



MELTON CITY COUNCIL

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

11 May 2020

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

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MELTON CITY COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE MELTON CITY COUNCIL HELD VIA A VIDEOCONFERENCE ON 11 MAY 2020 AT 7:00PM

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

Mr K Tori, Chief Executive Officer
Mr P Bean, General Manager Corporate Services
Mr M Heaney, General Manager Community Services
Mr L Shannon, General Manager Planning and Development
Ms LJ Mellan, Executive Manager Property & Projects
Ms C Denyer, Manager Legal and Governance
Mr J Whitfield, Governance Coordinator
Ms R Bartlett, Governance Officer

1. OPENING PRAYER AND RECONCILIATION STATEMENT

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

2. APOLOGIES AND LEAVE OF ABSENCE

Nil.

3. CHANGES TO THE ORDER OF BUSINESS

Procedural Motion

Crs Ramsey/Majdlik.

That:

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

2. Item 15.5, 'Notice of Motion 689 (Cr Carli)' be heard after Item 11, 'Public Question Time' and before Item 12, 'Presentation of Staff Reports'.

CARRIED

4. DEPUTATIONS

Nil.

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

Nil.

6. ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on 2 April 2020 be confirmed as a true and correct record.

Motion

Crs Majdlik/Ramsey.

That the recommendation be adopted.

CARRIED

7. RECORD OF ASSEMBLY OF COUNCILLORS

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

- 26 March 2020 Record of Assembly of Councillors
- 1 April 2020 Record of Assembly of Councillors
- 2 April 2020 Record of Assembly of Councillors
- 14 April 2020 Record of Assembly of Councillors
- 20 April 2020 Record of Assembly of Councillors – Bi-Monthly Grants Assessment Panel
- 20 April 2020 Record of Assembly of Councillors
- 27 April 2020 Record of Assembly of Councillors
- 4 May 2020 Record of Assembly of Councillors

RECOMMENDATION:

That the Record of Assembly of Councillors dated 26 March 2020; 1, 2, 14, 20 (at 2pm), 20 (at 6:30pm) and 27 April 2020; and 4 May 2020 attached to this Agenda be received and noted.

Motion

Crs Abboushi/Turner.

That the recommendation be adopted.

CARRIED

LIST OF APPENDICES

1. Record of Assembly of Councillors - 26 March 2020
2. Record of Assembly of Councillors - 1 April 2020
3. Record of Assembly of Councillors - 2 April 2020
4. Record of Assembly of Councillors - 14 April 2020
5. Record of Assembly of Councillors - Bi-Monthly Grants Assessment Panel - 20 April 2020
6. Record of Assembly of Councillors - 20 April 2020
7. Record of Assembly of Councillors - 27 April 2020
8. Record of Assembly of Councillors - 4 May 2020

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

- The Hon James Merlino MP – Deputy Premier & Minister for Education – Educational Advocacy Priorities for the 2020-21 State Budget.
- Office of the Treasurer of Victoria – Minister for Economic Development & Minister for Industrial Relations – Submission to the 2020-21 Victorian State Budget

RECOMMENDATION:

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

Motion

Crs Ramsey/Hardy.

That the recommendation be adopted.

CARRIED

LIST OF APPENDICES

1. Letter from the Hon James Merlino MP - dated 10 February 2020
2. Letter from the Office of the Treasurer of Victoria - dated 20 April 2020

9. PETITIONS AND JOINT LETTERS

9.1 SEALING OF HOLDEN ROAD, DIGGERS REST

The Mayor, Cr Carli, tabled a petition from the residents and daily users of Holden Road between Calder Highway and Plumpton Road, requesting that Holden Road, Diggers Rest be sealed in the 2020/21 budget.

The Petition contains 93 signatures.

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

Nil.

11. PUBLIC QUESTION TIME**Procedural Motion**

Crs Majdlik/Kesic.

That Standing Orders be suspended to enable the questions to be responded to in the same manner as if the author of the question was present.

CARRIED

Name	Question asked of Council
Pauline McKenna	<i>“When will the Diggers Rest shopping centre be completed and the supermarket ? Our community is growing so quickly we built in Bloomdale June 2015 and we would appreciate the above soon thank you in advance.”</i>
David O’Connor	<i>“There seems to be some renewed interest in establishing a community garden project in Diggers Rest. A series of ideas have come forward including the possibility of re-developing local nature strips for the purpose of “Verge Gardening”. Many municipalities have welcomed this as a sustainable model for sharing fresh produce, creating community engagement and delivering some healthy lifestyle alternatives. Would Council support nature strip fruit and vegetable plantations and would Council be prepared to meet with residents interested in establishing a pilot program?”</i>
David O’Connor	<i>“With respect to the live streaming of Council meetings, in particular public questions, what mechanisms do Council have in place to validate the authenticity of the author prior to the live broadcast?”</i>

Cr Hardy left the videoconference at 7:20pm.

Cr Hardy returned to the videoconference at 7:21pm.

Procedural Motion

Crs Majdlik/Ramsey.

That Standing Orders are resumed.

CARRIED

The meeting was adjourned at 7:24pm.

The meeting resumed at 7:30pm.

As per a previous Procedural Motion carried at this meeting at Item 3, Item 15.5 has been moved to after Item 11, 'Public Question Time' and before Item 12, 'Presentation of Staff Reports'.

The Mayor, Cr Carli, vacated the Chair.

The Deputy Mayor, Cr Abboushi took the Chair.

15.5 NOTICE OF MOTION 689 (CR CARLI)

Councillor: Lara Carli - Mayor

NOTICE:

That Council:

- a) Grant a waiver to residential owner occupiers pursuant to Section 171 of the *Local Government Act* 1989 based on general financial hardship resulting from the economic impact of the COVID-19 pandemic, with the objectives of:
 - a. stimulating the local economy;
 - b. easing the financial burden on owner occupier ratepayers during an unexpected period of severe financial downturn; and
 - c. assisting those residential owner occupier ratepayers to be able to meet their rates liability when amounts become due and payable.
- b) Apply the waiver, based on Council's records and without the need for any eligible rate payer to apply for such waiver, to the 4th quarter instalment of 2019/20 general rate, and
- c) Determine the waiver to be in the amount of \$100 per eligible rateable assessment.

Cr Ramsey foreshadowed the following Motion should the Motion moved by Cr Carli and seconded Cr Majdlik be defeated.

That Notice of Motion 689 (Cr Carli) be deferred to a meeting of Council to be held at 7:00pm on Thursday 14 May 2020 and that in the interim our Mayor convene a Councillor workshop at 7:00pm on Wednesday 13 May 2020 to explore all options.

Motion

Crs Carli/Majdlik.

That Council:

- a) Grant a waiver to residential owner occupiers pursuant to Section 171 of the *Local Government Act* 1989 based on general financial hardship resulting from the economic impact of the COVID-19 pandemic, with the objectives of:
 - a. stimulating the local economy;
 - b. easing the financial burden on owner occupier ratepayers during an unexpected period of severe financial downturn; and
 - c. assisting those residential owner occupier ratepayers to be able to meet their rates liability when amounts become due and payable.

- b) Apply the waiver, based on Council's records and without the need for any eligible rate payer to apply for such waiver, to the 4th quarter instalment of 2019/20 general rate, and
- c) Determine the waiver to be in the amount of \$100 per eligible rateable assessment.

LOST

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

For:

Crs Abboushi, Carli, Kesic and Majdlik

Against:

Crs Hardy, Mendes, Ramsey, Sebire and Turner

The Deputy Mayor declared the Motion LOST

Motion

Crs Ramsey/Mendes.

That Notice of Motion 689 (Cr Carli) be deferred to a meeting of Council to be held at 7:00pm on Thursday 14 May 2020 and that in the interim our Mayor convene a Councillor workshop at 7:00pm on Wednesday 13 May 2020 to explore all options.

CARRIED

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

For:

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

Against:

Crs Abboushi and Kesic

The Deputy Mayor declared the Motion CARRIED

The Deputy Mayor, Cr Abboushi, vacated the Chair.

The Mayor, Cr Carli took the Chair.

The meeting was adjourned at 8:36pm.

The meeting resumed at 8:45pm.

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**
2. adopt recommendations arising within the Minutes.

Motion

Crs Majdlik/Ramsey.

That the recommendation be adopted.

CARRIED

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 2020 were adopted by Council at the Ordinary Meeting held 9 December 2019.

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
22 April 2020	Policy Review Panel	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

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. Policy Review Panel meeting minutes - dated 22 April 2020

12.2 RESPONSE TO PETITION - MELTON TOWN CENTRE PARKING STUDY, PROPOSED AMENDMENTS ADJACENT TO MELTON POST OFFICE

Author: Tom Lay - Traffic Engineer
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To respond to the petition received at the Ordinary Meeting of Council on Monday 2 March 2020 containing 482 signatures requesting that the parking time limit in the vicinity of the Post Office remain as 2 hour and not to change to 4 hour as proposed.

RECOMMENDATION:

That Council:

1. Note the contents of the petition received.
2. Note that the project has been put on hold until further notice, with the view to reassess and review the parking situation after the COVID-19 pandemic and with this to include maintaining the parking spaces in the vicinity of the Post Office as 2 hour time limit.
3. Request officers consider the contents of this petition throughout the community consultation process, following recommencement of the project at a point in the future.
4. Write to the lead petitioner advising of the outcome of this matter.

Motion

Crs Sebire/Turner.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

At the Ordinary Meeting of Council on Monday 2 March 2020, a petition was tabled containing 482 signatures requesting that the parking time limit in the vicinity of the Post Office remain as 2 hour and not to change to 4 hour as proposed.

Council has recently conducted a parking study within the Melton Town Centre that consisted of undertaking parking surveys during peak and off peak periods, an analysis of the data collected, and developing recommendations to better suit the current parking need. It was envisaged that the proposed amendments to current parking requirements would align with the needs of users in the area and also allow for future growth of the town centre.

The study concluded that the current number of public car parking spaces in the Melton Town Centre meets community need during the peak parking demand as the data collected indicates that the peak parking demand occurred at 2pm where 66% of parking bays were occupied. The data also indicates that more of the spaces could change to 4 hour time limits.

In February 2020, Council consulted with the businesses regarding proposed amendments to parking within the Melton Town Centre. This included converting 15 parking spaces in the vicinity of the Post Office (located on High Street service road, between Alexandra Street and Palmerston Street) from 2 hour to 4 hour time limits.

As result of the consultation, Council received a petition requesting that the parking time limit in the vicinity of the Post Office remain as 2 hour and not as 4 hour as proposed.

However, with recent changes to our environment as a result of the COVID19 pandemic and the impact this has had on our community, Council has postponed the implementation of any changes at this time. Council will reassess and review the Melton Town Centre parking arrangements into the future and re-engage with the business community when this project recommences.

2. Background/Issues

At the Ordinary Meeting of Council on Monday 2 March 2020, a petition was tabled containing 482 signatures requesting that the parking time limit in the vicinity of the Post Office remain as 2 hour and not to change to 4 hour as proposed.

This was a result of Council's recent consultation with the businesses regarding a proposal to amend some parking changes within the Melton Town Centre based on a car parking study which revealed how the existing car spaces were being used and identified improvements to car parking for both customers and staff for consideration.

The recent Pride of Melton improvement project has seen a number of changes to parking within the Melton Town Centre and subsequent queries relating to parking. As a result, a study was conducted to determine the current parking demands and patterns within the Melton Town Centre. This consisted of undertaking parking surveys during peak and off peak periods, an analysis of the data collected, and developing recommendations to better suit the current parking need. It was envisaged that the proposed amendments to current parking requirements would align with the needs of users in the area and also allow for future growth of the town centre.

The study area covers an approximate 450m radius which is equivalent to a 5 minute walking distance and is generally bound by Henry Street, Station Road, O'Neils Road, Unitt Street, Church Street, Raleigh Road, Yuille Street and Nixon Street. There is an estimated of 2,138 public parking spaces within the study area, comprising of 1,614 on-street and 524 off-street parking spaces. The study excludes private car parking such as Macs Hotel/Aldi car parks.

The study area can be found in **Appendix 1**.

The outcome of the parking study revealed the following:

- Based on the parking occupancy survey results, the peak parking demand occurred at 2pm where 1,384 or 66% of parking bays were occupied. Whilst it is noted that some locations may experience a higher occupancy rate, the data indicates that there is sufficient parking within the Melton Town Centre to cater for peak parking demands currently experienced and also capacity for future growth.
- Based on the duration of stay survey results, it revealed that:
 - 34 % of motorist were overstaying the short term (1 and 2 hour) parking spaces. This indicates that either customers require longer term parking as the short term parking spaces are inadequate or that staff are parking within the short term parking spaces.
 - 43% of motorist parking within the long term (unrestricted) parking spaces were observed to stay less than 4 hours. This indicates that there are ample of long term (unrestricted) parking spaces.

Based on the outcome of the study, the following was recommended:

- Change 266 parking spaces from 2 hour to 4 hour.
- Change 90 parking spaces from unrestricted to 4 hour.

In addition, Council has also investigated the need for two additional disabled parking spaces in front the National Disability Insurance Scheme (NDIS) facility (located on High Street between Palmerston Street and Alexandra Street) which opened in January 2020.

The proposed amendments can be found in the flyer attached in **Appendix 2**.

