



MELTON CITY COUNCIL

Notice is hereby given that the Meeting of the
Melton City Council will be held via a
videoconference on 7 June 2021 at 7:00pm.

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

Kelvin Tori
CHIEF EXECUTIVE

TABLE OF CONTENTS

1.	OPENING PRAYER AND RECONCILIATION STATEMENT	5
2.	APOLOGIES AND LEAVE OF ABSENCE	5
3.	CHANGE TO THE ORDER OF BUSINESS	5
4.	DEPUTATIONS	5
5.	DECLARATION OF ANY PECUNIARY INTEREST, OTHER INTEREST OR CONFLICT OF INTEREST OF ANY COUNCILLOR	5
6.	ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	5
7.	SUMMARY OF INFORMAL MEETINGS OF COUNCILLORS	6
7.1	SUMMARY OF INFORMAL MEETINGS OF COUNCILLORS IN ACCORDANCE WITH CHAPTER 6, RULE 1 OF THE COUNCIL'S GOVERNANCE RULES	6
8.	CORRESPONDENCE INWARD	11
8.1	PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR	11
9.	PETITIONS AND JOINT LETTERS	13
10.	RESUMPTION OF DEBATE OR OTHER BUSINESS CARRIED OVER FROM A PREVIOUS MEETING	13
11.	PUBLIC QUESTION TIME	13
12.	PRESENTATION OF STAFF REPORTS	14
12.1	ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES	14
	To present the aggregated minutes of Advisory Committee meetings yet to be considered by Council.	

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- | | | |
|-------------|--|------------|
| 12.2 | AUDIT AND RISK COMMITTEE MINUTES - 12 MAY 2021 AND BIENNIAL REPORT FROM THE AUDIT AND RISK COMMITTEE | 129 |
| | To present to Council the minutes of the Audit and Risk Committee meeting held on Wednesday 12 May 2021 and the biannual report from the Audit and Risk Committee. | |
| 12.3 | LEADWEST COMMITTEE MEETING MINUTES | 179 |
| | To present the confirmed minutes of LeadWest Advisory Committee meeting held 17 February 2021 and the unconfirmed minutes of the LeadWest Advisory Committee meeting held 19 May 2021. | |
| 12.4 | EMERGENCY MANAGEMENT ACT 2013 CHANGES TO COMMITTEES | 192 |
| | To outline changes as a result of reformed emergency management planning arrangements in the <i>Emergency Management Act 2013</i> and <i>Emergency Management Legislation Amendment Act 2018</i> .
To ensure Council is compliant with the reformed emergency management legislation. | |
| 12.5 | FINANCE REPORT - PERIOD ENDED 31 MARCH 2021 | 213 |
| | To present the 2020/2021 Finance Report for the 9 months ended 31 March 2021 (the Report). | |
| 12.6 | RESPONSE TO NOTICE OF MOTION 744 (CR KESIC) - OPTIONS FOR SENIORS TO HAVE FREE ACCESS TO TENNIS COURT HIRE IN THE MUNICIPALITY INDEPENDENT OF CLUB MEMBERSHIP. | 243 |
| | To respond to Notice of Motion 744 (Cr Kesic) to provide options for seniors to have free access to tennis court hire in the municipality independent of Club membership. | |
| 12.7 | RESPONSE TO NOTICE OF MOTION 751 (CR VANDENBERG) - INVESTIGATE CONCEPT DESIGNS AND COSTINGS FOR POTENTIAL OPTIONS TO REBUILD THE 2ND MELTON SCOUTS FACILITY AT THE BLACKWOOD DRIVE RECREATION RESERVE | 246 |
| | To respond to Notice of Motion 751 (Cr Vandenberg) to investigate concept designs and costings for potential options to rebuild the 2 nd Melton Scouts facility located at Blackwood Drive Recreation Reserve. | |
| 12.8 | ADOPTION OF THE ROAD MANAGEMENT PLAN 2021-25 | 252 |
| | To formally adopt the Road Management Plan 2021-2025. | |
| 12.9 | PLANNING APPLICATION PA 2020/7251 - DEVELOPMENT OF THREE DOUBLE STOREY DWELLINGS AT 15 EMPRESS WAY, MELTON WEST | 358 |
| | To consider and determine the above planning application. | |

12.10	SALE OF LAND: 83-105 ABEY ROAD	396
	To consider the sale of land at 83-105 Abey Road	
12.11	HARNESS RACING VICTORIA - SECTION 173 AGREEMENT	402
	To consider a request from Harness Racing Victoria to extend the time in which to develop part of the property (Parcel B), acquired from Council.	
13.	REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES AND COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS	457
14.	NOTICES OF MOTION	458
14.1	NOTICE OF MOTION 766 (CR ABBOUSHI)	458
14.2	NOTICE OF MOTION 767 (CR ABBOUSHI)	459
14.3	NOTICE OF MOTION 768 (CR SHANNON)	460
15.	COUNCILLOR'S QUESTIONS WITHOUT NOTICE	461
16.	URGENT BUSINESS	461
17.	CONFIDENTIAL BUSINESS	462
17.1	CONTRACT 21/050 - MANAGEMENT AND OPERATION OF GRASSLANDS KINDERGARTEN SERVICE	463
	To seek Council's approval for the award of Contract No. 21/050 for the Management and Operation of Grasslands Kindergarten Service commencing 1 January 2022 to 31 December 2025.	
17.2	CONTRACT 21/052 - RESURFACING SYNTHETIC FIELDS - SPRINGSIDE RECREATION RESERVE - DESIGN & CONSTRUCT	468
	To seek Council's approval for the award of Contract No. 21/052 Springside Resurfacing Springside Recreation Reserve, Caroline Springs.	
17.3	CONTRACT 21/053 - BURNSIDE HEIGHTS RECREATION RESERVE - RECONSTRUCTION OF THE MAIN OVAL	473
	To seek Council's approval for the award of Contract No. 21/053 for Burnside Heights Recreation Reserve Reconstruction of the Main Oval.	

17.4	SEMI-ANNUAL GRANTS PANEL ASSESSMENT - CELEBRATE DIVERSITY	479
	To present the recommendation from the Semi-Annual Grants Assessment Panel's re-assessment of Celebrate Diversity application.	
17.5	PROPOSED PURCHASE OF LAND	484
	To consider a proposed purchase of land.	
17.6	CLASS ACTION	525
	To advise Council in relation to a "class action" that has been launched by a group of Victorian Councils, and seek Council direction in relation to joining the class action.	
18.	CLOSE OF BUSINESS	527

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 Part 6, Division 2 of the Local Government Act 2020 and Council's Governance Rules any Councillor must declare any General Conflict of Interest or Material Conflict of Interest.

6. ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION:

That the Minutes of the Meeting of Council held on 10 May 2021 be confirmed as a true and correct record.

7. SUMMARY OF INFORMAL MEETINGS OF COUNCILLORS**7.1 SUMMARY OF INFORMAL MEETINGS OF COUNCILLORS IN ACCORDANCE WITH CHAPTER 6, RULE 1 OF THE COUNCIL'S GOVERNANCE RULES**

- 10 May 2021 Summary of Informal Meetings of Councillors
- 17 May 2021 Summary of Informal Meetings of Councillors
- 24 May 2021 Summary of Informal Meetings of Councillors
- 31 May 2021 Summary of Informal Meetings of Councillors

RECOMMENDATION:

That the Summary of Informal Meetings of Councillors dated 10, 17, 24 and 31 May 2021 attached to this Agenda be received and noted.

LIST OF APPENDICES

1. Summary of Informal Meeting of Councillors - dated 10 May 2021
2. Summary of Informal Meeting of Councillors - dated 17 May 2021
3. Summary of Informal Meeting of Councillors - dated 24 May 2021
4. Summary of Informal Meeting of Councillors - dated 31 May 2021

8. CORRESPONDENCE INWARD

8.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR

- Tony Chappel – Chief External Affairs Officer - Australian Energy Market Operator Ltd – Western Victoria Transmission Network Project

RECOMMENDATION:

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

LIST OF APPENDICES

1. Letter from Tony Chappel – Chief External Affairs Officer - Australian Energy Market Operator Ltd – Western Victoria Transmission Network Project - dated 28 May 2021

9. PETITIONS AND JOINT LETTERS

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

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

Nil.

