



MELTON CITY COUNCIL

Notice is hereby given that the Ordinary Meeting of the Melton City Council will be held in the Council Chamber, Civic Centre, 232 High Street, Melton on 13 October 2015 at 7pm.

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

Kelvin Tori
CHIEF EXECUTIVE

Visitors to the Gallery please note:

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

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

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

- It is an offence for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave the meeting when requested by the Chairperson to do so.

Penalty: 20 Penalty Units

- It is an offence for any person to fail to obey a direction of the Chairperson relating to the conduct of the meeting and the maintenance of order.

Penalty: 20 Penalty Units

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

TABLE OF CONTENTS

1.	OPENING PRAYER, AND RECONCILIATION STATEMENT	5
2.	APOLOGIES AND LEAVE OF ABSENCE	5
3.	CHANGE TO THE ORDER OF BUSINESS	5
4.	DEPUTATIONS	5
5.	DECLARATION OF ANY PECUNIARY INTEREST, OTHER INTEREST OR CONFLICT OF INTEREST OF ANY COUNCILLOR	5
6.	ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	5
7.	CORRESPONDENCE INWARD	6
7.1	PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR	6
	<ul style="list-style-type: none">The Hon Christian Porter – Parliamentary Secretary to the Prime Minister - Roads to Recovery Programme.	
8.	PETITIONS AND JOINT LETTERS	8
8.1	PETITION - UPGRADE OF PEDESTRIAN CROSSING LOCATED AT LANCEFIELD DRIVE, CAROLINE SPRINGS	8
	A petition was received on Thursday 1 October 2015 relating to an upgrade of the pedestrian crossing located at Lancefield Drive, Caroline Springs. Signed by seventy residents, the petition requests a review of the crossing to improve traffic safety.	
9.	RESUMPTION OF DEBATE OR OTHER BUSINESS CARRIED OVER FROM A PREVIOUS MEETING	9
10.	PUBLIC QUESTION TIME	9
11.	PRESENTATION OF STAFF REPORTS	10
11.1	AUTHORISATION OF AFFIXING THE COMMON SEAL OF COUNCIL	10
	For Council to adopt the schedule of documents requiring the Common Seal of Council.	

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- | | | |
|--------------|--|-----------|
| 11.2 | COMMUNITY LEARNING BOARD MINUTES - 27 AUGUST 2015 | 13 |
| | To present the minutes of the Community Learning Board meeting held on Thursday 27 August 2015 and the report ' <i>Community Learning Board Education State Conversation</i> '. | |
| 11.3 | EARLY YEARS PARTNERSHIP COMMITTEE MINUTES - 20 AUGUST 2015 | 39 |
| | To present the minutes of the Early Years Partnership Committee meeting held on Thursday 20 August 2015. | |
| 11.4 | RECONCILIATION ADVISORY COMMITTEE MINUTES - 27 AUGUST 2015 | 45 |
| | To present the minutes of the Reconciliation Advisory Committee meeting held on Thursday 27 August 2015. | |
| 11.5 | HERITAGE ADVISORY COMMITTEE MINUTES - 21 AUGUST 2015 | 59 |
| | To present the minutes of the Heritage Advisory Committee meeting held on Friday 21 August 2015. | |
| 11.6 | MUNICIPAL AUDIT COMMITTEE MINUTES - 26 AUGUST 2015 | 68 |
| | To present the minutes of the Municipal Audit Committee meeting held on Wednesday 26 August 2015. | |
| 11.7 | GENERAL LOCAL LAW (2015) | 71 |
| | To make General Local Law (2015) as set out and contained in Appendix 1 . | |
| 11.8 | RISK MANAGEMENT ANNUAL REPORT | 71 |
| | To inform Council of the identification, assessment, treatment and review of the organisation's strategic and corporate risks, and of relevant changes to the risk management framework. | |
| 11.9 | LEASE TO CFA TOOLERN VALE | 71 |
| | To obtain Council endorsement for the issuing of a section 17D <i>Crown Land (Reserves) Act 1978</i> Lease to the Country Fire Authority at Creamery Road, Toolern Vale. | |
| 11.10 | DRAFT INVESTMENT ATTRACTION STRATEGY 2016-2019 | 71 |
| | To present the draft Investment Attraction Strategy 2016–2019 and Background Report for endorsement and release for public comment. | |

-
- 11.11 HOUSE RULES - HOUSING CHARACTER ASSESSMENT & DESIGN GUIDELINES AND EXHIBITION OF C169 TO THE MELTON PLANNING SCHEME** **71**
- To consider the adoption of ‘*House Rules*’ – Housing Character Assessment & Design Guidelines and the initiation of a Planning Scheme Amendment to introduce schedules to the Residential Zones and update local policies.
- 11.12 AMENDMENT C170 TO THE MELTON PLANNING SCHEME - DEVELOPMENT PLAN OVERLAY REVIEW** **71**
- To consider changes to the Development Plan Overlay (DPO) Review previously adopted by Council and initiate a planning scheme amendment to give effect to the Review.
- 11.13 VEC ELECTORAL REPRESENTATION REVIEW - PRELIMINARY REPORT** **71**
- To inform Council of the preliminary report of the Victorian Electoral Commission Electoral Representation Review of Melton City Council.
- 11.14 SUPPLEMENTARY REPORT - AMENDMENT C100 TO THE MELTON PLANNING SCHEME - DRY STONE WALL AMENDMENT** **71**
- To further consider submissions to Amendment C100 to the Melton Planning Scheme for the removal of dry stone walls from the proposed Heritage Overlay.
- 11.15 PLANNING APPLICATION PA 2015/4807 - USE AND DEVELOPMENT OF THE LAND FOR THE PURPOSE OF EARTH AND ENERGY RESOURCES INDUSTRY (QUARRY PROCESSING PLANT) AT 408-546 HOPKINS ROAD & 1154-1198 CHRISTIES ROAD, TRUGANINA** **71**
- To consider a planning application for use and development of the land for the purpose of earth and energy resources industry (quarry processing plant) at 408-546 Hopkins Road & 1154-1198 Christies Road, Truganina.
- 11.16 PLANNING APPLICATION PA 2015/4855 - CHANGE OF USE OF AN EXISTING WAREHOUSE BUILDING TO AN INDOOR SWIM SCHOOL AT 31 EUCUMBENE DRIVE, RAVENHALL** **71**
- To consider a planning application for change of use of an existing warehouse building to an indoor swim school at 31 Eucumbene Drive, Ravenhall.
- 11.17 AMENDMENT C161 TO THE MELTON PLANNING SCHEME – PAYNES ROAD PRECINCT STRUCTURE PLAN** **71**
- To consider providing a letter of support to the Metropolitan Planning Authority for C161 to be approved by the Minister for Planning under s20(4) of the *Planning & Environment Act 1987*.

