



## 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 5 February 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 18 December 2017 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**

- 18 December 2017 Record of Assembly of Councillors
- 29 January 2018 Record of Assembly of Councillors

**RECOMMENDATION:**

That the Record of Assembly of Councillors dated 18 December 2017 and 29 January 2018 attached to this Agenda be received and noted.

**LIST OF APPENDICES**

1. 18 December 2017 Record of Assembly of Councillors
2. 29 January 2018 Record of Assembly of Councillors



## **8. CORRESPONDENCE INWARD**

### **8.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR**

- Marlene Kairouz MP – State Member for Kororoit – Re: Palmers Road Corridor Project – Westwood Drive Bridge (enclosure letter from The Hon Richard Wynne MP – Minister for Planning)
- Stewart Thomas - Branch Manager Housing Program and Homelessness Department of Social Services - Advocacy efforts with Frankston City Council regarding homelessness in Australia
- The Hon Lily D'Ambrosio MP – Minister for Energy Environment and Climate Change – Minister for Suburban Development – Growth Areas Infrastructure Contribution Fund

#### **RECOMMENDATION:**

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

#### **LIST OF APPENDICES**

1. Correspondence Inwards - Marlene Kairous MP - dated 13 December 2017
2. Correspondence Inwards - Stewart Thomas - Branch Manager Housing Program and Homelessness - dated 20 December 2018
3. Correspondence Inwards - The Hon Lily D'Ambrosio MP - dated 22 December 2017

**9. PETITIONS AND JOINT LETTERS**

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

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

Nil.

**11. PUBLIC QUESTION TIME**

## 12. PRESENTATION OF STAFF REPORTS

### 12.1 AUTHORISING THE AFFIXING OF THE COMMON SEAL OF COUNCIL

Author: Dominique Roberts - Governance Officer  
Presenter: Kel Tori - Chief Executive Officer

#### PURPOSE OF REPORT

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

#### RECOMMENDATION:

That the Council Seal be affixed to the documentation as detailed in the Schedule for Authorising of Affixing of the Common Seal of Melton City Council dated 5 February 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:

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

*5.3 Effective civic leadership, advocacy, partnerships and good governance.*

##### 4. Financial Considerations

There are no financial considerations relating to the use of the Council Seal.

**5. Consultation/Public Submissions**

Not applicable.

**6. Risk Analysis**

Ensuring that the Council Seal is only affixed in accordance with a resolution of Council controls the potential risk of the Seal being incorrectly affixed to a document.

**7. Options**

Not applicable.

**LIST OF APPENDICES**

1. Authorising the Affixing of the Common Seal of Council - dated 5 February 2018

## 12.2 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

**Author: Dominique Roberts - Governance Officer**  
**Presenter: Kel Tori - Chief Executive Officer**

### PURPOSE OF REPORT

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

### RECOMMENDATION:

That Council:

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

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### REPORT

#### 1. Executive Summary

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

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

#### 2. Background/Issues

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

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

Councillor representation on Advisory Committees is generally for one year and is reviewed annually at the Statutory Meeting of Council. Councillor representation on current Council Committees and to other organisations for 2017 were adopted by Council at the Ordinary Meeting held 21 November 2016.

Advisory Committees meet regularly during the year and minutes of all meetings are scheduled to be presented at the next Ordinary Meeting of Council.

Advisory Committee Meetings minutes attached to this report for Council acknowledgement and endorsement:

Meeting Date	Advisory Committee	Attached
14 November 2017	Leisure Advisory Committee	Appendix 1
30 November 2017	Early Years Partnership Committee	Appendix 2
5 December 2017	Arts and Culture Advisory Committee	Appendix 3
7 December 2017	Disability Advisory Committee	Appendix 4
8 December 2017	Preventing Family Violence Advisory Committee	Appendix 5

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

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

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

*2.3 Facilitate community engagement in planning and decision making.*

### 4. Financial Considerations

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

### 5. Consultation/Public Submissions

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

### 6. Risk Analysis

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

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

### 7. Options

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

**LIST OF APPENDICES**

1. Leisure Advisory Committee Meeting Minutes dated 14 November 2017
2. Early Years Partnership Committee Meeting Minutes dated 30 November 2017
3. Art and Culture Advisory Committee Meeting Minutes - dated 5 December 2017
4. Disability Advisory Committee Meeting Minutes - dated 7 December 2017
5. Preventing Family Violence Advisory Committee Meeting Minutes - dated 8 December 2017

## 12.3 MUNICIPAL AUDIT COMMITTEE MINUTES - 6 DECEMBER 2017

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, 6 December 2017.

### RECOMMENDATION:

That Council:

1. Note the minutes of the Municipal Audit Committee meeting held on Wednesday, 6 December 2017 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 6 December 2017 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 Adam Roberts, Mr Alan Hall and Mr Robert Tommasini.

## **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 6 December 2017

## 12.4 RESPONSE TO NOTICE OF MOTION 515 - SPORTS GRANTS FOR UNDER 18 RESIDENTS

**Author: Nicole Willis - Recreation Development Officer**  
**Presenter: Maurie Heaney - General Manager Community Services**

### PURPOSE OF REPORT

To provide a response to Notice of Motion 515 (Cr Mendes) tabled at the Ordinary Meeting of Council held on 16 October 2017.

### RECOMMENDATION:

That Council:

1. Note the content of this report in response to Notice of Motion 515 tabled at the Ordinary Meeting of Council held on 16 October 2017.
2. Not support the local sports grant as outlined in Notice of Motion 515 due to unknown annual financial implications to Council based on the growth of sport participation and associated risks outlined in this report.

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### REPORT

#### 1. Executive Summary

This report has been prepared in response to Notice of Motion 515, tabled by Cr Mendes at the Ordinary Meeting of Council held on 16 October 2017 which states:

*'That Council Officers prepare a report to consider providing a local sports grant, per quarter for each ward, based on specific criteria, to cover uniform and fees for residents below the age of 18 to allow them to participate in their chosen sport'*

This report identifies and analyses general active sport participation rates of young people under the age of 18. There are a number of options available to Council for consideration contained within this report.

#### 2. Background/Issues

Participation in organised sport activities can commence from 5 years of age. Table 1 below reflects the existing number of 5 to 18 year olds and projects future population numbers.

**Table 1 - Number of 5 to 18 year olds population estimate**

City of Melton	2016	2017	2022	2027
5 to 18	29,316	31,434	37,117	45,903

Ward based population statistics provides a comparison of where 5 to 18 year olds are geographically situated. Refer Table 2 below.

Please note 2016 Census data is being used for this report. While the population cohort in the age range of 5 to 18 is recognized in Table 2, the new suburbs announced in 2017 are not recognised in the data presented.

**Table 2 - 5 to 18 year old populations estimated by Ward (2016 Census data)**

Watts Ward		Coburn Ward		Cambridge Ward	
Suburb	No.	Suburb	No.	Suburb	No.
Diggers Rest	2324	Brookfield	1785	Aintree	24
Hillside	3501	Eynesbury	587	Burnside /Heights	2580
Taylor's Hill	3593	Cobblebank	163	Caroline Springs	5513
Toolern Vale	99	Harkness	1887	Fraser Rise	667
		Kurunjang	2011	Rockbank	136
		Melton City	1190		
		Melton South	1642		
		Melton West	1616		
<b>TOTAL</b>	<b>9517 (32%)</b>		<b>10879 (37%)</b>		<b>8920 (31%)</b>

Table 3 estimates current 5 to 18 years olds participating in organised sport in a number of the higher participation sports conducted in existing facilities within the City. Ward participation numbers have been estimated based on a total percentage of population identified in Table 2.

**Table 3 - 5 to 18 year old sport participation numbers estimated by Ward (Participation numbers provided by Peak Sporting Bodies) as at 2017.**

Sport	Municipality Participation Numbers	Watts Ward Participation Numbers	Coburn Ward Participation Numbers	Cambridge Ward Participation Numbers
AFL	1700	544	629	527
Soccer	1350	432	500	418
Cricket	760	243	281	236
Indoor Netball	360	115	133	112
Indoor Basketball	2800	896	1036	868
Tennis	585	187	216	182
Athletics	160	51	59	50

Within the sports shown in table 3 above, there is a total of approximately 269 clubs, and a further 33 clubs registered in other sports across the City.

### SELECTION CRITERIA

A selection criteria to manage the proposed U/18 Sports Grant program may include, but not limited to:

- Applications are accepted for 5 to 18 years olds only.
- Applicants (Parent/Guardian) must have a current Health Care or Pension card with the name of the young person on the card.
- Applicants must be a Melton municipality resident and provide a copy of their rates notice or a utilities invoice.
- Relevant Sports Club must be based in the Melton municipality.

**Process**

- Applicants must complete and submit to Council an application and attach a copy of family's Health Care or Pension card.
- Applications to be processed as part of Council's existing Grant Program. Applicants will be notified of the outcome. Successful applicants will receive an approval form.
- The successful applicant will submit the approval form to their club upon joining and pay any difference in membership fees, that is, membership fee less the approved subsidy by Council.
- The club will invoice Council for the approved subsidy amount with such payment made direct to the club and only after the applicant has paid their portion of the fees (applicants will not receive the subsidy amount directly).

**Other information**

- Subsidies are only for the registered season and no retrospective subsidy will be paid.
- The approved subsidy is to cover the associated costs for player registration fees or uniform fees charged by the sporting club.
- Only one application per participant per financial year will be considered.
- Recipients of the funding program would be capped at 300 annually.

In line with the Notice of Motion that requests a quarterly review for each Ward, a new part time (20hr/wk) Band 5 Officer position would be required to administer the program. Labour cost to Council is approximately \$45,000. The human resource requirements are likely to increase as the population and sports participation increases.

A further \$30,000 in a grant funding pool is required with an allocation of \$100 for up to 300 young persons aged 5-18 years and would be incorporated in Council's existing Grants program.

**Existing Grant Programs**

Council currently supports the following grant programs:

- Semi-Annual Grants (twice per year) with funding of \$150k per annum.
- New Group Establishment and Bi-Monthly Responsive Grants with funding of \$25k shared across both programs per annum.
- Resident Achievement Donations with funding of \$20k per annum.
- The Club Caroline Springs Grants with funding of \$50k per annum.
- Harness Racing Victoria and Tabcorp Park Grants with funding of \$50k shared across both programs per annum.

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

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives
  - 1.3 *Equitable, inclusive and accessible community and health infrastructure and services.*

**4. Financial Considerations**

An allocation of up to \$30,000 would allow for approximately 300 successful applicants to receive \$100 each. The establishment of the program and ongoing staff resourcing will require additional funding of approximately \$45,000 for a part time position.

## 5. Consultation/Public Submissions

Not applicable.

## 6. Risk Analysis

With the introduction of the U/18 Sports Grants program, Council must consider several risks:

- As outlined in Table 1, there is a potential risk that the program could be oversubscribed due to the population growth of 5- 18 year old's and subsequent increase in sport participation by this age group.
- Financial implications for the need to increase annual budget allocation with projected population growth of 5-18 year old's and increase in sport participation by this age group.
- Guidelines would need to consider implications for young people who play more than one sport.
- It would be very difficult to ensure an even spread of funding if the program was to run each quarter for each Ward to achieve the principle outcomes of the Notice of Motion. Applicants who would benefit most from the introduction of the U/18 Sports Grants program, live in areas that are not based on Ward boundaries.

