



MELTON CITY COUNCIL

Notice is hereby given that the Meeting
of the Melton City Council will be held via a
videoconference on 8 February 2021 at 7:00pm.

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

Kelvin Tori
CHIEF EXECUTIVE

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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 21 December 2020 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**

- 21 December 2020 Summary of Informal Meetings of Councillors
- 18 January 2021 Summary of Informal Meetings of Councillors
- 25 January 2021 Summary of Informal Meetings of Councillors
- 1 February 2021 Summary of Informal Meetings of Councillors

RECOMMENDATION:

That the Summary of Informal Meetings of Councillors dated 21 December 2020, 18 and 25 January 2021 and 1 February 2021 attached to this Agenda be received and noted.

LIST OF APPENDICES

1. Summary of Informal Meetings of Councillors - dated 21 December 2020
2. Summary of Informal Meetings of Councillors - dated 18 January 2021
3. Summary of Informal Meetings of Councillors - dated 25 January 2021
4. Summary of Informal Meetings of Councillors - dated 1 February 2021

8. CORRESPONDENCE INWARD

8.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR

- Chris Hotham – Deputy Secretary Infrastructure, Department of Health and Human Services – City Deal, Melton Hospital
- Steve McGhie MP – Parliamentary Secretary for Health - Diamond interchange at the junction of Bulmans/Clarkes Road and Western Highway in Melton.

RECOMMENDATION:

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

LIST OF APPENDICES

1. Letter from Chris Hotham - Deputy Secretary Infrastructure, Department of Health and Human Services - City Deal, Melton Hospital - dated 16 December 2020
2. Email from Steve McGhie MP - Diamond interchange at the junction of Bulmans/Clarkes Road and Western Highway in Melton - dated 30 December 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

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** and **Appendix 2**
 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
27 January 2021	Policy Review Panel	Appendix 1
29 January 2021	Policy Review Panel	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

5.3 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.

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1. Policy Review Panel meeting minutes - dated 27 January 2021
2. Policy Review Panel meeting minutes - dated 29 January 2021

12.2 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 Special Committee meeting held 12 August 2020 and the unconfirmed minutes of the LeadWest Advisory Committee meeting held 16 December 2020.

RECOMMENDATION:

That the confirmed minutes of the LeadWest Special Committee meeting held 12 August 2020 (refer **Appendix 1**) and the draft minutes of the LeadWest Advisory Committee meeting held 16 December 2020 (refer **Appendix 2**) be received and noted.

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 Special Committee held 12 August 2020; and
2. The unconfirmed minutes of the LeadWest Advisory Committee held 16 December 2020.

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) in regard to Council committees, 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. However delegated committees require a Councillor to be the chairperson and LeadWest has operated for some time with an independent chair.

LeadWest prefers to stay with this model. It has written to the Minister for Local Government seeking exemption under section 177 of the 2020 Act to allow an independent chair of LeadWest operating as a Joint Delegated Committee

From the 1 September 2020, when provisions relating to Delegated Committees commenced under the 2020 Act, until it receives a response from the Local Government Minister,

LeadWest will operate as an Advisory Committee. 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.

Cr Ramsey is Council's current delegate to LeadWest with Cr Shannon as proxy delegate. The CEO is also a delegate to LeadWest.

Attached to this report are:

1. The confirmed minutes of the LeadWest Special Committee meeting held 12 August 2020; and
2. The draft minutes of the meeting of the LeadWest Advisory Committee held 16 December 2020.

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 Special Committee Meeting - dated 12 August 2020
2. Draft Minutes of the LeadWest Advisory Committee Meeting - dated 16 December 2020

12.3 RAIL FREIGHT ALLIANCE - APPOINTMENT OF COUNCIL DELEGATE

Author: Kel Tori - Chief Executive Officer
Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

To appoint a Council delegate to the Rail Freight Alliance, of which Council recently became a financial member

RECOMMENDATION:

That Council appoint Ms Laura-Jo Mellan, Executive Manager Property and Projects as its delegate to the Rail Freight Alliance.

REPORT

1. Executive Summary

As a member of Rail Freight Alliance (RFA) Council can nominate a delegate, and if desired a substitute delegate, to attend meetings and represent the Council. The nominated delegate or substitute delegate can be a Council officer.

Each nominated delegate is entitled to vote as specified under the RFA Rules.

2. Background/Issues

Council recently became a financial member of the Rail Freight Alliance, which advocates for upgrades of the rail freight network. This advocacy group of Councils supports Council's efforts to achieve government commitment to the Western Interstate Freight Precinct and the Western Rail Plan. As a member Council can nominate a delegate, and if desired a substitute delegate, to attend meetings and represent the Council. The nominated delegate or substitute delegate can be a council officer.

The Alliance meets approximately 5 times per year, and while each nominated delegate is entitled to vote as specified under the RFA Rules, any Councillor or Officer of a member Council is able to attend meetings as a non-voting observer.

The next meeting of the RFA is scheduled to be held via Zoom at 11am on 19 February 2021.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

3.1 A City that strategically plans for growth and development.

4. Financial Considerations

Council is a financial member of Rail Freight Alliance, with the annual cost being approx. \$5,000 ex-GST.

5. Consultation/Public Submissions

No consultation is required in relation to this report.

6. Risk Analysis

The only risk associated with this item is that if Council fails to appoint a delegate it will be unable to fully participate in Alliance meetings.

7. Options

Council has the option to discontinue its membership of the Rail Freight Alliance.

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Nil

12.4 SAFE CITY ADVISORY COMMITTEE - APPOINTMENT OF COUNCILLOR DELEGATES

**Author: Jayde McBurnie - Team Leader Health Promotion and Planning
Presenter: Maurie Heaney - General Manager Community Services**

PURPOSE OF REPORT

To seek appointment of up to six Councillor delegates to the Safe City Advisory Committee for 2021

RECOMMENDATIONS:

That Council appoint:

- Cr
- Cr
- Cr
- Cr
- Cr and
- Cr

as its Councillor delegates to the Safe City Advisory Committee.

REPORT

1. Executive Summary

The purpose of this report is to seek Council appointment of up to six Councillor delegates to the newly created Safe City Advisory Committee.

Council adopted its Safe City, Proud Communities Plan 2020-2024 at its meeting held 20 July 2020. At that meeting the Council resolved to endorse the discontinuation of the Road2Zero Steering Committee and Community Safety Advisory Committee and to establish a Safe City Advisory Committee.

No appointments to the Safe City Advisory Committee were made at its meeting held 30 November 2021 pending the development and endorsement of Terms of Reference for this committee.

Council received recommendations from its Policy Review Panel to endorse Terms of Reference for the Safe City Advisory Committee. Assuming that the Terms of Reference were adopted, Council should now precede with the appointment of up to six Councillor delegates to this committee.

2. Background/Issues

The Safe City, Proud Communities Plan 2020-2024 was adopted by Council on 20 July 2020. The Plan sets out Council's direction for strengthening road and community safety

over the next four years. It outlines a whole-of-organisation collaborative approach to road and community safety.

The Safe City, Proud Communities Plan identifies the four pillars for action:

- People and behaviours: Addressing individual behaviours to improve road and community safety.
- Community and connection: Promoting social capital, community cohesion and connection to foster safe communities.
- Environments for safety: Building and maintaining physical environments and social conditions that promote safety.
- Collaboration and coordination: Taking a whole-of-organisational approach to road and community safety.

A four-year action plan outlines specific strategies to be implemented under each pillar.

The Safe City Advisory Committee plays an integral role in relation to this Plan. The Terms of Reference for this Committee says it will

- support the implementation and evaluation of the Safe City, Proud Communities Plan 2020-2024
- provide advice and recommendations in the development of strategies and activities that promote a safe, connected, cohesive and resilient community
- share information and identify issues that may impact or influence safety, wellbeing and community cohesion in the City of Melton
- contribute to the planning and delivery of local initiatives aimed at strengthening road and community safety at the individual, environmental and societal levels
- contribute to and share information from local, regional and state wide community, road and safety networks.

Assuming that Terms of Reference for the Safe City Advisory Committee were adopted in the agenda item headed *Advisory Committees of Council – Aggregated Meeting Minutes* that preceded this report, Council should now precede with the appointment of up to six Councillor delegates to this committee.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

4. Financial Considerations

There is no additional cost related to this report and recommendations. The recurrent budget accommodates the financial requirements to administer this Committee.

5. Consultation/Public Submissions

Consultation and public submissions are not required for the appointment of up to six Councillor delegates to this committee.

6. Risk Analysis

There are no identified risks in relation to the appointment of up to six Councillor delegates to the Safe City Advisory Committee.

7. Options

Council has the option to choose up to six Councillors as its delegates to the Safe City Advisory Committee.

LIST OF APPENDICES

1. Safe City, Proud Communities Plan 2020-2024 - dated 20 July 2020

12.5 COUNCILLOR CODE OF CONDUCT

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

PURPOSE OF REPORT

To present to Council a draft Councillor Code of Conduct for its consideration and, if appropriate, adoption by a two thirds majority.

RECOMMENDATION:

That Council adopt the Councillor Code of Conduct at **Appendix 1**.

REPORT

1. Executive Summary

A new Councillor Code of Conduct is required by the *Local Government Act 2020* (the Act) to be adopted by this Council on or before 24 February 2021. That Code of Conduct must contain certain things, chiefly, the prescribed standards of conduct.

A draft Councillor Code of Conduct which meets the requirements of the Act is set out at **Appendix 1**.

The Act requires that the Code of Conduct be adopted by at least two thirds of the total number of Councillors elected to the Council. This means that at least 6 Councillors must vote in favour of the motion to adopt the Councillor Code of Conduct (regardless of how many Councillors are present at the meeting).

2. Background/Issues

Section 139 of the Act requires every council to review and adopt a new Councillor Code of Conduct which includes:

- the standards of conduct prescribed by the regulations;
- any provisions prescribed by the regulations;
- provisions addressing any matters prescribed by the regulations;
- any other matters which the Council considers appropriate, other than any other standards of conduct

within 4 months of a general election (s139(2),(3)).

Outside of an election, a Council may review and amend its Councillor Code of Conduct at any time (s140(1)).

A Councillor Code of Conduct must be made or amended by a formal resolution of Council at a meeting by at least two thirds of the total number of Councillors elected to the Council (s139(5)). For Melton City Council this means that at least 6 Councillors must vote in favour of the motion to adopt or amend the Councillor Code of Conduct regardless of how many Councillors are present at that meeting.

Failure by a Councillor to comply with the prescribed standards of conduct constitutes misconduct for the purposes of the Act. The Act provides for a range of sanctions that may be imposed by an arbiter upon councillors for misconduct.

The arbiter may do any one or more of the following—

- direct the Councillor to make an apology in a form or manner specified by the arbiter;
- suspend the Councillor from the office of Councillor for a period specified by the arbiter not exceeding one month;
- direct that the Councillor be removed from any position where the Councillor represents the Council for the period determined by the arbiter;
- direct that the Councillor is removed from being the chair of a delegated committee for the period determined by the arbiter;
- direct a Councillor to attend or undergo training or counselling specified by the arbiter.

Failure to comply with the Council's internal arbitration process or failure to comply with a sanction directed by an arbiter amounts to serious misconduct.

Continued or repeated misconduct after an initial finding will also amount to serious misconduct.

A Councillor Code of Conduct can relate only to complaints by Council or Councillors against another or other Councillors(s).

A complaint made by a member of the public in relation to a breach of this Councillor Code of Conduct has no effect unless the matters is 'taken up' by the Council or a Councillor or group of Councillors on behalf of the complainant.

A complaint by a member of the public can otherwise be made to the Minister for Local Government or the Chief Municipal Inspector.

Nothing in the Councillor Code of Conduct prevents an individual Councillor with a specific issue or dispute from pursuing other avenues available to them under the law.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

Nil

5. Consultation/Public Submissions

Nil. As mentioned above, a Councillor Code of Conduct can relate only to complaints by Council or Councillors against another Councillor or Councillors.

6. Risk Analysis

Council must adopt a new/revised Councillor Code of Conduct within 4 months of a general election, that is, by 24 February 2021. Failure to do this would amount to a breach of the Act

and would bring Council's compliance with the Overarching Governance Principles into question. The provision of good governance goes to the role of a Council (s8).