11. PUBLIC QUESTION TIME

12. PRESENTATION OF STAFF REPORTS

12.1 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

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

PURPOSE OF REPORT

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

RECOMMENDATION:

That Council:

1. adopt the minutes of the Advisory Committee meetings at **Appendix 1 - 6**
 2. adopt recommendations arising within the Minutes.
-

REPORT

1. Executive Summary

Whilst not mentioned in the Local Government Act 2020 (the 2020 Act), Council has the power to create Advisory Committees pursuant to its general power set out in section 10 of the 2020 Act.

The minutes of the Advisory Committees attached to this report form a written record of meeting including any matters considered and any conflicts of interest disclosed.

The minutes also serve as the advice/recommendations to Council for its consideration.

2. Background/Issues

An Advisory Committee is a committee established by Council to provide advice to it or its delegate. Whilst not mentioned in the 2020 Act, Council has the power to create Advisory Committees pursuant to its general power set out in section 10 of the 2020 Act.

All advisory Committees are subject to their individual Terms of Reference. The membership varies depending upon the committee's specific role. Committee membership will generally comprise a Councillor(s), council staff and community representatives and may include key stakeholders, subject matter experts and/or community service providers and organisations.

Councillor representation on Advisory Committees is generally for one year and is reviewed annually. Advisory Committees for the 2020/21 municipal year were considered by the Councillor Representation Nominations Advisory Committee (CRNAC) when it met on Monday 23 November 2020.

The minutes of the Advisory Committees attached to this report forms the written record of the committee detailing matters considered and any conflicts of interest disclosed.

The minutes also serve as the advice/recommendations to Council.

Meeting Date	Advisory Committee	Attached
8 April 2021	Heritage Advisory Committee	Appendix 1
11 May 2021	Youth Advisory Committee	Appendix 2
12 May 2021	Policy Review Panel	Appendix 3
15 May 2021	Arts and Culture Advisory Committee	Appendix 4
18 May 2021	Policy Review Panel	Appendix 5
24 May 2021	Policy Review Panel	Appendix 6

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

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

5. Consultation/Public Submissions

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

6. Risk Analysis

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

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

7. Options

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

LIST OF APPENDICES

1. Heritage Advisory Committee Meeting Minutes - dated 8 April 2021
2. Youth Advisory Committee Meeting Minutes - dated 11 May 2021
3. Policy Review Panel Meeting Minutes - dated 12 May 2021
4. Arts and Culture Advisory Committee Meeting Minutes - dated 15 May 2021
5. Policy Review Panel Meeting Minutes - dated 18 May 2021
6. Policy Review Panel Meeting Minutes - dated 24 May 2021

12.2 AUDIT AND RISK COMMITTEE MINUTES - 12 MAY 2021 AND BIENNIAL REPORT FROM THE AUDIT AND RISK COMMITTEE

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

PURPOSE OF REPORT

To present to Council the minutes of the Audit and Risk Committee meeting held on Wednesday 12 May 2021 and the biannual report from the Audit and Risk Committee.

RECOMMENDATION:

That Council:

1. Note the minutes of the Audit and Risk Committee meeting held on Wednesday 12 May 2021 at **Appendix 1**.
2. Adopt the recommendations arising within the minutes.
3. Note the Audit and Risk Committee Biannual Report for May 2021, prepared by the Audit and Risk Committee Chairperson, at **Appendix 2**.

REPORT

1. Executive Summary

The minutes of the Audit and Risk Committee meeting held on 12 May 2021 are appended to this report as **Appendix 1**.

The minutes contain recommendations for the consideration of Council.

Also included is the Audit and Risk Committee Biannual Report, prepared by the Chairperson, appended to this report as **Appendix 2**.

2. Background/Issues

The Audit and Risk Committee is established by the Council pursuant to Section 53 of the *Local Government Act 2020* ('the Act').

The primary function and responsibility of the Audit and Risk Committee is to monitor the compliance of Council policies and procedures with the Act including any regulations, and chiefly, the overarching governance principles, Council's financial and performance reporting, Council's risk management and fraud prevention systems and controls and oversee the internal and external audit function.

The Audit and Risk Committee makes recommendations to Council for its consideration. These recommendations are set out in the minutes attached at **Appendix 1** for matters that the Audit and Risk Committee considered in open session.

It is a requirement of section 54(5) of the Local Government Act 2020 for the Audit and Risk Committee to prepare a biannual audit and risk report.

Section 54(5) of the Local Government Act 2020 states:

An Audit and Risk Committee must—

- (a) *prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations; and*
- (b) *provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting.*

A copy of the Audit and Risk Committee Biannual Report for May 2021, prepared by the Chairperson, is attached at **Appendix 2**.

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

Any and all financial considerations are set out within the reports and minutes of the Audit and Risk Committee.

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

A risk analysis is contained within each report to the Audit and Risk Committee.

Risks identified by the Audit and Risk Committee and recommendations in relation to same should be carefully considered by Council as these represent an independent and forensic appraisal of the issues.

7. Options

The Audit and Risk Committee is not a delegated committee and operates in an advisory capacity to Council, therefore Council has the discretion to accept, reject or amend the Committee's recommendations.

LIST OF APPENDICES

- 1. Audit and Risk Committee Meeting Minutes - dated 12 May 2021
- 2. Audit and Risk Committee Biannual Report - dated May 2021

12.3 LEADWEST COMMITTEE MEETING MINUTES

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

PURPOSE OF REPORT

To present the confirmed minutes of LeadWest Advisory Committee meeting held 17 February 2021 and the unconfirmed minutes of the LeadWest Advisory Committee meeting held 19 May 2021.

RECOMMENDATION:

That Council:

1. Adopt the confirmed minutes of the LeadWest Advisory Committee meeting held 17 February 2021 (refer **Appendix 1**); and
 2. Note the draft minutes of the LeadWest Advisory Committee meeting held 19 May 2021 (refer **Appendix 2**).
-

REPORT

1. Executive Summary

The purpose of the LeadWest Committee is to oversee the preparation and implementation of the LeadWest Strategic Plan and identified sub projects as adopted and agreed by member Councils.

There are two sets of minutes attached to this report.

1. The confirmed minutes of the LeadWest Advisory Committee held 17 February 2021; and
2. The unconfirmed minutes of the LeadWest Advisory Committee held 19 May 2021.

The minutes serve as the advice/recommendations to Council for its consideration.

2. Background/Issues

Prior to the introduction of the relevant provisions of the Local Government Act 2020 (the 2020 Act), the LeadWest Committee operated as a special committee under section 86 of the Local Government Act 1989 (the 1989 Act). As a special committee of the 1989 Act it had delegated powers and functions in an Instrument of Delegation and Schedule and has Terms of Reference that governed its operations, meeting and reporting arrangements.

The 2020 Act sees the introduction of delegated committees and in many respects these resemble the former special committees in the way they function. Pursuant to the 2020 Act delegated committees require a Councillor to be the chairperson whereas LeadWest has operated for some time with an independent chair.

From 1 September 2020 when provisions relating to delegated committees commenced under the 2020 Act, LeadWest has operated as an Advisory Committee and continues to maintain an independent chair. Whilst not specifically mentioned in the 2020 Act, Council

has the power to create Advisory Committees pursuant to its general power set out in section 10 of the 2020 Act.

LeadWest is proposing to commence operation as a joint delegated committee under Section 64 of the 2020 Act and this matter will be the subject of a report to Council at its next meeting.

Attached to this report are:

1. The confirmed minutes of the LeadWest Advisory Committee held 17 February 2021; and
2. The unconfirmed minutes of the LeadWest Advisory Committee held 19 May 2021.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

4. Financial Considerations

The formation of the LeadWest Committee and adoption of a new Strategic Plan for LeadWest is designed to provide a cost effective funding model for each member Council and more focused outcome driven approach which is aligned to agreed regional priorities.

