



## MELTON CITY COUNCIL

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Notice is hereby given that the Ordinary Meeting of the Melton City Council will be held in the Council Chamber, Civic Centre, 232 High Street, Melton on 9 December 2019 at 7.00pm.

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

Kelvin Tori  
CHIEF EXECUTIVE

## Visitors to the Gallery please note:

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

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

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

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

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

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	To present the minutes of the Chief Executive Officer Review Advisory Committee meeting held on Thursday 21 November 2019.	
<b>20.</b>	<b>CLOSE OF BUSINESS</b>	<b>836</b>

**1. OPENING PRAYER AND RECONCILIATION STATEMENT**

The Chairperson will read the opening prayer and reconciliation statement.

**Prayer**

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

**Reconciliation Statement**

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

**2. APOLOGIES AND LEAVE OF ABSENCE**

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

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

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

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

That the Minutes of the Ordinary Meeting of Council held on 11 November 2019 be confirmed as a true and correct record.



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

- 11 November 2019 Record of Assembly of Councillors
- 25 November 2019 Record of Assembly of Councillors
- 2 December 2019 Record of Assembly of Councillors

**RECOMMENDATION:**

That the Record of Assembly of Councillors dated 11 and 25 November 2019 and 2 December 2019 attached to this Agenda be received and noted.

**LIST OF APPENDICES**

1. Record of Assembly of Councillors - dated 11 November 2019
2. Record of Assembly of Councillors - dated 25 November 2019
3. Record of Assembly of Councillors - dated 2 December 2019

**8. CORRESPONDENCE INWARD**

Nil.

**9. PETITIONS AND JOINT LETTERS**

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

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

### 10.1 2020 COUNCIL MEETING SCHEDULE

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

#### PURPOSE OF REPORT

To determine the 2020 Council Meeting Schedule.

#### RECOMMENDATION:

That Council adopt the following Council Meeting Schedule dates and locations for 2020 with all meetings to commence at 7.00pm:

Date	Location
Monday 3 February 2020	Melton
Monday 2 March 2020	Burnside
Thursday 26 March 2020	Melton
Monday 27 April 2020	Burnside
Monday 25 May 2020	Melton
Monday 22 June 2020	Burnside
Monday 20 July 2020	Melton
Monday 17 August 2020	Burnside
Monday 14 September 2020	Melton
Monday 12 October 2020	Burnside
Tuesday 10 November 2020 at 7pm ( <i>Special Meeting for the election of the Mayor and Deputy Mayor and setting of the 2021 Meeting Schedule</i> )	Melton
Monday 23 November 2020	Melton
Monday 14 December 2020	Burnside

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#### REPORT

### 1. Executive Summary

At its Special Meeting of Council held 31 October the Council resolved as follows:

*That 2020 Council Meeting Schedule be deferred until the Ordinary Meeting of Council to be held 9 December 2019.*

## 2. Background/Issues

As required by Section 2.1 a) of Council's *Meeting Procedure Local Law 2013* the Council considered its meeting schedule for the next 12 months at its Special Meeting held 31 October 2019. At that meeting it resolved to defer adopting a 2020 meeting schedule until the 9 December 2019 Ordinary Meeting of Council.

A proposed Council Meeting Schedule with dates and locations for 2020 has been prepared for Council's consideration. All meetings are proposed to commence at 7.00pm. The proposed schedule is set out below:

<b>Date</b>	<b>Location</b>
Monday 3 February 2020	Melton
Monday 2 March 2020	Burnside
Thursday 26 March 2020	Melton
Monday 27 April 2020	Burnside
Monday 25 May 2020	Melton
Monday 22 June 2020	Burnside
Monday 20 July 2020	Melton
Monday 17 August 2020	Burnside
Monday 14 September 2020	Melton
Monday 12 October 2020	Burnside
Tuesday 10 November 2020 at 7pm ( <i>Special Meeting for the election of the Mayor and Deputy Mayor and setting of the 2021 meeting schedule</i> )	Melton
Monday 23 November 2020	Melton
Monday 14 December 2020	Burnside

This proposal has been prepared with the following factors in mind:

- Meeting locations have been alternated between the Burnside Community Hall and the Melton Civic Centre as per Council's resolution carried at its meeting on 15 October 2018.
- The first meeting location in 2020 is the Melton Civic Centre to facilitate the 23 November 2020 meeting to be at the Melton Civic Centre with this meeting being the first Ordinary Meeting of the newly elected Council.
- All meetings dates are outside of school holidays. The 26 March 2020 meeting has been brought forward and is on a Thursday to allow it to be outside of the school holiday period.
- The meeting on 12 October 2020 is within the Election Period (also known as the Caretaker Period). The Election Period starts at noon on Tuesday 22 September

2020 and concludes at 6:00pm on Saturday 24 October 2020. The Council's Election Period Policy, presented to this meeting in the minutes of the Policy Review Panel, governs processes during the Election Period.

- The Special Meeting of Council for the election of the Mayor and Deputy Mayor, setting of the 2021 meeting schedule etc. has been proposed for 10 November 2020. The declaration of the election must occur by Friday 6 November 2020 at the latest.
- The November and December meeting dates allow for Ordinary Meetings after the 2020 general elections are complete and the Special Meeting has been held.

### **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 is a small additional cost in holding ordinary meetings at the Burnside Community Hall as it needs to be set up as a meeting venue whereas the Council Chambers in the Melton Civic Centre is purpose built.

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

Nil

### **6. Risk Analysis**

Nil

### **7. Options**

The Council has the options to either:

- adopt the officer's recommendation; or
- adopt an alternative 2020 Council Meeting Schedule.

### **LIST OF APPENDICES**

Nil

**11. PUBLIC QUESTION TIME**

## 12. PRESENTATION OF STAFF REPORTS

### 12.1 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 - 3**
2. adopt recommendations arising within the Minutes.

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#### REPORT

### 1. Executive Summary

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

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

### 2. Background/Issues

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

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

Councillor representation on Advisory Committees is generally for one year and is reviewed annually at the Statutory Meeting of Council. Councillor representation on current Council Committees and to other organisations for 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
2 October 2019	Intercultural Advisory Committee	Appendix 1
7 November 2019	Arts and Culture Advisory Committee	Appendix 2
27 November 2019	Policy Review Panel	Appendix 3

### 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. Intercultural Advisory Committee Meeting Minutes - dated 2 October 2019
2. Arts and Culture Advisory Committee Meeting Minutes - dated 7 November 2019
3. Policy Review Panel Meeting Minutes - dated 27 November 2019

## 12.2 MUNICIPAL AUDIT COMMITTEE MEETING - 30 OCTOBER 2019

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

### PURPOSE OF REPORT

To present to Council the minutes of the Municipal Audit Committee meeting held on Wednesday 30 October 2019.

### RECOMMENDATION:

That Council:

1. Note the minutes of the Municipal Audit Committee meeting held on Wednesday 30 October 2019 at **Appendix 1**.
  2. Adopt the recommendations arising within the minutes.
  3. Note the Finance Report Ending 30 September 2019 at **Appendix 2**.
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### REPORT

#### 1. Executive Summary

The minutes of the Audit Committee meeting held on 30 October 2019 are appended to this report as **Appendix 1**. The Committee considered various issues in relation to financial management and governance and the minutes contain recommendations for the consideration of Council.

#### 2. Background/Issues

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

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

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

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

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

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

#### 4. Financial Considerations

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

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

The Municipal Audit Committee consists of Crs Turner and Hardy and three independent external members Mr Robert Tommasini, Mr Farshan Mansoor and Ms Celeste Gregory.

## **6. Risk Analysis**

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

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

## **7. Options**

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

## **LIST OF APPENDICES**

1. Minutes of Audit Committee Meeting - dated 30 October 2019
2. Finance Report 1st Quarter ended 30 September 2019

## 12.3 COUNCILLOR REPRESENTATION NOMINATIONS ADVISORY COMMITTEE MEETING MINUTES - 6 NOVEMBER 2019

Author: John Whitfield - Governance Coordinator  
Presenter: Kel Tori - Chief Executive Officer

### PURPOSE OF REPORT

To present the minutes of the Councillor Representation Nominations Advisory Committee (CRNAC) meeting held on Wednesday, 6 November 2019

### RECOMMENDATION:

That Council:

1. note the minutes of the Councillor Representation Nominations Advisory Committee (CRNAC) meeting held on Wednesday, 6 November 2019 (**Attachment 1**).
2. adopt the recommendations arising within the minutes.
3. note the disbanding of the Ravenhall Prison Project – Community Advisory Group and the addition of the Ravenhall Community Advisory Group to its schedule of committees and external organisations.
4. be represented at the Ravenhall Community Advisory Group by Council officers

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## REPORT

### 1. Executive Summary

The appointment of Councillors as representatives on external bodies, special committees and advisory committees plays an integral part in Councillors exercising their representation and advocacy responsibilities on behalf of the community.

It is an established practice to annually review the Councillor representation on special committees, advisory committees and external organisations. This process allows Councillors the opportunity to consider the committees and groups on which they are able to represent Council for the forthcoming year.

### 2. Background/Issues

At the Ordinary Meeting 8 September 2015, Council adopted the Terms of Reference (ToR) for the Councillor Representation Nominations Advisory Committee (CRNAC). These ToR outline the establishment, composition and operating procedures in the recommending of Councillor membership to committees (Council and other organisations), boards, peak bodies and other decision making bodies for which a Councillor representative is required.

Representation on Council committees and on external organisations plays an essential role in policy development, advocacy, planning and provision of a wide range of services directly relevant to the community and provides a framework for Council to receive community feedback and external advice.

The *Local Government Act 1989* allows for two types of Council committees:

- *Special Committees* of Council - have delegated power from the Council as set out in an Instrument of Delegation. The Instrument outlines the extent and limitations of the committee's powers and functions with these to be exercised in accordance with the guidelines or policies adopted by the Council.
- *Advisory Committees* of Council - consider issues and make recommendations to the full Council. Advisory Committees have no delegated power and so their recommendations need to be adopted or endorsed by the full Council at an Ordinary or Special Council meeting before they can be implemented.

The role, composition and operating arrangements for both Special and Advisory Committees are set out in their respective Terms of Reference.

The Municipal Emergency Management Planning Committee and the Municipal Fire Management Planning Committee are a little different. They are formed under the *Emergency Management Act 1986*.

Finally, there are organisations external to Council that also include representation of Council by Councillors or Council officers. Councillors and Council officers appointed to these groups/committees have a responsibility to report to Council. These reports can be in writing in the form of minutes of the meetings. Where there are no Council Officers present or minutes taken, items of significance from those meetings can be read into the minutes of the Council meeting via a short verbal report.

The minutes of the CRNAC mention two committees where no representatives were chosen pending either a further Council decision, in the case of the CEO Review Special Committee or more information, in the case of the Ravenhall Prison Project – Community Advisory Group (CAG). Information is provided below:

#### Chief Executive Officer Review Special Committee

For the record, at the Ordinary Meeting of Council held 11 November 2019, the Council resolved to disband the Chief Executive Officer Review Special Committee and establish a Chief Executive Officer Review Advisory Committee. This will be reflected in the schedule of committees and external organisations.

#### Ravenhall Prison Project - Community Advisory Group

The Council did not make an appointment to the Ravenhall Prison Project - Community Advisory Group at the CRNAC. The committee asked for some further information about the status of this group.

Council officers advise that this community advisory group was originally set up for the construction phase of the prison. Councillor delegates were requested and. It was a more formal community advisory group aimed to help with community consultation before and during the prison's construction. The chair of that community advisory group was Craig Rowland, the former CEO of LeadWest.

After construction that community advisory group was disbanded. This community advisory group will therefore be removed from the schedule of committees and external organisations.

The prison then set up a new community advisory group called the Ravenhall Community Advisory Committee. The new group is more focussed on building ongoing relationships with the community. The General Manager from GEO chairs this group and it is now much more informal in its operation.

Staff believe that there is no necessity for a Councillor delegate to the new community advisory group.

There is some benefit from Council officers attending group meetings to keep a working relationship with the GEO Group, and to remain aware of any expansion and other plans. It is recommended that this new Ravenhall Community Advisory Group will be added to the schedule of committees and external organisations and be represented by Council officers.

### **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**

Costs associated with Councillor representation on committees and external bodies are borne through normal budget estimates each financial year.

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

The CRNAC is an Advisory Committee of Council that makes recommendations to Council regarding its delegates to committees and external organisations for the upcoming 12 months. Consequently, no public consultation is required.

### **6. Risk Analysis**

Advisory Committee minutes must be reported to Council. As they have no delegated power, they are restricted to the making of recommendations for Council's consideration.

The extent of the power and functions that can be exercised by special committees is governed by their Instrument of Delegation.

Council adopts Terms of Reference for each of its committees to guide their role, composition and operation.

### **7. Options**

The CRNAC is an Advisory Committee of Council, therefore Council has the discretion to accept, reject or vary the nominations as detailed in the Committee minutes and/or recommendations.

## **LIST OF APPENDICES**

1. Councillor Representation Nominations Advisory Committee Minutes - dated 6 November 2019

## 12.4 CREATIVE MELTON 2030: A VISION FOR LIBRARIES AND ARTS

Author: Troy Watson - Manager Libraries

Presenter: Maurie Heaney - General Manager Community Services

### PURPOSE OF REPORT

To seek Council's endorsement of a new integrated plan, Creative Melton 2030: a vision for Libraries and Arts, together with a two year action plan.

### RECOMMENDATION:

That Council:

1. Adopt Creative Melton 2030: a vision for Libraries and Arts as per **Appendix 1**.
  2. Endorse the Creative Melton 2030 two year action plan for 2019/20 and 2020/21 as per **Appendix 2**.
- 

### REPORT

#### 1. Executive Summary

Creative Melton 2030 is a unique vision for our City. It is an integrated plan that identifies a number of priority areas for cultural development, and builds on Council's investment in, and community support for, libraries and the arts over the next ten years. Development of this plan delivers on Council's commitment in the Council Annual Action Plan 2019/20 for development of a libraries and arts strategy. Creative Melton 2030 has been developed in consultation with Council's Arts and Culture Advisory Committee and the community through surveys and directed community engagement. The plan puts forward a vision for a vibrant city that values libraries, culture and creativity as essential for community wellbeing, and is underpinned by four themes: Access, Connect, Engage and Grow.

#### 2. Background/Issues

Council is committed to promoting and protecting community wellbeing and mitigating social disadvantage, and acknowledges the fundamental role that libraries and the arts play in the making of vibrant, culturally rich communities. Council's previous Arts and Cultural Strategy, Imagine Melton, expired in 2015 and to date there has not been a separate libraries strategic document. In July 2017, management of libraries and the arts within Council were brought into the one service unit. Over the last two years, Council has been working through our libraries and arts services to develop our cultural landscape and deliver a broad range of interrelated services within and beyond our landmark library facilities and CS Gallery.

Public libraries are uniquely placed to support community engagement and strengthening. Our libraries are anchors for community life, offering people a 'third place' separate from home or work where they can interact, access information, technology, literacy support and learning opportunities. Through arts engagement and development, Council supports community wellbeing and responds to community needs, achieving both social and artistic outcomes.

Creative Melton 2030 is an aspirational plan for the culturally rich City that our community desires and deserves. Community engagement has been key to the development of this strategy, and has directly informed the goals and commitments outlined here. Creative Melton 2030 presents a vision for our community that acknowledges the central role that investment in our cultural assets and creative pursuits plays in improving our quality of life. It conceives a future where libraries, culture and creativity are at the heart our City's development and liveability. It provides a coordinated and confident vision that will inform our planning and programming priorities for libraries and the arts for the next decade, positioning Council to best meet the cultural and creative needs of our City.

Creative Melton 2030 includes four overarching goals with the following objectives:

- Access: Everyone can access, and feels able to participate in, library services and creative experiences.
- Connect: Through literacy, learning and creativity, we connect our community to each other, to learning, and to opportunities.
- Engage: Our services and programs engage and reflect the needs and aspirations of our diverse community.
- Grow: Our cultural fabric evolves as our community develops.

Creative Melton 2030 has been designed as a cultural development plan. It is evidence-based and outcomes focused, and has been developed in accordance with the Cultural Development Network's Framework for Cultural Development Planning.

A two year action plan has been developed to build on the engagement outcomes and themes from consultation during the development of Creative Melton 2030. The plan will guide service delivery during 2019/20 and 2020/21 and includes 79 actions. New action plans and a report on previous action plan outcomes will be developed with the Arts and Culture Advisory Committee and presented to Council every second year during the life of the Creative Melton 2030 plan.

Creative Melton 2030 has been developed in consultation with and is supported by Council's Arts and Culture Advisory Committee.

### **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

*4.5 Lifelong learning opportunities are available and promoted.*

### **4. Financial Considerations**

The implementation of the two year action plan forms part of Council's operational budget commitment and is supported by State Government Grants. Capital budget commitments will be subject to Council's annual budget process.

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

Creative Melton 2030 has been developed based on a range of community engagement methods. A libraries satisfaction survey was conducted in September 2018 and had 1,357 respondents, including current members, inactive members and non-members. Overall satisfaction with libraries was 89.4% (4.47 out of 5). Council's annual satisfaction survey 2019 was also utilised to inform the plan. This survey has demonstrated that over the last



two years, community satisfaction with public art and exhibitions has increased significantly (up 8.5%), and its perceived importance has increased by 3.5%.

In May 2019, a community engagement forum was held with community members, advisory committee members and Councillors. At the forum, participants explored what culture and creativity meant to them and their community. Further workshops were held with libraries, arts and Council staff to gain input. Council's Arts and Culture Advisory Committee has been involved throughout the development of the plan.

The draft Creative Melton 2030 plan was received by the Arts and Culture Advisory Committee meeting on 17 September 2019 and recommended for public consultation. The plan was released for consultation on Council's website from 25 September to 11 October 2019 and promoted through the library e-newsletter which has approximately 18,000 subscribers. Posters and comment boards were utilised at Melton and Caroline Springs Library and Learning Hubs, and outreach events in Strathulloh, Eynesbury and Diggers Rest. 96% of responders either agreed or strongly agreed with the goals in the plan. No written feedback was received. A further engagement event was held on 11 October 2019 at Melton Library for previous participants of the community forum and their feedback was incorporated into the final version. Creative Melton 2030: a vision for libraries and arts, together with the two year action plan, was considered at the Arts and Culture Advisory Committee on 7 November 2019 and recommended by the Committee to progress for Council adoption.