7. Options

Council has the options to:

1. Adopt the draft Councillor Code of Conduct at **Appendix 1** (with or without any amendments) by a two thirds majority;
2. Resolve to conduct an unscheduled meeting of the Council on or before 24 February 2020 in order to adopt a Councillor Code of Conduct as required by the Act.

LIST OF APPENDICES

1. Draft Councillor Code of Conduct - dated 2021

12.6 MELTON PLANNING SCHEME AMENDMENT C222 - RAVENHALL TOXIC SOIL - POTENTIAL LEGAL CHALLENGE

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

PURPOSE OF REPORT

To update Council in relation to a legal challenge to the Melton Planning Scheme Amendment C222.

RECOMMENDATION:

That Council notes the report.

REPORT

1. Executive Summary

Having considered legal advice the CEO has exercised the delegation given to him by this Council and given instructions to Council's external lawyers to issue proceedings (on any available ground), on its behalf in relation to the Minister's decision to approve an amendment to the Melton Planning Scheme (Amendment C222).

Those proceedings will be filed on or before 4 February 2021 in the Supreme Court of Victoria.

Officers will keep the Council updated as necessary.

2. Background/Issues

On 30 November 2020 council resolved to seek legal advice in relation to the decisions by the EPA and the Minister which allow the toxic soil from the Westgate project to be taken to the Ravenhall Spoil Processing Facility.

On or around the date of that resolution it was reported in the media that the EPA withdrew its approval of the environmental management plan (EMP).

The legal advice was duly obtained and a copy provided to Councillors. The advice is confidential and also subject to legal professional privilege. Accordingly, the contents of the legal advice cannot be set out nor reproduced here.

Having considered the legal advice, the CEO exercised the delegation given to him by this Council and gave instructions to Council's external lawyers to issue proceedings on its behalf in relation to the Minister's decision to approve an amendment to the Melton Planning Scheme (Amendment C222).

Those proceedings will be filed on or before 4 February 2021 in the Supreme Court of Victoria.

Officers will update Council in due course, as required.

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 legal costs of the proceeding are expected to be in the order of \$70,000 to \$100,000. If Council's proceeding fails then there is a further risk of an order to pay the other party's costs – which could be of a similar amount.

5. Consultation/Public Submissions

Council's 'Stop the Soil' campaign invites residents and businesses to let key decision makers know that our community does not want contaminated soil stored at Ravenhall and that any decision should involve community engagement to ensure the community is informed and can have their say. To date more than 2500 residents have taken action and sent an email to key decision makers including the Minister for Planning, Minister for Transport, Minister for Energy, Environment and Climate Change, State Member for Kororoit, Cleanaway and the Westgate Tunnel Project opposing the project and requesting public consultation form part of any decision making.

6. Risk Analysis

If Council is unsuccessful in the proceeding there is a high likelihood that the Court will order Council to pay the other party's costs which could be of a similar sum to its own.

If Council does not issue proceedings then the toxic soil could ultimately come to be placed at the Ravenhall Spoil Processing Facility.

7. Options

1. Accept the officer recommendation.
2. Resolve to discontinue the proceeding (ideally outlining the reasons why).

LIST OF APPENDICES

Nil

12.7 RESPONSE TO NOTICE OF MOTION 714 (CR ABBOUSHI) - RECONSTRUCTION OF THE MAIN OVAL AT BURNSIDE HEIGHTS RECREATION RESERVE

Author: Aaron Biscan - Recreation Development Coordinator
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To respond to Notice of Motion 714 (Cr Abboushi) to report on the costs associated with the reconstruction of the main oval at Burnside Heights Recreation Reserve.

RECOMMENDATION:

That Council:

1. Note the report
2. Refer all costings to 2021-22 budget deliberations.

REPORT

1. Executive Summary

At the Ordinary Meeting of Council dated 21 September 2020, Council resolved via Notice of Motion 714 (Councillor Abboushi):

That Council officers provide a report to Council on the likely costs associated with the full reconstruction of the main oval at Burnside Heights, including but not limited to: a fully reconstructed playing surface, cricket pitch, irrigation, drainage, fencing, coach's boxes and the like.

This report provides further information on the estimated costs at this stage associated with the full reconstruction of the main oval at Burnside Height Recreation Reserve (BHRR).

2. Background/Issues

The 2 playing surfaces (ovals) at BHRR experience very high usage from the tenant clubs being the Burnside Heights Football Club (BHFC) and Burnside Heights Cricket Club (BHCC). Council adopted the 2020/2021 budget with a funding commitment of \$100,000 to undertake a feasibility and design process for the reconstruction of the main oval only. The oval reconstruction is planned to be delivered in the 2021/22 financial year pending Council adoption of the budget.

A sports turf specialist has been engaged to provide advice on the current condition of the main oval. Consultation has been undertaken with the relevant clubs related to the site and works.

Due to the condition of the oval and existing sub base, a full reconstruction of the oval has been recommended.

For all costs associated with this project refer to the financial section of this report.

At the 21 December 2020 Ordinary meeting of Council, Council endorsed the allocation of \$500,180 towards the Burnside Heights Recreation Reserve under the Federal Government

Local Roads and Community Infrastructure Program - Playing Field Refurbishment Projects. If Council is successful within this funding, that the recommended works will commence prior to the 2021/22 budget year.

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

	Estimated Cost
Reconstruction of the main oval have been provided by a sports turf consultant with extensive experience in the field. The estimated cost to reconstruct the main oval inclusive of irrigation and drainage upgrades	Approx.\$1.2m pending sub surface drainage investigation works
Contingency amount estimated	\$200,000
Replacement of the oval fence incorporating a chain mesh infill as used at other venues	Approx.\$62,000
Replacement of the synthetic cricket wicket	Approx.\$20,000
Elevated coaches box incorporating player shelters	Approx.\$40,000 (per structure)
Relocate two existing player shelters to oval 2	Approx.\$8,500
Overall Cost	\$1,530,500

More detailed and design works to be completed for a more accurate costings to be provided at the tender stage. It's proposed that this project would be a design and construct tender, focusing on a sports turf specialist.

5. Consultation/Public Submissions

Engagement with the tenant clubs was undertaken to understand concerns with the playing surface. Consultation with the clubs identified the following concerns:

- The condition of the playing surface including the height of the mound (sic) in the centre of the oval, there is ongoing uneven / undulated areas across the ground and grass cover in high wear areas is thin.
- There are drainage pits located inside the fence line in the boundary run off area presenting a safety issue during football season.
- The condition and size of the synthetic cricket wicket and the desire for a turf wicket table in the future.
- The condition of the oval fence requires renewal.
- The provision of larger player shelters and elevated coaches' boxes whilst not Council standard provision are desire by the club in the future.

Further consultation will be undertaken with the clubs during the detailed design stage for this project. The ideal time to commence construction of the oval is during spring and the BHFC have advised that the club can vacate Oval 1 from 1st August 2021.

6. Risk Analysis

Further design is required to eliminate risks within the current planning including costs and any existing site conditions.

Both clubs are aware that the oval will be unavailable for use for a period of between 6-12 months during the construction and turf establishment phase for this project. Both clubs will need to conduct a significant amount of activity at alternate venues during this period.

7. Options

That Council endorse officer's recommendations as presented.

LIST OF APPENDICES

Nil

12.8 RESPONSE TO NOTICE OF MOTION 731 (CR ABBOUSHI) - FEE REBATE FOR SPORTING CLUBS

Author: Aaron Biscan - Recreation Development Coordinator
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

The purpose of this report is to respond to Notice of Motion 731 (Cr Abboushi).

RECOMMENDATION:

That Council:

1. Note the costs in this report related to the Notice of Motion 731.
2. Not provide any fee rebate for clubs that have outstanding debt prior to the COVID-19 pandemic season.
3. Endorse Officers to proceed to establish a 'Stay Active Grant Fund' accessible for those in financial hardship to support community members to stay involved in Active Community Sport and proceed to implement a program based on the selection criteria.
4. Allocate an amount of \$100,000 to this grant program.

REPORT

1. Executive Summary

At the Ordinary Meeting of Council dated 21 December 2020, Council resolved via Notice of Motion 731 (Cr Abboushi) as follows:

In light of COVID-19 and the financial hardship experienced by many of our sporting clubs and residents, that Council provide a report on the costs associated with providing all sporting clubs a 50% rebate on all lease, licence and court hire fees in 2021 sports season, in order to encourage residents to keep active and participate in their local club.

This report provides further information on the costs and issues for consideration associated with providing all community sporting clubs with a 50 per cent rebate on all lease, licence and Indoor Sport court hire fees in the 2021.

2. Background/Issues

At the Ordinary Meeting of Council dated 21 December 2020, Council resolved to investigate the costs and issues associated with providing all sporting clubs a 50 per cent rebate on all lease, licence and court hire fees in 2021 sports season.

User fees and charges represent the community contribution for usage toward Council managing, maintain and providing recreation and leisure facilities across the municipality. The method used to calculate licence fees and court hire fees is based primarily around usage as a contribution toward the cost of Council maintaining and managing these facilities for the community.

Lease, Licence and Court Hire Fees

Table 1 provides an overview of the estimated cost to Council to provide all sporting clubs with a 50 per cent rebate on all lease, licence and Indoor Sport court hire fees during the 2021 sports season/s.

Table 1: Fee rebates 2021 - Estimated cost to Council

Fee	Estimated Income 2021	Cost Impact to Council of 50% Rebate
Current Annual Lease Fee Income	\$1,770	\$885
Current Annual / Seasonal Licence Fee Income	\$184,888	\$92,444
Current Annual Indoor Sport Court Hire Income	\$512,960	\$256,479
Total Fees	\$699,618.00	\$349,808.00

Community Sport Leases

There are six groups that pay an annual rental for the exclusive use by members of their club only of a Council sport and recreation facility. In addition to rent these groups pay utility and some maintenance costs associated with the use of these facilities. Some of these lease arrangements require groups to pay a proportion of or all maintenance costs.

Annual rentals for community leases range from a peppercorn fee to approximately \$1,400.

Commercial Leases

There are three groups that operate from Council sport and recreation facilities under commercial lease arrangements (Melton Golf Club, Caroline Springs George Cross and Riddell District Football Netball League). Council as the landlord is required to act in accordance with the relevant legislation when considering and offering rent relief to tenants in eligible commercial leases. Groups operating under commercial lease arrangements have not been considered in this report.

License Agreements

There are currently 62 community sport groups which operate under license arrangements that pay license fees associated with their use of a Council sport and recreation facility. In addition to license fees, many clubs are also responsible for the utility costs associated with the use of these facilities. License fees range from \$50 to \$4,000 per season (6 months).

Indoor Sport Court Hire

Thirteen (13) groups regularly hire Indoor Sport courts at the Caroline Springs Leisure Centre, Caroline Springs Tennis Centre and Melton Indoor Recreation Centre. These groups generally pay an hourly rate for the hire of courts. As part of this fee model, Council pays all utility, maintenance and cleaning costs associated with the use of these facilities. The annual court hire fees paid by sporting groups range from around \$5,000 to \$110,000 depending on the groups' level of use.

COVID-19 Fee Waivers

The first COVID-19 lockdown (March 23 2020) resulted in the closure of all community sport and recreation facilities. Clubs were advised that lease, licence and court hire fees would not be charged until it was safe and clear for Council and the community to occupy these facilities again.

From 23 November 2020 the State Government announced the last step in the roadmap towards COVID Normal whereby all facilities were reopened for usage and competition and

training could resume. Clubs that have recommenced competition have had fees reapplied and all clubs notified that from 1 January 2021 all fees for training and competition (all access) will resume at all other facilities.

State Government Financial Support

Since 23 March 2020 financial hardship support has been provided in addition to Council support by the State Government to all community sporting clubs leagues and associations. All clubs were able to receive the Sport and Recreation Victoria Community Support \$1,500 grant (x2) and leagues associations up to \$15,000 to support with minor operational expenditure incurred.

In November 2020, the State Government announced a funding commitment of \$21 million towards the 'Get Active Kids Voucher Program'. The program will provide support to children aged 4-18 years to get involved in organised activities by providing vouchers (rebate) of up to \$200 to help families with the cost of membership / registration fees, uniforms and sports equipment / there will be 100,000 vouchers on offer and the portal will open in February 2021 and the program will close on 30 June 2022. This will be a targeted program and to be eligible children will need to be named on a valid Australian Government Services (Health Care Card or equivalent concession).

