



# MELTON CITY COUNCIL

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

**14 October 2019**

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**THESE MINUTES CONTAIN REPORTS DEALT WITH AT A  
CLOSED MEETING OF COUNCIL**

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## MELTON CITY COUNCIL

### MINUTES OF THE ORDINARY MEETING OF THE MELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC CENTRE, 232 HIGH STREET, MELTON ON 14 OCTOBER 2019 AT 7.00PM

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

Mr K Tori, Chief Executive Officer  
Mr P Bean, General Manager Corporate Services  
Mr M Heaney, General Manager Community Services  
Mr L Shannon, General Manager Planning and Development  
Mr B Baggio, Manager Planning Services  
Ms LJ Mellan, Manager City Design, Strategy and Environment  
Ms C Denyer, Manager Legal and Governance  
Mr J Whitfield, Governance Coordinator  
Ms E Haley, Communications Coordinator  
Ms Rebecca Bartlett, Acting Governance Officer

#### 1. OPENING PRAYER AND RECONCILIATION STATEMENT

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

#### 2. APOLOGIES AND LEAVE OF ABSENCE

Nil.

#### 3. CHANGES TO THE ORDER OF BUSINESS

##### **Procedural Motion**

Crs Ramsey/Hardy.

That Item 13, 'Reports from Delegates Appointed to Other Bodies' and Item 14, 'Councillor Representation and Acknowledgements' be combined with Councillors having up to 3 minutes and the Mayor up to 5 minutes to give their reports.

CARRIED

**4. DEPUTATIONS**

Nil.

**5. DECLARATION OF ANY PECUNIARY INTEREST, OTHER INTEREST OR CONFLICT OF INTEREST OF ANY COUNCILLOR**

Nil.

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

**RECOMMENDATION:**

That the Minutes of the Ordinary Meeting of Council held on 16 September 2019 be confirmed as a true and correct record.

**Motion**

Crs Majdlik/Carli

That the recommendation be adopted.

CARRIED

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

- 16 September 2019 Record of Assembly of Councillors
- 7 October 2019 Record of Assembly of Councillors

**RECOMMENDATION:**

That the Record of Assembly of Councillors dated 16 September 2019 and 7 October 2019 attached to this Agenda be received and noted.

**Motion**

Crs Majdlik/Kesic.

That the recommendation be adopted.

CARRIED

**LIST OF APPENDICES**

1. Record of Assembly of Councillors - dated 16 September 2019
2. Record of Assembly of Councillors - dated 7 October 2019

## 8. CORRESPONDENCE INWARD

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

- The Hon Michael McCormack MP – Deputy Prime Minister, Minister for Infrastructure, Transport and Regional Development, Leader of the Nationals, Federal Member for Riverina. – Thank you for well wishes.
- The Hon Jacinta Allan MP – Minister for Transport Infrastructure – Sunbury Line Upgrade

#### **RECOMMENDATION:**

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

#### **Motion**

Crs Majdlik/Carli.

That the recommendation be adopted.

CARRIED

#### **LIST OF APPENDICES**

1. Letter from The Hon Michael McCormack MP, Deputy Prime Minister - dated 4 September 2019
2. Letter from The Hon Jacinta Allan MP, Minister for Transport Infrastructure - dated 25 September 2019



## 9. PETITIONS AND JOINT LETTERS

A petition titled 'Petition to get Fenced Dog Park in Atherstone, Cobblebank' and containing 38 signatures was received by Council on 1 October 2019.

The petition is as set out below:

|                                 |   |
|---------------------------------|---|
| Petition summary and background | There are lots of dog owners in the area and there is no safe off lead area for us to take our dogs to run around, the Melton off lead dog park is already packed during peak times.  |
| Action petitioned for           | We, the undersigned, are concerned citizens who urge our leaders to act now to build a new fenced off lead dog park in Atherstone, Cobblebank so we as responsible dog owners have a safe place to take our dogs to run around. |

A letter to Melton City Council was attached to the petition giving a background and reasons for the action requested in the petition.

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

### RECOMMENDATION:

That the petition requesting that the Council build a new fenced off lead dog park in Atherstone, Cobblebank be received.

#### Motion

Crs Mendes/Kesic.

That the petition requesting that the Council build a new fenced off lead dog park in Atherstone, Cobblebank be received.

CARRIED

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

Nil.

**11. PUBLIC QUESTION TIME**

| Name             | Question asked of Council   |
|------------------|---|
| Michelle Spiteri | <p><i>“As a resident of Troups Road South in Mount Cottrell, I have seen significant changes in traffic and road conditions over the past 25 years and have been constantly lobbying for council to address serious safety concerns that residents have had to deal in both wet (slippery) and dry (dust flumes) conditions.</i></p> <p><i>In recent times, due to the intensive urban development occurring in the area and the pressure placed on traffic on Hopkins/Derrimut and Boundary Road, Troups Road has become a busy thoroughfare, particularly in morning and afternoon peak times, with a constant flow of vehicles using this route to travel between the Western Highway and growth areas in Tarniet. Drivers are avoiding particularly the intersection of Boundary and Hopkins Road which has become very congested since the Boundary Road east of Hopkins Road has opened.</i></p> <p><i>We have had weekly incidents (sometimes two or three times a week ) of cars losing control and driving into residential fences, trucks clipping cars and a number of near fatalities on Troups Road South and this is exponentially increasing as more and more vehicles discover that they can bypass Hopkins Road via Troups Road South.</i></p> <p><i>Troups Road South can no longer be considered a rural road and some permanent measures ( sealing of road ) need to put in place. Furthermore, Google Maps is diverting traffic along Troups Road as a viable and faster route.</i></p> <p><i>When will council acknowledge the above and ensure that the safety of residents of Troups Road South is being respected and seal Troups Road South to support the urban development occurring in all directions around it ?”</i></p> |
| Michelle Spiteri | <p><i>“The intersection of Troups Road South and Boundary Road has had a number of near fatalities occur recently due to the poor standard of the intersection, particularly of the Troups Road end as is gravel.</i></p> <p><i>Can council please ensure that this intersection is marked appropriately on both roads and seal Troups Road South before a fatality occurs? Signposting is simply not enough !!”</i></p>  |
| Margaret Lister  | <p><i>“Why are google maps directing traffic travelling from Werribee to Caroline Springs via Davies Rd and Troupes Rd South when one has a detour and the other a dust bowl rutted with potholes and a rat run for dirt trucks?”</i></p>   |
| Margaret Lister  | <p><i>“Is anything going to be done about the traffic conditions on Boundary Rd, and Hopkins/ Derrimut Rd corner and Tarneit Rd boundary Rd? There are regular collisions, near collisions daily and the traffic backs up for a 20-30 minute delay some days. Up to an hour to travel from Werribee to Caroline Springs some days and I travel there every day.”</i></p>  |

| <b>Name</b>    | <b>Question asked of Council</b>   |
|----------------|--|
| David O'Connor | <p><i>“Despite the 2013 Diggers Rest Local Area Traffic Management Study, a number of traffic management issues are still of considerable concern to many residents. These include regular damage to advisory signage on Coimadai Road due to an inadequate road network to accommodate large vehicles, safety conditions for pedestrians adjacent to the railway station have significantly deteriorated over time due to population growth and increasing demand for public transport.</i></p> <p><i>What options are available to Council to help improve pedestrian safety at this location and mitigate any potential injury and/or death?”</i></p> |
| David O'Connor | <p><i>“More and more residents are choosing to work from home and as such many residential dwellings now provide for home occupations.</i></p> <p><i>What permit conditions (if any) are required prior to establishing a home based business, especially those which attract clientele?”</i></p>  |

**Procedural Motion**

Crs Ramsey/Abboushi.

That the recommendations as printed in Items 12.1, 12.2, 12.6 and 12.8 be adopted en bloc.

CARRIED

## 12. PRESENTATION OF STAFF REPORTS

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

Author: Rebecca Bartlett - Acting Governance Officer

Presenter: Kel Tori - Chief Executive Officer

#### PURPOSE OF REPORT

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

#### RECOMMENDATION:

That the Council Seal be affixed to the documentation as detailed in the Schedule for Authorising of Affixing of the Common Seal of Melton City Council dated 14 October 2019.

**Motion**

Crs Ramsey/Abboushi.

That the recommendation be adopted.