Significant external stakeholder consultation was undertaken with the Cultural Development Network. This network works to increase the expression of culture through the platform of the arts, libraries and heritage, and to build the capacity of local government and arts organisations. The network reviewed Creative Melton 2030 and provided advice during its development.

## **6. Risk Analysis**

The plan has been developed in line with State and Commonwealth strategies, including the Australia Council for the Arts Strategy 2020-24, Creative State: Victoria's Creative Industry Strategy 2016-2020, and Victorian Public Libraries 2030: Strategic Framework. The measurable cultural outcomes in the plan are consistent with those developed by the Cultural Development Network and will be utilised to assess the impact of our actions for our community. This nationally recognised evaluation framework has been adopted by the National Local Government Cultural Forum, Australia Council for the Arts, and the Australian Local Government Association. Creative Melton 2030 is therefore consistent with and responsive to creative industry and library sector policy.

Adoption of the plan will ensure effective planning and delivery of Council services. A cultural development plan ensures Council is well placed to apply for grant funding in the creative sector.

## **7. Options**

That Council endorse the recommendations as presented in this report.

## **LIST OF APPENDICES**

1. Creative Melton 2030: A vision for Libraries and Arts - undated
2. Creative Melton 2030: 2019-2021 Action Plan - undated

## 12.5 RESPONSE TO NOTICE OF MOTION 610 (CR ABBOUSHI) - TRAFFIC CALMING DEVICES AND PEDESTRIAN FACILITIES ON VARIOUS ROADS WITHIN FRASER RISE

Author: Michael Smith - Traffic & Transport Engineer

Presenter: Luke Shannon - General Manager Planning & Development

### PURPOSE OF REPORT

To respond to Notice of Motion 610 (Cr Abboushi) in relation to reviewing the entire length of City Vista Court Fraser Rise, Aspire Boulevard Fraser Rise, and surrounding roads where necessary to assess the need for traffic calming devices, pedestrian facilities and any other road needs to cater for the growing number of road users in the area.

### RECOMMENDATION:

That Council;

1. Notes the content of this report; and
2. Refer the construction of pedestrian refuge islands to the Capital Works Program for consideration in the 2020/21 financial year at three (3) locations to facilitate safe pedestrian crossing to parkland reserves on Aspire Boulevard and City Vista Court.

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## REPORT

### 1. Executive Summary

At the Ordinary Meeting of Council held on 04 February 2019, the following Notice of Motion 610 (Cr Abboushi) was resolved:

*'That Council Officers review the entire length of City Vista Ct Fraser Rise, Aspire Blvd Fraser Rise, and surrounding roads where necessary to assess the need for traffic calming devices, pedestrian facilities and any other road needs to cater for the growing number of road users in the area. Council Officers to report the outcomes of the review as soon as reasonably practicable.'*

A report was presented to the Ordinary Meeting of Council on the 19 August 2019 and subsequently deferred to a future Council Meeting, following an officer briefing on the matter.

City Vista Court and Aspire Boulevard are classified as collector roads and have recently been constructed to provide a connection that allows through traffic from Taylors Road to Beattys Road and to the Melton Highway. There are several parkland reserves, a new school (Springside West Secondary College) and a recreation facility adjacent to the roads.

The Taylors Hill Precinct Structure Plan (PSP) identifies road hierarchies to ensure a safe road network. City Vista Court and Aspire Boulevard are collector roads and as such, road humps are not appropriate on these roads. The surrounding local roads have generally been designed with shorter road lengths or already include traffic calming devices and appropriate intersection treatments. Council's road network will continue to be monitored and addressed in accordance with Council's *Traffic Calming Policy*. At this time, there are no apparent traffic or safety concerns that require treatment.

Pedestrian refuges are the most appropriate treatment to be installed at parkland reserves where pedestrian volumes are expected to be more significant to improve safety for

pedestrians crossing City Vista Court and Aspire Boulevard. This treatment allows pedestrians a safer path of travel by staging their road crossing and only needing to look at one direction of traffic at a time, provides a safe location for pedestrians to wait between traffic lanes and increases driver awareness at these locations, whilst maintaining efficient vehicle movement.

The construction of pedestrian refuges at three locations adjacent parkland reserves has been referred to the Capital Works Program for consideration in the 2020/21 financial year.

## 2. Background/Issues

It has been requested that Council officers review the entire length of City Vista Court Fraser Rise, Aspire Boulevard Fraser Rise, and surrounding roads where necessary to assess the need for traffic calming devices, pedestrian facilities and any other road needs to cater for the growing number of road users in the area.

The Taylors Hill Precinct Structure Plan (PSP) identifies the road hierarchies to ensure a safe road network. City Vista Court and Aspire Boulevard are classified as collector roads, their primary function is to connect local roads to the wider arterial roads. Both roads comprise separate parking lanes with a single lane in each direction and are designed to cater for future public bus routes. The roads have a number of intersection treatments comprising 8 roundabouts and a modified T-intersection, regularly spaced that assists in slowing traffic speeds whilst facilitating traffic movements for the intersecting roads.

### **Traffic Calming Review**

Melton City Council's *Traffic Calming Policy* (the Policy) provides Council Officers with an adopted procedure for assessment of requests for the implementation of traffic calming devices.

The Policy is in accordance with Australian Standards, which considers traffic calming devices such as road humps only suitable for local residential roads that are bounded by Arterial Roads and Collector Roads. It should be noted that the presence of road humps on collector roads significantly increases the likelihood of drivers using neighboring local roads to avoid the road humps which in turn increases traffic on roads not designed to cater for a higher number of vehicles.

The surrounding local road network has generally been designed with shorter road lengths or already includes traffic calming devices and appropriate intersection treatments. As such, the surrounding roads do not require further traffic calming devices at this time. Council will continue to monitor the local road network and address future speeding concerns in accordance with the Policy.

It is widely believed that traffic calming measures, such as road humps, roundabouts or lower speed limits will reduce hooning. Extensive research and experience across Australia shows this is not always the case as some instances the traffic calming devices provide a challenge for some drivers to commit hooning offences such as burn outs over the road humps and burnouts around roundabouts.

Law enforcement is the single most meaningful method of controlling anti-social behaviour.

### **Pedestrian Facilities Review**

Current pedestrian facilities on Aspire Boulevard and City Vista Court include pram ramps at T-intersections and pedestrian refuges at roundabouts. This is the typical arrangement for other collector roads in the municipality such as O'Neills Road and Palmerston Street in Melton, and a majority of roads throughout Victoria.

The upgrade of the southbound lane of City Vista Court between Enterprise Circuit and Royale Drive is scheduled for completion in the 2019/2020 financial year. This includes the installation of pedestrian operated signals, which will provide a safe pedestrian crossing point

across City Vista Court adjacent to the proposed main gate of the school, located in front of 54A Aubisque Close.

As development continues and vehicle and pedestrian numbers increase, there will be a demand for improved pedestrian facilities to enable safe crossing of Aspire Boulevard and City Vista Court. Australian Standards identify pedestrian refuges improve safety for pedestrians while still maintaining efficient traffic flow for vehicles. Pedestrian refuges benefit pedestrians by allowing them to cross one lane of traffic at a time and provide a safer storage space in the middle of the road while waiting for the other direction of traffic. As pedestrian refuges have concrete islands and signage in the middle of the road, this will increase driver awareness of pedestrians crossing at key locations and increase the likelihood of drivers maintaining appropriate speeds.

Other pedestrian facilities considered for City Vista Court and Aspire Boulevard were pedestrian (zebra) crossings and pedestrian operated signals. Pedestrian crossings are not appropriate due to low pedestrian numbers, higher vehicle numbers and the increased risk of a complacent driver not noticing a pedestrian on the crossing due to the infrequency of pedestrians using the crossing, especially outside peak times such as the evening. Pedestrian operated signals are also not appropriate due to the high cost of installation, the infrequency of use, and the increased delays for vehicles.

**Option 1** as presented in this report will see the current road infrastructure maintained. Pedestrians will be required to cross two lanes of traffic which may see pedestrian safety compromised due to increased traffic volumes resulting from development.

**Option 2** as presented within this report will see referral of the construction of three pedestrian refuges adjacent to parkland reserves to the Capital Works Program for consideration in the 2020/21 financial year. The approximate locations are shown in **Appendix 1**.

Based on the outcome of this review, Option 2 is the officer's recommendation.

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

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

3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way
  - 3.4 *A flexible, safe and health promoting transport network that enables people to move around.*

### **4. Financial Considerations**

**Option 1:** There is no financial cost associated with this option.

**Option 2:** The estimated construction cost of three pedestrian refuges is \$80,000

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

Consultation with relevant stakeholders including affected residents and businesses will be conducted prior to any construction works.

### **6. Risk Analysis**

**Option 1:** The risk of adopting Option 1 is that pedestrians will continue to cross two lanes of traffic and find it more difficult to find a gap in traffic to cross the road, which may result pedestrian safety being compromised.

**Option 2:** The risk of adopting Option 2 is minimal, however there will be an impact to on street car parking for adjacent homes in the three locations. Traffic speeds may remain above 50km/h.

## 7. Options

**Option 1:** Maintain existing road infrastructure on City Vista Court and Aspire Boulevard.

**Option 2:** Refer the construction of pedestrian refuge islands to the Capital Works Program for consideration in the 2020/21 financial year at three (3) locations to facilitate safe pedestrian crossing to parkland reserves on Aspire Boulevard and City Vista Court.

## LIST OF APPENDICES

1. City Vista Court and Aspire Boulevard Pedestrian Crossing Locations - dated 2 August 2019

## 12.6 RESPONSE TO NOTICE OF MOTION 637 (CR ABBOUSHI) - OPTION FOR A "FOOD FOR FINES" INITIATIVE FOR LIBRARY MEMBERS

Author: Troy Watson - Manager Libraries

Presenter: Maurie Heaney - General Manager Community Services

### PURPOSE OF REPORT

To respond to Notice of Motion 637 (Cr Abboushi) to explore an option for a "Food for Fines" initiative for library members to donate non-perishable food items to go to a local food bank in exchange for a deduction in accrued library fines.

### RECOMMENDATION:

That Council:

1. Conduct a trial "Food for fines" initiative during the month of April 2020 whereby library members are offered the option to reduce their library overdue fines by \$2.00 for each non-perishable food item donated (excluding replacement charges for lost items).
2. Receive a further report mid-2020 evaluating the food for fines initiative and investigating alternative options for reducing the negative impact of library fines on members.

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### REPORT

#### 1. Executive Summary

At the 22 July 2019 Ordinary Meeting of Council, Council resolved via Notice of Motion 637 raised by Cr Abboushi:

*That Council officers bring forward a report on an option for a "food for fines" initiative for one month of every year whereby, Library members in the City of Melton are able to donate non-perishable items during a specified month at any library branch, with all donations going to a Melton food bank or not-for-profit organisation providing free food for our community. For each item donated, \$5 to be deducted off Library fines (if relevant).*

This report provides a response to Notice Motion 637 investigating the option for a food for fines initiative.

#### 2. Background/Issues

Library overdue fines are charged to members when books are not returned by the item due date. Council's library overdue fines accrue at the rate of 20 cents per item, per day, up to a maximum of \$2.00 per item. When fines reach \$15.00, library members are unable to borrow further items until a payment is made. This can result in members refraining from accessing library services in the future, or not returning items. Overdue fines can act as a barrier to library participation and often affect those in greatest need of free access to library materials.

Council is considering a strategic document, Creative Melton 2030: a vision for Libraries and Arts, at the Ordinary Meeting of Council on 9 December 2019. Goal one of Creative Melton 2030 is: Access - everyone can access, and feels able to participate in, library services and creative experiences. Action 1.1.4 in the Creative Melton 2030 action plan is of relevance to

this notice of motion, as it is a commitment to investigate ways to reduce the negative impact of library fines.

Food for fines initiatives have been conducted previously at Melton City Council, and in other municipalities. This type of program multiple outcomes:

- Encourage lapsed library members to return to the library and clear their fines
- Encourage library members with long overdue items to return their items and have an alternative to payment of the overdue fines
- Assist with the recovery of long overdue items back into the library collection
- Encourage the community to donate, thereby providing support to food relief organisations and greater awareness of food scarcity in the community.

However, there is now a growing trend across public library services to remove fines for overdue library materials altogether, due to the impact that fines have on library core principles of access and inclusion. On 3 July 2019, The Age newspaper reported that 19 of the 47 library services in Victoria have removed fines for overdue library materials. Since then, Yarra City Council and Hume City Council have committed to cease charging library overdue fines.

At Melton City Libraries, as at 19 November 2019 library members currently have 5,335 items listed as overdue and a further 3,885 that are long overdue and are listed as lost. The library service has a range of measures in place to encourage library members to return overdue items and avoid late fees. These include the following notices via email or hard copy correspondence based on member preference:

- Pre-overdue reminder three days before the item due date
- Overdue notice the day after the item due date
- Second overdue notice 21 days after the item due date
- Final notice provided after 42 days, with a bill for the replacement cost of the item.

In addition to the above, Council introduced the Melton City Libraries app in 2018 which has been downloaded 4,573 times. The app provides a simple and easy way for library members to manage their renewals to avoid overdue fees via their mobile device. All of the above measures have seen a trend in reducing Council income from late fees.

Income from library overdue fines and charges for replacement costs of lost items was a total of \$29,313 in 2018/19, and year to date income for 2019/20 is \$10,336 as at 31 October 2019. Based on the current income trend, it is estimated that this income will be \$3,000 under budget target. This averages at \$2,584 monthly income for the current financial year.

As Council's overdue fines accrue to a maximum of \$2.00 per item, it would be recommended that any "Food for fines" initiative utilise a ratio of one non-perishable food item for a reduction in library fees of \$2.00 to line up with the maximum item fee. Based on this ratio, there is potential for up to 1,250 food donations based on an average month.

Alternatively, Council could opt to collect late fees for one month and donate this income to a food relief organisation. However, this approach reduces the good-will impact that a "food for fines" initiative can have in encouraging lapsed library members to return to the library and clear their overdue fines whilst also recovering long overdue library items. Promotion of a "food for fines" initiative can also have broader impact in encouraging all community members to donate food, regardless of whether they have a fine.

There are a range of organisations that operate and are located in the municipality providing food relief. These include:

- Community Care World Mission (Breadland), 43 Unitt Street, Melton

- Melton Combined Churches Caring Emergency Food Service, 100 Coburns Rd, Melton
- Northpoint Centre Food Pantry, 27 Exford Road, Melton South
- Resurgence Incorporated, 3 Graham Street, Melton
- Word of Life Church: The Manna Project, 1995 Western Hwy, Rockbank

Council could choose to nominate a specific food relief service, or portion the distribution of food across a number of services. Officers recommend partnering with Melton Combined Churches Caring Emergency Food Service due to Council's existing support arrangements in place with this organisation. If the initiative is continued in future years, Council could alternate with other service providers on an annual basis.

It is recommended to conduct a food for fines initiative as a trial during the month of April 2020 whereby library members are offered a reduction in library late fees of \$2.00 for each non-perishable food item donated (excluding replacement costs of lost items). Conducting a food for fines initiative during this month coincides with the Easter break and school holidays to ensure a wide reach for the community, including young library members.

Further to this, given the trend across Victorian public libraries to remove overdue library fines altogether, it is recommended that Council receive a further report mid-2020 evaluating the above food for fines initiative and investigating alternative options for Council to consider that alleviate the negative impact of library fines on members. If Council were to remove library overdue fines in the future, there is still the possibility for libraries to conduct an annual promotion for community donations to a food relief service, unrelated to library fines.

### **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

*4.4 A City with a variety of local education facilities and programs.*

### **4. Financial Considerations**

Holding a "Food for Fines" initiative for one month may result in a loss of Council income of approximately \$2,500 based on an average month's income. However, the income loss may be more substantial than this as the publicity of this type of initiative can encourage more people to visit to reduce their library fees. This loss will be noted in Council budget forecasts.

As Council's overdue fines accrue to a maximum of \$2.00 per item, it is recommended that a ratio of one non-perishable food item for a reduction in library fees of \$2.00 be applied.

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

Consultation on the development of this report has been with libraries staff, and with other Victorian library services that have removed late fees, including Hume City Council, Yarra City Council and Casey-Cardinia Libraries.

### **6. Risk Analysis**

The financial loss may be greater than the average monthly late fees income, as more library members may be encouraged to visit the library to reduce their fees during the initiative than an average month.



There is a risk that the non-perishable food items donated may not be suitable to meet the needs of food relief service clients. It is proposed that a food relief organisation be involved early in the development of marketing materials for the initiative, to provide clear messaging to residents on the type of food donations that will be acceptable. For example, including a requirement for donated food to have a minimum best before date.

## **7. Options**

Council has the option to:

1. Proceed with the recommendations outlined in this report.
2. Not proceed with a “Food for fines” initiative.
3. Consider ceasing the charging library overdue fines, and seek alternative methods for encouraging return of library materials. This could be paired with an annual food drive held across our libraries encouraging the community to donate food items from a goodwill perspective.

## **LIST OF APPENDICES**

Nil

## **12.7 RESPONSE TO NOTICE OF MOTION 641 (CR ABBOUSHI) - OPTIONS TO ADDRESS TRAFFIC CONGESTION AND SAFETY ISSUES AT BORONIA DRIVE RECREATION RESERVE**

**Author: Tom Lay - Traffic Engineer**

**Presenter: Luke Shannon - General Manager Planning & Development**

### **PURPOSE OF REPORT**

To respond to Notice of Motion 641 (Cr Abboushi) that Council officers prepare a report with suggested options to urgently address the ongoing congestion and safety concerns of the parking issues at Boronia Drive Recreation Reserve, Hillside within the Sugargum Estate.

### **RECOMMENDATION:**

That Council;

1. Note the contents of this report; and
2. Refer the expansion of the unsealed car park on Boronia Drive Recreation Reserve (Option 3) to the long term capital works program for funding consideration that will see an estimated additional 30 car parking spaces provided.

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### **REPORT**

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

At the Ordinary Meeting of Council held on 19 August 2019, the following Notice of Motion 641 (Cr Abboushi) was resolved:

*'That Council officers prepare a report with suggested options to urgently address the ongoing congestion and safety concerns of the parking issues at Boronia Reserve, Hillside within the Sugargum Estate.'*

The Boronia Drive Recreation Reserve has become a well utilised passive and active open space reserve. The use of the reserve for cricket and pre-season football training during the summer season (October to March) has increased in recent years as local clubs in the eastern corridor continue to grow and require access to additional spaces for training and competition. The increased use of the reserve in recent years has put pressure on parking and traffic congestion along Boronia Drive during the summer season.