Financial Support/Opportunity

An opportunity exists to provide support to community sports participants most in need with proposed "Stay Active Support Fund". The fund would support with the cost of sports membership fee relief up to 50% and to be capped at \$100 maximum. Officers would facilitate discussions with Council's Sporting Clubs to achieve the best outcomes to individuals that require assistance.

It is recommended that applications would be submitted with consultation with the relevant sport club. Criteria would include:

- Individual to justify, demonstrate hardship
- What's changed as a result of Covid
- Demonstrate previous connection to community sporting club with an existing Licence agreement with Council
- One application only per individual

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 estimated cost of providing all sporting clubs a 50 per cent rebate to on all lease, licence and court hire fees in 2021 sports season is estimated to be \$349,808.

If Council was to support the establishment of a 'Stay Active Support Fund' an initial allocation of \$100,000 is considered reasonable. This equates to supporting approximately 12% of current community members involved in active sport.

5. Consultation/Public Submissions

N/A

6. Risk Analysis

A number of sporting clubs across the municipality currently have accumulated lease, licence and court hire fee debts for use of facilities that pre-date COVID-19. There is a risk that providing fee rebate to these clubs is perceived as being unfair for those clubs that have previously met their obligations in paying these fees as income has been incurred during these times.

Twenty-six (26) sporting clubs currently have a pre-COVID lease, licence or court hire fee debt with the Council. The total balance outstanding is \$99,641. The level of fee debt per club ranges from \$92 to \$36,254.

It is recommended that any fee relief, if endorsed, not apply to sport and recreation clubs that have an outstanding debt with Council.

There is no guarantee that any fee rebate will go back to any club members.

Any proposed support program will require additional resource support.

7. Options

Council has the following options

1. Support the Officer recommendations as presented within this report.
2. Provide another form of financial support to Club members of the way of a grant scheme being established (Stay Active Support Fund) with officers to establish a criteria and application process with Club support.
3. To determine an alternative amount other than \$100,000

LIST OF APPENDICES

Nil

12.9 MELTON CITY COUNCIL RECONCILIATION ACTION PLAN 2018-2020 REPORT

Author: Annette Vickery - Aboriginal Community Engagement Officer
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To provide a final report of the Melton City Council Reconciliation Action Plan 2018-2020.

RECOMMENDATION:

That Council note the final report on the Melton City Council Reconciliation Action Plan 2018-2020.

REPORT

1. Executive Summary

Melton City Council has a strong relationship with Traditional Owner Groups, Aboriginal Community Controlled Organisations and Aboriginal community members living within the Melton City Council boundaries.

Melton City Council's Reconciliation Action Plan 2018-2020 produced many positive steps towards reconciliation, with 13 of the 15 actions completed.

2. Background/Issues

Melton City Council is committed to achieving reconciliation with Traditional Owners of the land on which Melton is built. The first Council Reconciliation Action Plan was produced in 2010 and there have been two further Plans produced covering the periods 2014-2017 and 2018-2020.

The Melton City Council Reconciliation Action Plan Innovate 2018-2020 was endorsed by Council on 23 July 2018 (see **Appendix 1**). It included 14 policy principles and the Melton City Council Reconciliation Roadmap 2018-2020. This Final Report against the Reconciliation Action Plan is provided referencing the four key areas within the Roadmap, those being: Relationships, Respect, Opportunities and Monitoring and Reporting and specifically reports against the agreed 15 action areas.

In working towards reconciliation, Council also established the Melton City Council Reconciliation Advisory Committee, which comprises Aboriginal community members from Traditional Owner Groups, Aboriginal Community Controlled Organisations and independent Aboriginal community members. The operation of this committee is detailed in the Terms of Reference adopted by Council in April 2018 (see **Appendix 2**).

This Reconciliation Action Plan has produced a stronger relationship across Aboriginal communities living and working in Melton and has seen the development and establishment of Aboriginal Community Controlled service delivery within Melton's boundaries, with the Victorian Aboriginal Child Care Agency (VACCA), Victorian Aboriginal Community Services Association Limited (VACSAL) and Victorian Aboriginal Community Controlled Health Organisation (VACCHO) now delivering services.

KIRRIP House has also supported culturally appropriate service delivery by developing and supporting key strategic relationships and partnerships with a range of service providers as determined by their membership. Some priorities areas of focus were education, employment, justice and health.

Theme 1: Relationships

1. Community Participation and Involvement

The Melton City Council Reconciliation Advisory Committee Membership and Terms of Reference were reviewed and changes to membership adopted by Council in April 2018. These changes included representatives of the three Traditional Owner Groups of Melton, the Wadawarrung, Bunurong and Wurundjeri peoples, and KIRRIP Aboriginal Corporation as permanent committee members.

2. Cultural Spaces

Melton Council provides KIRRIP Aboriginal Corporation with accommodation at 26 Exford Road, Melton South. Melton Council also entered into a funding agreement with the Department of Health and Human Services to employ a project officer to develop KIRRIP and auspiced and administered a number of contracts during this Reconciliation Action Plan period to support KIRRIP's further development, one of which was a capital works funding grant from Aboriginal Victoria to upgrade the KIRRIP kitchen to meet commercial kitchen standards, and establish walkways and ramps to better support access to KIRRIP for physically disabled community members. In July 1 2020 KIRRIP transitioned to a fully self-determining Aboriginal Community Controlled Organisation.

The Victorian Aboriginal Child Care Agency established an office in Melton in 2018 providing family and children's services. The Victorian Aboriginal Community Services Association Limited established an office in Melton in 2018 providing youth justice programs. In 2019, the Victorian Aboriginal Health Service was successful in obtaining \$50,000 to build a business case for the establishment of an Aboriginal Community Controlled Health Service in Melton. Aboriginal community consultations were completed and the business case provided to the Commonwealth Government in 2019.

3. Working with Aboriginal Communities

In developing and implementing the Melton City Council Community Engagement framework, Aboriginal communities in Melton were consulted on how best to engage with them in a culturally appropriate and responsive way on policies, programs and projects. This feedback was incorporated into the Community Engagement Framework.

4. Regional Collaborations

The Aboriginal Community Engagement Officer attends the following meetings to represent and advocate for Melton Aboriginal community interests and identify opportunities to develop, enhance or expand culturally responsive services and programs:

- Western Region Local Government Reconciliation Network (comprising Hobsons Bay, Moonee Valley, Maribyrnong, Brimbank, Melton and Wyndham Councils).
- Local Aboriginal Network meetings hosted by Department of Premier and Cabinet.
- Western Metropolitan Regional Aboriginal Justice Advisory Committee meetings hosted by the Department of Justice and Community Services.
- Western Region Governance Committee hosted by Department of Health and Human Services.
- Djelk Dja hosted by Family Safety Victoria.

The Western Regional Local Reconciliation Network conducted their regular annual review of the Rivers to Recognition resource which is available on all Local Government

websites in the western metropolitan area. This Resource details all Aboriginal services and agencies in the region except the three RAP organisations, who specifically requested they not be listed due to capacity issues to respond to public queries.

Theme 2: Respect

This component of the Reconciliation Action Plan incorporates actions designed to ensure Aboriginal community values are embedded into Council activities.

5. *Public Awareness Raising*

A Cultural Information Workshop was developed in consultation with the Reconciliation Advisory Committee. This workshop incorporates current specific information about the composition of Melton Aboriginal communities, including history, lived experience and 2016 Census demographics. The workshop is designed to be delivered as a component of on-boarding at Council to ensure new staff have support to engage with Aboriginal communities as their job requires. This session was delivered in the 2019/2020 year, twice as an open session for any staff to attend and specifically for teams who have high contact with Aboriginal communities, including Community Capacity, Libraries and Early Years and Maternal Child Health.

Reconciliation Week, NAIDOC Week and Aboriginal Children's Day celebrations were held in partnership with Aboriginal community organisations in Melton. Attendance was strong, varying from 50-200+ participants at events, with a strong representation at Reconciliation and NAIDOC week of both Aboriginal and non-Aboriginal residents of Melton. In 2020, due to COVID-19 restrictions, a video to mark Reconciliation Week was developed and broadcast. NAIDOC 2020 was deferred to November 2020 by the National NAIDOC Committee.

Culturally specific events were held to promote cultural strengthening as part of NAIDOC 2019 with a men's boomerang wood burning workshop and a women's emu-feather flower making workshop being held. At the request of Aboriginal women in Melton the women's workshop included inviting women from migrant and asylum seeker backgrounds to share information on community and culture and build relationships.

6. *Aboriginal Heritage*

No specific Aboriginal Heritage Strategy was developed by Council during this Reconciliation Action Plan period. Review of the legislation and regulation specific to Aboriginal Heritage Strategy identified that the strategy is best held by Aboriginal Victoria on behalf of the State Government and Melton is best placed to seek advice from Aboriginal Victoria when required. This approach ensures that actions taken are current best practice and sourced from experts in the area.

Additionally, all three Aboriginal Registered Parties who have RAP status within Melton City boundaries are permanent members of the Reconciliation Advisory Committee and regularly provide advice and guidance to Council through that Committee. Additionally, Council engaged with individual RAP organisations as the need arose. Specifically, consultations with RAP members were undertaken on the:

- Aboriginal Cultural Heritage Assessment of Mt Atkinson,
- Edmund Rice Community Centre Aboriginal Youth Program development, and
- Mt Cottrell Memorial.

7. *Acknowledgement of Country protocols*

The Reconciliation Advisory Committee have advised Council of their preferred wording for Acknowledgement of Country on Council electronic signatures. This preferred wording has now been referred to Communications and is intended to be embedded into the Council style guide. Information on Acknowledgement of Country is provided through the Cultural Information Workshop delivered through the professional development

calendar. Acknowledgement of Country is performed at Melton City Council events that the Council hosts.

Theme 3: Opportunities

Melton Council sought opportunities to promote reconciliation through environment, employment and services.

8. *Culturally Responsive Environment*

Two yarning circles were held as part of the development of the Community Engagement Framework to demonstrate to staff at Council how to participate in a yarning circle, what they would experience by participating and what they could achieve in engagement with Aboriginal communities using this technique.

The Aboriginal Community Engagement Officer provided support and advice on cultural safety and how to embed cultural safety principles in a number of activities throughout Council and local organisations. These included the development of a child friendly logo for Early Years, exhibitions and activities delivered by Libraries and signage for Neighbourhood Houses, Land Management, Melton Historical Society, Edmund Rice Centre, Woodgrove Shopping Centre and Djerriwarrh Health Services.

A Reconciliation Champions committee for Council staff was chaired by the Aboriginal Community Engagement Officer and held every two months. This Committee was formed from volunteers to champion reconciliation activities across the organisation at all levels.

Aboriginal specific art exhibitions were held at the Caroline Springs Gallery, the Wayne Quilliam Exhibition and the Women of the West NAIDOC 2018 photographic exhibition. Mandi Barton designed and installed COVID-19 art in July 2020 at the Caroline Springs Civic Centre.

9. *Aboriginal Recruitment and Retention in Council*

A specific Aboriginal Recruitment and Retention Policy was not completed. However, opportunities to encourage applicants from Aboriginal communities to work at Council were explored throughout the period of this RAP. People and Culture have committed to creating a specific Aboriginal Recruitment and Retention Policy as a component of the Council's forthcoming Diversity Inclusion Strategy.

10. *Aboriginal Business Capacity*

A distribution list of Aboriginal businesses was developed and promoted throughout Aboriginal communities in Melton.

Through development of this list, it was identified that there were a number of single artist businesses operating in Melton and ultimately a separate list of Aboriginal artist businesses was developed. Funding opportunities were then sought to better support the establishment and development of Aboriginal artists in Melton and consultations held with Western Business Accelerator Centre on establishing an artists' collective space. Aboriginal artists were encouraged to meet and form a collective to better support each other in their development and operations, and an overarching Aboriginal Arts and Crafts organisation was developed and promoted called 'Koori Krafts'. Further, all Aboriginal artists were invited to participate in the 2019 Djerriwarrh Festival and Council hosted a double marquee to accommodate them.