CARRIED

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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 of Affixing the Common Seal of Council - dated 14 October 2019

## 12.2 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

Author: Rebecca Bartlett - Acting Governance Officer  
Presenter: Kel Tori - Chief Executive Officer

### PURPOSE OF REPORT

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

### RECOMMENDATION:

That Council:

1. adopt the minutes of the Advisory Committee meeting at **Appendix 1 - 4**
2. adopt recommendations arising within the Minutes.

### Motion

Crs Ramsey/Abboushi.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

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

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

### 2. Background/Issues

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

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

Councillor representation on Advisory Committees is generally for one year and is reviewed annually at the Statutory Meeting of Council. Councillor representation on current Council Committees and to other organisations for 2019 were adopted by Council at the Ordinary Meeting held 12 November 2018.

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   |
|-------------------|--------------------------------------|------------|
| 30 August 2019    | Preventing Family Violence Committee | Appendix 1 |
| 4 September 2019  | Road2Zero Steering Committee         | Appendix 2 |
| 16 September 2019 | Community Safety Advisory Committee  | Appendix 3 |
| 2 October 2019    | Policy Review Panel                  | Appendix 4 |

### 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

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. Preventing Family Violence Committee Meeting Minutes - dated 30 August 2019
2. Road2Zero Steering Committee Meeting Minutes - dated 4 September 2019
3. Community Safety Advisory Committee Meeting Minutes - dated 16 September 2019
4. Policy Review Panel Meeting Minutes - dated 2 October 2019



## 12.3 MELTON CITY COUNCIL ANNUAL REPORT 2018-2019

Author: Bob Baker - Corporate Planning and Performance Coordinator  
Presenter: Peter Bean - General Manager Corporate Services

### PURPOSE OF REPORT

To present the Melton City Council Annual Report 2018-2019, pursuant to Section 134 of the *Local Government Act 1989*.

### RECOMMENDATION:

That Council adopt the Melton City Council Annual Report 2018-2019 as presented (**Appendix 1**).

#### Motion

Crs Ramsey/Majdlik

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

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

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

### 2. Background/Issues

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

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

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

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

Selected highlights from the Annual Report:

*Theme 1 – a proud, inclusive and safe community*

Completed the following projects – Pride of Melton, Kurunjang Community Hub, Hannah Watts Park redevelopment, Lake Caroline lights and Burnside Heights Children’s & Community Centre; delivered a publication to celebrate the City of Melton’s history; conferred citizenship to 1,302 residents; and delivered five, new female friendly change rooms at sports facilities across the municipality.

*Theme 2 – a thriving and resilient natural environment*

Delivered the inaugural Nature Stewards Program to help improve community understanding of the City’s unique natural environment; and continued to support local environment groups and schools by delivering a range of environmental programs and activities.

*Theme 3 – a well planned and built City*

A fitness circuit around Lake Caroline was built to encourage physical activity; the Caroline Springs sub-regional tennis facility was completed; Westwood Drive roadway and bridge opened, providing an alternative north-south link between the Western Highway and Taylors Road; new footpaths totalling 96,670 metres were installed throughout the municipality; and play spaces at Bill Cahill, Arnolds Creek and Allenby Rd Reserve were completed.

*Theme 4 – A strong local economy and lifelong learning City*

The 2018 Djerriwarrh Festival attracted a record attendance of more than 30,000 people, recording a community satisfaction rating of 96%; the inaugural Lifelong Learning Festival was held in October 2018; delivered the Hot House Project, a free training and mentoring pilot program for business start-ups; unemployment in the City of Melton declined to the lowest rates in four years – a record high of 2,296 local jobs were advertised by businesses in the municipality.

*Theme 5 – a high performing organisation demonstrating leadership and advocacy*

Council’s advocacy work helped deliver Government commitments including a business case for a new public hospital in Melton, the Western Rail Plan and new primary schools; progress was made on the development of the Cobblebank and Rockbank rail stations, which are part of the Melton Rail Duplication Project.

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

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

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

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

### **4. Financial Considerations**

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

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

Public notice was given Tuesday 25 September in the *Star Weekly* local newspaper, in accordance with Section 134 of the Act that the Melton City Council 2018-2019 Annual Report (**Appendix 1**), will be discussed at this meeting of Council.

Copies of the Melton City Council 2018-2019 Annual Report were made available at the Melton Civic Centre, Melton Library and Learning Hub and Caroline Springs/Library Civic Centre for public inspection in accordance with Sections 131 and 134 of the Act.

**6. Risk Analysis**

Not applicable.

**7. Options**

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

**LIST OF APPENDICES**

1. Melton City Council Annual Report 2018 - 2019

## 12.4 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 2018 – 19 year.

### RECOMMENDATION:

That the report be received for information.

#### Motion

Crs Carli/Mendes.

That the recommendation be adopted.

CARRIED

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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 2019, Council had 33 risks recorded in the Risk Register. At that time four risks had mitigation actions that were overdue: growth pressures; economic environment; adaptation to climate change; and native vegetation offsets.

From 1 July 2018 to 30 June 2019, no new risks were added, and one operational risk was completed. In that same period, Council developed a new Fraud and Corruption Control Plan, incorporating data from a review of the integrity frameworks of six councils by the Independent Broad-based Anti-corruption Commission.

### 2. Background/Issues

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

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

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

In 2017 Council participated in a review of integrity frameworks conducted across six councils by the Independent Broad-based Anti-corruption Commission (IBAC). The review aimed to provide the public with a snapshot of the integrity frameworks in a sample of Victorian councils, to highlight examples of good practices and possible areas for improvement. A key objective of the review was to help all councils review and strengthen their own integrity frameworks, to improve their capacity to prevent corrupt conduct.

The review was published in March 2019 and Council responded by considering all recommendations, and including the recommendations to which it agreed into the new Fraud and Corruption Control Plan.

#### A. Total number of risks

At 30 June 2019, there were 33 identified risks to Council entered in the Risk Register.

|   |   |
|---|---|
| <b>7 strategic risks</b><br>(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>8 corporate risks</b><br>(risks to multiple parts of the organisation) | Public safety; fraud and corruption; staff OHS (lone workers); staff OHS (aggressive customers); IT systems integration; compliance with legislated duties; climate change; and infrastructure renewal gap.   |
| <b>18 operational risks</b> (risks to one part of the organisation)       | 3 each for Engagement & Advocacy and Risk & Performance;<br>2 each for Information & Technology and City Design, Strategy & Environment;<br>1 each for Operations, Finance, Libraries, Capital Projects, Planning Services, Families & Children, Recreation & Youth and Legal & Governance. |

#### B. Risks added

Strategic and corporate risks are identified by the Risk Management Committee. Operational risks are identified by Council Officers, and vetted and approved by the Risk Management Committee.

From 1 July 2018 to 30 June 2019, no new risks were added to the Risk Register. However, in regards to the corporate risk of fraud and corruption, Council developed a new Fraud and Corruption Control Plan, incorporating data from the IBAC review.

#### C. Risks removed

From 1 July 2018 to 30 June 2019, one operational risk had its 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.) It related to internal processes in dealing with internet enquiries.

#### D. Risks overdue

At 30 June 2019, four risks were overdue for completion:

- Growth pressures
  - The 10 Year Financial Plan was updated and reviewed as part of the 2019/20 budget process. Council's position within the ten year horizon remains positive; work is underway to ensure that it remains so beyond that time. Work has recently commenced on reviewing the Community Infrastructure Plan and Civil Infrastructure Plan which will inform the prioritisation of projects that are funded by developer contributions, external funding and Council funds in the 10 year capital plan. These important pieces of strategic work need to be completed prior to finalising the 10 year capital plan.
- Economic environment
  - This risk relates specifically to Council's revenue from the joint venture with Lend Lease Communities; the mitigation action relates to advocating early delivery of community infrastructure and services. To that end, as part of the State election

and budget, significant commitments were made including a new public hospital in Melton, the Western Rail Plan that includes electrification to Melton, and a number of new schools. All State Ministers were engaged in the first half of 2019 that relate to Council's advocacy priorities. Council's advocacy priorities are now being reviewed following the State and Federal Government elections and new actions plans will be developed to continue to advance advocacy priorities.

- Adaptation to climate change
  - Regarding the development of a Climate Change Adaptation Plan, the original timelines have been extended to align development of the plan with work conducted by the *Western Alliance for Greenhouse Action* councils. Background papers were prepared as a preliminary identification of issues, and four internal workshops were delivered as part of the internal consultation process. A summary report of the consultation findings has been prepared to inform the draft action plan.
- Native vegetation offsets
  - Council is managing effectively the offset sites for which it is directly responsible. However the tracking systems are not up to date; these are controlled by state government.