The reserve was not designed to be a permanent home base for any current or new sporting clubs as the reserve is only supported by public toilets. There are no plans at present to establish a sports pavilion. The reserve will continue to be used primarily as a secondary (overflow) venue for local clubs requiring access to additional venues. This type of use is less intense than a primary venue, where a club would run its operations and host large matches.

Council has been working and liaising with the clubs to ensure that oval usage requests for football and cricket are monitored based on a select number of teams. Usage is also staggered to ensure that there is only a certain number of clubs training within the reserve at any one time. This strategy is currently in place to manage traffic concerns raised by the community.

Although Council is currently managing the club's usage, the current 38 off-street car parking spaces located within the reserve are inadequate to cater for the anticipated parking demand associated with the summer peak training sessions.

An assessment of the peak parking demand associated with summer usage of the reserve indicates the current car park of 38 spaces will require expansion to 70 car parking spaces.

## **2. Background/Issues**

In 2012, a Masterplan was developed and adopted by Council with the intention that Boronia Drive Recreation Reserve would be developed as a passive reserve with informal activities such as walking, various sporting activities and kite flying.

However, in recent times, the Boronia Drive Recreation Reserve has become a well utilised passive and active open space reserve. The use of the reserve for cricket and pre-season football training during the summer season (October to March) has increased in recent years as local clubs in the eastern corridor continue to grow and require access to additional spaces for training and competition. The increased use of the reserve in recent years has put pressure on parking and traffic congestion along Boronia Drive during the summer season.

The installation of sports lighting at Boronia Drive Recreation Reserve has recently been completed. This will enable Council to provide local clubs with access to additional training space during the winter season (April to September) as membership within local clubs continues to increase. With the installation of lighting there will also be increased usage of the reserve during the winter season and the potential for traffic issues to continue throughout these months.

The reserve is not designed to be a permanent home base for any existing or new clubs as the reserve is only supported by public toilets and there are no plans to establish a sports pavilion. The reserve will continue to be used primarily as a secondary (overflow) venue for local clubs requiring access to additional venues. This type of use is less intense than a primary venue from which a club would run its operations and host large matches.

It is acknowledged that there was a high demand associated with the reserve usage last summer which resulted in vehicles parking on both side of Boronia Drive, causing traffic congestion and traffic flow to reduce to one traffic lane. In cases where two vehicles park opposite each other and vehicles approach from opposing directions, one motorist is required to give way to the other. This occurs in numerous streets within the City of Melton and metropolitan Melbourne and vehicles driven in a reasonable manner can safely undertake this maneuver. Furthermore, when cars are parked on both sides of the street, experience indicates that this results in lower vehicle speeds.

It is also worth noting that the properties along Boronia Drive have wide frontages and crossovers are spaced further apart than a standard urban residential street. This in turn provides less opportunities for motorists to pass each other. There are no adjacent side streets which would typically see parking distributed in areas within walking distance of an active open space reserve. These constraints result in traffic congestion and parking related issues being concentrated along Boronia Drive near the reserve.

Council has been working and liaising with the clubs to ensure that oval usage requests for football and cricket are monitored based on a select number of teams. Usage is also staggered to ensure that there is only a certain number of clubs training within the reserve at any one time. This strategy is currently in place to manage traffic concerns raised by the community.

Although Council is currently managing the club's usage, the current 38 off-street car parking spaces located within the reserve are inadequate to cater for the anticipated parking demand associated with the summer peak training sessions.

A number of options have been reviewed that take into consideration current parking opportunities along Boronia Drive and within the Boronia Drive Recreation Reserve.

**Option 1:** Maintaining the existing car parking arrangement and continue to allow vehicles to park on both sides of Boronia Drive. However, based on last year's training sessions, this has led to a number of concerns including illegal parking, traffic congestion and creating a one-lane traffic flow along Boronia Drive.

**Option 2:** To address the congestion and one-lane traffic flow, consideration was given to installing parking restrictions in the form of no stopping signage on the northern side of Boronia Drive. However, this will only redistribute vehicles along Boronia Drive and move parking further along the street and onto other residential frontages.

**Option 3:** In order to cater for the peak parking demand associated with summer usage of the reserve, a further option considers the expansion of the current unsealed car park within Boronia Drive Recreation Reserve. This would see the current car park of 38 spaces increased to approximately 70 car parking spaces that would alleviate parking congestion along Boronia Drive (**Appendix 1**).

Based on the above Option 3 is the preferred option.

### 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

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

### 4. Financial Considerations

**Option 1:** There is no cost associated with this option.

**Option 2:** The cost associated with the installation of signage is approximately \$3,500.

**Option 3:** The cost to extend the existing unsealed car park to cater for an estimated additional 30 car parks is an estimated \$80,000.

### 5. Consultation/Public Submissions

In the event the recommendation is adopted, consultation with residents and relevant user groups of the reserve will occur.

### 6. Risk Analysis

**Option 1:** The risk of maintaining the existing car parking arrangement and allowing vehicles to park on both side of Boronia Drive is that there will be inadequate parking to cater for the current parking demand associated with various uses of the reserve (in particular during training sessions). Overflow of parking which will result in illegal parking, congestion and creating a one-lane traffic flow along Boronia Drive.

**Option 2:** The risk of restricting parking on the northern side of Boronia Drive (via signage) is that there will still be a demand for parking and motorists will park further along the street and shift the problem further along the street and onto other residents. However, restricting parking on the northern side will improve two way traffic flow along the street.

**Option 3:** The risk of extending the car park is that it reduces the available land used for recreational activities. It may also increase the likelihood of unwanted activities such as loitering etc.

## 7. Options

Council has the option to:

- Maintain the existing car parking arrangement and allow vehicles to park on both side of Boronia Drive.
- Installation of No Stopping signs on the northern side of Boronia Drive to only allow vehicles to park on the southern side and maintain two-way traffic movements.
- Extend the existing gravel car park along the eastern side of the reserve. The estimated 30 additional car parking spaces to be provided on site.

## LIST OF APPENDICES

1. Boronia Drive Recreation Reserve - Carpark Concept - dated August 2019

## 12.8 RESPONSE TO NOTICE OF MOTION 652 (CR CARLI) - EXPLORE OPTIONS TO EXTEND THE HILLSIDE RECREATION RESERVE PAVILION.

Author: Troy Scoble - Manager Recreation & Youth  
Presenter: Maurie Heaney - General Manager Community Services

### PURPOSE OF REPORT

To respond to Notice of Motion 652 (Cr Carli) and explore options to extend the Hillside Recreation Reserve Pavilion.

### RECOMMENDATION:

That Council note this report.

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## REPORT

### 1. Executive Summary

At the Ordinary Meeting of Council dated 16 September 2019, Council endorsed a Notice of Motion 652 (Cr Carli):

*That:*

- 1. Council Officers in consultation with existing users which are the Hillside Sharks Football Club and Sydenham Hillside Cricket Club explore options to extend the Hillside Recreation Reserve Pavilion to provide additional space in the club rooms to cater for a current high volume of users.*
- 2. A report with recommendations, costings and options come back to Council no later than Council's Ordinary Meeting held on 9 December 2019.*

This report considered and explored options with cost estimates to extend the Hillside Recreation Reserve Pavilion. The option provided in **Appendix 1** demonstrate that there is sufficient space to reconfigure the existing facilities to meet the club needs with an opportunity to expand the footprint of the building.

### 2. Background/Issues

The Hillside Recreation Reserve Pavilion is a single oval facility situated in Royal Crescent Hillside. The tenant clubs being the Hillside Sharks Football Club (HFC) and Sydenham Hillside Cricket Club (SHCC). As part of the investigation for this report, engagement with the tenant clubs indicates that an expanded social community space, additional amenities and a more functional kitchen/bar area is required to meet their ongoing operational and functional needs.

An assessment of the current pavilion facilities against the AFL Preferred Facilities Guidelines 2019 has been undertaken to inform options presented in this report. The assessment indicates the existing community social space and number of change rooms (4 dedicated for a 1 oval facility) exceed the requirements for Local level facilities. The 134m<sup>2</sup> Community room is above the AFL Guidelines for this reserve (100m<sup>2</sup>), however there is an under provision of amenities from a functional sense.

The Hillside Recreation Reserve is heavily used by the existing tenant clubs for AFL (football) and cricket. The existing pavilion which originally provided a change space and a small social space has had three previous development / refurbishment projects undertaken. These include, expanded social space, larger kitchen and change room upgrades, along with dedicated female friendly change amenity being constructed in 2019 as part of Council's Female Friendly Facilities program to the value of \$400,000.

To assess opportunities to provide additional space or a more efficient functional layout to meet the existing and growth needs of the current user groups, a functional analysis of the Hillside Recreation Reserve Pavilion against the AFL Preferred Facility Guidelines 2019 was completed. Hillside Recreation Reserve is classified as a local level facility under the AFL Guidelines. The guidelines describes Local level facilities as being "*designed to cater for local level competition within individual suburbs, townships, or municipalities and are usually also the 'home' of a seasonal club*". 76% of all community venues fall within this category or classification. The functional analysis also identified the current social community room is 134m<sup>2</sup>. The recommended for a local level facility is 100m<sup>2</sup>. It should be noted 150m<sup>2</sup> is recommended for regional facilities and 200m<sup>2</sup> for State level facilities.

An engagement process was undertaken consulting the existing tenant clubs. The feedback from the clubs indicated:

- The community social space currently caters for around 120 occupants. The clubs would like a larger catering for up to 200 people.
- A larger social space would assist the football club to host its Thursday night meals, weekend social functions and other events such as finals and club announcements. The Cricket Club primarily experiences capacity issues mainly for larger social functions.
- The condition and type of flooring in the community social space is an issue.
- A more functional kitchen/bar area is required including increased storage area for fridges.
- There are insufficient WC to accommodate demand and number of occupants.

The tenant clubs support the relocation of the umpires to the "existing" away change rooms on match days enabling the existing umpire rooms to be repurposed / refurbished for their bar / kitchen / serverly space.

As a result of the engagement process and functional analysis an option has been developed for further investigation. The option is attached in **Appendix 1**.

This proposed option reconfigures the internal layout to expand the social space to 191m<sup>2</sup> (additional 60m<sup>2</sup>) and extend the building with new amenities to the rear of the building. The high level cost estimate is \$411,675.

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

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

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

### 4. Financial Considerations

Cost estimates for a proposed refurbishment / extension have been derived from Rawlinson's Australian Construction Handbook 2019. This guide is used throughout the construction industry for estimating building costs.

The rates used to calculate the cost estimate are based on building costs per square metre (m<sup>2</sup>). The rates being Clubhouse and Change Rooms (\$2,545 per m<sup>2</sup>) – which includes single storey, standard construction and finished, large bar and lounge, small kitchen, dining area, large basic finished change rooms and showers/toilets; no air-conditioning. As well as Change Room/Toilet Building (\$2,830 per m<sup>2</sup>) – which includes single storey, standard construction and basic finishes, large change area and adjoining showers/toilets.

It is estimated that the building works would be estimated at \$411,675(45m<sup>2</sup> @ \$2,545; 105m<sup>2</sup> @ \$2,830).

It is important to note that the cost estimates are no more than at this stage for the cost of the building and refurbishment required. Further detailed designs and costing would take place if funded.

## 5. Consultation/Public Submissions

On Wednesday 9 October 2019, Council Officers met with representatives of the Hillside Football Club and Sydenham Hillside Cricket Club to discuss options to extend / refurbish the Hillside Recreation Reserve Pavilion to meet current and projected future needs.

Consultation with the clubs identified the following concerns:

- The community social space currently caters for around 120 occupants. The clubs would like a larger social space catering for up to 200 people.
- A larger social space would assist the HFC to host its Thursday night meals, weekend social functions and other events such as finals and club announcements. The SHCC primarily experiences capacity issues for social functions.
- The condition and type of flooring in the community social space is an issue.
- A more functional kitchen/bar area is required including increased storage area for fridges.
- There are insufficient toilets to meet demand and number of occupants.
- The clubs support the relocation of the umpires to the “old” away change rooms on match days enabling the existing rooms to be repurposed.

## 6. Risk Analysis

N/A.

## 7. Options

That Council note the report.

## LIST OF APPENDICES

1. Hillside Recreation Reserve Pavilion Development Option - undated



## 12.9 COBBLEBANK EMPLOYMENT AND MIXED USE URBAN DESIGN FRAMEWORK

Author: Georgina Borg - Strategic Planner

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

### PURPOSE OF REPORT

To consider the Cobblebank Employment and Mixed Use Urban Design Framework.

### RECOMMENDATION:

That Council adopt the Cobblebank Employment and Mixed Use Activity Centre Urban Design Framework at **Appendix 1**.

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## REPORT

### 1. Executive Summary

Council engaged Tract Consultants in July 2017 to undertake the preparation of the Cobblebank Employment and Mixed Use Urban Design Framework (CEMU UDF) shown at Appendix 1.

The CEMU UDF is a planning document that covers an area of approximately 490 hectares of commercial, employment and mixed-use land that is located immediately south of the Western Freeway, west of Mt Cottrell Road, north of the Melbourne-Ballarat Railway Line and east of Toolern Creek.

The CEMU UDF sets out an integrated vision for the area and guides its use and development over time through urban design principles, objectives and planning and design requirements and guidelines. The CEMU UDF identifies employment and mixed uses such as light industrial, commercial, areas of high amenity, research, restricted retail and showroom and mixed use which can accommodate residential, commercial and retail uses.

The preparation of a UDF for this area is a statutory requirement of the Toolern Precinct Structure Plan and Schedule 3 to Clause 37.07 Urban Growth Zone in the *Melton Planning Scheme* and must be generally in accordance with the Toolern Precinct Structure Plan. The CEMU UDF must be approved by Council (the responsible authority) prior to considering any planning permit applications within this area.

Various methods of consultation were used to engage with landowners, stakeholders and the community during the preparation of the CEMU UDF.

It is recommended that Council adopt the CEMU UDF.

### 2. Background/Issues

The Cobblebank Employment and Mixed Use Urban Design Framework (CEMU UDF) is located within the suburb of Cobblebank, which combined with the suburbs of Weir Views, Thornhill Park and Strathtulloh, fall under the Toolern Precinct Structure Plan (Toolern PSP) area. The Toolern PSP areas is anticipated to achieve an estimated population of 55,000 people and 20,000 dwellings.

The preparation of the CEMU UDF is a requirement of the Toolern PSP and subsequently Schedule 3 to Clause 37.07 Urban Growth Zone (UGZ3) in the *Melton Planning Scheme*.

The land use and development within the CEMU UDF must be generally in accordance with the Toolern PSP and the applied zone provisions for the land in Table 1 of both Clause 32.04 Mixed Use Zone and Clause 34.02 Commercial 2 Zone.

Council engaged Tract consultants in July 2017 to undertake the preparation of the CEMU UDF as per the above mentioned requirements. The CEMU area covers approximately 490 hectares of commercial and mixed use land that is located immediately south of the Western Freeway, west of Mt Cottrell Road, north of the Melbourne-Ballarat Railway Line and east of Toolern Creek. There are 24 landowners within the CEMU including Melton City Council.

The project was undertaken in four stages and included consultation with landowners, stakeholders and the community at various stages of the project as outlined further in section five of this report:

Stage 1: Project Management Plan

Stage 2: Technical Report and Background Report

Stage 3: Draft Urban Design Framework

Stage 4: Final Urban Design Framework

### **The CEMU UDF**

The CEMU 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 and planning and design requirements and guidelines. The CEMU UDF must be approved by Council prior to considering any planning permit applications within the CEMU UDF area.

The CEMU UDF is arranged into four sections as follows:

Section 1: Introduction

Section 2: Urban Design Framework

Section 3: Implementation and Staging

Section 4: Review

The urban structure as seen in Figure 5 at **Appendix 1** shows the following uses within the CEMU UDF:

- Light industrial
- Commercial
- High amenity areas
- Research areas
- Restricted retail/showroom
- Mixed-use

The mixed-use area located on the western side of the CEMU UDF area along Toolern Creek can include residential.

Under section 2 of the CEMU UDF, there are requirements that must be met and guidelines that should be adhered to when developers are submitting planning permit applications within the CEMU UDF area. The CEMU 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 5 of **Appendix 1**.

Without an approved CEMU UDF there would be no guidance for Council to ensure the development of cohesive and co-located land uses and assess planning permit applications. In particular the CEMU UDF responds to site specific land use requirements including:

- Residential uses along Toolern Creek
- Old Landfill on Ferris Road and its 500m buffer
- Industrial buffers around existing industrial uses
- Heritage Overlay 74

As discussed earlier in this report, the development of a UDF for this area is a requirement of the Toolern PSP and UGZ3. The CEMU UDF must be generally in accordance with the plans, requirements and guidelines in the Toolern PSP. The design and structure of the CEMU UDF is based on the Toolern PSP and UGZ3 and specifically guided by the requirements of section 4 in the Toolern PSP found within the CEMU UDF at Appendix 1.

The Background Report dated 22 February 2018 was completed prior to the commencement of the draft CEMU UDF. The Background Report considered specific issues and constraints relevant to the CEMU UDF area. Specialist economic and transport consultants provided input and highlighted recommendations on retail, commercial, employment size and locations and the road network and pedestrian movement.

Following the Background Report, during the preparation of the draft CEMU UDF, it became apparent through consultation with State agencies that further work was required to be undertaken by a technical expert regarding buffers around existing industries that may affect the CEMU UDF area and the adjoining Cobblebank Metropolitan Activity Centre Urban Design Framework (CMAC UDF) area.

Council officers engaged a technical expert to undertake an industrial buffer assessment, which was completed in October 2018. The assessment identified the extent of industrial buffers, and potential industrial noise, odour, dust and vibration sources. The information from the assessment was used to inform the CEMU and CMAC UDFs, specifically where sensitive uses such as residential, education, childcare and hospital services could be developed. The assessment was included as an addendum to the Background Report, dated 22 October 2018.

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

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

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

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

### **4. Financial Considerations**

The CEMU UDF project was concurrently undertaken with the CMAC UDF project due to the proximity of the study areas and similarity of the UDF documents.

Council officer time and resources were involved in the preparation, consultation and review of the CEMU UDF and CMAC UDF. The total budget for both the CEMU UDF and the CMAC UDF was \$327,000 (excl. GST). This money was expended from PLO1 of the Toolern Precinct Structure Plan which is for the preparation of strategic planning reports.