11. *Access to Community Services*

The six Local Government Areas of the Western Metropolitan area of Melbourne comprising Maribyrnong, Moonee Valley, Hobsons Bay, Brimbank, Melton and Wyndham jointly produce the publication *Rivers to Recognition*. This publication is reviewed and updated annually every January and published on all Council websites and Reconciliation Australia's website.

12. Community Leadership

A number of community leadership opportunities were provided to Aboriginal community members in Melton including:

- Board members of KIRRIP Aboriginal Corporation completed the Melton Council community leadership and governance training.
- Positive Peace Workshop held by the Institute of Economics and Peace in 2019.

13. Youth Development

Council worked with the Edmund Rice Centre community development staff to engage Koori Education Support Officers to work together and develop and implement a Koori Youth Program designed for students in Years 10-12. The Program was launched in late 2018 and run on selected Fridays throughout the school semester at the Edmund Rice Centre. The program comprises three components, a morning session of invited speakers sharing Aboriginal cultural information and storytelling, a shared healthy lunch prepared by the students and an afternoon of activities, such as mountain biking, hiking, archery and ropes. An average of 6-10 Koori youth from a high school in Melton attend these sessions. Edmund Rice wholly fund the program.

Grandmothers living in Melton who are raising their grandchildren have established an Aboriginal grandmothers' support group which is hosted by Melton City at local community centres. Seed funding to support the group was provided by Djerriwarrh Health Services and covered catering for the meetings. The group generally meets monthly.

14. Children and Families

Council established an Aboriginal staff network across Melton, to exchange information, meet regularly and provide cultural support and supervision on a peer level. This group meets approximately monthly and comprises about 20 participants from the Non-Government Organisations, for-profit, Local and State Government sector. Establishing this network has provided an opportunity for Aboriginal staff to ensure clients in their service are linked in to other supports, services and programs within the area.

Council also supported the development and establishment of an information exchange relationship between VACCA as the peak body for Aboriginal child protection and early years development and the Early Years teams at Council. VACCA are now also members of the Melton Council Vulnerable Children's Working Group.

The Aboriginal Community Engagement Officer is a member of the ECMS Reconciliation Action Plan Steering Committee, supporting private kindergartens in the Melton area to develop, implement and monitor progress on a Reconciliation Action Plan specific to their services.

The Aboriginal Community Engagement Officer is a member of the Djerriwarrh Health Services Babaneek Boobop Early Years project, designed to ensure effective maternal and child health services are provided to Aboriginal families from peri-natal through to 8 year olds. The Aboriginal Community Engagement Officer also participated in the essential sub-committees of establishing an Early Years Cultural Safety Framework and evaluation of the Program. Recurrent funding is now being sought for this highly effective program, which employs three Aboriginal early years support workers.

Theme 4: Monitoring and Reporting**15. Reporting**

The Reconciliation Australia Annual Impact Measurement Questionnaire was not completed in this Reconciliation Action Plan period as this Reconciliation Action Plan was not submitted for endorsement to Reconciliation Australia, and so the measurement would not have been required by them.

The status of implementation of the Reconciliation Action Plan is reported through as a standing agenda item at each Reconciliation Advisory Committee meeting.

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
1.6 Reconciliation to support healthy communities.

4. Financial Considerations

All commitments under this Reconciliation Action Plan were delivered within the assigned budget allocation of Council.

5. Consultation/Public Submissions

The Melton City Council Reconciliation Action Plan Advisory Committee was consulted and provided with opportunity to give feedback on the content of this Report.

6. Risk Analysis

This is a final report on the Reconciliation Action Plan 2018-2020 and there are no identified risks.

7. Options

That the officer recommendation be adopted.

LIST OF APPENDICES

1. Melton City Council Reconciliation Action Plan Innovate 2018-2020 - undated
2. Reconciliation Advisory Committee Terms of Reference - dated 18 April 2018

12.10 COMMUNITY SPORTS INFRASTRUCTURE STIMULUS PROGRAM - ROUND 2 PROJECTS

Author: Aaron Biscan - Recreation Development Coordinator
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

The purpose of this report is to seek Councils endorsement to submit 2 projects for the second round of the Community Sports Infrastructure Stimulus Program.

RECOMMENDATION:

That Council endorse officers resubmit the following projects for the Community Sports Infrastructure Stimulus Program:

1. Melton Recreation Reserve Pavilion - \$2.7M funding for a \$3.5M project
2. Diggers Rest Recreation Reserve Oval 2 - \$1.5M for a \$2.2M project

REPORT

1. Executive Summary

The State Government recently announced that \$110 million was committed in the 2020-21 State Budget to support a second funding round of the Community Sports Infrastructure Stimulus Program (CSISP).

Applications to Round 2 of the CSISP are being sought via an invited resubmission process of applications submitted to Round 1 that were unsuccessful. The following applications from Round 1 of the Community Sports Infrastructure Stimulus Program submitted by Melton City Council have been invited for resubmission:

- Melton Recreation Reserve Pavilion Construction - \$2,700,000 funding for a \$3,500,000 project.
- Diggers Rest Recreation Reserve - Oval 2 Realignment - \$1,500,000 funding for a \$2,200,000 project.

Resubmissions to Round 2 must be for the same scope as the original application, and the requested amount must not exceed the original request amount.

A Council resolution is required confirming that the project is supported, ready to proceed to construction within six months of approval and that applicant funding is available within appropriate timeframes to deliver the project.

This report seeks Council endorsement to resubmit applications submitted to Round 1 that were unsuccessful.

2. Background/Issues

Coronavirus (COVID-19) has resulted in far reaching implications for the Victorian community and generating jobs and economic activity will be critical to the revival of Victoria's economy.

The \$168 million - Community Sports Infrastructure Stimulus Program will continue supporting Victoria's economy by working with Local Government Authorities, Alpine Resort Boards (LGAs/ARBs) and sporting organisations to fast-track shovel-ready community sports infrastructure projects across Victoria.

Following overwhelming demand for Round 1, an additional \$110 million has been provided through the 2020-21 State Budget for Round 2 of the Program.

A selection of LGAs/ARBs who submitted meritorious, but unfunded applications from Round 1 have been invited to resubmit specific applications based on a range of priority factors.

The desired outcomes of the program are to:

- Provide a stimulus to local economic activity by planning, building and operating new or redeveloped significant community sport and active recreation infrastructure
- Respond to demand for new participation opportunities by considering strategic and well-planned projects that have broad community and sector support
- Improve diversity and inclusion by increasing participation by disadvantaged communities and under-represented groups identified in Active Victoria.

Along with recipients being required to commence construction within six months of executing a funding agreement, projects will need to be completed within two years unless the project is of significant scale where completion within that time frame isn't practical.

Resubmissions to Round 2 must be for the same scope as the original application, and the requested amount must not exceed the original request amount.

Council also submitted an application in Round 1 for the MacPherson Park Stage 2 Soccer Pavilion. This application was successful with \$1.18 million of funding awarded towards a \$3 million project.

The timeframe for Round 2 applications is as follows:

Applications open	18 December 2020
Applications close	2 March 2021
Outcomes advised	May 2021 onwards
Funding agreements executed	June 2021

A Council resolution is required confirming that the project is supported, ready to proceed to construction within six months of approval and that applicant funding is available within appropriate timeframes to deliver the project.

This report seeks Council endorsement to resubmit applications submitted to Round 1 that were unsuccessful.

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 recommended projects are within Council's draft 10 year Capital Budget. Any funding obtained from the CSISP will reduce the contribution required by Council for the project.

5. Consultation/Public Submissions

Consultation has occurred with relevant sporting clubs and will continue to occur on each of the projects proposed to seek funding from the CSISP.

6. Risk Analysis

Each of the recommended projects has a business case that includes an assessment of the risks involved in the delivering the project and these will continue to be actively managed.

The projects are required to be shovel – ready with construction to commence within six months of signing funding agreements and completed within two years.

7. Options

That Council endorse the priority order list contained within the recommendation.

LIST OF APPENDICES

Nil

12.11 MOU VICTORIA UNIVERSITY

Author: Kel Tori – CEO and Michelle Venne-Rowe - Social Planning Officer

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

PURPOSE OF REPORT

To update the Council on the proposed Memorandum of Understanding (MOU), currently being discussed, between Melton City Council and Victoria University (VU).

RECOMMENDATION:

That Council note the report and endorse Council CEO continuing discussions with Victoria University on the development of a Memorandum of Understanding between the two parties.

REPORT

1. Executive Summary

During the later stages of 2020, discussions occurred between Council and Victoria University (VU), with a view to brokering TAFE and University presence within the City of Melton. VU has confirmed its “interest” and associated steps involved. This report provides an update to Council on the status of discussions.

2. Background/Issues

In response to ongoing discussions between Council’s CEO and Victoria University (VU) management, Council has received written confirmation from Professor Peter Dawkins AO, Vice-Chancellor and President Victoria University, on 30 November 2020, of the actions Victoria University (VU) is taking to establish a TAFE presence in the region, and subsequently a Higher Education presence within the City of Melton. VU has advised that it is working towards this aspiration in a number of ways.

First among these, VU will be seeking State Government’s approval to sell their current landholding in Melton to enable the purchase of a landholding that is closer to the Cobblebank activity centre and railway station. VU advises that this move will ensure a more central location, and that associated public transport will reduce accessibility barriers for future students. This would also secure the opportunity to work closely with Western Health at the new Melton hospital, both in its planning and once it is operational.

In the immediate term, VU advises that they have also commenced discussions with Federation University to discuss how the two universities might best service the region in a sustainable manner. Discussions to date have included the offering of a suite of well-targeted, relevant course offerings, aimed to be specifically linked to industry and job outcomes in the region.

In addition to the above, Grant Dreher, Deputy Vice-Chancellor, Vocational Education and Pathways, has written to the Department of Education and Training (DET) to determine if State Government funding support could be made available to subsidise the provision of VET courses to smaller groups, and thus enable some pilot programs to commence in Q2 2021 with State Government assistance in an emerging but important market. VU has committed to update Council as this request of State Government progresses.

Discussions with Council officers also canvassed Melton City Council and VU entering into a Memorandum of Understanding (MOU), that sets out the terms of collaboration between the parties.

The specific terms of this MOU are to be finalised early in 2021, and VU has nominated Professor Richard Constantine's portfolio to lead the MOU development, with Ms Sandra Denis as a key contact.

This commitment of VU represents a pleasing step forward in the City of Melton's ability to begin to address its health and community services workforce planning and jobs shortfall, and the creation of meaningful and sustainable education and employment pathways.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

There are no direct or immediate financial aspects to this report.

5. Consultation/Public Submissions

This MOU and the commitment it embodies to build local educational pathways and capacity within the City of Melton aligns strongly with Council and Wellbeing Plan (Objective 4.4). The MOU is also entirely in keeping with the newly adopted *City of Learning Strategy 2030* and a key outcome area to be addressed by the *Melton City Council's Health and Community Services Growth Strategy* (in development) and the associated background Gap analysis reports.

Barriers to accessing education opportunities and associated employment pathways, TAFE and University places experienced in the City of Melton are well documented. With City of Melton residents less likely to have finished year 12 (50.9%), compared to Greater Melbourne (59.4%). Although this is an improvement since 2006, where only 40.3 percent of city of Melton residents had finished school.

City of Melton residents were also less likely to have a bachelor or higher degree (16%) compared with Greater Melbourne (27.5%), however this gap has also decreased, with only 10.4 per cent holding a bachelor or higher degree in 2006.

With City of Melton residents more likely to hold vocational qualifications (20.6%) than Greater Melbourne average (15.3%), the initial plan by VU to focus on building its vocational presence to begin with appears well justified.

For the currently unqualified residents of the City (approximately 44.2%), which is notably above the Greater Melbourne average (38.6%), the partnership MOU between VU and the City of Melton represents a significant doorway of opportunity. It is understood that VU, in partnership with Federation University will work closely with industry and the broader community to ensure the delivery of a sustainable local education offering for the City. This will align with workforce planning associated with the Cobblebank health precinct, and other growth industries to be captured and celebrated within the City.

6. Risk Analysis

There are no risks identified in relation to this report as it is merely an update on discussions that taken place

7. Options

That Council determine to discontinue discussions with Victoria University on the development of an MOU.

