



MELTON CITY COUNCIL

**Notice is hereby given that the
Ordinary Meeting of the Melton City Council
will be held via a videoconference
on 25 May 2020 at 7:00pm.**

**Kelvin Tori
CHIEF EXECUTIVE**

TABLE OF CONTENTS

1.	OPENING PRAYER AND RECONCILIATION STATEMENT	4
2.	APOLOGIES AND LEAVE OF ABSENCE	4
3.	CHANGE TO THE ORDER OF BUSINESS	4
4.	DEPUTATIONS	4
5.	DECLARATION OF ANY PECUNIARY INTEREST, OTHER INTEREST OR CONFLICT OF INTEREST OF ANY COUNCILLOR	4
6.	ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	4
7.	RECORD OF ASSEMBLY OF COUNCILLORS	5
7.1	RECORD OF ASSEMBLY OF COUNCILLORS IN ACCORDANCE WITH SECTION 80A(1) OF THE LOCAL GOVERNMENT ACT 1989	5
8.	CORRESPONDENCE INWARD	9
8.1	PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR	9
9.	PETITIONS AND JOINT LETTERS	12
10.	RESUMPTION OF DEBATE OR OTHER BUSINESS CARRIED OVER FROM A PREVIOUS MEETING	12
11.	PUBLIC QUESTION TIME	12
12.	PRESENTATION OF STAFF REPORTS	13
12.1	RESPONSE TO PETITION - REQUEST TO CLOSE PEDESTRIAN WALKWAY IN CARINA DRIVE, MELTON	13
	To respond to the petition received at the Ordinary Meeting of Council on Monday 24 June 2019, requesting Council consider the closure of the pedestrian walkway in Carina Drive, Melton as a result of vandalism in the area.	

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- | | | |
|-------------|--|------------|
| 12.2 | RESPONSE TO NOTICE OF MOTION 668 (CR ABBOUSHI) - INVESTIGATION AND REPORT OF OPTIONS TO INSTALL TRAFFIC CALMING DEVICES ON EARLINGTON BOULEVARD, BURNSIDE. | 22 |
| | To respond to Notice of Motion 668 (Cr Abboushi) that Council officers investigate options and associated costs to install traffic calming devices along Earlington Boulevard, Burnside and prepare a report with suggested options to address road safety concerns on Earlington Boulevard. | |
| 12.3 | FINANCE REPORT - PERIOD ENDED 31 MARCH 2020 | 28 |
| | To present the 2019/2020 Finance Report for the 9 months ended 31 March 2020 (the Report). | |
| 12.4 | 2019-2020 COUNCIL AND WELLBEING ANNUAL ACTION PLAN THIRD QUARTER PROGRESS REPORT | 55 |
| | To provide the third quarter update on the progressive achievement of the Council's 2019-2020 Council and Wellbeing Annual Action Plan | |
| 12.5 | WORKING FOR VICTORIA PROGRAM | 87 |
| | To inform Council of the State Government's <i>Working for Victoria Fund</i> and seek approval to participate in the program. | |
| 12.6 | STEAM WEED CONTROL TRIAL | 90 |
| | To report back to Council the results of the steam weed control trial. | |
| 12.7 | HERITAGE ADVISORY COMMITTEE - APPOINTMENT OF COMMUNITY MEMBER | 93 |
| | To consider the appointment of a community representative to the Heritage Advisory Committee. | |
| 12.8 | PLANNING SCHEME AMENDMENT C212 - COMMUNICATIONS INFRASTRUCTURE POLICY | 96 |
| | To inform Council that the Department of Environment, Land, Water and Planning has refused the request for Authorisation for Planning Scheme Amendment C212. | |
| 12.9 | PLANNING APPLICATION PA 2019/6871/ - USE AND DEVELOPMENT OF A RESIDENTIAL HOTEL AND HOTEL, SALE AND CONSUMPTION OF LIQUOR (GENERAL LICENCE), AND INSTALLATION AND USE OF GAMING MACHINES AT 1 - 59 GREIGS ROAD, TRUGANINA AND 2 CLARA AVENUE, TRUGANINA | 104 |
| | To consider and determine the above proposal. | |

12.10	PLANNING APPLICATION PA 2020/6886 AND DEVELOPMENT PLAN DP2020/001 - DEVELOPMENT OF TWO DWELLINGS ON THE LAND, USE OF THE LAND FOR ACCOMMODATION (COMMUNITY CARE ACCOMMODATION) AND CONSTRUCT BUILDINGS AND WORKS ON LAND IN AN URBAN FLOODWAY ZONE AT 73 THE REGENCY, HILLSIDE	192
	To consider and determine the above planning application and development plan	
13.	REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES	229
14.	COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS	229
15.	NOTICES OF MOTION	230
15.1	NOTICE OF MOTION 691 (CR RAMSEY)	230
15.2	NOTICE OF MOTION 692 (CR MAJDLIK)	231
15.3	NOTICE OF MOTION 693 (CR TURNER)	232
16.	COUNCILLOR'S QUESTIONS WITHOUT NOTICE	233
17.	MOTIONS WITHOUT NOTICE	233
18.	URGENT BUSINESS	233
19.	CONFIDENTIAL BUSINESS	234
20.	CLOSE OF BUSINESS	234

1. OPENING PRAYER AND RECONCILIATION STATEMENT

The Chairperson will read the opening prayer and reconciliation statement.

Prayer

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

Reconciliation Statement

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

2. APOLOGIES AND LEAVE OF ABSENCE

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

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

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

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

That the Minutes of the Ordinary Meeting of Council held on 11 May 2020, Meeting of Council held on 14 May 2020 and Meeting of Council held on 19 May 2020 be confirmed as a true and correct record.

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

- 11 May 2020 Record of Assembly of Councillors
- 13 May 2020 Record of Assembly of Councillors
- 18 May 2020 Record of Assembly of Councillors

RECOMMENDATION:

That the Record of Assembly of Councillors dated 11, 13 and 18 May 2020 attached to this Agenda be received and noted.

LIST OF APPENDICES

1. Record of Assembly of Councillors - 11 May 2020
2. Record of Assembly of Councillors - 13 May 2020
3. Record of Assembly of Councillors - 18 May 2020

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

- Mr Peter Sammut – Chief Executive Officer, West Gate Tunnel Project, Major Transport Infrastructure Authority – Contaminated Soil from Westgate Tunnel Project

RECOMMENDATION:

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

LIST OF APPENDICES

1. Letter from Mr Peter Sammut, CEO West Gate Tunnel Project, Major Transport Infrastructure Authority - dated 15 May 2020

9. PETITIONS AND JOINT LETTERS

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

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

Nil.

11. PUBLIC QUESTION TIME.**Recommended Procedural Motion**

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.

If carried, the Public Questions will be read by the CEO and responded to by the appropriate officer.

Recommended Procedural Motion

That Standing Orders are resumed.

12. PRESENTATION OF STAFF REPORTS

12.1 RESPONSE TO PETITION - REQUEST TO CLOSE PEDESTRIAN WALKWAY IN CARINA DRIVE, MELTON

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 24 June 2019, requesting Council consider the closure of the pedestrian walkway in Carina Drive, Melton as a result of vandalism in the area.

RECOMMENDATION:

That Council:

- Retain the pedestrian walkway
- Improve the visual amenity of the pedestrian walkway by carrying out additional maintenance works such as trimming tree/vegetation that is intruding into the walkway.
- Request officers refer the vandalism and safety concerns to Council's Community Safety Committee.

REPORT

1. Executive Summary

At the Ordinary Meeting of Council on Monday 24 June 2019, a petition was tabled requesting Council close the pedestrian walkway in Carina Drive, Melton, due to vandalism occurring in the area. The petition was signed by 35 of the 58 (60%) residents who reside in Carina Drive.

Concerns within this petition that have been identified by residents of Carina Drive include property and vehicle damage. It is suggested that acts of vandalism from members of our community who use this corridor as a thoroughfare are a regular occurrence. As a result, a request has been received to consider the closure of the walkway.

The pedestrian walkway is located between 37 and 39 Carina Drive and facilitates pedestrian and cyclist access to and from Carina Drive to the Arnolds Creek Linear Reserve.

An inspection of the walkway revealed that there is extensive low vegetation and tree canopies intruding from above, creating an unpleasant environment. In addition, due to the arrangement of properties in Carina Drive, the walkway is not afforded with any form of passive surveillance as it is secluded from public view.

A data collection exercise has occurred that indicates pedestrians and cyclists use this walkway on a daily basis, of which a majority of users were students.

An assessment of viable options to address the pedestrian walkway closure has been undertaken, which has seen consideration given to temporary or permanent closure to

physically stop pedestrian movements from the Arnolds Creek Linear Reserve through Carina Drive.

There are a number of implications associated with temporary or permanent closure of the walkway. Officers recommend the pedestrian walkway be retained, and engagement be undertaken with Victoria Police regarding residents' concerns to request increased patrols in the area.

Amenity improvements to the walkway are also recommended, to deter unwanted and illegal behaviour.

2. Background/Issues

At the Ordinary Meeting of Council on Monday 24 June 2019, a petition was tabled requesting Council to close the pedestrian walkway in Carina Drive, Melton, due to vandalism occurring in the area. The petition was signed by 35 of the 58 (60%) residents who reside in Carina Drive.

Concerns within this petition that have been identified by residents of Carina Drive include property and vehicle damage. It is suggested that acts of vandalism from members of our community who use this corridor as a thoroughfare are a regular occurrence. As a result, a request has been received to consider the closure of the walkway.

The pedestrian walkway is located between 37 and 39 Carina Drive and facilitates pedestrian and cyclist access to and from Carina Drive to the Arnolds Creek Linear Reserve. There is a similar walkway further east of the Arnolds Creek Linear Reserve that runs between 99 and 101 Vista Drive. The two walkways enable convenient access for pedestrians and cyclists to walk or cycle to nearby schools including Melton Secondary College and Melton Specialist School, the Melton Indoor Recreation Centre, and Melton Waves Aquatic Facility. The location of the two pedestrian walkways and surrounding area is shown in **Appendix 1**.

An inspection of the walkway in Carina Drive revealed that there is extensive low vegetation and tree canopies intruding from above, creating an unpleasant environment. In addition, due to the arrangement of properties in Carina Drive, the walkway is not afforded with any form of passive surveillance as it is secluded from public view. Whereas compared to the pedestrian walkway in Vista Drive which is well presented with no vegetation or tree canopies intruding into the walkway and has good passive surveillance due to the walkway being visible to a number of properties within the street. Photos of both pedestrian walkways are shown in **Appendix 2**.

In recent times, there have been incidents of graffiti and illegal dumping of rubbish within the Carina Drive walkway.

In order to determine community usage of the pedestrian walkway in Carina Drive, a data collection exercise occurred that indicates that pedestrians and cyclists use this walkway on a daily basis. The surveys were conducted on Sunday 9 February 2020 and on Tuesday 11 February 2020 from 6am to 10pm. The dates and times chosen represent a typical weekday and a typical weekend.