Funds will be allocated by the Committee within Council's approved budget for the development of the new Strategic Plan.

The ongoing budget for the LeadWest Committee will include two components. Firstly, to deliver the projects in the four year implementation plan, recommendations will be made to member Councils for consideration in each Council's annual budgeting process. Secondly, a payment of a base contribution to apply equally to all Councils.

5. Consultation/Public Submissions

The LeadWest Committee will provide a mechanism for a regional approach to advocacy and the delivery of a ten-year Strategic Plan. The Strategic Plan will be underpinned by a rolling four-year implementation plan which will be delivered by teams from across the six Councils implementing specific projects. This Plan will be prepared following extensive consultation including a focus on engaging Councillors from the member Councils.

6. Risk Analysis

Nil.

7. Options

That Council note the minutes of the last two meetings of the LeadWest Committee as per the recommendation to this report.

LIST OF APPENDICES

1. Minutes of the LeadWest Advisory Committee Meeting - dated 17 February 2021
2. Unconfirmed Minutes of the LeadWest Advisory Committee Meeting - dated 19 May 2021

12.4 EMERGENCY MANAGEMENT ACT 2013 CHANGES TO COMMITTEES

Author: Peter Doyle - Emergency Management Coordinator
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

- To outline changes as a result of reformed emergency management planning arrangements in the *Emergency Management Act 2013* and *Emergency Management Legislation Amendment Act 2018*.
- To ensure Council is compliant with the reformed emergency management legislation.

RECOMMENDATION:

That Council:

1. Disestablish the existing Municipal Emergency Management Planning Committee (MEMPC).
 2. Authorises the CEO to facilitate the establishment of a new MEMPC in accordance with the provisions of s68 of the *Emergency Management Legislation Amendment Act 2018*.
 3. Notes that under the *Emergency Management Legislation Amendment Act 2018* (EMLA), once established, the committee is to exist separately to Council and is no longer considered as a Committee of Council.
-

REPORT

1. Executive Summary

Under Victorian law, councils are required to assist with local planning and preparation for emergency events.

All emergencies are different but the same management principles apply whether the emergency event is relatively minor or very complex. The Emergency Management Act 2013 establishes Victoria's new governance arrangements for managing emergencies.

As a result, the responsibility for municipal level emergency planning has transferred from council run committees to new multi-agency Municipal Emergency Management Planning Committees (MEMPCs).

The MEMPC established under the *Emergency Management Act 1986* is required to be disestablished and a new MEMPC is to be formed in accordance with the *Emergency Management Act 2013* and the *Emergency Management Legislation Amendment Act 2018*.

The Councillor role on the MEMPC remains unchanged. The Councillor role is to represent the community, along with the two nominated Community representatives who currently sit on the Committee.

Council is required under the legislation to disestablish the existing MEMPC and formally establish this new committee under the new arrangements, once established, the committee exists separately to Council and is no longer a committee of Council.

2. Background/Issues

Local government plays an important role in emergency management, both in partnership with other levels of government and emergency services, and through its own responsibilities. Whilst Council plays an important support role in the response to an emergency, they are not defined as an emergency response agency.

The result of the emergency planning process should be a coherent and easily understood Municipal Emergency Management Plan (MEMP). The multi-agency Municipal Emergency Management Planning Committee (MEMPC) will be responsible for preparing the new MEMP. The MEMP is no longer defined as a Council plan and is instead a Multi-agency plan.

All agencies, MEMPC members, the Mayor and Councillors, senior council officers and all staff who have emergency management responsibilities should be familiar with the contents of the MEMP.

The pressure of an emergency event can strain relationships, so Councillor representation on the MEMPC, building solid and strategic local connections can be invaluable before, during and after an emergency event. The Councillor role on the MEMPC is to represent the community, along with the two nominated Community representatives who currently sit on the Committee.

The *Emergency Management Legislation Amendment Act 2018* was passed through Parliament and a phased approach was implemented to roll out the legislation from state to regional to municipal level.

The following municipal level changes came into effect on 1 December 2020:

- Responsibility for municipal level planning is transferred from councils to new multi-agency Municipal Emergency Management Planning Committees (MEMPCs). This means that the Municipal Emergency Management Plan (MEMP) is no longer a council plan, but now a multi-agency plan. The MEMPC will report to the Regional Emergency Management Planning Committee (REMPC), not Council.
- The Municipal Emergency Resource Officer (MERO) no longer has legislative backing. This role has been replaced by the Municipal Emergency Management Officer (MEMO). The MEMO is responsible for liaising with agencies and assisting in the coordination of emergency management activities. Council's designated MEMO is Brendan Sell.
- The Municipal Recovery Manager (MRM) role has been formalised in legislation. The MRM is to coordinate Council resources for the purposes of recovery. Council's designated MRM is Peter Doyle.
- The Municipal Fire Prevention Officer (MFPO) continues under the new legislation, however no longer has a specific planning function. Instead, fire planning will fall under the multi-agency MEMPC process.
- MEMPs will be required to cover mitigation, response and recovery. As well as addressing the role and responsibilities of agencies in relation to emergency management. Plans are intended to be integrated and comprehensive.
- The current MEMP will continue as a transitional measure until its next 3 year review period by 2023 when it will be updated under the new framework.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

4. Financial Considerations

Council's current MEMPC commitments come at no financial cost and this will continue under the new MEMPC.

5. Consultation/Public Submissions

In both the current and proposed MEMPC structure there will be community representatives. No further consultation has or is planned to occur.

6. Risk Analysis

If the recommendations in this report are not endorsed by Council:

- Council will not be compliant with the reformed emergency management planning arrangements *Emergency Management Act 2013* and the *Emergency Management Legislation Amendment Act 2018*. This puts multi-agency response to emergencies at risk and may make Council liable for damages due to lack of response or preparedness.
- The MEMPC informs the fire prevention activities in the municipality and therefore reduces our fire risk.

7. Options

To endorse officers recommendation.

LIST OF APPENDICES

1. MEMPC Terms of Reference - undated
2. Emergency Management Guide to Councillors and Mayor - undated

12.5 FINANCE REPORT - PERIOD ENDED 31 MARCH 2021

Author: Sam Rumoro - Manager Finance
Presenter: Sam Rumoro - Manager Finance

PURPOSE OF REPORT

To present the 2020/2021 Finance Report for the 9 months ended 31 March 2021 (the Report).

RECOMMENDATION:

That the Council note the report.

REPORT

1. Executive Summary

This monthly report compares 9 months ending 31 March 2021 YTD and 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 2021. Every three months a finance report will be presented to Council providing this level of information. 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.

Audit & Risk Committee reviewed the report on 12 May 2021, no changes were required following that review.

The operating surplus before transfers for the March 2021 YTD period was \$192.8 million. This compared with the profiled budgeted result of \$165.5 million resulting in a favourable variance of \$27.3 million.

The favourable result was due mainly to higher than anticipated supplementary rates growth, non-monetary contributions, grant income and lower than budget employee expenses and administrative expenses largely timing related.

Council is forecasting an underlying deficit (excluding land sales) of \$0.5 million which is \$8.0 million favourable to budget. This favourable variance is largely due to higher than anticipated statutory and user fees as well as supplementary rates income. Forecast higher expenditure is largely driven by higher operating grant income.

The actual capital expenditure completed at the end of March was \$44.5 million or 39.2% of the total budget.

Council's total cash position at the end of the March 2021 is \$342.4 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 1:7.4.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

Council note the operating surplus for the 9 months ended 31 March 2021 and other financial matters outlined in the attached report.

5. Consultation/Public Submissions

N/A

6. Risk Analysis

The 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. 2020/2021 Finance Report - 9 months ended 31 March 2021

12.6 RESPONSE TO NOTICE OF MOTION 744 (CR KESIC) - OPTIONS FOR SENIORS TO HAVE FREE ACCESS TO TENNIS COURT HIRE IN THE MUNICIPALITY INDEPENDENT OF CLUB MEMBERSHIP.