LIST OF APPENDICES

Nil

12.12 WOMEN BUILDING SURVEYORS PROGRAM

Author: Sarah Annells - Coordinator Health and Building
Presenter: Sam Romaszko – Acting General Manager Planning & Development

PURPOSE OF REPORT

To advise of a successful funding application under the Women Building Surveyors Program

RECOMMENDATION:

That the successful grant application be noted by Council

REPORT

1. Executive Summary

Council's Health and Building team have successfully applied for a grant under the State Governments Women Building Surveyors Program for \$150,000 to train an existing staff member as a building inspector to support the Building Services Team.

2. Background/Issues

The Women Building Surveyors Program is an initiative of the Victorian Government as part of the 2020/21 State Budget. This Program forms part of the Victorian Government's contribution to Victoria's economic recovery through supporting the construction and community infrastructure stimulus measures. It will support women to either commence a new career or transition an existing career within council to the pathway of building surveying.

Council's Building Services Team has experienced a significant increase in workload over the last two years. The new Swimming Pool and Spa Regulations under the Building Act and the ongoing releases of new land has resulted in higher workloads across the whole team. This program offers the opportunity to upskill an existing staff member to support the Building Services Team

Victorian Councils were able to apply for up to \$150,000 to fund either an existing female staff member, or a new employee, to complete training as a Building Surveyor or Inspector. The funding can be used to pay for enrolment costs at an eligible course, for professional memberships, professional development and to cover backfill costs while the candidate completes the course and work experience requirements. The funding runs for two years and does not commit Council to creating a new position at the end of the program.

The program was announced on 16 December 2020, with applications closing on 4 January 2021. Due to the short application window it was not possible to conduct an Expression of Interest process internally, or advertise the position externally. Management undertook a review of existing staff within the Community Safety Team and identified a suitable staff member who has shown a keen interest. Following further discussions, an application was submitted through this grant program.

On 13 January 2021 Council was advised that the funding application had been successful and Council would receive the full grant amount of \$150,000. The grant will be paid at

\$75,000 per year for two years, with the second year only paid if the staff member is still enrolled in an eligible course.

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

5.2 A flexible, innovative and creative organisation that responds to rapidly changing community and operating environments.

4. Financial Considerations

All costs associated with participating in the Women Building Surveyors program will be covered by the grant funding of \$150,000.

5. Consultation/Public Submissions

Not Applicable

6. Risk Analysis

There is no risk to Council from participating in this program.

7. Options

That the successful grant application be noted by Council.

LIST OF APPENDICES

Nil

12.13 SUBMISSION ON 'PLANNING FOR MELBOURNE'S GREEN WEDGES AND AGRICULTURAL LAND'

Author: Donald Lewis - Strategic Planner
Presenter: Darren Rudd - Manager City Design & Strategy

PURPOSE OF REPORT

To consider the submission to State Government on planning for Melbourne's green wedges and agricultural land as it relates to the City of Melton.

RECOMMENDATION:

That Council endorse the submission on Planning for Melbourne's Green Wedges and Agricultural Land' as contained at **Appendix 1** and submit to the Department of Environment, Land, Water and Planning.

REPORT

1. Executive Summary

The Department of Environment, Land, Water and Planning (DELWP) commenced Planning for Melbourne's Green Wedges and Agricultural Land project in 2018. The project is supported by key actions from Plan Melbourne 2017-2050. Originally two separate projects, the review of green wedge planning provisions and protection of agricultural land have been brought together as one project.

Planning for Melbourne's Green Wedges and Agricultural Land project represents major reforms to the Victorian planning system in relation to green wedge and peri-urban land. The proposed reform options in the Consultation Paper (**Appendix 2**) are designed to deliver a planning system that is clearer, more consistent about how green wedge and peri urban areas should be managed and protected.

Councils submission (**Appendix 1**) responds to the Consultation Paper (**Appendix 2**) based on four sections and a range of proposed options. The key issues for Council from the submission are:

- Discretionary uses (including Schools and Places of Worship)
- Management of the urban rural interface
- Managing subdivision and dwellings in agricultural areas

Initial consultation for the project involved workshops, public information sessions and more recently on line workshops with Councils during 2020. Due to COVID-19, further public consultation was delayed and is now scheduled to commence from 27 November 2020 - 5 February 2021.

2. Background/Issues

DELWP commenced Planning for Melbourne's Green Wedges and Agricultural Land project in 2018. This project is underpinned by three actions from Plan Melbourne 2017-2050:

- Action 17 – Support strategic planning for agriculture
- Action 72 – Review Green Wedge planning provisions
- Action 73 – Green Wedge Management Plans

Initial consultation on the agricultural land part of the project was undertaken with Councils in 2018 and was followed by public consultation in March/April 2019 involving a number of information sessions across all green wedge and peri urban areas around Melbourne including one session at Bacchus Marsh. These sessions were designed to test criteria for identifying strategic agricultural land and to understand community aspirations and concerns for the planning of these areas. Council endorsed a submission in relation to this stage of the project at its Ordinary meeting of 29 April 2019.

Separate review work into green wedge planning provisions also commenced in 2018 and involved a series of workshops with Councils. In late 2019, DELWP decided to merge the review of green wedge planning provisions with the agricultural land component and manage as one project.

The current round of consultation involved the release of a Consultation Paper (**Appendix 2**) in May 2020 for Councils and agencies. Due to the impacts of COVID 19, the public consultation phase was delayed this is now being undertaken from 27 November, 2020 to 5 February, 2021.

The green wedge and peri-urban areas surrounding Melbourne provide a range of different and important services, capabilities and values that have regional and state significance. These areas are the subject of the Consultation Paper and located within 100km radius of central Melbourne.

Planning for Melbourne's Green Wedges and Agricultural Land project represents major reforms to the Victorian planning system in relation to green wedge and peri-urban land. The Consultation Paper discusses a range of options addressing, subdivision and dwellings in rural areas, uses, the role of regional plans and legislative measures to protect agricultural land and food production areas. In an attempt to better manage discretionary uses, a key proposal in the document is to confine or direct discretionary uses to locations adjacent to the urban growth boundary rather than to more remote areas.

Council's submission is contained at **Appendix 1** and responds to DELWP's detailed Consultation Paper (**Appendix 2**).

The key issues for Council from the submission are summarised below:

Discretionary uses

While some options proposed such as improving design outcomes for development in rural areas are supported, Council officers remain concerned these do not address the fundamental issues of discretionary uses that undermine the purposes of the rural zones. Council maintains that some of these uses including places of worship and schools are not compatible with rural areas and therefore should be located within an urban setting. It is also important to note that many of these activities place demands on Council infrastructure, with the planning scheme limiting Councils ability to recover the cost required to upgrade roads or intersections.

Management of the urban rural interface

The Consultation Paper (**Appendix 2**) proposed the option to encourage discretionary uses to be located adjacent to the urban-rural interface within a transitional zone. This is not supported and would only allow for further fragmentation and uncertainty for these areas. Discretionary uses can impact on existing landowners from increased traffic, dust and noise

and place unreasonable expectations on Council to provide additional and expensive infrastructure. Whilst green wedge land adjacent to the urban growth boundary can be used for open space, recreation and re-vegetation purposes, it is suggested that more opportunities must be provided to accommodate discretionary uses within precinct structure plan areas.

Managing subdivision and dwellings in agricultural areas

A range of options are proposed to reduce the subdivision potential of Melbourne's agricultural land and dwelling development by ensuring a consistent approach is applied across all rural zones. These options include, strengthening state legislation and including the introduction of 'right to farm' and 'agent of change' principles, updating the planning policy framework to include a new regional policy, adding conditions to rural zones that affect subdivisions and dwellings, and introducing specific application requirements and decision guidelines for dwellings in the green wedge zone and green wedge A zone. These initiatives will ensure future development in the green wedge is balanced with protecting Melbourne's important agricultural land.

Overall, Council officers welcome the proposed reforms, but DELWP could have been more decisive in relation to discretionary uses by prohibiting these urban uses under the green wedge zone instead of relying on locational outcomes and design guidelines to minimise their impacts.

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

DELWP is responsible for the implementation of the project. It is not expected that Council will need to fund any additional work associated with the project at this stage.

5. Consultation/Public Submissions

This is a DELWP led project and therefore, Council officers have not undertaken consultation on this project. However, as part of the DELWP engagement program, virtual stakeholder workshops including with Councils were held during July 2020. Due to COVID 19, the current round of consultation has been extended through to 5 February 2021 for stakeholders and the public to lodge their submissions.

Online community information sessions occurred on:

Tuesday 15 December 2020, 10.30 – 11.45am

Thursday 17 December 2020, 6.30 – 7.45pm

Thursday 21 January 2021, 3.30pm - 4.45pm.

6. Risk Analysis

If Council does not engage with DELWP in this process through its submission, Council's opinions will not be considered as part of the final planning outcome. This may result in state policies that conflict with local policy or which do not reflect the specific conditions and characteristics of the green wedge and agricultural land in the City of Melton.

7. Options

Council can resolve to:

1. Endorse the submission to 'Planning for Melbourne's Green Wedges and Agricultural Land' contained at **Appendix 1** and submit to the Department of Environment, Land, Water & Planning; or
2. Not endorse the submission.

LIST OF APPENDICES

1. Submission: Planning for Melbourne's Green Wedges and Agricultural Land - dated 18 December 2020
2. Consultation Paper: Planning for Melbourne's Green Wedges and Agricultural Land DELWP - dated May 2020

12.14 AMENDMENT C198 TO THE MELTON PLANNING SCHEME - CITY OF MELTON HERITAGE ASSESSMENT PROJECT 2018 PANEL REPORT

Author: Georgina Borg - Strategic Planner
Presenter: Darren Rudd - Manager City Design & Strategy

PURPOSE OF REPORT

To consider the recommendations of the Planning Panel on Amendment C198 to the Melton Planning Scheme.

RECOMMENDATION:

That Council:

1. Adopt Amendment C198 to the Melton Planning Scheme subject to the changes recommended in the Panel Report as contained in **Appendix 1** and detailed in **Appendix 2**.
2. Submit Amendment C198 to the Melton Planning Scheme to the Minister for Planning for approval.

REPORT

1. Executive Summary

Amendment C198 seeks to amend the Melton Planning Scheme to implement the recommendations of the 'City of Melton Heritage Assessment Project, 2018' by RBA Architects and Conservation Consultants. This includes a proposal to add nine places to the Schedule to the Heritage Overlay and the associated Heritage Overlay mapping.

The Assessment was adopted by Council at the Ordinary Council Meeting on 10 December 2018 where Council also resolved to seek authorisation to prepare and exhibit a Planning Scheme Amendment to implement the project findings.

Amendment C198 (C198) was publicly exhibited from 12 March to 13 April, 2020, and re-exhibited in accordance with COVID-19 Omnibus (Emergency Measures) Bill from 18 June 2020 to 21 July, 2020. A total of nine submissions were received and eight of those objected to the amendment.

At the Ordinary Council Meeting of 14 September 2020, submissions were considered and Council resolved to request the Minister for Planning to establish an independent Planning Panel to consider unresolved submissions received in response to C198 in accordance with the *Planning and Environment Act 1987*. Council referred all nine submissions to the Planning Panel.

The Planning Panel conducted a Directions Hearing on 30 October 2020 and considered submissions at a Panel hearing on 7 December 2020. The Planning Panel report was received by Council officers on 23 December 2020 and was overwhelmingly in support of Amendment C198 noting that it is 'well founded and strategically justified.'

It is recommended that Council adopt Amendment C198 to the Melton Planning Scheme subject to the changes recommended by the Planning Panel in **Appendix 1** and detailed in

Appendix 2 and then submit Amendment C198 to the Melton Planning Scheme to the Minister for Planning for approval.

2. Background/Issues

Local Councils play an important role in preserving local history by carrying out heritage studies and permanently protecting heritage through the Planning Scheme. All Planning Schemes in Victoria must implement and further the objectives of planning in Victoria. In particular, an objective of the Planning and Environment Act 1987 is to 'conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.'

The City of Melton Heritage Assessments Project 2018

The 'City of Melton Heritage Assessment Project, 2018' was prepared by RBA Architects and Conservation Consultants. 'The City of Melton Heritage Assessment Project, 2018' involved the assessment and determination of whether the 13 heritage places warranted inclusion in the Schedule to the Heritage Overlay within the Melton Planning Scheme.