The survey results indicates that on Sunday, there were a total of 14 pedestrians and cyclists utilising the walkway. These are likely to be associated with recreational activities such as accessing the Arnold Creek Linear Reserve, Melton Indoor Recreation Centre or general walking of the surrounding pedestrian network. On Tuesday (a typical weekday), there were a total of 31 pedestrians and cyclists utilising the walkway of which majority were students utilising the pedestrian walkway to commute to and from schools.

Based on the survey results, it can be seen that there is a significant number pedestrians and cyclists utilising the pedestrian walkway.

An options assessment has occurred to address concerns relating to this petition, which comprises of the following;

Option 1 – Retain walkway

This option would see the walkway retained, and improvements occur to the visual amenity of the walkway by carrying out additional maintenance works such as trimming tree/vegetation that is intruding into the walkway.

This approach is based on the Crime Prevention Through Environmental Design (CPTED) where specific built and social environment features can deter unwanted and criminal behaviours. Strategies can be as simple as frequent maintenance and rapidly removing graffiti which can deter offenders. This approach has proven effective in other pedestrian walkways within the municipality, including Vista Drive.

Council will continue to manage and maintain the walkway and advise residents to report any unwanted behaviour to Victorian Police.

Option 2 – Temporary walkway closure

This option would see the temporary closure of the pedestrian walkway by fencing it off at each end, and removing the path connection from Arnolds Creek linear reserve. Council would remain the owner of this parcel of land that will not be accessible to the general public. Council would continue to manage and maintain this land. A physical barrier in the form of chainmesh fencing or similar would be installed, that would see this pedestrian connection closed to our community.

Option 3 – Permanent walkway closure

This option would see the removal of the walkway and consolidating this parcel of land to one of the neighbouring properties (No. 37 or 39). Similar to the option above, this would eliminate the need for Council to manage and maintain this pedestrian walkway, with a pedestrian connection then abolished in this location.

Both the temporary closure and the removal of the walkway will result in pedestrians and cyclists being diverted and required to walk an extra 200m to access to the schools (Melton Secondary College and Melton Specialist School) and the Melton Indoor Recreation Centre located on Coburns Road. The diversion routes are shown in **Appendix 3**.

Although there are alternative routes, the closure and the removal of the pedestrian walkway in Carina Drive will limit and restrict pedestrians access via Carina Drive and as a result, may reduce the number of pedestrians walking and cycling to access to some of Council's facilities such as the Arnolds Creek Linear Reserve, nearby schools such as Melton Secondary College and Melton Specialist School, the Melton Indoor Recreation Centre, and Melton Waves Aquatic Facility.

Based on the three options above, there are a number of implications associated with temporary closure and permanent removal of the walkway. Officers recommend that through improvements to the visual amenity of the walkway, along with increased Victoria Police surveillance in Carina Drive, this may deter unwanted and criminal behaviour as proven with other pedestrian walkways within the municipality.

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

Option 1

This option would see additional maintenance works occur such as trimming tree/vegetation that is intruding into the walkway, at a cost of \$800. This cost can be accommodated within the current maintenance budget.

Option 2

This option would a physical barrier installed in the form of chainmesh fencing or similar that would see this pedestrian connection closed to our community, at a cost of \$6,500.

Option 3

Financial considerations associated with this option would be explored accordingly. The sale of land would be considered by the sale provision in accordance with the *Local Government Act 1989*.

5. Consultation/Public Submissions

The outcome of this report will be provided to the lead petitioner.

In the event Option 1 is resolved, officers will work with property owners to carry out tree trimming and vegetation clearance that is intruding onto the walkway.

6. Risk Analysis

Option 1

This option would see the walkway retained, and improvements occur to the visual amenity of the walkway by carrying out additional maintenance works such as trimming tree/vegetation that is intruding into the walkway. There is the potential for vandalism to continue to occur.

Option 2

This option to temporarily close the pedestrian walkway by providing a physical barrier in the form of chainmesh fencing or similar, would see this pedestrian connection closed to our community.

Option 3

This option to permanently close the pedestrian walkway via the sale of land to an abutting property owner may present a risk in the event an agreement cannot be reached with either of the owners adjacent to this walkway.

7. Options

Option 1

This option would see the walkway retained, and improvements occur to the visual amenity of the walkway by carrying out additional maintenance works such as trimming tree/vegetation that is intruding into the walkway.

Council will continue to manage and maintain the walkway and advice residents to report any unwanted behaviours to Victorian Police.

Option 2

This option would see the temporary closure of the pedestrian walkway by fencing it off at each end, and removing the path connection from Arnolds Creek linear reserve. A physical barrier

in the form of chainmesh fencing or similar would be installed, that would see this pedestrian connection closed to our community.

Option 3

This option would see the removal of the walkway and consolidating this parcel of land to one of the neighbouring properties (No. 37 or 39).

LIST OF APPENDICES

1. Location of pedestrian walkways and surrounding area - dated 1 April 2020
2. Photos of the pedestrian walkways - undated
3. Detour Routes - dated 1 April 2020

12.2 RESPONSE TO NOTICE OF MOTION 668 (CR ABOUSHI) - INVESTIGATION AND REPORT OF OPTIONS TO INSTALL TRAFFIC CALMING DEVICES ON EARLINGTON BOULEVARD, BURNSIDE.

Author: Raja Matharu - Traffic Engineer

Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To respond to Notice of Motion 668 (Cr Abboushi) that Council officers investigate options and associated costs to install traffic calming devices along Earlington Boulevard, Burnside and prepare a report with suggested options to address road safety concerns on Earlington Boulevard.

RECOMMENDATION:

That Council;

1. Note the costs and risks provided in this report associated with the installation of traffic calming devices on Earlington Boulevard, Burnside.
2. Request officers deploy the Speed Awareness Trailer on site to raise awareness of the speed of vehicles in the area.

REPORT

1. Executive Summary

At the Ordinary Meeting of Council held on 3 February 2020, the following Notice of Motion 668 (Cr Abboushi) was resolved:

'That Council officers investigate options and associated costs to install traffic calming devices along Earlington Boulevard, Burnside and report to Council by the March Ordinary Meeting of Council.'

Subsequent to the report tabled at the Ordinary Meeting on 26 March 2020 that advised a further report be presented upon completion of the traffic count data and analysis, the investigation is now complete.

Council Officers have investigated speeding concerns on Earlington Boulevard and have assessed the requirement for traffic calming devices, in accordance with Council's Traffic Calming Policy. The results indicate that traffic calming measures are not warranted on Earlington Boulevard.

It is proposed the Speed Awareness Trailer be deployed on Earlington Boulevard to raise awareness of the 50km/h speed limit in local streets and encourage road users to drive safely.

2. Background/Issues

Earlington Boulevard in Burnside is a local access road of approximately 200m in length, comprising of two 5m wide trafficable lanes in each direction and a centre median that

separates the traffic lanes. There has been no recorded vehicle crash statistics along Earlington Boulevard in the last 5 years.

Council has previously investigated vehicle speeds on Earlington Boulevard, Burnside in May 2017. The results of this investigation indicated that traffic calming devices were not warranted as the 85th percentile traffic speed was 52km/h that is 85% of traffic was travelling at 52km p/h or less. This is within the marginal tolerance of default urban speed limit of 50km/h, and as a result, this did not trigger consideration for traffic calming devices.

In accordance with this Notice of Motion, Council officers have undertaken a further assessment of the need for traffic calming devices on Earlington Boulevard with respect to Council's Traffic Calming Policy. An investigation has also occurred regarding a range of options and associated costs for the installation of various treatments on Earlington Boulevard.

Council's Traffic Calming Policy has an objective method of assessing and prioritising traffic calming requests. It establishes a balance in policy and resourcing between engineering, education and law enforcement interventions in road safety. The need for traffic calming devices is evaluated based on a range of factors including traffic volumes, speed, crash history, vulnerable road users, road design and other activity generators in the area. Based on the assessment criteria and applying the traffic calming principles, the analysis indicates that traffic calming devices are not warranted.

Whilst traffic calming devices are not warranted, a number of options were investigated for consideration;

Option 1 - Use of Speed Awareness Trailer

The placement of Council's Speed Awareness Trailer on Earlington Boulevard would raise community awareness and remind drivers of the 50km/h speed limit in local streets. This would encourage drivers to slow down, drive safely and be aware of other road users including pedestrians. The Speed Awareness Trailer displays the speed of oncoming vehicles and, depending on the recorded speed, shows a different message to the driver.

Option 2 - Speed restriction signage and line marking

In accordance with the Victorian Road Safety Rules, Earlington Boulevard operates at a default speed limit of 50km/h which does not require to be signed to operate at 50km/h. Traffic studies show that signage and line marking are less effective in reducing traffic speeds. The installation of speed signs requires VicRoads authorisation.

Option 3 - Construction of traffic calming device

The construction asphalt speed humps would see devices placed on Earlington Boulevard, adjacent to 1 Strickland Crescent and 13 Earlington Boulevard. This option requires consultation with affected residents in the adjoining road network. It is noted however that this option is not warranted and does not align with the requirements of Council's Traffic Calming Policy.

As mentioned, Earlington Boulevard has been assessed for traffic calming devices in accordance with Council's Traffic Calming Policy. The results indicate the site has low safety and amenity concerns. An assessment of the options above has been undertaken. Whilst no action is required in the form of physical treatments, Council officers recommend the placement of the Speed Awareness Trailer at the site to raise awareness of vehicle speed as drivers travel through on this road.

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

Option 1

To install Council's Speed Awareness Trailer on site, the financial costs associated with this option would be in the order of \$400 which can be accommodated within the existing Engineering Services operating budget.

Option 2

The installation of 50km/h pavement line marking and signage on Earlington Boulevard would incur an estimated cost of \$2,500 and funded from Council's Minor Capital Works budget.

Option 3

The construction of two asphalt speed humps would see a budget allocation of \$24,000 required. Given the estimated cost, a capital budget allocation would be required.

5. Consultation/Public Submissions

Option 1

Consultation with residents is not proposed for the installation of Council's Speed Awareness Trailer on site.

Option 2

In the event linemarking activities were considered, notification to residents would occur prior to works proceeding. The installation of speed restriction signage, would require VicRoads authorisation. Notification to residents would occur to inform them of the proposal and outline the process regarding VicRoads approval.

Option 3

In the event traffic calming devices were constructed, we would undertake a consultation process with relevant stakeholders in accordance with Council's Traffic Calming Policy.

6. Risk Analysis

Option 1

The risk associated with the adoption of Option 1 is minimal. An investigation has occurred in line with Council's Traffic Calming Policy and traffic calming devices are not deemed required.

Option 2

This option would see a treatment proposed that does not align with the principles within Council's Traffic Calming Policy. Further to this, there may also be a risk the installation of speed signs may not be authorised by VicRoads, given urban roads operate at a default speed limit of 50 km/hr and do not require speed signs installed for enforcement purposes.

Option 3

This option would see traffic calming devices constructed that are not warranted in this instance, and would not align with Council's Traffic Calming Policy outcomes. Community consultation is also required in accordance with the adopted Policy, which may also see affected residents oppose the proposed works due to other factors including increased noise levels and aesthetic purposes.

7. Options

Whilst traffic calming devices are not warranted, a number of options were investigated for consideration;

Option 1

Deployment of Council's Speed Awareness Trailer on site.