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

The CEMU UDF consultation process was concurrently undertaken with the CMAC UDF due to the reasons outlined above in section four of this report. Various methods of consultation were used to engage with the landowners, stakeholders and wider community during the development of the CEMU and CMAC UDFs. These methods included landowner and stakeholder workshops, community information 'drop-in' sessions, Council's website,

Facebook, Star Weekly Newspapers, flyers, briefings, targeted meetings with landowners and stakeholders and letters.

Below is a timeline of the community consultation process, noting that targeted meetings with landowners and stakeholders and internal project control and working group meetings were held frequently throughout this process in addition to the sessions identified below:

Date	Event
September 2017	<p><b>Letters to landowners and stakeholders</b></p> <p>Commencement of CEMU and CMAC UDFs and invitation to the landowner and stakeholder workshop and community information session in November 2017</p>
October 2017	<p><b>Council website</b></p> <p>Information for the community regarding the commencement of the CEMU and CMAC UDFs</p>
November 2017	<p><b>Landowner and stakeholder workshop #1</b></p>
November 2017	<p><b>Community information session #1</b></p>
March 2018	<p><b>Letters to landowners and stakeholders</b></p> <p>Draft Background Report for the CEMU and CMAC UDFs available online and invitation to second landowner and stakeholder workshop</p>
March 2018	<p><b>Council website</b></p> <p>Draft Background Report and associated information uploaded to Council website</p>
April 2018	<p><b>Landowner and stakeholder workshop #2</b></p>
July 2018	<p><b>Letter to landowners and stakeholders</b></p> <p>Information regarding further technical work commencement in regards to buffers around existing industries within the CEMU and CMAC UDF areas</p>
September 2018	<p><b>Letter to landowners and stakeholders</b></p> <p>Invitation to participate in third landowner and stakeholder workshop</p>
October 2018	<p><b>Landowner and stakeholder workshop #3</b></p>
November 2018	<p><b>Council website</b></p> <p>Technical buffer report uploaded to website through addendum to the Background Report</p>
July 2019	<p><b>Letters to landowners and stakeholders</b></p> <p>Draft CEMU and CMAC UDFs out for public comment during the six week community consultation period and invitation to the Community Information Session #2</p>
July/September 2019	<p><b>Six week community consultation period</b></p> <p>Draft CEMU and CMAC UDFs out for public comment</p>

August 2019	<b>Community information session #2</b> Session held during community consultation period
September/October 2019	<b>Targeted meetings with submitters</b>

During the six week community consultation period, Council received 10 written submissions in regards to the CEMU UDF from landowners and State agencies.

Submissions were generally supportive but a number of issues were raised in the submissions received:

- Acknowledgement of potential Registered Aboriginal places and Aboriginal cultural heritage sensitive sites
- Alignment of road network
- Road access
- Pedestrian and cyclist network
- Clarity of elements within the UDF
- Interfaces
- Setbacks
- The prescriptive nature of the CEMU UDF

Following the six week consultation period the draft CEMU UDF was amended to respond to submissions where considered appropriate. It is considered that many of the detailed issues can be dealt with through a planning permit application. Submissions and officer responses received during the six week consultation period are summarised in the table at **Appendix 2**.

## 6. Risk Analysis

If Council choose not to adopt the project, Council would not be able to consider planning permit applications for development within the CEMU UDF. It would delay the delivery of light industrial, restricted retail and business development that would generate business investment and provide local employment opportunities for the establishing community and municipality as a whole. In the mixed use area it would also delay the delivery of potential residential, retail and commercial uses.

## 7. Options

Council has the option to:

1. Adopt the Cobblebank Employment and Mixed Use Urban Design Framework at **Appendix 1**.
2. Not adopt the Cobblebank Employment and Mixed Use Urban Design Framework.

**LIST OF APPENDICES**

1. Cobblebank Employment and Mixed Use Urban Design Framework - dated November 2019
2. Submission Summary and Council Response - dated November 2019

## 12.10 COBBLEBANK METROPOLITAN ACTIVITY CENTRE URBAN DESIGN FRAMEWORK

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

### PURPOSE OF REPORT

To consider the Cobblebank Metropolitan Activity Centre Urban Design Framework.

### RECOMMENDATION:

That Council adopt the Cobblebank Metropolitan Activity Centre Urban Design Framework at **Appendix 1**.

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### REPORT

#### 1. Executive Summary

Council engaged Tract Consultants in July 2017 to undertake the rewrite of the Toolern Town Centre Urban Design Framework (**Appendix 1**), due to the upgrade of the centre to a Metropolitan Activity Centre by the State government. The status of a Metropolitan Activity Centre within the City of Melton is very significant for the municipality as it is one of 11 designated within metropolitan Melbourne. It will also be the largest activity centre within the municipality and broader region, providing a major service delivery role and higher order services, jobs, activities and housing.

The revised Toolern Town Centre Urban Design Framework, now known as the Cobblebank Metropolitan Activity Centre Urban Design Framework (CMAC UDF) is a planning document that covers an area of approximately 100 hectares of commercial land which is traversed by Ferris Road and the Melbourne-Ballarat Railway Line.

The CMAC UDF sets out an integrated vision for the area and guides its use and development over time through urban design principles, objectives and planning and design requirements and guidelines. The CMAC UDF identifies higher order services such as health (Council's preferred location for a hospital), justice, civic and tertiary education, retail and commercial/office opportunities, higher density housing, active recreation, local parks and urban plazas.

The preparation of a UDF for this area is a statutory requirement of the Toolern Precinct Structure Plan and Schedule 3 to Clause 37.07 Urban Growth Zone in the *Melton Planning Scheme* and must be generally in accordance with the Toolern Precinct Structure Plan. The CMAC UDF must be approved by Council (the responsible authority) prior to considering any planning permit applications within this area.

Various methods of consultation were used to engage with landowners, stakeholders and the community during the preparation of the CMAC UDF.

It is recommended that Council adopt the CMAC UDF.

## 2. Background/Issues

The Cobblebank Metropolitan Activity Centre Urban Design Framework (CMAC UDF) is located within the suburb of Cobblebank, which combined with the suburbs of Weir Views, Thornhill Park and Strathtulloh, fall under the Toolern Precinct Structure Plan (Toolern PSP) area. The Toolern PSP area is anticipated to achieve an estimated population of 55,000 people and 20,000 dwellings.

The preparation of the CMAC UDF is a requirement of the Toolern PSP and subsequently Schedule 3 to Clause 37.07, Urban Growth Zone (UGZ3) in the *Melton Planning Scheme*.

The land use and development within the CMAC UDF must be generally in accordance with the Toolern PSP and the applied zone provisions for the land in Table 1 of both Clause 34.01 Commercial 1 Zone and Clause 34.02 Commercial 2 Zone.

In 2012, Council and the Growth Areas Authority (now known as the Victorian Planning Authority) developed the Toolern Town Centre Urban Design Framework (Toolern Town Centre UDF) as per the above mentioned requirement in the PSP and UGZ3. Since the document was finalised, the State government, through its metropolitan planning strategy *Plan Melbourne 2017-2050*, upgraded the Toolern Town Centre to a Metropolitan Activity Centre.

The status of a Metropolitan Activity Centre within the City of Melton is very significant for the municipality, as it is one of 11 designated within metropolitan Melbourne. The Metropolitan Activity Centres include Box Hill, Broadmeadows, Dandenong, Epping, Footscray, Fountain Gate – Narre Warren, Frankston, Ringwood and Sunshine and the emerging centres of Lockerie and Toolern (Cobblebank). The Metropolitan Activity Centre within Cobblebank will therefore be the largest activity centre within the municipality and the region.

*Plan Melbourne 2017-2050* identifies a Metropolitan Activity Centre as a higher order centre providing a diverse range of jobs, activities and housing for regional catchments that are well serviced by public transport. Metropolitan Activity Centres will play a major service delivery role, including government, health, justice and education services as well as retail and commercial opportunities.

Council engaged Tract Consultants in July 2017 to undertake the rewrite of the Toolern Town Centre UDF, now known as CMAC UDF in response to the direction of *Plan Melbourne 2017-2050*.

The CMAC UDF area covers approximately 100 hectares of commercial land which is traversed by Ferris Road and the Melbourne-Ballarat Railway Line (refer **Appendix 1**). There are eight landowners within the CMAC UDF area including Melton City Council.

The project was undertaken in four stages and included consultation with landowners, stakeholders and the community at various stages of the project as outlined further in section five of this report:

Stage 1: Project Management Plan

Stage 2: Technical Report and Background Report

Stage 3: Draft Urban Design Framework

Stage 4: Final Urban Design Framework

### **The CMAC UDF**

The CMAC 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 and planning and design requirements and guidelines. The CMAC UDF must be approved by Council prior to considering any planning permit applications within the CMAC UDF area.



The CMAC UDF is arranged into four sections as follows:

Section 1: Introduction

Section 2: Urban Design Framework

Section 3: Implementation and Staging

Section 4: Review

The urban structure as seen in Figure 6 at **Appendix 1** shows the following uses within the CMAC UDF:

- Council's preferred site for a hospital and associated health and tertiary facilities
- Retail and commercial/office
- Tertiary education
- Justice services
- Civic services
- Higher density residential
- Cobblebank railway station
- Active recreation, local parks and urban plazas
- Large format retail

As discussed earlier in this report, a Metropolitan Activity Centre plays a major service delivery role and provides a regional function for higher order services, jobs, activities and housing which is adhered to in the CMAC UDF as per the above.

Under section 2 of the CMAC UDF, there are requirements that must be met and guidelines that should be adhered to when developers are submitting planning permit applications within the CMAC UDF area. The CMAC 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 6 of **Appendix 1**.

Without an approved CMAC UDF there would be no guidance for Council to ensure the development of cohesive and co-located land uses and assess planning permit applications. In particular, the CMAC UDF responds to site specific land use requirements including:

- Cobblebank railway station and associated car park and bus interchange
- Future Melton hospital and associated facilities
- Justice, civic and tertiary education services
- Future grade separations over the Melbourne-Ballarat Railway Line at Ferris and East Roads
- Retail/commercial/office
- Higher density housing
- Public realm
- Native vegetation
- Industrial buffers around existing industrial uses

As discussed earlier in this report, the development of a UDF for this area is a requirement of the Toolern PSP and UGZ3. The CMAC UDF must be generally in accordance with the plans, requirements and guidelines in the Toolern PSP. The design and structure of the CMAC UDF is based on the Toolern PSP and UGZ3 and specifically guided by the requirements of section 4 in the Toolern PSP found within the CMAC UDF at **Appendix 1**.

The Background Report dated 22 February 2018 was completed prior to the commencement of the draft CMAC UDF. The Background Report considered specific issues and constraints relevant to the CMAC UDF area. Specialist economic and transport consultants provided input which highlighted recommendations on retail and commercial size and locations and the road network and pedestrian movement.

Following the Background Report, during the preparation of the draft CMAC UDF, it became apparent through consultation with State agencies that further work was required to be undertaken by a technical expert regarding buffers around existing industries that may affect the CMAC UDF area and the adjoining Cobblebank Employment and Mixed Use Urban Design Framework (CEMU UDF) areas.

Council officers engaged a technical expert to undertake an industrial buffer assessment, which was completed in October 2018. The assessment identified the extent of industrial buffers, and potential industrial noise, odour, dust and vibration sources. The information from the assessment was used to inform the CMAC and CEMU UDFs, specifically where sensitive uses such as residential, education, childcare and hospital services could be developed. The assessment was included as an addendum to the Background Report, dated 22 October 2018.

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

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

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

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

### 4. Financial Considerations

The CMAC UDF project was concurrently undertaken with the CEMU UDF project due to proximity of the study areas and similarity of the UDF documents.

Council officer time and resources were involved in the preparation, consultation and review of the CMAC UDF and CEMU UDF. The total budget for both the CMAC UDF and the CEMU UDF was \$327,000 (excl. GST). This money was expended from project PLO1 of the Toolern PSP which is for the preparation of strategic planning projects.

### 5. Consultation/Public Submissions

The CMAC UDF consultation process was concurrently undertaken with CEMU UDF for the reasons outlined above. Various methods of consultation were used to engage with the stakeholders and the wider community during the development of the CMAC and CEMU UDFs. These methods included stakeholder and landowner workshops, community information 'drop-in' sessions, Council's website, Facebook, Star Weekly Newspapers, flyers, briefings, targeted meetings with landowners and stakeholders and letters.

Below is a timeline of the process noting that targeted meetings with landowners and stakeholders and internal project control and working group meetings were held frequently throughout this process in addition to the sessions identified below:

Date	Event
September 2017	<p><b>Letters to landowners and stakeholders</b></p> <p>Commencement of CMAC and CEMU UDFs and invitation to participate the landowner and stakeholder workshop and community information session in November 2017</p>

October 2017	<b>Council website</b> Information for the community regarding the commencement of the CMAC and CEMU UDFs
October 2017	<b>Councillor briefing</b>
November 2017	<b>Landowner and stakeholder workshop #1</b>
November 2017	<b>Community information session #1</b>
March 2018	<b>Letters to landowners and stakeholders</b> Draft Background Report for the CMAC and CEMU UDFs available online and invitation to second landowner and stakeholder workshop
March 2018	<b>Council website</b> Draft Background Report and associated information uploaded to Council website
April 2018	<b>Landowner and stakeholder workshop #2</b>
July 2018	<b>Letter to landowners and stakeholders</b> Information regarding further technical work commencement in regards to buffers around existing industries within the CMAC and CEMU UDF areas
September 2018	<b>Letter to landowners and stakeholders</b> Invitation to participate in third landowner and stakeholder workshop
October 2018	<b>Landowner and stakeholder workshop #3</b>
November 2018	<b>Council website</b> Technical buffer report uploaded to website through addendum to the Background Report
July 2019	<b>Letters to landowners and stakeholders</b> Draft CMAC and CEMU UDF out for public comment during the six week community consultation period and invitation to the Community Information Session #2
July/September 2019	<b>Six week community consultation period</b>
August 2019	<b>Community information session #2</b> Draft CMAC and CEMU UDFs out for public comment
September/October 2019	<b>Targeted meetings with submitters</b>

During the six week community consultation period, Council received six written submissions in regards to the CMAC UDF from landowners, State agencies and community members.

The majority of the submitters were supportive with the draft CMAC UDF, however issues raised in submissions were focused on:

- Acknowledgement of potential Registered Aboriginal places and Aboriginal cultural heritage sensitive sites
- Land use allocation
- Scale and provision of retail uses
- Size and location of urban plazas
- Location of civic facilities
- Built form, massing and setbacks
- Grade separations
- The prescriptive nature of the CMAC UDF
- Alignment of road network and bus capable roads
- Pedestrian and cyclist network
- Cobblebank Railway Station integration

Following the six week consultation period, the draft CMAC UDF was amended to respond to submissions where considered appropriate. It is considered that many of the issues raised can be dealt with through the planning permit process. Submissions and officer responses received during the six week consultation period are summarised in the table at **Appendix 2**.

## 6. Risk Analysis

If Council choose not to adopt the project, Council would not be able to consider planning permit applications for development within the CMAC UDF noting that CMAC is a Metropolitan Activity Centre as designated in *Plan Melbourne 2017 -2050*.

It would delay the delivery of much needed higher order services, jobs, activities and housing that would provide essential services, generate business investment and provide local employment opportunities for the establishing community and the municipality as a whole.

## 7. Options

Council has the option to:

1. Adopt the Cobblebank Metropolitan Activity Centre Urban Design Framework at **Appendix 1**.
2. Not adopt the Cobblebank Metropolitan Activity Centre Urban Design Framework.

## LIST OF APPENDICES

1. Cobblebank Metropolitan Activity Centre Urban Design Framework - dated November 2019
2. Submission Summary and Council Response - dated November 2019

## 12.11 PLANNING SCHEME AMENDMENT C202 - COMPREHENSIVE DEVELOPMENT ZONE

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

### PURPOSE OF REPORT

To consider the preparation and exhibition of Amendment C202 to the Melton Planning Scheme to implement the recommendations from the *Comprehensive Development Zone Review (November 2019)*.

### RECOMMENDATION:

That Council:

1. Adopt the *Comprehensive Development Zone Review November 2019 (Appendix 1)*.
2. Seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C202 to the Melton Planning Scheme to translate the Comprehensive Development Zone to a broader suite of commercial and residential zones in consultation with Department of Environment, Land, Water and Planning (DELWP).
3. Upon receipt of authorisation, prepare and exhibit Amendment C202 to the Melton Planning Scheme in accordance with the relevant requirements of the *Planning and Environment Act 1987*.
4. Authorise the General Manager Planning and Development and the Manager City Design, Strategy and Environment to negotiate and resolve any issues that are raised by submitters during the exhibition process prior to the amendment being reported back to Council for referral to a Planning Panel or adoption of the amendment.

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## REPORT

### 1. Executive Summary

The Comprehensive Development Zone (CDZ) currently applies to the town centre of Caroline Springs and has been used to facilitate the development of land within the area.

The purpose of the Comprehensive Development Zone is:

*'To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme'.*

Council's Municipal Strategic Statement contains the action to review the *Caroline Springs Town Centre Comprehensive Development Plan 2000* and to investigate opportunities to rezone land from the CDZ to a broader suite of commercial and other zones.

A review has been conducted on the current application of the CDZ within the Caroline Springs town centre in November 2019. The review was undertaken to assess whether the CDZ was the most appropriate planning control given the town centre has been substantially developed.

Following this review it is recommended that rezoning of the Caroline Springs town centre is necessary as the CDZ is no longer an appropriate planning control for the area.

The rezoning will not change the vision for the future development of the Caroline Springs town centre. Rather, it will update the planning scheme by applying the correct zones to reflect specific land use objectives.

An amendment to the Melton Planning Scheme is required to proceed with the rezoning.

## 2. Background/Issues

In 1998 the Melton East Strategy Plan was prepared to guide the development of the Eastern Corridor in the City of Melton. The Melton East Strategy Plan identified the development of a sub-regional activity centre at the north-eastern corner of Caroline Springs Boulevard and the Kororoit Creek in the area now known as Caroline Springs.

The activity centre was identified in the Melton East Strategy Plan as being a comprehensive centre which would include significant retail floor space, office buildings, the civic centre for the Eastern Corridor (library/indoor recreation centre/active open space), hotels, secondary schools, emergency services, places of assembly and worship, a public transport interchange, and higher density housing.

The Comprehensive Development Zone (CDZ), currently applies to the town centre of Caroline Springs. The area identified as the town centre of Caroline Springs covers approximately 120 hectares, and is located along the northern bank of Kororoit Creek, extending both sides of Caroline Springs Boulevard (**Appendix 1**). The CDZ has been used to facilitate the development of land within the town centre area of Caroline Springs.