The assessment was undertaken consistent the *Planning and Environment Act 1987* and to 'pursue assessment of places listed in the Conservation Desirable Schedule' as per the 'City of Melton Heritage Strategy 2017-2021.' The assessment was also undertaken consistent with the Planning Policy Framework and Municipal Strategic Statement (see Strategic Assessment section of this report).

The 'City of Melton Heritage Assessment Project, 2018' was adopted by Council at its Ordinary Meeting on 10 December 2018 where Council also resolved to seek authorisation to prepare and exhibit a Planning Scheme Amendment to implement the findings of the 'City of Melton Heritage Assessment Project, 2018.'

Planning Scheme Amendment C198

Amendment C198 proposes to implement the findings of the 'City of Melton Heritage Assessments Project 2018' by adding nine places to the Schedule to the Heritage Overlay and the associated Heritage Overlay mapping.

The Amendment applies to the following properties:

Address	Heritage Place	Proposed HO
398-428 Exford Road, Weir Views.	House	HO129
430-458 Exford Road, Weir Views.	Staughton Infant Grave	HO130
Brooklyn Road, Melton South (on the railway reserve, part of 2-98 Staughton Street).	Behlen Shed	HO131
325 Clarkes Road, Brookfield	Former Melton Stud	HO132
2-6 Sherwin Court, 2A Sherwin Court and 2 Killarney Drive, Melton	House and Outbuildings (Tara Stud)	HO133
Beattys Road, crossing of Kororoit Creek, Aintree.	Water Reserve, Beattys Road	HO134
1267-1289 Beattys Road, Grangefields.	Former Fulham Park	HO135
660A Beattys Road, Bonnie Brook.	Beattys Bridge	HO136
687 Hopkins Road, Truganina.	Tibbermore	HO137

The amendment seeks to make the following changes to the Melton Planning Scheme:

1. Amend the Schedule to Clause 43.01 to rearrange the current heritage places in numerical order.
2. Amend the Schedule to Clause 43.01 to include the following heritage places on a permanent basis as follows:
 - HO129 at 398 - 428 Exford Road, Weir Views.
 - HO130 at 430 – 458 Exford Road, Weir Views.
 - HO131 at Brooklyn Road, Melton South (on the railway reserve, part of 2-98 Staughton Street).
 - HO132 at 325 Clarkes Road, Brookfield.
 - HO133 at 2 - 6 Sherwin Court, 2 Killarney Drive and 2A Sherwin Court.
 - HO134 at 660A Beattys Road, Bonnie Brook.
 - HO135 at 1267-1289 Beattys Road, Grangefields.
 - HO136 at Beattys Road, crossing of Kororoit Creek, Aintree.
 - HO137 at 687 Hopkins Road, Truganina.
3. Amend Planning Scheme Maps as follows:
 - 7HO to include HO131 and HO132.
 - 8HO to include HO133.
 - 9HO to include HO134, HO135 and HO136.
 - 12HO to include HO129 and HO130.
 - 13HO to include HO137.
4. Amend the Schedule to 72.04 to incorporate the *City of Melton Heritage Assessments Project 2018: Statements of Significance*.

Planning Panel

On 22 September 2020, Planning Panels Victoria appointed a one- person Planning Panel to hear and consider the submissions received for Amendment C198. Council referred all nine submissions to the Panel.

The Planning Panel conducted a Directions Hearing on 30 October 2020 and considered submissions at a hearing on 7 December 2020. Both hearings were conducted using the video conferencing platform, Microsoft Teams due to COVID-19 and associated physical distancing requirements.

In response to the submissions received and consultation with submitters, Council officers prepared post-exhibition revisions to the original amendment documentation to present to the Planning Panel. The revisions were sent to all submitters prior to the Planning Panel for information and comment.

Four submitters requested to be heard at the hearing, however two submitters (Submitter 3 and 8) withdrew their request to be heard prior to the hearing, noting they wanted their original submissions to stand and be considered by the Panel. A further submitter (Submitter 6) no longer sought to be heard at the hearing as they were satisfied by the post exhibition changes made by Council.

One submitter (Submitter 5) was heard at the hearing. It is important to note that all nine submissions were considered by the Planning Panel whether the submitter was heard at the Planning Panel or not.

Planning Panel Report

The Planning Panel issued its report to Council officers on 23 December 2020 (Appendix 1). The Planning Panel was overwhelmingly in support of the Amendment C198 noting that it is 'well founded and strategically justified.'

In its report, the Planning Panel noted that 'Council officers prepared extensive revisions (post-exhibition changes) to the proposed Heritage Overlay maps, Statements of Significance and other related documentation in response to the specific issues raised in submissions.' The Planning Panel specifically states that:

'The Panel appreciated the extensive work completed by Council to try and resolve as many issues (in the submissions) as possible. Council is commended for taking a proactive approach which has helped to narrow the issues in dispute.'

In regards to Submission 6, where the submitter was satisfied with Council's post exhibition revisions and no longer sought to be heard at the Planning Panel, it is stated in the Planning Panel Report that:

'The Panel commends Council for the approach taken to resolve the issues raised in Submission 6. The process has been consultative, based on sound evidence and has resulted in practical outcomes.'

The Planning Panel recommends that Council adopt the amendment as exhibited, subject to the changes as outlined in Appendix 2. The Planning Panels changes are overwhelmingly reflective of Council's post exhibition revisions that were presented to the Planning Panel.

It is recommended that Council adopt Amendment C198 to the Melton Planning Scheme subject to the changes recommended by the Planning Panel in Appendix 1 and detailed in Appendix 2 and then submit Amendment C198 to the Melton Planning Scheme to the Minister for Planning for approval.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

3.1 A City that strategically plans for growth and development.

4. Financial Considerations

The preparation of the document titled 'City of Melton Heritage Assessment Project, 2018' was \$38,180.00 (Inc. GST) and included Council officer time and resources to prepare.

Council is required to pay the statutory fees associated with the amendment process and Council officer time and resources were involved throughout the Amendment process.

Council will shortly incur costs for the fee payable to Planning Panels Victoria for the independent planning panel. Other fees associated with the Planning Panel process include Council's legal representation and Council's expert witness (RBA consultants) cumulating in approximately \$42,000 (ex. GST).

The costs associated with Planning Scheme Amendments are covered by the recurrent budget of City Design and Strategy except for Council's legal representation which is covered by the recurrent budget of Legal and Governance.

5. Consultation/Public Submissions

Public Exhibition

Amendment C198 was exhibited from 12 March to 13 April 2020 and involved letters giving notice to affected landowners and occupiers of the aforementioned affected properties, relevant state government bodies and agencies and prescribed Ministers.

Notices were also placed:

- In local newspapers, the Melton and Moorabool Star Weekly and the Brimbank and North West Star Weekly.
- In the Government Gazette.
- On the Department of Environment, Land, Water and Planning's (DELWP) website.
- On Council's website.

During the public exhibition period, COVID-19 State Emergency restrictions were imposed by the Victorian State Government. On 27 March 2020 Council staff wrote to affected parties advising that Council were extending the period of public exhibition to provide extra time during this period of uncertainty, until Friday 1 May 2020.

The COVID-19 Omnibus (Emergency Measures) Bill came into effect on 25 April 2020. This included temporary changes to the *Planning and Environment Act 1987* to allow for documents and notices to be available for inspection electronically and free of charge. The Bill removed the requirement to have a physical copy of the amendment available for viewing at Council offices, and provided for Councils to specify their website as the platform for document inspections.

Council Officers received advice from DELWP that the original public exhibition of Amendment C198 did not satisfy the requirements of *the Planning and Environment Act, 1987* as Council offices closed part way through the exhibition period due to COVID-19 and the Amendment documents were not able to be physically accessed. The amendment was required to be re-exhibited.

Re-exhibition Process

Amendment C198 was re-exhibited from 18 June 2020 to 21 July 2020 ensuring that it met the requirements of the *Planning and Environment Act 1987*, as well as providing affected parties additional time to prepare a submission.

A letter including all planning scheme amendment documentation were posted on 15 June 2020 to all landowners and occupiers affected by the amendment, relevant state government bodies and agencies and prescribed Ministers. The letter made clear that Council would still consider all submissions previously made during the first public exhibition period.

As per the Omnibus Bill, Council made all amendment documents and information available on our website. A public notice was also placed in the Melton and Moorabool and Brimbank and North West Star Weekly Newspapers on 16 June 2020 and in the Government Gazette on 18 June 2020.

Submissions and Planning Panel

A total of nine submissions were received in response to the amendment. Eight submissions objected to the amendment. The ninth submission, from the Victorian Planning Authority was supportive of the amendment and received after the Ordinary Council Meeting of 14 September 2020, where submissions were considered and Council resolved to refer all submissions to an independent Planning Panel.

Prior to the Planning Panel, Council officers contacted submitters who sought clarification on issues and the process going forward and where possible, endeavoured to resolve issues prior to a Planning Panel.

6. Risk Analysis

Should Council choose to abandon the amendment, it would prevent the protection of significant heritage places from future development. Council would not meet its obligations under the *Planning and Environment Act 1987* regarding the conservation and enhancement of heritage places and the objectives and strategies of the Planning Policy Framework and Municipal Strategic Statement within the *Melton Planning Scheme*.

Furthermore, abandoning the amendment would undermine the Council adopted 'Shire of Melton Heritage Study 2007,' 'City of Melton Heritage Strategy 2017-2021' and 'City of Melton Heritage Assessment Project, 2018,' and the amendment process undertaken to date including endorsement of the protection of the heritage places by an independent Planning Panel.

7. Options

Council can resolve to either:

1. Adopt Amendment C198 to the Melton Planning Scheme subject to the changes recommended in the Panel Report as contained in Appendix 1 and detailed in Appendix 2 and submit the Amendment to the Minister for Planning for approval; or
2. Abandon Amendment C198 to the Melton Planning Scheme.

LIST OF APPENDICES

1. Planning Panel Report - dated 23 December 2020
2. Details included in Planning Panel Report - dated December 2020

12.15 PLANNING APPLICATION PA 2020/6896 - DEVELOPMENT OF THE LAND FOR THE PURPOSE OF TWO DOUBLE STOREY DWELLINGS TO THE REAR OF AN EXISTING DWELLING ON THE LAND AT 57 CAMPASPE CRESCENT, BROOKFIELD

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

PURPOSE OF REPORT

To consider and determine the planning application.

RECOMMENDATION:

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

REPORT

1. Background

Executive Summary

Applicant:	219 Building Design Services
Proposal:	Two double storey dwellings to the rear of an existing dwelling
Existing Land Use:	Existing double storey dwelling
Zone:	General Residential Zone – Schedule 1
Overlays:	Not applicable
Number of Objections:	35
Key Planning Issues:	Strategic justification Respect for neighbourhood character Adequacy of on site car parking Increase of traffic along Campaspe Crescent Intensification of development Objectors concerns Amenity impacts (overlooking and overshadowing)
Recommendation:	Refuse application

The Land and Surrounding Area

The subject site has an area of 1,012m² and is located on the western side of Campaspe Crescent in Brookfield. Other features of the site are as follows:

- The site is regular in shape with an east to west orientation.
- It contains an existing double storey dwelling located near the front of the site.

- An existing 2.5 metre wide drainage and sewerage easement adjoins the rear boundary and a 3 metre wide easement for electricity, water, drainage, sewerage, telephone and gas adjoins the front boundary.
- The land has a sloping topography with the land falling from east to west.

The surrounding area can be characterised as an established residential area with single and double storey dwellings. Dwellings in the surrounding area are generally comprised of brick veneer with hip or gable tiled roofs. Lots on the west side of Campaspe Crescent are larger than average and rectangular in shape abutting the Arnolds Creek reserve. The majority of properties contain no front fence which provides a sense of openness in the streetscape.

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

The Application

The application proposes the development of two double storey dwellings to the rear of an existing double storey dwelling.

The proposed development is summarised as follows:

- The existing double storey dwelling will remain, with the double car brick garage to be demolished and a new single car garage with an open car space in tandem to be located behind the dwelling.
- The existing dwelling contains four bedrooms.
- The two proposed double storey dwellings will contain three bedrooms and be provided with a single car garage with an open car space in tandem.
- The proposed dwellings will have a contemporary design with a range of external wall materials including brick-veneer and render, tiled roofs and aluminium framed windows and doors.
- All dwellings will be accessed from one shared crossover and driveway adjacent to the northern boundary of the 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	The proposal is inconsistent with the relevant Planning Policies.
Local Planning Policies	Clause 21 – Municipal Strategic Statement Clause 21.02 – Settlement Clause 21.07 – Built Environment and Heritage Clause 21.08 – Housing Clause 22.12 – Housing Diversity Policy	The proposal is inconsistent with the relevant Local Planning Policies.
Zone	Clause 32.08 – General Residential Zone	A permit is required to construct two or more dwellings on a lot.
Overlays	Not applicable	Not applicable.