11.18	UNESCO 2ND INTERNATIONAL CONFERENCE ON LEARNING CITIES, MEXICO CITY 2015	71
	To report to Council on attendance at the UNESCO 2 nd International Conference on Learning Cities held in Mexico City from 28-30 September 2015.	
12.	REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES	71
13.	COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS	71
13.1	RECORD OF ASSEMBLY OF COUNCILLORS IN ACCORDANCE WITH SECTION 80A(1) OF THE LOCAL GOVERNMENT ACT 1989	71
	<ul style="list-style-type: none">• 15 September 2015• 22 September 2015• 29 September 2015• 6 October 2015	
13.2	PUBLIC ADDRESS BY EACH COUNCILLOR	71
14.	NOTICES OF MOTION	71
14.1	NOTICE OF MOTION 409 (CR TURNER)	71
14.2	NOTICE OF MOTION 410 (CR RAMSEY)	71
15.	COUNCILLOR'S QUESTIONS WITHOUT NOTICE	71
16.	MOTIONS WITHOUT NOTICE	71
17.	URGENT BUSINESS	71
18.	CONFIDENTIAL BUSINESS	71
18.1	MUNICIPAL AUDIT COMMITTEE MINUTES - 26 AUGUST 2015	71
	To present the in-camera minutes of the Municipal Audit Committee meeting held on Wednesday 26 August 2015.	
18.2	CONTRACT EXTENSION - CONTRACT 13/004 PUBLIC CONVENIENCES & BBQ CLEANING SERVICES	71
	To provide Council with an overview of the performance review of Contract 13/004 and present options to extend the contract provisions for a further term.	
19.	CLOSE OF BUSINESS	71

1. OPENING PRAYER, AND RECONCILIATION STATEMENT

The Chairperson will read the opening prayer and reconciliation statement.

Prayer

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

Reconciliation Statement

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

2. APOLOGIES AND LEAVE OF ABSENCE

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

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

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

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

That the Minutes of the Ordinary Meeting of Council held on 8 September 2015 and Special Meeting of Council held on 15 September 2015 be confirmed as a true and correct record.

7. CORRESPONDENCE INWARD

7.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR

- The Hon Christian Porter – Parliamentary Secretary to the Prime Minister - Roads to Recovery Programme.

RECOMMENDATION:

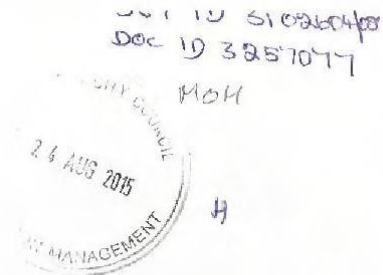
That the Parliamentarian and Departmental letters received by the Mayor be received and noted.

LIST OF APPENDICES

1. Correspondence - Parliamentary Secretary to the Prime Minister - The Hon Christian Porter - Roads to Recovery Programme.



PARLIAMENTARY SECRETARY
TO THE PRIME MINISTER



Reference: C15/65461

17 AUG 2015

Councillor Sophie Ramsey
Mayor
City of Melton
P O Box 21
MELTON VIC 3337

Dear Mayor

Thank you for your letter dated 7 July 2015 to the Prime Minister, the Hon Tony Abbott MP, regarding the increased funding to the Roads to Recovery Programme. The Prime Minister has asked me to reply on his behalf.

The Commonwealth recognises the significant infrastructure task faced by local governments to maintain and upgrade local roads. The Roads to Recovery programme is helping the Commonwealth and local governments deliver vital infrastructure to grow and strengthen our economy and deliver road safety and network improvements.

The Commonwealth is committed to supporting local governments to provide the infrastructure and services that drive productivity. Local and regional roads are critical to the social and economic well-being of communities, particularly in regional Australia.

You may also be interested in the Commonwealth's Bridges Renewal Programme. Round two is currently open with proposals closing on 31 August 2015. This programme will invest \$300 million in Commonwealth funding into the repair and replacement of local bridges.

I thank you again for taking the time to inform us of your support for the programme.

Yours sincerely

CHRISTIAN PORTER

8. PETITIONS AND JOINT LETTERS

8.1 PETITION - UPGRADE OF PEDESTRIAN CROSSING LOCATED AT LANCEFIELD DRIVE, CAROLINE SPRINGS

SUMMARY

A petition was received on Thursday 1 October 2015 relating to an upgrade of the pedestrian crossing located at Lancefield Drive, Caroline Springs. Signed by seventy residents, the petition requests a review of the crossing to improve traffic safety.

RECOMMENDATION:

That the petition be received and that a Staff Report be prepared for the next Ordinary Meeting of Council to be held on Tuesday 10 November 2015.