## 7. Options

That Council:

1. Support the recommendations provided in this report.
2. Allocate \$30,000 in grant funding to the Community Grants Program to be administered under the category of Residential Achievement Donations, effective 1 July 2018.
3. Provide an additional \$45,000 for a part time position (20hr/wk) to develop and administer the U/18 Sports Grants program.
4. Clubs to support Council in the introduction and delivery of the U/18 Sports Grants program, and would be responsible for the liaison between the successful applicant and Council.
5. Officers to prepare application guidelines for Council endorsement.

## LIST OF APPENDICES

Nil

## 12.5 RESPONSE TO NOTICE OF MOTION 519 - MELTON BOWLING CLUB TOILET FACILITIES

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

### PURPOSE OF REPORT

To consider the response to Notice of Motion 519 (Cr Ramsey) in respect to the adequacy of the toilet facilities at Melton Bowling Club.

### RECOMMENDATION:

That Council note the that current provision of toilet facilities at the Melton Bowling Club meets relevant Building Codes and Access Standards, and that they are in good condition.

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### REPORT

#### 1. Executive Summary

This report responds to Notice of Motion 519 regarding the adequacy of the toilet facilities at the Melton Bowling Club. The facilities were assessed with respect to their condition and their ability to service the site. They are deemed to be in good condition and to provide the required level of service for the site.

#### 2. Background/Issues

The purpose of this report is to provide a response to Notice of Motion 519 moved by Cr Ramsey at the Ordinary Meeting of Council held on 16 October 2017. Council resolved the following:

*'That Council officers report on the adequacy or otherwise of toilet facilities at Melton Bowling Club, and indicate what capacity exists to address any identified need within the project scope of the current works scheduled at the club.'*

The current works at the Melton Bowling Club, referred to in the motion, relate to the refurbishment of one of the playing greens and is a funded project in the current Capital Works program. These works have subsequently been completed and the toilet facilities were not part of the scope of this project.

The current toilet facilities have been assessed from both a condition perspective and also from a service perspective. The facilities are in a good condition and have a reasonable remaining useful life (approx. 20years). With respect to their serviceability, the facilities meet current Australian Building Codes and Accessibility Standards in terms of the number of toilets provided for the size of the building.

The existing amenities at the Melton Bowling Club include the following:

- 2 x male toilet pans
- 1 x urinal stall
- 1 x wash basin (male)
- 2 x female toilet pans

- 1 x wash basin (female)
- 1 x accessible Uni-sex toilet

It is possible that during peak times there may be demand for additional toilets to avoid queuing. There are no documented levels of service for the minimum provision standards for Bowling Clubs within the City of Melton, therefore falling back to the Australian Building Codes and Standards would be appropriate.

Should Council choose to improve the level of service provided, a redevelopment of the toilet facilities this would come at a cost of \$60,000.

### **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 budget for the Melton Bowling Club Eastern Rink in 2017/18 is \$250,000. However Council has saved \$80,000 by not extending the current rink and can still meet the rink requirements of the Bowling Club. The cost of the current works is \$170,000.

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

Consultation with the tenant club would take place if works were to occur on the toilet facilities, this would include input into the design process.

### **6. Risk Analysis**

Given that the building is deemed to comply with current access standards and building codes, there are no foreseeable risks with retaining the current toilet facilities at the site. If Council was to fund a redevelopment of the facilities, all project risks will be managed within Council's Project Management Framework.

### **7. Options**

There are three options available to Council in response to this Notice of Motion, with option 1 the recommended option.

1. That Council note the current provision of toilet facilities at the Melton Bowling Club meets relevant Building Codes and Access Standards, and that they are in good condition.
2. That Council undertake the works this financial year utilising the savings of \$80,000 from the Bowling rink project.
3. That Council refer the redevelopment of the toilet facilities at the Melton Bowling Club at a value of \$60,000 to the 2018/19 budget process for consideration.

### **LIST OF APPENDICES**

Nil

## 12.6 ANNUAL RISK MANAGEMENT REPORT

**Author: Anthony Hinds - Risk and Performance Manager**  
**Presenter: Peter Bean - General Manager Corporate Services**

### PURPOSE OF REPORT

To present the status of Council's identified significant risks, as detailed in Council's Risk Register, at the conclusion of the 2016 – 17 year.

### RECOMMENDATION:

That the report be received for information.

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## REPORT

### 1. Executive Summary

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

As at 30 June 2017, Council had 44 risks recorded in the Risk Register. At that time two risks had mitigation actions that were overdue: 'project management', and 'economic downturn'.

From 1 July 2016 to 30 June 2017, seven risks were added: 'work-related stress', 'IT systems integration', and 'failure to comply with legislated duties' were the more significant. In that same period, one strategic and three operational risks were completed or deleted.

### 2. Background/Issues

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

As part of its continual improvement program, Council replaced its Risk Register at 1 July 2017 after a comprehensive competitive selection process. The new online application enables Council to more effectively allocate responsibilities and tasks for risk mitigation, and for the annual review of risks.

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

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

#### A. Total number of risks

At 30 June 2017, there were 44 identified risks to Council entered in the Risk Register.

<b>7 strategic risks</b> (risks to the whole organisation)	Failure of service provider; economic environment; natural disaster/loss of IT; growth pressures; change of State or Federal government policy; significant misconduct; and work-related stress.
<b>7 corporate risks</b> (risks to multiple parts of the organisation)	Public safety; fraud and corruption; staff OHS (lone workers); staff OHS (aggressive customers); IT systems integration; compliance with legislated duties; and climate change.



<b>30 operational risks</b> (risks to one part of the organisation)	7 for City Design, Strategy & Environment 4 for Operations 4 for Engagement & Advocacy 3 for Finance 2 each for Planning Services, Families & Children, Risk & Performance and Information & Technology 1 each for Capital Projects, People & Culture, Recreation & Youth and Legal & Governance.
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### B. Risks added

Strategic and corporate risks are identified by the Risk Management Committee. Operational risks are identified by Council Officers, and vetted and approved by the Risk Management Committee. From 1 July 2016 to 30 June 2017, the following risks were added to the Risk Register:

- One strategic risk: 'work-related stress'. This is being addressed via: service reviews; leadership training; staff development; a Culture Survey action plan; effective worker's compensation management; monitoring absenteeism and staff turnover; the creation of new positions where required; and the development of an accommodation strategy.
- Two corporate risks:
  - 'IT systems integration', which is being addressed via the Business Transformation Project
  - 'Failure to comply with legislated duties', which is being addressed by the use of Advent Manager compliance software across the organisation.
- Four operational risks:
  - 'Management of Internet Inquires inbox'
  - 'Loss of physical records of sensitive information'
  - 'Infringement of trademark or copyright'
  - 'Misuse of credit card details'.

### C. Risks removed

From 1 July 2016 to 30 June 2017:

- Two operational risks had their mitigating actions completed, and no further actions were deemed to be required. (All such risks are reviewed annually to identify if any actions are required.) They related to Council's ability to support the community to adapt to climate change, and Council's ability to protect its reputation with respect to the media.
- One strategic risk and one operational risk were reviewed and deemed to no longer be a risk to Council:
  - The strategic risk related to internal leadership and the threat of poor administration; it was reviewed by senior management and a risk consultant in July 2016 and deemed to be no longer applicable.
  - The operational risk related to a lack of policy regarding native vegetation offsets; once the policy was developed and approved the risk was deleted.

**D. Risks overdue**

At 30 June 2017, two risks were overdue for completion:

- One regarding project management, which was delayed due to staff absences
- One regarding the potential impact of an economic downturn on Council's joint venture with Lend Lease.
  - The mitigating action relates to making the development more attractive to potential retail buyers through the early delivery of infrastructure. Council's activities in advocating to State and Federal governments for this early delivery have been a long-term endeavour; while they have been highly effective, timeframes originally set have not been met.

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

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

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

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

**4. Financial Considerations**

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

**5. Consultation/Public Submissions**

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

**6. Risk Analysis**

A risk analysis is not required for this report.

**7. Options**

Nil

**LIST OF APPENDICES**

Nil

## 12.7 MELTON: A CITY FOR ALL PEOPLE 2017 - 2021 YEAR ONE ACTION PLAN

Author: Coral Crameri - Manager Community Care  
Presenter: Maurie Heaney - General Manager Community Services

### PURPOSE OF REPORT

To present to Council the Melton: A City for All People 2017 - 2021 Year One Action Plan for consideration and endorsement

### RECOMMENDATION:

That Council adopt the Melton: A City for All People 2017 - 2021 Year One Action Plan, as presented at **Appendix 1**.

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### REPORT

#### 1. Executive Summary

Council adopted Melton: A City for All People 2017 - 2021 in November 2017 at its Ordinary Meeting. This document provides a strategy for early years (children), youth, older people and people with a disability. It represents a 'whole of life' comprehensive plan that reflects the aspirations of Council and the community.

A key requirement of the strategy is the development of an annual action plan which the implementation of, will be reported to Council annually and be accompanied by the following year's action plan.

This report is presented to Council for endorsement.

#### 2. Background/Issues

The Melton: A City for All People 2017 - 2021 was informed by extensive consultation with the community, partner agencies, Council officers and Councillors. In addition, a review and analysis of relevant research and data was completed.

Following the adoption by Council at the November 2017 meeting, the officer working group undertook internal consultation to develop the year one action plan. The action plan identifies a series of measureable actions that varyingly apply to all cohorts or in some instances are cohort specific. Council officers were invited to share their desired outcomes for early years (children), young people, older people and people with a disability and the related actions under each of the five key themes.

Theme 1: Being Inclusive

Theme 2: Being connected

Theme 3: Being happy and healthy

Theme 4: Being all you can be

Theme 5: Being heard

The result is the Melton: A City for All People 2017 - 2021 Year One Action Plan that provides clear measurable outcomes in response to the strategic issues identified in the five themes contained in the strategy.

It supports and builds upon Council's annual action plan identified through the Council and Wellbeing Plan 2017 - 2021.

This annual action plan will be reported to Council each February and will include a proposed action plan for the following year. The action plan identifies specific actions to be undertaken for year one of the four years, across the four cohorts represented in Melton: A City for All People 2017 - 2021.

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

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

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

### **4. Financial Considerations**

The implementation of this plan forms part of Council's existing operation budget commitment and will align with the annual budget process each year.

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

The consultation undertaken for the development of the year one action plan has been predominantly undertaken within the service units responsible for delivery of the plan. This has also been influenced by the Council and Wellbeing Plan which forms the core with further internal and external consultations undertaken with service providers, Council Advisory Group members, our partner agencies and State Departments.

### **6. Risk Analysis**

Endorsement of Melton, A City for All, 2017 - 2021, Year One Action Plan will ensure effective planning and compliance with relevant legislation inclusive of annual reporting on the key outcomes in relation to the key themes for service planning and delivery over the 2017 - 2021 period.

### **7. Options**

That Council endorse the recommendation as presented in this report.

### **LIST OF APPENDICES**

1. Melton: A City for All People 2017 - 2021 Year One Action Plan - undated

## 12.8 PLANNING SCHEME AMENDMENT C191 - REZONING LAND FROM GRZ & PUZ4 TO PUZ1

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

### PURPOSE OF REPORT

To consider a request to amend the Melton Planning Scheme to rezone land at 21A Tame Street, Diggers Rest from Public Use Zone 4 (PUZ4) and General Residential 1 (GRZ1) to Public Use Zone 1 (PUZ1) and remove the Environmental Significance Overlay (ESO) that applies to the land.