As result of the consultation, Council received a petition requesting that the parking time limit in the vicinity of the Post Office remain as 2 hour and not to change to 4 hour as proposed.

However, with recent changes to our environment as a result of the COVID19 pandemic and the impact this has had on our community, Council has postponed the implementation of any changes at this time. This includes maintaining the 15 parking spaces in the vicinity of the Post Office as 2 hour time limit.

Council will reassess and review the Melton Town Centre parking arrangements into the future and re-engage with the business community when this project recommences.

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

There is no financial impact associated with the report recommendation to retain existing parking arrangements.

The cost associated with Option 2 would see converting the 15 parking spaces in the vicinity of the Post Office from 2 hour to 4 hour time limit, at an estimated cost of \$800.

5. Consultation/Public Submissions

Community consultation occurred in February 2020, inclusive of traders within the Melton Town Centre regarding the proposal to amend a number of parking spaces. This included converting 15 parking spaces outside the Post Office (located on High Street service road, between Alexandra Street and Palmerston Street) from 2 hour to 4 hour time limits.

As result, Council received a petition containing 482 signatures requesting that the parking time limit in the vicinity of the Post Office remain as 2 hour and not to change to 4 hour as proposed.

The consultation period closed on Friday 28 February and a summary of the feedback are as follows:

- A number of staff working within the Town Centre do not support the proposal to convert parking on McKenzie Street from unrestricted to 4 hour.
- Some businesses who rely on short term customer parking did not support increasing the time limit from 2 hour to 4 hour, as this may encourage staff parking in these areas.

- Some businesses requested additional short term parking, over and above the current provision.
- Some businesses supported the 4 hour parking limits. The short term parking spaces (1 and 2 hour) do not cater for their needs.
- The proposal to increase the parking limit from 2 hour to 4 hour in the vicinity of the Post office was not supported.

However, due to the recent changes to our environment as a result of the COVID19 pandemic and the impact this has had on our community, the implementation of any changes at this time have been postponed. Parking spaces in the vicinity of the Post Office will be retained as a 2 hour time limit.

Council will reassess and review the Melton Town Centre parking arrangements into the future and re-engage with the business community when this project recommences.

6. Risk Analysis

With recent changes to our environment as a result of the COVID19 pandemic, businesses may have closed, changed and/or adapted as such that the parking requirements in the area may have changed. Existing parking within the town centre may not reflect the current and future needs of the town centre.

Given this, the risk associated with adopting this report is low.

In the event Option 2 was considered, this may not be supported by the businesses and customers as there were 482 signatures requesting that the parking time limit in the vicinity of the Post Office to remain as 2 hour and not to change to 4 hour.

7. Options

The recommended option within this report (Option 1) is to retain the existing parking arrangements within the Melton Town Centre including maintaining the 15 parking spaces in the vicinity of the Post Office as 2 hour time limit, with the view to recommence engagement with traders when the project commenced into the future.

Option 2 would see alterations of the 15 parking spaces in the vicinity of the Post Office from 2 hour to 4 hour parking time limits as proposed.

LIST OF APPENDICES

1. Study Area - undated
2. Proposal Parking Changes - undated

12.3 RESPONSE TO PETITION - MELTON TOWN CENTRE PARKING STUDY, PROPOSED AMENDMENTS IN HIGH STREET, MELTON (BETWEEN SMITH STREET AND PALMERSTON STREET)

Author: Tom Lay - Traffic Engineer

Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To respond to the petition tabled at the Ordinary Meeting of Council on Monday 2 March 2020 containing over 300 signatures requesting amendments to the recent proposal for car parking changes, including the consideration of additional all day parking for the businesses on High Street, Melton (between Smith Street and Palmerston Street, behind High Street) and short term parking on High Street for customers.

RECOMMENDATION:

That Council:

1. Note the contents of the petition received
2. Note that the project has been put on hold until further notice, with the view to reassess and review the parking situation after the COVID-19 pandemic.
3. Request officers consider the contents of this petition throughout the community consultation process, following recommencement of the project at a point in the future.
4. Write to the lead petitioner advising of the outcome of this matter.

Motion

Crs Hardy/Ramsey.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

At the Ordinary Meeting of Council on Monday 2 March 2020, a petition was tabled containing over 300 signatures requesting amendments to the recent proposal for car parking changes, including the consideration of additional all day parking for the businesses on High Street, Melton (between Smith Street and Palmerston Street, behind High Street) and short term parking on High Street for customers.

Council has recently conducted a parking study within the Melton Town Centre that consisted of undertaking parking surveys during peak and off peak periods, an analysis of the data collected, and developing recommendations to better suit the current parking need. It was envisaged that the proposed amendments to current parking requirements would align with the needs of users in the area and also allow for future growth of the town centre.

The study concluded that the current number of public car parking spaces in the Melton Town Centre meets community need during the peak parking demand as the data collected indicates that the peak parking demand occurred at 2pm where 66% of parking bays were occupied. The data also indicates that more of the spaces could change to 4 hour time limits.

In February 2020, Council consulted with the businesses regarding proposed amendments to parking within the Melton Town Centre. This includes converting two of the middle rows in Bakery Square from 2 hour to 4 hour parking and parking on McKenzie Street from unrestricted to 4 hour. No changes were proposed to the parking on High Street between Smith Street and Palmerston Street, which remained as short term spaces intended for customer parking.

As result of the consultation, Council received a petition requesting for shorter term parking on High Street to cater for customers and to encourage staff to park in the back streets such as McKenzie Street where longer term parking limits is currently provided and should be retained as long term (unrestricted) parking.

However, with recent changes to our environment as a result of the COVID19 pandemic and the impact this has had on our community, the implementation of any changes have been postponed.

Officers will reassess and review the Melton Town Centre parking arrangements into the future and re-engage with the business community when this project recommences.

2. Background/Issues

At the Ordinary Meeting of Council on Monday 2 March 2020, a petition was tabled containing over 300 signatures requesting amendments to the recent proposal for car parking changes, including the consideration of additional all day parking for the businesses on High Street, Melton (between Smith Street and Palmerston Street, behind High Street) and short term parking on High Street for customers.

This was a result of Council's recent consultation with the businesses regarding a proposal to amend some parking changes within the Melton Town Centre based on a car parking study which revealed how the existing car spaces were being used and what improvements could be made to improve car parking for both customers and staff.

The recent Pride of Melton improvement project has seen a number of changes to parking within the Melton Town Centre and subsequent queries relating to parking.

As a result, a study was conducted to determine the current parking demands and patterns within the Melton Town Centre. This consisted of undertaking parking surveys during peak and off peak periods, an analysis of the data collected, and developing recommendations to better suit the current parking need. It was envisaged that the proposed amendments to current parking requirements would align with the needs of users in the area and also allow for future growth of the town centre.

The study area covers an approximate 450m radius which is equivalent to a 5 minute walking distance and is generally bound by Henry Street, Station Road, O'Neils Road, Unitt Street, Church Street, Raleigh Road, Yuille Street and Nixon Street. There is an estimated of 2,138 public parking spaces within the study area, comprising of 1,614 on-street and 524 off-street parking spaces. These excludes private car parking such as Macs Hotel / Aldi car parks.

The study area can be found in **Appendix 1**.

The outcome of the parking study revealed the following:

- Based on the parking occupancy survey results, the peak parking demand occurred at 2pm where 1,384 or 66% of parking bays were occupied. Whilst it is noted that some locations may experience a higher occupancy rate, the data indicates that there

is sufficient parking within the Melton Town Centre to cater for peak parking demands currently experienced and also capacity for future growth.

- Based on the duration of stay survey results, it revealed that:
 - 34 % of motorist were overstaying the short term (1 and 2 hour) parking spaces. This indicates that either customers require longer term parking as the short term parking spaces are inadequate or that staff are parking within the short term parking spaces.
 - 43% of motorist parking within the long term (unrestricted) parking spaces were observed to stay less than 4 hours. This indicates that there are ample of long term (unrestricted) parking spaces.

Based on the outcome of the study, the following was recommended:

- Change 266 parking spaces from 2 hour to 4 hour.
- Change 90 parking spaces from unrestricted to 4 hour.

In addition, Council has also investigated the need for two additional disabled parking spaces in front the National Disability Insurance Scheme (NDIS) facility (located on High Street between Palmerston Street and Alexandra Street) which opened in January 2020.

The proposed amendments can be found in the flyer attached in **Appendix 2**.

As result of the consultation, Council received a petition requesting for shorter term parking on High Street to cater for customers and to encourage staff to park in the back streets such as McKenzie Street where longer term parking limits is currently provided and should be retained as long term (unrestricted) parking.

However, with recent changes to our environment as a result of the COVID19 pandemic and the impact this has had on our community, the implementation of any changes have been postponed at this time.

Council will reassess and review the Melton Town Centre parking arrangements into the future and re-engage with the business community when this project recommences.

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

There is no financial impact associated with the report recommendation to retain existing parking arrangements.

The cost associated with Option 2 would see additional short term parking provided within Melton Town Centre and retaining the long term (unrestricted) parking in McKenzie Street, at an estimated cost of \$3,000.

5. Consultation/Public Submissions

Community consultation occurred in February 2020, inclusive of traders within the Melton Town Centre regarding the proposal to amend a number of parking spaces. This included converting two of the middle rows in Bakery Square from 2 hour to 4 hour and parking on McKenzie Street from unrestricted to 4 hour. No changes were proposed to the parking on

High Street between Smith Street and Palmerston Street, which remained as short term spaces intended for customer parking.

As result, Council received a petition containing over 300 signatures requesting amendments to the recent proposal for car parking changes, including the consideration of additional all day parking for the businesses on High Street, Melton (between Smith Street and Palmerston Street, behind High Street) and short term parking on High Street for customers.

The consultation period closed on Friday 28 February 2020 and a summary of the feedback are as follows:

- A number of staff working within the Town Centre do not support the proposal to convert parking on McKenzie Street from unrestricted to 4 hour.
- Some businesses who rely on short term customer parking did not support increasing the time limit from 2 hour to 4 hour, as this may encourage staff parking in these areas.
- Some businesses requested additional short term parking, over and above the current provision.
- Some businesses supported the 4 hour parking limits. The short term parking spaces (1 and 2 hour) do not cater for their needs.
- The proposal to increase the parking limit from 2 hour to 4 hour in the vicinity of the Post office was not supported.

6. Risk Analysis

With recent changes to our environment as a result of the COVID19 pandemic, businesses may have closed, changed and/or adapted as such that the parking requirements in the area may have changed. Existing parking within the town centre may not reflect the current and future needs of the town centre.

Given this, the risk associated with adopting this report is low.

In the event option 2 was considered, the risk of providing additional short term car parking spaces without substantiated evidence may result in the community not utilising the car parking spaces provided, or overstaying the duration and facing a possible fine.

7. Options

The recommended option within this report (Option 1) is to retain the existing parking arrangements within the Melton Town Centre including the area in question specific to the petition, with the view to recommence engagement with traders when the project commenced into the future.

Option 2 would see alterations to the current parking arrangements, as a result of the petition.

LIST OF APPENDICES

1. Study Area - undated
2. Proposal Parking Changes - undated

12.4 RESPONSE TO NOTICE OF MOTION 671 (CR RAMSEY) - REPORT ON CITY OF MELTON'S FIRE PREPAREDNESS

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

PURPOSE OF REPORT

To provide a report on the City of Melton's fire preparedness, in the context of the 2019 – 2020 fire emergencies in other parts of the state and country.

RECOMMENDATION:

That Council note the report.

Motion

Crs Ramsey/Mendes.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The City of Melton maintains a Municipal Fire Management Plan, and undertakes annual fire prevention/mitigation works. Private property landowners are responsible to maintain their blocks during Fire Danger Period, and the Municipal Fire Prevention Officer inspects and issues Fire Prevention Notices. In 2019 – 20, over 800 properties were inspected and over 200 fire prevention notices were issued to non-compliant landowners. Over 40 properties were compulsorily cleared at the landowner's expense.

Recent rains have brought an increase in grass/weed growth, and a reduction in fire risk. Green weed/grass is not deemed a fire hazard, and Local Law notices (Notices to Comply) are more appropriate for properties with long grass. Since 1 February 2020 there have been 67 complaints and 48 Notices issued.

Council maintains strategic fire breaks on Council reserves throughout the municipality. Fire preparations on Council Roads designated as strategic Fire Breaks are maintained through a scheduled maintenance plan in place throughout Fire Danger Period.

2. Background/Issues

The City of Melton maintains a Municipal Fire Management Plan, a sub plan of the City of Melton Emergency Management Plan.

The primary objective of municipal fire management planning is the protection of life and property. It is a coordinated approach by a range of stakeholders (including Council, CFA, DELWP, Victoria Police, Vicroads and utilities) to discuss, plan and manage fire in the community. Stakeholders contribute knowledge, experience, resources and capability, and

aim to achieve measurable fire management outcomes through agreed and achievable risk treatments.

The lead focus of the City of Melton Municipal Fire Management Plan is on the bush and grass fire risk environment (using the Victorian Fire Risk Register as an informing tool), although structural and hazardous materials risk environments are also addressed in lesser detail.

As part of Council's annual fire prevention/mitigation works the following works have either been: undertaken or completed; or are ongoing.