- 9. RESUMPTION OF DEBATE OR OTHER BUSINESS
CARRIED OVER FROM A PREVIOUS MEETING**

- 10. PUBLIC QUESTION TIME**

11. PRESENTATION OF STAFF REPORTS

11.1 AUTHORISATION OF AFFIXING THE COMMON SEAL OF COUNCIL

Author: Tracy Spiteri - Governance Coordinator
Presenter: Peter Bean - General Manager Corporate Services

PURPOSE OF REPORT

For Council to adopt the schedule of documents requiring the Common Seal of Council.

RECOMMENDATION:

That the Council Seal be affixed to the documentation as detailed in the Schedule for Authorising of Affixing of the Common Seal of Melton City Council dated Tuesday 13 October 2015.

REPORT

1. Executive Summary

Documents requiring the Common Seal of Council to be affixed are detailed in **Appendix 1**.

2. Background/Issues

Use of the Council Seal is required where Council as a body corporate is required to acquit a document or agreement for the purpose of performing its functions and exercising its powers.

The *Local Government Act 1989* prescribes that a Council must have a common seal, and that the common seal must –

- (a) Bear the name of the Council (which name may refer to the inhabitants of the municipal district) and any other word, letter, sign or device the Council determines should be included; and
- (b) Be kept at the Council office; and
- (c) Be used in accordance with the local laws of the Council.

Council's Meeting Procedure Local Law (2013) prescribes the use of Council's Common Seal and the authorized officers who have the authority to sign every document to which the common seal is affixed.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. *A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability*

2.6 *Ensure timely compliance with statutory and regulatory obligations.*

4. Financial Considerations

There are no financial considerations relating to the use of the Council Seal.

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

Ensuring that the Council Seal is only affixed in accordance with a resolution of Council controls the potential risk of the Seal being incorrectly affixed to a document.

7. Options

Not applicable.

LIST OF APPENDICES

1. Schedule for Authorising of Affixing the Common Seal

11.2 COMMUNITY LEARNING BOARD MINUTES - 27 AUGUST 2015

Author: Peter Blunden - Life Long Learning Officer
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To present the minutes of the Community Learning Board meeting held on Thursday 27 August 2015 and the report '*Community Learning Board Education State Conversation*'.

RECOMMENDATION:

That Council:

1. note the minutes of the Community Learning Board meeting held on Thursday 27 August 2015
2. note the report '*Community Learning Board Education State Conversation*'.

REPORT

1. Executive Summary

The Learning Board met on Thursday 27 August 2015 and considered the following items as presented in the minutes **Appendix 1**:

- The launch of the Community Learning Plan;
- Progress reports from the Board's working parties;
- UNESCO Institute of Lifelong Learning conference, the 2nd International Conference on Learning Cities;
- The successful Victorian Government Education State Conversation with community organisations, schools and students. The report has been distributed to Board members and Conversation participants **Appendix 2**; and
- A report on the Global Lifelong Learning Forum: *Learning the Treasure Within*.

2. Background/Issues

Council established the Community Learning Board in 1998 to recognise that lifelong learning is important to the community's social and economic wellbeing. The Learning Board promotes Melton as a Global Learning City and oversees the implementation of the City's Community Learning Plan 2015-2018. The Board is an Advisory Committee that meets bimonthly to consider matters relating to employment, education and lifelong learning and presents its recommendations to Council.

Board membership is made up of leaders drawn from all learning sectors, industry and community organisations and relevant Council officers as identified in the Community Learning Board Terms of Reference 2015-2018.

The Board has two working parties that concentrate on improving lifelong learning opportunities for the community by delivering key Learning Plan strategies. They are the Economic Development and Lifelong Learning Working Party and the Social Inclusion and Lifelong Learning Working Party. There is also a Kindergarten Working Group that is a joint activity of the City's Early Years Partnership and the Community Learning Board. Activities of these working parties are reported in Community Learning Board minutes.

The Community Learning Board discussed a range of matters in detail at the meeting including:

- The launch of the Community Learning Plan that will take place at Tabcorp Park on 22 October 2015, 12.30pm. The Community Learning Plan was adopted by Council at the Ordinary Meeting of Council on 3 February 2015;
- Progress reports from the Board's working parties were discussed and actions proposed;
- UNESCO Institute of Lifelong Learning invitation for the Mayor to accept an award being presented to the City of Melton for its development as a Learning City. The award will be presented at the launch of the UNESCO publication, *Unlocking the Potential of Urban Communities: Case Studies of Twelve Learning Cities* at the 2nd International Conference on Learning Cities. The City of Melton is one of the case studies, an Officer from Council will make a presentation at the conference, and The Mayor will also participate in a strategic meeting of Mayor's from around the world.
- The Community Learning Board hosted a successful Victorian Government Education State Conversation with community organisations, schools and students. The report has been distributed to Board members and Conversation participants, and lodged with State Government **Appendix 2**.
- A report on the Global Lifelong Learning Forum: *Learning the Treasure Within* held in the Republic of Korea in June 2015 was provided. The City of Siheung and the Gyong-gi do Institute for Lifelong Learning hosted the forum and covered all costs of the six international presenters including Melton as the Australian representative.

The next meeting of the Community Learning Board is scheduled for Thursday, 22 October 2015 commencing at 12.30pm at Tabcorp Park.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

3. Diverse, Confident and Inclusive Communities: A culturally rich, active, safe and connected City
 - 3.4 *Provide lifelong learning opportunities to build social connections and self development*

4. Financial Considerations

There are no financial implications for Council with the recommendations of the Committee as contained in the Minutes.

5. Consultation/Public Submissions

The Community Learning Board is an Advisory Committee of Council and where public consultation and or submissions are identified as being appropriate the Board would recommend an appropriate consultation process to Council for endorsement.