### RECOMMENDATION:

That Council:

1. Seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C191 to the Melton Planning Scheme.
2. Apply for an exemption from all of the notice requirements of Section 19 of the *Planning and Environment Act 1987*, except for notification to landowners that immediately abut the site, VicTrack, and prescribed Ministers under Section 19(1)(c)
3. Upon receipt of authorisation, prepare and exhibit Amendment C191 to the Melton Planning Scheme in accordance with the relevant requirements of the *Planning and Environment Act 1987*.
4. Authorise the General Manager Planning and Development and Manager City Design, Strategy and Environment to negotiate and resolve any issues that are raised by submitters during the exhibition process prior to the amendment being reported back to Council for referral to a Planning Panel or Adoption of the amendment.

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## REPORT

### 1. Executive Summary

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

Rezoning the property from GRZ1 and PUZ4 to PUZ1 is necessary to reflect the current use of the land for service and utility purposes.

The subject land contains no native vegetation or vegetation of significance, and therefore the ESO can be removed.

### 2. Background/Issues

#### Subject land and surrounding area

The land is located on the western side of the Sunbury Rail Line, approximately 350m south of Diggers Rest Station. The land is located in proximity to three main roads, Old Calder

Highway (to the east) and Diggers Rest-Coimadai Road (to the north), while the Calder Freeway is approximately 500m east of the site. Refer to **Appendix 1**.

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

### **Rezoning land from GRZ1 and PUZ4 to PUZ1 and removing the ESO**

The amendment proposes to rezone land at 21A Tame Street, Diggers Rest from GRZ1 and PUZ4 to PUZ1 and proposes to remove the ESO that applies to the land as the property is currently being used for service and utility purposes for Western Water. Refer to **Appendix 2 & 3**.

Rezoning the property is necessary as the current zoning is not consistent with the historical and current use of the land. The land was rezoned through a planning scheme amendment in 1998, changing the zoning of part of the land from an agricultural zoning to a residential zoning. Under the existing zoning, Western Water which operates on the land are required to gain a planning permit for any buildings or works that occur, a process that does not meet the goal of providing efficient, effective and timely sewerage and drainage services for the growing municipality.

The subject site to the east is currently used for the purpose of transport. This may explain the anomaly of the subject land being zoned incorrectly, as the land is not currently used for transport purposes.

The ESO that applies to the land is assumed to be associated with the PUZ4 zoning. The subject land contains no native vegetation or vegetation of significance, and therefore the ESO can be removed.

### **Strategic assessment of amendment**

Ministerial Direction No 11 requires amendments to be assessed against a number of criteria. This strategic assessment has been undertaken and is considered that the amendment adequately addresses the guidelines for the reasons outlined below.

The Amendment will ensure that the Melton Planning Scheme provides the framework to achieve positive environmental, social and economic development outcomes within the Municipality which is experiencing substantial population growth. The upgrading of sewerage infrastructure is important to keep up with this expanding growth area. The amendment will allow upgrades to the subject land to occur without the need for a planning permit or land manager consent from VicTrack, and therefore will aid the timely provision of efficient and effective infrastructure in the future.

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

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

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

*3.1 A City that strategically plans for growth and development.*

## **4. Financial Considerations**

Council officer time and resources are involved in the preparation of the amendment. Council is also required to pay the mandatory fees associated with the amendment process.

## 5. Consultation/Public Submissions

Planning scheme amendments are subject to an exhibition process which normally includes direct notification to affected residents, notification to government agencies and prescribed Ministers, a notice placed in a local newspaper, and a notice placed in the Government Gazette.

Any submissions received during the exhibition process would need to be assessed by Council and may require consideration by a Planning Panel.

As discussed previously in this report the amendment proposes to correct an anomaly. The amendment seeks to rezone land to reflect the existing land ownership and use of the site by Western Water for the purpose of a sewer pumping station.

It is proposed that Council seek an exemption under Section 20(2) of the *Planning and Environment Act 1987* to exempt the amendment from the notice requirements in Section 19, except for:

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

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

Once the exhibition period closes, a further report will be provided to Council. Outlining whether any submissions were made to Amendment C191 and whether any changes should be made to the amendment.

## 6. Risk Analysis

If Council chooses not to seek authorisation to prepare a Planning Scheme Amendment it would prevent the necessary updates required to the Melton Planning Scheme to reflect the appropriate zoning of the land.

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

## 7. Options

Council can choose to either:

1. Not seek authorisation to prepare a Planning Scheme Amendment.
2. Seek authorisation from the Minister for Planning to prepare and exhibit a Planning Scheme Amendment in accordance with the *Planning and Environment Act 1987*.

## LIST OF APPENDICES

1. Subject site & surrounding - dated 27 November 2017
2. DELWP Map PUZ1 - undated
3. DELWP Map ESO - undated

## 12.9 PLANNING APPLICATION PA 2017/5704 - USE AND DEVELOPMENT OF A TELECOMMUNICATIONS FACILITY AT 1219 EXFORD ROAD, EXFORD

Author: Cam Luong - Development Planner  
Presenter: Bob Baggio - Manager Planning Services

### PURPOSE OF REPORT

To consider and determine the above planning application.

### RECOMMENDATION:

That Council issue a Planning Permit subject to the conditions outlined in **Appendix 4** of this report.

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## REPORT

### 1. Background

#### Executive Summary

Applicant:	Aurecon Australasia Pty Ltd
Proposal:	Use and development of a telecommunications facility
Existing Land Use:	Melbourne Runabout and Speedboat Club
Zone:	Green Wedge and Rural Conservation
Overlays:	Environmental Significance Overlay - Schedule 2
Number of Objections:	None
Key Planning Issues:	Visual amenity Compliance with the Code of Practice for Telecommunications Facilities in Victoria (2004) Compliance with Council's Communications Infrastructure Policy
Recommendation:	Approve application

#### The Land and Surrounding Area

The subject site has an area of 4.04 hectares and is located on the northern side of Exford Road, roughly opposite the Eynesbury Road intersection with Exford Road. Other features of the site are as follows:

- It is currently being used and occupied by the Melbourne Runabout and Speedboat Club. Associated buildings and structures related to the use are located on the land.
- The land abuts the Melton Weir and a recreational reserve to the north and east.
- The land on the opposite side of the Weir is being developed for residential purposes and contains the Waterford and Exford Waters Estates.



- The immediate surrounding area is generally characterised by rural allotments. The existing Exford Primary School is located approximately 690 metres south-west of the proposed location.

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

### The Application

The application proposes to use and develop the land for the purposes of a telecommunications facility comprising of a 40-metre high monopole with associated antennae and equipment shelter. The overall height of the structure would be slightly above 40 metres as the antennae would be located above the pole itself.

The proposed facility would be owned and operated by Vodafone Hutchison Australia. The purpose of the facility is to improve mobile phone and wireless broadband coverage (known as 4G) in the municipality.

The applicant has provided documentation detailing, where there are currently gaps in their mobile phone and wireless coverage. In particular, the documentation shows that the purpose of the telecommunication facility is to improve coverage for residential communities living within Strathtulloh and Water Views areas, and the selected site is considered ideally located to service the coverage area identified by the applicant.

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

### Planning Controls

Zone	Clause 35.04 – Green Wedge Zone Clause 35.06 – Rural Conservation Zone	While the land is in two zones, the proposed facility is located on that part of the land zoned Green Wedge. A permit is required for the use and development the land for the purposes of a telecommunication facility.
Overlays	Clause 43.04 – Environmental Significance Overlay (Schedule 2)	The Telecommunication Facility is located outside of the area impacted by the Environmental Significance Overlay. No assessment against the Environmental Significance Overlay is therefore required.
Particular Provisions	Clause 52.19 – Telecommunications Facility	Requires telecommunications facilities to be assessed against the Code of Practice for Telecommunication Facilities in Victoria (2004).

A full assessment of the proposal against the relevant 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*; however the proposal constitutes an exempt activity which does not require a Cultural Heritage Management Plan.

Additionally, the location of the telecommunication facility is outside of the area mapped as being subject to Cultural Heritage Sensitivity.

## 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 public notification. Properties generally within 500 metres of the subject land were notified, and a notice was placed at the front of the property.

The Exford Primary School located at 1137 Exford Road, Exford was also directly notified of the application, and was provided with a site specific EME (Electromagnetic Energy) Report, which was submitted by the applicant.

At the end of the public notification period, no objections were received.

### Referral of the application

Council's City Strategy Unit did not object to the proposal.

## 5. Issues

### Planning Assessment

It is considered that the main planning issue relevant to the assessment of this application is the height/design of the proposed facility and the visual impact that it will have on existing and future residents particularly in the Waterford and Exford Waters Estates.

The Code of Practice for Telecommunications Facilities in Victoria (2004) outlines four basic principles which should be applied when assessing the merits of the proposal. These four principles are:

- A telecommunications facility should be sited to minimise visual impact
- Telecommunications facilities should be co-located wherever practical
- Health standards for exposure to radio emission will be met
- Disturbance and risk relating to siting and construction should be minimised.

In December last year, Council adopted a Communications Infrastructure Policy Framework, which it is intended will eventually be translated into a local planning policy. The Framework is consistent with the Code of Practice mentioned above.

The proposal is considered to be generally consistent with the principles as outlined in the Code of Practice, given, that:

- The selected location would be within the vicinity of other buildings and structures, and mature planted vegetation, which would assist in screening it from numerous vantage points. The applicant has provided a photomontage to demonstrate the potential view from the developing residential area to the east. While it is clear that the proposed facility is significantly higher than the existing trees around it, it is felt that the separation of the tower (around 400-500m), from these areas helps to minimise its visual impact.

- There no other existing telecommunication facilities within the immediate surrounding area, within the proposed coverage area nominated.

The closest telecommunication facility is located at 162 Murphys Road, Exford, however, that facility is located outside of the coverage area that is being targeted by the telecommunication company.

- The applicant has outlined that the facility is to be operated in compliance with the mandatory standards for human exposure to EME – currently the Radio Communications (Electromagnetic Radiation Human Exposure) Standard 2003. The report provided by the applicant shows the maximum predicted EME will equate to 0.45 per cent of the maximum exposure limit.
- The telecommunication facility would be located directly to the south of an existing shed structure; and away from neighbouring residential dwellings. Therefore, disturbance and risk has been minimised.

## 6. Options

Council can either support the application by issuing a Planning 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, and 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 4**.

## LIST OF APPENDICES

1. Locality Plan - dated 23 November 2017
2. Plans of Proposal - dated August 2017
3. Assessment against relevant planning controls - undated
4. Conditions on planning permit - undated

**12.10 PLANNING APPLICATION PA 2017/5835/1 - SALE OF CHRISTMAS DECORATIONS AND CHRISTMAS THEMED PRODUCTS (MARKET) AND CHRISTMAS LIGHT DISPLAY WITH ASSOCIATED CAR PARKING IN CONJUNCTION WITH THE MELTON CHRISTMAS TREE FARM AT 319 LEAKES ROAD, PLUMPTON**

**Author: Simon Temple - Principal Planner  
Presenter: Bob Baggio - Manager Planning Services**

**PURPOSE OF REPORT**

To consider and determine the above planning application.