Option 2

Installation of 50km/h pavement line marking and signage on Earlington Boulevard (Please refer to **Appendix 1**).

Option 3

Construction of traffic calming devices on Earlington Boulevard in the form of asphalt speed humps, located adjacent to properties 1 Strickland Crescent and 13 Earlington Boulevard. (Please refer to **Appendix 2**).

LIST OF APPENDICES

1. Option 2 - Speed signage and line marking - undated
2. Option 3 - Speed hump location - undated

12.3 FINANCE REPORT - PERIOD ENDED 31 MARCH 2020

Author: Sam Rumoro - Manager Finance

Presenter: Peter Bean - General Manager Corporate Services

PURPOSE OF REPORT

To present the 2019/2020 Finance Report for the 9 months ended 31 March 2020 (the Report).

RECOMMENDATION:

That the Council note the report.

REPORT

1. Executive Summary

This monthly report compares 9 months ending 31 March 2020 YTD results with the profiled YTD approved budget for the same period.

2. Background/Issues

This Finance Report is being presented to Council to outline Council's financial position as at 31 March 2020. Every three months a finance report will be presented to Council providing this level of information. Previously the Council finance report formed part of the minutes of the Municipal Audit Committee meeting. Section 138(1) of the *Local Government Act 1989* specifies:

At least every 3 months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to the Council at a Council meeting which is open to the public.

Detailed analysis of the following financial information is outlined within this report:

The underlying operating surplus for the March year to date (YTD) period was \$36.43million. This compared with the profiled budgeted result of \$38.21 million resulted in an unfavourable variance of \$1.78 million. Operating revenue (excluding capital grants and contributions) was unfavourable to budget by \$5.03 million due mainly to 50% of grants commission funding of \$8.5 million for the current year received in advance in June 2019 and treated as income in the last financial year. Partially offsetting this was favourable variances in Rates and Fee income due to growth.

Overall operating expenditure was \$3.25 million favourable to budget due mainly to favourable variances in employee and administrative expenditure, partially offset by an unfavourable variance in contracts and materials expenditure.

Atherstone land sales net income is unfavourable to budgeted due mainly to due higher than anticipated levels of cancellations at settlement.

Forecasted underlying deficit is \$9.37 million which is due mainly to timing of grants commission funding and lower than budgeted land sales as specified above.

The actual capital expenditure completed at the end of March was \$35.0m or 46.9% of the total Council capital expenditure forecast including carry forwards.

Council's total cash position at month end is \$231.6 million. This balance includes general and restricted investments representing carry forward expenditure, employee entitlements, and developer contributions received for future capital works. The working capital ratio for the YTD period is a healthy 1:12.

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

Council note the operating surplus/deficit for the March YTD period and other financial matters outlined in the attached report.

5. Consultation/Public Submissions

N/A.

6. Risk Analysis

Financial report provides transparency over the financial performance of Council and will ensure Council's continued compliance with the legislative requirements.

7. Options

The Council can:

1. Note the report as per the recommendation;
2. Request further information/clarification if deemed necessary.

LIST OF APPENDICES

1. 2019/2020 Finance Report - 9 months ended 31 March 2020

12.4 2019-2020 COUNCIL AND WELLBEING ANNUAL ACTION PLAN THIRD QUARTER PROGRESS REPORT

Author: **Bob Baker - Corporate Planning and Performance Coordinator**

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

PURPOSE OF REPORT

To provide the third quarter update on the progressive achievement of the Council's 2019-2020 Council and Wellbeing Annual Action Plan

RECOMMENDATION:

That Council receive and note the 2019-2020 Council and Wellbeing Annual Action Plan Third Quarter Progress Report (1 January – 31 March 2020) as presented at **Appendix 1**.

REPORT

1. Executive Summary

The 2017-2021 Melton City Council and Wellbeing Plan is prepared in accordance with the *Local Government Act 1989*. The Plan is reviewed on an annual basis to adapt to the evolving needs of our growing community.

Each year, Council produces an Annual Action Plan identifying the activities and initiatives that Council will work towards achieving, which respond to the strategic outcomes and strategies identified in the Council and Wellbeing Plan. This is aligned with the Council's annual budget development process.

The progressive achievement of the Annual Action Plan is reported at the conclusion of each quarter of the financial year, with a final summary provided at the conclusion of each financial year, through the production of Council's Annual Report.

Appendix 1 provides detail on activity for the third quarter (1 January - 31 March 2020), in the progressive achievement of the 2019-2020 Council and Wellbeing Annual Action Plan.

2. Background/Issues

The Council and Wellbeing Plan is Council's primary vision and strategic planning document that establishes the direction Council has committed to for its term of office (4 years). The Council and Wellbeing Plan contains objectives, strategies and performance indicators.

Each year Council provides a range of services, activities and initiatives for the community. These key strategic activities and new initiatives are included in the development of an Annual Action Plan.

The 2019-2020 Council and Wellbeing Annual Action Plan provides 134 actions that Council has committed to deliver. Council provides the community with quarterly progress reports that support Council's commitment in providing transparency, through public access to relevant information, decision making and strategic documents.

Appendix 1 provides a detailed summary on the status of each action in the 2019-2020 Council and Wellbeing Annual Action Plan, inclusive of the period from 1 July 2019 - 31 March 2020. The areas with a stronger link to health and wellbeing are displayed with a heart icon ♥

The following table provides summary of progress against actions.

Status	Description	Number of actions
Achieved	The Action is completed.	38
On track	The action is on track and expected to be completed by the current timeline	82
Not On Track	The Action has been delayed impacting on the current timeline. An explanation and any remedial action and revised due date, where appropriate, is provided in the 'progress comments' column	11
Postponed	The Action has been deferred for the financial year. An explanation is provided in the 'progress comments' column	3
Total		134

Key achievements this quarter include:

- Timbertop and Fraser Rise Children's and Community Centres are now both licensed to operate Kindergarten and Long Day Care services and commenced operation.
- Construction of the City Vista Sports Precinct has been completed.
- A review of the service model for Property Services has been completed with a report presented to the Executive.

Upon Council receipt of this update, the Progress Report will be published on Council's website.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

Initiatives and activities delivered from the Action Plan are contained within the Council approved 2019-20 Budget.

5. Consultation/Public Submissions

The 2017-2021 Council and Wellbeing planning process involved extensive consultation with stakeholders including the community, Council staff, government agencies, community organisations and private industry. This process resulted in the publication of the 2017-2021 Melton City Council and Wellbeing Plan. The 2019-2020 Council and Wellbeing Annual Action Plan is prepared from internal consultation of Council management.

6. Risk Analysis

Nil

7. Options

Nil

LIST OF APPENDICES

1. 2019-2020 Council and Wellbeing Annual Action Plan Third Quarter Progress Report

12.5 WORKING FOR VICTORIA PROGRAM

Author: Les Stokes - Manager Operations

Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To inform Council of the State Government's *Working for Victoria Fund* and seek approval to participate in the program.

RECOMMENDATION:

That Council:

1. participate in the Working for Victoria Fund, operating within the funding guidelines to prioritise employment for local residents.
2. delegate authority to the Chief Executive Officer to finalise and execute any necessary documentation to give effect to the Working for Victoria Fund, on behalf of Melton City Council.
3. subject to receiving Ministerial approval (as outlined in this report), delegate authority to the Chief Executive Officer to finalise and execute any necessary documentation to engage Citywide Service Solutions Pty Ltd for the provision of services under for the Working for Victoria Fund, on behalf of Melton City Council, subject to the satisfaction of Recommendation 2.

REPORT

1. Executive Summary

As part of the Victorian Government's response to the COVID-19 pandemic and the resultant increase in unemployment, a \$500 million *Working for Victoria Fund* has been announced. Local Government is being asked to access the Fund and employ additional workers to undertake essential service roles.

It is proposed that Council participate in the program by creating jobs for 196 workers, both directly employed with Council and with Citywide, Council's current Roads, Parks and Tree Maintenance Service Provider.

If Council agrees to participate in the program, it must formally enter into a funding agreement by the end of May 2020 and have the first employees commence work by the end of June 2020. In order to meet these deadlines Council will need to delegate to the Chief Executive Officer the authority to execute the funding agreement and any other documentation required by the State Government.

Council Officers have reached an in principle agreement for the employment of 134 workers by Citywide. Again, in order to meet the Fund deadlines, Council will need to delegate to the Chief Executive Officer the authority to execute any necessary documentation including contract/s with Citywide.

Section 186 of the *Local Government Act 1989* (the Act) requires contracts of this nature to be entered into by way of a public tender unless a statutory exemption applies. There would be significant time lost if Council were to issue a public tender process for the proposed

contract and in doing so Council would be at risk of not being able to comply with the requirements of the Fund and therefore, Council would not be in a position to participate in the program. As a result, Council Officers have applied for Ministerial approval in accordance with section 186(5)(c) of the Act.

2. Background/Issues

The Victorian Government has announced a \$500 million Working for Victoria Fund. The Fund has been established as part of the Victorian Government's response to the COVID-19 pandemic. The Fund is designed to help workers who have lost their jobs find new opportunities in critical roles supporting the community.

On 31 March 2020, Local Government CEO's were expressly invited by both the Hon Martin Pakula, Minister for Jobs, Innovation and Trade and the Hon Adem Somyurek, Minister for Local Government to access the Fund to employ additional workers to undertake essential service roles.

Through this program the Victorian Government will provide funding to Council to cover the cost of employing the additional workers for six months. These roles must not replace existing workers. Councils were required to make application to the Fund by 14 April 2020.

Council Officers assessed the activities that these staff could undertake and number of staff that would be required. It is proposed that Council employ 62 full-time staff and Citywide Service Solutions (Council's current provider for Road, Park and Tree maintenance services) take on a further 134 full-time employees to work under the program.

Council Officers are current planning to deploy these 196 workers to the following activities:

- Roadside Litter Collection
- Broad scale mulching works
- Playground cleaning/sanitisation
- Park and street furniture cleaning/sanitisation
- Footpath Cleaning/Cleansing
- Waterway litter removal
- Asset Data Collection/Condition assessment
- Horticultural work at Melton Botanic Gardens
- Dumped rubbish patrols
- Open space fence painting
- Tree planting
- Rotunda/shelter cleaning and painting

Should Council's application to the Fund be accepted, Council will be required to enter into a Working for Victoria funding agreement by the end of May 2020 and started on-boarding staff within 21 days of signing the agreement.

Council Officers have reached an in-principle agreement with Citywide and it is proposed that Council; using funds under the agreement, will reimburse Citywide for costs incurred for the services and works provided. In order to meet the timelines in the Working for Victoria Fund, Council will need to formalise a Contract with Citywide almost immediately after the signing of the funding agreement.

Section 186(1) of the Act requires councils to carry out a public tender or expression of interest process prior to entering into a contract of this value. Given the already discussed restrictive timelines, an application has been made to the Minister for Local Government,

seeking approval to enter into the proposed contract with Citywide in accordance with section 186(5)(c) of the Act.