6. Risk Analysis

Being regularly informed on Community Learning Board activities assists Council in controlling any possible risk exposure.

7. Options

The Community Learning Board is an Advisory Committee to Council and Council therefore has the discretion to accept/reject or amend its recommendations as Council deems appropriate.

LIST OF APPENDICES

1. Community Learning Board Minutes 27 August 2015
2. Community Learning Board Education State Conversation

11.3 EARLY YEARS PARTNERSHIP COMMITTEE MINUTES - 20 AUGUST 2015

Author: Leigh Cruickshank - Coordinator Early Years Partnerships
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To present the minutes of the Early Years Partnership Committee meeting held on Thursday 20 August 2015.

RECOMMENDATION:

That Council note the minutes of the Early Years Partnership Committee Meeting of Thursday 20 August 2015.

REPORT

1. Executive Summary

The Early Years Partnership Committee (EYPC) was established in 2011. Key roles of the Committee are to work collaboratively to monitor and evaluate the Municipal Early Years Plan 2014-2017. The Committee is also responsible for implementing, monitoring and evaluating the Best Start Action Plan 2015-2016.

Committee membership is drawn from Community Representatives and external partners who provide services to families and children within the City. The Committee meets bimonthly, and attached to this report are the minutes of Thursday 20 August 2015 meeting.

2. Background/Issues

The EYPC is responsible for providing direction, involvement and advice to Council concerning the support, development and improvement of the health and wellbeing of children aged 0-12 years.

The EYPC meeting on Thursday 20 August 2015 **Appendix 1**, had a focus on supporting vulnerable families and addressed the following;

- a presentation on the Maternal and Child Health service
- Department of Education and Training Koorie Engagement Support Officer role
- Best Start program update
- discussion on how services currently support vulnerable families and the opportunity to share practice innovations
- Municipal Early Years Plan evaluation framework
- the process that was undertaken to provide feedback to the State Government on the Education State consultation
- the review process for the Victorian Early Years Learning and Development Framework.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

3. Diverse, Confident and Inclusive Communities: A culturally rich, active, safe and connected City

3.1 Provide an accessible range of services for all including children, young people, families and older adults.

4. Financial Considerations

Nil.

5. Consultation/Public Submissions

The Committee is comprised of 21 members representing a range of sectors including but not limited to State Government, education, disability, health, family support and representatives from the community.

The Committee receive, respond and monitor identified community, industry and/or Council initiatives and opportunities in an inclusive and consultative approach.

6. Risk Analysis

Regularly providing information on Early Years Partnership Committee activities assists Council in identifying any possible identified risk exposure to Council or providers.

7. Options

The Early Years Partnership Committee is an Advisory Committee of Council, with Council discretion to accept or reject Committee recommendations as presented.

LIST OF APPENDICES

1. Early Years Partnership Committee Minutes 20 August 2015

11.4 RECONCILIATION ADVISORY COMMITTEE MINUTES - 27 AUGUST 2015

Author: Jessica Trijsburg - Coordinator Community Capacity
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To present the minutes of the Reconciliation Advisory Committee meeting held on Thursday 27 August 2015.

RECOMMENDATION:

That Council:

1. note the minutes of the Reconciliation Advisory Committee meeting held on Thursday 27 August 2015
2. adopt the recommendations arising within the minutes.

REPORT

1. Executive Summary

The Reconciliation Advisory Committee (RAC) has been established to work together with the City of Melton community to support the Reconciliation process between Indigenous and non-Indigenous Australians for the benefit of all.

Membership of the Committee is drawn from key stakeholders and community service providers who have a significant role in supporting the Aboriginal and Torres Strait Islander communities in the City of Melton.

A minimum of four (4) Committee meetings are held per year, with the minutes of the Thursday 27 August 2015 meeting provided at **Appendix 1** for Council information.

2. Background/Issues

The Reconciliation Advisory Committee meets to consider matters relating to the needs of the Aboriginal community and to further advance Reconciliation.

The purpose of the committee is to:

- Provide guidance and support to Council on issues and barriers that negatively affect the Reconciliation process.
- Provide advice to Council on the development and implementation of strategies that will deliver positive outcomes and which are aligned to the Council Plan, the Closing the Gap strategy and Melton City Council's Reconciliation Action Plan.
- Receive and comment on the progress in implementing specific strategies that encourages inclusive involvement of Aboriginal and Torres Strait Islander people.
- Raise advocacy issues for Council to consider on behalf of the Aboriginal and Torres Strait Islander community.

At its meeting on Thursday 27 August 2015, the Committee discussed:

- **Reconciliation Action Plan 2015**

The Committee was presented with the final Reconciliation Action Plan 2015. The Committee unanimously recommended that the Plan be considered by Council for endorsement as attached at **Appendix 2**.

It is noted by the reporting Officer that the Melton City Council Reconciliation Policy 2015-2017 was adopted by Council at the Ordinary Meeting of Council on 16 December 2014. The Reconciliation Action Plan 2015 aims to enact goals for 2015 identified in the policy. The RAC had not been able to recommend that Council endorse the Action Plan 2015 prior to the 27 August 2015 meeting due to not having a quorum at previous meetings.

- **Terms of Reference**

The Committee was presented with the final of the new Reconciliation Advisory Committee Terms of Reference. The committee unanimously recommended the Reconciliation Advisory Committee Terms of Reference for Council adoption as attached at **Appendix 3**.

- **Melton City Council Community Engagement Framework**

The Committee discussed how engagement with Aboriginal and Torres Strait Islander communities is undertaken through this framework.

- **Community Representative Position Vacant**

The Committee recommended that Council appoint Mr Phil Wood to the position of Community Representative on the Reconciliation Advisory Committee, following a public Expression of Interest process, and enactment of the internal selection process as per the Terms of Reference.