Author: Troy Scoble - Acting General Manager Community Services
Presenter: Troy Scoble – Acting General Manager Community Services

PURPOSE OF REPORT

To respond to Notice of Motion 744 (Cr Kesic) to provide options for seniors to have free access to tennis court hire in the municipality independent of Club membership.

RECOMMENDATION:

That Council note the report.

REPORT

1. Executive Summary

This report responds to Notice of Motion 744 (Cr Kesic) carried at the Meeting of Council held 21 December 2020. See below:

That Council officers explore the options for seniors to have free access to tennis court hire in the Municipality independent of a club membership. Officers report back to Council at a future meeting on all options available and the costings.

This report provides information on the tennis court provision throughout the municipality and access options for seniors independent of club membership.

2. Background/Issues

Tennis is currently the 6th highest participated sport in the City of Melton reversing a decade of decline in participation in recent years. However the current participation rate of .41% is significantly lower than the Victorian participation rate of 2.29%.

The current provision of Tennis Courts throughout the municipality including public tennis courts and those managed under licence agreement by clubs are outline in the table below.

Facility	Number Courts	Public Courts	Club under Licence
Brookside Recreation Reserve	2	2	
Frontier Recreation Reserve	10	2	8
Parkwood Green Tennis Courts	6		6
Arnolds Creek Recreation Reserve	4	4	
Diggers Rest Recreation Reserve	4		4
Kurunjang Recreation Reserve	6		6
Melton Recreation Reserve	1	1	

Facility	Number Courts	Public Courts	Club under Licence
Melton South Recreation Reserve	4		4
Toolern Vale Tennis Courts	2		2
Eynesbury Recreation Reserve	4	4	
West Melton Recreation Reserve	6	4	2
Sugar Gum Reserve	1	1	
Caroline Springs Regional Tennis Facility	11 and 1 hotshots	5	6
Springlake Caroline Springs	1	1	
Banchory Green Hillside	1	1	
Esplanade Park, Taylors hill	1	1	
Totals	64	26	38

Public access courts are available to all members of the public free of charge with no booking required. However many of these have no lighting so access is predominantly in daylight hours which during summer months when Tennis is most participated provides reasonable access. Caroline Springs Town Centre Regional Tennis Facility is the only public access tennis facility that has lighting and is accessible under the Tennis Victoria Book a Court System.

Currently the system fee to hire the courts is \$10 per hour no lights or \$20 per hour with lights.

Options and Costs for Consideration

Seniors can continue to use the 21 of the public tennis courts at no cost at any time, with currently the 5 at the Caroline Springs Regional Tennis Facility accessed by the Book a Court System currently at a booking fee.

At facilities that are managed by a Community Tennis Club under a licence agreement and at a user fee, Council is unable to influence the costs associated with use of those courts within the license agreement times of usage.

At Caroline Springs Town Centre Regional Tennis Facility, for use of the public courts that are currently managed using the Book a Court system, an option is to support use of these courts for seniors at no cost. This would require officers going into the system "back of house" and manually entering a booking at no charge. This will then generate the pin for the hirer to access the court compound. Should Council wish to pursue this it would be recommended that these type of bookings must be undertaken during business hours when the site is staffed, and a signed pension card required for proof of senior status.

A City of Melton tennis Strategy is planned for 2021/22 financial year with an objective to investigate how Council can further maximise participation at existing tennis courts in the future.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

4. Financial Considerations

Access to public tennis courts across the municipality (21 of the 26) are free of charge. Should Council wish to make the public tennis courts at the Caroline Springs Regional Tennis Facility free of charge, Officers can waive the \$10 per hire booking fee (no lights, \$20 per hour booking fee with lights). This will require a process to be implemented to verify the eligibility of the hirer and for officers to enter the back of house component of the Book a Court System to waive the fee.

At facilities where a club is licenced to manage the courts those clubs pay Council a fee for that access so Council is unable to insist that clubs make courts available to Seniors free of charge during their allocated usage hours. Facilities that are licenced to community tennis clubs are from the hours of approximately 4pm onward.

5. Consultation/Public Submissions

N/A

6. Risk Analysis

N/A

7. Options

That Council note the report.

LIST OF APPENDICES

Nil

12.7 RESPONSE TO NOTICE OF MOTION 751 (CR VANDENBERG) - INVESTIGATE CONCEPT DESIGNS AND COSTINGS FOR POTENTIAL OPTIONS TO REBUILD THE 2ND MELTON SCOUTS FACILITY AT THE BLACKWOOD DRIVE RECREATION RESERVE

Author: Lauren Pammer - Senior Projects Officer
Presenter: Troy Scoble – Acting General Manager Community Services

PURPOSE OF REPORT

To respond to Notice of Motion 751 (Cr Vandenberg) to investigate concept designs and costings for potential options to rebuild the 2nd Melton Scouts facility located at Blackwood Drive Recreation Reserve.

RECOMMENDATION:

That Council note the report.

REPORT

1. Executive Summary

This report responds to Notice of Motion 751 (Cr Vandenberg) carried at the Meeting of Council dated 15 March 2021:

That Council Officers:

- 1. consult with the 2nd Melton Scouts committee to investigate concept designs and costings for potential options to rebuild the 2nd Melton Scouts facility located at the Blackwood Drive Recreation Reserve;*
- 2. investigate and pursue funding opportunities that may be available from State and Federal Government in the way of grants or funding streams that may support this project; and*
- 3. report back to Council as a priority for this concept design as part of the 2021-22 budget process.*

Concepts were developed after consultation with the 2nd Melton Scout leadership and Scouts Victoria where standard Scout building layouts and functionality were tabled.

Hede Architects were engaged to complete a site feasibility including building location and layout based on the agreed concepts along with independent costings and have presented 2 options ranging in price from \$2.5M to \$3.1M.

2. Background/Issues

The current 2nd Melton Scout Group building was built in 1983 by the Scouting Community on the Council owned recreation reserve. There is a lease in place between Council and the Scouts (the tenant) with the tenant responsible for the ongoing maintenance of the facility and Council playing no part in the management or use of this venue under the lease agreement. Council requires access to the facility (as

the facility is on Council land) for inspections relating to Essential Safety Measure System and annual reporting and the lease provides for this access.

The Scout Group have advised that the building was in desperate need of refurbishment, repair and upgrading in order to provide services now and into the future. The group has recently undertaken the following upgrade works.

- Repolishing flooring
- Bathroom renovations
- White ant protection

A recent condition report by the Scouts Group has highlighted the following building issues:

- Rusted guttering
- Additional roof drainage pipes required
- Blockwork movement
- DDA compliant ramp and door needed at front entry
- Switchboard and lighting not to standard
- Unsafe access to mezzanine level
- Timber flooring at end of useful life

The group has indicated that it has no further funds available to address the above issues.

A community budget submission by the 2nd Melton Scouts for \$250,000 was received for consideration in the 2021-22 Council budget to address the above issues. Council determined not to include this amount in the draft 2021-22 Council budget but rather foreshadowed a Notice of Motion to further consider options for addressing these issues.

Notice of Motion 751 (Cr Vandenberg) was tabled at the Meeting of Council dated 15 March 2021 and Council resolved:

That Council Officers:

1. *Consult with the 2nd Melton Scouts Committee to investigate concept designs and costings for potential options to rebuild the 2nd Melton Scouts facility located at the Blackwood Drive Reserve;*
2. *Investigate and pursue funding opportunities that may be available from State and Federal Government in the way of grants or funding streams that may support this project; and*
3. *Report back to Council as a priority for this concept design as part of the 2021-22 budget process.*

Council Officers consulted with group leaders and Scouts Victoria representatives who outlined standard spatial requirements needed in any new Scout building. These include:

- Multi-purpose hall to the rear of building
- Toilets and leaders rooms at entry
- Numerous internal storage rooms
- Large garage storage
- Activity and meeting rooms

- Outdoor activity space

Upon documenting the above requirements, Hede Architects were engaged to review the site and provide concept options and cost plans to rebuild the Scout facility. The site review took into account dual access off Blackwood Drive, retaining the connection to the existing community centre building, providing adequate outdoor activity space and maintaining a car park connection to the tennis pavilion.