**RECOMMENDATION:**

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

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**REPORT**

**1. Background**

**Executive Summary**

Applicant:	P Iuele
Proposal:	Sale of Christmas decorations and themed products (Market) and Christmas light display with associated car parking
Existing Land Use:	Agriculture (Melton Christmas Tree Farm)
Zone:	Green Wedge Zone
Overlays:	Nil
Number of Objections:	One
Key Planning Issues:	Traffic and safety along Leakes Road and Melton Highway Hours of operation Amenity (noise, rubbish etc.) to adjoining/surrounding properties
Recommendation:	Approve application

**The Land and Surrounding Area**

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

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

- A large dam is located towards the rear of the site

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

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

### **The Application**

The application is similar to a previous planning application (PA2016/5303) considered by Council in February 2017 where it resolved to issue a Notice of Refusal. The previous application is the subject of a current VCAT appeal scheduled for a Practice Day hearing on 16 February 2018. The only difference between the new application and the previous application is the inclusion of a Christmas light display. The proposal is summarised as follows:

- The use will occupy an existing colourbond shed located near the southern boundary of the subject land. No other works are to be undertaken on the land.
- The shed has a total floor area of 648 square metres. A total of 31 market stalls will be set up within the existing building.
- The market will involve the sale of hand and commercially made Christmas decorations and Christmas themed products in conjunction with the sale of Christmas Trees which currently take place on the land. No other items will be permitted for display or sale from the market.
- The market will be held once a week (Sundays) between the months of September and December each year.
- Hours of operation are 9am-3pm. A total of two staff will be employed.
- Two food vendors and a coffee vendor will be set up on an existing concrete area outside the front of the existing building.
- An existing gravel car park (capacity of 80-100 spaces) is located adjacent to the existing outbuildings (sheds) within the front (western) portion of the subject land. Parking for stallholders is provided to the south and east of the shed.
- Vehicle access to the subject land is via two existing access points (entry and exit) at the southern end of the site.
- A Christmas Light Display will be held from 23 November to 23 December each year, 7 days a week from 7pm to 10pm. The display will be held in the existing shed.

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

**Planning Controls**

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

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

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

The land is not affected by a Restrictive Covenant.

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

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

**2. Council 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 one objection was received.

The grounds of objection may be summarised as follows:

- The proposal will cause traffic and safety issues on Leakes Road and to adjacent/surrounding rural residential properties.
- Unreasonable impacts on nearby properties such as noise, rubbish and vehicle activity.
- Hours of operation are not clearly stated.
- Gravel and dirt/mud on the road.
- Loss of property values.
- The proposal will adversely impact on the rural living and agricultural uses in the area.

- The proposal would create an eyesore when viewed from Leakes Road.

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

### **Referral of the application**

The application has not been referred to any Council departments or external authorities. However, the previous application was referred to a number of Council departments, Vic Roads, Melbourne Water and the Department of Economic Development, Jobs, Transport and Resources for comment and advice. A complete list of responses is included in **Appendix 5**.

## **5. Issues**

### **Planning Assessment**

This application is similar to a previous proposal considered by Council at its meeting on 6 February 2017 to use the subject land for the sale of Christmas decorations and Christmas themed products (Market) with associated car parking. However, this current application has been revised to include a Christmas Light Display that will operate 7 days a week from 7pm to 10pm between 23 November and 23 December each year.

Council resolved to refuse the previous application on the grounds that the proposal would exacerbate traffic safety issues in the area, failed to demonstrate how the use and resulting car parking will be managed to avoid creating amenity problems for surrounding residents and the proposal would be more appropriately located within the Melton Tourist Precinct rather than green wedge areas. An appeal against Council's decision has been lodged with the VCAT. The matter has been listed for a Practice Day hearing on 16 February 2018 to determine the future conduct of the proceeding.

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

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

The market proposed as part of this current application is similar to the previous application and significantly different to the other applications outlined above that have all previously been considered by Council. The type of market proposed under the current application is restricted to the sale of Christmas decorations and Christmas themed products rather than general goods that would traditionally be sold at a market. The size and scale of the market proposed as part of the current application will be similar to the previous application and considerably lower compared to those previously considered by Council and will also be seasonal in nature (i.e. September to December).

Therefore, it is unlikely to generate the same level of traffic or demand for car parking. The applicant has advised that the majority of people attending the market will be those people already visiting the Melton Christmas Tree Farm to purchase Christmas Trees.

The type of market proposed as part of this application is also different as it will not be a tourist use and is directly associated with the existing agricultural use (cultivation and ancillary sale of Christmas trees) of the land and will operate from one of the existing outbuildings (shed) on the land. The products to be sold at the market will be limited to handmade and commercially made Christmas tree decorations and Christmas themed products. A condition can be included restricting the nature of items which can be sold from the market.

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

The Christmas Light Display will only operate 7 days a week from 7pm to 10pm for a period one month between 23 November and 23 December each year and will also be conducted within the existing colourbond shed.

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

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

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

The market will occupy a total floor area of 648 square metres. Based on the standard car parking ratio for market outlined under Clause 52.06 of the Melton Planning Scheme, a total of 52 car spaces are required on site for the proposal.

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

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



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

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

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

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

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

The proposal will be similar to the previous application considered by Council for a Christmas themed market on the subject land with the only difference being the inclusion of a Christmas light display. However, the proposal will be significantly different to those applications previously considered by both Council and Victorian Civil and Administrative Tribunal, with the points of difference being the seasonal nature of the proposed market (i.e.: September to December), the limited hours of operation for the proposed market (Sundays 9am-3pm) and the utilisation of an existing shed on the land, as opposed to any new buildings.

## 6. Options

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

## 7. Conclusion

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

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

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

**LIST OF APPENDICES**

1. Locality Map - dated 11 January 2018
2. Development Plans - undated
3. Assessment against relevant Planning Scheme controls - undated
4. Response to Objections - undated
5. Referral Comments - undated
6. Notice of Decision to Grant a Planning Permit Conditions - undated

## 12.11 PLANNING APPLICATION PA 2017/5857 - DEVELOPMENT OF TWO DOUBLE-STOREY DWELLINGS AT 23 VINTAGE WAY, CAROLINE SPRINGS

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 Planning Permit subject to the conditions outlined in **Appendix 6** of this report.

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## REPORT

### 1. Background

#### Executive Summary

Applicant:	Design Plus Developments Pty Ltd
Proposal:	Two dwellings
Existing Land Use:	Vacant
Zone:	General Residential
Overlays:	Environmental Significant – Schedule 2 Development Plan – Schedule 1
Number of Objections:	Seven
Key Planning Issues:	Neighbourhood Character Design response Amenity impacts, such as traffic, car parking, daylight into existing windows and overshadowing Loss of street tree
Recommendation:	Approve application

#### The Land and Surrounding Area

The subject site has an area of 673m<sup>2</sup> and is located on a bend on Vintage Way in Caroline Springs. The lot is within a largely established residential estate known as The Grange.

Other features of the site are as follows:

- The site is regular in shape.
- It contains the footings from an incomplete building that was demolished.
- An existing sewerage easement is located on the southern boundary.
- There are four street trees present along Vintage Way directly opposite the subject site.

- An existing single width crossover is located near the northwest corner of the site
- Opposite the site, to the north and east is the Kororoit Creek Reserve.

The surrounding area can be characterised as an established residential area comprising of single and double storey dwellings.

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

### The Application

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

The proposed development is summarised as follows:

- Dwelling 1 contains three bedrooms and is provided with a one car garage and a tandem space in front of the garage. Dwelling 2 contains four bedrooms and is provided with a two car garage and two tandem spaces 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.
- Dwelling 1 will be accessed from a proposed crossover and driveway adjacent to the southern boundary of the site.
- A street tree is to be removed to facilitate the proposed crossover. The owner has indicated that the tree will be replaced with semi mature trees at their own cost.
- Dwelling 2 will make use of the existing crossover.
- The dwellings will be detached, with only the garage of Dwelling 1 and 2 being located along property boundaries.

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	Clause 42.01– Environmental Significance Overlay (Schedule 2)  Clause 43.04 – Development Plan Overlay (Schedule 1)	Permit required to construct a building or construct or carry out works.  Proposal must be generally in accordance with applicable development plan. In this case, the approved development plan DP2007/005 identifies the site for residential development.
Particular Provisions	Clause 52.06 – Car Parking	Two car spaces are required for each dwelling. A total of 4 paces 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

The proposal is generally consistent with the requirements of Rescode.

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

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

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

### **House Rules - Housing Character Assessment & Design Guidelines**

The *Housing Character Assessment & Design Guidelines* were adopted at the Ordinary Meeting of Council on 13 October 2015. The site is located within the Masterplanned Suburban 3 (MS3) character area. The essential components of the MS3 which need to be maintained into the future are:

- Distinctions between the style of public realm landscaping in each 'village'.
- Landscaped features such as open spaces and landscaped water bodies.
- The high quality of public realm landscaping generally.
- Generally well-managed vehicle access and accommodation that allows for minimal interruption of nature strips and front garden landscaping, and avoids domination of front elevations by car storage (e.g. garages and car ports must be located behind the dwelling facade).
- Consistency in the siting and massing of dwelling types.

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

The land was affected by a Restrictive Covenant however this expired on 30 June 2015.

The covenant restricted the number of dwellings on a lot to a single dwelling, restricted the construction of a granny flat, limited subdivision of the land, restricted certain types of construction works, and prevented the erection of certain types of external structures.

This covenant required consent from Delfin Management if the owners wished not to comply with the requirement of the covenant, however, since the covenant has expired, the obligations contained within the covenant no longer prevent Council from approving the proposal if it desires to do so.

### **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 less than 1,100 square metres.

## **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

Council has informally notified neighbouring landowners as part of this application process. Informal notice was required because the land is affected by a Development Plan Overlay control, which specifically exempts planning applications from the public notice and review rights of the *Planning and Environmental Act 1987*, where there is an approved Development Plan in place. Notwithstanding, Council has a practice of giving informal notice of applications, even when they are exempt so that the community has a chance to provide feedback on the application. The proposed residential development is consistent with the approved development plan DP2007/005 which identifies the site for residential development.

The informal notification was satisfactorily completed and seven objections were received.

The grounds of objection may be summarised as follows:

- The proposed development is not respectful of neighbourhood character.
- The design is not site responsive.
- Offsite impacts, such as traffic/car parking.
- Bought the land because of the single dwelling covenant.
- Approving this proposal will set a precedent for more unit developments.
- Removal of the street tree.
- Overshadowing of the secluded private open space and habitable room windows of the adjoining dwelling to the south.

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

### Referral of the application

The application was referred to a number of Council Departments for comment and advice. The application was also referred to City West Water for comment and advice as the garage of Dwelling 1 will be built over their sewerage easement. No comment was received. Council's Engineering Department has suggested a permit condition that will require written consent to build over the sewerage easement from the relevant Responsible Authorities.

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

## 5. Issues

### Planning Assessment

It is considered that the proposed development is respectful of the prevailing character of the surrounding area and generally complies with the objectives and standards of Clause 55 – ResCode for the following reasons:

1. The subject land is within the General Residential Zone which is suitable for incremental housing growth.
2. 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.
3. Adequate areas have been retained as garden landscape visible from Vintage Way which is a common characteristic in this neighbourhood.
4. The amount of side boundary fencing along Vintage Way is limited to only the fence associated with the private open space of Dwelling 1.

Also, the design 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 MS3 character area.
2. The design maintains appropriate visual separation between the dwellings and the front setback areas which will enable the planting of canopy trees.
3. Increased articulation to reduce impression of blank walls that are visible from the street.
4. There is sufficient private open space provided for each dwelling that is required for the reasonable recreation and service needs of residents.
5. Orientation of the proposed dwellings makes appropriate use of daylight and solar energy.
6. The garages for each dwelling will be set further back from the street frontage. Changes will be required to the plans to ensure that cars that will be parked in front of the respective garages will not overhang to obstruct the adjoining footpath.

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. Hence, there will be no need for on-street parking.