3. Council and Wellbeing Plan Reference and Policy Reference

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

4. A strong local economy and a lifelong learning City: A City rich in local employment and education opportunities

4.2 More local employment options with an increasing number of residents employed.

4. Financial Considerations

Council Officers have applied for \$7,337,246 (excl. GST) under the Working for Victoria Fund. It is intended that the Fund covers all Council's costs associated with delivering the Program. Including all staff and contractor costs, materials, plant, equipment, resources, management and administrative overheads.

5. Consultation/Public Submissions

Council Officers have been in regular contact with the Department of Jobs, Precincts and Regions during the development of the application.

Council Officers has sought approval from the Minister for Local Government in accordance with s186(5)(c) of the Act, to enter into the proposed contract with Citywide.

6. Risk Analysis

Council will have full control over expenditure under the program and therefore can ensure that its own budgets are not adversely impacted by the program. Expenditure will be monitored and controlled using existing accounting systems and processes.

7. Options

This report recommends Council participation in the Working for Victoria Fund, subsequently providing employment for 196 people. Council could choose not to participate in the program.

LIST OF APPENDICES

Nil

12.6 STEAM WEED CONTROL TRIAL

Author: Wayne Kratsis - Parks and Open Space Coordinator - Operations

Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To report back to Council the results of the steam weed control trial.

RECOMMENDATION:

That Council note the results of the steam weed control trial.

REPORT

1. Executive Summary

A trial has been conducted using steam to control weeds at Springside Community Centre, in response to the Council resolution made on 12 November 2018. The trial which ran for 12 months, indicated that steam was not a complete substitute for glyphosate, and was only effective in controlling weeds in some circumstances. Steam weed control also remains a more costly control measure.

The MAV continues to advise Councils that the use of glyphosate products can continue to be used safely following the directions in the Safety Data Sheet and the labels.

2. Background/Issues

At the ordinary meeting of Council on 12 November 2018, Council considered a report in response to Notice of Motion 571 (Cr Abboushi) and resolved the following:

That Council:

- 1. do not proceed with steam weeding as a maintenance practice for weed control.*
- 2. continue to investigate new options to control weeds as they become commercially available to ensure we meet best practice.*
- 3. conduct a trial of steam control at a suitable site over a 12 month period and report back to Council.*

In response, the Springside Community Centre was selected for the purpose of this trial and Western Land Services were appointed to fulfil this service commencing 1 January 2019.

In order to evaluate the effectiveness of steam, the subject site was not treated with any other herbicide during the trial period. Hand removal of weeds, where more practical, continued to provide a complete weed control regime.

The time and cost in performing the weed control via steam is considerably greater than conventional methods, largely because the steam is non systemic and complete saturation is required for control which is a slower process. The initial set up including pressurising and heating the tank is also more intensive than the equivalent requirements of personal knapsack sprayer. Figure 1, shows the Steam Weed Control Unit used in the trial.



Fig 1: Steam Weeding Unit at Springside, Caroline Springs.

The benefits of steam control is that effects are immediately evident, with the intense heat causing wilting almost instantly. It is most effective on weeds in paving and other non-permeable surfaces where the steam does not dissipate into the soil. It was not suitable as a complete weed control regime, nor was it considered reasonable or safe to conduct works whilst children were in the outdoor space despite the organic nature of the treatment.

The results of the trial concluded that steam was effective in controlling juvenile weeds up to 20cm in height. Weeds that were larger than this with more extensive root systems were scorched by the steam but grew back rapidly. There were also some logistical challenges with multiple fenced yards prohibiting easy access for the hose and the hose has a maximum length of 30m.

The trial suggests that Council’s current method of weed control remains preferred. The below table outlines the criteria used to evaluate this trial.

	Ability to treat all weeds.	Efficient to apply. (time)	Efficient to apply. (cost)	Environmentally Friendly	Ability to access all areas.	Safety Factor (staff)
Glyphosate	High	High	High	Medium	High	Medium
Steam	Low	Low	Medium	High	Low	Medium

Fig 2: Summary of results steam weed trial 2019

There has been mounting pressure over the last 12 months for industry to seek non chemical based weed solutions. This has seen a number of herbicides come onto the market that provide an option of organic weed control using a conventional knapsack sprayer. As detailed in the 12 November 2018 report, Council Officers continue to review maintenance practices regularly to ensure we achieve the best outcome for our community.

The Municipal Association of Victoria’s position on Council use of glyphosate remains that products containing glyphosate can continue to be used safely following the directions in the Safety Data Sheet and the labels. This position is guided by the Australian Pesticides and Veterinary Medicines Authority (APVMA) and WorkSafe who are the regulatory authorities in this space.

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

In order to engage a contractor with the necessary plant to complete the steam trial the cost was \$200 per visit. The equivalent cost of having an operator with a knapsack sprayer would be around \$60. If Council elected to commit to a broader program using steam there would be some efficiencies gained.

The implementation of Steam Weed Control to Kindergartens, Community Centres, Maternal and Child Health Centres and Playgrounds would cost Council \$170,000 pa.

5. Consultation/Public Submissions

Melton City Council has been actively working with the MAV and is sharing data with like Councils who are also investigating options around alternatives to glyphosate. Whilst some municipalities are employing other methods of weed control the data is compelling that glyphosate remains the most viable option on the market to date.

6. Risk Analysis

The use of steam to control weeds and the high temperatures involved in the treatment process introduces a new 'heat burn' risk for operators. This risk is relatively simple to mitigate with appropriate training, PPE and safe work method statement.

Council continues to act in accordance with MAV, Australian Pesticides and Veterinary Medicines Authority and Worksafe guidelines, ensuring its practices minimise risk exposure.

7. Options

This report recommends that Council note the outcomes of the Steam Weed Control trail, effectively leaving Resolutions 1 & 2 to remain and guide Council's ongoing operations.

Council could resolve to commence using steam to control weeds in conjunction with existing methods of weed control, therefore committing Council to the additional cost of \$170,000 pa

LIST OF APPENDICES

Nil

12.7 HERITAGE ADVISORY COMMITTEE - APPOINTMENT OF COMMUNITY MEMBER

Author: Georgina Borg - Strategic Planner

Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To consider the appointment of a community representative to the Heritage Advisory Committee.

RECOMMENDATION:

That Council approve the appointment of the community representative Hang Nguyen to the Heritage Advisory Committee.

REPORT

1. Executive Summary

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

Two community representative positions on the Committee will become vacant at the end of May 2020, both for a two year term. The two upcoming vacancies were advertised from 24 March – 24 April 2020 and one application was received.

The application was assessed on 1 May 2020 by three independent staff members who do not have a conflict of interest with the applicant.

Based on the assessment of the application, it is recommended that Council approve the appointment of community representative Hang Nguyen to the Committee.

The remaining unfilled position can be re-advertised at a later date.

2. Background/Issues

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

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

- Consider applications to the City of Melton Heritage Assistance Fund and make recommendations on applications to Council.
- Promote, select and advise Council on nominations to the City of Melton Heritage Awards.
- Act as a promotion and coordinating body for heritage in the community, including providing advice on marketing and promotion of the values or heritage and heritage related tourism in the City of Melton.

- Provide advice to Council on the documentation, interpretation, management and conservation of history and heritage in the City of Melton.
- Make recommendations to Council about further work required to document and protect Melton's heritage.
- Provide recommendations for the nomination of places to local, state or national heritage registers.
- Advocate in a professional manner on behalf of the community and celebrate the community history and heritage within the City of Melton.
- Assist Council in sourcing external funding or sponsorship opportunities to further heritage conservation, promotion, management and education.

Applications

Two community representative positions on the Committee will become vacant at the end of May 2020, both for a two year term. The two upcoming vacancies were advertised from 24 March to 24 April 2020 and one application was received.

The application received was from Hang Nguyen whose application was assessed on 1 May 2020 by three independent staff members who do not have a conflict of interest with the applicant.

The independent assessment concluded Hang Nguyen to be a suitable candidate to fill one of the vacant positions based on the application submitted.

It is therefore recommended that Council approve the appointment of community representative Hang Nguyen to the Heritage Advisory Committee.

The remaining unfilled position can be re-advertised at a later date.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

4. Financial Considerations

There are no financial considerations associated with the Committee position.

5. Consultation/Public Submissions

Two vacancies were advertised from 24 March to 24 April 2020. This included an advertisement published in the *Melton and Moorabool*, and *Brimbank and North West Star Weekly* newspapers on Tuesday 24 March 2020. The vacancies were also advertised on Council's website and social media pages.

6. Risk Analysis

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

7. Options

Council can choose to either:

1. Approve the appointment of Hang Nguyen as a community representative to the Heritage Advisory Committee.
2. Not appoint Hang Nguyen as a community representative to the Heritage Advisory Committee which would result in two vacant positions.

LIST OF APPENDICES

Nil

12.8 PLANNING SCHEME AMENDMENT C212 - COMMUNICATIONS INFRASTRUCTURE POLICY

Author: Lucy Slater - Senior Strategic Planner
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To inform Council that the Department of Environment, Land, Water and Planning has refused the request for Authorisation for Planning Scheme Amendment C212.

RECOMMENDATION:

That Council notes that Authorisation for Planning Scheme Amendment C212 has been refused by the Department of Environment, Land, Water and Planning (**Appendix 1**).

REPORT

1. Executive Summary

A Notice of Motion was carried at the Ordinary Council Meeting on 2 May 2016 to prepare a report outlining the requirements and costs associated with developing a 'Strategic Telecommunications Mobile Tower Placement Document'. The report was presented to Council on 30 May 2016, and Council subsequently resolved to prepare a 'Strategic Telecommunications Infrastructure Policy'.

City Strategy then prepared the *Communications Infrastructure Policy Framework, December 2017* (the Framework), which was adopted by Council on 18 December 2017, where Council also resolved to seek Authorisation from the Minister for Planning to implement a Communications Infrastructure Local Policy into the Melton Planning Scheme through Amendment C212.

The Framework provides guidance for the location and design of communications infrastructure that an applicant must consider when making an application to Council. It also outlines what information Council would expect to see as part of any planning application, as well as guidance on seeking planning permits and leasing Council owned land for telecommunications facilities.

Following extensive discussions with DELWP and delays caused by changes in the Planning Policy Framework by State government, Officers requested Authorisation for Amendment C212 April 2019. Department of Environment, Land, Water and Planning (DELWP) refused the request in March 2020 for a number of reasons, including that State legislation already provides all necessary direction on the matter (**Appendix 1**).

It should be noted that although the local policy to implement the *Communications Infrastructure Policy Framework (2017)*, into the Melton Planning Scheme has been refused by DELWP, the Framework is still an adopted Council document and therefore, will still be used in the assessment of any future planning permits for communications infrastructure.

2. Background/Issues

Legislation surrounding the siting and design of telecommunications facilities is governed by the Commonwealth and State, through documents such as 'A Code of Practice for Telecommunications Facilities in Victoria', the Telecommunications (Low Impact Facilities) Determination Act 1997, the Australian Communications Industry Forum (ACIF) Code, as well as Clause 52.19 of the Melton Planning Scheme.

Council did not have its own policy or guidelines regarding the siting and design of telecommunications facilities, which made it difficult for Council officers when negotiating for improved design outcomes with Telecommunications Carriers over and above what was required by the documents listed above.