### **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

## 12.5 SMALL BUSINESS FRIENDLY COUNCIL - CHARTER AGREEMENT

**Author: Bruce Marshall - Coordinator Economic Development & Tourism**  
**Presenter: Peter Bean - General Manager Corporate Services**

### PURPOSE OF REPORT

To provide Councillors with an understanding of the “Small Business Friendly Council Charter Agreement” proposed by the Victorian Small Business Commission.

### RECOMMENDATION:

That Council sign the Small Business Friendly Council Charter Agreement.

#### Motion

Crs Majdlik/Carli.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

Council has been invited by the Small Business Friendly Council (SBFC) to sign the Small Business Friendly Council Charter Agreement.

The SBFC initiative has been developed by the Victorian Small Business Commission (VSBC) in partnership with local councils to provide small business with the support they need to run their businesses. The Small Business Friendly Charter outlines shared goals for both the VSBC and participating councils in working to create a fair and competitive trading environment for small businesses.

The terms of the charter are consistent with Council’s existing or planned approaches to supporting small business and there will be minimal changes required by Council to meet the terms of the charter. Across Victoria there are 21 other Councils that have already signed the charter. While the charter states that VSBC and Council will agree to meet the commitments within 12 months, there are no penalties for failing to meet the agreement and there is minimal risk involved in participating.

The timing of this opportunity is favourable as the signing of the charter will provide an opportunity to publically launch Council’s “Business Concierge Service”, which is the resultant service that came from Council’s participation in the “Better Approvals Project” in early 2019.

It also provides a positive marketing opportunity to our local business community, sending a strong message that Council supports local business.

### 2. Background/Issues

Council was approached by VSBC in May 2019, which was around the same time as Council officers were completing their participation in the Better Approvals Project. At the time, the

priority was to develop the “Business Concierge Service” which was Council’s main deliverable outcome from the project.

With the Business Concierge Service now “live” and available for businesses to access, the signing of the SBFC Charter presents a good opportunity to showcase to the community that Council is working proactively to improve the service it provides to businesses. It will also be a good opportunity to publically announce the Business Concierge Service.

The charter is composed of six parts with commitments from VSBC and Council under each part. A copy of the full charter agreement is attached, however below is a summary of the six parts with details of what Council is expected to commit to:

**Part 1: Work with small businesses disrupted by infrastructure projects**

*Council will:*

- a. *refer to the VSBC’s Small Business Engagement Guidelines when planning new works and request that external project managers do the same.*
- b. *provide small businesses with the VSBC’s guide for small businesses on Managing Disruptions.*

**Part 2: Support the creation of small business networks across Victoria**

*Council will:*

- a. *distribute VSBC’s guide to building stronger networks.*
- b. *actively engage with small business networks and identify new opportunities for development.*
- c. *include representatives of associations in conversations concerning small businesses.*

**Part 3: Faster permit approvals processes for small businesses**

*Council will:*

- a. *Work towards faster permit approvals for small businesses. This may mean:*
  - i. *registering with the Better Approvals Project and completing this as scheduled; or*
  - ii. *implementing strategies to streamline permit approvals processes for small businesses*

**Part 4: Prompt payment to small businesses**

*Council will:*

- a. *initiate processes to ensure invoices from small businesses are paid promptly; or*
- b. *commit to signing up to the Australian Supplier Code to pay small businesses within 30 days.*

**Part 5: Easy to read, easy to understand information for Victorian small businesses**

*Council will:*

- a. *link your businesses with the resources available at [business.vic.gov.au](http://business.vic.gov.au)*
- b. *provide the VSBC Retail Lease Checklist to prospective tenants.*



**Part 6: Open channels of communication between the VSBC and local councils**

Council will:

- a. notify the VSBC of issues affecting local small business communities.
- b. refer commercial disputes to the VSBC dispute resolution team as appropriate.
- c. provide details of the VSBC's dispute resolution services on its website.

**Additional commitments:****Promotion of initiative**

Council will:

- a. utilise the Small Business Friendly Initiative and videos in relevant communications.
- b. provide VSBC with case studies and success stories associated with the initiative.

**Quality assurance and review**

Council will:

- a. work towards fulfilling each commitment with the first 12 months of signing the charter.
- b. work with the VSBC to amend the charter if required.

After a review of Council's expected commitments Council officers are confident that Council is either already achieving the commitments or is well positioned to easily implement small changes. A document with officer comments against each commitment is attached.

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

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

4. A strong local economy and a lifelong learning City: A City rich in local employment and education opportunities
  - 4.1 *A diverse economy that fosters business growth, encourages new investment and leads and responds to change.*

**4. Financial Considerations**

There is no financial impact with the signing of this charter.

**5. Consultation/Public Submissions**

Relevant internal staff have been consulted to ensure that the commitments are achievable.

**6. Risk Analysis**

There is minimal risk for Council's involvement with the Small Business Friendly Council initiative. VSBC is a reputable state government affiliated organisation and there are no defined penalties or negative repercussions should Council not uphold the commitments.

1. Considering that most of the commitments listed in the charter are already being delivered, there is nil to minimal risk associated with the implementation.

2. To mitigate any risk of implementation, the delivery of the charter can be incorporated into the 'Business Concierge Service' project team as actions to be monitored and delivered alongside the concierge service.
3. The biggest risk is of not proceeding with signing the Charter and of being questioned by community members about why Council is not making a public commitment to supporting small business.
4. The only risk from proceeding with the recommendation would be a potential 'reputational risk' should Council not be able to up hold its commitment in the charter. To mitigate the risk, Council will continue to deliver a range of Economic Development initiatives beyond the scope of the SBFC charter which can then be used for positive PR purposes if required.

## **7. Options**

Council has the option to:

1. Accept the recommendation and sign the charter;
2. Delay the decision and review it again at a later date; or
3. Decline the invitation to sign up to the charter

## **LIST OF APPENDICES**

1. Small Business Friendly Council - Charter Agreement - undated
2. Small Business Friendly Council - Officer Comments Oct 2019

## 12.6 HERITAGE ADVISORY COMMITTEE - NEW COMMUNITY MEMBERS

Author: Georgina Borg - Strategic Planner

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

### PURPOSE OF REPORT

To consider the appointment of two community representatives to the Heritage Advisory Committee.

### RECOMMENDATION:

That Council approve the appointment of two new community representatives, Deborah Slattery and Frank Sultana, to the Heritage Advisory Committee.

#### Motion

Crs Ramsey/Abboushi.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

The Melton Heritage Advisory Committee promotes local heritage initiatives, assesses applications for the City of Melton Heritage Assistance Fund and the City of Melton Heritage Awards and drives programs that encourage an appreciation of heritage in the City of Melton.

Two community representative positions on the Committee are currently vacant, both with a two year term. The two vacancies were advertised during 13 August – 13 September 2019 and two applications were received.

Both applications were assessed on 16 September 2019, by three independent staff members who do not have a conflict of interest with any of the applicants.

Based on the assessment of the applications, it is recommended that Council approve the appointment of two new community representatives, Deborah Slattery and Frank Sultana, to the Heritage Advisory Committee.

### 2. Background/Issues

The Melton Heritage Advisory Committee promotes local heritage initiatives, assesses applications for the City of Melton Heritage Assistance Fund and the City of Melton Heritage Awards and drives programs that encourage an appreciation of heritage in the City of Melton.

Under the Terms of Reference, the Heritage Advisory Committee has the following responsibilities:

- Consider applications to the City of Melton Heritage Assistance Fund and make recommendations on applications to Council.

- Promote, select and advise Council on nominations to the City of Melton Heritage Awards.
- Act as a promotion and coordinating body for heritage in the community, including providing advice on marketing and promotion of the values of heritage and heritage related tourism in the City of Melton.
- Provide advice to Council on the documentation, interpretation, management and conservation of history and heritage in the City of Melton.
- Make recommendations to Council about further work required to document and protect Melton's heritage.
- Provide recommendations for the nomination of places to local, state or national heritage registers.
- Advocate in a professional manner on behalf of the community and celebrate the community history and heritage within the City of Melton.
- Assist Council in sourcing external funding or sponsorship opportunities to further heritage conservation, promotion, management and education.

### **Applications**

On 31 May 2019, one community representative position became vacant as a community member's current two year term concluded. This position was advertised and there were no applications for the position. On 30 September 2019, a second community representative position became vacant as a community member's current two year term concluded. Both positions are currently vacant.