Private Property

1. Advisory letters are sent annually at the start of Fire Season to over 4000 properties across the municipality. These request that ongoing maintenance occur during the declared the Fire Danger Period (FDP). In 2019, letters were sent in October and November.
2. Ongoing inspections are carried out during the FDP to ensure properties are maintained in a fuel reduced state.
3. During the most recent FDP, over 800 properties were inspected and over 200 fire prevention notices were issued to non-compliant landowners. Over 40 properties were compulsorily cleared at the landowner's expense.
4. Over the February/March 2020 period across the municipality there was an increase in rainfall, an increase in grass/weed growth, and a reduction in fire risk. This created an increase in Customer Action Requests from concerned residents with complaints about properties with long grass. Since 1 February 2020, there have been 67 such complaints. Of these, 17 properties were identified as Fire Hazard and fire prevention notices were issued to the owners of these properties.
5. Green weed/grass is not deemed a fire hazard, and Local Law notices (Notices to Comply) are more appropriate. These were issued across the municipality by the Municipal Fire Prevention Officer during the last few weeks of FDP in February/March 2020, and continue to be issued throughout the winter period. The current total is 48 and more are added daily as Customer Action Requests come through.
6. In response to the COVID-19 Pandemic the MFPO will extend the time for residents to cut unsightly grass from 2 weeks to 3 weeks. All reasonable requests for further extensions will be considered during the State-imposed Stage 2 and 3 pandemic restrictions

Fire preparations on Council reserves:

Council maintains strategic fire breaks throughout the municipality (including but not limited to):

- Deanside Drive
- Clarkes Rd
- Holden Rd Reserve
- Chartwell Estate
- Neale Rd
- Monaghans Lane
- Mt Cottrell Rec Res
- Missens/McCorkells Road
- Minns Rd Basin
- Harkness Rd

Fire preparations on Council roads designated as strategic fire breaks are maintained through a scheduled maintenance plan in place throughout Fire Danger Period.

Other activities including (but not limited to) the below have taken or are taking place:

- assisting CFA with a controlled burn program
- assisting CFA to undertake fuel reduction burns (e.g. McCorkells/ Missens Road burned successfully in December 2019)
- reviewing Emergency Management and Fire Management Plans
- assisting CFA with community engagement activities.

3. Council and Wellbeing Plan Reference and Policy Reference

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives
 - 1.2 *A safe and equitable community.*

4. Financial Considerations

There were no financial considerations made in the preparation of this report.

5. Consultation/Public Submissions

No consultation was undertaken in preparing this report.

6. Risk Analysis

No risk analysis was undertaken in the preparation of this report.

7. Options

No options were considered.

LIST OF APPENDICES

Nil

12.5 RESPONSE TO NOTICE OF MOTION 678 (CR RAMSEY) - UPDATE ON BUILD MELTON HOSPITAL CAMPAIGN

Author: Sean McManus - Manager Engagement & Advocacy
Presenter: Peter Bean - General Manager Corporate Services

PURPOSE OF REPORT

To respond to Notice of Motion 678 (Cr Ramsey) requesting updates on the Build Melton Hospital campaign.

RECOMMENDATION:

That Council note the report.

Motion

Crs Ramsey/Sebire.

That Council:

1. note the report; and
2. write to the Build Melton Hospital Group to formally request that the unspent funds be returned to Council.

CARRIED

REPORT

1. Executive Summary

This report provides a response to Notice of Motion 678 (Cr Ramsey), considered by Council at its Ordinary Meeting of Council held on 2 March 2020. The Motion adopted was:

That Council:

- *Officers provide a report detailing the history and current status of the "Build Melton Hospital Campaign", including recommendations for the campaign going forward;*
- *receive an update from the State Government on the Melton Hospital project as part of this report; and*
- *receive details in this report outlining where the Build Melton Hospital Group have spent the \$10,000 contribution that it received from the Council.*

A total authorised budget of \$350,000 was approved by Council for the Build Melton Hospital campaign in December 2017. Council awarded a three-year contract to The Civic Group at its Council Meeting on 26 March 2018, which provided for a fee for service contract to advocate for a new public hospital in Melton in the lead up to the November 2018 Victorian election. A public facing campaign was launched 100 days out from the election which involved community engagement, a dedicated website, media and social media, advertising and government relations.

A total of \$259,479.70 has been expended against the authorised \$350,000 budget. A total of \$207,800.19 has been paid to The Civic Group under the three-year contract with a significant component of this covering research costs and an evidence base to inform the

campaign. This leaves a balance of \$90,520.30 remaining and there are no current commitments.

The Build Melton Hospital Campaign achieved overwhelming community support. Through postcards and emails, the campaign achieved more than 21,300 people supporting the need for a public hospital in Melton, which culminated with public commitments from the Greens and Labor parties for a business case. Subsequently, the Victorian Labor State Government delivered this commitment by including \$2.4 million in the 2019/2020 budget for the development of a Business Case, which is now underway.

Council continues to advocate for the timely delivery of the hospital and is working collaboratively with the Victorian Health and Human Services Building Authority on the Business Case development.

The Build Melton Hospital Group was provided with \$10,000 under a funding agreement in October 2018 to support the group harness community support for a new public hospital in Melton. They have spent \$2185, with a remaining balance of \$7815 in unspent funds. Under the funding agreement all funds were to be expended by October 2019. With no firm commitments for forward expenditure, a request has been made to the group to return unspent funds to Council in accordance with the funding agreement.

2. Background/Issues

Build Melton Hospital Campaign

Council formally resolved to tender for the development of an advocacy campaign for the establishment of a major public hospital within the City of Melton at the Ordinary Meeting of Council held on 17 December 2017, authorising expenditure up to \$350,000. To ensure best value, Council invited public tenders on Saturday 17 February 2018 with the submission period closing Monday 5 March 2018.

Council awarded a three-year contract to The Civic Group at its Council Meeting on 26 March 2018, which provided for a fee for service contract to advocate for a new public hospital in Melton in the lead up to the November 2018 Victorian election. A public facing campaign was launched 100 days out from the November 2018 State Election which involved community engagement activity, a dedicated website, media and social media, advertising and government relations.

The campaign had the following objectives:

- In the lead up to the 2018 State election, secure a commitment from all major parties to fund a business case for the Melton Hospital
- That the elected State Government commit to commencing construction of the Melton Hospital by July 2022.

Through postcards and emails, the campaign achieved more than 21,300 people supporting the need for a public hospital in Melton, which culminated with public commitments from the Greens and Labor parties for a business case. Subsequently, the Victorian Labor State Government delivered this commitment by including \$2.4 million in the 2019/2020 budget for the development of a Business Case, which is now underway.

A total of \$259,479.70 has been expended against the authorised \$350,000 budget. A total of \$207,800.19 has been paid to The Civic Group under the three-year contract with a significant component of this covering research costs and an evidence base to inform the campaign. This leaves a balance of \$90,520.30 remaining and there are no current commitments for service. The contract with The Civic Group is a fee for service contract and while there are no current commitments, the contract remains open.

The balance of \$90,520 is still held within the Engagement and Advocacy budget pending further need to campaign should there be any delays in the delivery of the hospital and it is determined that further funded community engagement and advocacy activity is required.

State Government Update

The Victorian Government is undertaking a Business Case for the new Melton Hospital, which is due to be completed by the end of 2020. The Business Case will determine the capacity and range of services offered at the new Melton Hospital and construction timelines including any potential phases to coincide with population growth. It will also identify how the facility will link into other hospitals in the region, including Western Health's Footscray, Sunshine and Williamstown hospitals and Djerriwarrh Health Service's Bacchus Marsh Regional Hospital.

On 3 December 2019, the VHHSBA announced the new Melton Hospital will be managed by Western Health, one of Victoria's largest public health service of Melton.

Council officers are actively working with the VHHSBA to ensure the residents of the City of Melton are represented in the planning of the hospital. Subsequent to the Notice of Motion Councillors were provided with a briefing on the key next steps of the Business Case development and detailed planning and delivery phases for the new Melton Hospital on 16 March 2020 by representatives of the Victorian Health and Human Services Building Authority and Western Health.

Melton Hospital Group

The Melton Hospital Group, a local community advocacy group, was provided \$10,000 funding in October 2018 for the promotion of the Build Melton Hospital Campaign and to mobilise local residents to support the campaign. The budget was initially scoped as follows:

- | | |
|---|---------|
| • Media printing and advertising | \$4,000 |
| • Website development and IT related expenses | \$3,000 |
| • Community engagement and activations | \$2,000 |
| • Administrative costs | \$1,000 |

Under the funding agreement, the funds were to be expended by October 2019 with any unspent funds to be returned to Council unless an extension was granted by negotiation and in writing.

A total of \$2185 has been spent on community awareness sessions and a community information evening at Stones Restaurant in Melton to mobilise community and business support. No further expenditure has occurred since the State election in 2018. The Melton Hospital Group still currently hold \$7815.

While there are no firm commitments the group has requested that they hold onto funds to host further public forums and generate further media activity, until such a time as a public commitment is provided by the State Government to build the Melton Hospital by 2022, at which point unspent funds will be returned to Council.

Given no expenditure has been incurred since November 2018 and no forward commitments have been established, a request has been made for the group to return unspent funds and acquit expended funds in accordance with the funding agreement.

Advocacy Moving Forward

The Build Melton Hospital remains a significant advocacy priority for Council and was included in the Advocacy Priorities Booklet launched in December 2019, and in both the 2020/21 State and Federal Budget submissions. Council's current advocacy ask is for the State Government to:

- Deliver a timely business case for the Melton Hospital: 2020

- Acquire land in Cobblebank for the Melton Hospital: 2020
- Commence Construction: 2022
- Hospital Operational: 2026

Although the COVID-19 response has delayed the release of the State Budget Council officers are still advocating to ensure that the timelines are met and that the land acquisition is included in the next budget. The Melton Hospital has also been recommended to be included in any North West City Deal as a major project to seek funding from both the State and Federal Government as a regionally significant project.

The Mayor continues to engage with local members on Council's advocacy priorities including the Melton Hospital and Council officers continue to work collaboratively with the Victorian Health and Human Services Building Authority.

Based on the current active progression of the Business Case by the Victorian Government and a strong working relationship with the Victorian Health and Human Services Building Authority Council's ongoing advocacy approach will involve ongoing advocacy discussions with local members and the Minister for Health and relevant department representatives.

Once a public commitment is provided for land acquisition and a construction commencement date in accordance with campaign objectives, Council will need to reconsider the Melton Hospital as an advocacy priority and may elect to reallocate any unspent funds from the remaining \$90,520 in the campaign budget.

Should there be any delays to the project Council may also determine to reactivate the Build Melton Hospital campaign to ensure campaign objectives can be met by the Victorian Government.

3. Council and Wellbeing Plan Reference and Policy Reference

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives
 - 1.5 *Environments that enable and encourage positive public health and wellbeing outcomes.*

4. Financial Considerations

A total of \$259,479.70 has been expended against the authorised \$350,000 budget. This leaves a balance of \$90,520.30 remaining under the authorised \$350,000 budget and there are no current commitments. The balance will remain with Engagement and Advocacy budget pending any further agreed actions or until the Council determines that the Victorian Government commitment meets campaign objectives and the campaign is no longer required.

5. Consultation/Public Submissions

Research was undertaken with the community to help inform the Build Melton Hospital Campaign and the community participated in the campaign with more than 21,000 residents signing a postcard or sending an email to support the need for a public hospital in Melton.

6. Risk Analysis

No risks were considered in association with the preparation of this report or in the content contained within the report.

7. Options

No options were considered in preparation of this report.

LIST OF APPENDICES

Nil

12.6 RESPONSE TO NOTICE OF MOTION 683 (CR MAJDLIK) - PROVIDE COSTINGS FOR STORAGE FACILITIES FOR THE CITY VISTA SPORTS PRECINCT AT FRASERS RISE

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

PURPOSE OF REPORT

To respond to Notice of Motion 683 (Cr Majdlik) to provide further costings for storage solutions at the City Vista Sports Precinct in Fraser Rise.

RECOMMENDATION:

That Council note the report.

Motion

Crs Majdlik/Abboushi.

That Council:

1. note the report; and
2. include the costings for storage solutions at the City Vista Sports Precinct in Fraser Rise in the 2020/21 budget discussions.

CARRIED

REPORT

1. Executive Summary

At the Ordinary Meeting of Council dated 26 March 2020, Council resolved via Notice of Motion 683 (Cr Majdlik) as follows:

That Council officers provide costings for storage facilities for the City Vista sports grounds at Fraser Rise in consultation with the users of the facility and that it be considered for the 2020/2021 budget.

This report provides further cost options for additional storage to be provided on site to the existing and the issues that are associated with those improvements.

2. Background/Issues

At the Ordinary Meeting of Council dated 26 March 2020, Council resolved to further investigate additional storage options at the City Vista Sport Precinct in consultation with the user group.

The City Vista Sports Precinct consists of a Community Sports Pavilion including Bistro and restaurant, 2 turf pitches, one an elite level turf pitch to meet National Premier League Standards the other community turf pitch maintained to a regional level and two synthetic pitches as well various passive recreation areas and car parking. The pavilion has a restaurant and function facilities vital to supporting the local community and the business

model for operating the site, change and training rooms, first aid, storage and umpire facilities. The existing facility was constructed and handed over to Council in 2019.