It is anticipated that the building size required to fit all spatial requirements is between 550-600sqm which is significantly larger than the current building

Two concept options were received by Hede Architects and are presented in the attached Appendix. It is to be noted that the concepts were produced to enable cost planning with further site investigation, scoping and consultation required if a project to develop a new facility is adopted in the future.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

1.1 A community where all people feel welcome, valued and proud.

4. Financial Considerations

Quantity Surveyors have assessed the costs of the options prepared by Hede Architects.

The concepts provided are based on room function/sizes obtained from the Scout's group and Scouts Victoria and are based on a future membership of 75 Scouts plus leaders.

The below cost estimates provide for demolition, site works, new build, planning and design fees, fit out and contingencies.

	Option 1 (552sqm)	Option 2 (591sqm)
New Building / Demo / Site	\$2,028,580	\$2,142,306
Contingencies	\$ 573,276	\$ 605,416
Fees	\$ 286,205	\$302,249
Total Cost	\$2,888,061	\$3,049,971

In the event that Scouts and/or Council decided to fund the project, there may be opportunities to seek grant funding through various State Government funding programs.

5. Consultation/Public Submissions

Council's Officers from the Community Activation & Learning team and Capital Projects met with representatives from the 2nd Melton Scouts and Scouts Victoria in order to document future building requirements.

6. Risk Analysis

The facility in its current form can continue to operate but ongoing expenditure will be required to maintain the building as issues with its age and condition continue to arise. The current lease in place between Council and the Scouts (tenant) identifies the tenant as being responsible for the ongoing maintenance of the facility with Council playing no part in the management or use of this venue under lease agreement.

7. Options

That Council note the report.

LIST OF APPENDICES

1. 2nd Melton Scouts Concept Options - undated

12.8 ADOPTION OF THE ROAD MANAGEMENT PLAN 2021-25

Author: Mike Johnston - Coordinator Asset Management & GIS

Presenter: Sam Romaszko - Manager Engineering Services

PURPOSE OF REPORT

To formally adopt the Road Management Plan 2021-2025.

RECOMMENDATION:

That Council;

1. In accordance with Section 53 of the *Road Management Act 2004*, formally adopts the Road Management Plan 2021-2025 as attached at **Appendix 1**.
 2. Makes the document publically available by placing a copy on Council's website.
 3. Notes that a periodic review of the Register of Public Roads and Paths will be undertaken in line with Council's policies, as delegated to the General Manager Planning and Development.
-

REPORT

1. Executive Summary

Council's Road Management Plan (RMP) is an operational document that provides an overview of Council's road management and maintenance practices. Under the *Road Management (General) Regulations 2016*, Council is required to undertake a review of its RMP every four years, with the next version required to be updated by Council by 30 June 2021.

This report seeks Council's endorsement to formally adopt the Road Management Plan 2021-2025 in accordance with Section 53 of the *Road Management Act 2004*.

2. Background/Issues

Melton City Council is a Road Authority as defined in Section 37 of the *Road Management Act 2004* and under this legislation, Road Authorities are required to develop and publish a Road Management Plan (RMP).

Melton City Council's first RMP was adopted in 2004 and subsequent reviews have been undertaken. Under the Regulations, where Councils elect to develop a plan it is mandatory to undertake a review of the document every four years in line with Council elections and the Council Plan, required to be adopted by 30 June the year following Council elections.

Council's RMP is an operational document that provides an overview of Melton's road management and maintenance practices, of which we manage 1248km (sealed and unsealed roads). Specifically, the RMP and its attachments define:

- The road network and supporting infrastructure which Council manages and maintains on behalf of its community;
- The responsibilities of Council in relation to the management of road assets;
- Levels of service in relation to the maintenance of road assets;

- Policies and procedures in relation to the ongoing risk inspection of Council's road assets;
- Intervention levels and associated maximum response times for Council to address road defects.

The draft Road Management Plan 2021-2025 was presented at the Meeting of Council on 12 April 2021 where the following was resolved;

Crs Abboushi/Ramsey

That Council;

1. *In accordance with the provision of the Road Management (General) Regulations 2016, authorises the Chief Executive Officer to give public notice that the draft Road Management Plan 2021-25 has been prepared and available for public inspection.*
2. *Resolves to allow a 28 day public exhibition period for submissions to the draft Plan.*
3. *Requests that a further report be presented to Council at the conclusion of the public exhibition period, considering all submissions received, prior to formally adopting the Road Management Plan.*

CARRIED.

At the conclusion of the public consultation period, one submission was received. A summary of this submission and an officer response is outlined below.

Submission summary

Resident resides adjacent to the Church Street and Palmerston Street intersection in Melton, and is requesting Council consider the construction of a roundabout at this location.

Officer response

Council's Traffic and Transport team actively monitors the road network with respect to safety issues identified by the community to determine if improvements are required. If improvements are deemed necessary these projects are forwarded to Council Capital Works Program for future funding. At this stage this intersection has not been identified for upgrade, however will continue to be monitored.

As a result of the submission, officers will provide a formal response to the submitter. No amendments to the Road Management Plan are recommended as a result of this submission.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

4. Financial Considerations

The resource implications resulting from amendments to categorisation of road assets and associated response timeframes can be accommodated within the existing operational budget.

5. Consultation/Public Submissions

The review of the Road Management Plan included a 28 day public consultation process as outlined below;

- Advertising in local newspapers on the dates listed below, advising of Council's intention to update the Road Management Plan, and how the community can make submissions to the draft version;
 - o Newspaper (Melton & Moorabool Star Weekly on 20 April 2021)
- Advertising on the City of Melton's Conversations page for the full public consultation period
- Link uploaded onto Council's website
- Media release
- Social media posts

6. Risk Analysis

The primary purpose of Council's Road Management Plan is risk mitigation and management of civil liability associated with Council's road infrastructure assets. The RMP documents the management and maintenance practices associated with Council's road infrastructure, including inspection frequencies, intervention levels, and response timeframes that is ultimately achievable within available resources.

Officers are confident that the standards and timeframes as set out within the RMP are reasonable and achievable.

7. Options

The option presented within this report is to adopt the Road Management Plan 2021-2025.

LIST OF APPENDICES

1. Road Management Plan 2021-2025 - dated March 2021
2. Intervention Levels Response Times - undated
3. Register of Public Roads - dated 30 December 2020

12.9 PLANNING APPLICATION PA 2020/7251 - DEVELOPMENT OF THREE DOUBLE STOREY DWELLINGS AT 15 EMPRESS WAY, MELTON WEST

Author: Joseph Oyelowo - Development Planner
 Presenter: Meagan Merritt – Acting Manager Planning Services

PURPOSE OF REPORT

To consider and determine the above planning application.

RECOMMENDATION:

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

REPORT

1. Background

Executive Summary

Applicant:	Luka Mrkonjic Town Planning Services
Proposal:	Three double-storey dwellings
Existing Land Use:	Existing single-storey dwelling
Zone:	General Residential (Schedule 1)
Overlays:	None
Number of Objections:	10
Key Planning Issues:	Previous Council and VCAT decision Strategic justification Respect for Neighbourhood Character Off-site amenity impacts Car parking and Traffic
Recommendation:	Approve application

Planning History

On 24 August 2018, Council refused a planning application to construct four double-storey dwellings on this corner lot, with one facing Odette Place and the others facing Empress Way. The basis of the refusal was on the grounds of excessive density and built form; design not addressing the objectives and standards of ResCode with respect of neighbourhood character; and over development.

The permit applicant subsequently sought a review of Council's refusal which was considered by VCAT which affirmed that no permit was to issue for the proposal.

