options**

Council has to option to vary the proposal as it sees fit.

**LIST OF APPENDICES**

Nil

**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 543 (CR MAJDLIK)****Councillor: Kathy Majdlik - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 26 March 2018.

**MOTION:**

That Council provide for an allocated amount in the 2018/19 Budget for the preliminary / concept design work for a Performing Arts Centre or a Cultural Centre similar to that of the Wyndham Cultural Centre, and for it to be located in Caroline Springs (next to the Caroline Springs Library) which was the original intended location for this particular site. And for the provision of funding for the centre to be considered within the Capital Works Program in the 2020/21 and 2021/22 Budget.

**OFFICER'S COMMENTS:**

The original master planning for the Caroline Springs Town Centre was undertaken by Delfin (now known as Lendlease Communities) in partnership with Council and other stakeholders including State Education and the Catholic Education Office. Various considerations for the location of the sports stadium, library and other facilities were contemplated which ultimately resulted in the current layout. A modest theatre/performing art centre was contemplated adjacent to the Caroline Springs Library. With the ultimate construction of the library there is only a small area of land available to the North side of the library which would be problematic in terms of siting such a facility. To the West of the library a small area of land is available however that was contemplated for future expansion of the library facility and in fact the library has been designed in a way to enable that extension to occur into the future.

No allocation is made in Council's current 10 Year Capital Works Plan for a performing arts cultural centre and Council has not previously resolved to build a facility anywhere in the municipality. It should be noted that the Urban Design Framework (UDF) for the Toolern Town Centre does provide a notional location for such a centre within this civic precinct however Council never formally committed to such a development.

**15.2 NOTICE OF MOTION 544 (CR RAMSEY)****Councillor: Sophie Ramsey - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 26 March 2018.

**MOTION:**

That Council consider the following items in the current 2018/19 Budget deliberations:

1. Cost of options for sealing treatments of Ryans Lane from the intersection of Ryans Lane and Melton Highway for about a kilometre into Ryans Lane.
2. \$5 increase to the pensioner rebate.
3. Permanent closure of Sherwin Court, Melton so trucks don't use shortcuts onto Melton Highway.
4. Public artwork at the entrances along the Western Highway of Melton Township and Caroline Springs.
5. Two CITY OF MELTON signs similar to the one near Hannah Watts Park, which clearly identifies Community Groups. One possibly in Caroline Springs and one possibly in Diggers Rest.

**OFFICER'S COMMENTS:**

Officers will prepare reports regarding these items and will present to Council once completed. Council can incorporate budget related decisions on these items during Section 223 process.

**15.3 NOTICE OF MOTION 545 (CR CARLI)**

**Councillor: Lara Carli - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 26 March 2018.

**MOTION:**

That Council officers prepare a report and investigate what park infrastructure is needed to activate the space / reserve located on the corner of Jacaranda Drive and Webbs Avenue, Taylors Hill.

**OFFICER'S COMMENTS:**

Nil.



**15.4 NOTICE OF MOTION 546 (CR CARLI)**

**Councillor: Lara Carli - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 26 March 2018.

**MOTION:**

That Council officers investigate additional parking options around the Taylors Hill Primary School and that a report come to Council.

**OFFICER'S COMMENTS:**

Nil.

**15.5 NOTICE OF MOTION 547 (CR DE SANTIS)****Councillor: Melissa De Santis - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 26 March 2018.

**MOTION:**

That Council officers provide a detailed report listing all of Melton City Council's property interests.

The report should also include:

- A description of the properties including the size of allotment and land / buildings etc. and its location.
- If owned, leased or otherwise.
- Any income derived from each property.
- If leased, the name of the lessee and / or company involved.
- Details of agreements including use of land / building and lease timeframes.
- The zoning that applies to the land.

**OFFICER'S COMMENTS:**

The Manager Legal & Governance notes that a report of the nature outlined above would be a huge undertaking. The motion as it stands requires details of "all property interests" of Council, and as such includes all reserves, roads etc. It is estimated that the number of properties involved is in the thousands, and as a minimum it is likely to take approximately 300 officer hours to compile. Calculated at \$40 per hour, a report such as this would represent a likely cost of \$12k.

The mover is asked to consider either:

- a) Defining the purpose of the motion so that the report can be limited to meet that specific purpose; or
- b) Revising the motion to limit or truncate the matters included in the report eg – so that the report only refers to properties currently leased by, tenanted to or occupied by third parties.