The Caroline Springs George Cross Soccer Club manage the facility under a lease agreement in partnership with Council. The pavilion was designed and built to provide for a suitable amount of storage for a pavilion and club of the size of Caroline Springs George Cross. The club though now has a commercial agreement for usage with the Western United Melbourne A-League soccer club. As part of that agreement Western United have access to a number of areas of the community pavilion.

With two large tenants on site space for storage of key equipment is limited. Majority of storage on site is utilised to support the restaurant and bistro operations, leaving limited storage opportunities for equipment for two large tenant clubs. The main storage component of the pavilion that remains is 30m². Recommended storage for the pavilion as per association compliance guidelines is 40m².

It is important to note that the site itself does not provide for much additional space given the future roll out of the existing master plan including additional car parking. The existing pavilion also does not provide opportunities for expansion. It is proposed that any consideration of future storage would need to be stand alone and 'off the shelf' such as a storage shed etc. This would provide additional issues regarding access and security however is the best option available whilst two major soccer club tenants occupy the site, as the existing facilities were not design and constructed for this level of usage.

Engagement with the tenant club was undertaken and additional storage solutions will primarily be used to support their football operations (i.e. training / match day / medical equipment). The club currently only has one 30m² room to store equipment. The club are requesting an additional 30m² of storage in a stand alone shed / container at the south of the current pavilion. Usage of storage space will be joint between Western United (short term) and George Cross in the longer term to help support their football operations, maintenance equipment, and providing support to the operational model.

Based on previous projects undertaken by Council, a storage shed solution (stand alone) would be considered the most viable option at an estimated cost of \$50,000.

This report proposes that any future storage solution be considered as part of future Capital Works Programs, undertaken in consultation with the club to agree on location, access and security issues.

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

If Council did consider any future standalone storage solutions at this facility, that further investigation work regarding most appropriate location and scale would need to be determined.

Currently based on previous projects of a similar nature an allocation of \$50,000 for a large storage shed with a concrete base and appropriate access and security infrastructure would be deemed sufficient. This would have to be further considered though to determine an accurate costing for the project. The timing of the A-League relocating from this site would

also influence the size and scale of a future project as space would be made available upon their departure.

5. Consultation/Public Submissions

Engagement with the tenant club was undertaken and additional storage solutions will primarily be used to support their football operations (i.e. training / match day / medical equipment). The club currently only has one 30m² room to store equipment. The club have informed officers they require an additional 30m² of storage in a stand alone shed / container located adjacent to the southern end of the pavilion (next to bin enclosure / delivery area).

The storage will initially be shared with the other club on site Western United however will support longer term the club operations.

6. Risk Analysis

N/A

7. Options

The options for Council to consider at this facility include:

- Temporary storage with a container (appropriately) screened
- Purpose built standalone storage shed located at the south of the existing pavilion within the leased area of the tenant club.

LIST OF APPENDICES

Nil

12.7 PLANNING APPLICATION PA 2019/6668 - TWO LOT SUBDIVISION AT 196-246 SINCLAIRS ROAD, DEANSIDE

Author: Emine Mestan - Major Developments Planner
 Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To consider and determine the above planning application.

RECOMMENDATION:

That Council issue a Notice of Decision to Refuse to Grant a Permit subject to the grounds outlined in **Appendix 5** of this report.

Motion

Crs Majdlik/Sebire.

That the recommendation be adopted.

CARRIED

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

For:

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

Against:

Crs Abboushi and Kesic

The Mayor declared the Motion CARRIED

REPORT

1. Background

Executive Summary

Applicant:	Absolute Surveying
Proposal:	Two Lot Subdivision
Existing Land Use:	Agriculture and/or rural living
Zone:	Urban Growth Zone (Schedule 12) Rural Conservation Zone (Schedule 3)
Overlays:	Infrastructure Contributions Overlay (Schedule 1) Heritage Overlay (HO128) Environmental Significance Overlay (Schedule 6) Land Subject to Inundation Overlay (Schedule 1) Incorporated Plan Overlay (Schedule 4)

Number of Objections:	N/A
Key Planning Issues:	<ul style="list-style-type: none"> • Contrary to the purpose of the Urban Growth Zone. • Contrary to the purpose of the Rural Conservation Zone. • Fragmentation of land. • Potential to prejudice the Kororoit Precinct Structure Plan. • Potential to prejudice the logical, efficient and orderly future urban development of the land within the Kororoit Precinct Structure Plan.
Recommendation:	Refuse the application

The Land and Surrounding Area

The subject site covers an area of 7.883 hectares and is located on the west side of Sinclairs Road, Deanside and approximately 320 metres to the north of Neale Road. Other features of the site are as follows:

- The site is irregular in shape.
- The northern portion of the site appears to be used for storage (containing numerous outbuildings and scattered materials). A homestead (“Stoneleigh”) is also situated within the northern portion of the site and is protected by a Heritage Overlay (HO128). The overlay protects that part of the land which contains the homestead, palm trees, sugar gums and dry stone walls. The southern portion of the site is vacant, has been cleared of vegetation and has predominantly been used for agriculture and/or rural living. There are a few trees scattered around the site. No native vegetation is proposed to be removed.
- The site is zoned part Urban Growth Zone (Schedule 12) and part Rural Conservation Zone (Schedule 3) and is affected by the Infrastructure Contributions Overlay (Schedule 1), Heritage Overlay (HO128), Environmental Significance Overlay (Schedule 6), Land Subject to Inundation Overlay (Schedule 1) and Incorporated Plan Overlay (Schedule 4).
- The site, identified as Property 44, is located within the Kororoit Precinct Structure Plan, with either side of the Kororoit Creek included in the Rural Conservation Zone.
- The surrounding area can be characterised as agriculture and/or rural living.
- A brief description of the surrounding land interfaces is provided below:
 - North – The Kororoit Creek adjoins the northern border of the site.
 - East – Sinclairs Road and further east, across Sinclairs Road, will form part of the Kororoit Regional Park.
 - South – Existing property used for agriculture and/or rural living.
 - West – Deanside Village Estate (under construction in accordance with Planning Permit No. PA2017/5690) adjoins the western border of the site.

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

The Application

The application proposes a two lot subdivision of the land.

The proposed subdivision is summarised as follows:

- The site covers an area of 7.883 hectares.
- Lot 1 (overall area of 2.883 hectares) will contain the existing heritage Stoneleigh homestead and outbuildings.
- Lot 2 (overall area of 5 hectares) will become the balance lot.

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

Planning Controls

Zones	Clause 37.07-10 – Urban Growth Zone Clause 35.06-3 – Rural Conservation Zone	Pursuant to Clause 37.07-10 of the Melton Planning Scheme, a planning permit is required to subdivide land within the Urban Growth Zone – Schedule 12. Pursuant to Clause 35.06-3 of the Melton Planning Scheme, a planning permit is required to subdivide land within the Rural Conservation Zone. The zone requires that: Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares. A permit may be granted to create smaller lots if any of the following apply: <ul style="list-style-type: none">• The subdivision is the re-subdivision of existing lots, the number of lots is not increased, and the number of dwellings that the land could be used for does not increase.• The subdivision is by a public authority or utility service provider to create a lot for a utility installation. Schedule 3 to the Rural Conservation Zone does not specify an area of land for a minimum subdivision, therefore the minimum 40 hectares as specified above applies.
Overlays	Clause 42.01 – 2 Environmental Significance Overlay (Schedule 6)	A planning permit is required to subdivide land.

	Clause 43.01 – 1 Heritage Overlay (HO128)	A planning permit is required to subdivide land. HO128 is referred to as the Stoneleigh Homestead. The heritage place includes the homestead, palm and sugar gum trees surrounding the homestead, and the dry stone walls.
	Clause 43.03 Incorporated Plan Overlay (Schedule 4)	A planning permit must be generally in accordance with the incorporated plan.
	44.04 – 3 Land Subject to Inundation Overlay (Schedule 1)	A planning permit is required to subdivide land. It should be noted that the application was referred to Melbourne Water for their review due to the Kororoit Creek being affected by the Rural Conservation Zone (Schedule 3) and Land Subject to Inundation Overlay (Schedule 1). Melbourne Water offered no objection to the proposal subject to conditions.
	Clause 45.11 Infrastructure Contributions Overlay (Schedule 1)	A planning permit must not be granted to subdivide land until an Infrastructure Contributions Plan has been incorporated into the Planning Scheme. The Plumpton and Kororoit Infrastructure Contributions Plan has now been finalised and gazetted into the Melton Planning Scheme and is applicable to this subdivision.
Particular Provisions	Clause 53.01 - Public Open Space Contribution and Subdivision	Clause 53.01 requires any subdivision of land to make a contribution to Council for public open space in an amount specified in the schedule to this clause. It should be noted that as part of the new Infrastructure Contributions model, public open space is considered as 'public purpose land' and is captured by the land component of this contribution.
	Clause 56 - Residential Subdivision	Clause 56 aims to implement the Municipal Planning Strategy and the Planning Policy Framework. It seeks to create liveable and sustainable neighbourhoods and urban places with character and identity in order to achieve residential subdivision outcomes that respond appropriately to the site and its context as a growth area (Kororoit PSP).

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 affected by Notice Section 201UB of the *Planning and Environment Act 1987* (AH462111E). The Notice states that a Growth Areas Infrastructure Contribution may be payable on the land. The Notice does not impact upon the proposed subdivision. No other restrictions are listed on the Title.

Is the land of Cultural Heritage Sensitivity?

The land is considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*; however as the land has been subject to significant ground disturbance, the proposal does not require a Cultural Heritage Management Plan to be prepared and approved by the relevant Registered Aboriginal Party.

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

Advertising of the application was not undertaken in accordance with Clause 37.07-13 of the Urban Growth Zone which states that:

"An application under any provision of this scheme which is generally in accordance with the precinct structure plan applying to the land is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act, unless the schedule to this zone specifies otherwise."

Referral of the application

The application was referred to both internal stakeholders and external authorities for review/comment. The following comments have been provided:

Internal

Department	Response
Infrastructure Planning (Engineering)	<p>Noted that the site is located within:</p> <ul style="list-style-type: none"> • the Kororoit PSP with a future connector road intersecting proposed Lot 2 and a local access street intersecting proposed Lot 1; • the site has a local significant heritage place; • the northern and southern sides of the Kororoit Creek are subject to 100 year flooding from the Kororoit Creek. <p>Overall, no objection to the proposal subject to conditions.</p>

Heritage Advisor	Objects to the proposal as the subdivision would separate the homestead, trees and dry stone walls along Sinclairs Road which would provide a poor outcome for heritage values of the area.
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External

Authority	Response
Melbourne Water	No objection subject to conditions
DELWP	No objection subject to conditions

A complete list of referral responses is included in **Appendix 4**.

5. Issues

Planning Assessment

The proposed two lot subdivision does not adequately demonstrate compliance with the Kororoit Precinct Structure Plan and will compromise the future orderly development of the land and locality. There is no planning rationale outlined within the application for how the subdivision would produce an acceptable planning outcome or community benefit.

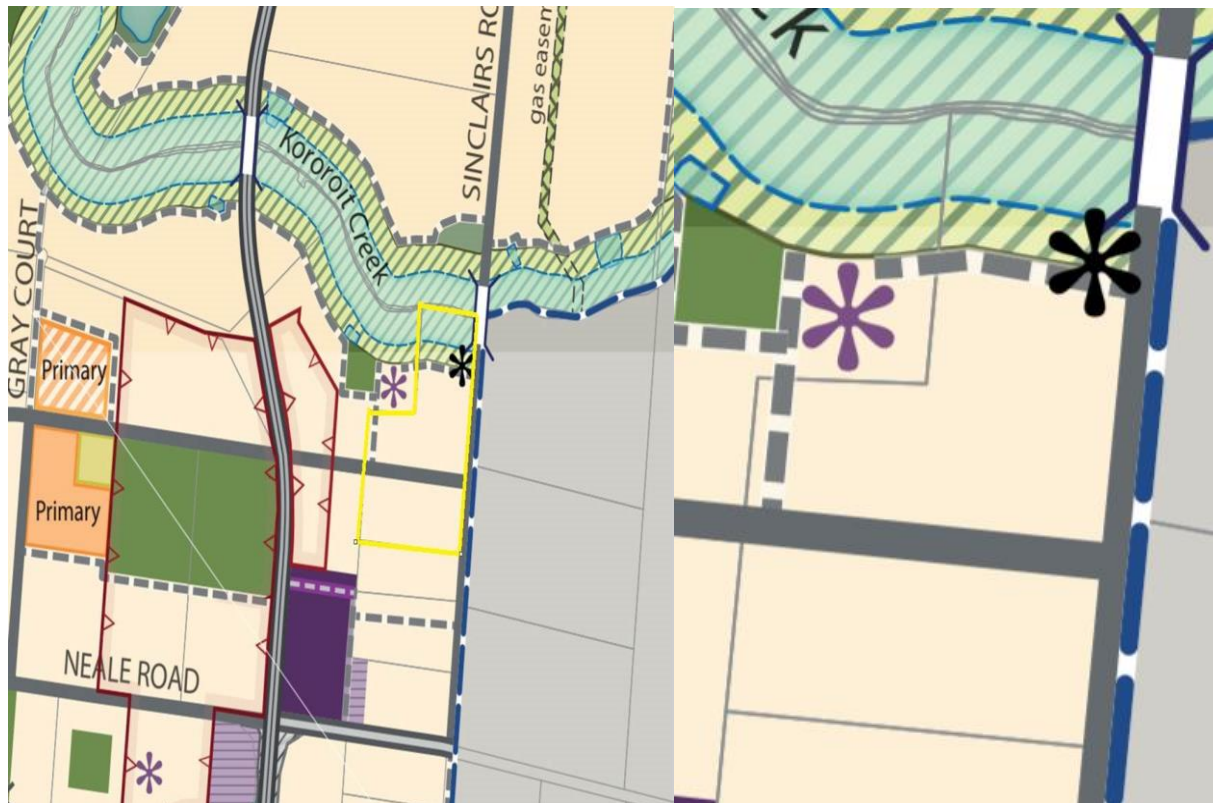
The subdivision of land to create smaller fragmented lots increases the difficulty during the statutory implementation and compromises the ability for development to realise the vision of the Precinct Structure Plan. There is little to no certainty that the subdivision will allow for a logical and efficient future urban structure in accordance with the Precinct Structure Plan. Furthermore, the subdivision may impact on the timely delivery of necessary/critical ultimate infrastructure such as road connections, drainage assets and open space.