The existing dwelling to the south has good access to daylight. The design response shows adequate visual separation between the existing habitable room windows and the proposed dwellings. The secluded private open space of Dwelling and 1 and 2 will be located between the existing habitable windows and the proposed dwellings.

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. This ensures that there is ample visual separation between the proposed dwellings and surrounding existing dwellings.

Although an existing street tree will need to be removed to provide a new access point, the owner has indicated a willingness to plant new semi mature trees to Council's satisfaction. There will be a permit condition requiring the replanting of two mature trees.

The replanting of more mature trees is consistent with the overall purposes of the Council's Tree Planting and Removal Policy which include that Council's tree asset base is not depleted over time and to ensure that on completion of projects that the tree population has not declined.

## 6. Options

Council can either support the application by issuing 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 11 January 2018
2. Plans for the Proposal - dated October 2017
3. Assessment against relevant Planning Scheme controls – dated 9 January 2018
4. Response to Objections – dated 9 January 2018
5. Referral Responses – dated 9 January 2018
6. Planning Permit (Conditions) - dated 9 January 2018



## 12.12 PLANNING APPLICATION PA 2017/5568/1 - DEVELOPMENT OF 79 DWELLINGS AT 44 COBURNS ROAD, MELTON SOUTH

Author: Simon Temple - Principal Planner  
Presenter: Bob Baggio - Manager Planning Services

### PURPOSE OF REPORT

To consider the above application and convey Council's position on the application to the Victorian Civil and Administrative Tribunal (VCAT).

### RECOMMENDATION:

That Council advise VCAT, the permit applicant and the objectors that it would have issued a Notice of Refusal to Grant a Permit subject to the grounds outlined in **Appendix 6** of this report.

## REPORT

### 1. Background

#### Executive Summary

Applicant:	Mecone Planning Pty Ltd
Proposal:	Development of 79 dwellings
Existing Land Use:	Single storey dwelling and associated outbuildings
Zone:	General Residential
Overlays:	Nil
Number of Objections:	Two
Key Planning Issues:	Neighbourhood Character Vehicle access to Coburns Road and Second Avenue Affordable housing
Recommendation:	Not support application

#### The Land and Surrounding Area

The subject site has an area of 2.025 hectares and is located on the eastern side of Coburns Road in Melton South between the Western Highway (north) and Brooklyn Road (south). Other features of the site are as follows:

- The site is rectangular in shape with a frontage to Coburns Road of 46.5 metres and secondary frontages to Austin Place (15 metres wide) and Second Avenue (8 metres wide).
- The site contains an existing single storey brick dwelling and three aluminium clad outbuildings (sheds). The land is clear of any native vegetation.
- An existing drainage and sewerage easement is located along the eastern (rear) boundary of the land.
- A bus stop and shelter are located on Coburns Road adjacent to the south-west corner of the subject land.

The surrounding area can be characterised as an established residential area consisting of predominantly single storey detached or semi-detached brick dwellings with concrete tiled roofing, garages or carports (single and double) and associated outbuildings. The adjoining land to the north contains two medium density housing developments (either side of Austin Place) comprising single storey attached brick dwellings with concrete tiled roofing and single garages. The adjoining land to the south contains a residential subdivision known as Ayesha Avenue comprising 75 lots that are currently vacant or contain single storey brick dwellings with concrete tiled roofing that are under construction or have recently been completed. The only exception is the adjoining land to the north-west which contains a single storey cement rendered building (Child Care Centre) with associated car parking and landscaping directly fronting Coburns Road.

The subject site is located in proximity to public open space (Council reserve approximately 150 metres to the north-east in Grace Street), schools (Coburn Primary School located approximately 430 metres to the north-east and Melton Christian College located approximately 700 metres to the south-west), shops (Woodgrove Shopping Centre located approximately 1.5 km to the north-west and Station Road Shopping Centre located approximately 1.1 km to the east), public transport (Melton Railway Station located approximately 1.5 km to the south and bus services located on Coburns Road directly adjacent to the subject site) and other community facilities.

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

### **The Application**

The application proposes the use and development of 79 dwellings with associated car parking and landscaping on the subject land. The applicant has lodged an appeal with the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to make a decision on this application within the prescribed time frame. The matter has been listed for a Practice Direction hearing on 23 February 2018 to consider and determine the future direction of the application.

The proposed development is summarised as follows:

- A four stage development comprising 20 dwellings in each stage (19 dwellings in Stage 1) with separate vehicle access to each stage from Coburns Road (Stage 1), Austin Place (Stages 2 and 3) and Second Avenue (Stage 4) respectively.
- All dwellings will be single storey with a mix of 2 bedroom (74) and 3 bedroom (5) dwellings. Four different dwelling types/layouts (A to D) are proposed. Each dwelling will consist of an open plan living area, kitchen, bedrooms, bathroom(s), private open space and a single or double garage.
- The maximum height of the proposed dwellings is 4 metres.
- External materials, colours and finishes for the proposed development consist of face brickwork (red or cream) with a rendered finish, concrete tiled roofing and aluminium framed windows.
- The development has been designed to comply with the Silver Standard of the Liveable Housing Design Guidelines Australia (2012).
- Vehicle access will be provided via an existing vehicle crossover on Coburns Road at the north-west corner of the site, two additional vehicle crossovers on Coburns Road to service Dwellings 1, 2 and 3, a new vehicle crossover on Austin Place and a new vehicle crossover on Second Avenue. Two way access roads with t-head treatments will be provided within the subject site to provide vehicle access to each stage of the development. No internal vehicle access is proposed between each stage, however, each will be connected internally through a series of pedestrian paths.
- Common areas will be owned and managed in a body corporate style arrangement by an owner's corporation.

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

### Planning Controls

Zone	Clause 32.08 – General Residential Zone	A permit is required to construct two or more dwellings on a lot.
Particular Provisions	Clause 52.06 – Car Parking	One car space is required for each two bedroom dwelling and two car spaces are required for each three bedroom dwelling. A visitor car spaces is required for every five dwellings.  A total of 100 car spaces are required and have been provided on the subject land for the proposed development.

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

### Clause 55 - ResCode

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

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

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

### House Rules - Housing Character Assessment & Design Guidelines

The *Housing Character Assessment & Design Guidelines* were adopted at the Ordinary Meeting of Council on 13 October 2015. The site is located within the Garden Suburban 1 (GS1) character area. The essential components of the GS1 character area which need to be maintained into the future are:

- Front setback no less than the average setback of the adjoining two dwellings
- Minimum side setback of 1 metre from one boundary and 2 metres from the other side boundary
- Car parking structures behind the line of the existing dwelling or 5.4 metres from the front boundary.
- One vehicle crossover per frontage.
- Maximum building height of 9 metres.
- Built form dominated by roof structure
- Open/Transparent front fences with a maximum height of 1.2 metres.
- Materials and colours that are a common feature of the area.

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

The land is not affected by a Restrictive Covenant.

### Is the land of Cultural Heritage Sensitivity?

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

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

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

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

3.1 *A City that strategically plans for growth and development.*

3.1.4 *Advocate and support development and availability of diverse and affordable housing options.*

## 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 two objections were received.

The grounds of objection may be summarised as follows:

- The proposal will result in a significant increase in traffic that will have an adverse impact on the amenity of the area.
- The provision of an entry and exit point on Second Avenue will significantly increase the amount of traffic using this street.

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

### Referral of the application

The application was referred to a number of Council Departments for comment and advice. The application was also required to be referred to Transport for Victoria which is a determining referral authority and Country Fire Authority which is a recommending referral authority. A complete list of responses is included in **Appendix 5**.

Of particular note is Council's City Design area which does not support the proposed development as it does not respect the established neighbourhood character of the surrounding neighbourhood. This relates to the attached built form and lack of visual separation between dwellings and non-compliance with the guidelines for the Garden Suburban 1 character area under Council's adopted Housing Character Guidelines in relation to side setbacks, permeability within the front setback and private open space.

Council's Traffic Engineering area also raised concerns regarding the proposed one way access arrangement from Second Avenue to Stage 4 of the proposed development and the number of vehicle crossovers proposed on Coburns Road which should be consolidated into one vehicle access point.

## 5. Issues

### Planning Assessment

The applicant has lodged an appeal with the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to make a decision on this application within the prescribed time frame. The matter has been listed for a Practice Direction hearing on 23 February 2018 to consider and determine the future direction of the application.

Notwithstanding, Council is required to advise VCAT of its position on the application and provide details of this position to the Tribunal prior to this hearing.

It is considered that the proposed development is inconsistent with relevant State and Local planning policies relating to housing including Council's Housing in Established Areas Policy and Housing Diversity Policy as it fails to respect or complement the existing and preferred neighbourhood character of the area.

The character of the area can be described as an established residential area comprising single and double storey detached or semi-detached brick dwellings along with recent infill residential development in the form of single storey semi-detached medium density housing development with pitched concrete tiled roofing and visual separation between dwellings in terms of front, side and rear setbacks.

Council generally supports the concept of providing a diversity of housing as well as affordable housing in locations with good access to public open space, services and transport. However, the proposed development in terms of the number of dwellings is considered to be too intensive for the subject land and fails to respect or complement the existing and preferred neighbourhood character of the area. The built form of the proposed development is predominantly attached with little or no separation provided between the proposed dwellings and provides insufficient opportunities for landscaping within the development.

While the subject land generally has good access to public open space, services and transport, it is considered that the intensity of the development proposed for the subject land would be more suitable on land in a Residential Growth Zone where access to public open space, services and transport would be more highly accessible (i.e. within walking distance).

The proposed development fails to fully comply with the objectives and standards of Res Code in relation to neighbourhood character, front setbacks, energy efficiency and private open space.

The proposed development also fails to comply with the guidelines for the Garden Suburban 1 character area under Council's adopted Housing Character Guidelines which encourages the provision of ample visual separation between dwellings, retaining the majority of the front setback as permeable garden landscape, provision of canopy trees in the front setback and rear garden areas and minimising the interruption of nature strips by vehicle crossovers and driveways.

While the guidelines encourage duplex and villa style developments, the proposal fails to comply with the guidelines which require a minimum setback of 1 metre between one side boundary and 2 metres from the other side boundary. The majority of dwellings within the proposed development are attached in clusters of four, five and six dwellings without any separation provided between these dwellings. In relation to duplex developments, the guidelines encourage a 1 metre side setback between every 2 dwellings on one side and a 2 metre side setback on the other side.

The proposal fails to comply with the guidelines in relation to garages and carports as the garages for the proposed dwellings will not be setback behind the line of the proposed dwellings in relation to Units 14 and 15. The setback of the garages for Unit Type B and C are also required to be a minimum of 5.4 metres in accordance with the guidelines.

The proposal fails to comply with the guidelines in relation to vehicle crossovers. The guidelines encourage only one vehicle crossover to be provided to each road frontage. However, the development proposes three vehicle crossovers along the frontage to Coburns Road including a combined vehicle crossover to service Units 1 and 2.

The proposal fails to comply with the guidelines in relation to private open space. While private open space within a minimum width of four metres is provided for each unit type, it is less than 40 square metres as required under the guidelines in relation to Unit Types C and D.

The proposal also fails to provide suitable internal amenity to the future residents of the proposed dwellings due to the lack of sufficient opportunities to accommodate landscaping within the front and rear yards of each dwelling type and between the front boundaries and internal roads of the proposed development. In particular, Unit Types B and C do not provide any opportunities for landscaping between the front boundaries of these dwellings and the internal road network.