A Notice of Motion was carried at the Ordinary Council Meeting on the 2 May 2016 to prepare a report outlining the requirements and costs associated with developing a 'Strategic Telecommunications Mobile Tower Placement Document'. This report was presented to Council on 30 May 2016, and it was then resolved to approve the preparation of the policy and allocate funds to prepare a 'Strategic Telecommunications Policy' in the 2016-2017 budget.

Work commenced on the renamed, *Communications Infrastructure Policy Framework*, in 2016 and it was completed in late 2017. The final *Communications Infrastructure Policy Framework* was adopted at the Ordinary Meeting of Council on 18 December 2017. At this meeting, Council also resolved to seek Authorisation for Amendment C212 to implement a Communications Infrastructure Local Policy into the Melton Planning Scheme (**Appendix 2**).

The Framework forms part of the assessment of any planning permit applications for communications infrastructure submitted to Council. It provides guidance for the location and design of communications infrastructure that an applicant must consider when making an application for communications infrastructure. The Framework also outlines what information Council would expect to see as part of any planning application, and guidance on seeking planning permits and leasing Council owned land for telecommunications facilities.

To provide further weight to the document by including some of the recommendations from the Framework into the Melton Planning Scheme, Council requested Authorisation to include a Communications Infrastructure Local Policy. Authorisation was requested in April 2019.

The Department of Environment, Land, Water and Planning (DELWP) refused Council's request for Authorisation on 13 March 2020 (**Appendix 1**), citing the following reasons:

- The Victoria Planning Provision (VPP) at Clause 52.19 (Telecommunications Facility) provides all the direction required for decision making, therefore, a local policy is not required.
- The proposed local policy would duplicate content of the existing provision at Clause 52.19 and also would add an additional layer of requirements when a planning permit is required, which would be contrary to orderly planning principles.
- Local policy should only be used to provide locally specific direction for a municipality. It must not assume the role of state policy or take on a broader mandate.
- The proposed local policy seeks to include additional and more stringent requirements which are beyond the scope of the planning scheme and are already dealt with by existing Commonwealth and State legislation.
- The particular provisions at Clause 52.19 and A Code of Practice for Telecommunications Facilities in Victoria, July 2004 ensure local planning policy objectives can be achieved and impacts on amenity can be appropriately managed, consistent with orderly and proper planning.

It should be noted that although the request to introduce a local policy to implement the Communications Infrastructure Policy Framework (2017), into the Melton Planning Scheme

has been refused, the Framework is still an adopted Council document. As such, the Framework will be used in the assessment of any future planning permits for communications infrastructure in conjunction with Clause 52.19 of the Melton Planning Scheme and any relevant state and federal legislation and regulations

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

3.1 A City that strategically plans for growth and development.

4. Financial Considerations

A fee of \$3050.90 was paid to DELWP for the Authorisation request. This fee was paid from the City Design, Strategy & Environment recurrent budget. As Amendment C212 will not proceed, there will be no further expenditure by Council related to this Amendment.

5. Consultation/Public Submissions

As Authorisation for Amendment C212 was refused therefore no further consultation is required.

6. Risk Analysis

The risks associated with the Authorisation request being refused are reasonably low, for the reasons outlined by DELWP in their refusal. Guidance for the assessment of any application is provided through the existing provision at Clause 52.19 of the Melton Planning Scheme, A Code of Practice for Telecommunications Facilities in Victoria, July 2004 and Council's adopted Communications Infrastructure Policy Framework.

7. Options

That Council notes that Authorisation for Planning Scheme Amendment C212 has been refused by the Department of Environment, Land, Water and Planning.

LIST OF APPENDICES

1. Refusal of Authorisation Amendment C212 - dated 13 March 2020
2. Ordinary Meeting of Council Minutes (Item 12.13) - dated 18 December 2017

12.9 PLANNING APPLICATION PA 2019/6871/ - USE AND DEVELOPMENT OF A RESIDENTIAL HOTEL AND HOTEL, SALE AND CONSUMPTION OF LIQUOR (GENERAL LICENCE), AND INSTALLATION AND USE OF GAMING MACHINES AT 1 - 59 GREIGS ROAD, TRUGANINA AND 2 CLARA AVENUE, TRUGANINA

Author: Valentine Sedze - Development Planner
Presenter: Bob Baggio – Manager Planning Services

PURPOSE OF REPORT

To consider and determine the above proposal.

RECOMMENDATION:

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

REPORT

1. Background

Executive Summary

Applicant:	Zahav (Aust) Pty Ltd
Proposal:	Use and development of a residential hotel and hotel, sale and consumption of liquor (general licence), and installation and use of gaming machines
Existing Land Use:	Vacant
Zone:	Urban Growth – Schedule 9, Commercial 2 (Applied Zone)
Overlays:	Infrastructure Contributions – Schedule 3
Number of Objections:	One
Key Planning Issues:	Electronic Gaming Machines Liquor consumption Design and built form Compatibility of the use Mt Atkinson and Tarneit Plains Precinct Structure Plan
Recommendation:	Approve application

The Land and Surrounding Area

The subject site covers an area of 2.8 hectares and is located on the eastern side of McKinley Drive, approximately 200m south of its intersection with Grand Boulevard in Truganina. Other features of the site are as follows:

- The site is vacant and regular in shape.
- The site straddles two allotments - Lot P on PS813252P and Lot A on PS813264G.

- The site has northern and eastern boundaries of approximately 81m and 339.2m respectively and southern and western boundaries of approximately 83.3m and 339m respectively.
- An existing gas transmission pipeline easement adjoins the eastern boundary of Lot A on PS813264G. However, the proposed portion of land to be developed sits outside this easement.
- To the west, the site adjoins a future north – south key local access street (McKinley Drive) with green link. Vehicle access to the site is proposed via this future local access street.
- The site is located outside the 200m quarry blast buffer and the 500m quarry sensitive use buffer of the Boral Ravenhall Quarry located east of Hopkins Road.

The surrounding area can be characterised as transitioning from predominantly rural land/activities to urban development in accordance with the Mt Atkinson and Tarneit Plains Precinct Structure Plan. To the north, is the future Mt Atkinson Town Centre and immediately west of the site is an emerging residential suburb. The site forms part of the wider Business and Large Format Retail precinct known as the Hopkins Road Business Precinct.

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

The Application

The application proposes the Use and development of a residential hotel and hotel, sale and consumption of liquor (general licence), and installation and use of gaming machines.

The proposed use and development is summarised as follows:

- A four–storey residential hotel over a basement comprising 66 rooms, gym, lap pool and back house facilities, four meeting rooms with a combined capacity of 80 people and three function rooms with a combined capacity of 400 people. The residential hotel will accommodate a maximum of 480 people at one given time (within the meeting rooms and function rooms).
- Single storey hotel comprising a reception area, bistro (180 seats) with alfresco terrace (100 seats), café/lounge area (200 seats) with outdoor terrace (60 seats), sports bar (150 patrons) with an external terrace (60 patrons), children’s play area, with both indoor and outdoor aspects and a gaming room with 60 Electronic Gaming Machines (EGMs).
- Vehicle access to the site is via the proposed future McKinley Drive. The site will be accessed via four entry points off McKinley Drive.
- The proposed future McKinely Drive will be constructed by Stockland prior to the commencement of the proposed use.
- Incorporation of Environmental Sensitive Design (ESD) measures that include installation of solar panels, on-site collection and re-use of rainwater, reducing consumption of non-sustainable building materials during construction and specific design measures to improve the environmental efficiency of the building.
- Construction materials and finishes include powder-coated aluminium, perforated metal feature awnings, translucent roofing, feature timber cladding, render and brick wall finish.
- The overall building height is 23.8m above natural ground level (excluding the lift overrun).
- 510 on-site car parking spaces are proposed, primarily located within the northern and southern portions of the site.
- A total of 78 bicycle spaces comprising 46 bike store parks are proposed at the lower ground floor and 32 visitor bicycle parks are distributed across the ground floor.
- Live entertainment and amplified music, inclusive of DJ’s is proposed indoors.
- Live entertainment in outdoor areas will be restricted to amplified acoustic guitar and vocals between 12.00 noon to 9.00 pm.
- Amplified music/tv/sports broadcasting being played at background music levels is proposed in outdoor areas during all trading hours.

- Hours of operation for the use of the subject land including the supply and consumption of liquor are:
 - For consumption off the licensed premises
 - Good Friday and ANZAC Day: Between 12.00 noon and 11.00pm.
 - On any other day: Between 8.00 am and 11.00pm.
 - For consumption on the licensed premises
 - *Café, Gaming Room and external area adjacent to the Gaming Room:*
 - Good Friday and ANZAC Day: Between 12.00 noon and 2.00 am the following morning.
 - On any other day: Between 8.00 am and 2.00 am the following morning.
 - *Outdoor areas (other than external area adjacent to Gaming Room):*
 - Good Friday and ANZAC Day: Between 12.00 noon and 11.00 pm.
 - On any other day: Between 8.00 am and 11.00 pm.
 - *Residential Hotel*
 - At any time and on any day
 - *In the remainder of the premises:*
 - Good Friday and ANZAC Day: Between 12.00 noon and 3.00 am the following morning.
 - On any other day: Between 8.00 am and 3.00 am the following morning.
- The applicant states that the proposal will generate benefits that include provision of community contributions in the order of \$90,000 per annum, creation of 57 Equivalent Full Time (EFT) employee positions, \$7.3million over the first 12 months of operation in complementary expenditure and \$3.4million over the first 12 months of operation in supply contracts.
- Use of the land for the sale and consumption of liquor (general licence). The general licence will allow for the consumption of alcohol both on and off the premises. The proposed licensed area is shown on the redline plan.
- The planning application was submitted with a Social and Economic Impact Assessment Report prepared by Ratio Consultants, Traffic Impact Assessment Report prepared by Ratio Consultants, Sustainable Design Assessment Report prepared Low Impact Development Consultants and an Acoustic Assessment Report prepared by Enfield Acoustics.