- **Aboriginal and Torres Strait Islander Community Engagement Officer role within Council.**

The Committee was informed of the revised role of Aboriginal and Torres Strait Islander Community Engagement Officer within Council.

Additional to the above, updates were received from the community about current events.

The next meeting of the committee is scheduled for 5.00pm on Thursday 19 November 2015.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

3. Diverse, Confident and Inclusive Communities: A culturally rich, active, safe and connected City

3.5 Build an inclusive community that embraces and values cultural diversity and celebrates our collective heritage

4. Financial Considerations

Nil.

5. Consultation/Public Submissions

The Reconciliation Advisory Committee is an Advisory Committee of Council, and where public consultation and/or submissions are identified as being appropriate, the Committee will recommend an appropriate consultation process to Council for endorsement.

6. Risk Analysis

Failure to address Reconciliation and needs of the Aboriginal community provides risk to our growing community. To support Reconciliation process and a growing Indigenous population, Council must ensure it seeks expertise and advice from the Indigenous community and key stakeholders who have a significant role in supporting the Indigenous community.

The Reconciliation Advisory Committee ensures relationships and resources are adequately aligned and assist Council in mitigating possible risks.

7. Options

The Reconciliation Advisory Committee is an Advisory Committee to Council, therefore Council has the discretion to accept, reject or amend the Committee's recommendations as deemed appropriate.

LIST OF APPENDICES

1. Reconciliation Advisory Committee Meeting Minutes August 2015
2. Reconciliation Action Plan 2015
3. Reconciliation Advisory Committee Terms of Reference

11.5 HERITAGE ADVISORY COMMITTEE MINUTES - 21 AUGUST 2015

Author: Matthew Milbourne - Senior Strategic Planner
Presenter: Laura-Jo Mellan - Manager City Design, Strategy & Environment

PURPOSE OF REPORT

To present the minutes of the Heritage Advisory Committee meeting held on Friday 21 August 2015.

RECOMMENDATION:

That Council:

1. note the minutes of the Heritage Advisory Committee meeting held on Friday 21 August 2015
2. adopt the recommendations arising within the minutes.

REPORT

1. Executive Summary

The Heritage Advisory Committee (HAC) provides advice to Council on the management and conservation of heritage in the City of Melton. The Committee makes recommendations to Council for applications to the Heritage Assistance Fund and advocates on behalf of the community on heritage matters.

At the 21 August 2015 meeting, the HAC discussed Round 5 of the Heritage Assistance Fund and the 2016 Heritage Award, commenced planning for the 2016 Heritage Week, were advised about a request from Fran Haarsma for images to be included in an ANZAC DVD, were advised about a request from the Golden Fleece Hotel for help in preparing for their 150th birthday celebrations, and were provided a brief overview of Council's heritage asset works.

The Committee recommended 'that Council prepare a letter to the Premier of Victoria expressing a desire for the restitution of funding for the improvement of significant heritage places, and resurrection of other funding for heritage matters such as education, engagement and heritage advisors in rural areas'.

The HAC received a resignation from a committee member, who was one of the original members of the HAC, and has been a member for over four consecutive years.

2. Background/Issues

At the 21 August meeting, the Committee:

- Received an update on the upcoming Round 5 of the Heritage Assistance Fund, and the 2016 Heritage Award. Information about the Fund and the Award will be mailed out to all owners of properties subject to a Heritage Overlay. Discussion was held about additional ways to promote the Fund and Award, including a media release, posters displayed on community notice boards, and inclusion in the Ward Talk column.
- Commenced planning for the 2016 Heritage Week – *Discovery and Rediscoveries*. A number of tours were suggested for investigation, a suggestion was made that investigations be around the potential to commission plaques to be placed at heritage

sites across the municipality, and it was suggested that the HAC sponsor a film / photo / essay competition.

- Advised about an enquiry from Fran Haarsma who has requested images for an ANZAC DVD which she is preparing.
- Advised about an enquiry from the Golden Fleece Hotel to assist with their 150th birthday celebrations.
- Received an overview of Council's heritage asset works. Information was provided on works at The Willows, Dunvegan, Mac's Cottage, Morton Homestead Dairy, and the Melton Courthouse.
- Received information about the restructure at Heritage Victoria. Funding has been removed from Heritage Victoria's education and engagement functions, and for Heritage Advisors in rural areas. Funds have also been limited for locally significant heritage places.

The HAC recommended 'that Council prepare a letter to the Premier of Victoria expressing a desire for the restitution of funding for the improvement of significant heritage places, and resurrection of other funding for heritage matters such as education, engagement and heritage advisors'.

- Received the resignation of Judith Bilstza from the HAC. Judith was one of the original members of the HAC, and has served for more than four consecutive years. Judith cited concerns about the inability of the HAC to put in submissions on Planning Scheme Amendments as the reason for her resignation. Judith's position would have expired in November 2015, as well as two other community member positions. Council will advertise the three vacant community member positions in November 2015.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City

1.1 Strategically plan for a well designed and built City

4. Financial Considerations

The funding for the Heritage Assistance Fund is a recurring grant allocated in the Council budget each financial year. Applications for the fund are assessed by the Committee and approved by Council. Any money awarded must be acquitted within the same financial year.

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

The Committee has an advisory capacity only, and can make recommendations that Council can choose not to adopt. Accordingly, it is considered that there is limited risk to Council.

7. Options

Council can resolve to either:

- Note the minutes from the Heritage Advisory Committee meeting of the 21 August 2015, and adopt the recommendation arising within the minutes;

- Not adopt the recommendation of the Committee.