The State Government has recently passed a bill (Planning and Building Legislation Amendment (Housing Affordability and Other Matters Bill 2017). The Bill will come into effect on the 1 June 2018 and aims to facilitate a greater supply of affordable housing in Victoria by introducing a definition of affordable housing into the Planning and Environment Act 1987 and encouraging developers and Council's to enter into Affordable Housing Agreements for the provision of affordable housing in a development.

The applicant has also failed to adequately demonstrate how the proposal constitutes affordable housing. Common areas in the development will be owned and managed in a body corporate style arrangement by an owner's corporation which is no different to traditional medium density housing developments in Melton including those directly adjoining the northern boundary of the subject land on either side of Austin Place. There is no mechanism proposed such as a Section 173 Agreement demonstrating to Council how the development promotes or facilitates the provision of affordable housing on the subject land.

## 6. Options

Council can either advise VCAT, the permit applicant and the objector that it would have supported the application by issuing a Notice of Decision to Grant a Permit or not supported the proposal by issuing a Notice of Refusal.

## 7. Conclusion

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

It is considered that the proposal generally does not comply with the relevant requirements of the Planning Scheme.

Therefore, it is recommended that Council advise VCAT, the permit applicant and the objector that it would have issued a Notice of Decision to Refuse to Grant a Permit based on the grounds outlined in **Appendix 6**.

## LIST OF APPENDICES

1. Locality Map - dated 15 January 2018
2. Development Plans - dated 16 August 2017
3. Assessment against relevant Planning Scheme controls - undated
4. Response to Objections - undated
5. Referral Comments - undated
6. Notice of Refusal to Grant a Permit - undated

## 12.13 AWARD OF CONTRACT 18-014 MT COTTRELL RECREATION RESERVE REHABILITATION STAGE 2

Author: Lauren Pammer - Project Officer - Civil Projects  
Presenter: Luke Shannon - General Manager Planning & Development

### PURPOSE OF REPORT

To seek Council's approval for the award of Contract No. 18-014 Mt Cottrell Recreation Reserve Rehabilitation Stage 2.

### RECOMMENDATION:

That Council:

1. Award Contract No. 18-014 Mt Cottrell Recreation Reserve Rehabilitation Stage 2 to Melton Plant Hire for the lump sum of \$466,531.00 (excl.GST) and noting the attached schedule of rates for items of unknown quantities (excl. GST).
2. Delegate to the Chief Executive Officer the execution of all contract documents.

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### REPORT

#### 1. Executive Summary

This report seeks Council resolution for the award of Contract No. 18-014 for Mt Cottrell Recreation Reserve Rehabilitation Stage 2.

The project involves the removal of 1 large stockpile of material most likely containing soil, rock and vehicle tyres as well as the demolition of disused toilet and kiosk buildings. The aim is to transform the site into a conservation reserve by valuing the existing nationally significant native vegetation already on site and providing areas for future vegetation.

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

#### 2. Background/Issues

This project is to allow for the continued rehabilitation of the Mt Cottrell Recreation Reserve from its past use as a sports complex to a conservation reserve. The rehabilitation of the reserve will involve the removal of disused motorsports infrastructure and removal and reshaping of significant volumes of fill.

Stage 1, which was completed in 2017 involved the removal of 9 stockpiles of fill, removal of excavated rock and tyres and re shaping of existing soil on site. This stage of work resulted from a clean-up notice placed on the site by the EPA where it was noted that stockpiles were evident containing inert materials. Upon completion of the stockpile removal the EPA clean-up notice was lifted with no further action required. The EPA was satisfied that the stockpiles removed only included tyres and rocks so no additional clean-up notice was placed on the remaining stockpiles.

To complete the rehabilitation of the site to a conservation reserve, stage 2 will involve the removal of the stockpile located at the south-east corner of the reserve. Works will include the following:

- Removal of stockpile to design levels
- Sieve and sort materials
- Relocation of soil and rocks over 1000mm on site and retained
- Removal of all other materials found within stockpile which may include rocks less than 1000mm, tyres, plastics, metals, waste etc.

In addition the project will include for the demolition of the unused toilet and kiosk buildings located to the west of the reserve.

Tenders for the above contract were advertised via Tendersearch on 25 November 2017 and closed 18 December 2017.

A total of 3 tenders were received and assessed on the basis of the evaluation criteria described in the tender documents.

1 tender was considered non-conforming and was not evaluated further. The remaining 2 tenders conformed to the requirements of the tender documentation and were evaluated.

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:

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 Council approved capital works budget for 2017/2018 included an amount of \$450,000 for this project. The component of works relating to building demolition will be funded from the Buildings Components Renewal budget.

Budget	Item	Amount
\$450,000 (Council – Capital)	Contract Works (stockpiles)	\$449,431
\$17,100 (Building Renewal)	Demolition of Buildings	\$17,100
	Contract Award	\$466,531

A schedule of rates for rock, tyre and other materials were provided by each tender and is provided in the confidential appendix.

Stage 1 of works only found rock and tyres so utilizing the volumes removed from that project the following table shows an estimate of costs for stage 2 under the Council Capital Works Budget.



Item	Cost
Contract works – lump sum (Capital Budget)	\$449,431
Material Removal (estimated via schedule of rates)	\$71,500
Contingency	\$29,069
<b>Estimated Cost</b>	<b>\$550,000</b>

## 5. Consultation/Public Submissions

As the supply of this category is an internal service to Council, no public consultation has been undertaken.

## 6. Risk Analysis

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

- a. Engagement of suitably qualified earthmoving Contractor:
  - Advertise open tenders to construction companies via The Age and on the Tendersearch website.
  - Required companies tendering for the construction phase to comply with Council's occupational health and safety requirements
  - To assist in the selection of a construction company with suitable occupational health and safety work practices, Council requires companies invited to tender to provide evidence of third party certified occupational health and safety management plan
  - Conducted referee checks for the appointment of the construction company

## 7. Options

Council has the options to:

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

## LIST OF APPENDICES

**Confidential Appendix** - separately circulated

**12.14 SNAKE REMOVAL PROGRAM**

**Author: Sarah Annells - Acting Manager Compliance**  
**Presenter: Luke Shannon - General Manager Planning & Development**

**PURPOSE OF REPORT**

To provide Council with a final report on the trial snake removal program.

**RECOMMENDATION:**

That the snake removal program be approved as a permanent service for residents of the City of Melton.

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

This is the final report on the trial snake removal program which was initiated by Councillor Carli through a Notice of Motion in February 2016.

The trial has operated successfully to date, with a total of 205 call outs in 2017. Call outs peak from November to February on hot dry days, with approximately 47 per cent of call outs resulting in the relocation of a snake.

**2. Background/Issues**

The initial snake removal trial commenced in mid February 2016 and ran until the end of June 2016. The trial was subsequently extended from August 2016 to conclude at the end of August 2017. A progress report was provided to Council in December 2016. The service has been ongoing and this report outlines the program from December 2016 until the end of December 2017.

During this period there were 205 call outs across the Council. Residents call Council's customer service number, and report a snake is present on their property. They are advised that the call will only be responded to if the snake is clearly visible and the property owner provides authorization to remove the snake. An email is then sent to Council's snake catcher, and a Customer Action Request is logged in Council's database.

In 2017 a total of 97 snakes were found and relocated, while 32 calls turned out to be for lizards. The types of snakes relocated is evenly split between Tiger and Brown snakes, as outlined below.

<b>2017 Snake Removal Program</b>	
Type of Snake	Number relocated
Tiger	46
Brown	47
Other	4

The following table outlines the top 5 suburbs by number of call outs for the 2017 program:

<b>2017 Snake Removal Program</b>	
<b>Suburb</b>	<b>Number of call outs</b>
<b>Caroline Springs</b>	40
<b>Melton South</b>	34
<b>Brookfield</b>	23
<b>Eynesbury</b>	22
<b>Melton</b>	17

In 2017 a total of 10 households called for the snake removal program twice, with 8 snakes found on either the first or second attendance. In addition, a lizard was found at one of these repeat call outs. One Resident called three times with no snakes or lizards found.

### **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**

In 2016/17 the Snake removal program cost \$28,000, and to date in 2017/18 the cost has been \$22,000. With only 2 more high risks months ahead total cost for 17/18 is estimated to cost approximately \$30,000. As the Council continues experience growth into previously undeveloped land, and as awareness of the program increases, the budget allocation for 2018/19 is currently \$33,000.

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

This has proven to be a very popular program with residents across Council. As part of the communications for the program the following media has been engaged:

- news item on the website
- story in the Star Weekly,
- an article in Moving Ahead
- extensive coverage in Cr Carl's Ward Talk column.

The program is scheduled monthly on social media during spring/summer, and Facebook posts are reaching an average of 52,000 people. There have also been over 1,000 hits on the web page for the snake removal program.

### **6. Risk Analysis**

The snake removal program has been embraced by the Melton community, and there is an expectation that it will continue. There is a financial cost to Council for offering the program, as there is currently no cost recovery for the service. However, the cost is relatively small when compared to favorable media and customer response to the service.

If Council decides to continue the current service the organisation will be accepting an ongoing level of risk as snakes are protected under the *Wildlife Act 1975* and they are the responsibility of the State Government.

If Council was to cease offering the snake removal service while several of our neighboring Council continue to run a similar service there could be a potential negative customer response which may result in less favorable media coverage and a subsequent decrease in customer satisfaction.

Snakes on private property would normally be the responsibility of the landowner. Relocating snakes caught by the snake catcher from the residential areas is unlikely to significantly reduce the risks to residents as other snakes will then occupy these areas vacated by removing the snake.

## **7. Options**

There are three options available to Council.

1. Commit to undertaking the program on an ongoing basis.
2. Continue the program until the end of this financial year and to consider a permanent program as part of the current budget process.
3. Cease offering a snake removal service.

## **LIST OF APPENDICES**

Nil

## 12.15 INTERNATIONAL WOMEN'S DAY 2018

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

### PURPOSE OF REPORT

To advise Council on, and seek approval for, an amount for the guest speaker for International Women's Day 2018

### RECOMMENDATION:

That Council approve an allowance of up to \$5k for the guest speakers for Mayoral International Women's Day event around a theme of 'Melton Women – past, present and future' and receive a further report as to the actual costs after the event.

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### REPORT

#### 1. Executive Summary

The theme proposed for this year's Mayoral event is, 'Melton Women – Past, Present and Future'. The event is proposed to have speakers representing each limb – past, present and future – with a very local feel. In relation to the 'past', the historians who have been working with Council on its publication of the history of Melton, are proposed to speak about prominent Melton women from the past. In relation to the 'present', it is proposed that the Woman of the Year, Jane Sultana, recently announced on Australia Day be asked to speak. And in relation to the 'future' it is proposed that 1 or 2 inspiring women with a connection to our municipality be asked to speak (a sportswoman or another inspiring young female).

None of these speakers are professional speakers and as such would not demand a high fee. The fee for the historians (2 people) is estimated at \$2,000 max. In relation to the Melton Woman of the Year and the young sportswomen (yet to be arranged) it is envisaged that there would be a small fee and/or donation in lieu of fee to that person's preferred charity.

Accordingly, an allowance of up to \$5k is recommended for all speakers with a report back to Council on the ultimate fees after the event which is scheduled to be held on March 9.

#### 2. Background/Issues

International Women's Day is a global day celebrating the social, economic, cultural and political achievements of women. Started by the Suffragettes in the early 1900's, the first International Women's Day was celebrated in 1911. International Women's Day is celebrated annually on March 8.

This year's global theme is 'Press for Progress'. Progress in relation to gender parity, including, amongst other things, equal pay.