There was a similar application at 942-996 Beattys Road, Rockbank (PA2015/4746). This application proposed a two lot subdivision, i.e. the excision of the existing dwelling on a two hectare lot with the balance (10.38 hectares) retained in a larger lot. Council resolved to refuse the application. In response, the applicant applied to VCAT to have Council's decision set aside so that a permit may be granted.

In its order dated 28 April 2016, the Tribunal affirmed Council's decision and directed that no permit issue principally on the grounds that the proposed subdivision has the potential to prejudice future urban development by further fragmenting land.

The proposed subdivision may also result in an isolated pocket of rural land (proposed Lot 1), surrounded by urban development. This is not an ideal planning outcome, as it can result in conflicts such as noise, dust, and other amenity impacts between the use of the land for rural purposes and conventional residential purposes.

Specifically, the proposal is identified below in comparison to the Future Urban Structure of the Kororoit Precinct Structure Plan. The application seeks to retain the existing dwelling within Lot 1 and allow the balance land identified as Lot 2 to be sold for urban development.



It is clear that the proposed two lot subdivision will result in land containing a locally significant heritage place (HO128 – Stoneleigh Homestead) being separated from the majority of the developable area of the site. This will significantly reduce the ability to ensure that the heritage place is appropriately protected and repaired/revitalised (if required) in the future. It will also significantly delay any required repair/revitalisation of the homestead, resulting in the potential further deterioration of the homestead. The proposed subdivision would result in the homestead and trees being separated from the dry stone walls along Sinclairs Road. It would be preferable that the entire site be developed in a holistic manner in order to ensure the best outcomes for the future development, conservation and interpretation of the heritage features and values of the site, including a sensitive interface to the heritage place.

In addition, Lot 1 will contain a portion of the Conservation Area and an east-west local road connection to Sinclairs Road. The works associated with these requirements will be deferred until proposed Lot 1 is further developed in the future.

Furthermore, the creation of Lot 1 for the ongoing use of the existing dwelling will compromise the ability to undertake upgrades to Sinclairs Road (which adjoins the site) to be delivered in a timely manner.

It is considered that the proposal to subdivide the land into two lots does not adequately demonstrate compliance with the Kororoit Precinct Structure Plan, will compromise the future orderly development of the land, and create further fragmentation of land that will impact on the timely delivery of necessary and critical ultimate infrastructure. This infrastructure is necessary to allow further urban development to be undertaken within the precinct.

Accordingly, it is recommended that the application be refused.

6. Options

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

7. Conclusion

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

In summary, it is considered that the proposal does not demonstrate appropriate compliance with the provisions of the Urban Growth Zone – Schedule 12. Specifically, the proposal does not comply with or provide the land use and development outcomes required by the Kororoit Precinct Structure Plan.

The land is located within the Kororoit Precinct Structure Plan which identifies the subject site as predominantly being suitable for residential development, with an east-west local road and east-west connector road. The northern portion of the site, adjacent to the Kororoit Creek, is identified as Growling Grass Frog Conservation Area.

The proposed two lot subdivision has the potential to prejudice the future orderly development of the land and locality, whilst compromising the ability for the vision and objectives of the Kororoit Precinct Structure Plan being achieved.

Furthermore, the fragmentation of land will increase the difficulty in ensuring the timely delivery of ultimate infrastructure required to adequately service the precinct.

The site is also impacted by a Heritage Overlay (HO128) for the protection of the Stoneleigh Homestead heritage place. The proposed subdivision fails to consider the heritage aspects associated with the heritage place.

In addition, the proposal does not comply with the provisions of the Rural Conservation Zone – Schedule 3. This schedule nominates the land adjacent to the Kororoit Creek for the purpose of its Conservation Values and the protection of Growling Grass Frog habitat. This is reinforced by the Future Urban Structure of the Precinct Structure Plan designating this land as Conservation Area. The Incorporated Plan Overlay – Schedule 4 also affects this land. Clause 2 of Schedule 4 to the Incorporated Plan Overlay states:

A permit granted must be generally in accordance with the incorporated plans as they apply to the land unless otherwise agreed in writing by the Secretary to the Department of Environment, Land, Water and Planning.

The incorporated plan in this instance is the Kororoit Precinct Structure Plan. The creation of Lot 1 will limit the ability for the additional creation of Growling Grass Frog habitat in an area specially identified for Conservation in the Kororoit Precinct Structure Plan.

It is therefore considered that the proposal does not comply with the relevant requirements of the Melton Planning Scheme. It is therefore recommended that the application be refused as outlined in **Appendix 5**.

LIST OF APPENDICES

1. Locality Plan - dated 3 March 2020
2. Plan of the proposal - dated 15 July 2019
3. Assessment against State and Local planning policies - undated
4. Referral Comments - undated
5. Grounds of Refusal - undated

The Mayor, Cr Carli, vacated the Chair.

The Deputy Mayor, Cr Abboushi took the Chair.

12.8 PLANNING APPLICATION PA 2019/6791 - DEVELOPMENT OF TWO DOUBLE STOREY DWELLINGS ON THE LAND AT 6 SINCLAIR AVENUE HILLSIDE

Author: Joseph Oyelowo - Development Planner

Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To consider and determine the above planning application.

RECOMMENDATION:

That Council issue a Planning Permit subject to the conditions outlined in **Appendix 5** of this report.

Motion

Crs Carli/Mendes.

That Council issue a Notice of Refusal to Grant a Permit on the following grounds:

1. The density and form of the proposed development is excessive and fails to respect or complement the neighbourhood character of the area.
2. The proposal does not satisfactorily address the objectives and standards of Res Code pursuant to Clause 55 of the Melton Planning Scheme, with respect to neighbourhood character.
3. The proposal is considered to be an overdevelopment of the site. In particular, the combination of the double-storey building elements, minimal separation between the dwellings, mass and visual bulk of the dwellings creates the impression that the proposed dwellings are being squeezed onto the subject land.

CARRIED

REPORT

1. Background

Executive Summary

Applicant:	UrbanCBD P/L
Proposal:	Two double storey dwellings
Existing Land Use:	Vacant Land
Zone:	General Residential

Overlays:	Development Plan – Schedule 1 Melbourne Airport Environs – Schedule 2
Number of Objections:	27
Key Planning Issues:	<ul style="list-style-type: none"> • Strategic justification • Single dwelling restriction and precedence • Neighbourhood character • Site layout and building massing • Amenity impacts, such as overshadowing, overlooking, solar access and noise • Garages dominating the street frontage • Traffic and parking • Property devaluation
Recommendation:	Approve the application

The Land and Surrounding Area

The subject land has an area of 604m² and is located on the eastern side of Sinclair Avenue in Hillside. The land is within a largely established residential estate known as The Parks at Bellevue Hill. Other features of the land are as follows:

- The land is regular in shape and vacant.
- An existing single width crossover is located near the north-western corner of the land.
- A 2 metre wide drainage and sewerage easement is located on the eastern property boundary.
- There is one street tree directly opposite the subject land.

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

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

The Application

The application proposes the development of the land with two double-storey dwellings.

The proposed development is summarised as follows:

- The dwellings are attached, with the garage of Dwelling 1 and 2 located along the northern and southern property boundary respectively.
- Dwelling 1 and 2 contains four bedrooms and are provided with a double car garage.
- The dwellings have a contemporary design with a range of external wall materials including brick and render, with concrete tiled roofs.
- The proposed crossover will be located on the south-western corner of the land. The street tree will not be removed to facilitate the proposed crossover.
- Dwelling 1 will make use of the existing crossover.

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

Planning Controls

Zone	Clause 32.08 – General Residential Zone	Permit required to construct two or more dwellings on a lot.
Overlays	Clause 43.04 – Development Plan Overlay (Schedule 1) Clause 45.08 - Melbourne Airport Environs Overlay (Schedule 2)	Proposal must be generally in accordance with applicable development plan. In this case, the approved development plan DP2004/002 identifies the site for residential development. A permit is required to use the land for a dwelling.
Particular Provisions	Clause 52.06 – Car Parking	Two car spaces are required for each dwelling. A total of 4 car parking spaces are required and provided.

A full list of the relevant Planning Policies within the Melton Planning Scheme is included in **Appendix 3**.

Clause 55 – ResCode

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

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

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

Melton Housing Diversity Strategy

The Melton Housing Diversity Strategy locates the site within the existing character area 2: Melton East. Area 2 accommodates the largest coverage of the suburban area within the suburbs of Caroline Springs, Hillside and Taylors Hill where the dominant character typifies a form of 'standard' detached residential dwellings. The character is relatively homogeneous throughout, with generally detached dwellings of both single and double-storey scale which express a conventional suburban character, in a range of material, details and architectural styles. These areas contain a generally even distribution of small 'pocket parks', where such reserves are prioritised, with roads wrapping around and dwellings accommodating a direct interface.

House Rules - Housing Character Assessment & Design Guidelines

The Housing Character Assessment & Design Guidelines was adopted at the Ordinary Meeting of Council on 13 October 2015. The site is located within the Compact Suburban 1 (CS1) character area. The essential components of the CS1 which need to be maintained into the future are:

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

It is considered that the proposed design response is generally consistent with the requirement of the above mentioned strategy and design guidelines. The only non-compliance is that the garage of Dwelling 1 and 2 occupy too much of the street frontage. Amended plans will be requested to reduce the width of the garages by 1 metre in order to maintain the dwelling frontage as the dominant built form of the street.

Is the land affected by a Restrictive Covenant?

The land is affected by a Restrictive Covenant on the Plan of Subdivision number 543387S which was registered on the Title on 21 May 2007 and a Section 173 Agreement.

The registered covenant has expired on 21 May 2014 given that the restrictions on the Plan of Subdivision number PS54338 states that the "Restrictions A and B shall cease to have effect seven years after the date of registration of this plan". It is worth noting that since the covenant has expired, the obligations contained within the covenant no longer prevent Council from approving the proposal if it desires to do so.

An assessment of the proposed development against the specific obligations of the agreement reveals that the proposal does not breach the terms of the agreement.

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

Council has informally notified neighbouring landowners as part of this application process. Informal notice was required because the land is affected by a Development Plan Overlay control, which specifically exempts planning applications from the public notice and review rights of the *Planning and Environmental Act 1987*, where there is an approved Development Plan in place. Notwithstanding, Council has a practice of giving informal notice of applications, even when they are exempt so that the community has a chance to provide feedback on the application. The proposed residential development is consistent with the approved development plan DP2004/002 which identifies the site for residential development.

The informal notification was satisfactorily completed and 27 objections were received.

The grounds of objection may be summarised as follows:

- Single dwelling restriction;
- Approval for this proposal will set a precedence for more unit developments;
- The proposed development is not respectful of neighbourhood character;
- Scale and visual bulk of the double storey dwellings;
- Overshadowing;

- Overlooking;
- Increase in noise;
- Increase in traffic;
- Insufficient car parking spaces provided;
- The garages are dominating the street frontage and are not visually compatible with the existing neighbourhood character; and
- Property devaluation.

A response to the objections is provided in **Section 5** below.

Referral of the application

The application was referred to several Council Departments for comment and advice. The application was also referred to Melbourne Airport for comment and advice as the proposed dwellings are located within the Melbourne Airport Environs Overlay- Schedule 2. A complete list of responses is included in **Appendix 4**.

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 the written objections.

Strategic Justification

The proposal meets the overarching objectives of the housing policies within the Planning Policy Framework as it would provide for urban consolidation in an area that has good access to local services and facilities. The Housing Diversity Policy seeks to encourage a range of affordable housing options within the municipality, but also to identify increased residential densities in strategic locations.

The site is reasonably located to established services and facilities including open space, schools and community facilities. A bus stop (bus 476) is located along Royal Crescent, within a short walking distance from the subject land. The bus stop provides future residents with full access to public transport. The development of the land for two dwellings would add housing diversity at the same time making good use of existing infrastructure and services.