In its decision, the Tribunal considered that the key issue is whether the proposal's design is

an acceptable response to the zoning and relevant planning policies affecting the site, and the neighbourhood character of the area.

The Tribunal concluded that:

For a design to respond appropriately to the existing neighbourhood character, it needs to be more than having all separate houses: it is also about setbacks, building massing, and the way the buildings are separated. On these three features, I find the design lacking.

I consider the single fronted appearance and limited separation between TH3 and TH4 as not complementary to the scale and building rhythm of the area, and the closeness of built form incompatible with the low scale and detached house character of the area.

In my mind, the lack of setback from Odette Place, the placement of built forms and the visual impact of the narrowness of buildings between TH3 and TH4 as design deficiencies and contrary to the existing neighbourhood character area, something that cannot be managed by permit conditions.

Urban consolidation and respecting neighbourhood character go hand in hand in the General Residential Zone. It is not one over the other. As far as increased housing is concerned, a reduction in yield due to character consideration does not mean urban consolidation is not achieved.

Refer to **Appendix 1** for a full copy of the VCAT decision

The Land and Surrounding Area

The subject site has an area of 829m² and is located on the south east corner of Empress Way and Odette Place in Melton West. Other features of the site are as follows:

- It is a corner allotment with a wide frontage along Empress Way.
- It contains an existing single storey dwelling located near the front of the site.
- Existing easements are located adjoining the road frontages and southern boundary of the site.

The surrounding area can be characterised as an established residential area with a blend of early 1980's to 2000 housing stock. The area generally displays a mixture of single and double storey housing stock with brick construction. Lots sizes are more generous, with medium setbacks and predominant cul-de-sac arrangements. Allotment sizes are generous with lots sizes being between 600 and 900m². There are moderate setbacks located throughout, which vary due to the cul-de-sac and curvilinear road pattern.

Refer to **Appendix 2** for a locality plan

The Application

The application proposes the development of three double-storey dwellings on the land.

The proposed development is summarised as follows:

- The existing dwelling is to be demolished and replaced with the proposed dwellings.
- The dwellings are labelled as Townhouses on the plans.
- All the dwellings will be detached.
- Townhouse 1 is located on the corner and designed to address Odette Place, and Townhouses 2 and 3 have been designed to address Empress Way.
- Each dwelling contains three bedrooms and provided with two car parking spaces each.
- The garage of Townhouse 3 that is proposed to be built over the easement have been re-designed to be demountable.

- The dwellings have a contemporary design with a range of external wall materials including brick, cladding, and render, with pitched tiled roofing.
- The development has been designed to provide adequate separation between dwellings.

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

Planning Controls

Zone	(Clause 32.08 – General Residential Zone)	Permit required to construct two or more dwellings on a lot
Particular Provisions	(Clause 52.06 – Car Parking)	Two car spaces are required for each dwelling

A full list of the relevant Planning Policies within the Melton Planning Scheme is included in **Appendix 4**.

Clause 55 – ResCode

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

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

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

House Rules - Housing Character Assessment & Design Guidelines

The *Housing Character Assessment & Design Guidelines* as adopted at the Ordinary Meeting of Council on 13 October 2015. The site is located within the Garden Court 1 (GC1) character area. The essential components of the GC1 which need to be maintained into the future are:

- Ample visual separation between dwellings
- Majority of the front setback used as permeable garden landscape
- Front gardens are visible from the street, forming part of the street landscape
- In some areas, an absence of expressed boundary between private and public realms.

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

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

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

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

The proposal is considered to be generally compliant with the requirements of the GC1 area as outlined in Council's Housing Character Assessment and Design Guidelines.

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.

Is the land of Cultural Heritage Sensitivity?

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

2. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

3. Financial Considerations

No Council related financial considerations are involved with the application.

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

The application was subject to notification. The notification was satisfactorily completed and 10 objections were received.

The grounds of objection may be summarised as follows:

- The proposed dwellings do not complement the character of the area
- Overlooking and loss of sunlight
- Overcrowding and residential noise
- Construction noise
- Garbage collection issues
- Increased traffic
- Development on this type of soil type would create pressure on surrounding properties
- Property devaluation.

A response to the objections is provided in **section 5**.

Referral of the application

The application was referred to Council's Infrastructure Planning team for comment and advice. The application was required to be referred to Western Water, who did not offer any objection to the proposal.

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

5. Issues**Planning Assessment**

The proposal has been assessed and considered in the context of the requirements of the Melton Planning Scheme, relevant Council Strategies, the objections received and the previous VCAT determination. It is considered that the proposed development, in this circumstance presents a better design outcome that is more respectful of the prevailing character of the surrounding area and generally complies with the objectives and standards of Clause 55 – ResCode for the following reasons:

1. The subject land is within the General Residential Zone which is suitable for incremental housing growth.

2. Generally corner allotments have increased development opportunity compared to the same sized mid-block within the same area. This corner allotment has a much wider frontage (along Empress Way) than normal corner allotments and that makes it a suitable location for the proposed development.
3. The site is more elongated when compared to other allotments in Odette Place due to the curve of Odette Place and the stepping in of the dwelling at 5 Odette Place. Therefore, the proposed 7.71 metre front setback of Townhouse 1 along Odette Place creates a staggered effect which is the most appropriate response in this instance.
4. The front setback for Townhouses 2 and 3 along Empress Way complies with the Table 1 street setback of Standard B6 of ResCode.
5. The housing type proposed is consistent with the preferred housing types of Melton's GC1 area as outlined in Council's Housing Character Assessment and Design Guidelines.
6. The design maintains appropriate visual separation between dwellings and maintains a front setback which enables planting of canopy trees.
7. Improved building articulation and visual presentation is provided to and from the street.
8. There is an adequate number of on-site car parking provided.
9. There is sufficient private open space provided for each dwelling that is required for the reasonable recreation and service needs of residents.
10. Increased articulation is provided to reduce the impression of blank walls.

This particular design response also incorporates many of the design improvements suggested by the Tribunal in its consideration of the previous development proposal for this site. This includes the following:

1. The front setback of Townhouse 1 is increased from 6.917 metres to 7.711 metres.
2. The proposed dwellings have a detached form which is respectful of the neighbourhood character. The reduction of a townhouse also increases the visual separation between Townhouses 2 and 3.
3. Providing a more active street frontage to Empress Way. The building mass of Townhouses 1 and 2 are increased at the street frontage.

Strategic justification

The land is zoned General Residential, which allows a modest level of housing growth and diversity. The proposal meets the overarching objectives of housing policies within the State Planning Policy Framework and Local Planning Policy Framework. It provides for urban consolidation in an area which has excellent access to local services and facilities. State policy objectives also encourage development that improves housing choice and accommodates future housing needs.

Neighbourhood character

The immediate surrounding area is generally characterized by detached single and double-storey dwellings. Within the immediate surrounding area double-storey built-form is quite apparent, there are double-storey dwellings located directly opposite at 1 Odette Place and 24 Empress Way, and a double-storey dwelling located on the abutting allotment at 5 Odette Place. There appears to be limited unit development within the immediate surrounding area, with the only exception being a dual occupancy development (single-storey dwelling at rear of existing dwelling) at 28 Empress Way.

Whilst the form of the development may generally be different to immediate building stock, it is noteworthy that respecting neighbourhood character does not mean replicating what exists. If that was the case there would be virtually no change to the types of dwellings that exist in

an area. The planning scheme does not prohibit alternative built form to the existing built form.

Objectors are concerned that the proposal represents an overdevelopment of the site and that this overdevelopment will adversely affect neighbourhood character. The common indicators of overdevelopment include excessive site coverage, boundary to boundary development, minimal open space provision and visual bulk. In response, the site coverage of the proposal is 46.35%, which is less than the permitted 60%, permeability is 43.38%, which is more than the minimum 20%, the development is well setback from all boundaries and each dwelling will have a minimum of 40m² of private open space.

The design response of the proposed development is generally considered an appropriate fit in terms of the existing neighbourhood character as it will sit comfortably in its context. The proposed dwellings will provide appropriate visual separation between dwellings to reduce the building mass and provide visual relief from the street.