The two vacancies were advertised from 13 August – 13 September 2019 and two applications were received.

One of the applications was received from a current representative of the Committee, Deborah Slattery, whose term ended on 30 September 2019. The other application was from a community member, Frank Sultana who in past years has been a member of the committee.

Both applications were assessed on 16 September 2019 by three independent staff members who did not have a conflict of interest with any of the applicants.

The independent assessment concluded that Deborah Slattery and Frank Sultana to be the suitable candidates to fill the two vacant positions based on the applications submitted.

It is therefore recommended that Council approves the appointment of two nominated representatives Deborah Slattery and Frank Sultana to the Heritage Advisory Committee for a two year terms.

### **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**

Nil.

## 5. Consultation/Public Submissions

An advertisement was published in the *Melton and Moorabool and Brimbank and North West Star Weekly* Newspapers on 13 August 2019.

The advertisement sought applications for two vacant positions on the Heritage Advisory Committee for two year terms.

The two vacant positions were also advertised on Council's website.

## 6. Risk Analysis

It is considered that the Heritage Advisory Committee is of limited risk to Council as the Committee has an advisory capacity only and therefore can make recommendations that Council can choose not to adopt.

## 7. Options

Council can choose to either:

1. Approve the appointment of two community representatives to the Heritage Advisory Committee.
2. Not appoint the two recommended representatives to the Heritage Advisory Committee which would result in two vacant positions.

## LIST OF APPENDICES

Nil.

## 12.7 ROCKBANK MAJOR TOWN CENTRE URBAN DESIGN FRAMEWORK

Author: Tunc Ozlatif - Strategic Planner

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

### PURPOSE OF REPORT

To consider the Rockbank Major Town Centre Urban Design Framework.

### RECOMMENDATION:

That Council:

1. Adopt the Rockbank Major Town Centre Urban Design Framework at **Appendix 1**.
2. Write to the Serbian Orthodox Church advising them that Council will engage with the landowners in respect of the future community facilities to be located on their land to ensure these new facilities meet the needs of the existing and emerging communities.
3. Seek Authorisation to prepare Planning Scheme Amendment C215 to the Melton Planning Scheme from the Minister for Planning to amend the Rockbank PSP and DCP to reflect the changes in the land allocation of the community facilities.
4. Upon receiving Authorisation, prepare and exhibit Planning Scheme Amendment C215 to the Melton Planning Scheme in accordance with Section 19 of the *Planning and Environment Act 1987*.
5. Authorise the General Manager Planning and Development and the Manager City Design, Strategy and Environment to negotiate and resolve any issues that are raised by submitters during the exhibition process to the amendment being reported back to Council for referral to a Planning Panel or Adoption of the amendment.

### Motion

Crs Majdlik/Abboushi.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

Council engaged Tract Consultants in July 2017 to undertake the preparation of the Rockbank Major Town Centre (MTC) Urban Design Framework (UDF) (**Appendix 1**).

The UDF is a statutory requirement of the Rockbank Precinct Structure Plan (PSP) and Urban Growth Schedule (UGZ7) of the Melton Planning Scheme and must be generally in accordance with the PSP and Rockbank Development Contributions Plan (DCP). The UDF must be approved by the Responsible Authority and meet the requirements set out in the PSP. The PSP Concept Plan is underpinned by a series of 'Organising Elements' (**Appendix 3**) which were prepared to assist in guiding the future vision of the MTC.

The UDF provides an overall vision and guides the use and development of the MTC area outlining planning and urban design principles, to enable Council to assess planning applications. The Rockbank MTC will accommodate retail, employment, community facilities

and entertainment for an ultimate population of 22,800 residents in one of the fastest growing regions in Australia.

The UDF is arranged into four Sections: 1 Introduction, 2 Urban Design Framework, 3 Implementation and 4 Staging and Review. The Urban Design Framework is the section that provides the land use framework for Council to use as a planning tool in assessing planning permit applications.

Various methods of consultation were used to engage with the stakeholders and the wider community during the preparation of the UDF. These methods included Council's website, Facebook, Flyers, Star Weekly Newspaper articles, stakeholder and landowner's workshops, community 'drop-in' information sessions and regular monthly landowner meetings.

The Victorian Planning Authority (VPA) provided funding for the project and therefore needs to also approve the UDF. The VPA Board approved the Rockbank MTC UDF on 11 September 2019.

It is recommended that Council adopt the Rockbank Major Town Centre Urban Design Framework.

## 2. Background/Issues

The preparation of the Rockbank Major Town Centre (MTC) Urban Design Framework (UDF) is a requirement of Schedule 7 to the Urban Growth Zone of the Melton Planning Scheme. The land use and development within the Rockbank MTC area must be generally in accordance with the Rockbank Precinct Structure Plan (PSP) and applied zone provisions for the land in Table 1 under Clause 34.01 – Commercial 1 Zone.

Rockbank is situated in one of the fastest growing regions in Australia with a current population of over 1500 residents. The PSP once built out will generate approximately 8,144 dwellings and more than 22,800 residents. The closest current major town centres are in Melton, Caroline Springs and Burnside with the future metropolitan town centre of Cobblebank 5km away. The distance existing residents need to travel for basic services and the growth that is anticipated highlight the importance of a major town centre for the current and future population of Rockbank.

There are three landowners within the UDF area including Public Transport Victoria (PTV) and landowners on both the western and eastern side of Leakes Road

Council engaged Tract Consultants in July 2017 to undertake the preparation of the Rockbank MTC UDF.

The project was undertaken in four stages and included consultation with the community and stakeholders at various stages of the project (outlined in Section 5 of this report):

Stage 1: Project Management Plan (PMP)

Stage 2: Technical Reports and Background Reports

Stage 3: Draft Urban Design Frameworks

Stage 4: Final Urban Design Framework

The Office of Victorian Government Architects (OVGA) engaged with Council and offered their services (free of charge) to conduct a panel of industry experts which provided third-party advice on the Draft UDF (outlined in Section 5 of this report).

### **Rockbank Major Town Centre Urban Design Framework**

The Rockbank Major Town Centre (MTC) covers approximately 20 hectares of commercial

land and will include retail, mixed use and community facilities that will provide residents with local employment opportunities and easy access to a range of facilities and services.

The UDF is a planning document that sets out an integrated vision for the area and guides its use and development over time through urban design principles, objectives, planning and design requirements and guidelines. The UDF must be approved by Council prior to considering any planning permit applications in the town centre.

The Rockbank MTC UDF is arranged into four sections:

- Section 1 (Introduction)
- Section 2 (Urban Design Framework)
- Section 3 (Implementation and Staging)
- Section 4 (Review)

Under Section 2 of the UDF there are requirements that must be met and guidelines that should be adhered to when developers are submitting planning permit applications in the town centre. The UDF will ensure that Council has the right planning tool to guide high quality urban design and development that is appropriate and consistent with the urban structure seen in Figure 4 of **Appendix 1**.

Without an approved UDF there would be no guidance for Council to ensure the development of cohesive and co-located land uses, in addition there would be no tool to assess applications for the MTC against the urban structure of the UDF which also responds to site specific land use requirements, including:

- The Rockbank Station and car park
- Community facilities
- Retail
- Higher density housing
- Public realm
- An indicative infrastructure staging timeline
- The existing Leakes Road connections and future Rockbank Road connection.

The UDF builds on the work undertaken as part of the Rockbank PSP which was gazetted in November 2016. The UDF must be generally in accordance with the concept plans, requirements and guidelines in the PSP. The design and structure of the UDF is guided by the urban design principles which reference the 'organising elements' listed in the Rockbank PSP and found at **Appendix 3**, expanding on those in order to achieve the outcomes identified in the vision.

The Background Report completed prior to commencement of the Draft UDF considered specific issues and constraints relevant to the MTC. Specialist economic, transport, and retail consultants provided input, which highlighted recommendations on the road network, pedestrian movement, retail and commercial locations and preferred residential precincts.

### **Amendment C215**

It is proposed to prepare Amendment C215 to the Melton Planning Scheme to update the Rockbank PSP and DCP to reflect the agreed reduction of land allocated for the Level 3 multi-purpose community facility from 1.5ha to 0.6ha within the Rockbank Major Town Centre.



The land was determined to be in excess of what was required and also based on the need to provide greater activation of the land which is in a prominent location adjacent to the principal urban plaza and Rockbank Train Station.