The objectors raised concerns that the proposed dual occupancy development is the only type of that development in their neighborhood. The absence of multi-unit developments in this estate is not a sufficient reason on its own to reject the proposal on this land. The Housing Diversity Strategy (HDS) identifies that the GRZ is an area where some change, including change of the nature that is proposed, is to be expected. The expected housing type in the GRZ is a mixture of single dwellings, dual occupancies with some villa units and in limited circumstances, townhouses, where appropriate. The type of housing proposed in this case is consistent with the expected housing type. Therefore, the proposal is consistent with the planning policy framework and the HDS guidance about housing density and housing type.

Single Dwelling Restriction and Precedence

Residents have raised a number of concerns in relation to the proposal, including that the neighbourhood area would remain as single dwellings and that approving this development will set a precedence for more medium density development in the area. There is no single dwelling restriction affecting the subject land and each planning application is assessed and approved on their merits as Council Officers must be satisfied that a proposal will produce an acceptable outcome. In this instance Council Officers are satisfied that subject to appropriate conditions the proposal will produce an acceptable outcome.

Neighbourhood Character

It is recognised that the immediate surrounding area is characterised by low scale buildings and of a detached nature, with backyards, and only carports or garages constructed on one

side boundary. It is worth noting however that there are examples of multi-unit development in the surrounding area as follows:

- 50 Wattle Valley Drive;
- 83 Bellevue Boulevard;
- 29 Waters Way; and
- 2 Glencapel Court.

The objectors in this case contend that the scale and visual bulk of two double-storey dwellings side by side is not in keeping with the existing neighbourhood character of the area. The proposed development must respond in a meaningful way to the site and its surrounds. Council Officers consider that the setbacks and building massing is appropriate in this context for the following reasons.

Street setbacks

There is no noticeable change proposed to the streetscape of Sinclair Avenue. The appearance of the front garden remains similar and a new crossover is proposed for Dwelling 2. Dwelling 1 and 2 will have a front garden with a setback of 5 metres which is consistent with the front garden in the surrounding area.

The decision guidelines of Clause 55.03-1 requires that the Responsibility Authority must consider the visual impact of the building when viewed from the street and from adjoining properties. The visual impact of Dwelling 1 and 2 when viewed from the street is minimal as none of the ground floor front walls are setback less than 6.36 metres from Sinclair Avenue. Dwelling 1 and 2 both have a recessed first floor with a front setback of 6.51 metres and 7.51 metres. The street setbacks of the development complies with Standard B6 of ResCode (street setback objective).

Building height

Standard B7 of ResCode requires that the maximum building height should not exceed the maximum height specified in the zone. The GRZ allows increased housing densities and diversity, at a scale of development up to 11 metres. The maximum height of the proposed development is 7.260 metres. The height of the development complies with Standard B7.

In regards to the building height objective, Clause 55.03-2 requires considering the visual impact of the building when viewed from the street and from adjoining properties. The visual impact of the dwellings when viewed from the street and adjoining properties are minimised as the dwellings have recessed upper floor levels and are appropriately setback from the property boundary. Furthermore, the dwellings offer some articulation through design elements such as use of windows and different building materials. Consequently, avoiding a boxy development when viewed from the street or adjoining properties.

Side and rear setbacks

It is considered that an acceptable level of impact will be presented to the amenity of the habitable room windows and secluded private open space of adjoining properties as adequate setbacks are provided from each property boundary. The side and rear setback of the proposal complies with the requirement of Standard B17. Standard B17 requires that the proposed buildings should be setback from side or rear boundaries, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. The side and rear setbacks all complies with the numerical requirements of Standard B17, given that at the ground floors a minimum of 1.78 metre and maximum of 2.12 metres setbacks are proposed to the northern and southern boundary (with the exception of walls on boundary). The first floors are provided with minimum side setbacks of 3.15 metres and maximum of 3.95 metres from the northern and southern boundary.

Clause 55.04-1 requires considering the impact on the amenity of the habitable room windows and secluded private open space of existing dwellings. It is considered that an

acceptable level of visual bulk and mass will be presented to adjoining properties as adequate setbacks are provided for the proposed dwellings from each property boundary. Therefore, limiting the impact on the amenity of the existing dwelling located to the northern, southern and eastern property boundary.

Walls on boundary

Many residents have indicated that the double car garages are not visually compatible with the existing neighbourhood character. The garage wall of Dwelling 1 and 2 located on the boundary complies with Standard B18 in terms of the length and height of the walls however, in this neighbourhood garages are built on only one boundary. Council Officers consider that the garages are not visually compatible with the existing neighbourhood character as the garages visually occupy too much of the dwelling and street frontage. This shortcoming is not fatal to this application as the garages can be reduced in size.

The proposed double-storey dwellings are appropriately setback and articulated through recessed first floor levels above the ground floor. Therefore, the bulk, mass and height of the proposed dwellings would not unreasonably visually overwhelm the existing single-storey dwellings within this neighbourhood. However, the garages should be redesigned to integrate and compliment the architecture of the dwelling. Any planning permit that will be issued will include a condition that requires amended plans to reduce the width of the garages by 1 metre.

Urban Design Response

Clause 65 of the Melton Planning Scheme requires that the Responsible Authority must decide whether the proposal will produce an acceptable outcome. To assist in that assessment, it is necessary to utilise Clause 55 (ResCode). On that assessment, it is considered that the proposal generally meets the specific standards and objectives of ResCode.

Site Layout and Building Massing

The proposal complies with the relevant standards in relation to street setback, building height, site coverage, permeability, safety, access and parking location.

Standard B9 requires that a stormwater management system should be designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). The applicant did not submit a stormwater management system as part of the application. Any planning permit that will be issued will include a condition that requires a storm water on-site detention system to be submitted.

Off-Site Amenity Impacts

The proposal complies with relevant standards in relation to side and rear setbacks, walls on boundaries and daylight to existing windows.

Solar access to existing north facing habitable room windows

The setback of Dwelling 2 complies with the requirement of Standard B20. Standard B20 requires that if a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. Dwelling 2 at ground level is provided with a setbacks of 2.12 metres and 1.78 metres (with the exception of walls on boundary) while the setbacks of the first floor are 3.15 metres and 3.95 metres.

Overshadowing existing secluded private open space

Residents have raised concerns about overshadowing. The submitted overshadowing diagrams shows that more than 40 square metres of the secluded private open space of the property to the north, south and east of the subject land will receive more than five hours of sunlight between 9am and 3pm on 22 September. Noting that only a small portion of the secluded private open space of these dwellings are overshadowed between these hours.

Hence, the proposal complies with Standard B21.

Overlooking and internal views

Objectors are concerned about overlooking into their backyards. The habitable room windows of Dwelling 1 and 2 complies with Standard B22. All windows have a fixed, obscure glazing in any part of the window below 1.7 metres above floor level in accordance with Standard B22.

It has been deemed that all windows are designed to comply with Standard B23 (internal views into the secluded private open space and habitable windows of dwellings within the development).

Noise

Objectors are concerned about the increase in noise from future residents of the proposed development. Whilst noise issues can arise as result of the development, the noise generated will be residential in nature and not unreasonable in a residential area. However, conditions regulating off-site amenity impacts will form part of any planning permit issued to ameliorate amenity impacts related to residential uses and development.

On-Site Amenity

It has been deemed that the proposal complies with the relevant standards in relation to accessibility, dwelling entries, daylight into new habitable windows, private open space, solar access to open space and storage.

Detailed Design

Clause 55.06-1 encourages design detail that respects the existing neighbourhood character, and site services. Council Officers consider that the garages are not visually compatible with the existing neighbourhood character as the garages dominate the street frontage. This non-compliance with Standard B31 is not fatal to this application as amended plans can be requested to reduce the width of the garages.

Traffic and Parking

Residents have expressed concern regarding insufficient car parking and increased traffic volumes as a result of the development. The proposed development is considered unlikely to impose vehicle movements that will exceed that which is common to residential traffic volumes. Council's Traffic Officers have not raised any concerns regarding increased vehicle traffic.

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

Property Devaluation

Residents have expressed concerns that approving this development will devalue their property. This is a genuine concern however it is a well-established planning principle that depreciation of land or property values as a result of a proposed development is not a relevant planning consideration.

6. Options

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

7. Conclusion

The application has been assessed against the 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 5**.

LIST OF APPENDICES

1. Locality Plan - dated 4 March 2020
2. Plans for the proposal- undated
3. Relevant Planning Policy Provisions - undated
4. Referral Responses - dated 3 March 2020
5. Planning Permit Conditions - dated 3 March 2020

The Deputy Mayor, Cr Abboushi, vacated the Chair.

The Mayor, Cr Carli took the Chair.

Cr Ramsey left the videoconference at 9:24pm.

Cr Ramsey returned to the videoconference at 9:26pm.

12.9 MELTON CITY COUNCIL COVID-19 PROGRAM

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

PURPOSE OF REPORT

To provide Council with an overview of Council's response to date to the Covid-19 pandemic impact on the community and businesses in the City of Melton.

RECOMMENDATION:

That Council note the report.

Motion

Crs Ramsey/Abboushi.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The Federal Government activated the Federal Emergency Health Response Plan in February 2020 due to the emerging concerns of the CoronaVirus (Covid-19) and its rapid spread of infection in certain parts of the world. On 11 March 2020 the World Health Organisation declared Coronavirus COVID-19 a pandemic which was immediately followed by the State Government declaring Victoria to be in a State of Emergency. A first ever National Cabinet has been established to coordinate a national response. Respective Federal and State Government health and economic packages have been announced.

Having considered all financial support packages being provided by both Federal and State Governments to support members of the public as well as business owners, Council staff have formulated a position that integrates in with the offerings at both a Federal and State level but also provides in areas that other opportunities have missed.

2. Background/Issues

The COVID-19 pandemic is the most serious and pressing public health, social and economic issue facing the local community. Melton already experiences a number of poor socio-economic issues across the community, and is particularly vulnerable to both the health and economic effects of an ongoing and prolonged COVID-19 crisis.

Melton staff began putting measures in place in late February and continued to elevate in accordance with official advice and information – notwithstanding the required rate of change and significance of the impacts is unprecedented and has required a complete re-prioritisation of Council’s internal and external activities. The relief package that has been developed is a whole-of-council staged approach, with a focus on short term relief and direct support measures and a longer term strategy to assist the recovery of the community and local businesses.

In developing these measures, consideration has been given to various State and Federal government support and economic stimulus packages. The relief packages developed by other Councils has been of assistance to staff to ensure we are consistent with what others are putting out and ensuring that we are seen to be responding appropriately in the eyes of our community.

Council must continue to manage its revenue streams from an intergenerational perspective so as to continue to deliver critical services and infrastructure to the community, and to ensure it does not disadvantage future generations both in any consequent borrowings or significant variations from Council’s rating strategy that could compromise the Council’s sustainability as a consequence. It is most important to recognise that the COVID-19 pandemic will cause significant financial hardship for some members of the community and Council can, in certain circumstances, provide assistance, however must ensure it has the resources necessary to support the community in the recovery phase.

A number of Councillors have requested that Council’s ability to provide a general waiver in respect of the final instalment of 2019/20 rates be investigated as an option to provide immediate support to residential owner/occupier ratepayers. In order to do this Council must form the view that a “class” of ratepayers are in “financial hardship” as a collective. Council could then apply a general hardship waiver at a specified level to that “class” of ratepayer.

Developing the relief package it has been necessary for Council to recast its financial forecasts, and Council has deferred the Draft 2020/21 budget deliberations in order to take account of the pandemic impact, and as best it can to provide for funds to support the most vulnerable residents in need. It is not possible at this stage to accurately forecast the full economic impact of COVID- 19, therefore a degree of agility underpinned by regular financial monitoring and reporting will be required.

The relief package for Melton residents currently is as follows:

Service Delivery
Personal Care – continued for those who are most vulnerable and have no support Delivered meals (MOW) – expanded service Property Maintenance – essential safety services only Taxi support for medical appointments Care Assessments – on the phone Virtual Storytime – Library website Library e-collections available on-line with expanded offering Frozen all Library fines and extended hiring dates New Parent Groups online and are supported by new Facebook groups. Animal Registration - No follow up on reminder notices, failure to register or Domestic Animal Businesses will occur until October. No infringements being issued (Cost \$186K) Waiver of impoundment pet release fees for residents experiencing financial hardship (Est Cost \$4K)
Sporting Clubs
Ceased all fees and charges for Sporting Clubs and Associations

Reviewing our assistance level for Sporting Clubs and Associations that are experiencing financial hardship

Community Support

For all community facilities, we are no longer taking bookings for dates within the next six weeks.

Bookings are being accepted for facility hire for dates after the 1 May, however these are being treated as tentative bookings only at this stage.

For providers/groups cancelling room hire, they are being provided a refund if they have already paid for the hire. All hirers, casual or ongoing have been contacted and informed of the cancellation of their bookings.

All casual hirers that had paid for a booking up to 30 June 2020, that has now been cancelled, have been provided with a 100% refund.

All bookings (ongoing or casual) have been cancelled up to 30 June 2020.

We have put in place a new maximum room capacity limit for all bookable spaces. Room setups and seating has been adjusted to observe these limits and the social distancing model

External third parties with room bookings can still utilise their bookings (within the social distancing guidelines) - Only if the booking of the room/space at our facility is considered a place of work and these few organisations have been advised to abide by all social distancing requirements.

The municipal emergency response team has been meeting to enable our ability to provide assistance to community members as appropriate. The Community Care team is integral to the community facing efforts in relation to a pandemic emergency.

Ceased all Council delivered community events and programs.