Overshadowing existing secluded private open space

The submitted overshadowing diagrams shows that more than 40 square metres of the secluded private open space of the property to the south and east of the subject land will receive more than five hours of sunlight between 9am and 3pm on 22 September. Noting that only a small portion of the secluded private open space of the property to the south is overshadowed between these hours. Hence, the proposal complies with Standard B21.

Overlooking and internal views

Objectors are concerned about overlooking into backyards. The habitable room windows of Townhouses 1, 2 and 3 complies with Standard B22. All windows have a fixed, obscure glazing in any part of the window below 1.7 metres above floor level in accordance with Standard B22.

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

Noise

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

Detailed Design

Clause 55.06-1 encourages design detail that respects the existing neighbourhood character, and site services. As mentioned above the proposal complies with the relevant standards in relation to design that respects the existing neighborhood character.

Traffic and Parking

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

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

Soil stability issues

A soil report would be required as a part of the Building Permit process, the soil report would identify the soil type and appropriate engineering requirements. In addition, the builders are legally responsible for any damage to adjacent properties, should it be damaged by

construction works.

Property Devaluation

Residents have expressed concerns that approving this development will devalue their property. It is a long standing planning principle that this should not be considered by council unless it can be substantiated, which is not the case here.

6. Options

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

7. Conclusion

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

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

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

LIST OF APPENDICES

1. VCAT Decision - dated 5 April 2019
2. Locality Plan - dated 24 March 2021
3. Plans for the proposal - dated October 2020
4. Relevant Planning Policy Provisions - undated
5. Referral Responses - undated
6. Proposed Conditions - dated 16 April 2021

12.10 SALE OF LAND: 83-105 ABEY ROAD

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

PURPOSE OF REPORT

To consider the sale of land at 83-105 Abey Road

RECOMMENDATION:

That Council:

1. Sell the land at Lot 1 PS611313W, 83-105 Abey Road (**Appendix 1**) to Sita Buslines Pty Ltd and/or nominee for \$1,050,000.00 excluding GST with a condition precedent that Sita Buslines Pty Ltd obtain a Planning Permit for the use and development of the land for a bus depot within 12 months of the date of the Council resolution;
2. Authorise the CEO to negotiate and execute the contract of sale and all ancillary documents to give effect to the sale and settlement.

REPORT

1. Executive Summary

A report was presented to Council at the Ordinary Meeting of Council of 14 October 2019 outlining a request from Sita Coaches to acquire land at 83-105 Abey Road, Cobblebank for the purposes of establishing a bus depot to service the current and expanding Public Transport Victoria (PTV) bus route services.

At the Meeting of Council on 14 September 2020, Council resolved to 'sell the land at Lot 1 PS611313W (83-105) Abey Road Cobblebank to Sita Coaches Pty Ltd for an amount of \$1,050,000 excluding GST with a condition precedent that Sita Coaches Pty Ltd obtain a Planning Permit for the purposes of a bus depot for the land within 12 months (**Appendix 1**).

Since that time, the Sita has been trying to work through some drainage issues with Melbourne Water and as a result the contract of sale has not yet been executed. Given the time that has elapsed, Council were required to undertake a new valuation on the property to ensure that it was not older than 6 months. This valuation has been received and has increased from \$1,050,000.00 to \$1,275,000.00.

Given the nature of the development and the delays to proceeding with the contract of sale, officers consider that it would be appropriate to maintain the sale price of \$1,050,000 resolved on by Council at the 14 September 2020 meeting to enable the development of the site for the purposes of a bus depot which would assist with the operation of local bus routes.

2. Background/Issues

A report was presented to Council at the Ordinary Meeting of Council of 14 October 2019 outlining a request from Sita Coaches to acquire land in the Cobblebank area for the purposes of establishing a bus depot to service the current and expanding Public Transport Victoria (PTV) bus route services.

At the Ordinary of Meeting of Council on 9 December 2019, Council resolved to 'sell the land at Lot 1 PS611313W (83-105) Abey Road Cobblebank to Sita Coaches Pty Ltd for an amount of \$1.1 million with a condition precedent that Sita Coaches Pty Ltd obtain a Planning Permit for the purposes of a bus depot for the land within 12 months'.

In accordance with this resolution, Sita Buslines Pty Ltd prepared and submitted a planning permit application. The identified site is 83-105 Abey Road which is 1.687 hectares and located in the Toolern Precinct Structure Plan (PSP).

It was identified by Planning Services in the assessment of the application that 0.36 hectares of the property was required for drainage purposes by the Toolern PSP. As a result, it was agreed that it would be reasonable to remove the encumbered land from the property being sold to Sita Buslines. This resulted in the area subject to the sale being reduced to 1.327 hectares and the boundary of the property was been altered.

The reduction in the land subject to the sale also required a revised valuation which has resulted in a proposed sale price of \$1,050,000.00 rather than the \$1,100,000.00 resolved by Council at the Ordinary Meeting 9 December 2019.

At the Meeting of Council on 14 September 2020, Council resolved to sell the land at Lot 1 PS611313W (83-105) Abey Road Cobblebank to Sita Coaches Pty Ltd for an amount of \$1,050,000 excluding GST with a condition precedent that Sita Coaches Pty Ltd obtain a Planning Permit for the purposes of a bus depot for the land within 12 months.

Since that time, the Sita has been working through some drainage designs with Melbourne Water and as a result the contract of sale has not yet been executed. Given the time that has elapsed, Council were required to undertake a new valuation on the property to ensure that it was not older than 6 months. This valuation has been received and has increased from \$1,050,000.00 to \$1,275,000.000.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

3.1 A City that strategically plans for growth and development.

4. Financial Considerations

Agreeing to maintain the previously agreed sale price of \$1,050,000 means that Council are essential discounting the sale price by \$225,000.

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

Should Council choose to resolve to sell the land for the increased value of \$1,275,000, Sita may choose not to proceed with the acquisition and development of the land for the purposes of a Bus Depot. However, Council would be able to sell or develop the land for its own purposes in the future.

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

There is limited risk to Council if they choose not to proceed with the sale on the previously resolved price. However, Council have already committed to the sale of the land to Sita subject to the precedent condition that they obtain a planning permit to develop this site within 12 months of the sale. As a result of this previous resolution of Council, Sita Buslines Pty Ltd have progressed with the planning permit application. If Council choose not to proceed with the sale on the previously resolved price, Sita may choose not to proceed with the acquisition and development of the land for the purposes of a Bus Depot.

As outlined in previous reports on this matter, there is no foreseen risk to Council in proceeding with the sale. The condition precedent which forms part of the recommendation seeks to ensure that the land is used for the purposes of a bus depot to service the current and expanding Public Transport Victoria (PTV) bus route services in the broader western catchment. This was the basis of the approach by Sita Buslines Pty to Council in respect of the acquisition of the land at 83-103 Abey Road.

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

7. Options

Council has the option to:

1. Sell the land at Lot 1 PS611313W, 83-105 Abey Road to Sita Buslines Pty Ltd and/or nominee for \$1,050,000.00 excluding GST with a condition precedent that Sita Coaches Pty Ltd obtain a Planning Permit for the purposes of a bus depot for the land within 12 months and authorise the CEO to negotiate and execute the contract of sale and all ancillary documents to give effect to the sale and settlement;
2. Sell the land at Lot 1 PS611313W, 83-105 Abey Road to Sita Buslines Pty Ltd and/or nominee for \$1,275,000.00 excluding GST with a condition precedent that Sita Coaches Pty Ltd obtain a Planning Permit for the purposes of a bus depot for the land within 12 months and authorise the CEO to negotiate and execute the contract of sale and all ancillary documents to give effect to the sale and settlement
3. Not proceed with the sale of land at Lot 1 PS611313W, 83-105 Abey Road, Cobblebank to Sita Buslines Pty Ltd and/or nominee.