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

Planning Controls

<p>Zone</p>	<p>(Clause 37.07 – Urban Growth Zone (Schedule 9))</p>	<p>Except with the consent of the responsible authority and the Victorian Planning Authority (VPA), a permit may not be granted to use or subdivide land, or construct a building and carry out works on land identified as ‘Mt Atkinson Major Town Centre Urban Design Framework Extent’, ‘Western Freeway Commercial Area Urban Design Framework Extent’ or ‘Hopkins Road Business Precinct Commercial Areas Urban Design Framework Extent’ on Plan 6 of the <i>Mt Atkinson and Tarneit Plains Precinct Structure Plan</i>, until an urban design framework for the area has been prepared to the satisfaction of the responsible authority and the Victorian Planning Authority.</p> <p>A permit may be granted to subdivide land or to construct a building or construct and carry out works prior to the approval of an urban design framework if, in the opinion of the responsible authority, the permit is consistent with the requirements for the urban design framework and the permit implements the relevant objectives in the <i>Mt Atkinson and Tarneit Plains Precinct Structure Plan</i>.</p> <p>The Urban Design Framework for the Hopkins Road Business Precinct Commercial Areas where the site is located has not been prepared.</p> <p>The VPA does not consider the approval of this planning permit will prejudice the preparation of the UDF given its location on the periphery of the Hopkins Road business precinct. The development will assist in facilitating early delivery of services for the emerging residential area and town centre. On this basis, the VPA consents to the permit being issued prior to the preparation of the Hopkins Road business precinct UDF.</p>
	<p>(Clause 34.02 - Commercial 2 Zone)</p>	<p>A planning permit required for the use and development of a residential hotel and a hotel within the Commercial 2 Zone.</p>

Overlays	(Clause 45.11 – Infrastructure Contributions Overlay (Schedule 3))	<p>A permit must not be granted to construct a building or construct or carry out works until an Infrastructure Contributions Plan has been incorporated into the Melton Planning Scheme.</p> <p>An Infrastructure Contributions Plan has been incorporated into the Melton Planning Scheme and applies to this proposal. Developer Contributions will be required to be paid in accordance with the Mt Atkinson and Tarneit Plains Infrastructure Contributions Plan towards provision of future local community facilities.</p>
Particular Provisions	(Clause 52.06 – Car Parking)	<p>A rate of 0.4 car spaces to each patron permitted is required a Hotel use. A maximum of 810 patrons are proposed to be accommodated within the premises at any one time resulting in the need for the proposal to provide a total of 324 car spaces on-site.</p> <p>The Melton Planning Scheme does not specify a car parking requirement for a residential hotel. The provision of car parking for the residential hotel is therefore to the satisfaction of the Responsible Authority. The residential hotel will provide 66 rooms and a capacity for 480 patrons within the meeting rooms and function rooms.</p> <p>The proposal will provide a total of 510 car spaces within the northern and southern portions of the site. The provision of car parking within the development is considered adequate as this satisfies the car parking requirements under Clause 52.06 of the Melton Planning Scheme. It is considered that the number of car parking spaces to be provided on-site will be sufficient to accommodate patrons of all uses as they will generate peak activity at different times and days of the week.</p>
	(Clause 52.27 - licensed premises)	A planning permit is required to sell and/or consume liquor (general licence).
	(Clause 52.28-2 – Gaming)	A planning permit is required to install or use a gaming machine.

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 a Restrictive Covenant; however the proposal does not breach any conditions of the Covenant. Covenant H432355 was created on 23 February 1979 to allow creation of an easement for the Gas and Fuel Corporation of Victoria. The existing gas transmission pipeline easement (E-1) which is located along Hopkins Road is shown on Lot A on PS813264G. The proposed portion of land to be developed sits outside this easement.

Is the land of Cultural Heritage Sensitivity?

The land is considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*; and a Cultural Heritage Management Plan (CHMP No.13712, dated 29 August 2017) was approved for the broader Mt Atkinson and Tarneit PSP which covers Greigs Road, Truganina; Mt Atkinson Road, Truganina; Middle Road, Truganina and Hopkins Road, Truganina.

2. Council and Wellbeing Plan Reference and Policy Reference

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

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

3.1 A City that strategically plans for growth and development.

3. Financial Considerations

No Council related financial considerations are involved with the application.

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

The application was subject to an informal public notification process. Public notices were sent to Boral Ravenhall Quarry and the owners and occupiers of the residential lots located to the west and north of the site. The informal notification was satisfactorily completed and, at the end of the process, one objection was received. Council cannot consider the submission as a formal objection as the proposal is exempt from notice and review.

The grounds of objection may be summarised as follows:

- The proposal will prejudice the development of the wider Hopkins Road Business Precinct within the Mt Atkinson and Tarneit Precinct Structure Plan.
- The proposal will result in a poor urban design outcome, with a 'big box' surrounded by a sea of at-grade, hardstand (oversupplied) car parking.
- The proposal does not provide a meaningful landscape response and does not provide adequate opportunity for canopy tree planting in accordance with Council's Off-Street Car Parking guidelines.
- The proposal fails to integrate into its future neighbourhood. Pedestrian connections are limited, with no proposed future connections to the south or east.
- Given the size of the site, the design response fails to provide a respectful balance between site coverage, built form, transport connections and open space. The proposal is an overdevelopment of the site and an inappropriate planning outcome.
- The proposal oversupplies car parking (134 spaces) at the expense of meaningful

landscaping, Water Sensitive Urban Design initiatives and improvements to the public realm. Insufficient justification has been provided for such a significant oversupply.

- The proposal is inconsistent with the proposed Melton Planning Scheme Amendment C182 which is a seriously entertained planning proposal.

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

Referral of the application

The application was referred to Council's Infrastructure Planning, City Design, City Strategy, Traffic and Transport, Environmental Health, City Environment and Sustainability, Social Planning and City Landscape teams for comment and advice. In addition, the application was referred to the Victorian Commission for Gambling and Liquor Regulation (VCGLR), Department of Economic Development, Jobs, Transport and Resources (DEDJTR), Victorian Planning Authority, Head Transport for Victoria, APA VTS and Victoria Police. A complete list of responses is included in **Appendix 5**.

Of particular note are the comments from a number of Council's internal teams who suggest reducing the extent of hardstand at-grade car parking. To resolve this concern, appropriate conditions may be applied to any permit that may issue requiring increased landscape setbacks within the frontage of the development and additional trees within dedicated landscape areas within the car park. Trees within the car park are currently within diamond inserts. These diamond inserts will not be capable of accommodating canopy trees and will be impacted by vehicles using the car spaces.

5. Issues

Planning Assessment

The proposed use and development is considered to meet the purpose and decision guidelines of the zone and the Planning Policy Framework and Local Planning Policy Framework of the Melton Planning Scheme and the requirements of the Mt Atkinson and Tarneit Precinct Structure Plan. The uses are appropriate for the area and will be complementary to what is envisioned for the future Hopkins Business Precinct.

The proposed facade treatments provide an appropriate degree of visual interest through use of varied materials and finishes, along with vertical and horizontal articulation elements to minimize the perception of visual bulk and enhance the buildings' appearance. The design response of the proposal is generally considered an appropriate fit in terms of the emerging character of the locality as it will sit comfortably in its context. The suggestions from Council's internal departments to increase the building footprint and incorporate a combination of podium style parking and basement car parking into the development is acknowledged. However, to avoid a redesign of the building, it is considered that increasing the landscaping buffers and providing tree planting (35 percent canopy cover) in the car parking areas in accordance with Council's Off-street Car Parking Guidelines, (2015) would soften any impact of the development. The proposed overall tree canopy cover is approximately 22 percent which is less than the required 35 per cent coverage required by Council.

The proposed car parking layout plan is required to be revised in order to provide wider tree planting areas that promote the healthy growth and protection of trees in accordance with the City of Melton Off-Street Car Parking Guidelines, (2015) as a condition of any approval. Appropriate tree species that will provide wide canopy cover have been included as conditions, if a permit is to issue. Wider planting areas will reduce the number of proposed car spaces. In order to satisfy Council's policies in relation to car parking (to ensure that a satisfactory number of car spaces are provided) and landscaping, appropriate conditions will be required to modify the layout/dimensions of the proposed building and car park area.

It is considered that the proposed use and development will not result in unreasonable off-site amenity impacts to adjoining properties given the proposed hours of operation, 1.7m acoustic

fencing on outdoor terrace areas and the amenity related conditions that will form part of any permit that issues. In addition, the recommendations relating to live entertainment and music amplification detailed in the Acoustic Report prepared by Enfield Acoustics Pty Ltd dated 15 December 2019 will also form part of the conditions of any permit that issues.

In the Ministerial Direction of 20 September 2017, the City of Melton has a municipal limit (cap) of 824 gaming machine entitlements. Currently, 523 entitlements have been issued across seven (7) venues which include Sugar Gum Hotel, Golden Fleece Hotel, The Club, Western Waters Hotel, MAC'S Hotel, Tabcorp Park and Melton Country Club. These venues are also subject to a maximum entitlement of 105 EGM's per venue. Given that 523 entitlements have been issued to date, the City of Melton catchment is under the current cap of 824.

Applications for the development of a new EGMs venue, must demonstrate that due consideration has been delivered to the local, economic and social benefit to the City of Melton. The main economic impacts of the proposal are estimated new expenditure on EGM gaming in the City Melton ranging between \$5,124,600 and \$5,650,200 annually (estimated to commence August 2022), increase in competition between gaming venues in Melton, community contributions of \$90,000 per annum (Indexed to Consumer Price Index) for the life of the entitlements to community groups, \$7.3 million over the first 12 months of operation in complementary expenditure, \$3.4 million over the first 12 months of operation in supply contracts, creation of 57 equivalent full time (EFT) employee positions and increased employment during the construction phase. Overall, it is considered that the proposal will have a net positive economic impact on community wellbeing.

The major social impact arising from this proposal is the potential for an increase in problem gambling. It is considered that any problem emanating from this proposal will be limited as the development can appropriately be categorised as a multi-destination venue offering a wide range of services and activities. As such, patrons are more likely to make a conscious decision to visit the venue. In this respect, the venue can be distinguished from those venues currently located within Melton's activity centre that are more likely to function as convenience venues, where an impulsive decision to gamble while engaged in day to day activities (shopping), is more likely to occur.

According to Clause 21.09-2 of the Melton Planning Scheme, the City of Melton has several pockets of socio-economic disadvantage (as defined by the SEIFA Index of Relative Socio-economic Disadvantage). The people in these areas of disadvantage are particularly vulnerable to gambling related vulnerabilities which include financial stress, social isolation, family violence and being time poor. The objective of Clause 21.09-2 is to minimise the adverse impacts of liquor venues and gaming venues on the community by managing the spread of venues across the municipality, and managing the location, design and operation of licenced premises and gaming machines to reduce their harmful social and amenity impacts. Notwithstanding the surrounding area to the subject site is largely undeveloped with a population of 385 people at the 2016 Census and the social and economic profile of the patron catchment changing once the area is fully developed. A SEIFA index analysis is relevant in this instance to understand the current social and economic profile of the patron catchment of the proposed venue.

The SEIFA Index of Relative Socio – economic disadvantage for the City of Melton Local Government Authority (LGA) at 994 is at par with the Victorian LGA average of 994. The lower the figure the higher the disadvantage.

The table below outlines the SIEFA index of suburbs that fall within a 5km radius of the venue which is generally considered to be the primary patron catchment area for a venue.

SEIFA Index of Disadvantage (5km radius)			
Suburb	SIEFA Index	Decile	Percentile
Truganina	1022	6	51
Ravenhall	934	1	8
Mount Cottrell	945	2	11
Rockbank	903	1	4
Plumpton	1065	9	83
Caroline Springs	1036	7	63
Burnside	971	3	21
Median Suburb			1020
<p>Deciles: all areas are ordered from lowest to highest score, the lowest 10% of areas are given a decile number of 1 and so on, up to the highest 10% of areas which are given a decile number of 10. This means that areas are divided up into ten groups, depending on their score. Decile 1 is the most disadvantaged relative to other deciles.</p> <p>Percentiles: all areas are ordered from lowest to highest score, the lowest 1% of areas are given a percentile number of 1 and so on, up to the highest 1% of areas which are given a percentile number of 100. This means that areas are divided up into one hundred groups, depending on the score. Percentile 1 is the most disadvantaged relative to the other percentiles.</p> <p>SEIFA score is created using information about people and households in a particular area. An SA1 score is standardised against a mean of 1000 with a standard deviation of 100. This means that the average SEIFA SA1 score will be 1000 and the middle two-thirds of SEIFA scores will fall between 900 and 1100 (approximately).</p>			

Source: Australian Bureau Statistics 2016 www.abs.gov.au

The SEIFA rankings indicate high disadvantage in underdeveloped areas of Ravenhall, Rockbank, Mount Cottrell as well as the established suburb of Burnside, in comparison with areas of less disadvantage in more developed suburbs of Truganina, Caroline Springs and Plumpton. The SEIFA score where the venue will be located (Truganina) sits above the suburb median and sits within the 6th decile indicating that it has few signs of vulnerability or disadvantage. The assessment above demonstrates that the proposal complies with relevant policy of the Melton Planning Scheme.