The amendment documentation will be drafted following engagement with the Department Environment, Land Water and Planning (DELWP) and the Victorian Planning Authority (VPA).

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 update the Rockbank PSP and DCP in accordance with the agreed reduction in size of the community facility and will provide certainty to land owners in that regard.

The strategic assessment has been undertaken and it is considered that the amendment adequately addresses this requirement. Overall, the amendment is consistent with the Planning Policy Framework, and makes proper uses of the Victorian Planning Provisions.

### 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 were involved in the preparation, consultation and review of the UDF. The project budget was \$122,309 split over four stages. The VPA provided funding of \$90,000 towards the preparation of the UDF through the Streamlining for growth fund.

### 5. Consultation/Public Submissions

Various methods of consultation were used to engage with the stakeholders and the wider community during the development of the UDF. These methods included Council's website, Facebook, Star Weekly Newspapers, letters, flyers, regular monthly meetings, Stakeholder and Landowner workshops and the facilitation of community information 'drop-in' sessions.

Below is a timeline of the process:

| Date                  | Event   |
|-----------------------|---|
| October 2017          | Council Briefing #1   |
| November 2017         | Stakeholder & Landowner Workshops #1  |
| November 2017         | Community Information Session #1  |
| July 2018             | OVGA Panel Session  |
| July 2018             | Council Briefing #2   |
| August/September 2018 | 6 week consultation period – Stakeholders & Landowners provided first submissions |
| August 2018           | Community Information Session #2  |
| October 2018          | Stakeholder & Landowner Workshops #2  |

|                       |  |
|-----------------------|--|
| <b>January 2019</b>   | Stakeholders & Landowners provided final submissions |
| <b>February 2019</b>  | Council Briefing #3                                  |
| <b>September 2019</b> | Victorian Planning Authority (VPA) Board Meeting     |
| <b>October 2019</b>   | Melton City Council Ordinary Council Meeting         |

The community consultation process involved:

- An event created and shared on Facebook
- Project information on Council's website
- A flyer distributed in Melton and Caroline Springs Civic centres
- Newspaper advertisements in the Star Weekly
- Letters to landholders and stakeholders
- Community 'drop-in' sessions at Rockbank Pavilion and Rockbank Hall
- A Stakeholder and Landowner Summit at the Western BACE
- Landowner workshops at Melton Civic Centre, Melton Library, Tract Consultants Office and the Rockbank Serbian Orthodox Church

The Draft UDF was on consultation for six weeks from 13 August to 21 September, 2018. Council received 5 written submissions to the Draft Rockbank MTC UDF. Submissions were received from the VPA, Transport for Victoria and landowners from both the western and eastern side of Leakes Rd.

During the six week consultation period Council was engaged by the OVGA which held a panel review session in July 2018 where the Draft Rockbank UDF was presented and critiqued. This process was followed by a Design Review Report highlighting key matters and recommendations on how to address them. The submission from the OVGA is included within the five submissions.

Issues raised in the submissions were focused on the location, size, function and delivery of the urban plaza, truncation of Leakes Road, alignment of connector roads, Rockbank Train Station pedestrian connections, scale and provision of retail and delivery of the community facilities.

Following the 6 week consultation period, the Draft UDF was amended to respond to submissions from landowners and state agencies where considered appropriate. Post submission changes included;

- A refined urban plaza to facilitate its early delivery without being reliant on the truncation of Leakes Road
- A redefined boundary of council facilities for improved integration into the town centre
- An additional signalised intersection on Leakes Rd, south of the proposed four-way intersection
- Additional mixed use west of Leakes Road and included additional convenience retail provision to activate the southern train station interface.

Submissions and officer responses received during the six week consultation period are summarised in the table at **Appendix 2**.

Following engagement with all landowners and stakeholders during the preparation and refinement of the UDF, it was determined that the land designated in the Rockbank PSP for the Level 3 Council multi-purpose community facility was in excess of what was required and that it could be reduced from 1.5ha to 0.6ha. The reduction in land allocation was based on the need to provide greater activation of the land which is in a prominent location adjacent to the principal urban plaza and Rockbank Train Station. An amendment to the Rockbank PSP and DCP is required to reflect this change.

Following the finalization of the Draft UDF, Council officers agreed to give stakeholders and landowners another final opportunity to review the Draft UDF and provide final comments in January 2019.

A further 3 written submissions were received following the post-consultation period. Post submission changes included:

- Additional multi-level car parking opportunities which has been labelled as an option on the UDF Plan
- Retail activation has been addressed through the removal of the small park on the Main Street/Station Street intersection and the increase in size of the sleeve of Mixed Use land in the same location

The second round of submissions were taken into consideration and additional minor changes to the UDF were included prior to the finalization of the document. The document was then sent to the VPA for approval. Refer to **Appendix 2**.

The Victorian Planning Authority (VPA), are required to approve the Urban Design Framework under the provision of Schedule 7 of the Urban Growth Zone. The VPA Board approved the Rockbank MTC UDF on 11 September, 2019 (**Appendix 4**).

## 6. Risk Analysis

If Council choose not to adopt the project Council would not be able to consider planning permit applications for development within Rockbank Major Town Centre.

It would delay the delivery of much needed commercial, civic, educational, community, entertainment and recreational uses that would provide essential services, generate business investment and provide local employment opportunities for the establishing community.

## 7. Options

1. Adopt the Rockbank Major Town Centre Urban Design Framework at **Appendix 1**.
2. Not adopt the Rockbank Major Town Centre Urban Design Framework.

## LIST OF APPENDICES

1. Final Rockbank Major Town Centre Urban Design Framework - dated 8 May 2019
2. Consultation Submission Table - undated
3. Extract of Rockbank PSP MTC Concept Plan, Organising Elements & Requirements - dated August 2016
4. Victorian Planning Authority Board Approval Letter - dated 23 September 2019

## 12.8 PLANNING SCHEME AMENDMENT C190 - ANOMALIES AMENDMENT

Author: Myles Graham - Strategic Planner

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

### PURPOSE OF REPORT

To consider the adoption of Planning Scheme Amendment C190 to the Melton Planning Scheme.

### RECOMMENDATION:

That Council:

1. Adopt Planning Scheme Amendment C190 as contained in **Appendix 1**;
2. Submit the Amendment to the Minister for Planning for approval.

### Motion

Crs Ramsey/Abboushi.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

Amendment C190 to the Melton Planning Scheme corrects a number of existing anomalies regarding zoning and overlays that have been identified in the Melton Planning Scheme (see **Appendix 1**). Correcting the anomalies ensures that the zoning reflects the use, and ownership of the land.

The Amendment was authorised by the Minister for Planning on 18 June 2019. The Amendment was exhibited from 8 August 2019 until 9 September 2019 and no objections were received in accordance with the requirements of the *Planning & Environment Act 1987*. It is recommended that Council adopt Amendment C190 and submit it to the Minister for Planning for approval.

### 2. Background/Issues

Amendment C190 to the Melton Planning Scheme corrects a number of existing anomalies regarding zoning and overlays that have been identified in the Melton Planning Scheme (**Appendix 1**). The anomalies include mapping inaccuracies, zoning errors or zones no longer required, and incorrectly listed or mapped places from the Schedule to the Heritage Overlay.

Correcting the anomalies within the Melton Planning Scheme ensures that the zoning reflects the use, and ownership of the land. Incorrect zoning can impact on the ongoing use of land, and in particular trigger the need for a planning permit where one would not normally be required.

At the Ordinary Meeting of Council on 12 November 2018, Council resolved to seek authorisation from the Minister for Planning, to prepare and exhibit Amendment C190 to correct minor anomalies in the Melton Planning Scheme (**Appendix 2**). Preparation of the Amendment was subsequently authorised by the Minister for Planning on 18 June 2019.