In 2000 the *Caroline Springs Town Centre Comprehensive Development Plan* (Comprehensive Development Plan), was developed for the activity centre. The Comprehensive Development Plan is a high level strategic document, which identifies the boundaries of the town centre area, describes a vision for the town centre and sets out the framework for its future development. The effective application of the Comprehensive Development Plan in a statutory context requires specific details relating to urban design guidelines and uses. However, designed as a high level document, the current Comprehensive Development Plan does not fully assist with these matters.

In 2001, the land of the Caroline Springs town centre was rezoned from Residential 1 Zone to the CDZ to facilitate the implementation of the Comprehensive Development Plan.

In recognition of the significant level of development that has occurred in the town centre, Council's Municipal Strategic Statement (MSS) at Clause 21.06 contains the action to review the *Caroline Springs Town Centre Comprehensive Development Plan 2000* as well as to investigate opportunities to rezone land from the CDZ to a broader suite of commercial and other zones. The MSS was informed by the recommendations of the *Retail and Activity Centres Strategy 2014* and *House Rules – Housing Character Assessment and Design Guidelines 2015*.

A review of the CDZ has been completed. The review assessed whether the CDZ was the most appropriate planning control for the town centre area and highlighted issues around the continued applicability of the CDZ and the Comprehensive Development Plan. The key issues include the following:

- The Comprehensive Development Plan is outdated and does not contain appropriate planning controls or design guidelines;
- The CDZ is vague and is open to different interpretations by the applicants and planning practitioners;
- Planning applications for 'permit required' uses are exempt from third party notice and review rights;
- No permit is triggered to construct two or more dwelling on a lot in residential areas.

As the town centre area is substantially developed, the impacts of these issues with the application of the CDZ are becoming more prominent as outlined below and detailed in **Appendix 1**.

Public (third party) notice forms a central part of the permit application process. For residents and land owners, public notice represents their first formal point of engagement with planning applications. It is a chance to express their point of view and secure particular rights, such as the ability to appeal the authority's decision. For applicants, it is an opportunity to improve a proposal and resolve concerns. At the moment, the residents and land owners within the Caroline Springs CDZ who may be impacted by a proposed development, do not have a statutory mechanism to receive public notice, object to a development or request to review the authority's decision on a planning application.

A planning permit acts as a mechanism to shape and control proposals that will be broadly acceptable but need determination on a case-by-case basis. In the standard residential zones, if more than one dwelling is proposed to be constructed on a lot, a planning permit is usually required. While standard residential zones trigger a planning permit for the construction of two or more dwellings on a lot, the current application of the CDZ allows for that without a permit.

Critically, there have been a number of instances in recent years where proposals for higher density development in the residential areas did not trigger a permit under the CDZ but the Council had a fundamental question as to whether the proposal should be approved at all. A recent hearing between *New Look Homes Pty Ltd v Melton CC [2017] VCAT 323* was held in 2017 after the Council refused to approve a proposal to construct three double storey dwellings on a lot. In making the determination, the Tribunal highlighted that for a number of years the Council was employing a procedurally incorrect requirement of endorsing precinct plans, not formally required to be approved by Council under the CDZ – a practice which cannot be used to support Council's decision at VCAT. This case illustrates that if more applications for two or more dwellings on a lot arise in the future, land development can proceed without a planning permit.

State planning policy requires Councils to keep the planning scheme up-to-date and fit for purpose. Considering that the Comprehensive Development Plan is outdated and open to interpretation, and the current controls are no longer an effective planning tool for the area, it is recommended that Council to remove the reference to the *Caroline Springs Comprehensive Development Plan 2000* in the Melton Planning Scheme and rezone land within the Comprehensive Development Zone to a broader suite of commercial and residential zones.

The proposed amendment will update the planning scheme by applying the correct zones to Caroline Springs town centre. Upon completion, the amendment will ensure that the new zoning continues to reflect the vision and land use objectives for the town centre, whilst improving the application assessment and decision making processes.

#### **Amendment C202**

Based on the issues outlined above and detailed in **Appendix 1**, Amendment C202 to the Melton Planning Scheme proposes to remove the Comprehensive Development Zone – Schedule 1 (CDZ1). The Amendment will replace the CDZ1 with a broader suite of commercial and other zones including Public Use Zone (PUZ), Public Park and Recreation Zone (PPRZ), Commercial 1 Zone (C1Z), Mixed Use Zone (MUZ) or Residential Growth Zone (RGZ) in consultation with DELWP as detailed in the *Comprehensive Development Zone Review November 2019 (Appendix 1)*.

The proposed Amendment C202 will remove Clause 37.02 in the Melton Planning Scheme and the references to the *Caroline Springs Comprehensive Development Plan 2000*, as this document will become redundant.

**Strategic Assessment**

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

The amendment is consistent with the Planning Policy Framework (PPF) in a number of aspects of Clause 11: Settlement, Clause 12: Environmental and Landscape Values and Clause 19: Infrastructure including:

- Clause 11: Settlement – Activity Centres – the amendment acknowledges the commitment to establish the network of activity centres as the focus for investment and growth (Clause 11.01-1R, Clause 11.01-1S and Clause 11.03-1S). The amendment supports Clause 11 through recognising the areas of commercial, retail, residential educational and administrative use types and rezoning them to a broader suite of commercial and other zones, which are consistent with the intended use of the land within the town centre. The proposed rezoning will encourage the concentration of uses in a particular location as per the intention of the activity centre framework.
- Clause 12: Environmental and Landscape Values – the amendment acknowledges the importance of maintaining the health of ecological systems including river corridors, lakes, wetlands (Clause 12.03) and the biodiversity they provide for (Clause 12.01) and supports the need to recognise areas for public recreation and open space, protect and conserve these areas where appropriate.
- Clause 19: Infrastructure – the amendment acknowledges the continuous demand for a range of accessible community resources and supports the need to provide the land for a range of community facilities including schools, places of assembly and worship, sports and recreation facilities, active open spaces and other social community infrastructure.

The amendment is consistent with the Municipal Strategic Statement and Local Planning Policy (LPP) in a number of aspects of Clause 21.02: Settlement, Clause 21.03: Environment and Landscape Values, Clause 21.06: Activity Centres and Retail Provision, and Clause 21.08: Housing including:

- Clause 21.02: Settlement – the amendment acknowledges the importance of preventing land use conflicts and poor built form outcomes. The amendment supports Clause 21.02 through recognising the preferred neighbourhood character within the residential areas and applying correct zones.
- Clause 21.03: Environment and Landscape Values – the amendment acknowledges the significance of waterways, wetlands and catchments through supporting the objective to enhance the environmental values of the municipality.
- Clause 21.06: Activity Centres and Retail Provision – the amendment acknowledges the City of Melton Activity Centre hierarchy and implements the recommendations of Clause 21.06-4 to undertake a review of the *Caroline Springs Comprehensive Development Plan 2000* including investigation of opportunities to rezone land.
- Clause 21.08: Housing – the amendment acknowledges the challenge of managing population growth without adversely impacting upon neighbourhood character and implements the recommendations of the *House Rules – Housing Character Assessment and Design Guidelines 2015*.

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

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



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

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

#### 4. Financial Considerations

Council officer time and resources are involved in the preparation, exhibition and adoption of the amendment and statutory fees are required to be paid by Council are within Council recurrent budget.

It is not envisaged that the rezoning of the land will result in a substantial increase in planning permits being lodged with Council.

#### 5. Consultation/Public Submissions

This planning scheme amendment would be subject to the normal exhibition processes. This includes a statutory period under the *Planning and Environment Act 1987*, which allows any person to make a submission. A notice will be placed in the local newspaper, letters will be sent to affected landowners, and a notice will be placed in the Government Gazette.

Other forms of notification in addition to the statutory required method will include information sessions, information on Council's website and social media posts.

Once the exhibition closes, a further report will be provided to Council summarising any submissions made to the Amendment, recommended changes as a result of exhibition and recommending whether a Planning Panel is required.

#### 6. Risk Analysis

If Council chooses not to seek authorisation to prepare a planning scheme amendment it would prevent the necessary updates required to the Melton Planning Scheme.

It would also compromise the opportunity for landowners to object to inappropriate development applications and presents difficulty for Council officers in maintaining the high quality residential amenity.

#### 7. Options

Council can resolve to:

1. Adopt the *Comprehensive Development Zone Review November 2019 (Appendix 1)* and seek authorisation from the Minister for Planning to prepare and exhibit Amendment C202 to the Melton Planning Scheme in accordance with the requirements of the *Planning and Environment Act 1987*.
2. Not adopt the *Comprehensive Development Zone Review November 2019 (Appendix 1)* and not proceed with the amendment.

#### LIST OF APPENDICES

1. Caroline Springs Comprehensive Development Zone Review - dated November 2019

## 12.12 PLANNING APPLICATION PA 2017/5728 - USE AND DEVELOPMENT OF A PLACE OF WORSHIP AT 171-197 HARKNESS ROAD, HARKNESS

Author: Joseph Oyelowo - Development Planner  
Presenter: Bob Baggio - Manager Planning Services

### PURPOSE OF REPORT

To consider and determine the above planning application.

### RECOMMENDATION:

That Council issue a Notice of Decision to Grant a Permit subject to the conditions outlined in **Appendix 9** of this report.

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## REPORT

### 1. Background

#### Executive Summary

Applicant:	Melbourne Islamic Centre Ltd
Proposal:	Place of Worship
Existing Land Use:	Vacant
Zone:	Green Wedge A
Overlays:	Environmental Significance Schedule 1 Bushfire Management
Number of Objections:	166
Key Planning Issues:	<ul style="list-style-type: none"> <li>• Suitability of the use</li> <li>• Traffic safety and access</li> <li>• Amenity of surrounding residents</li> <li>• Soil stability issues</li> <li>• Potential for future expansion</li> </ul>
Recommendation:	Approve application

**The Land and Surrounding Area**

The subject site has an area of 10.45 hectares and is located on the eastern side of Harkness Road in Harkness. The site is irregular in shape and contains a dilapidated dwelling and several sheds. Abutting the subject site to the north is the Harkness Road Gilgai Woodland, a conservation area owned by the Crown and actively managed by the City of Melton. The land to the east and south is reserved for a future public cemetery.

The surrounding area can be characterised as rural. The land uses within the wider area include several equine training and research facilities, rural living, grazing and cropping and a regional park (Macpherson Park).

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

**Planning History**

Council issued planning permit number PA2012/3458 on 13 July 2012. The permit allowed for the use and development of the land for the purpose of a Place of Worship with associated car parking and authorised up to 60 persons being present on the site at any one time, with the hours of operation limited to Wednesday and Friday evening from 5 pm – 8 pm for bible study and prayer meetings, and 9am – 12pm on Sundays for worship services.

Subsequent to the permit being issued, the proponent sought to amend the permit by extending the hours of operation to 5am to 11pm, seven days per week. This was refused by Council, however the applicant appealed against Council's refusal and the Victorian Civil and Administrative Tribunal (VCAT) issued an amended permit for the Place of Worship to change the hours of operation to four times per day between 5am and 11pm, seven days per week, for a maximum period of 45 minutes at each time for worship or prayer.

In its decision, the Tribunal decided that the perceived impacts of the change to the worship and prayer hours on the amenity of land in the surrounding area, biodiversity and traffic generation were not unreasonable. The permit was a temporary permit for five years and expired on 13 July 2017.

Refer to **Appendix 2** for a full copy of the VCAT decision

**The Application**

The current application proposes to use the subject land for the purpose of a Place of Worship with associated car parking and landscaping.

The proposal can be summarised as follows:

- Development of a worship hall with an area of 693 square metres for the Melbourne Islamic Centre Ltd.
- Not more than 60 persons will be on the premises at any one time.
- Enable people to visit the site to pray up to four times per day between the following hours:

Monday to Friday

- Morning: 5am to 6.30am
- Afternoon: 12.30am to 2pm
- Evening: 5pm to 8pm
- Night: 8.30pm to 10.30pm

Saturday and Sunday

- Morning: 5am to 6.30am
- Afternoon: 10.30am to 3pm
- Evening: 5pm to 8pm

- Night: 8.30pm to 10.30pm.
- Twenty car parking spaces with an additional overflow parking area for special celebrations will be provided for the proposed use.
- No native vegetation is to be removed.
- The proposed building will be contemporary in design and constructed of timber, render, colourbond and glazing.

Documents submitted to support the proposal included the following

- Planning Report – dated July 2017;
- Acoustic Report – dated 18 November 2015;
- Traffic and Parking Management Plan within the subject site – dated 9 September 2015;
- Land Management Plan – dated 11 November 2015;
- Landscape Master Plan – dated 9 January 2017;
- Architectural Plans – dated January 2018; and
- Bushfire Management Statement - dated November 2017.

Refer to **Appendix 3** for plans of the proposal

It should be noted that this application was previously considered by Council at the Ordinary meeting of 30 April 2018. Council resolved that:

1. Consideration of the application be set aside for a period of no less than four months to give time for Council Officers to source expert opinions and advice from the Regional Cemeteries Trust, State Government of Victoria and other expert witnesses into future development of the land described above;
2. Consult with Dr Dahlhaus, through Federation University, on possible use of the land described and ask of his availability to give Councillors a full briefing on potential for Harkness Road, Gilgai affected developments; and
3. Undertake further community consultation.

In response the applicant lodged an Application for Review with the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to determine the application within the prescribed time. Before the VCAT hearing against failure to determine the application, a Practice Day Hearing was held by the Tribunal to consider whether a Cultural Heritage Management Plan (CHMP) needed to be approved prior to a decision being made on the application.

In its decision, the Tribunal agreed with Council's submission that a CHMP was required on the basis that in this instance, the activity area for the high impact use is not confined to the development footprint. The proceeding was dismissed for want of jurisdiction and the VCAT hearing against Council's failure to determine the application vacated. The VCAT decision meant that the permit application remains to be decided by Council and that Council should not determine the application until a CHMP is lodged.

After the VCAT decision, the applicant submitted a request to amend the Permit Application to limit the activity area of the proposed use and development to an area of the land wholly outside the area of cultural heritage sensitivity. Consequently, it was determined that a CHMP was no longer required given that the planning unit for the place of worship had no relationship with the area of cultural sensitivity. The application was amended accordingly.

Refer to **Appendix 4** for the amended plans of the proposal

Council then engaged Dr. Dahlhaus as per the Council resolution to provide advice on the soil stability issues relating to the land. Council received a briefing from Dr. Dahlhaus in September 2018. In summary, the Dahlhaus Report provides:

1. Soil surveys of Melton were undertaken in 1984 and 1985.
2. Most of the area containing gilgai soils is now included in the Gilgia Woodlands Nature Conservation Reserve located immediately north of the land; and
3. That arguably, there are very few sites on Earth that could not be built on with a suitably engineered solution. Hence it can be argued that the risk at the proposed development site could be reduced by mitigating the consequences through engineered solutions. However, this would require a geotechnical investigation, engineering design and landscape design beyond that normally considered for a development of this type, because it would require a collective 'neighbourhood design' approach to mitigating deep-seated soil movements.

On the advice of Council's solicitors, Council organized an independent review of the Dahlhaus report and the geotechnical conditions of the site. This report carried out by Golders found that:

- *It is not certain that the proposed development will increase the magnitude or severity of the subsidence on the Land or adjacent sites. The hazards present will remain irrespective of whether the site or surrounds are developed.*
- *The impact the proposed development could have on the natural processes associated with the reactive soils can be managed to within tolerable levels with further detailed investigation and competent engineering design and construction.*
- *Further detailed investigation is required to inform the appropriate design and construction measures.*

Measures that could be adopted (in isolation or combination) to acceptably mitigate the risks include:

- *Founding the proposed structure on a suspended slab which would isolate the structure from the expansive soils.*
- *Founding the proposed structure on a stiffened slab which would 'float' the structure on the expansive soils.*
- *Construction of a lightweight structure on a flexible footing system which would make the structure resilient to significant ground movements.*
- *Treatment or replacement of reactive soil.*

Refer to **Appendix 5** for the reports

**Planning Controls**

Zone	Clause 35.05 – Green Wedge A Zone	Permit required for a place of worship and building or works associated with the place of worship.
Overlays	Clause 42.01 – Environmental Significance Overlay Schedule 1  Clause 44.06 – Bushfire Management Overlay	Permit required to construct a building or construct or carry out works.  A permit is required to construct a building or construct or carry out works associated with a place of assembly.

Particular Provisions	Clause 52.06 – Car Parking	0.3 car space are required per patron. 60 patrons are proposed equating to 18 car spaces. The application makes provision for 20 spaces and an overflow area.
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A full assessment of the proposal against the relevant State and Local planning policies is included in **Appendix 6**.

### **Western Plains Green Wedge North Management Plan**

The subject site is located within Precinct 6. The management plan recommends that the existing Development Plan Overlay that covers the western side of Harkness Road be extended to cover the entire precinct, including the subject site. The updated development plan would place greater emphasis on environmental outcomes for the precinct and establish better connections to environmental assets in the area.

### **Significant Landscape Strategy**

The strategy places a high importance on buildings and structures that complement the surrounding landscape by carefully considering a range of issues, including scale, design detail, materials, colours, and building footprint.

Both the management plan and strategy mentioned above acknowledge the importance of design, siting and landscaping of future development within the City of Melton's rural areas. The proposed development is consistent with the management plan and strategy because the plans submitted show that the building is appropriately sited in the surrounding environment and complimented by a suitable landscape plan.

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

The land is only affected by a Section 173 Agreement that relates to Planning Permit PA2012/3458 which was the initial permit issued for a place of worship. Under the agreement the owner of the land is obligated to protect all the native vegetation on the land and to ensure the land is managed appropriately. This can be reinforced through permit conditions in the event that the application is supported.

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

The rear portion of the land is considered to be of cultural heritage sensitivity under the Aboriginal Heritage Regulations 2007; however, the proposal is to be located at the front of the property, and therefore a CHMP is not required.

## **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 completed in accordance

with statutory requirements and 166 objections have been received.

The relevant grounds of objection may be summarised as follows:

- Suitability of the land for a place of worship.
- Excessive and unacceptable hours of operation. Seven days per week is not in keeping with a quiet rural area.
- Concerned about an increase in traffic and an increase in the number of vehicles using the unsealed Harkness Road, which will result in dust creation.
- Impact on the amenity of the area by excessive noise and a loss of rural lifestyle brought about by disturbance in the early hours of the morning or late at night from the repeated prayer sessions.
- Devaluation of property.