Local Business Support

Free A-Frames provided to cafes and restaurants in retail precincts to promote they are open for business

Open for Business Campaign - weekly newspaper ads in the Star Weekly. (\$25K)

Venture Melton Business Network – free membership (\$79,200)

Planning fees waived for six months relating to commercial use and development

Waiver of 2020/21 business permit renewal fees \$540k (Food Act renewals, Street Trader, Outdoor Dining Permits, A Frame Permits and Health Act)

Amenity Protection – Waived Street Trader Permits (\$4k)

Relaxed Parking enforcement (Revenue loss \$90k / month)

Health & Building - Food & Health Registrations have been waived (\$380k)

Added 6 extra immunisation sessions for eligible residents to attend for influenza vaccination.

Financial Support

COVID-19 Financial Assistance Policy

- Waiver of interest on rates (To date cost \$160k)
- relax deferral rates and charges
- suspension of all legal action for rates & charges

3. Council and Wellbeing Plan Reference and Policy Reference

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives
 - 1.2 *A safe and equitable community.*

4. Financial Considerations

The financial implications for the program being offered are still being calculated but the isolation rules also have seen the ceasing of any functions, events, and gatherings which has led to savings. This also includes not hosting training and development classes through the neighbourhood houses.

The general "hardship waiver" referred to above for residential owner occupied properties would cost an additional \$4million approx. for each \$100 in value.

5. Consultation/Public Submissions

The Melton Council COVID-19 Crisis Management Team has been meeting and working daily on this issue, and has been responsible for engaging and consulting internally and externally in relation to the development of its Response & Recovery Strategy.

Council have been informed as to the active program to contact businesses to establish what support is required. Sporting and Service Clubs have also been spoken to about Council's desire to work with them during these challenging times

6. Risk Analysis

The risks and challenges associated with what needs to be done in this response environment is considered and addressed daily via the Crisis Management Team. A recovery team has been meeting infrequently to ensure it is capable of meeting any immediate needs going forward.

7. Options

Staff believe that all immediate and foreseen needs are being worked through and addressed via the Crisis Management Team.

The provision of specific relief to ratepayers through a form of general hardship waiver in respect of the 4th instalment of 2019/20 rates can be incorporated into the package should Council so determine.

LIST OF APPENDICES

Nil

12.10 SALE OF LAND AT 3-13 McDONALD STREET, MELTON SOUTH

Author: Laura-Jo Mellan - Executive Manager Property and Projects
Presenter: Laura-Jo Mellan - Executive Manager Property and Projects

PURPOSE OF REPORT

To consider the sale of land at 3-13 McDonald Street, Melton South

RECOMMENDATION:

That Council:

1. Sell the land at 3-13 McDonald Street to Department of Health and Human Services for \$750,000 excluding GST, for the purpose of Community Care Accommodation;
2. Utilise the proceeds from the sale to fund:
 - a) the realignment of the existing sewer within the lot being sold to the Department of Health and Human Services; and
 - b) the development of the balance of the reserve for the purposes of a local park; and
3. Authorise the CEO to negotiate and execute the contract of sale and all ancillary documents to give effect to the sale and settlement.

Motion

Crs Ramsey/Abboushi.

That the recommendation be adopted.

CARRIED

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

For:

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

Against:

Nil

The Mayor declared the Motion CARRIED

REPORT**1. Executive Summary**

Department of Health and Human Services (DHHS) have been in discussion with Melton City Council in respect of appropriate sites within the municipality for community care accommodation. Based on the work undertaken to date, it has been determined that the most appropriate site to accommodate the facility is at 3-13 McDonald Street, Melton South.

The proposal for the community care accommodation only requires 3,000sqm (0.3ha) of the reserve with the balance of approximately 5,000sqm (0.5ha) retained for public open space.

In this context, at the Ordinary Council meetings of 29 April and 22 July 2019, Council resolved, amongst other things, that part of the land at 3-13 McDonald Street was no longer required for the purposes of a park, that approximately 0.3 hectares could be used for community care accommodation and that the proceeds of the sale be used to embellish the balance of the park (approximately 0.5 hectares). The 22 July 2019 meeting also included details of the s233 submission received in accordance with s192 of the *Local Government Act 1989* in respect of the sale of the land.

Consequently, a two-lot subdivision was approved by Council at the Ordinary Meeting of 19 August 2019 to create the lot for the community care accommodation. The two-lot subdivision removes the reserve status on part of Reserve No. 1 on LP55461 and creates Lot 1 on PS829638B (approximately 0.3 hectares) with the balance to remain as reserve (approximately 0.5 hectares) (**Appendix 1**)

Council also resolved at the 19 August 2019 meeting to sell the land to DHHS for no less than \$865,000.00 based on a valuation received at that time.

Council officers have continued to work with DHHS and the Department of Environment, Water, Land and Planning (DELWP), in respect of the sale of land and rezoning of the land. It has been determined that the most appropriate zoning for the land given the proposed use is Public Use Zone (Schedule 3). Council resolved to seek authorisation for Amendment C216 to the Melton Planning Scheme which seeks to rezone part of the land at 3-13 McDonald Street, to Public Use Zone 3 to facilitate the development at the 19 August 2019 Council Meeting (Item 12.14).

As part of the certification process for the two-lot subdivision, Western Water requested that an easement be placed on the site over an existing sewer line which runs diagonally through the lot to be sold to DHHS (**Appendix 2**). DHHS advised that should this encumbrance be retained on the title, they would be unable to develop this site for its intended purpose.

As a result of both the proposed zoning and the required sewer works, a revised valuation was sought from the Valuer General by Council and DHHS. The revised valuation for the lot is **\$750,000.00** (excluding GST) on the basis of the Public Use Zone and Council as the vendor paying for the realignment of the sewer.

It is the view of officers that even with the lower valuation of **\$750,000.00** and the cost of realigning the sewer, this development results in a net community benefit and there is sufficient funds available to embellish the balance of the reserve.

2. Background/Issues

DHHS have been in discussions with Melton City Council in respect of appropriate sites within the municipality for community care accommodation. Based on the work undertaken to date, it has been determined that the most appropriate site to accommodate the facility is at 3-13 McDonald Street, Melton South. The land at 3-13 McDonald Street was originally acquired as public open space and currently vests in Council as a Reserve.

The proposal for the community care accommodation only requires 3,000sqm (0.3ha) of the reserve with the balance of approximately 5,000sqm (0.5ha) retained for public open space. The intended use of the park was to be a local park to service the surrounding residential area. Council's adopted Open Space Plan states that the desired standard of service for local parks is 0.2-2ha in size with a minimum of 0.5ha generally preferred. Officers assessed the proposal and considered that developing part of the site for the purposes of community care accommodation, does not prejudice the delivery of a local park on the balance of the site.

In this context, at the Ordinary Council meetings of 29 April and 22 July 2019, Council resolved, amongst other things, that part of the land at 3-13 McDonald Street was no longer

required for the purposes of a park, that approximately 0.3 hectares could be used for community care accommodation and that the proceeds of the sale be used to embellish the balance of the park (approximately 0.5 hectares). The 22 July 2019 meeting included details of the s233 submission received in accordance with s192 of the *Local Government Act 1989*.

Consequently, a two-lot subdivision was approved by Council at the Ordinary Meeting of 19 August 2019 to create the lot for the community care accommodation (Item 12.12 of the 19 August Agenda). The two-lot subdivision removes the reserve status on part of Reserve No. 1 on LP55461 and to subdivide the land to create Lot 1 on PS829638B with the balance to remain as reserve (**Appendix 1**).

Furthermore, at the Ordinary Council meeting of 19 August 2019, based on a valuation received at that time, Council resolved that:

1. *'Provided it has granted the permit the subject of Item 12.12 of this agenda, decide to sell Lot 1 on plan of subdivision PS829638B to the Department of Health and Human Services for not less than \$865,000';*
2. *Authorise the CEO to negotiate and execute the contract of sale and all ancillary documents to give effect to the sale and settlement.*

Finally Council also resolved to seek authorisation for Amendment C216 to the Melton Planning Scheme seeks to rezone part of the land at 3-13 McDonald Street, to Public Use Zone 3 to facilitate the development at the 19 August 2019 Council Meeting (Item 12.14).

Council officers have continued to work with DHHS and the Department of Environment, Water, Land and Planning (DELWP), in respect of the sale of land and rezoning of the land. DELWP agree that the most appropriate zoning for the land given the proposed use, is Public Use Zone (Schedule 3).

As the sale of land is between two public authorities, Council and DHHS are required to get a joint valuation from the Valuer General. Based on the lot and the proposed zoning, the first valuation issued by the Valuer General's office was \$430,000.00, considerably less than the market valuation received as part of the due diligence.

It is officers understanding that the reason for this low valuation was based on an evaluation against previous sites DHHS purchased which included covenants which restricted the use of the site. A discount was applied to the value of the site on the basis of that restriction.

The Public Use Zone (Schedule 3), essentially restricts the use of the land for a public use and more specifically, for a health or community use. Whilst the application of this zone restricts the uses that can be accommodated on the site, it is not as restrictive as the covenant examples that informed the valuation and therefore it was the view of Council officers that the discount applied to the valuation should have been lower.

As part of the certification process for the two-lot subdivision, Western Water requested that an easement be place on the site over an existing sewer line which runs diagonally through the lot to be sold to DHHS (**Appendix 2**). DHHS advised that should this encumbrance be retained on the title, they would be unable to develop this site for its intended purpose.

As a result of both the proposed zoning negating the need for a covenant on the land and the required sewer works, a revised valuation was sought from the Valuer General by Council and DHHS. The revised valuation for the lot based on the Public Use Zone 3 with no restrictive covenant is **\$750,000.00** (excluding GST). However, this on the basis that Council as the vendor pay for the realignment of the sewer.

Melton City Council, in consultation with Western Water as the owner of the utility, appointed a consultant to undertake concept design work to determine whether the sewer could be realigned. It has been determined that it can be realigned along the southern boundary of the lot and the estimated cost is approximately **\$88,000.00** (excluding GST).

The balance of the proceeds from the sale of the land will be utilised to develop the reserve which based on the estimated costs of the sewer realignment would be approximately **\$662,000.00** (excluding GST).

Based on the above, it is the view of officers that even with the lower valuation of **\$750,000.00** and the cost of realigning the sewer, this development results in a net community benefit for the following reasons:

- There is a demonstrable need for community care accommodation not only in the City of Melton but in the broader Western Region;
- The balance of the reserve remaining is approximately 0.5 hectares and therefore consistent with Council's adopted open space plan; and
- The park is currently undeveloped and the proceeds from the sale will be utilised to develop the park at no net cost to Council whilst providing a functional park for the community.

3. Council and Wellbeing Plan Reference and Policy Reference

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives
 - 1.2 *A safe and equitable community.*

4. Financial Considerations

As noted above the final valuation received determines the value of the lot subject of the sale to be **\$750,000.00**. This is based on the proposed Public Use Zone and the realignment of the sewer which runs diagonally through the site.

Initial cost estimates on the preliminary design for the realignment of the sewer are approximately **\$88,000.00**.

Council at its Ordinary Meeting on 22 July 2019, resolved its commitment to set aside funds from the sale to embellish the balance of the land. Based on the estimated costs of the sewer realignment the budget available for the development of the McDonald Street Reserve would be approximately **\$662,000.00** dollars subject to the final cost of realigning the sewer.

Based on recently completely parks of a similar scale, a budget of **\$500-600,000.00** would be sufficient for the development of a local park at 3-13 McDonald Street. It is therefore the view of officers that even if the sewer realignment was to cost more than the anticipated **\$88,000.00** there is still sufficient funds available to redevelop the park providing it does not exceed **\$250,000.00** which is unlikely.

Should Council be minded to proceed with the sale to DHHS, each party would bear their own legal and ancillary costs. Council's costs can be absorbed from the recurrent Legal budget. There are also costs associated with the planning scheme amendment but these would be absorbed from the recurrent City Design, Strategy & Environment budget.

Given that the proceeds of the sale would be for both the development of the reserve and the realignment of the sewer, there would be no net cost to Council to deliver the project.

5. Consultation/Public Submissions

Section 191 of the Act, provides that where Council transfers, exchanges or leases land to a public body, it may do so with or without consideration and without the need to advertise its intention and call for submissions. In other words, a sale to DHHS being a public body, does not trigger the advertising requirements that are set out in section 189.

6. Risk Analysis

Council has engaged with DHHS in relation to the building of Community Care Accommodation in Melton as outlined above and in previous reports relating to this project.

Given the extensive engagement between Council and DHHS on the project, it follows that if the sale does not proceed Council would not only risk the completion of the project itself, but also risk reputational damage and damage to the relationship between it and the DHHS.

If ultimately the plan of subdivision is registered but the sale does not proceed, then Council will be the owner of the new Lot 1 and be free to deal with the land including to dispose of it at another point in time, to the DHHS or another party for another purpose.

If the land is ultimately not sold it would also mean a lack of funds to embellish the balance of the lot which is retained as a reserve.

7. Options

Council has the option to:

1. Proceed with the sale of land at 3-13 McDonald Street to DHHS and expenditure of the proceeds of the sale on the basis of the recommendations of this report;
2. Not proceed with the sale of land.