The venue will also provide a full range of hotel facilities and services to patrons. Having regard to the various positive attributes of the proposal, its effect on any potential for problem gambling is likely to be negligible. It is also considered that the proposed hours of operation for the gaming room from between 12.00 noon and 2.00 am are appropriate as this provides for a 10 hour break in play, exceeding the recommended 4 hour break in play.

The use of the land for the sale and consumption of liquor is considered appropriate subject to conditions that protect the amenity of surrounding properties. Clause 52.27 of the Melton Planning Scheme requires consideration, as appropriate, of the cumulative impact of existing and proposed liquor licences, the hours of operation and number of patrons, on the amenity of the area. The process of a cumulative impact assessment is explained in Practice Note 61, *Licensed Premises: Assessing Cumulative Impact* (March 2011). The guidelines apply to all applications for new or expanded licensed premises that will be licensed and open after 11.00 pm and are located in an area where there is a cluster of licensed premises. A cluster is defined as a concentration of licensed premises consisting of three or more licensed premises within a radius of 100 metres or 15 or more licensed premises within a radius of 500 metres. Whilst the proposed venue will open after 11.00 pm, it will not be located in a cluster of licensed premises hence a cumulative impact assessment is not mandatory. The proposal is not proximate to other licensed premises and will not have a cumulative impact on the amenity of the immediate area. Additionally, the proposed venue provides for the serving of food and has a number of entertainment spaces which suggest that the venue will predominantly operate with a focus on dining, functions and entertainment. The proposed hours of operation for the sale and consumption of liquor are deemed appropriate as the times are generally consistent with other venues in the City of Melton. The table below shows the trading hours of others

venues within the municipality.

Trading Hours					
Venue and type of licence	Consumption off the licensed premises	Consumption on the licensed premises - In the Gaming Room, Sports Bar, Lounge Bar/Cafe and Function Room	Consumption on the licensed premises - In the Bistro and Private Function Rooms	External - The external area adjacent the Gaming Room	The external area adjacent the Bistro, Function Room, Lounge Bar/Cafe and Sports Bar
West Waters Hotel (late night (general) licence)	Sunday: Between 10.00 am and 11.00 pm. Good Friday and Anzac Day: Between 12.00 noon and 11.00 pm. On any other day: Between 9.00 am and 11.00 pm.	Anzac Day: Between 12.00 noon and 3.00 am the following morning. On any other day: Between 7.00 am and 3.00 am the following morning.	Anzac Day: Between 12 noon and 1am the following morning. On any other day: Between 7am and 1am the following morning.	Anzac Day: Between 12 noon and 3am the following morning. On any other day: Between 7am and 3am the following morning.	Anzac Day: Between 12 noon and 1am the following morning. On any other day: Between 7am and 1am the following morning.
The Club (full club licence)	ANZAC Day: Between 12.00 noon and 3.00 am the following morning. On any other day: Between 9.00am and 3.00 am the following morning.	ANZAC Day: Between 12.00 noon and 3.00 am the following morning. On any other day: Between 9.00 am and 3.00 am the following morning			
Sugar Gum Hotel (Late night (general) licence)	Good Friday and ANZAC Day: Between 12.00 noon and 11.00 pm. On any other day: Between 7.00 am and 12 midnight.	In the Gaming Room: At any time on any day except for the period between 3.00 am and 12.00 noon on the morning of ANZAC Day. Courtyard adjacent the Gaming Room - On any day between 7am and 5am the following morning. In the remainder of the premises and external areas – Good Friday and ANZAC Day Between 12.00 noon and 11.00 pm Sunday to Wednesday Between 7.00am and 1am the following morning. Thursday to Saturday Between 7.00am and 3am the following morning.			

The application was accompanied by a Traffic Report prepared by Ratio Consultants Pty Ltd which has been reviewed by Council's Traffic and Transport team. Council's Traffic and Transport team have not raised any objection to the proposal. The Traffic Report states that the statutory car parking requirement for the hotel is 324 car spaces. For the residential hotel where the Melton Planning Scheme requires car parking to be provided to Council's satisfaction, the traffic report applies a car parking rate of one car space to each room. The Traffic Report conservatively assumes that the residential hotel is expected to operate at 80% capacity during peak times, equating to 52 rooms being occupied at any one time with a car parking demand of 52 car spaces. Given the parking requirements for the hotel and residential hotel, there will be a balance of 134 car spaces for the function rooms and meeting rooms which have a total capacity of 480 patrons.

The Traffic Report indicates that 30% of the users of the function/meeting rooms will either be on-site or use sustainable transport options and the remaining 70% are more likely to use

private vehicles. The mix of land uses proposed for the site are anticipated to generate peak activity at different times and days of the week. Consequently, the site will benefit from the complementary mixed use nature of the development with reduced overall net traffic impacts. It is expected that the peak periods will occur on a Friday and Saturday evening with considerably less parking demand the rest of the week.

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 Mt Atkinson and Tarneit PSP, 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 Melton Planning Scheme and Mt Atkinson and Tarneit PSP. The uses are appropriate for the area and will be complementary to what is envisioned for the Hopkins Business Precinct and takes into consideration the responsive building design outcomes to be achieved within the PSP and the future requirements of the Urban Design Framework. It is considered that the proposal is appropriately located to minimise negative amenity impacts on future residents of the locality given that roads will be located to the west and east of the site, the future vision centre and Grand Boulevard to the north of the site and large format commercial development to the south of the site.

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

LIST OF APPENDICES

1. Appendix 1 - PA2019.6871.1 - Locality Plan - 1-59 Greigs Road and 2 Clara Avenue Truganina.
2. Plans for the Proposal - dated 27 March 2020
3. Assessment against Planning Scheme - undated
4. Response to Objection - undated
5. Referral Comments - undated
6. Proposed Conditions - undated

12.10 PLANNING APPLICATION PA 2020/6886 AND DEVELOPMENT PLAN DP2020/001 - DEVELOPMENT OF TWO DWELLINGS ON THE LAND, USE OF THE LAND FOR ACCOMMODATION (COMMUNITY CARE ACCOMMODATION) AND CONSTRUCT BUILDINGS AND WORKS ON LAND IN AN URBAN FLOODWAY ZONE AT 73 THE REGENCY, HILLSIDE

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

PURPOSE OF REPORT

To consider and determine the above planning application and development plan

RECOMMENDATION:

That Council approves Development Plan application DP2020/001 and issues a Planning Permit for the above proposal subject to the conditions outlined in **Appendix 6** of this report.

REPORT

1. Background

Executive Summary

Applicant:	St John of God Services Victoria
Proposal:	Development and use of the land for two dwellings for the purpose of Community Care Accommodation
Existing Land Use:	Vacant
Zone:	General Residential Zone – Schedule 1 Urban Floodway Zone
Overlays:	Development Plan Overlay – Schedule 1 Melbourne Airport Environs Overlay – Schedule 2
Number of Objections:	187
Key Planning Issues:	Restrictive covenant and design guidelines Neighbourhood character Strategic justification Crime and safety
Recommendation:	Approve application

The Land and Surrounding Area

The subject site has an area of 1,341m² and is located on the western side of The Regency, Hillside. Other features of the site are as follows:

- The site is irregular in shape with a skewed east to west orientation.
- It has a curved frontage to The Regency of 29.38 metres.
- The land is relatively flat with a gentle fall from north to south and does not contain significant vegetation.
- The land does not feature any easements.
- The land has not been developed however features a crossover to the southern side of the frontage.

The surrounding area can be characterised as an established residential area with single and double-storey detached dwellings being the predominant scale. The land that abuts the subject site to the south at 71 The Regency and to the north at 19 Lancelot Court have each been developed with a detached double-storey dwelling. The land that abuts the subject site to the west at 20 Lancelot Court has been developed with a detached single-storey dwelling.

The site is positioned approximately 1.4 kilometres north-west of the Hillside Activity Centre. The Hillside Activity Centre contains a supermarket, hairdresser and medical facilities. The site has access to public transport via bus route 476 (Moonee Ponds to Watergardens), with a stop located on Wattle Valley Drive approximately 650 metres to the south. A number of public reserves are located near the site, including the Stony Creek Reserve (opposite the site) and Hillside Recreation Reserve.

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

The Application

The application proposes the use and development of two dwellings on the land for the purpose of Community Care Accommodation.

The proposed use and development is summarised as follows:

- The two dwellings will be both detached and of single-storey construction.
- A setback of 6.3 metres is provided to The Regency.
- The dwellings will have a maximum height of 5.2 metres, a site coverage of 41.6%, permeable surfaces of 37.4% and a garden area of 46%.
- The dwellings will incorporate materials such as face brickwork, metal cladding and rendered finishes with a mixture of flat, hipped and skillion roof forms.
- Dwelling 1 will feature a porch/entry area that is orientated to The Regency. The building features four bedrooms (each with an ensuite), laundry and a kitchen/living room with direct access to a secluded private open space area. A double car garage and double space carport is provided to the rear of the building.
- Dwelling 2 will feature a porch/entry area that is orientated to The Regency. The building features three bedrooms (each with an ensuite), a small office, laundry and a kitchen/living room with direct access to a secluded private open space area.
- The dwellings will be used for Community Care Accommodation which will be funded by St John of God Health Care.
- Each dwelling will accommodate three individuals who have an intellectual disability who will be individually funded for long term accommodation to live in a Supported Living Arrangement with funding provided from the National Disability Insurance Scheme (NDIS).
- A support worker will be accommodated with a bedroom located within Dwelling 1, equating to a total of six residents plus one staff member on site.

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

Planning Controls

Planning Policies	Clause 11 – Settlement Clause 15 – Built Environment and Heritage Clause 16 – Housing Clause 18 – Transport	The proposal complies with the relevant Planning Policies.
Local Planning Policies	Clause 21.02 – Settlement Clause 21.07 – Built Environment and Heritage Clause 21.08 – Housing Clause 22.12 – Housing Diversity Policy	The proposal complies with the relevant Local Planning Policies.
Zone	Clause 32.08 – General Residential Zone Clause 37.03 – Urban Floodway Zone	A permit is required to construct two or more dwellings on a lot and for a Section 2 use in the General Residential Zone. A permit is required to construct a fence in the Urban Floodway Zone.
Overlays	Clause 43.04 – Development Plan Overlay Clause 45.08 – Melbourne Airport Environs Overlay	A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority under the Development Plan Overlay. A permit is required for the use and development of the land for Accommodation under Schedule 2 to the Melbourne Airport Environs Overlay.
Particular Provisions	Clause 52.06 – Car Parking Clause 52.22 – Community Care Accommodation Clause 55 – Two or more Dwellings on a lot and Residential Buildings	The proposal generally complies with the relevant Particular Provisions.