Amendment C190 specifically proposes:

1. 19 Rockfern Crescent, Diggers Rest: Rezone from Public Use Zone – Education (PUZ2) to Public Use Zone – Local Government (PUZ6).
2. 56 Cambrian Way, Melton: Rezone from Public Park and Recreation Zone (PPRZ) and Public Use Zone – Service and Utility (PUZ1) to Public Park and Recreation Zone (PPRZ).
3. 360 Clarkes Road, Brookfield: Rezone from Public Park and Recreation Zone (PPRZ) and Public Use Zone – Service and Utility (PUZ1) to Public Park and Recreation Zone (PPRZ).
4. 74-100 Centenary Avenue, Kurunjang: Rezone from Public Park and Recreation Zone (PPRZ) and Public Use Zone – Education (PUZ2) to Public Park and Recreation Zone (PPRZ).
5. 26-42 Richard Road and 22A Reynolds Place, Melton South: Rezone from Public Use Zone – Education (PUZ2) to Public Park and Recreation Zone (PPRZ).
6. 24-26 Reserve Road, Melton: Rezone from Public Park and Recreation Zone (PPRZ) and Public Use Zone – Service and Utility (PUZ1) to Public Park and Recreation Zone (PPRZ).
7. 60 Black Dog Drive, Brookfield: Rezone from Public Use Zone – Education (PUZ2) and General Residential Zone – Schedule 1 (GRZ1) to Public Use Zone – Education (PUZ2).
8. 21 Rockfern Crescent and 94 Plumpton Road, Diggers Rest: Rezone the area of property identified as Public Use Zone – Education (PUZ2) to Urban Growth Zone – Schedule 5 (UGZ5).
9. 158-182 and 184-204 Burns Lane, Toolern Vale: Rezone the area of property identified as Public Use Zone – Local Government (PUZ6) to Rural Conservation Zone (RCZ).
10. 102 High Street, Melton: Rezone the area of property identified as Public Use Zone – Service and Utility (PUZ1) to Industrial 1 Zone 1 (IN1Z).
11. 54 Pinnacle Crescent, Brookfield: Rezone the area of property identified as Public Use Zone – Education (PUZ2) to General Residential Zone – Schedule 1 (GRZ1).
12. Rezoning 2389A Diggers Rest – Coimadai Road and 2389 Diggers Rest – Coimadai Road, Toolern Vale so that the Public Use Zone – Service and Utility (PUZ1) accurately aligns with the title boundary of 2389A Diggers Rest – Coimadai Road, Toolern Vale, plus its connecting northern easement.
13. Removing HO106 (1200-1220 Mt Cottrell Road, Strathtulloh (Parcel 3001)) from the Heritage Overlay maps. Following gazettal of Amendment C71, HO106 was deleted from the Schedule to Clause 43.01 Heritage Overlay as recommended by the Panel Report, however it was not deleted from the associated mapping due to an administrative oversight.
14. Removing HO34 (126-196 McCorkells Road, Toolern Vale) from the Heritage Overlay maps. Similarly, following gazettal of Amendment C71, HO34 was deleted from Schedule to Clause 43.01 Heritage Overlay, however was not deleted from the associated mapping due to an administrative oversight.

15. Amend the Schedule to Clause 43.01 Heritage Overlay to list HO19 at 2389-2485 Diggers Rest-Coimadai Road, Toolern Vale under its correct suburb. HO19 is listed incorrectly in the Schedule to Clause 43.01 Heritage Overlay under the suburb of Diggers Rest.

The Amendment was exhibited from 8 August 2019 until 9 September 2019 in accordance with the requirements of the Planning & Environment Act and no objections were received.

### **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.

The budget for Planning Scheme Amendments is within the City Design, Strategy and Environment unit's recurrent budget.

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

The Amendment was exhibited from 8 August 2019 until 9 September 2019. An exemption was granted by the Minister for Planning from the requirements of sections 19(2) and 19(3) of the *Planning and Environment Act 1987*. This meant that full public notification was not required to be given via local print media, nor the Government Gazette.

Formal notice of Amendment C190 was given as follows:

- To land owners, occupiers and Government bodies who may be materially affected by the amendment; and
- To prescribed Ministers and adjoining municipalities; and
- Via DELWP's website.

Hardcopies of the Amendment were also made publicly available at the Melton Library and Learning Hub and Caroline Springs Library.

One submission was received from the Department of Education and Training in support of the Amendment. No further submissions were received.

Given that no objections were received and there are no unresolved submissions, there is no requirement to request a Planning Panel be convened.

### **6. Risk Analysis**

Should Council choose not to adopt Amendment C190, it would prevent the necessary updates required to the Melton Planning Scheme to ensure accuracy.

It would also result in difficulties for land owners when applying for future planning permits and difficulty for Council officers in facilitating appropriate development and considering future planning permit applications.

## 7. Options

Council has the option to:

1. Adopt Amendment C190 to the Melton Planning Scheme as contained in **Appendix 1**.
2. Not adopt Amendment C190 to the Melton Planning Scheme.

## LIST OF APPENDICES

1. Amendment C190 mapping and ordinance documentation - undated
2. Item 12.10 from the Minutes of Ordinary Meeting of Council - dated 12 November 2018

## 12.9 PLANNING APPLICATION PA 2018/6440 - DEVELOPMENT OF 10 DOUBLE-STOREY DWELLINGS AT 15 JOAN STREET, MELTON

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

### PURPOSE OF REPORT

To consider and determine the 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.

### Motion

Crs Abboushi/Majdlik.

That the recommendation be adopted.

CARRIED

## REPORT

### 1. Background

#### Executive Summary

|                       |  |
|-----------------------|--|
| Applicant:            | Xpress Building Design Group   |
| Proposal:             | Development of 10 double storey dwellings  |
| Existing Land Use:    | Existing single storey dwelling  |
| Zone:                 | Residential Growth (Schedule 1)  |
| Overlays:             | Nil  |
| Number of Objections: | Two  |
| Key Planning Issues:  | Strategic justification<br>Adequacy of on-site car parking<br>Respect for Neighbourhood Character<br>Off-site amenity impacts<br>Objector concerns |
| Recommendation:       | Support planning application   |

#### The Land and Surrounding Area

The subject site has an area of 1,636m<sup>2</sup> and is located on the western side of Joan Street in Melton. Other features of the site are as follows:

- The site is rectangular in shape.
- It contains an existing single storey dwelling located near the front of the site.



- An existing drainage and sewerage easement is located at the centre of the site.

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

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

**The Application**

The application seeks approval for the development of ten double-storey dwellings.

The proposed development is summarised as follows:

- The existing dwelling is to be demolished and replaced with the proposed dwellings.
- Eight dwellings each containing two bedrooms and a single garage.
- Two dwellings each containing three bedrooms and a double garage.
- The dwellings have a contemporary design with a range of external wall materials including brick and colorbond cladding.
- All dwellings will be accessed from one shared crossover off Joan Street.
- Two visitor car spaces are provided.
- 11 trees located on-site will be removed.
- No front fencing is proposed.

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

**Planning Controls**

|                       |  |   |
|-----------------------|--|---|
| Zone                  | (Clause 32.07 – Residential Growth Zone) | Permit required to construct two or more dwellings on a lot.  |
| Particular Provisions | (Clause 52.06 – Car Parking)             | Two car spaces are required for each three bedroom dwelling and one car space for each two bedroom dwelling.<br>One visitor car space is also required for every five dwellings.<br>A total of 14 car spaces are required and provided. |

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

**Clause 55 – ResCode**

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

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

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

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

The Housing Character Assessment & Design Guidelines were adopted at the Ordinary Meeting of Council on 13 October 2015. The site is located within the Garden Suburban 2

(GS2) character area. The essential components of the (GS2) which need to be maintained into the future are:

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

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

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

Built form intensity will be greatest close to commercial areas.

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

- Dual occupancy
- Villa units
- Duplex
- Apartment.

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

The land is not affected by a Restrictive Covenant.

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

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

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

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

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

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

## **3. Financial Considerations**

No Council related financial considerations are involved with the application.

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

**Public notification of the application**

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

The grounds of objections may be summarised as follows:

- Inconsistency with the existing neighbourhood character.
- Loss of on-street car parking, and increase in parking demand and safety issues created with additional traffic.
- Local road network cannot accommodate additional traffic.

- Impact on sewerage and drainage infrastructure.
- The proposal would limit the development potential of 17 Joan Street.

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

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

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

## **5. Issues**

### **Planning Assessment**

#### ***Strategic Assessment***

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

#### ***Neighbourhood Character***

The aspects of neighbourhood character which are of particular note relate to detached single storey dwellings with single driveways on generous lots predominantly ranging from 500m<sup>2</sup> to 2000m<sup>2</sup>, the sense of spaciousness, the generous landscaped front setbacks ranging from 5m to 22m, low front fences or absence of front fences, separation between dwellings and “backyard scape” mainly comprising open space, vegetation and smaller outbuildings. The dwellings are predominantly constructed of brick veneer with gable or hipped roofs, clad in tiles.