LIST OF APPENDICES

1. 3-13 McDonald Street: Plan of Subdivision- undated
2. 3-13 McDonald Street: Sewer to be realigned - July 2019

12.11 ROAD DISCONTINUANCE FOR PART OF ST ARNAUD ROAD, EYNESBURY

Author: Maree Stellini - Legal Officer

~~Presenter: Christine Denyer – Manager Legal and Governance~~

Presenter: Kel Tori – Chief Executive Officer

PURPOSE OF REPORT

To consider a proposed road discontinuance for part of St Arnaud Road, Eynesbury including removal from Council's Public Register of Roads.

RECOMMENDATION:

That Council:

1. pursuant to section 17(4) of the *Road Management Act* 2004 (Vic), resolves that the road parcels shown hatched and marked 'A', 'B', 'C', 'D' and 'E' on the plan at Appendix 1, being part of the land contained in certificate of title volume 11388 folio 756 and known as (part) St Arnauds Road, Eynesbury (the Roads), be removed from Council's Register of Public Roads on the basis that the Roads are no longer reasonably required for general public use for the reasons set out in this report.
2. pursuant to clause 3 of Schedule 10 of the *Local Government Act* 1989:
 - (a) resolves that the required statutory procedures be commenced to discontinue the Roads;
 - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be published in the Melton & Moorabool Star Weekly newspaper;
 - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Roads are discontinued, Council proposes to sell the Roads to the adjoining owner for market value; and
3. Officers bring back a report to Council to consider any submissions and make a final decision on the matter.

Motion

Crs Turner/Ramsey.

That the recommendation be adopted.

CARRIED

REPORT**1. Executive Summary**

Eynesbury Property Development Pty Ltd (EPD) has requested that Council discontinue and sell parcels of land that form part of St Arnaud Road, Eynesbury in order to progress EPD's broader development of Lot S88 on plan of subdivision no. PS543210K (Lot S88).

The parcels comprise a total area of approximately 114 square metres shown hatched and marked 'A', 'B', 'C', 'D' and 'E' at **Appendix 1** and delineated in red in the locality plan at **Appendix 2** (the Roads).

EPD has agreed to pay Council's costs and disbursements associated with the proposed discontinuance of the Roads, together with the market value for the transfer of the discontinued Roads.

Council has powers under section 17(4) of the *Road Management Act 2004* to remove roads from the Register if they are considered no longer reasonably required for public use.

In this instance, the Roads:

- (a) only provide access to Lot S88; and
- (b) do not provide access as a thoroughfare to any other existing roads.

Council has powers under section 207A, clause 3 of Schedule 10 of the *Local Government Act 1989* (**Act**) to discontinue the Roads in accordance with 207A and 223 of the Act.

If Council is minded to consider the request of EPD it would commence the necessary statutory process by advertising its intention to discontinue the Roads including calling for submissions and/or those wishing to be heard on the matter.

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

2. Background/Issues

Eynesbury Property Development Pty Ltd (EPD) has requested that Council discontinue five parcels of land designated as a road, with a total area of approximately 114 square metres (the Roads). The discontinuance will enable EPD to continue with their broader development of Lot S88 on plan of subdivision no. PS543210K (Lot S88). A locality plan is attached at **Appendix 2** with the Roads delineated in red and Lot S88 highlighted green.

The Roads comprise the land shown hatched and marked 'A', 'B', 'C', 'D' and 'E' on the plan attached to this report at **Appendix 1**, being part of the land contained in certificate of title volume 11388 folio 756 and known as St Arnaud Road, Eynesbury.

The Roads were created by way of the registration of plan of subdivision no. PS543210K as part of EPD's staged subdivision development within Eynesbury. The Roads:

- i. are partially constructed of bitumen and partially unconstructed;
- ii. do not provide access to any part of the road network and only provide access to Lot S88 from St Arnauds Road (in the event that the Roads are discontinued, Lot S88 will continue to have access to St Arnauds Road); and
- iii. the Roads are listed on Council's Register of Public Roads (**the Register**) as part of St Arnauds Road.

EPD has since determined that the Roads are superfluous to their road requirements and therefore, has requested that Council remove the Roads from the Register, discontinue and sell the Roads to it.

Council has powers under section 17(4) of the *Road Management Act 2004* to remove roads from the Register if they are considered no longer reasonably required for public use. In this instance, the Roads:

- (a) only provide access to Lot S88; and
- (b) do not provide access as a thoroughfare to any other existing roads.

Council has powers under section 207A, clause 3 of Schedule 10 of the *Local Government Act 1989* (the Act) to discontinue the Roads in accordance with s.207A and s.223 of the Act.

If Council is minded to consider the request of EPD, Council must first give public notice accordance with section 223 of the Act calling for submissions in relation to the proposed road discontinuance and transfer to EPD. The Act provides that a person may, within 28 days of the date of the public notice, lodge a written submission. Where a person has made a written submission requesting that he or she be heard, Council must permit that person to be heard before a meeting of Council.

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

Council did not require EPD to seek the consent of any other adjoining owners as Lot S88 is the only property which abuts the Roads.

EPD has agreed to pay Council's costs and disbursements associated with the proposed discontinuance of the Roads, together with the market value for the transfer of the discontinued Roads.

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

EPD has agreed to purchase the Roads for their market value (plus GST).

In addition to the market value of the Roads (plus GST), EPD has agreed to pay Council's costs and disbursements in this matter.

5. Consultation/Public Submissions

If Council is minded to consider EPD's request to discontinue the Roads then Council must publish a public notice calling for submissions in relation to the proposed discontinuance. If any submitters wish to be heard then a hearing will be conducted.

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

6. Risk Analysis

The discontinuance of the Roads will facilitate the development within Eynesbury and there are no other risks to Council's as EPD have agreed to pay Council's legal costs.

7. Options

Council may either resolve:

1. not to remove the Roads from the Register; or
2. to remove the Roads from the Register; and
 - (i) to commence; or
 - (ii) not to commence,

the statutory procedures pursuant to clause 3 to Schedule 10 of the Act to discontinue the Roads and transfer the discontinued Roads to EPD.

LIST OF APPENDICES

1. Road Discontinuance Plan - undated
2. Locality Plan - undated

13. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES

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

14. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS

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

The meeting was adjourned at 9:52pm.

The meeting resumed at 10:03pm.

15. NOTICES OF MOTION

15.1 NOTICE OF MOTION 685 (CR RAMSEY)

Councillor: Sophie Ramsey - Councillor

Notice was given at the Ordinary Meeting of Council held 2 April 2020 of my intention to move the following motion at the Ordinary Meeting of Council to be held on 11 May 2020

MOTION:

That Council write to the Premier and Minister for Health urging the State Government to:

1. Include the design and development of Melton Hospital in any stimulus package the State commits to in response to COVID-19, and
2. Investigate the opportunity to expand medical training facilities in anticipation of an early delivery date for Melton Hospital.

Motion

Crs Ramsey/Turner.

That Council write to the Premier and Minister for Health urging the State Government to:

1. Include the design and development of Melton Hospital in any stimulus package the State commits to in response to COVID-19, and
2. Investigate the opportunity to expand medical training facilities in anticipation of an early delivery date for Melton Hospital.

CARRIED

OFFICER'S COMMENTS:

If the Notice of Motion is carried, this will be undertaken as part of Council's advocacy program.

15.2 NOTICE OF MOTION 686 (CR HARDY)**Councillor: Ken Hardy - Councillor**

Notice was given at the Ordinary Meeting of Council held 2 April 2020 of my intention to move the following motion at the Ordinary Meeting of Council to be held on 11 May 2020

MOTION:

That Council identify Council programs that have State Government levies and charges incorporated within them and write to the State Government seeking relief from these levies and charges during this COVID-19 pandemic.

Motion

Crs Hardy/Ramsey.

That Council identify Council programs that have State Government levies and charges incorporated within them and write to the State Government seeking relief from these levies and charges during this COVID-19 pandemic.

CARRIED

OFFICER'S COMMENTS:

If the Notice of Motion is carried, a letter will be sent to the State Government seeking relief from levies and charges during the COVID-19 pandemic. Levies and charges such as:

- Fire Service levy
- VPA levy on major planning applications
- Animal registration levy: \$4 per animal (est. \$94K in 19/20)
- Metropolitan Planning Levy: \$1.30 levy per \$1000 for development exceeding \$1,076,00 in value
- Landfill levy for municipal waste \$65.90 per tonne (expected cost to Council in 19/20 \$3,144,600).
- Parks & gardens levy

15.3 NOTICE OF MOTION 687 (CR ABBOUSHI)**Councillor: Steven Abboushi - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 11 May 2020.

MOTION:

That Council write to the Minister of Police, The Hon. Lisa Neville MP and Chief Commissioner Graham Ashton AM, to consider the possibility of opening a Victoria Police hub/centre within the Rockbank Aintree area to address the rise in anti-social behaviour and cater for the significant projected growth in residents.

Motion

Crs Abboushi/Kesic.

That Council write to the Minister of Police, The Hon. Lisa Neville MP and Chief Commissioner Graham Ashton AM, to consider the possibility of opening a Victoria Police hub/centre within the Rockbank Aintree area to address the rise in anti-social behaviour and cater for the significant projected growth in residents.

CARRIED

OFFICER'S COMMENTS:

If endorsed by Council, officers will prepare correspondence to The Hon. Lisa Neville MP and Chief Commissioner Graham Ashton AM.

15.4 NOTICE OF MOTION 688 (CR ABBOUSHI)**Councillor: Steven Abboushi - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 11 May 2020

MOTION:

That Council write to Prime Minister of Australia, The Hon. Scott Morrison requesting details of efforts made by the Australian Government to assist citizens stranded in overseas countries to return to Australia, and calling on his government to provide charter flights to repatriate all Australians, some of whom are City of Melton residents, who remain trapped overseas, as the lack of assistance to these Australian citizens abroad is not representative of our Australian values of mateship and supporting those in need. Bring our families home.

Motion

Crs Abboushi/Kesic.

That Council write to Prime Minister of Australia, The Hon. Scott Morrison requesting details of efforts made by the Australian Government to assist citizens stranded in overseas countries to return to Australia, and calling on his government to provide charter flights to repatriate all Australians, some of whom are City of Melton residents, who remain trapped overseas, as the lack of assistance to these Australian citizens abroad is not representative of our Australian values of mateship and supporting those in need. Bring our families home.

CARRIED

OFFICER'S COMMENTS:

Nil

16. COUNCILLOR'S QUESTIONS WITHOUT NOTICE**16.1 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Ramsey

What actions is Council continuing to take with regard to the squatters at the Melton amphitheatre?

16.2 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Turner

Regarding the recent dumping of contaminated soil at the Ravenhall landfill site;

- when did the recent contaminated soil dumping start at Ravenhall?
- where was it from, was it from the tunnel?
- were Council officers advised ahead of time?
- what was the level of contamination?; and
- what rights does Melton City Council have to control what is dumped at Ravenhall?

16.3 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Majdlik

In regard to Cr Ramsey's alternate motion that was carried at Item 15.5 on tonight's agenda, was there a mention of a Special Council Meeting for this upcoming Thursday and will that be live streamed at 7:00pm?

16.4 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Majdlik

How will Council let residents know about the Special Meeting of Council?

16.5 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Sebire

Given that we were informed earlier in the meeting that the Council has lost \$3M due to Covid-19 and assuming that loss was up to the end of the financial year, how much does Council forecast that it will lose from June to September?

16.6 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Kesic

Will the Council Meeting to be held this Thursday at 7:00pm be live streamed?

16.7 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Carli

Could I please have an update on the installation of the safety bollards on the corner of Calder Park Drive and Hume Drive in Taylors Hill?

Procedural Motion

Crs Majdlik/Ramsey.

In accordance with Council's Meeting Procedure Local Law 2013 and with the time now being 10:30pm, that Council extend the meeting by one (1) forty-five (45) minute interval.

CARRIED

17. MOTIONS WITHOUT NOTICE**17.1 COUNCILLOR'S MOTIONS WITHOUT NOTICE**

Cr Ramsey

That Council give consideration to a slight increase to the pensioner rebate for the 2020/21 draft budget.

17.2 COUNCILLOR'S MOTIONS WITHOUT NOTICE

Cr Majdlik

That Council officers provide a report in due time, once the Covid-19 pandemic has eased, outlining its findings and implementations of the requirements that Council is required to undertake in relation to the global pandemic and refine any aspects that Council could improve on to better prepare Council should another pandemic arise in the future.

17.3 COUNCILLOR'S MOTIONS WITHOUT NOTICE

Cr Turner

That Council write to the appropriate Ministers; the Minister for Planning, Minister for Environment and Minister for Major Projects, advising that the Council does not want contaminated soil dumped in our municipality or travelling through our municipality on non-major roads.

18. URGENT BUSINESS

Nil.

19. CONFIDENTIAL BUSINESS

Procedural Motion

Crs Majdlik/Ramsey.

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 Recommendations of the Semi-Annual Grants Assessment Panel Meeting

(h) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person.

19.2 Proposed Transfer of Owership of Regional Kitchen Pty Ltd

(d) as it relates to contractual matters.

CARRIED

Procedural Motion

Crs Majdlik/Ramsey.

That the meeting be opened to the public.

CARRIED

20. CLOSE OF BUSINESS

The meeting closed at 10:53pm.

Confirmed

Dated this

.....CHAIRPERSON