LIST OF APPENDICES

1. Site Subject to Sale at 83-105 Abey Road - dated 30 June 2020

12.11 HARNESS RACING VICTORIA - SECTION 173 AGREEMENT

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

PURPOSE OF REPORT

To consider a request from Harness Racing Victoria to extend the time in which to develop part of the property (Parcel B), acquired from Council.

RECOMMENDATION:

That:

1. Council agree to the request by Harness Racing Victoria for an extension of time to develop Parcel B in accordance with the following timelines:
 - Construction works to commence by 30 June 2024; and
 - Substantial completion of works by 30 June 2027.
2. Any further extension(s) of time be at Council's discretion.

REPORT

1. Executive Summary

In 2005 Council entered into a Memorandum of Understanding (MoU) with Harness Racing Victoria (HRV) for the sale by Council of 92 hectares to HRV. As part of the final sale transaction in 2009 Council entered into a Section 173 Agreement pursuant to the Planning and Environment Act 1987. The Agreement imposed performance conditions on HRV to ensure the land was developed. A significant part of HRV's obligation from the original MoU has been met through the development of Tabcorp Park. However further obligations apply in terms of the development of part of the land fronting Abey Road (Parcel B) (refer **Appendix 1**).

The initial agreement required work to be commenced on Parcel B by May 2014 and be substantially complete by May 2015. If this wasn't achieved and under the Agreement Council had the opportunity to buy it back the land at market value.

At the request of HRV Council subsequently resolved at its meeting on the 13 October 2011 and 24 July 2017 (refer **Appendix 2**) to effectively allow for an extension of the time for works to both commence and be completed. The most recent extension granted at the 24 July 2017 Council meeting set the following deadlines:

- Works to commence by 30 June 2021
- Substantial completion of works by 30 June 2022
- Further extension(s) of time to be at Council's absolute discretion.

HRV have now made a request for a further extension of these deadlines mainly due to the 500 metre buffer zone around the former landfill not being reduced until late 2019 and the impacts of COVID 19. It is recommended that Council support the request.

2. Background/Issues

In February 2005, Council signed a Memorandum of Understanding (MoU) with Harness Racing Victoria (HRV) in relation to the sale of land then owned by Council in Ferris Road/Abey Road Melton South. The land was in two parts; Parcel A fronting Ferris Road and Parcel B fronting Abey Road (Refer **Appendix 1**).

The MoU required HRV to undertake significant development of the overall site. This requirement has been achieved in relation Parcel A through the establishment of Tabcorp Park which opened in July 2009.

In the sale transaction for Parcel B Council entered a Section 173 Agreement with HRV on the 26 May 2009. The agreement set out an agreed timeframe for the development of the land. The agreement was used by Council as a mechanism to ensure that the site was not 'land-banked' by HRV as Council wanted to ensure the site be developed to its maximum potential within a reasonable timeframe.

Subsequent to the initial agreement Council considered the matter further at its Ordinary Meetings of 13 October 2011 and 24 July 2017 (refer **Appendix 2**) and resolved to provide extension to the commencement and completion of works.

The most recent extension granted at the 24 July 2017 Council meeting set the following deadlines:

- Works to commence by 30 June 2021
- Substantial completion of works by 30 June 2022
- Further extension(s) of time to be at Council's absolute discretion.

In determining to extend the deadline at that time Council had regard to the partnership that it had established with HRV and Ecnam Properties for undertaking what became known as the Pegasus Project. This was an intensive process which involved a charette over the course of a week in 2010 which sought to develop options as to not only how the HRV site could be developed but also the surrounding area, including Council owned land. This resulted in a final report presented to all the partners in the project.

In addition, Council in response to the Toolern Precinct Structure Plan which was approved in 2011 and changed the planning framework which applied to the site, have prepared and approved the Cobblebank Mixed Use and Employment Area Urban Design Framework which will now guide the future development of the site.

As previously reported to Council, HRV undertook a detailed environmental assessment of the former landfill site which covers part of Parcel B so as to determine any buffer distances required at that location. This work was protracted and is was completed in 2019 and resulted in the buffer around the former landfill site being reduced to 50m.

In this context, and as a result of the impacts of COVID 19 restrictions, HRV have requested a further extension and any required update to the existing s173 Agreement (**Appendix 3**) to reflect this. The new dates requested by HRV are:

- Construction works to commence by 30 June 2024; and
- Substantial completion of works by 30 June 2027.

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

There are no financial impacts on Council in agreeing to this extension of time. Should Council wish to refuse the request and purchase the land back, as per the terms of the s173 Agreement, then this would be negotiated based on current market rates. A land valuation has not been sought at this time.

5. Consultation/Public Submissions

Not applicable

6. Risk Analysis

There are no risks associated with providing this extension of time.

7. Options

Council has the option to:

1. Extend the timelines under the s173 Agreement
2. Refuse to extend the timelines and seek to buy the land back at current market rates in line with the s173 Agreement.

LIST OF APPENDICES

1. Plan of Subdivision - Parcel B - dated 7 February 2007
2. Minutes of the Ordinary Meeting of Council - Item 12.10 - dated 24 July 2017
3. Section 173 Agreement, 92-134 Abey Road, Melton South - dated September 2012

13. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES AND COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS

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

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.

14. NOTICES OF MOTION

14.1 NOTICE OF MOTION 766 (CR ABBOUSHI)

Councillor: Steven Abboushi - Councillor

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 7 June 2021

MOTION:

That Officers provide a report outlining the costings to extend sanitary bin service provision to all community sporting facilities across the municipality

OFFICER'S COMMENTS:

If this motion is endorsed by Council, officers will prepare a report for a future meeting of Council.

14.2 NOTICE OF MOTION 767 (CR ABBOUSHI)

Councillor: Steven Abboushi - Councillor

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 7 June 2021

MOTION:

That Council undertake a review of street lighting along the Taylors Road corridor with consideration to interim and ultimate arrangements, and that a report be prepared for consideration at a future meeting of Council.

OFFICER'S COMMENTS:

Council officers will undertake an investigation in accordance with the Notice of Motion above, and report back to a future Meeting of Council.

14.3 NOTICE OF MOTION 768 (CR SHANNON)**Councillor: Julie Shannon - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 7 June 2021

MOTION:

To encourage local employers within the City of Melton to have appropriate workplace policies including Bullying Policies, to assist in providing a positive environment for staff, that Council implement the following:

1. Promote through its various Venture Melton marketing and communication channels what assistance is available to employers to develop and implement appropriate workplace policies.
2. Promote on the Council website where employees of any business negatively impacted by workplace experiences can seek support and guidance
3. Through Council's Venture Melton Business Network program, facilitate small business training and development opportunities on effective policies and guidelines.

OFFICER'S COMMENTS:

Council staff will action the three points set out in the notice of motion should it be adopted by Council.

15. COUNCILLOR'S QUESTIONS WITHOUT NOTICE

16. URGENT BUSINESS

17. CONFIDENTIAL BUSINESS

Recommended Procedural Motion

That pursuant to section 66(1) and (2)(a) of the *Local Government Act 2020* the meeting be closed to the public to consider the following reports that are considered to contain **confidential information** on the grounds provided in section 3(1) of the *Local Government Act 2020* as indicated:

- 17.1 Contract 21/050 - Management and Operation of Grasslands Kindergarten Service**
(g) private commercial information, being information provided by a business, commercial or financial undertaking that—
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- 17.2 Contract 21/052 - Resurfacing Synthetic Fields - Springside Recreation Reserve - Design & Construct**
(g) private commercial information, being information provided by a business, commercial or financial undertaking that—
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- 17.3 Contract 21/053 - Burnside Heights Recreation Reserve - Reconstruction of the main oval**
(g) private commercial information, being information provided by a business, commercial or financial undertaking that—
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- 17.4 Semi-Annual Grants Panel Assessment - Celebrate Diversity**
(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
- 17.5 Proposed purchase of land**
(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- 17.6 Class Action**
(e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;

Recommended Procedural Motion

That the meeting be opened to the public.

18. CLOSE OF BUSINESS