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

The character of the immediate surrounding area would also be impacted by medium-density proposal that have been approved by VCAT. These proposals include:

- Planning Permit PA2018/5069 – Development of the land for ten double-storey dwellings with associated car parking at 10 Joan Street. Planning permit issued at the direction of VCAT.
- Planning Permit PA2018/5871 – Development of the land for ten double-storey dwellings with associated car parking at 6 Joan Street. Planning permit issued at the direction of VCAT.
- Planning Permit PA2018/5872 – Development of the land for ten double-storey dwellings with associated car parking at 8 Joan Street. Planning permit issued at the direction of VCAT.

It should be noted, that the proposal for the subject land is near identical to the development, which was approved by VCAT for 10 Joan Street.

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

character as supported under the zone.

Objectors are concerned that the proposal represents an overdevelopment and that this overdevelopment will adversely affect neighbourhood character. It is considered that the scale of the development is appropriate within this strategic location, being the Residential Growth Zone, where increased density and change in residential character is supported by relevant policy of the Melton Planning Scheme.

***Off-site amenity impacts***

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

***Car parking and Traffic***

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

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

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

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

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

All trees located at 15 Joan Street are proposed to be removed as part of a current application to allow construction of ten dwellings.

The development will encroach into the TPZ of existing trees at 17 Joan Street, 13 Joan Street, and 26 Christopher Street, Melton.

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

## **6. Options**

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

## **7. Conclusion**

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

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

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

**LIST OF APPENDICES**

1. Locality Plan - dated 24 September 2019
2. Plan of proposal - dated 30 April 2019
3. Assessment against State and Local planning policies - undated
4. Response to Objections - undated
5. Referral Comments - undated
6. Proposed Conditions - undated

## 12.10 PLANNING APPLICATION PA 2019/6643 - DEVELOPMENT OF FOUR DOUBLE STOREY DWELLINGS AT 53 CHURCH STREET, MELTON

Author: Shane Trenergy - Development Planner  
Presenter: Bob Baggio - Manager Planning Services

### PURPOSE OF REPORT

To consider and determine the above planning application.

### RECOMMENDATION:

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

### Motion

Crs Ramsey/Hardy.

That Council refuse the planning application on the following grounds:

1. The scale and intensity of the proposal is considered to be out of character with the surrounding area particularly the minimal separation between buildings, and the overall built form and visual bulk which presents the impression that the development is being squeezed onto the site which is symptomatic of an overdevelopment.
2. The proposal does not satisfactorily address the objectives and standards of ResCode pursuant to Clause 55 of the Melton Planning Scheme, with respect to neighbourhood character.

CARRIED

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## REPORT

### 1. Background

#### Executive Summary

|                       |   |
|-----------------------|---|
| Applicant:            | Emil Tissera  |
| Proposal:             | Four double storey dwellings  |
| Existing Land Use:    | Existing single storey dwelling   |
| Zone:                 | Residential Growth Zone – Schedule 1  |
| Overlays:             | Not applicable  |
| Number of Objections: | 14  |
| Key Planning Issues:  | Strategic justification<br>Respect for Neighbourhood Character<br>Adequacy of on-site car parking<br>Intensification of development |
| Recommendation:       | Approve application   |

### The Land and Surrounding Area

The subject site has an area of 920m<sup>2</sup> and is located on the southern side of Church Street in Melton. Other features of the site are as follows:

- The site is regular in shape.
- It contains an existing single storey dwelling located near the front of the site.
- A 1.83m wide sewerage easement adjoins the rear boundary.

The surrounding area can be characterised as predominantly residential with single storey dwellings. Approximately 250m south of the site is Melton Town Centre shopping strip located on High Street. There are numerous examples of medium density developments in the immediate area.

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

### The Application

The application proposes the development of four double storey dwellings.

The proposed development is summarised as follows:

- The existing dwelling is to be demolished and replaced with the proposed dwellings.
- Three dwellings each containing two bedrooms and provided with a single car garage.
- One dwelling containing three bedrooms and provided with a double car garage.
- The dwellings have a contemporary design with a range of external materials including brick-veneer, weatherboards, aluminium framed windows and tiled roofing.
- All dwellings will be accessed from one shared crossover and driveway adjacent to the western boundary of the site.

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

### Planning Controls

|                         |  |  |
|-------------------------|--|--|
| Planning Policies       | Clause 11 – Settlement<br>Clause 15 – Built Environment and Heritage<br>Clause 16 – Housing  | The proposal complies with the relevant Planning Policies.               |
| Local Planning Policies | Clause 21 – Municipal Strategic Statement<br>Clause 21.02 – Settlement<br>Clause 21.07 – Built Environment and Heritage<br>Clause 21.08 – Housing<br>Clause 22.12 – Housing Diversity Policy | The proposal complies with the relevant Local Planning Policies.         |
| Zone                    | Clause 32.07 – Residential Growth Zone   | Permit required to construct two or more dwellings on a lot.             |
| Particular Provisions   | Clause 52.06 – Car Parking<br>Clause 55 – Two or more Dwellings on a lot and Residential Buildings   | The proposal generally complies with the relevant Particular Provisions. |

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

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

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

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

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

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

The proposal is generally compliant with the requirements of the Garden Suburban 2 area as outlined in Council's Housing Character Assessment and Design Guidelines.

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

The land is not affected by a Restrictive Covenant.

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

The land is not considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2018*.

**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 14 objections were received.

The grounds of objection may be summarised as follows:

- Neighbourhood character.
- Double storey development.
- Overdevelopment.
- Insufficient car parking.
- Increase in traffic.
- Errors in plans and reports.
- Visual bulk.
- Front setback.
- Accessway width.
- Fencing.
- Overshadowing and poor solar access.
- Changing demographics.

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

### Referral of the application

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

## 5. Issues

### Planning Assessment

#### *Strategic justification*

The land is zoned as Residential Growth which is to provide housing at increased densities in buildings up to and including four storey buildings. The Residential Growth Zone encourages a diversity of housing types in locations offering good access to services and transport including activity centres and town centres. The proposal meets the overarching objectives of the Planning Policy Framework and the Local Planning Policy Framework. It provides for urban consolidation in an area which has excellent access to local services and facilities and is a development that improves housing choice and accommodates future housing needs.

#### *Neighbourhood character*

Whilst the prevailing pattern of development in the area is predominantly characterised by single storey dwellings, double storey dwellings also exist within the surrounding area. Objectors are concerned that the proposed double storey dwellings are not in keeping with the existing neighbourhood character. The Housing Character Assessment and Design Guidelines (House Rules) adopted by Council on 13 October 2015 and gazetted into the Melton Planning Scheme as a reference document on 18 April 2019 provides guidance on the preferred outcomes for the neighbourhood character of the area. It states that buildings that exceed by more than one storey the predominant building height in the street and nearby properties should be avoided. However, the House Rules document does not preclude the possibility of introducing a double storey built form. Double storey development over time has become a more common aspect of Melbourne's built form. To quote from

*Waylan Consulting Group v Moreland CC (P2000/14971), "Double storey dwellings are not two headed monsters. They are a normal housing type through the Melbourne metropolitan area."*

Whilst the form of the development may generally be different to the immediate building stock, it is noteworthy that respecting neighbourhood character does not mean replicating what exists. If that was the case there would be virtually no change to the types of dwellings that exist in an area. The Planning Scheme does not prohibit alternative built form to the existing built form provided it respects and complements the neighbourhood character of the area.

The Residential Growth Zone allows for buildings up to four storeys in height and a maximum height of 13.5 metres, whilst the General Residential Zone on the northern side of Church Street allows for buildings up to three storeys and a maximum building height of 11 metres. The maximum building height of the proposed dwellings is 7.1 metres and double storey, which is well within the maximum requirements of the Residential Growth Zone. Additionally, the Garden Suburban 2 area in House Rules states the maximum building height should be 9 metres, which the proposal complies with.

Objectors have raised concerns that the proposed front setback of 5.6 metres does not meet Standard B6 of ResCode and is therefore inconsistent with the neighbourhood character. It is acknowledged there is a variation to the front setback under Standard B6, however overall the proposal complies with the objective. There is quite a variation of front setbacks in the surrounding area, including 5.2 metres at 1/57 Church Street, 6 metres at both 59 and 60 Church Street, 6.49 metres at 1/55 Church Street, 8 metres at 56 Church Street and 12.27 metres at 51 Church Street. A proposed setback of 5.6 metres, including a first floor setback of 6.23 metres, is still considered adequate, particularly due to the large variations in setbacks throughout Church Street. The street setback objective is *"to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site."* Increasing the front setback to 9.38 metres as required under Standard B6 would result in the deletion of one dwelling on the land, reducing the efficient use of the land, particularly based on its proximity to the Melton Town Centre. It is considered the proposed setback still respects the neighbourhood character and is an efficient use of the land.