LIST OF APPENDICES

1. Heritage Advisory Committee Minutes 21 August 2015

11.6 MUNICIPAL AUDIT COMMITTEE MINUTES - 26 AUGUST 2015

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

PURPOSE OF REPORT

To present the minutes of the Municipal Audit Committee meeting held on Wednesday 26 August 2015.

RECOMMENDATION:

That Council:

1. note the minutes of the Municipal Audit Committee meeting held Wednesday 26 August 2015
2. adopt the recommendations arising within the minutes.

REPORT

1. Executive Summary

The unconfirmed minutes of the Audit Committee meeting held on Wednesday 26 August 2015 are appended to this report as **Appendix 1**. The Committee considered various issues in relation to risk, financial management and governance and the minutes contain recommendations for the consideration of Council.

2. Background/Issues

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

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

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability
2.6 Ensure timely compliance with statutory and regulatory obligations

4. Financial Considerations

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

5. Consultation/Public Submissions

The Municipal Audit Committee consists of Councillors Ramsey and Majdlik and three independent external audit members Mr Alan Hall as Chairperson, Mr Adam Roberts and Mr Stan Naylor.

6. Risk Analysis

Not Applicable

7. Options

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

LIST OF APPENDICES

1. Minutes of Municipal Audit Committee - 26 August 2015

11.7 GENERAL LOCAL LAW (2015)

Author: Daniel Hogan - Manager Customer Engagement
Presenter: Peter Bean - General Manager Corporate Services

PURPOSE OF REPORT

To make General Local Law (2015) as set out and contained in **Appendix 1**.

RECOMMENDATION:

That Council:

1. revoke General Local (2005), effective immediately
2. make General Local Law (2015) as attached at **Appendix 1**
3. elect that the General Local Law (2015) comes into operation at the beginning of this day that the law is made in accordance with Section 121(1) of the *Local Government Act 1989*
4. forward a copy of the signed and sealed General Local Law (2015) to the Minister for Local Government
5. give notice in the Government Gazette and a public notice in newspapers generally circulating within the municipality, stating the purpose, general purport and public availability of the General Local Law (2015).

REPORT

1. Executive Summary

Empowered by the *Local Government Act 1989* ('the Act'), a range of Council powers and functions are administered through the General Local Law (2005), providing for the peace, order and good government of the municipality and local community.

The current General Local Law has been in effect since 2005, and under Section 122 of the Act, is due to sunset in late October 2015. Consequently, Council has developed a new General Local Law for proposed adoption, attached as **Appendix 1**, having observed all necessary statutory procedures to date.

In accordance with Section 223 of the Act, Council invited submissions from interested parties and members of the community to comment on the proposed General Local Law (2015). Six submissions were received and subsequent amendments were adopted at Ordinary Council Meeting held 8 September, 2015. The amendments are contained within the proposed, and are considered minor in nature, precluding the need for a further s223 public consultation process.

2. Background/Issues

At Ordinary Council Meeting 14 July, 2015, Council directed that the necessary statutory procedures in accordance with section 111 and section 119 of the *Local Government Act 1989* be commenced for the making of a new General Local Law. An invitation for any affected person to make a related submission under section 223 of the Act was also directed.

A public notice to this effect was published in both editions of the Melton Leader and also the Melton and Moorabool Star Weekly on Tuesday, 21 July 2015. A notice was also included within the Government Gazette on 23 July, 2015.

To help the community understand the changes, likely impact and assist in the development of public submissions, a Community Impact Statement, attached as **Appendix 2**, was developed as an explanatory document.

Six submissions were received for the consideration of Council at Ordinary Council Meeting 8 September 2015. Having fully considered each submission, Council moved that a number of amendments be made to the then proposed General Local Law (2015).

These changes have been included within the revised General Local Law (2015) attached as **Appendix 1**. The changes are considered minor in nature, precluding the need for a further s223 public consultation process.

The proposed General Local Law (2015) takes into account various changes to legislation over the last ten years, and includes a number of improvements to reflect contemporary standards and expectations of local amenity and enjoyment of the municipality and local neighbourhoods.

The objectives of the proposed Local Law are to:

- 1) provide for the peace order and good government of the Municipal District of Melton City Council in a way that is complementary to Council's Plan; and
- 2) provide for those matters which require a Local Law under the Act and any other Act; and
- 3) provide for the administration of Council powers and functions; and
- 4) prohibit, regulate and control activities, events, practices or behaviour in places so that no detriment is caused to the amenity of the neighbourhood, nor nuisance or danger to a Person or their health and safety nor detrimental effect to a Person's Property nor impede free and safe movement by any Person, and in particular a Person with a disability; and
- 5) revoke Council's General Local Law 2005, effected 24 October 2005.

In order to ensure the format, appropriateness and enforceability of the provisions within the proposed General Local Law, Council engaged the services of Local Government specialist law firm Maddocks. Maddocks was fully briefed as to community and Council requirements and issues requiring address. Maddocks consequently reviewed the existing local law and initial draft documents, working closely with Council to produce the proposed document.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability

2.6 Ensure timely compliance with statutory and regulatory obligations.

4. Financial Considerations

Costs to date in engaging Maddocks to assist in the drafting of the proposed local law total \$5,959, with further costs to be invoiced. Investment in legal advice has been considered prudent given the importance of this document, reliance for successful legal prosecution in Court and the length of time that local law could be potentially in effect.

5. Consultation/Public Submissions

Section 119 of the Act outlines the procedure for making a local law. These are:

- (2) The Council must give a notice in the Government Gazette and a public notice stating -
 - (a) the purpose and general purport of the proposed local law;
 - (b) that a copy of the proposed local law and any explanatory document can be obtained from the Council office; and
 - (c) that any person affected by the proposed local law may make a submission relating to the proposed local law under section 223.
- (2A) The Council must ensure that -
 - (a) a copy of the proposed local law; and
 - (b) an explanatory document setting out prescribed details in relation to the local law is available for inspection at, and obtainable from, the Council office during ordinary business hours.
- (3) After a local law has been made the Council must give a notice in the Government Gazette and a public notice specifying -
 - (a) the title of the local law;
 - (b) the purpose and general purport of the local law; and
 - (c) that a copy of the local law may be inspected at the Council office.
- (4) After a local law has been made the Council must send a copy to the Minister.