**15.6 NOTICE OF MOTION 548 (CR DE SANTIS)****Councillor: Melissa De Santis - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 26 March 2018.

**MOTION:**

1. That Council support the state government's recent initiative of establishing a number of Family Violence hubs and that Council writes to the Family Violence Minister seeking consideration for such a Family Violence hub to be established within the City of Melton.
2. That Council officers provide a list of possible sites, and explores spaces or options that may facilitate or influence the state government to provide services specifically related to family violence.

**OFFICER'S COMMENTS:**

Officers are able to provide a list of possible sites as requested in the Notice of Motion. Council should note this will take some time.

**15.7 NOTICE OF MOTION 549 (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 26 March 2018.

**MOTION:**

That Council officers provide a report on the existing Caroline Springs Library Civic Centre usage, the option for extension to the western side of the building, with the focus on increasing patronage.

**OFFICER'S COMMENTS:**

Nil.

**15.8 NOTICE OF MOTION 550 (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 26 March 2018.

**MOTION:**

That Council officers provide a report to Council on options available to improve parking arrangements in The Esplanade, Caroline Springs.

**OFFICER'S COMMENTS:**

Nil.

**15.9 NOTICE OF MOTION 551 (CR RAMSEY)**

**Councillor: Sophie Ramsey - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 26 March 2018.

**MOTION:**

That Council officers explore the options and bring back a report to Council of the potential of multi storey car parks in the Melton Township and Caroline Springs.

**OFFICER'S COMMENTS:**

Nil.

**15.10 NOTICE OF MOTION 552 (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 26 March 2018.

**MOTION:**

That Council Officers prepare a report on the current level of irrigation in Council's Passive Recreation Reserves. Including options to consider changing the current level of service.

**OFFICER'S COMMENTS:**

Currently Council only irrigates high profile Civic spaces and some regional/district level open spaces. Council Officers have commenced work on a way of balancing the current hierarchy based provision against a more flexible level of service based on access/distribution.

It should be noted that the recently adopted Environment Plan includes an objective that Council will reduce its use of Potable Water.

**15.11 NOTICE OF MOTION 553 (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 26 March 2018.

**MOTION:**

That Council Officers investigate additional parking options around the Rockbank Primary School precinct and report to Council.

**OFFICER'S COMMENTS:**

Nil.



**15.12 NOTICE OF MOTION 554 (CR MAJDLIK)**

**Councillor: Kathy Majdlik - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 26 March 2018.

**MOTION:**

That Council considers funding Caroline Springs RSL up to the amount of \$40,000 for the costs of the new memorial in the 2018/19 Budget.

**OFFICER'S COMMENTS:**

An amount of \$40,000 has been allocated towards the Caroline Springs Memorial in the 2018/19 draft budget.

**15.13 NOTICE OF MOTION 555 (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 26 March 2018.

**MOTION:**

That Council officers investigate additional parking options along Bungaree Track, Burnside Heights, specifically along the curve between numbers 13-19 and report to Council.

**OFFICER'S COMMENTS:**

Nil.

**15.14 NOTICE OF MOTION 556 (CR KESIC)**

**Councillor: Goran Kesic - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 26 March 2018.

**MOTION:**

That Council officers explore the options and bring back a report to Council on the potential sites in Caroline Springs and Melton for 'Women's Sheds'.

**OFFICER'S COMMENTS:**

Nil.

**15.15 NOTICE OF MOTION 557 (CR KESIC)**

**Councillor: Goran Kesic - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 26 March 2018.

**MOTION:**

That Council consider funding the construction of a toilet block at Lake Caroline in the current 2018/19 Budget deliberations.

**OFFICER'S COMMENTS:**

Council resolved at the Ordinary Meeting of 13 November 2017 that Council refer to the 2018/19 budget for a provision of a public toilet at Lake Caroline, and in the interim Council officers identify appropriate location options and indicative costings.

- 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 Municipal Audit Committee Meeting Minutes 28 February 2018 - Confidential Report**

This report is confidential in accordance with s89(2)(f) as it relates to legal advice.

**19.2 Contract No.12/002 - Provision of Recycling Receipt & Processing**

This report is confidential in accordance with s89(2)(d) (f) as it relates to contractual matters; AND legal advice.

**Recommended Procedural Motion**

That the meeting be opened to the public.

**20. CLOSE OF BUSINESS**