Particular Provisions	Clause 52.06 – Car Parking Clause 55 – Two or more Dwellings on a lot and Residential Buildings	The proposal is inconsistent with the relevant Particular Provisions.
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A full assessment of the proposal against the relevant State and Local planning policies is included in **Appendix 3**.

Clause 55 – ResCode

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

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

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

House Rules - Housing Character Assessment & Design Guidelines

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

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 setback and rear garden area.
- Minimising interruption of nature strips by driveways and front setbacks by driveways.

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

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

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

Is the land of Cultural Heritage Sensitivity?

The land is 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 notification. The notification was satisfactorily completed and 35 objections and a petition with 113 signatures were received.

The grounds of objection may be summarised as follows:

- Inconsistency with the existing neighbourhood character.
- The proposal is an overdevelopment.
- Insufficient car parking.
- Increase in traffic along Campaspe Crescent.
- Visual bulk.
- Overshadowing and poor solar access.
- Inadequate setbacks.
- Loss of backyard space.
- Property devaluation.
- Construction noise/disruption and environmental impacts.

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

Referral of the application

The application was referred to Council's Engineering Services Department for comment and advice.

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

5. Issues

Planning Assessment

The proposal has been assessed against and deemed to be inconsistent with the relevant State and Local Planning Policies, Zoning provisions, Particular provisions and fails to satisfy the decision guidelines at Clause 65 of the Melton Planning Scheme.

Strategic justification

The land is zoned as General Residential Zone and encourages development that respects the neighbourhood character of the area and encourages a diversity of housing types and housing growth. A number of overarching objectives of housing policies within the Planning Policy Framework and Local Planning Policy Framework encourage urban consolidation in areas which have good access to local services and facilities. Although the proposal would meet the objectives of urban consolidation and maximising use of existing services and infrastructure, the proposal fails to respect the neighbourhood character of the area. A balance has not been struck with respect to neighbourhood character and housing growth as part of this proposal.

Neighbourhood character and intensification of development

The prevailing pattern of development in the area is predominantly characterised of detached dwellings of single and double storey built form. Objectors are concerned the two proposed double storey dwellings are not in keeping with the existing neighbourhood character. The Housing Character Assessment and Design Guidelines (House Rules) adopted by Council on 13 October 2015 and gazetted into the Melton Planning Scheme as a reference

document on 18 April 2019 provides guidance on the preferred outcomes for the neighbourhood character of the area. The Garden Court 1 character areas have streetscapes with a spacious feel through ample visual separation between dwellings, use the majority of the front setback as permeable garden landscape and have front gardens that are visible from the street which form part of the street landscape.

The original proposal for the application consisted of the existing dwelling being demolished and replaced with four double storey dwellings. The applicant was informed that a proposal for four double storey dwellings would be considered too intense in the General Residential Zone and would likely result in neighbourhood character issues. The applicant revised the design which has now resulted in keeping the existing double storey dwelling and proposing two double storey dwellings to the rear.

The retention of the existing double storey dwelling to the front of the site and one crossover and accessway means the majority of the front setback will continue to be used as permeable garden landscape in accordance with the Garden Court 1 area. However, the spacious feel through ample visual separation is not met based on the setbacks provided between the proposed dwellings as well as the setbacks to the southern property boundary. The proposed dwellings are a significant change to the predominant side and rear setbacks in the area which gives this spacious feel.

The scale of the proposed development is considered to be inappropriate for the surrounding area. The retention of the double storey dwelling to the front of the site means there is limited change to the Campaspe Crescent streetscape however, significant change will be seen from the adjoining properties to the north and south of the site. This is exacerbated by the blank walls from Dwelling 3 on the southern elevation and a predominantly blank wall besides one window on the first floor of both Dwelling 2 and the existing double storey dwelling. The scale and visual bulk of the proposed dwellings is not adequately addressed through the setbacks or articulation of walls.

Objectors raised the proposal is inconsistent with House Rules, particularly regarding the Special Character Area known as Brookfield Courts. Brookfield Courts sit within the Garden Court 1 area and is an area significant for their distinctive landscape quality, which is derived from their strong bush setting. The courts are framed by established trees and shrubs located close to the street edge. Key threats to this area are the potential loss of vegetation, particularly mature canopy trees, formal planting and excessive hard surfaces. It should be noted the site is not located within the Brookfield Courts area but is on the border outside of this area. However, Brookfield Courts is considered part of the neighbourhood character of the area and as previously mentioned, the proposal is inconsistent with the existing neighbourhood character.

The General Residential Zone anticipates housing growth which facilitates a diversity of housing types in locations offering good access to services and transport which is achieved on this site. Although the proposed dwellings make better use of the land by providing increased housing in an area that can take advantage of existing infrastructure, services and transport links, it is considered the proposed development is not respectful of the prevailing neighbourhood character and a suitable response has not been provided. The proposal is inconsistent with the objectives and standards of Clause 55 ResCode and the Garden Court 1 (GC1) character area under Council's Housing Character Assessment and Design Guidelines.

Car parking and traffic

Provision of car parking for each dwelling complies with the requirements of Clause 52.06. A single car garage with an open car space in tandem is provided for each dwelling and satisfies Clause 52.06. A visitor car parking space is not required for this proposal as three dwellings will be located on the land.

Residents have expressed concerns regarding traffic congestion, on street car parking and safety impacts as a result of the development. It is acknowledged the convenience shop on the corner of Black Dog Drive and Campaspe Crescent (Brookfield Convenience and

Takeaway) is located within proximity of the proposed development and during busy periods may cause people to park their vehicles along both streets when visiting the convenience shop. Residents are concerned if the proposed dwellings result in vehicles parking in the street combined with vehicles being parked in the street for the convenience shop that this will cause safety impacts and create traffic congestion. As mentioned previously, the proposal satisfies the amount of car parking required on the site which reduces the probability vehicles will be parked in the street. The volume and speed of traffic along Campaspe Crescent is unlikely to be detrimentally impacted by the proposed development or create safety problems.

A Traffic Impact Assessment was provided as part of the application which advised there would be no car parking or traffic issues with the proposal. Council's Engineering Services Department assessed the application and did not raise any issues with car parking or traffic. The concern of vehicles being parked on the street can potentially be resolved through the installation of parking signs to limit the hours vehicles can be parked, and enforcement of those signs.

Solar access, overlooking (privacy) and overshadowing

It is acknowledged the property to the south of the proposed development contains solar panels and the double storey built form may impact on the performance of the solar energy system. Standard B10 of Clause 55 ResCode intends for buildings to be oriented to make appropriate use of solar energy, site and design buildings to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced and ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots are not unreasonably reduced.

Standard B10 requires buildings to be sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged. It should be noted that when the application was lodged in January 2020, aerial photography dated December 2019 did not show solar panels on the adjoining property to the south of the site. Updated aerial photography dated August 2020 shows solar panels on the adjoining property. Further aerial photography was requested by Council, with aerial photography dated 15 March 2020 showing no solar panels whereas aeriels dated 16 May 2020 show solar panels. A revised application was received by Council on 22 May 2020. Based on the timeframes, Council will consider the rooftop solar energy system existed at the point the revised application was received.

Dwelling 2 will overshadow the existing north-facing habitable room windows and rooftop solar energy system on the adjoining dwelling to the south of the site for a significant portion of the day. The amount of sunlight to be received will be unreasonably reduced and impact on the energy efficiency of this dwelling. Even if the rooftop solar energy system was not impacted, the energy efficiency of the adjoining dwelling to the south would still be impacted by the shadowing of the north-facing habitable room windows throughout the day. The proposal is inconsistent with the objectives of energy efficiency and Standard B10.

Issues in relation to overshadowing are addressed in Standards B19, B20 and B21 of Clause 55 ResCode. It is considered the proposal unreasonably overshadows the existing north-facing habitable room windows of the dwelling to the south of the site and reduces the amount of daylight access to these windows for a significant portion of the day. The proposal does not comply with Standards B19 and B20. Overshadowing of the secluded private open space to the existing dwelling to the south is considered acceptable based on sufficient sunlight being available throughout the day for the majority of the secluded private open space. The proposal is generally compliant with Standard B21.

Issues in relation to overlooking are addressed in Standards B22 and B23 of Clause 55 ResCode. The proposal provides window sill heights of 1,700mm above the finished floor level or fixed obscure glazing to a height of 1,700mm above the finished floor level to ensure the proposal is consistent with the relevant standards.

6. Options

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

7. Conclusion

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

It is considered that the proposal generally does not comply with the relevant requirements of the Planning Scheme.

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

LIST OF APPENDICES

1. Locality plan - dated 20 January 2021
2. Plans - dated 23 April 2020
3. Assessment against Planning Scheme - undated
4. Response to objections - undated
5. Referrals comments - undated
6. Grounds of Refusal - undated

12.16 PLANNING APPLICATION PA 2020/7170 - BUILDINGS AND WORKS FOR A TELECOMMUNICATIONS FACILITY COMPRISING OF A 30 METRE HIGH MONOPOLE AND ASSOCIATED FACILITIES AT 1646-1656 MELTON HIGHWAY, PLUMPTON

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

PURPOSE OF REPORT

To consider and determine the planning application.

RECOMMENDATION:

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

REPORT

1. Background

Executive Summary

Applicant:	Axicom Pty Ltd
Proposal:	Construction for a Telecommunications Facility which would be the third such facility on the land
Existing Land Use:	Trethowan Plant Nursery Two existing telecommunications facilities
Zone:	Clause 35.04 – Green Wedge Zone
Overlays:	Nil
Number of Objections:	Nil
Key Planning Issues:	Compliance with the Code of Practice for Telecommunications in Victoria (2004) Visual amenity Co-location of facilities
Recommendation:	Approve application

The Land and Surrounding Area

The subject site has an area of 4.16 hectares and is located on the northern side of the Melton Highway, Plumpton. The Trethowan Plant Nursery operates from the subject land. Other features of the site are as follows:

- The site is currently developed with a dwelling towards the front of the site. The plant nursery is located at the rear of the dwelling.
- The site is irregular in shape and has an 'L' formation.

- There are two existing telecommunication facilities on the subject land, which include:
 - A 25-metre high monopole with associated panel antennae and an equipment shelter. The telecommunication tower is owned and operated by Telstra.
 - A 35-metre high monopole with associated panel antennae and an equipment shelter. The telecommunication tower is owned and operated by NBN co.
- The nearest residential dwellings to the location of the proposed tower are as follows (approximately):
 - 120 metres to the south
 - 230 metres to the west
 - 270 metres to the south east
 - 900 metres to the north west.
- The Leakes Road Tourist Precinct is located directly to the south of the subject land, opposite Melton Highway.
- A rock quarry is located generally to the east of the subject land.

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

The Application

The application proposes to establish a third telecommunications facility comprising of a 30-metre high monopole with associated antennae and equipment shelter on the land. The new telecommunication facility is located within close proximity (within 80 metres) of the two existing telecommunications facilities.

The applicant (Axicom) currently own and manage an existing telecommunications facility at 393 Leakes Road, Plumpton, approximately 410m north-west of the subject land. The existing facility was originally deployed in 1999, which hosts Optus and Vodafone equipment.

Axicom is an infrastructure owner, not a carrier. Axicom own and operate a portfolio of towers nationally and sublease space and co-locate multiple services on their towers.

Axicom's presence at 393 Leakes Road was established through a lease agreement with the landowner, which will expire in the near future. Axicom has been advised the lease will not be renewed, and the existing facility will need to be decommissioned and removed.

Axicom is seeking to replace the existing facility at 393 Leakes Road with a new facility at 1646-1656 Melton Highway.