Council provides an event to mark the day for the community and an event is organised by and for the staff. In addition, last year (and two years prior) the then Mayor invited guests to join her for an afternoon tea to mark the occasion.

Last year's event, included senior female students from secondary colleges within the municipality who were invited to 'partner' with the adult female guests as a mentoring

opportunity. It was a chance for the younger women to ask questions of the adult women about their experience and hear their advice. It was also a chance for the adult women to hear about the different challenges faced by the younger women. Council received positive feedback from various women who attended.

Following on from that event, Council resolved at its ordinary meeting held 3 April 2017 to add this 'Mayoral event' to mark International Women's Day to 'its annual events calendar and that a budget provision of \$10,000 with an additional allocation for a guest speaker be included in the 2017/18 budget'. Council further resolved at its ordinary meeting on 16 October 2017 that 'prior to a guest speaker being engaged for the Council International Women's Day event, a report be presented to Council for approval of any proposed speaker'.

The theme proposed for this year's Mayoral event is, 'Melton Women – Past, Present and Future'. The event is proposed to have speakers representing each limb – past, present and future – with a very local feel. In relation to the 'past', the historians who have been working with Council on its publication of the history of Melton, are proposed to speak about prominent Melton women from the past. In relation to the 'present', it is proposed that the Woman of the Year, Jane Sultana, recently announced on Australia Day be asked to speak. And in relation to the 'future' it is proposed that 1 or 2 inspiring women with a connection to our municipality be asked to speak (a sportswoman or another inspiring young female).

None of these speakers are professional speakers and as such would not demand a high fee. The fee for the historians (2 people) is estimated at \$2,000 max. In relation to the Melton Woman of the Year and the young sportswomen (yet to be arranged) it is envisaged that there would be a small fee and/or donation in lieu of fee to that person's preferred charity.

Accordingly, an allowance of up to \$5k is recommended for all speakers with a report back to Council on the ultimate fees after the event which is scheduled to be held on March 9.

### **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 allowance of up to \$5k mentioned above is a maximum amount, and is within the amount included in Council's 2017/18 recurrent budget.

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

There has been no public consultation in relation to this event to be hosted by the Mayor.

### **6. Risk Analysis**

If Council does not agree to the amount for the speakers then the historians would not be included in the event as their fee could not be covered by the operational costs of the event. The Melton Woman of the Year and the 1 – 2 young women may be prepared to speak for no cost or no donation in their name however asking these women to speak for no remuneration (either directly or in their names) would appear to be at odds with the general theme of the Day and is therefore not recommended from a reputational point of view.

**7. Options**

1. Approve an allowance of up to \$5k for the guest speakers.
2. Approve the allowance of a lesser amount for the guest speakers.
3. Not approve the allowance at all for the guest speakers.

**LIST OF APPENDICES**

Nil

## 12.16 LOCAL GOVERNMENT ACT REVIEW - EXPOSURE DRAFT ANALYSIS

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

### PURPOSE OF REPORT

To advise Council in relation to the Local Government Act review and the Exposure Draft released for comment on 12<sup>th</sup> December 2017.

### RECOMMENDATION:

That Council:

1. Notes the report and analysis of the Draft Bill as against Council's September 2016 submission in relation to the Directions Paper at **Appendix 1**.
2. Resolves to make a further submission as per **Appendix 2** by 23 February 2018.
3. Resolves not to proceed to amend its General Local Law to incorporate revised meeting procedures in light of the Government's direction towards Governance Rules which will, amongst other things, replace meeting procedure local laws.

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## REPORT

### 1. Executive Summary

Council received a report at the Ordinary meeting held on 15 December 2015 advising that the State Government had announced in August 2015, a review of the *Local Government Act 1989* ("the current Act").

On 8 June 2016, the Government released a directions paper, *Act for the future – Directions for a new Local Government Act* ("the Directions Paper").

The Directions Paper sets out 157 separate directions for a new Local Government Act.

At its ordinary meeting on 12 September 2016 Council resolved to finalise a draft submission responding to each direction and that submission was duly submitted by 16 September 2016.

In December 2017, the Government released an Exposure Draft ("the Draft Bill") and the Government has invited all submissions in relation to the Draft Bill by 23 February 2018.

**Appendix 1** of this report provides analysis on the Draft Bill as against the Directions Paper and Council's submission. Council's submission in its original form has now been updated to set out the Government's response to each Direction in the Draft Bill.

Much of the Draft Bill is in line with Council's submission.

**Appendix 2** sets out a proposed submission in relation to the Draft Bill that was prepared following a briefing to Councillors on 29 January 2018.

The material accompanying the Draft Bill 'A New Local Government Act for Victoria' (DELWP 2017) sets out the likely timing of the provisions commencing, assuming that the Bill is introduced into parliament by mid 2018. It will commence in stages from 1 July 2018, 1 January 2019, 1 July 2019 and 2020 ahead of the elections.



Initially a significant amount of policy development will be required, in line with the Principles. By or commencing in 2020, a significant amount of community engagement, planning and reporting will be required in the development of the Community Vision, Council Plan, Financial Plan, Asset Plan, 4 year budget and Revenue and Rating Plan.

Some of policy and planning/reporting requirements are already being implemented by Council and will need to be revised in light of slightly different requirements, others are new requirements (such as a workforce plan).

The only current organizational project upon which the Draft Bill will have a significant and short term impact is that of the review of the General Local Law, to incorporate the revised meeting procedure. The earliest that the required statutory steps would be complete, noting that a first draft was received from the external lawyers engaged in late December, would be July 2018. This would likely be after the adoption of the Draft Bill. Even if the changes were effective prior to the new Act, they would, on the current information, be redundant less than a year later (1 January 2019).

## 2. Background/Issues

Council received a report at the Ordinary meeting held on 15 December 2015 advising that the State Government had announced in August 2015, a review of the *Local Government Act 1989* ("the current Act").

On 8 June 2016, the Government released a directions paper, *Act for the future – Directions for a new Local Government Act* ("the Directions Paper").

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**Appendix 1** of this report provides analysis on the Draft Bill as against the Directions Paper and Council's submission. Council's submission in its original form has now been updated to set out the Government's response to each Direction in the Draft Bill.

Much of the Draft Bill is in line with Council's submission.

**Appendix 2** sets out a proposed submission in relation to Draft Bill that was prepared following a briefing to Councillors on 29 January 2018.

A high level summary of the Draft Bill follows.

### ***Principles Based Approach***

The Draft Bill proposes a largely 'principles based' approach but with some sensible reversions the traditional 'rules based' approach if specified outcomes/performance are not achieved.

The principles are set out by way of:

1. The overarching governance principles (c8 (2) (a) to (i)) relating to
  - decision making in accordance with law;
  - priority to achievement of best outcomes for the municipality including future generations;
  - economic, social and environmental sustainability of the municipality including climate change
  - engagement of the community in strategic decision making and planning

- innovation and continuous improvement
  - collaboration with other Councils, Governments and Statutory bodies
  - ensuring the ongoing financial viability of the Council
  - taking into account regional, state and national plans in strategic decision making and planning
  - recognising public accountability and ensuring transparency.
2. The Supporting Principles (c8 (3)(a) to (e)) – five in total:
- community engagement principles
  - public transparency principles
  - strategic planning principles
  - financial management principles
  - service performance principles.

**Governance Rules**

Councils will have to adopt and maintain Governance Rules, in line with the Overarching Governance Principles, setting how the Council will make decisions and conduct itself. These will replace meeting procedure local laws.

**Power to do all things necessary**

The Draft Bill retains the wide enabling feature of providing Councils with the power to do ‘all things necessary or convenient to be done in connection with the performance of its role’ (LGDB c9 LGA s3F).

In addition to the principles listed, there is a focus, both legislatively and practically, on outcomes rather than method or proscription.

It remains to be seen how much guidance or what might be called ‘quasi-proscription’ will be given by way of information sheets, guidance notes and/or regulations, but in the absence of those, the principles based approach does leave significant room for Councils to achieve the desired outcomes by whatever means they see fit, based on the principles espoused.

**The Major reform directions, Major Reforms and Analysis of the Major Reforms**

Of the reforms that the Government identified as major in its Directions Paper, and as set out in the Report to Council of 12 September 2016, the following is provided for in the Draft Bill:

No.	Major reform direction as set out in the Directions Paper	Major Reform as contained in the explanatory material to the Draft Bill	Analysis and Commentary
1	<p><b>Mayors leading councils:</b> Enable a mayor to provide greater leadership to their council by having two-year terms and extending their powers and responsibilities.</p>	<p>1. Mayors will provide greater leadership to councils by adopting more extensive responsibilities and undertaking a commitment to report progress annually to their communities on the Council Four Year</p>	<p><b>The Government has moved away from 2 year mayoral terms.</b></p> <p><b>In accordance with Melton’s submission, the Draft Bill retains the 1 or 2 year term – with slightly more emphasis on the option by making it an imperative for Council to resolve which length of term the Mayor will be elected for rather than providing an option to resolve the length be 2 years.</b></p> <p><b>In line with Melton’s submission, the Draft Bill provides that the role of Mayor has been</b></p>

No.	Major reform direction as set out in the Directions Paper	Major Reform as contained in the explanatory material to the Draft Bill	Analysis and Commentary
		Plan.	<p>somewhat expanded to include responsibility for leading a community engagement process in relation to the Council Plan and the first budget following an election (c54(3)) and reporting annually onto the community on the implementation of the Plan (c 17(c) and 95(2)).</p> <p>Also, the Mayor has a specified 'leadership role' in ensuring the regular performance review of the CEO and a role in providing advice to the CEO in the setting of the agenda - the ultimate responsibility for which rests with the CEO (in line with Council's submission) (DLGB c17 Role of the Mayor; LGA s73AA Functions of Mayor also see DLGB c145(2)(d) re setting of agenda by CEO).</p> <p>The Draft Bill provides that the Mayor also has 'specific powers' including the power to appoint a Councillor to be the Chair of a delegated committee (which is stated to be notwithstanding any appointment by Council) and to direct to the removal of a Councillor from a Council meeting (subject to the Council's own Governance Rules).</p>
2	<p><b>Consistent representative structures:</b> Improve the consistency of council representative structures by establishing a consistent formula for determining councillor numbers and having councils be unsubdivided or consist entirely of uniform multi-member wards.</p>	<p>2. Consistency of council representative structures will be improved by establishing a consistent formula for determining councillor numbers and having councils unsubdivided or comprise uniform councillor numbers per ward.</p>	<p>The Draft bill establishes a formula however it also now provides for either unsubdivided municipalities or wards with equal numbers (1 or more). This was in the detail of the directions paper but not explicitly set out in the 10 Major Reform Directions.</p> <p>In its submission, Melton argued that the current provisions were appropriate and allowed flexibility. Notwithstanding this submission and in line with the proposed Direction, the Draft Bill provides for either unsubdivided Councils or Councils with equal representation in each ward. (c12(4)). Specifically, there are three options viz, unsubdivided, uniform multi member wards or single wards.</p>
3	<p><b>Consistent, simpler voting arrangements:</b> Simplify voting arrangements for council elections by using the state roll to determine eligible voters (except in the City of Melbourne), introducing partial</p>	<p>3. We will increase participation, formal voting and fairness in council elections by adopting a consistent voting method for all elections (attendance, postal or electronic).</p>	<p>Again here Council argued for flexibility and discretion however contrary to Council's submission, the Draft Bill provides that the Minister will determine the voting method upon advice from the VEC. The drafting of the clause would indicate that the decision will be applicable to all Councils in the general election (c276). This interpretation is consistent with the accompanying material from the Department.</p>