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

Clause 55 - ResCode

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

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

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

House Rules - Housing Character Assessment & Design Guidelines

The Housing Character Assessment & Design Guidelines was adopted at the Ordinary Meeting of Council on 13 October 2015. The site is located within the Compact Suburban 1 (CS1) character area. The essential components of the (CS1) area 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.

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

- Retaining sufficient space to grow a canopy tree in the front setback.
- Minimising interruption of nature strips by driveways, so that regularly-spaced street tree avenues can be planted or retained.

The preferred housing types of Melton's CS1 area are:

- Detached single.
- Dual occupancy.
- Duplex.
- Townhouse.
- Villa units.

1. The proposal is generally compliant with the requirements of the Compact Suburban 1 area as outlined in Council's Housing Character Assessment and Design Guidelines.

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

Is the land of Cultural Heritage Sensitivity?

The land is considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2018*; however the proposal constitutes an exempt activity which does not require a cultural heritage management plan.

2. Council and Wellbeing Plan Reference and Policy Reference

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

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

3.1 A City that strategically plans for growth and development.

3. Financial Considerations

No Council related financial considerations are involved with the application.

4. Consultation/Public Submissions

Public notification of the application

The application was subject to informal notification under the Development Plan Overlay. The informal notification was satisfactorily completed and 187 objections were received.

The grounds of objection may be summarised as follows:

- Restrictive covenant and design guidelines.
- Property devaluation.
- Neighbourhood character.
- Proposed use and location.

- Crime and safety.

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

Referral of the application

The application was referred to a number of Council Departments for comment and advice. The application was also required to be referred to Melbourne Airport as a Section 52 referral and to Melbourne Water which is a determining referral authority in this case. A complete list of responses is included in **Appendix 5**.

All departments did not object to the planning application.

5. Issues

Planning Assessment

Restrictive covenant and design guidelines

A majority of the objections received by Council were regarding the restrictive covenant and applicable design guidelines that apply to the surrounding area. It is acknowledged the surrounding area does contain a restrictive covenant however, the title of the land does not indicate a covenant is registered. The proposed use and development must therefore satisfy the objectives and standards of the Melton Planning Scheme.

Council cannot issue a planning permit that is in breach of a restrictive covenant. As there is no restrictive covenant listed on the title (including applicable design guidelines), the use and development of the land at 73 The Regency is not bound to certain restrictions that may be applicable to surrounding properties that are registered with a restrictive covenant.

An assessment of the application against Clause 55 of the Melton Planning Scheme (ResCode) revealed the development meets all the objectives and standards. Additionally, the application was assessed against the Compact Suburban 1 character area of Council's adopted Housing Character Assessment and Design Guidelines and shows a high level of compliance. The proposed development complies with the relevant policies that are applicable to the land.

Neighbourhood character

The development in the surrounding area features of mixture of dwellings, including single and double-storey built form, hipped and flat roof forms and brick facades and rendering. Dwellings with double car garages are commonly seen throughout the surrounding area, with triple and even quadruple car garages also featured within the surrounding area. A number of dwellings in the surrounding area have two crossovers that lead to a garage on both sides of the dwelling, which can give the appearance of duplex at a quick glance.

Whilst the prevailing pattern of development in the area is single dwellings, the title, zoning and overlay controls does not prohibit the use or development of the land with two dwellings. The proposed dwellings are detached and the large frontage to The Regency can comfortably accommodate two dwellings with front, side and rear setbacks similar to existing setbacks in the surrounding area. The proposed dwellings are of single-storey built form, feature a mixture of flat, hipped and skillion roof forms and have face brickwork, metal cladding and rendered finishes. The scale, form and design of the dwellings responds well to the existing neighbourhood character.

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

Strategic justification

The proposed use and development of the land for Community Care Accommodation will be

located in a residential area with access to public transport, open space and retail services. The dwellings will contain a maximum of six residents (three in each dwelling) who require assistance for certain activities, requiring a maximum of two staff on the property at any one time during the day. The main purpose of the dwellings is to allow people with an intellectual disability to be able to live relatively independent lives with assistance where required.

Additionally, if the land was not affected by the Melbourne Airport Environs Overlay and the use was funded by or conducted by or on behalf of a government department or public authority, the proposed use of the land for Community Care Accommodation would be exempt from requiring a planning permit under the General Residential Zone. The only planning permit trigger would be for the construction of two dwellings on a lot.

St John of God have approval to construct dwellings for the purpose of Community Care Accommodation throughout Melbourne, including at 6 Akima Terrace in Mooroolbark and 9 Mavis Avenue in Brighton East. The dwelling at 9 Mavis Avenue has been constructed, with the dwellings at 6 Akima Terrace recently approved. It should be noted both properties are located in residential areas, with the dwellings at 6 Akima Terrace to be constructed in a cul-de-sac. It is considered dwellings for the purpose of Community Care Accommodation is acceptable in an established residential area.

The proposed use of the dwellings for Community Care Accommodation is not required to be located in a different zone or area. The use is required to meet the relevant objectives of the Planning Scheme. The use is located in an area with appropriate access to all necessary infrastructure and services, with both the use and development considered compatible with the surrounding residential area. The use and development of the land for Community Care Accommodation is unlikely to cause material detriment to the surrounding area and is located in a suitable location.

Safety and types of residents

It is understandable that existing residents have concerns about the type of people that will live in the two dwellings. The residents that will live in the dwellings will have an intellectual disability. The dwellings will not be used as a rehabilitation centre for alcohol or drug affected persons.

The proposed dwellings have been designed in accordance with the National Disability Insurance Scheme (NDIS) Specialist Disability Accommodation Design Standard. The Specialist Disability Accommodation (SDA) Design Standard document is based on the four categories of SDA design which are set out in the SDA rules and are as follows: Improved Liveability, Robust, Fully Accessible and High Physical Support.

The following definition of 'Improved Liveability' is provided under the National Disability Insurance Scheme (Specialist Disability Accommodation Conditions) Rule 2018: 'Improve liveability design, which refers to housing that has been designed to improve 'liveability' by incorporating a reasonable level of physical access and enhanced provision for people with sensory, intellectual or cognitive impairment'. On the other end of the spectrum, 'High Physical Support is defined as: 'High physical support, which refers to housing that has been designed to incorporate a high level of physical access provision for people with significant physical impairment and requiring very high levels of support'.

Dwellings of all design categories in the SDA Design Standard document must, as a minimum, contain no less than one of each of the following elements: a kitchen, a bathroom, a living/dining area, an entrance/exit and at least one bedroom per participant. The proposed dwellings contain the required elements and have been designed in accordance with the Improved Liveability standard. The dwellings have appropriately sized bedrooms with personal ensuite, sufficiently sized kitchen, dining and living areas and adequate walkway widths for manoeuvrability within the dwellings for people that require 'Improved Liveability'.

Only compatible residents who are best suited to the Improved Liveability standards of a dwelling will live within the proposed dwellings. A resident that is best suited to either the

Robust, Fully Accessible or High Physical Support standards for a dwelling will not reside within the dwellings as it is not suitable.

Residents living within the proposed dwellings who may pose a risk to community safety, such as with a mental health condition, will be moved on to alternative living arrangements. This is not out of the ordinary as any person could be susceptible to developing mental health issues that could be a risk to the safety of the community and likewise would need appropriate support and living arrangements. It is unlikely the proposal will affect the safety or increase crime in the surrounding area.

It is worth noting that Council has previously issued a planning permit for the construction of 10 community care units at 215-219 Coburns Road, Melton. Likewise, the application generated significant community opposition, and Council's decision to support the application was subject to an objectors appeal to VCAT. The Tribunal upheld the Council's decision and a permit was issued in 2011, and the units subsequently constructed. Council officers are not aware of any complaints being received to the use in the intervening period.

6. Options

Council can either support the application by approving the Development Plan application and issue the Planning 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 provisions, Overlay provisions, Particular Provisions and Clause 65 of the Melton Planning Scheme.

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

Therefore, it is recommended that the Development Plan application and Planning Permit application be approved as outlined in **Appendix 6**.

LIST OF APPENDICES

1. Locality plan - dated 23 April 2020
2. Plans - dated 23 January 2020
3. Assessment against Planning Scheme - undated
4. Response to objections - undated
5. Referral comments - undated
6. Permit conditions - undated

13. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES

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

14. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS

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

15. NOTICES OF MOTION**15.1 NOTICE OF MOTION 691 (CR RAMSEY)****Councillor: Sophie Ramsey - Councillor**

Notice was given at the Ordinary Meeting of Council held on 11 May 2020 of my intention to move the following motion at the Ordinary Meeting Council to be held on 25 May 2020

MOTION:

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

OFFICER'S COMMENTS:

Pensioner Rebate stands at \$80, a \$5 increase in rebate would reduce Council revenue by \$36,260.

In addition to rebate provided by Council, the State Government provides concession/rebate on council rates up to a yearly maximum of \$235.15 (2019-20 rebate), also \$50 rebate is provided against Fire Services levy.

As part of the Federal Government COV-ID 19 Economic support package, pensioners are now eligible to receive two payments of \$750. Given assistance currently provided to pensioners, officers don't support an increase above the existing rebate currently provided by Council.

15.2 NOTICE OF MOTION 692 (CR MAJDLIK)**Councillor: Kathy Majdlik - Councillor**

Notice was given at the Ordinary Meeting of Council held on 11 May 2020 of my intention to move the following motion at the Ordinary Meeting Council to be held on 25 May 2020

MOTION:

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.

OFFICER'S COMMENTS:

Council Officers will identify when the best opportunity to conduct a thorough debrief of Council's response/s to the COVID-19 pandemic. It will more than likely be when the Response and Relief phases are over and the organisation moves into Recovery which will then enable a Council Report to be prepared.

The timing of when it is considered appropriate will be when both the response and relief phases are at a stage that we can undertake an objective comparison of our actions against Councils pandemic plan. The review would include relevant corrective actions and/or opportunities for improvements to the plan.

15.3 NOTICE OF MOTION 693 (CR TURNER)**Councillor: Bob Turner - Councillor**

Notice was given at the Ordinary Meeting of Council held on 11 May 2020 of my intention to move the following motion at the Ordinary Meeting Council to be held on 25 May 2020

MOTION:

That Council write to the appropriate Ministers;

- the Minister for Planning, the Hon Richard Wynne;
- the Minister for Minister for Energy, Environment and Climate Change, the Hon. Lily D'Ambrosio; and
- the Minister for Transport Infrastructure, the Hon. Jacinta Allan

advising that the Council does not want contaminated soil dumped in our municipality or travelling through our municipality on non-major roads.

OFFICER'S COMMENTS:

It is appropriate for Council to write to the relevant Ministers in relation to this matter.

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

19. CONFIDENTIAL BUSINESS

Nil.

20. CLOSE OF BUSINESS