A public notice recognising section 223 of The Act was published in both editions of the Melton Leader and also the Melton and Moorabool Star Weekly on Tuesday, 21 July 2015. A notice was also included within the Government Gazette on 23 July, 2015.

Six submissions were received for the consideration of Council at Ordinary Council Meeting 8 September 2015. Having fully considered each submission, Council moved that a number of amendments be made to the proposed General Local Law (2015).

Council has complied with all applicable public consultation requirements of the Act to this stage.

6. Risk Analysis

Council risk an absence of a binding General Local Law if a replacement of the existing General Local Law (2005) is not completed to meet temporal requirements under section 122 of the Act.

There is no inherent risk in accepting the recommendation as put.

7. Options

No practical alternatives are available to Council other than to update the General Local Law as required under the Act.

LIST OF APPENDICES

1. General Local Law (2015)
2. Community Impact Statement

11.8 RISK MANAGEMENT ANNUAL REPORT

Author: Anthony Hinds - Risk Management Coordinator
Presenter: Peter Bean - General Manager Corporate Services

PURPOSE OF REPORT

To inform Council of the identification, assessment, treatment and review of the organisation's strategic and corporate risks, and of relevant changes to the risk management framework.

RECOMMENDATION:

That Council note the report.

REPORT

1. Executive Summary

Year one of the new risk strategy has achieved its intended results. New strategic risks have been identified and significant progress has been made on managing the existing strategic risks. A process to consolidate and simplify those risks has commenced. The new approach to corporate risks has identified issues experienced across the organisation in a helpful way; old outdated corporate risks have been removed from the Risk Register. Year 2 of the strategy will see continual improvement through training, coaching and internal auditing.

2. Background/Issues

Council has a multi-pronged approach to risk management. At an operational level it maintains appropriate insurance cover, has a comprehensive OHS system, controls project risks through the Project Management Framework, and ensures compliance with legislation through normal service unit processes.

At a strategic and corporate level it has maintained an Enterprise Risk Management Framework and Risk Register since 2008. These identify and control significant risks to Council objectives and the organisation itself. Some examples are loss of IT systems, change of State or Federal policy, and fraud and corruption. The Framework also adds value by encouraging continual improvement of business processes.

Council recalibrated its approach to risk management at the start of 2014 – 2015 with the 2014 – 2017 Enterprise Risk Management Strategy. The purpose was to have less risk data in the Risk Register but to do more with it. Only major issues are recorded in it now, and the information is being used more in business planning decisions. An internal Risk Management Committee provides support and governance; the report attached has been tabled at that committee and has also been sent to the Audit Committee.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability

2.1 *Build community trust through socially responsible governance for long term sustainability*

4. Financial Considerations

Not applicable.

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

Report is provided for information only.

7. Options

Not applicable.

LIST OF APPENDICES

1. Risk Management 2014-2015 Annual Report

11.9 LEASE TO CFA TOOLERN VALE

Author: Tracy Spiteri - Governance Coordinator
Presenter: Peter Bean - General Manager Corporate Services

PURPOSE OF REPORT

To obtain Council endorsement for the issuing of a section 17D *Crown Land (Reserves) Act 1978* Lease to the Country Fire Authority at Creamery Road, Toolern Vale.

RECOMMENDATION:

That Council:

1. endorse the section 17D *Crown Land (Reserves) Act 1978* Lease to the Country Fire Authority at Creamery Road, Toolern Vale
2. sign and seal the lease documentation.

REPORT

1. Executive Summary

In 2011, the Country Fire Authority (CFA) advised Council of their intention to expand the CFA facility located on Creamery Road Toolern Vale which would extend beyond the boundaries of their current lease with Council. The current lease is situated on Crown land to which Melton City Council are appointed as Committee of Management, being Crown Land Allotment 42 and part Crown Allotment 43 and 45.

In November 2013 Council issued a Planning Permit PA2013/4089 for 'Alterations and additions to an existing fire station by constructing a new motor room, storage and communications area'.

In May 2014, the Department of Environment and Primary Industries (DEPI) issued a 'Grant & Purpose Approval' under section 17D *Crown Land (Reserves) Act 1978* for a proposed lease to the Country Fire Authority over part of the Toolern Vale Public Purposes Reserve for the purpose of 'Country Fire Authority and building and fire fighting activities, attached at **Appendix 1**.

The attached section 17D *Crown Land (Reserves) Act 1978* Lease at **Appendix 2** has now been finalised in accordance with the DEPI Grant & Purpose Approval, between Melton City Council and the Country Fire Authority to commence 13 May 2014 for a period of 10 years.

2. Background/Issues

In 2011, the Country Fire Authority (CFA) contacted Melton City Council regarding the process of extending or entering into a new lease for the CFA site located at Creamery Road, Toolern Vale. At the time the CFA were undergoing a state wide program of identifying suitable sites for the construction of new rural Fire Stations. The Toolern Vale CFA building was identified as one of those sites as the current facility no longer complied with safety standards and was too small for the new generation of tankers and equipment required for fire fighting.

Melton City Council was appointed as Committee of Management (CoM) over the larger parcel of land surrounding the existing CA lease area at 181 Creamery Road (part Crown

Allotment 43, Parish of Yangadook) on 25 March 1980. The area of land that the CFA occupies (Crown Allotment 42, Parish of Yandgadook) at 203 Creamery Road, being 270sqm, was approved for CoM on 12 October 2000.