A response to the objections is provided in **Appendix 7**.

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

The application was referred to a number of Council Departments and external Referral Authorities for comment and advice. There was no objection to the proposal subject to the appropriate conditions being addressed.

A complete list of responses is included in **Appendix 8**.

## **5. Issues**

### **Planning Assessment**

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

### **Soil stability**

Advice from Council's solicitors based on the Golders Review (**Appendix 5**) is that Council should place little to no weight on 'land subsidence' in determining whether or not to grant a permit in respect of the Permit Application. This issue can be acceptably addressed via conditions on permit should Council determine a permit should issue.

### **Planning Policy**

Council's Municipal Strategic Statement recognises that the proximity of non-urban land to the urban interface raises a range of challenges including rural residential type living, increased land prices and land use conflict. These make agriculture more challenging and contribute to pressure for additional subdivision or rezoning of land. Pressure for the establishment of 'urban' uses in these areas such as schools and places of worship, and for the provision of infrastructure such as telecommunications towers present additional planning challenges.

In response to on-going development pressures, Council has adopted the Western Plains North Green Wedge Management Plan 2014 to provide a framework to support sustainable land use, land management and development within the non-urban area.

It is noted that the Management Plan has a requirement that education and religious uses, and other uses which are much more closely associated with 'urban' development (such as churches or schools), should generally only be considered in precincts 4, 5 and 8.

As previously mentioned, the subject land is located in Precinct 6 and therefore it could be argued that the proposal may not comply with the Management Plan. Notwithstanding this, it is important to note that the land is close to the boundary of Precinct 5, and that Precinct 6 can be characterised as an area which is rural residential in nature with some potential for further redevelopment. Therefore it is considered that the land and surrounding area is not an area where the encroachment or urban type uses, such as a place of worship, would prejudice the broader objectives of planning policy.

***Impact of the use on the amenity of the area***

The proposed hours of use reflect the Islamic prayer times. There is no doubt that the hours will increase the intensity of use compared to the subject land being used as a rural residential property. The increase in hours and the number of people could result in additional environmental impacts on the natural physical features and resources of the area through the emission of noise (associated with an increase in visitation), additional traffic and dust on Harkness Road. The potential amenity impacts on the surrounding area are considered not to be unreasonable and can be mitigated through specific planning permit conditions.

Permit Conditions limit the size of the congregation, the hours of prayer sessions, and the noise generated by their activities, requiring that the building will be constructed and the use operated in a manner that causes minimal loss of amenity, privacy and convenience to people living in nearby dwellings.

The proposed design response makes use of a site layout that incorporates land use separation techniques through appropriate fencing, landscaping, locating the car parking at the rear of the building in order to contain potential noise emitted as a consequence of the Place of Worship activities within the subject land. In addition the acoustic report prepared to ensure that there is no loss of amenity, in terms of noise to the surrounding properties as a result of the proposed use will be endorsed as part of any approval. Furthermore, there will be a requirement to comply with Environmental Protection Agency noise standards.

***Access and vehicle movements***

Harkness Road is sealed from High Street up to the Arnolds Creek Estate to the south of the subject land, leaving about 800m of an unsealed stretch of road to the subject land. Since there will be an increase in the number of vehicles using the unsealed section of Harkness Road, there will be a condition that requires a spray seal to be applied to this section of Harkness Road. The seal will be required from the constructed section of Harkness Road from the northern boundary of Arnolds Creek estate to a point 10m north of the vehicle entrance to the subject land. This would reduce dust and possibly reduce vehicle noise that is common to driving on unsealed roads, and is consistent with the requirements of the previous amended permit issued at the direction of the Victorian Civil and Administrative Tribunal.

The application was referred to Council's traffic engineers and they consider that the proposed use will not have an adverse impact on the surrounding road network. The proposal also meets the car parking requirements as per the Melton Planning Scheme.

***Car Parking***

The proposal complies with the required car parking rate specified by the Melton Planning Scheme. The number of car parking spaces required on-site is 18 car spaces, however the proposed use and development makes provision for 20 on-site car parking spaces and an overflow car parking area, which exceeds Melton Planning Scheme requirements.

***Environmental considerations***

The property to the north of the subject land is the Harkness Road Gilgai Woodland. The Woodland supports highly significant native vegetation and fauna, including one of the last remaining examples of the now nationally endangered vegetation community, Grey Box Woodlands and derived grasslands of South-eastern Australia (listed as Endangered under the Environment Protection and Biodiversity Conservation Act 1999).

The proposed use and development will not have any impact on the Gilgai Woodland. The land management plans for the subject site ensures that environmental values within and adjacent the subject land is enhanced and maintained.

***Previous VCAT decision***

In its decision to the previous amended permit, the Tribunal decided that the perceived impacts of the change to the worship and prayer hours on the amenity of land in the surrounding area, biodiversity and traffic generation were not unreasonable. The Tribunal



concluded that the impact of the hours of use of the subject land would be minimal as most of the place of worship noise will be contained in a building.

## 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 9**.

## LIST OF APPENDICES

1. Locality Plan - dated 9 & 10 April 2018
2. VCAT decision - dated 4 May 2015
3. Plans for the proposal - undated
4. Amended Plans - dated various dates
5. Dr. Dahlhaus & Golder Report - dated 31 August 2018
6. Assessment against Planning Scheme - dated 3 April 2018
7. Response to objections - dated 4 April 2018
8. Referral Responses - dated 4 April 2018
9. Notice of Decision to grant a Planning Permit - Conditions - dated 18 November 2019

**12.13 PLANNING APPLICATION PA 2019/6555 - USE AND DEVELOPMENT OF THE LAND FOR THE PURPOSE OF A DOUBLE STOREY MEDICAL CENTRE WITH A BASEMENT, WITH AN ASSOCIATED DISPENSARY, LANDSCAPING AND CAR PARKING, REMOVAL AND CREATION OF EASEMENT AT 162-166 COBURNS ROAD AND 46 CARINA DRIVE, MELTON**

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

**PURPOSE OF REPORT**

To consider and determine the above planning application.

**RECOMMENDATION:**

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

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**REPORT**

**1. Background**

**Executive Summary**

Applicant:	VJ Agosta and Associates Pty Ltd
Proposal:	Medical centre
Existing Land Use:	Three dwellings and a medical centre
Zone:	General Residential
Overlays:	Nil
Number of Objections:	Six
Key Planning Issues:	Zoning and policy context Neighbourhood character Off-site amenity impacts Car parking and traffic Objectors concerns
Recommendation:	Approve application

**The Land and Surrounding Area**

The subject site is comprised of four allotments with a total area of 2,335m<sup>2</sup> and is located on the north-eastern corner of Coburns Road and Carina Drive in Melton. Other features of the site are as follows:

- The site is irregular in shape.

- It contains three existing single storey dwellings and a single storey medical centre with seven car spaces. The existing medical centre is on the land at 166 Coburns Road, Melton.
- The three single storey dwellings will be demolished and the single storey medical centre will be retained.
- An existing drainage and sewerage easement adjoins the rear boundary of 162,164 and 166 Coburns Road and the southern boundary of 166 Coburns Road.

The surrounding area can be characterised as predominantly residential. To the west is Melton Secondary College and approximately 300 metres south west of the site is the Woodgrove Shopping Centre.

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

### **Planning History**

A planning permit (PA 2015/4946) was issued on 15 January 2016 for use of an existing dwelling as a medical centre and associated buildings and works, car parking, landscaping and a reduction in car parking for the property at 166 Coburns Road which constitutes part of the subject site. The existing medical centre operates from 7am to 9pm, Monday to Saturday and 8am to 7pm on Sunday. No more than two medical practitioners may be present on the premises at any one given time.

On 13 November 2017, Council refused an application for the *'Use and development of the land for the purpose of a 24 hour, seven day per week, triple-storey medical centre with associated landscaping and a reduction in car parking'*.

### **The Application**

The proposed use and development is summarised as follows:

- The existing three dwellings will be demolished and replaced by a two storey building above a basement.
- The proposed building would comprise of numerous consulting rooms, conference/training rooms, radiology, dental and cosmetic services and a dispensary, being limited to patients of the medical centre. The dispensary is to be ancillary to the medical centre.
- The medical centre will operate from 7:00am to 10:30pm, Monday to Saturday, and 7:00am to 7:00pm on Sunday.
- The building is to be constructed from a variety of building materials, including brick veneer, powder coated aluminium perforated cladding, and James Hardie Vertical cladding.
- The existing single storey medical centre will be retained. The medical centre currently has seven car spaces which will be reduced to five car spaces to create an accessway for this proposal.
- A total of 47 car parking spaces would be provided (including 2 disabled car parking bays).
- A total of fifteen (15) health practitioners are proposed.
- A total of eight bicycle parking spaces would be provided. A shower and toilet facilities also be provided for staff.
- Vehicle entry/exit to the site is from Coburns Road.
- Business identification signage is not proposed as part of the application.

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

**Planning Controls**

Zone	(Clause 32.08 – General Residential Zone)	A permit is required for use and development of a medical centre.
Particular Provisions	(Clause 52.06 – Car Parking)	The car parking rate of a medical centre is 5 car spaces to the first person providing health services plus 3 car spaces to every other person providing health services.  The application makes provision for 47 car spaces. The number of car parking spaces provided meets the requirements of Clause 52.06.
	(Clause 52.07 – Loading and unloading of vehicles)	A permit may be granted to reduce or waive these requirements if either the land area is insufficient or adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.

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

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

The land is not affected by a Restrictive Covenant.

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

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

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

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

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

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

**3. Financial Considerations**

No Council related financial considerations are involved with the application.

**4. Consultation/Public Submissions****Public notification of the application**

The application was subject to notification. The notification was completed in accordance with statutory requirements and eight objections were received.

The grounds of objection may be summarised as follows:

- Traffic congestion and off-street impacts.
- Safety impacts due to increase in traffic volume.
- Loss of privacy.
- Building height and visual bulk.

- Overshadowing and loss of natural daylight.
- Noise associated with operation of the medical centre and use of the ground floor car park.
- An additional medical centre is not required in the area considering the number of existing medical centres within the site's vicinity.
- Risk of criminal activity associated with the use and development.
- Car fumes from the proposed car park area will pose health issues.
- Excavation works will cause structural damage on adjoining dwellings.
- Property devaluation.
- Infrastructure impacts.
- Light pollution from car headlights.

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

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

The application was referred to Council's Traffic and Transport Unit and City Design for comment and advice. The application was also referred to Western Water. A complete list of responses is included in **Appendix 5**.

## **5. Issues**

#### **Is this non-residential use appropriately located**

Non-residential uses are permitted within the General Residential Zone, however, they must be in appropriate locations and where the use serves the needs of the local community. The applicant has provided suitable justification to demonstrate the need for increased access to health service facilities. The location is also considered to be appropriate, given, that there is an existing medical centre on the land at 166 Coburn Roads which is part of the application. Melton Secondary College is located on the opposite side of Coburns Road, and Council also recently approved a Child Care Centre on the opposite side of Carina Drive.

Council officers have raised concerns in relation to the proposed hours of operation (7:00AM to 12:00AM, seven days a week). In response to the concerns raised by Council officers, the applicant has outlined that would be willing to accept a condition limiting the hours of operation from 7:00am to 10:30pm, Monday to Saturday, and 7:00am to 7:00pm on Sunday. The revised hours of operation proposed by the applicant are considered to be more suitable to residential areas. The applicant has also highlighted that attendance at the medical centre after 9pm is not expected to be high.

The revised hours of operation are considered to be acceptable and a Condition outlining the revised hours has been included in the Notice of Decision (**Appendix 6**).

#### **Neighbourhood character**

The *Housing Character Assessment and Design Guidelines (House Rules)* adopted by Council, October 2015 provides useful guidance on the preferred outcomes for the areas neighbourhood character and should be considered in this context, albeit that the proposal does not include residential uses. In *House Rules*, the subject site is located in the Garden Suburban (GS1) character area. GS1 areas are defined by a sense of spaciousness, ample visual separation between buildings, visible front gardens from the street with the majority of front setbacks used as permeable garden landscapes.

The scale, intensity, materials, and the built form elements of the proposed building is respectful to the character of the immediate surrounding area. The proposed double storey building will be appropriately setback from the Coburns Road, Carina Drive, and the residential properties to the east. The selected building material and colour palettes are generally similar those used at the school buildings located on the opposite side of Coburns Road. The overall

height of the building would be generally similar to the Child Care Centre Council recently approved at its Ordinary Meeting on the 16 September 2019.

The applicant has amended the proposal to respond to the concerns raised by Council's City Design Unit. The overall design of the proposal is now considered to be responsive of the site and surrounds.

#### **Car parking/bicycle spaces/loading and unloading bays**

For the proposed 15 medical practitioners a total of 47 car spaces are required to be provided on-site. The proposal meets the car parking requirements as required in Clause 52.06 (Car Parking).

A total of eight (8) bicycle parking spaces will be provided. Bicycle parking spaces would be located next to each of the two front entry doors of the two medical centres – two in front of the existing medical centre and three in front of the new large medical centre. A further three bicycle parking spaces would be located in the 16 basement in the vicinity of the lift and stairwell. A shower and toilet would also be installed next to the basement bicycle parking area.

The proposal does not include provision of loading/unloading bays as such a waiver of this requirement is sought. It is generally accepted that deliveries to medical centres are delivered by a van or car. Such vehicles would use on-site car spaces for short periods of time to drop off goods. For this reason, a waiver of this requirement is acceptable.

Council's Traffic and Transport Unit has reviewed the proposal and have no objections to the proposal in its current form.

#### **Overshadow/Overlooking/Privacy**

Concerns in relation to overshadowing have been raised by objectors. The submitted overshadowing diagrams show that there will be no overshadowing impacts on adjoining properties considering the orientation and siting of secluded private open space of the adjoining properties and the setbacks of the building from the adjoining properties.

Further concern by objectors has been raised regarding loss of privacy and use of security cameras at the proposed medical centre. Whilst ResCode is not applicable in this instance, it is noted that the location of secluded private open spaces and habitable room windows of adjoining dwellings are in excess of 9m from the building. As such, there are no overlooking opportunities. The security cameras at the medical centre would be restricted to the subject site if a permit is issued.

Objectors are also concerned about the noise associated with the operation of the medical centre and use of the ground floor car park. Any noise generated by future occupants of the building if a permit is to issue, would be normal to a residential setting and not considered unreasonable. In the applicant written response to the objectors concerns it is stated that car parking area will be separated from the adjacent residential property with an acoustic timber fence to reduce the level of noise from the car park area.

#### **Easements**

Council's Engineering Services and Western Water have no objected to the removal and relocation of existing drainage and sewerage infrastructure.

## **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 19 November 2019
2. Plans of proposal - dated 2 September 2019
3. Assessment against state and local policies - undated
4. Response to objections - undated
5. Referral comments - undated
6. Notice of Decision to Grant a Permit - Conditions - undated

## 12.14 PLANNING APPLICATION PA 2019/6666/1 - DEVELOPMENT OF THE LAND FOR A RESIDENTIAL AGED CARE FACILITY WITH ASSOCIATED CAR PARKING, BUSINESS IDENTIFICATION SIGNAGE AND LANDSCAPING AT 12-22 LEXCEN CLOSE, MELTON

Author: Simon Temple - Acting Statutory Planning Coordinator  
Presenter: Bob Baggio - Manager Planning Services

### PURPOSE OF REPORT

To consider and determine the above planning application.

### RECOMMENDATION:

1. That Council issue a Notice of Decision to Grant a Permit subject to the conditions outlined in **Appendix 6** of this report.
2. That Council construct a new access to the existing Aged Care facility when Lexcen Close is constructed to adjoin the land, and discontinue the existing access from Station Road.

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### REPORT

#### 1. Background

##### Executive Summary

Applicant:	Urbis Pty Ltd
Proposal:	Residential Aged Care Facility
Existing Land Use:	Vacant
Zone:	General Residential (Schedule 1)
Overlays:	Nil
Number of Objections:	Thirty Two
Key Planning Issues:	Traffic and vehicle access to the site from Carter Road Neighbourhood Character
Recommendation:	Approve Application

##### The Land and Surrounding Area

The subject site comprises a total of seventeen lots together with two reserves (drainage and sewerage and municipal purposes) comprising a total area of 12,423m<sup>2</sup> and a 14 metre wide road reserve for the future construction of Lexcen Close on Plan of Subdivision PS301077L which was certified by Council on 19 April 1993 and a Statement of Compliance issued and Certificates of Title for each lot have been released. However, the works associated with the subdivision including the creation of individual lots and the construction of Lexcen Close have not proceeded so the subject site consists of a large, irregular shaped, vacant lot with



direct frontage to Station Road (east) and Carter Road (west) with the exception of Lot 8 which is occupied by ten single storey brick residential care units that are owned and managed by Council with vehicle access provided from Station Road via an unmade gravel driveway.

The surrounding area can be characterised as an established residential area comprising detached single and double storey residential dwellings along with medium density housing fronting both sides of Station Road to the east/north-east and Carter Road to the west/north-west. The Western Highway adjoins the southern boundary of the subject site and provides a buffer to further established residential development to the south.

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

### **The Application**

The application proposes the development of the land for a Residential Aged Care Facility with associated car parking, business identification signage and landscaping.

The proposed development is summarised as follows:

- The proposed development will occupy Lots 9-17 along the eastern and southern boundaries of the subject land comprising a total area of 7,031 square metres.
- Development of a two storey building comprising 90 residential suites (one bedroom), entry/lobby, offices, communal kitchen, laundry, café and amenities (staff and visitors).
- The development will have a setback of 19.6 metres from the frontage to Station Road, 3.6 metres from the southern boundary (interface with the Western Highway).
- The development will have a maximum height of 11.7 metres
- External materials, colours and finishes for the proposed development consist of textured pre-cast concrete with natural finish, rendered finish (Dulux Celtic Sky), metal and timber cladding, aluminium framed doors and windows (power coated) and colourbond clad pitched roofing.
- A total of twenty nine car spaces (including two car spaces for people with a disability) will be provided on site. A covered drop off/pick up area will also be provided on the northern side of the building adjacent to the main entrance.
- Vehicle access is to be provided from a proposed 14 metre wide road (Lexcen Close) that will be constructed as part of the development. The alignment of this road generally accords with the alignment shown on the plan of subdivision. The road will also provide future access to the existing Council owned residential aged care facility occupying Lot 8 (No. 9-10 Lexcen Close). There will be no change to the existing access from this facility to Station Road.
- Internally illuminated signage and associated structure fronting Lexcen Close. The dimensions of the signage is 4.45m by 1.45m (advertisement area of 6.45 square metres attached to a brick structure (2m high by 5 m wide).
- Landscape setbacks along the eastern and southern boundaries of the site.
- A 2 metre high timber acoustic fence is proposed along the southern boundary of the site adjacent to the interface with the Western Highway.