No.	Major reform direction as set out in the Directions Paper	Major Reform as contained in the explanatory material to the Draft Bill	Analysis and Commentary
	preferential voting and having a consistent voting method for all council elections determined by the minister.		
4	<b>Deliberative community engagement:</b> Require councils to undertake a deliberative community engagement process before adopting a four-year council plan by December of the year after their election.	4. Councils will undertake deliberative community engagement processes before adopting a four-year Council Plan and four-year Budget so communities better inform strategic directions and spending priorities of council.	<p>Here Council submitted that the current timing for the Council Plan was appropriate. The Draft Bill provides that the Council Plan must be prepared and adopted by Council by 30 June after a general election for a period of at least the next 4 financial years (c85). The current provisions are 6 months after the general election or 30 June, whichever is the later (s125).</p> <p>To this end, the Draft Bill accords with Council's submission.</p> <p>Council agreed with community engagement in relation to the Council Plan and indeed already undertakes extensive community engagement in relation to the Council Plan.</p> <p>The 4 year budget included in the Draft Bill is a direction not previously stated by the Government.</p>
5	<b>Integrated, strategic planning and reporting:</b> Require councils to have an integrated strategic planning and reporting framework including (as well as the four-year council plan) a 10-year community plan, 10-year financial plan and 10-year asset plan.	5. Councils will integrate strategic planning and reporting and adopt a long-term approach, comprising a four-year Council Plan, a four-year Council Budget, a long-term community vision, 10-year financial plan and 10-year asset plan.	<p>Council's submission was largely in favour of this strategic planning and reporting framework and indeed already maintains a 10 year financial plan.</p> <p>The Draft Bill contains provisions in line with this Direction, save that there is no requirement for a community plan but rather a community vision. Again, this is something Melton already incorporates in its strategic planning / Council Plan.</p>
6	<b>Effective ministerial intervention:</b> Strengthen the minister's powers to deal with individual councillors who are contributing to or causing serious governance failures at a council.	6. The Act will strengthen the Minister's powers to deal with individual councillors who are contributing to or causing serious governance failures at a council.	<p>Council supported this Direction.</p> <p>In line with this Direction, the Draft Bill contains a provision allowance for the suspension of an individual Councillor. This provision replaces the current stand down provision (DLGBc243; LGAs219F).</p>
7	<b>Transparent CEO employment and performance:</b> Require all councils to have a	7. All councils will have a CEO employment and remuneration policy	<p>As anticipated and supported by Melton, the Draft Bill provides that each Council must develop and maintain a CEO Employment and Remuneration Policy.</p>

No.	Major reform direction as set out in the Directions Paper	Major Reform as contained in the explanatory material to the Draft Bill	Analysis and Commentary
	CEO remuneration policy and to have an independent advisory mechanism to guide recruitment, contractual arrangements and performance monitoring of CEOs.	and an independent advisory mechanism to guide recruitment, contractual arrangements and performance monitoring of the CEO.	<p>The policy must provide for ‘independent professional advice’ in relation to the employment of the CEO including in relation to recruitment, contract conditions and monitoring and review of performance. The policy must be in line with the remuneration principles contained in the Government of Victoria's Policy on Executive Remuneration in Public Entities (c.44).</p> <p>The 5 year limit on contract term remains (c43(2)) with an allowance for reappointment (c43(3)).</p>
8	<b>Power to innovate and collaborate:</b> Improve the financial sustainability of councils and strengthen their capacity to be innovative and to undertake collaborative activities.	9. Financial sustainability of councils will be strengthened as the Act reinvigorates their capacity to innovate and collaborate with other councils, other government agencies and the private sector	The Draft Bill allows for joint Council meetings and abolishes the tender thresholds, instead leaving it to individual Councils to set their own thresholds. Both of these directions were broadly supported by Council.
9	<b>A consistent rating system:</b> Establish a single method for valuing land for rates, modernise exemptions from rates and increase transparency in the levying of differential rates.	10. The new Act will establish a single method for valuing land, clarify exemptions from rates and increase transparency in the levying of differential rates.	<p>All Councils must use the capital improved value system of valuation (except Melbourne City Council (c102). Council advocated for the CIV to apply to all Councils including Melbourne.</p> <p>Otherwise, the existing provisions have been redrafted for clarity.</p>
10	<b>Autonomous decision-making balanced by a principle-based Act:</b> Extend autonomy to councils by deregulating council decision-making processes and replacing them with high-level principles requiring transparency and accountability.	8. Councils will have greater autonomy with prescriptive decision-making processes replaced by a requirement to comply with high-level principles requiring transparency, accountability and sound financial management.	<p>As mentioned above, the Draft Bill proposes a principles based Act with Overarching Governance Principles and 5 Supporting Principles with little proscription as to how this principles must be ‘lived’.</p> <p>Council had reservations about a principles based act insofar as the repercussions of non-compliance with non-binding guidelines. Guidelines by their nature are not binding however clause 82(3) states that compliance by a Council with the relevant guideline can be used as evidence of compliance with the corresponding requirements under the Act/regulation.</p> <p>Non-compliance with the Guidelines may</p>

No.	Major reform direction as set out in the Directions Paper	Major Reform as contained in the explanatory material to the Draft Bill	Analysis and Commentary
			therefore have unintended negative consequences

### ***Other notable reforms***

The reforms in the table above are the ones that the Government headlines as, ‘the 10 major reforms’ however there are many other notable reforms. Some of these are set are below.

There is an interesting change in relation to abstention. The Draft Bill continues to allow abstention however deems that ‘for the purpose of determining the result of a vote, a Councillor attending the meeting who does not vote is to be taken to have voted against the question’ (c59(4)(e)).

Advisory Committees have been removed from the Draft Bill. In the current Act advisory committees are not so much ‘included’ but rather defined and referred to. They are defined more so as to be separated from special committees.

The Draft Bill envisages a sector where delegated committees make final decisions. Delegated Committees are committees established by the Council for a particular delegated purpose with 2 or more Councillors and with a Councillor as chair. These committees operate by delegation of power from the Council the same as special committees do in the current Act. The Draft Bill allows the Mayor to appoint the chairperson Councillor and, moreover, to override any decision of Council as to the appointment of the Chairperson Councillor. This power strengthens and really legitimises the leadership role of the Mayor.

That is not to say that if Melton particularly wanted to continue with advisory committees that it couldn’t do that, by way of including these in its governance rules or other internal rules, however this should not be done without some further thought and discussion as there will be no legislative protection or guidance and may leave Melton out of step with the rest of the sector. That said, the conflict of interest provisions specifically apply to all meetings – not just Council Meetings and meetings of delegated committees and to this end the Draft Bill offers some level of minimum protection in the absence of adequate Governance Rules.

Community Asset Committees are a new form of committee included in the Draft Bill to replace ‘s86 Committees’ that are responsible for halls and reserves throughout a Council Area, particularly in rural Councils. The management of community assets is the only purpose for which these committees can be established.

The Draft Bill largely enables Councils to make their own rules about decision making processes (with some exceptions).

There are also provisions in relation to diversity of the workforce and climate change, making this in many ways a ‘bold’ piece of proposed legislation. The draft provisions require Councils to mitigate and plan for (and necessarily accept the science around) climate change and make doing so an element of good governance. The Draft also requires action by the CEO in relation to diversity of the workforce including in relation to gender.

### ***Timing and Short to Medium and Long Term Effects***

The material accompanying the Draft Bill ‘A New Local Government Act for Victoria’ (DELWP 2017) sets out the likely timing of the provisions commencing, assuming that the Bill is introduced into parliament by mid 2018. It will commence in stages from 1 July 2018, 1 January 2019, 1 July 2019 and 2020 ahead of the elections.

Initially a significant amount of policy development will be required, in line with the Principles. By or commencing in 2020, a significant amount of community engagement, planning and

reporting will be required in the development of the Community Vision, Council Plan, Financial Plan, Asset Plan, 4 year budget and Revenue and Rating Plan.

Some of policy and planning/reporting requirements are already being implemented by Council and will need to be revised in light of slightly different requirements, others are new requirements (such as a workforce plan).

The only current organizational project upon which the Draft Bill will have a significant and short term impact is that of the review of the General Local Law, to incorporate the revised meeting procedure. The earliest that the required statutory steps would be complete, noting that a first draft was received from the external lawyers engaged in late December, would be July 2018. This would likely be after the adoption of the Draft Bill. Even if the changes were effective prior to the new Act, they would, on the current information, be redundant less than a year later (1 January 2019) when the Governance Rules replace Meeting Procedure local laws.

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

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

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

*5.3 Effective civic leadership, advocacy, partnerships and good governance.*

### **4. Financial Considerations**

There are no financial considerations in relation to the submission itself.

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

This report is by way of analysis on the Draft Bill as against Council's submission of September 2016. Consultation of and by Council (Councillors and staff) was carried out in relation to its submission.

### **6. Risk Analysis**

There are no inherent risks in making the submission.

### **7. Options**

1. Adopt the Officer recommendations as put.
2. Amend the proposed submission at Appendix 2.
3. Continue work on amending the General Local Law to incorporate revised meeting procedure rules.

### **LIST OF APPENDICES**

1. Analysis of Exposure Draft against Directions Paper and Council's 2016 Response - dated January 2018
2. Submission to the Exposure Draft of the Local Government Bill - dated February 2018

**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 534 (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 5 February 2018.

**MOTION:**

That Council Officers prepare a report to consider:

1. amending the Local Laws to include the mandatory use of carrying disposable canine waste bags when walking dogs in public areas within our municipality
2. gradually implementing the Local Law within the community to include an educational and awareness program for all residents setting deadlines as to when this Local Law becomes mandatory
3. finally implementing penalties for non-compliance to dog walkers once the deadline has been reached.

**OFFICER'S COMMENTS:**

If the motion is adopted, Council Officers will prepare a future Council Report for consideration.

**15.2 NOTICE OF MOTION 535 (CR MENDES)****Councillor: Michelle Mendes - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 5 February 2018.

**MOTION:**

That Council urgently write to the Regional Manager of the Department of Education requesting they meet with a small group of concerned parents in relation to the naming of the new School in Fraser Rise as 'Springside West', or to at least provide details of the rationale for overriding the school Council's preferred name.

**15.3 NOTICE OF MOTION 536 (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 5 February 2018.

**MOTION:**

That Council write to the Minister for Public Transport and request that Transport for Victoria review, as a matter of urgency, bus connections for school students accessing the recently opened Springside West Secondary College.

**Officer Comments:**

The Springside West Secondary College has commenced operation in Term 1, 2018. It is appropriate to write to the Minister to seek improved Public Transport connections to and from the School and the soon to be constructed recreation facilities on the adjacent Council reserve.

- 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 6 December 2017 - Confidential Report**  
This report is confidential in accordance with s89(2)(d) as it relates to contractual matters.
- 19.2 Recommendations of the Harness Racing Victoria/Tabcorp Park Grants Program Assessment Panel Meeting**  
This report is confidential in accordance with s89(2)(h) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person.
- 19.3 Recommendations of The Club Caroline Springs Grants Program Assessment Panel Meeting**  
This report is confidential in accordance with s89(2)(h) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person.
- 19.4 Appointment of a Community Representative to the Melton Transport Community Reference Group**  
This report is confidential in accordance with s89(2)(a) as it relates to personnel matters.

**Recommended Procedural Motion**

That the meeting be opened to the public.

**20. CLOSE OF BUSINESS**