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

Planning Controls

Zone	(Clause 35.04 – Green Wedge Zone)	There is no planning requirements in the Green Wedge Zone.
Particular Provisions	(Clause 52.19 – Telecommunications Facility)	A planning permit is required to construct a Telecommunications Facility under Clause 52.19. The principles for the design, siting, construction and operation of a telecommunications facility set out in <i>A Code of Practice for Telecommunications Facilities in Victoria, July 2004</i> .

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

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

Is the land of Cultural Heritage Sensitivity?

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

2. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

3. Financial Considerations

No Council related financial considerations are involved with the application.

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

The application was subject to public notification. Properties generally within 500 metres of the subject land were notified, and a sign was placed at the front of the property. At the end of the public notification period, no objections were received.

Referral of the application

The application was referred to a number of Council Departments for comment and advice. A complete list of responses is included in **Appendix 4**.

5. Issues**Planning Assessment**

The proposal would result in the construction of a third telecommunication facility on the subject land, which is within 80m of the two existing telecommunication facility that has already been constructed on the subject land. The two existing telecommunication facilities on the land are as follows:

- A 25-metre high monopole with associated panel antennae and an equipment shelter. The telecommunication tower is owned and operated by Telstra. The Telstra telecommunication facility was approved by Council under Planning Permit PA2015/4858/1.
- A 35-metre high monopole with associated panel antennae and an equipment shelter. The telecommunication tower is owned and operated by NBN co. The NBN telecommunication facility was approved by the Victorian Civil and Administrative Tribunal (VCAT) under Planning Permit PA2017/5584/1. The application was originally refused by Council at its meeting on the 18 September 2017, however, the decision was overturned by VCAT. In overturning Council's decision VCAT was of the view that the construction of a second telecommunication facility on the land still met the guidelines in the Code of Practice for Telecommunications Facilities in Victoria (2004).

The proposed telecommunication facility (third) will comprise of a 30-metre high monopole, with the antennae being slightly above 30 metres.

On 18 December 2017, Council adopted its Communications Infrastructure Policy Framework. The purpose of the policy is to provide Council officers, the community and potential applicants (including carriers), clear policy direction in respect of the elements Council will consider when

assessing and determining applications for communications infrastructure. The policy essentially builds upon the decision guidelines contained in the Code of Practice for Telecommunications Facilities in Victoria (2004). In accordance with the Policy, the following report has been prepared for Council's consideration.

The applicant has provided supporting documentation in response to Council's Communications Infrastructure Policy Framework. The supporting documentation provided the applicant includes:

- Details of 12 alternative locations that were investigated by the applicant before settling on the subject site. The details provided by the applicant indicates that the alternative sites were less ideal (wrong side of the Melton Highway), too close to rural dwellings, inability to obtain direct access to/from the Melton Highway, and landowners either being uncontactable or uninterested.
- The subject land has been chosen due to its close proximity to the existing telecommunication facility at 393 Leakes Road, which would be decommissioned when their lease expires. The proposed site is intended to replace the existing site, which will ensure the existing carriers located at the site are offered an alternate location once the site is removed. This will prevent a loss in voice and data coverage within the area.
- Co-location with the two existing telecommunication facilities is not possible, given, as the applicant is an infrastructure owner, not a carrier. Axicom own and operate a portfolio of towers nationally and sublease space and co-locate multiple services on their towers, therefore, leasing space on the existing Telstra and NBN tower was not an option for Axicom. The plans provided by the applicant indicate there is potential to accommodate another carrier.
- A report has been provided indicating that the new telecommunications facility will be operated in compliance with the mandatory standards for human exposure to EME – currently the Radio communications (Electromagnetic Radiation Human Exposure) Standard 2003. The report provided by the applicant shows the maximum predicted EME will equate to 1.66% out of 100% of the public exposure limit, 188m from the location.
- The applicant has provided documentation demonstrating that disturbance and risk relating to siting and construction would be minimised.
- Photomontages from several vantage points have been provided by the applicant to demonstrate that the third telecommunication would be partially screened by the canopy trees surrounding the Trethowan Plant Nursery. Refer to **Appendix 5** for photomontages.

The Code of Practice for Telecommunications Facilities in Victoria (2004) outlines four basic principles which should be applied when assessing the merits of the proposal. These four principles are:

- A telecommunications facility should be sited to minimise visual impact
- Telecommunications facilities should be co-located wherever practical
- Health standards for exposure to radio emission will be met
- Disturbance and risk relating to siting and construction should be minimised.

The photomontages provided by the applicant, demonstrate that the third telecommunication facility would be partially screened by the canopy trees surrounding the Trethowan Plant Nursery. In relation to the issue of minimising visual impact, the Tribunal member in its decision to approve the second telecommunications facility on the land outlined the following observations:

"The council contends that the tower will, however, impact on the visual amenity of the area that is in a Green Wedge Zone where there is a lack of taller man-made structures and retains a rural setting. My inspection of the site and surrounds confirms the visual assessment of Mr Wyatt that the visual impact of the additional tower to the landscape

will be very minor and one that I find acceptable based on the tests of the planning scheme.”

In relation to the issue of co-location, the Tribunal member outlined the following in their decision to approve the second telecommunications facility on the land:

“The council has recently adopted a policy for telecommunications facilities that reinforces a need to co-locate facilities where practical... This is commercially difficult as NBN would need to come to a commercial arrangement to reconstruct another providers’ facility, obtain relevant approvals and re-arrange lease arrangements with the affected landholders... I accept it is now impractical to construct a shared tower with Telstra. It would require permission from Telstra as owner of the tower (and such permission may not be granted), require demolition and reconstruction of a recently constructed facility with a taller facility, with two sets of antennae. While possible, this is a not practical, efficient or a cost effective proposition, as sought by the purposes of clause 52.19 of the planning scheme.”

The applicant has indicated that the co-location is not possible, given, that they are an infrastructure owner, not a carrier. The applicant has indicated that co-location is core to aspect of their business, given, that they sublease space to carriers. The plans provided by the applicant indicate there is areas set aside within the proposed telecommunication to accommodate another carrier.

The proposal has been assessed and deemed to be consistent with the principles and decision guidelines outline in the Code of Practice for Telecommunications Facilities in Victoria (2004), and Council’s Communications Infrastructure Policy Framework.

6. Options

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

7. Conclusion

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

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

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

LIST OF APPENDICES

1. Locality Plan - dated 1 December 2020
2. Plans of Proposal - dated 12 June 2020
3. Assessment Against State and Local Planning Policies - undated
4. Referral Comments - undated
5. Photomontages - undated
6. Conditions - undated

**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 746 (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 8 February 2021

MOTION:

That Council write to The Honourable Ben Carroll, the Minister for Roads and Road Safety and The Honourable Marlene Kairouz MP requesting their advocacy and assistance to ensure a noise wall adjacent to the Rockbank Township is considered through the Federal Government budget allocation associated with the Western Highway.

OFFICER'S COMMENTS:

Council officers will prepare correspondence in accordance with the Notice of Motion above.

14.2 NOTICE OF MOTION 747 (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 8 February 2021

MOTION:

That due to continued inflated fuel pricing in Melton:

1. Council write to the following requesting the investigation of petrol prices in the Melton township that are regularly inflated in comparison to other parts of the municipality. Council seeks an explanation for this practice and direction to ensuring competitive pricing in the future:
 - Chairman of the Australian Competition and Consumer Commission (ACCC), Mr Rod Simms,
 - Victorian Minister for Consumer Affairs, Melissa Horne; and
 - Federal Member for Gorton, Brendan O'Connor
2. That Council write to local fuel retailers in Melton requesting a response to justify the continued exorbitant fuel prices in Melton and request an opportunity to discuss the matter with the Mayor and CEO.
3. That Council encourage residents to direct their concerns regarding this matter to the ACCC.

OFFICER'S COMMENTS:

Officers will action if endorsed by Council.

14.3 NOTICE OF MOTION 748 (CR DEEMING)**Councillor: Moira Deeming - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 8 February 2021

MOTION:

That Council investigate the possibility and cost of establishing a youth engagement fund to help low income youth keep engaged in positive community activities by partly subsidising participation in extracurricular activities, such as music lessons, chess or writing clubs and sports. The funds would be offered by the clubs directly to eligible youth and their families, and be managed and verified by Council.

OFFICER'S COMMENTS:

If the motion is endorsed, Council officers will commence an investigation and a scheduled briefing to be held on the report findings in the near future.

14.4 NOTICE OF MOTION 749 (CR CARLI)**Councillor: Lara Carli - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 8 February 2021

MOTION:

That Council Officers investigate and prepare a report for the next Council Meeting, providing all options to reduce vehicles speeding on Royal Crescent and Landscape Drive, Hillside and that options include but not limited to, traffic calming devices and that all costings be included in the report.

OFFICER'S COMMENTS:

The roads in question have previously been investigated by Council through the Hillside Local Area Traffic Management Study undertaken 2008/2009 financial year. The study was a comprehensive review of the entire road network involving consultation with the community to derive traffic calming measures to address issues such as speeding, driver behaviour as well as addressing any safety deficiencies in the road network to improve active travel safety in the area.

The study addressed known concerns as well as future concerns with Council successfully implementing the traffic management plan at a total cost of approximately \$250,000.

Since the study was undertaken, Council officers have analysed traffic data collected on Royal Crescent against Councils previous and current Traffic Calming Policy where it has been determined that further traffic calming devices are not warranted.

With respect to Landscape Drive, since the implementation of the speed hump adjacent Hillside Recreation reserve, Council officers have not received any correspondence from the community regarding excessive traffic speeds.

Should the NOM proceed the report will not be completed in time for the Ordinary Meeting of Council scheduled for March however could be available for the meeting scheduled for April.

14.5 NOTICE OF MOTION 750 (CR ABOUSHI)**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 8 February 2021

MOTION:

That Council look to review options for potential name change to the City of Melton, taking into account the amount of change and development that has occurred and is occurring throughout the municipality.

That a working group is to be established, led by Communications and Governance teams, for consultation with our residents in the form of but not limited to resident surveys, these to be distributed via rates notices.

A future Council report be presented to Council outlining specific processes and guidelines that would be required to undertake this process.

OFFICER'S COMMENTS:

Pursuant to Section 235 (g) of the Local Government Act 2020 a change of municipality name can be made by the Governor in Council acting on the recommendation of the Minister for Local Government.

Melton Shire Council ran a community engagement process in 2010 in relation to a change of status to a "City" and a change of name from "Melton". This engagement process included utilising the local media, Council's Moving Ahead publication inclusive of a full survey form, an insertion of the survey in all Rate Notices distributed, an online survey and the independent market research survey.

The results of the online survey completed by 697 people, in regard to the naming of the Municipality were:-

- Support to leave the status quo as "Melton" 67%
- Western Plains 11%
- Djerrivarrah 6% and
- A number of other suggestions 16%

The results of the 617 hard copy surveys received by the Council were:

- Support to leave the status quo as "Melton" 77%
- Western Plains 9%
- Djerrivarrah 6%, and
- Various Other 8%

Hard copy surveys were distributed to Community Groups sourced from Council's online directory. 285 surveys were distributed and 23 responses were received.

When considering the change of name aspect, responses were:

- Retaining the status quo of "Melton" 78%
- Western Plains 14%
- Djerriwarrah 4% and
- Staughton 4%

A consolidation all of the 3 sets of results gives the following outcome:

- Melton 72%
- Djerriwarrah 6%
- Western Plains 10%
- Other 12%

The total number of the responses for the name change was 1306.

Council also commissioned The Wallace Consulting group to conduct a phone survey. 600 adult residents of the municipality were phone surveyed during the consultation process. When asked to consider changing the name of the Municipality the following responses were received:

- Melton 47%
- Western Plains 17%
- Djerriwarrah 11 %
- Other 25%

Whilst it did not form a specific part of Council's consultation process, petitions with a total of 2,183 signatories were received during the consultation process from residents supporting retention of the "Melton" name.

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 Disability Advisory Committee - Appointment of Community Members 2020 - 2022**
(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
- 17.2 Intercultural Advisory Committee - Appointment of Organisational and Community Members 2021-2023**
(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs
- 17.3 Arts and Culture Advisory Committee - Appointment of Community Members**
(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs
- 17.4 Cobblebank Development Proposal**
(c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;
- 17.5 Contract 21/031 Management and Operations of Melton Waves Leisure Centre**
(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;

Recommended Procedural Motion

That the meeting be opened to the public.

18. CLOSE OF BUSINESS