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

**Planning Controls**

Zone	(Clause 32.08 – General Residential Zone)	Permit required to construct a building or construct or carry out works for a Residential Aged Care Facility. A development must meet the requirements under Clause 53.17 (Residential Aged Care Facility). No permit is required to use the land for a Residential Aged Care Facility.
Overlays	Nil.	
Particular Provisions	(Clause 52.05 – Signs)	A permit is required to display an internally illuminated sign and a business identification sign.
	(Clause 52.06 – Car Parking)	0.3 car spaces are required to each lodging room. A total of 27 car spaces are required and 29 car spaces have been provided.

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

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

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

- *Ample visual separation between dwellings.*
- *Majority of the front setback used as permeable garden landscape.*
- *Front gardens are visible from the street, forming part of the street landscape.*

*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 trees in the front and rear garden area.*
- *Minimising interruption of nature strips by driveways, so that regularly-spaced street tree avenues can be planted or retained.*

*Redevelopment of dwellings will occur in ways that maintain some characteristics of typical Garden Suburban style dwellings in the area, such as:*

- *Garages and carports occupy a minor proportion of the dwelling frontage, and are recessively sited)*
- *The visual dominance of the roof structure.*

**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.

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

### 3. Financial Considerations

No Council related financial considerations are involved with the application.

### 4. Consultation/Public Submissions

#### Public notification of the application

The application was subject to notification. The notification was completed in accordance with statutory requirements and thirty two objections were received.

The grounds of objection may be summarised as follows:

- Primary access to the development is from Carter Road to the proposed Lexcen Close which is likely to result in a significant increase in traffic along Carter Road.
- The accessway onto Station Road to the existing residential aged care units will be closed resulting in additional traffic using Carter Road to access these units.
- The developer should install traffic lights at the intersection of Carter Road and Barries Road to cater for the amount of traffic likely to be generated by the proposed development.

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

#### Referral of the application

The application was referred to a number of Council Departments for comment and advice. The application was also required to be referred to Transport for Victoria which is a determining referral authority in this case. The application was also required to be referred to Vic Roads under Clause 52.29-4 of the Melton Planning Scheme. A complete list of responses is included in **Appendix 5**.

Of particular note, Council's City Design Department initially provided comments requesting additional architectural treatment to the northern wall of the proposed building to provide greater activation to the existing Council reserve, additional architectural treatment to the western wall to provide greater activation to Lexcen Close and provide additional architectural treatment at ground and first floor level at the south-east corner of the building to reduce the extent of blank wall. City Design also provided comments in relation to site fencing and landscaping. The applicant has provided amended plans which have addressed the majority of these concerns and the remaining issues can be dealt with as a Condition of the Permit should Council resolve to approve the proposed development.

Council's Traffic and Transport Department provided comments seeking clarification regarding whether Lexcen Close would be constructed and further details on who would be responsible for constructing the road. Traffic and Transport also requested detailed plans demonstrating line marking and signage and extension of the footpath adjacent to Car Space No. 7. The applicant has advised Council that its client will be constructing Lexcen Close in accordance with Council's Engineering Standards. This can be addressed as a Condition of the Permit should Council resolve to approve the proposed development. The applicant has submitted detailed plans addressing the other concerns raised and Council's Traffic and Transport Department has advised that these plans are satisfactory. The requirement to extend the footpath adjacent to Car Space No.7 will be addressed as a Condition of the Permit should Council resolve to approve the proposed development.

## 5. Issues

### Planning Assessment

The proposed development is consistent with the relevant policies outlined under the Planning Policy Framework (PPF), the Local Planning Policy Framework (LPPF) including all relevant policies relating to housing and health services and the purpose of the General Residential Zone.

The proposal will facilitate the appropriate development of land for a residential aged care facility in an established residential area which is well located in relation to existing infrastructure and community services including public open space (Fay Street Recreation Reserve – 300 metres to the north-west), public transport (bus services along Station Road including a bus stop 60 metres to the north of the subject land), shops (High Street Activity Centre – 600 metres to the north and Woodgrove Shopping Centre – 1.2km to the north), and other community facilities.

The proposal will provide increased housing diversity and choice to meet the current, future and changing needs of the community and in particular, housing to meet the needs of older people. The provision of residential aged care facilities in established residential areas is actively encouraged under the Melton Planning Scheme.

The siting, layout, setbacks, height/scale, built form and appearance of the proposed development will respect and complement the established neighbourhood character of the area which is characterised by single and double storey detached dwellings, dual occupancies and multi-unit developments.

The proposed development generally satisfies the objectives and guidelines for the Garden Suburban 1 Character Area as outlined under Council's *Housing Character and Assessment Guidelines*. The proposal is inconsistent with the guidelines in relation to building height (maximum of 9 metres) and fencing (maximum height of 1.2 metres). However, a variation to these requirements is considered appropriate on the basis that the Character area guidelines relate specifically to single dwellings, dual occupancy and medium density housing developments and do not apply to developments such as residential aged care facilities. Therefore, the proposal is considered a reasonable response to the intent of the guidelines.

The proposal is consistent with the requirements relating to residential aged care facilities as outlined under Clause 53.17 of the Melton Planning Scheme. It is noted that under this clause, residential aged care facilities on land in a General Residential Zone allow a maximum building height of 16 metres. The proposed development will have a maximum building height of 11.7 metres.

The proposed internally illuminated business identification signage satisfies the requirements under Clause 52.05 of the Melton Planning Scheme and the objectives and standards of Council's Advertising Sign Guidelines Policy and Advertising Sign Guidelines (2017).

The application has been referred to a number of Council departments along with relevant external authorities. There are generally no objections to the proposal subject to Conditions being included in the permit.

The grounds of objection are acknowledged, however, cannot be substantiated. It is noted that the objectors do not oppose the proposed use and development of the land for a Residential Aged Care Facility and their concerns relate primarily to potential traffic impacts of the proposal on Carter Road.

The applicant has submitted a Traffic Impact Assessment Report prepared by a suitably qualified traffic engineer demonstrating that the amount of additional traffic likely to be generated by the proposal is acceptable and capable of being accommodated within the existing road network.

This report has been assessed by Council's Traffic and Transport Department who are

satisfied with the assessment provided and have no objections to the proposal. Furthermore, it should be noted that there will no direct vehicle access from the proposed development onto Carter Road with access provided directly onto Lexcen Close which the applicant will be constructing in accordance with Council's Engineering Standards. Lexcen Close will also provide access to the existing Council Residential Aged Care Facility currently occupying Lot 8, and it is recommended that Council construct this new access when Lexcen Close is constructed and discontinue the existing access from Station Road.

The application was also referred to Transport for Victoria and VicRoads. There are no objections to the proposal subject to Conditions being included should Council resolve to approve the proposal.

## 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 Map - dated 20 November 2019
2. Development Plans - dated 13 September 2019
3. Assessment against Planning Scheme - undated
4. Response to Objections - undated
5. Referral Comments - undated
6. Notice of Decision to Grant Permit - Conditions - undated

## 12.15 CONTRACT NO. 19/042 - STAN PAYNE RESERVE UPGRADE

Author: Maria Mastos - Project Officer

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

### PURPOSE OF REPORT

To seek Council's approval for the award of Contract No. 19/042 Stan Payne Reserve Upgrade.

### RECOMMENDATION:

That Council:

1. Award Contract No. 19/042 Stan Payne Reserve Upgrade to Citywide Service Solutions for the sum of **\$601,081.26** (excluding GST) for the construction of the reserve.
2. Delegate to the Chief Executive Officer the execution of all contract documents.

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### REPORT

#### 1. Executive Summary

This report seeks Council resolution for the award of Contract No. 19/042 Stan Payne Reserve Upgrade.

Stan Payne Reserve is a popular open space reserve in Diggers Rest. The park is well utilised despite its aging infrastructure, which includes picnic facilities and a toilet block.

Council has committed to the replacing and upgrading of the shelter and toilet facilities as well as general landscaping within the reserve to provide further opportunities for the community to engage and interact. The upgrade of the reserve will improve social cohesion and inclusion, and facilitate informal active and passive recreation within the reserve. This project will create a gateway to the Diggers Rest Township and enhance the overall appearance of the reserve.

The total budget allocated to deliver the project is \$800,000.00 which includes a \$400,000 contribution from the State Government's Growing Suburbs Fund.

In developing the tender documentation for the project \$60,000 was expended on consultancy fees in accordance with the project scope.

Following the advertisement of tenders for Contract No. 19/042 – Stan Payne Reserve Upgrade project, three (3) tender submissions were received. Citywide Service Solutions scored the highest in the tender evaluation and therefore are recommended for award for the lump sum of \$601,081.26 (excl. GST).

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

#### 2. Background/Issues

In 2013, Melton City Council undertook the Review of Parks and Reserves Project, auditing existing reserves across the municipality to identify sites requiring rejuvenation and improvement. The report established a development priority order for those parks and reserves, considering distribution and demographics. In adopting this review, Council

recognised the need to introduce a program of improvements to ensure that all our residents have equitable access to a range of safe and usable public spaces.

Stan Payne Reserve was identified as a priority park for improvement and its upgrade would enable Melton City Council to continue to meet the needs of the growing community, while delivering the committed Passive Reserve Development Program in a timely manner.

Stan Payne Reserve is a popular open space reserve in Diggers Rest. The park is well utilised despite its aging infrastructure, which includes picnic facilities and a toilet block.

Council has committed to the replacing and upgrading of the shelter and toilet facilities as well as general landscaping within the reserve to provide further opportunities for the community to engage and interact.

To meet the needs of the community and to deliver on the objectives of creating a strong gateway into the township, Melton City Council made an application in July 2018 to the Victorian State Government for funding through the Growing Suburbs Fund (GSF) for financial assistance.

The GSF provides a contribution towards meeting critical local infrastructure needs for communities in Melbourne's diverse and fast-growing outer suburbs. It is positioned to quickly respond to the pressures being experienced by interface communities by bringing forward local infrastructure projects that will make a big difference in the day-to-day lives of outer suburban families.

Council was advised in October 2018 that it was successful in obtaining \$400,000 in funding, and subsequently an agreement for the funding was signed.

Council has agreed under the GSF for the project to be delivered in time to meet a Ministerial opportunity event as agreed with DELWP scheduled for 13 July 2020.

A Request for Tender for the Contract No. 19/042 – Stan Payne Reserve was advertised on Tuesday 17 September 2019 and the tender closed on 10 October 2019. The expected Practical Completion date is 4th April 2020.

The total budget allocated to deliver the project is \$800,000.00 which includes a \$400,000 contribution from the State Government's Growing Suburbs Fund.

In developing the tender documentation for the project \$60,000 was expended on consultancy fees in accordance with the project scope.

Following the advertisement of tenders for Contract No. 19/042 – Stan Payne Reserve Upgrade project, three (3) tender submissions were received. Citywide Service Solutions scored the highest in the tender evaluation and therefore are recommended for award for the lump sum of \$601,081.26 (excl. GST).

The evaluation panel declared no conflict of interest in relation to this tender evaluation. To see the results of the tender evaluation see **Confidential Appendix**.

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

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

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

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

### **4. Financial Considerations**

The following table details the budget allocation available for this project in this financial year and the implications of accepting the recommended tender:

<b>Funding Sources</b>	<b>Amount \$</b>
City of Melton Approved Budget 2019/20	\$400,000.00
State Government - Growing Suburbs Fund 2018-2019	\$400,000.00
<b>TOTAL</b>	<b>\$800,000.00</b>

The budget breakdown for the project is as follows:

<b>Project Budget Allocation</b>	<b>Amount \$</b>
Build Contract 19/042 –Stan Payne Reserve Upgrade	\$601,081.26
Design fees expanded	\$60,000.00
Authority fees (estimate)	\$15,000.00
Remaining budget	\$123,918.74
<b>TOTAL</b>	<b>\$800,000.00</b>

## 5. Consultation/Public Submissions

Council officers have been in regular contact with State Funding bodies (Growing Suburbs Fund) to communicate the project progress and report on achievements of agreed Milestones in regards to the development being delivered by Council.

A series of consultation activities occurred that has informed the development of the plans for the Stan Payne Reserve. This includes;

- A drop in session in February at the reserve attended by Councillors, residents, the Diggers Rest Bowls Club, The Diggers Rest Residents Association and the Diggers Rest Lions Club.
- Meetings with the Diggers Rest Bowls Club, Diggers Rest Lions Club and the Diggers Rest Residents Association in March, May and August 2019.

The consultation highlighted the following keys points that have informed the detail design of the project;

- Retain the heritage and interpretive items on the site and enhance access to them and presentation of them;
- Ensure that the new shelter complements the existing Lions Club Building (old School House); and
- Rationalise the carpark between the Lions Club and Bowls Club buildings and ensure pedestrian access is provided to both.

At the meeting in August the groups indicated their support for the proposed improvements as detailed and tendered.

Council officers have also been in regular contact with the key stakeholders - Diggers Rest Bowling Club, Lions Club of Diggers Rest and Diggers Rest Residents Association. Consultation meetings have been conducted on 17<sup>th</sup> April 2019 and 29<sup>th</sup> July 2019.

The feedback from these meetings has resulted in the preparation of plans for improvements to the reserve that include the following:

- Protection of the existing heritage and art pieces
- Rationalisation of the car park between the lions club and the Bowls Club



- Path networks that connects the key elements of the site
- New shelter and Toilet block structure
- Planting and new seating areas.

## 6. Risk Analysis

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

- An internal assessment panel consisting of members from City Design, Strategy and Environment and Capital Projects
- Completion of an expression of interest via The Age and on the Tendersearch website, to identify capable companies to be invited to directly tender the project.
- Invitation to direct tender for shortlisted submissions.
- Required companies tendering for the construction phase to comply with Council's occupational health and safety requirements.
- The development of a clear project brief and the use of an industry standard contract.
- To assist in the selection of a construction company with suitable occupational health and safety work practices, Council requires construction companies invited to tender to provide third party accreditation of their Occupational Health and Safety Management System. Council also required the tenderers to provide evidence of public liability insurance and work cover.

## 7. Options

Council has the option to:

1. Adopt the Officers' recommendations as presented in this report.
2. Not approve the recommendation and go back to the market for further tenders for the project noting that this will impact the ability to meet GSF timelines.

## LIST OF APPENDICES

1. Tender Evaluation Report 19/042 - Stan Payne Reserve Upgrade - undated  
**CONFIDENTIAL**

Designated as confidential by the Chief Executive Officer pursuant to Section 77(2)(c) and Section 89(2)(d) of the *Local Government Act 1989*.

2. Stan Payne Reserve Landscape Plan - dated September 2019

## 12.16 SALE OF LAND - ABEY ROAD, COBBLEBANK

**Author: Peter Bean - General Manager Corporate Services**  
**Presenter: Peter Bean - General Manager Corporate Services**

### PURPOSE OF REPORT

To advise Council on any submissions received in relation to its proposal to sell land in Abey Road Cobblebank and thereby enable it to make a final decision.

### RECOMMENDATION:

That Council sell the land at Lot 1 PS611313W, (83-105) Abey Road Cobblebank to Sita Coaches Pty Ltd for an amount of \$1.1 million with a condition precedent that Sita Coaches Pty Ltd obtain a Planning Permit for the purposes of a bus depot for the land within 12 months.

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### REPORT

#### 1. Executive Summary

Council resolved at the Ordinary Meeting of Council held on 14 October 2019 to advertise its intention to sell Lot 1 PS611313W (83-105) Abey Road Cobblebank to Sita Coaches Pty Ltd for an amount of \$1.1 million. No submissions were received and, as such it is recommended that Council proceed with the sale of the land subject to a planning permit for a bus depot being granted for the said site.

#### 2. Background/Issues

A report was presented to Council at the Ordinary Meeting of Council held on 14 October 2019 which outlined a request from Sita Coaches to acquire land in the Cobblebank area for the purposes of establishing a bus depot to service the current and expanding Public Transport Victoria (PTV) bus route services in the broader western suburbs catchment, which includes Melton.

Sita Coaches Pty Ltd is currently located in West Footscray and is intending to relocate its operations to the Melton/Wyndham area. Preliminary enquiries with local real estate agents had not facilitated any success to identify suitable sites. Council staff established an understanding of what the company was seeking in relation to size, accessibility and location. Council staff suggested some Council owned land located in Abey Road that could provide for both current and future needs, as bus services continue to expand to meet the growing transport requirement of the Western Suburbs.

Section 189 of the *Local Government Act 1989* ('the Act') contains statutory requirements that Council must comply with in relation to a sale of this nature. The section provides that Council must:

- At least 4 weeks prior to any sale, place a Public Notice in a newspaper circulating in the area, giving notice of Councils intention to sell the land and calling for submissions in relation to this proposal including advising those who wish to be heard (personally or by a representative) of the right to do so pursuant to Section 223 of the same Act.
- No more than 6 months prior to any sale, obtain a valuation.
- Conduct a Section 223 hearing if a person or persons wish to be heard.

A Public Notice advising of Council's intention to sell the land known as Lot 1 Abey Road Cobblebank was advertised in the Star Newspaper on 22 October 2019 calling for any submissions in relation to Council's intention to sell land and allowing people to lodge any proposal by 21 November 2019. No submissions were received as a result of the advertisement.

A valuation assessment certificate dated 19 September 2019 sets out the value of the land at \$1.1 million. A full valuation has subsequently been sought and is expected to be available before this Council meeting.

On the basis of having not received any submissions in relation to the proposed sale it is recommended that Council proceed with the sale of Lot 1 PS611313W (83-105) Abey Road Cobblebank to Sita Coaches Pty Ltd at a value of \$1.1 million with a condition precedent to the sale that Sita Coaches Pty Ltd obtains a planning permit for its use as a bus depot within 12 months.

### **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**

The sale of the land meets the requirements of Council's broader Strategic Investment Strategy and the funds derived from this sale will go into the investment reserve and used in accordance with the Council adopted policy.

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

As previously stated a Public Notice was placed in the Star Weekly Newspaper, being a generally circulated newspaper on 22 October 2019 and called for any submissions in relation to the proposal to be lodged by 21 November 2019. No submissions have been received.