An application for seven dwellings consisting of six double storey dwellings and one double storey dwelling (PA2017/5840) at 52-54 Church Street, Melton was previously refused by Council. The site is located on a corner block and has a frontage to both Church Street and Hewson Street. The refusal was based on an overdevelopment of the site, minimal separation between the dwellings, building form, visual bulk, not satisfactorily addressing the objectives and standards of ResCode and the lack of an on-site visitor car parking. The applicant lodged an appeal with VCAT, with VCAT affirming Council's decision in that no planning permit is granted in *Rigon v Melton CC [2019] VCAT 358 (P1279/2018)*. Although the proposals are approximately 50 metres away from each other, this current application being assessed (PA2019/6643) is located in the Residential Growth Zone compared to the application at 52-54 Church Street being located in the General Residential Zone.

In *Rigon v Melton CC [2019] VCAT 358* the Tribunal Member found the attached built form to Hewson Street creates a bulky built form that is at odds with the moderately scaled and simple dwellings that make up the neighbourhood, resulting in a dominating and intrusive building mass to the streetscape. The attached built form as part of the proposal extends for 36 metres at the ground floor and over 32 metres at the first floor across the 44 metre frontage to Hewson Street.

In comparison, the site at 53 Church Street has a frontage of 18.29 metres, with Dwelling 1 extending for 9.2 metres across the frontage. When viewed from Church Street, the

proposed development has adequate side setbacks to ensure the openness of the streetscape is maintained. The attached built form on the ground floor is generally hard to view from Church Street unless looking in a south-easterly direction at the accessway. A minimum separation of 1.8 metres between the first floor levels of the dwellings means there is no attached built form at the first floor level, reducing the intensiveness of the proposed development and relief to the built form.

#### ***Car parking and traffic***

Provision of car parking for each dwelling complies with the requirements of Clause 52.06. A visitor car parking space is not required for this proposal as four dwellings are proposed. The site has excellent access to public transport, with bus stops located on Unitt Street only a 250 metre walk and the Wallace Square bus interchange 450 metres from the site. It is anticipated a greater percentage of trips can be undertaken via public transport, reducing the need for car parking.

Residents have expressed concerns regarding traffic congestion, off-street impacts and safety impacts due to increase in traffic volumes as a result of the development. Council's Traffic Engineers are satisfied that the local road network can accommodate the anticipated increase in traffic that will be generated by the proposal.

#### ***Intensification of development***

Numerous objectors have outlined they are not opposed to development, but rather the intensification of development that is being proposed. The objectors have raised that three single storey dwellings is a more reasonable proposal.

The scale of development proposed is considered transitional as the development needs to respond to the lower intensification of the General Residential Zone to the north of Church Street but also respond to the Residential Growth Zone and further to the Commercial 1 Zone 150 metres south from the site.

Three single storey dwellings could be considered an underdevelopment for this particular site. The proposal for four double storey dwellings shows a high level of compliance with the objectives of the Planning Policy Framework, Local Planning Policy Framework and House Rules and the intensification of development is justified for this site and its surrounding context.

## **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 Planning Policy Framework, Local Planning Policy Framework, Zone/Particular provisions and Clause 65 of the Melton Planning Scheme.

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

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

**LIST OF APPENDICES**

1. Locality Plan - dated 26 September 2019
2. Plans for the proposal - dated January 2019
3. Assessment against relevant planning controls - undated
4. Response to Objections - undated
5. Referral Comments - undated
6. Proposed Conditions - undated

Cr Kesic left the Chamber at 8:00pm.

Cr Kesic returned to the Chamber at 8:02pm.

Cr Ramsey left the Chamber at 8:05pm.

Cr Ramsey returned to the Chamber at 8:06pm.

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

Verbal reports were received from Crs Ramsey, Abboushi, Sebire, Carli, Hardy, Kesic, Majdlik, Mendes and Turner.

### **14. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS**

Crs Ramsey, Abboushi, Sebire, Carli, Hardy, Kesic, Majdlik, Mendes and Turner addressed the meeting in respect to a variety of matters of significance.

#### **Motion**

Crs Ramsey/Majdlik.

That Council fly the Melton City Council flag at half-mast on the day of Neville Smith's funeral in homage to the former CEO of the Shire of Melton and to acknowledge his contribution to the Melton community.

CARRIED

**15. NOTICES OF MOTION****15.1 NOTICE OF MOTION 656 (CR MAJDLIK)****Councillor: Kathy Majdlik - Councillor****NOTICE:**

That Council's Leisure and Recreation Unit further investigate the site outlined in Agenda Item 19.1 in the Confidential Section of the Ordinary Meeting of Council held 19 August 2019 and provide a further report back to Council outlining costs and potential suitability.

**Motion**

Crs Majdlik/Abboushi.

That Council's Leisure and Recreation Unit further investigate the site outlined in Agenda Item 19.1 in the Confidential Section of the Ordinary Meeting of Council held 19 August 2019 and provide a further report back to Council outlining costs and potential suitability.

CARRIED

**15.2 NOTICE OF MOTION 657 (CR CARLI)**

**Councillor: Lara Carli - Councillor**

**NOTICE:**

That Council refer the cost of a score board and installation at the Diggers Rest Recreation Reserve for the football club to the 2020/21 Council budget.

**Motion**

Crs Carli/Hardy.

That Council refer the cost of a score board and installation at the Diggers Rest Recreation Reserve for the football club to the 2020/21 Council budget.

CARRIED

**15.3 NOTICE OF MOTION 658 (CR ABBOUSHI)****Councillor: Steven Abboushi - Councillor****NOTICE:**

That Council officers provide further costings on the redevelopment of Brookside Pavilion to include a larger meeting room two additional change rooms as per Football Federation (FV) guidelines, and an additional storage space.

**Motion**

Crs Abboushi/Majdlik.

That Council officers provide further costings on the redevelopment of Brookside Pavilion to include a larger meeting room two additional change rooms as per Football Federation (FV) guidelines, and an additional storage space.

CARRIED

Cr Abboushi called for a division thereby setting aside the vote.

**For:**

Crs Abboushi, Carli, Hardy, Kesic, Majdlik, Mendes, Ramsey, Sebire and Turner

**Against:**

Nil

The Mayor declared the Motion CARRIED



**15.4 NOTICE OF MOTION 659 (CR CARLI)****Councillor: Lara Carli - Councillor****NOTICE:**

That Council write to VicRoads requesting that they immediately install safety barriers along Vineyard Rd in Diggers Rest, particularly next to the Diggers Rest Medical Centre, Diggers Rest Pharmacy and Diggers Rest Early Learning Centre and reduce the speed limit from 80km per hour to 60km per hour.

**Motion**

Crs Carli/Mendes.

That Council:

1. Write to VicRoads requesting that they immediately install safety barriers along Vineyard Rd in Diggers Rest, particularly next to the Diggers Rest Medical Centre, Diggers Rest Pharmacy and Diggers Rest Early Learning Centre and reduce the speed limit from 80km per hour to 60km per hour.
2. Invite VicRoad representatives to meet with Council at the site to commence discussions.

CARRIED

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

Nil.

**17. MOTIONS WITHOUT NOTICE**

Nil.

**18. URGENT BUSINESS**

**Procedural Motion**

Crs Ramsey/Mendes.

That Council accept a motion on the venue for future Council meetings as an item of urgent business.

LOST

## 19. CONFIDENTIAL BUSINESS

### Procedural Motion

Crs Majdlik/Kesic.

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 Minutes of the 2020 Community Achievement Awards Assessment Panel Meeting**  
(h) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person.
- 19.2 Community Home Support Program**  
(c) as it relates to industrial matters.
- 19.3 Sale of Land - Abey Road Cobblebank**  
(e) as it relates to proposed developments.
- 19.4 Land 241-253 High Street, Melton**  
(h) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person.

CARRIED

Cr Majdlik left the Chamber at 8:37pm.

Cr Majdlik returned to the Chamber at 8:39pm.

**Procedural Motion**

Crs Majdlik/Ramsey.

That the meeting be opened to the public.

CARRIED

**20. CLOSE OF BUSINESS**

The meeting closed at 9:10pm.

Confirmed

Dated this

.....CHAIRPERSON