### **6. Risk Analysis**

There are no foreseen risks in proceeding with the sale. It is being sold at a determined commercial value by a commercial valuer and it is being sold subject to a Planning Permit being issued for the intended purpose of the sale by the purchaser.

### **7. Options**

In respect of Council assisting in the establishment of this business in the Cobblebank area, this location met all of the criteria that the purchaser were seeking. Council have no other similar land offerings in the immediate area that could be offered as an alternative. There was some concern that if Sita Coaches could not find suitable land to relocate to in the Melton area, that it would continue its discussions with neighboring municipalities for suitable sites.

**LIST OF APPENDICES**

Nil.

## 12.17 INTERNATIONAL WOMEN'S DAY 2020

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

### PURPOSE OF REPORT

To advise Council on a proposal for International Women's Day 2020 Mayoral Event in relation to the speaker's fee.

### RECOMMENDATION:

That Council donates the \$5k allowance for a guest speaker for International Women's Day for the 2020 year to McAuley Community Services for Women, reverting back to the allowance being paid to a speaker in 2021 and beyond.

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### REPORT

#### 1. Executive Summary

The International Women's Day 2020 campaign theme is 'Each for Equal' or #EachforEqual.

At its ordinary meeting on 5 February 2018 Council resolved to "approve an allowance of up to \$5k for guest speakers for Mayoral International Women's Day...".

This report is to advise on a proposal for the 2020 Mayoral International Women's Day.

The proposal is to donate the \$5k allowance to McAuley Community Services for Women and have the Mayor, Cr Lara Carli as the key note speaker. It is also proposed that a short address be given by someone from McAuley Community Services for Women as to what the \$5k will go towards (in terms of assistance or even outcomes) and possibly a short case study.

#### 2. Background/Issues

International Women's Day is a global day celebrating the social, economic, cultural and political achievements of women. Started by the Suffragettes in the early 1900's, the first International Women's Day was celebrated in 1911. Australia's first International Women's Day was celebrated in 1928 in Sydney. International Women's day is celebrated annually on March 8.

The International Women's Day 2020 campaign theme is 'Each for Equal' or #EachforEqual. If each of us strived for a more equal world on a daily basis, real change can be created.

To mark the day, Council usually holds a community event, a staff event and a Mayoral event. To that end, on 3 April 2017 at its ordinary meeting, Council resolved, amongst other things, that it "add to its annual events calendar an event to celebrate International Women's Day ... with an additional allocation for a guest speaker..". Further, at the ordinary meeting of Council on 16 October 2017 it resolved that 'prior to a guest speaker being changed for the Council International Women's Day event, a report be presented to Council for approval of any proposed speaker. Finally, at its ordinary meeting on 5 February 2018 Council resolved to "approve an allowance of up to \$5k for guest speakers for Mayoral International Women's Day...".

This report is to advise on a proposal for the 2020 Mayoral International Women's Day.

The proposal, put forward to officers by the Mayor, is that the speaker's allowance be donated to McAuley Community Services for Women.

With this in mind, officers propose that the Mayor gives the key note address. The Mayor is an experienced Councillor who has held the role of Mayor at this and previously another Council. It is also proposed that a short address be given by someone from McAuley Community Services for Women as to what the \$5k will go towards (in terms of assistance or even outcomes) and possibly a short case study.

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

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

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

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

### **4. Financial Considerations**

The \$5k allowance for guest speaker is in Council's recurrent budget. There is also an amount of \$10k towards program costs pursuant to the 3 April 2017 resolution. Program costs will not exceed this amount.

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

N/A

### **6. Risk Analysis**

N/A

### **7. Options**

1. Request further information than is contained within the report.
2. Decide not to make a donation in lieu of a guest speaker.

### **LIST OF APPENDICES**

Nil.

## 12.18 PROPOSED LEASE TO POWERCOR - 3 AVOCA STREET, EYNESBURY

Author: Maree Stellini - Legal Officer  
Presenter: Christine Denyer - Manager Legal and Governance

### PURPOSE OF REPORT

To present to Council a request from Powercor Australia Ltd to lease part of a Council Reserve located at 3 Avoca Street, Eynesbury, for the purposes of an electrical substation.

### RECOMMENDATION:

That Council:

1. Note the Officer's report.
  2. Advertise and invite submissions pursuant to section 190 and section 223 of the *Local Government Act 1989* ('the Act') of its intention to lease an area of 51.84sqm of a Council reserve located at 3 Avoca Street, Eynesbury to Powercor Australia Ltd for a term of 50 years at a peppercorn rent of \$1 payable on demand.
  3. Officers prepare a further report to Council following close of the submission period.
- 

### REPORT

#### 1. Executive Summary

In October 2019, Council received a request from Powercor Australia Ltd ('Powercor') to lease approximately 51.84sqm of part of a Council reserve located at 3 Avoca Street, Eynesbury located within the Eynesbury Recreation Reserve (the Reserve) (the area coloured yellow as shown on the plan in **Appendix 1**) for the purposes of an on-site electrical kiosk substation.

The on-site electrical kiosk substation is required in order to service the electrical load for both the current and future stages of the Reserve's development.

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

#### 2. Background/Issues

In October 2019, Council received a request from Powercor Australia Ltd ('Powercor') to lease approximately 51.84sqm of part of (the Reserve) (the area coloured yellow as shown on the plan in **Appendix 1**) for the purposes of an on-site electrical kiosk substation.

A requirement for an on-site electrical kiosk substation has been identified during the planning stage of the Eynesbury Recreation Reserve (the Reserve), in order to service the expected electrical load for both the current and future stages of the Reserve's development.

An area of 51.84sqm would be required to be set aside for the purposes of a substation (that is the subject of this report) and Powercor have advised that they now wish to enter into a lease with Council for the area of land for a term of 50 years with a peppercorn rent of \$1.

The *Local Government Act 1989* (the Act) sets out the process in which Councils must treat certain land transactions. In order for Council to enter into a lease of this nature, Council

must comply with the statutory requirements as set out in the Act specifically, sections 190 and 223.

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

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

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

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

### **4. Financial Considerations**

The proposal is for a peppercorn rent of \$1.00 per annum payable on demand.

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

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

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

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

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

### **6. Risk Analysis**

If Council resolves not to proceed with advertising its intention to enter into a lease with Powercor, this may hinder the overall development of the Reserve, the development of which is subject to various funding pursuant to the Building Better Regions, Growing Suburbs and AFL Victoria funding agreements.

### **7. Options**

Council has the option to:

1. Adopt the recommendation as set out; or
2. Decide not to commence the process of considering a lease to Powercor on the terms out in this report.

### **LIST OF APPENDICES**

1. Proposed Lease Plan, 3 Avoca Street Eynesbury - dated 27 November 2019



**12.19 PROPOSED LEASE TO WESTERN BACE - 222 FERRIS ROAD, COBBLEBANK**

**Author: Maree Stellini - Legal Officer**  
**Presenter: Christine Denyer - Manager Legal and Governance**

**PURPOSE OF REPORT**

To present to Council a request from Western BACE Ltd to enter into a new lease for the premises known as the Western Business Accelerator and Centre for Excellence at 222 Ferris Road, Cobblebank.

**RECOMMENDATION:**

That Council:

1. consider entering into a new lease with Western BACE Ltd for part of the land situated at 222 Ferris Road, Cobblebank in relation to the premises known as the Western Business Accelerator and Centre for Excellence with the following key terms:
  - a) commencement date of 1 July 2020;
  - b) for an initial term of 5 years with one further term of 5 years; and
  - c) peppercorn rental of \$1.00 payable on demand.
2. place a public notice in a local newspaper of its intention to enter into a new lease with Western BACE Ltd.
3. Officers prepare a further report to Council following close of the submission period.

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

Council currently leases the premises known as the 'Western Business Accelerator and Centre for Excellence' (the Premises) situated at 222 Ferris Road, Cobblebank to Western BACE Ltd ("the Existing Lease"). The Existing Lease commenced on 19 January 2015 and is due to end 30 June 2020.

Western BACE Ltd has provided notice to Council expressing their desire to enter into a new lease once the Existing Lease ends on 30 June 2020. A new lease would be broadly consistent with the terms set out in the Existing Lease with the following key terms:

- commencement date of 1 July 2020;
- initial term of 5 years with one further term of 5 years; and
- peppercorn rental of \$1.00 payable on demand.

A lease of this nature requires Council to comply with the requirements set out in sections 190 and 223 of the *Local Government Act 1989* ('the Act') including placing a public notice in a newspaper that is circulated in the municipality calling for submissions on the proposed lease.

If Council is not minded to offer a new lease then the Existing Lease would expire on the 30 June 2020 and has no further options.

## 2. Background/Issues

Council currently leases the premises known as the 'Western Business Accelerator and Centre for Excellence' (the Premises) situated at 222 Ferris Road, Cobblebank to Western BACE Ltd ("the Existing Lease"). The Existing Lease commenced on 19 January 2015 and is due to end 30 June 2020.

By way of background, in 2012 Council was successful in obtaining funding from the Commonwealth of Australia to establish the Premises as part of the Australian Government's Suburban Jobs Program.

Council subsequently, established Western BACE Ltd which continues to operate as a separate legal entity.

Western BACE Ltd aims to support a diverse range of local employment and business development opportunities through provision of employment infrastructure and targeted training and workshops for local businesses. It also provides short and long term office space for anchor tenants, registered training providers and not-for-profit organisations.

With the Existing Lease due to end on 30 June 2020, Western BACE Ltd has provided notice to Council expressing their desire to enter into a new lease in order to have security of tenure to continue to provide a service that is traditionally not found in a growth area.

A new lease would contain the following key terms:

- commencement date of 1 July 2020;
- initial term of 5 years with one further term of 5 years; and
- peppercorn rental of \$1.00.

with all other terms to be broadly consistent with that of the Existing Lease but with amendments to be made to bring into line with Council's standard leases and removal of provisions pertaining to the initial funding which is no longer required. This includes the ability for Western BACE Ltd to continue to negotiate various sub-leases and licences for the premises with Council's consent.

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

Council officers are currently in the process of obtaining a market rental valuation.]

If Council is not minded to offer a new lease then the Existing Lease would expire on 30 June 2020 and has no further options.

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

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

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

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

## 4. Financial Considerations

The proposed rental is a peppercorn rent of \$1.00 payable on demand, as is the current rental in the Existing Lease.

The cost of a valuation is approximately in the order of \$6,000 and would need to be borne by Council.

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

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

If Council is minded to consider Western BACE's request for a new lease then Council must place a public notice in a local newspaper calling for submissions in relation to the proposed lease.

If any submitters wish to be heard then Council will be required to convene a hearing in order for the submitters to be heard. Council would then take those submissions (including any hearings) into account in making a final decision as to whether to enter into a new lease with the Lessee.

## **6. Risk Analysis**

If Council does not consider a new lease, it will need to provide notice to Western Bace Ltd that they will be required to vacate the Premises once the Existing Lease ends on 30 June 2020.

## **7. Options**

1. Adopt the recommendation as set out; or
2. Decide not to commence the process of considering a new lease to Western BACE Ltd on the terms out in this report.

## **LIST OF APPENDICES**

Nil

## 12.20 INSTRUMENTS OF DELEGATION UPDATE

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

### PURPOSE OF REPORT

To seek the approval of Council of the revised S6 Instrument of Delegation - Members of staff.

### RECOMMENDATION:

That Council:

1. in exercise of the power conferred by Section 98(1) of the Local Government Act 1989 ('the Act'), and other legislation referred to in the attached Instruments of Delegation, delegates each duty and/or function and/or power described in column one of the Schedule (and summarised in column two of the schedule) to the Chief Executive Officer and member of the Council staff holding, acting in or performing the duties of the office of each such duty and/or function and/or power in column three of the schedule within the S6 Instrument of Delegation - Members of staff (**Appendix 1**)
  2. records that upon the coming into force of the revised Instruments of Delegations, each delegation under the former Instruments of Delegation by the Council is revoked.
  3. affix the Common Seal of the Council to the S6 Instrument of Delegation - Members of staff (**Appendix 1**)
- 

### REPORT

#### 1. Executive Summary

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

The S6 Instrument of Delegation - Members of staff now presented to Council will provide for the proper and efficient use of Council's powers in allowing Council staff to undertake the day to day management of the organisation in a timely and responsive manner.

#### 2. Background/Issues

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

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

- Any prescribed power.

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

#### **Melton City Council Instruments of Delegation and Sub-delegation**

The Council has four main Instruments of Delegation and Sub-delegation in place. Two of these instruments require approval by the Council and there are two instruments that the Chief Executive Officer gives approval to. These are as set out below:

Instruments requiring Council approval

- S5 Instrument of Delegation to the Chief Executive Officer
- S6 Instrument of Delegation - Members of staff

Instruments requiring Chief Executive Officer approval

- S7 Instrument of Sub-Delegation from CEO to Council staff
- S13 Instrument of Delegation of CEO powers, duties and functions

#### **Changes to the S6 Instrument of Delegation – Members of staff**

A restructure recently took place in the Council's Planning Services unit. It saw the creation of a Senior Subdivisions Officer position and a Planning Projects Officer position. The opportunity to review other delegations within the Planning Services unit was taken and delegations to some other staff have been amended.

These delegations changes have an impact on the S6 Instrument of Delegation - Members of staff and the S7 Instrument of Sub-Delegation from CEO to Council staff.

The S6 Instrument of Delegation - Members of staff covers a range of powers, duties and functions under specific Acts and Regulations where the delegation must be from the Council direct to the position, rather than through a sub-delegation from the Chief Executive Officer. These delegations must be direct from Council as the legislation or provisions contained in this instrument do not allow for sub-delegation. It is attached to this report as **Appendix 1**.

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

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

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

### **4. Financial Considerations**

There are no financial considerations relevant to this matter.

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

There is no requirement for public consultation in this process.

### **6. Risk Analysis**

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

## **7. Options**

That Council adopt the Recommendation as presented.

### **LIST OF APPENDICES**

1. S6 Instrument of Delegation - Members of staff - undated

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

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

**14. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS**

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

## 15. NOTICES OF MOTION

### 15.1 NOTICE OF MOTION 661 (CR RAMSEY)

Councillor: Sophie Ramsey - Councillor

Notice was given at the Ordinary Meeting of Council held on 11 November 2019 of my intention to move the following motion at the Ordinary Meeting Council to be held on 9 December 2019.

#### MOTION:

That the cost of the design for a community cultural centre with a performing arts component be referred to the 2020/21 budget for consideration.

#### OFFICER'S COMMENTS:

In response to Notice of Motion 529 and Notice of Motion 543 which related to the provision of a Performing Arts Centre within the municipality Council endorsed the following approach at the Ordinary Council Meeting of 4 March 2019:

- **Stage 1: Needs Assessment and Scoping Study** to determine the need, size and potential site requirements
- **Stage 2: Business Case** to determine the model of operation for the facility
- **Stage 3: Concept Design** to explore design options for the facility, undertake initial cost analysis on preferred option(s) and determine option to be taken forward into detail design.
- **Stage 4: Detailed Design** to undertake the detailed design and costs for the facility and prepare tender documents
- **Stage 5: Project Delivery**

\$150,000 was allocated in the 19/20 budget to undertake **Stage 1** and Council recently engaged a consultant to prepare the study. The Needs Assessment & Scoping Study will be completed in July 2020 with a briefing of Council to be scheduled for early 2020. Following completion of Stage 1, work would commence on Stage 2 as outlined in the above process. From an officers point of view it is considered premature to allocate a design budget in the 2020/21 budget prior to the outcome of **Stages 1 & 2**.



**15.2 NOTICE OF MOTION 662 (CR CARLI)****Councillor: Lara Carli - Councillor**

Notice was given at the Ordinary Meeting of Council held on 11 November 2019 of my intention to move the following motion at the Ordinary Meeting Council to be held on 9 December 2019

**MOTION:**

That Council Officers undertake an assessment of entrance treatments of established areas within the municipality, and bring a report to Council detailing the estate name, condition of entrance treatment, refurbishment required, approximate cost and assessed priority.

**OFFICER'S COMMENTS:**

Entrance treatments are a legacy issue of past development, current practice is to maintain and upkeep these entry statements until end of useful life. At the end of useful life we remove them and replace with a more generic landscape treatment that is in keeping with the current landscaping approval guidelines.

Recent maintenance works have included Parkwood Green in Hillside, Western Highway entry Caroline Springs and Taylors Road.

Currently Council allows developers to install soft landscaping treatments consisting of mostly planting that can be retained as a permanent estate entry treatment. Place making items which have a clear design intent, relate to the site and are cohesively integrated into surrounding context are also allowed.

An assessment and subsequent report can be provided to Council on the condition of and recommended works required to all existing entrance treatments

**15.3 NOTICE OF MOTION 663 (CR MAJDLIK)****Councillor: Kathy Majdlik - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 9 December 2019.

**MOTION:**

That Council officers:

- Prepare a report to be brought back to Council outlining all the outstanding elements to finalise and complete the City Vista precinct including the upgrade of the City Vista play area.
- Include in the report the costings for each element/area and include indication of timing for each of the elements to be completed (i.e. where they are on the Capital Works program list); and
- Also bring the report with all outstanding elements to the next Councillor Budget meeting for deliberation.

**OFFICER'S COMMENTS:**

That Council Officers will prepare a Report for the February 2020 Council Meeting.

**15.4 NOTICE OF MOTION 664 (CR MAJDLIK)****Councillor: Kathy Majdlik - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 9 December 2019.

**MOTION:**

That Council officers:

- Write a report to Council regarding the full costs in providing the necessary land and relevant services to the Beatty's Road Aquatic Facility.
- Include the time lines of when these services are likely to be provided by the relevant stakeholders.
- Outline options as to what it would cost Council to undertake/provide these services and the possibility of a joint partnership with relevant stakeholder's to share these costs.
- Provide Councillors the options/costs/requirements in completing the Aquatic facility by the year 2023.
- Discuss these costs and options at the upcoming Council Budget deliberations in February

**OFFICER'S COMMENTS:**

If the motion is endorsed, Council officers will prepare a report.

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

## 19. CONFIDENTIAL BUSINESS

### Recommended Procedural Motion

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

- 19.1 Municipal Audit Committee Meeting Minutes 30 October 2019 - Confidential Report**  
(f) as it relates to legal advice.
- 19.2 Appointment of Independent Audit Committee Member**  
(a) as it relates to personnel matters.
- 19.3 Chief Executive Officer Review Advisory Committee Meeting Minutes - 21 November 2019**  
(a) as it relates to personnel matters.

**Recommended Procedural Motion**

That the meeting be opened to the public.

**20. CLOSE OF BUSINESS**