The existing Toolern Vale Fire station was erected prior to Council appointment as CoM in 2000, and was subject to an extensive community consultation process in late 2011 regarding ongoing community use of the building, and any new CFA Facility.

After consultations with the community, the CFA submitted a planning permit in August of 2013 for alterations and additions to an existing fire station by constructing a new motor room, storage and communications area. The construction of the upgraded facility would require a new lease as it would extend beyond the boundaries of the existing leased area.

A Council permit PA2013/4089 was issued November 2013 and Grant & Purpose approval for a proposed lease to the CFA was issued by the Department of Environment and Primary Industries (DEPI) 13 May 2014. Construction of the facility commenced in 2014 and has been completed.

A final draft of the new section 17D *Crown Land (Reserves) Act* 1989 Lease been prepared as attached for use of CA 42, and part CA 43 and 45, at Creamery Road, Toolern Vale a term of 10 years at \$104.00 per annum (plus GST) with a permitted use of Country Fire Authority depot and ancillary fire-fighting purposes. The lease has been prepared in accordance with the DEPI approval and terms agreed with the Country Fire Authority and Councils Legal Officer.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City

1.1 Strategically plan for a well designed and built City

4. Financial Considerations

There are no financial considerations in the preparation of the Lease. *Crown Land (Reserve) Act* Leases are prepared by the state and can only be amended with ministerial approval. The Lease and its terms attached at **Appendix 2** has been finalised between Council staff and the Country Fire Authority under review of Councils Legal Officer.

5. Consultation/Public Submissions

The CFA conducted a number of community consultation sessions in Toolern Vale in late 2011 in response to the ongoing community use of the existing rooms for groups such as Landcare and Red Cross. No other consultation processes were undertaken or required for the establishment of a Crown Land Lease for the CFA on land permanently reserved for public purposes.

6. Risk Analysis

The construction of the CFA facility has been completed and is in use as a Country Fire Authority depot for fire-fighting purposes. The lease requires endorsement by Council to formalise the DEPI Grant and Purpose approval received on 13 May 2014.

7. Options

Council endorse and sign and seal the section 17D *Crown Land (Reserves) Act* 1978 Lease to the Country Fire Authority (Toolern Vale) at **Appendix 1** in accordance with the

Department of Environment and Primary Industries Grant & Purpose Approval received 13 May 2014 at **Appendix 2**.

LIST OF APPENDICES

1. DEPI Grant & Purpose Approval
2. Crown Land Lease to CFA, Toolern Vale

11.10 DRAFT INVESTMENT ATTRACTION STRATEGY 2016-2019

Author: Rachel Bernardo - Business Marketing & Investment Attraction Officer
Presenter: Les Stokes - Acting General Manager Planning & Development

PURPOSE OF REPORT

To present the draft Investment Attraction Strategy 2016–2019 and Background Report for endorsement and release for public comment.

RECOMMENDATION:

That Council:

1. endorse the Draft Investment Attraction Strategy 2016–2019 as presented in **Appendix 1** and release the draft for public comment
2. note the Draft Investment Attraction Action Plan 2016–2019 in **Appendix 2** detailing specific actions under each of the strategic priority areas identified in the Investment Attraction Strategy 2016-2019
3. note the Investment Attraction Strategy Background Report in **Appendix 3** for background and evidence base to the draft strategy.

REPORT

1. Executive Summary

The Economic Development & Tourism Plan 2014-2030 details the development of an Investment Attraction Strategy as a key deliverable. After extensive background research and stakeholder consultation a Draft Investment Attraction Strategy has been developed.

The Investment Attraction Strategy 2016-2019 **Appendix 1** aims to leverage population industry growth whilst cultivating future industry investment through targeted skills development and promotion of the City of Melton as an emerging investment destination for businesses to consider.

The Strategy is a first for Council and provides the overarching strategic direction for new investment and business development over the next four years and seeks to position the municipality as a reputable destination for facilitating new investment.

The draft Strategy has been developed through extensive consultation with a range of stakeholder groups both internal and external including different Council departments, local businesses, educational providers, service providers, state government and regional body representatives.

2. Background/Issues

Why do we need an Investment Attraction Strategy?

The development of an Investment Attraction Strategy is a key deliverable in the Economic Development & Tourism Plan 2014-2030 and fits within the Managing Our Growth theme in the Council Plan 2013-2017.

Investment Attraction is an essential part of sustainable economic development. Many benefits are realised through facilitating growth to the local economy, by encouraging

expansion of existing local businesses and generating flow of new investment capital from new businesses.

Some of the main benefits include:

- new employment opportunities
- utilisation of local resources
- stronger and resilient local economy
- new export opportunities.

What is Council's role in Investment Attraction?

Melton City Council's role in Investment Attraction is diverse and key to enabling all stakeholders both internal and external to work together as a network to build business confidence, trust and realise investment opportunities.

Council's role is to facilitate, advocate, create alliances and partnerships, engage, collaborate, attract, promote and share information, plan and educate.

Strategy Development Process

The draft Investment Attraction Strategy 2016-2019 is a part of a suite of three documents (as detailed below) which provide the context for the development and implementation of the strategic directions. These documents entail:-

Background Report **Appendix 3** – Details background information, benchmarking from case studies, summary of research data and recommendations, economic and demographic information, state and local directives and feedback from consultation workshops.

Investment Attraction Strategy 2016-2019 **Appendix 1** – Provides an overview of the key information from the background report and presents the vision and strategic direction for the next 4 years.

Action Plan **Appendix 2** – Details the specific actions under each of the strategic priority areas identified in the Investment Attraction Strategy 2016-2019.

The development of the Investment Attraction Strategy 2016-2019 has been informed through a series of consultation workshops, one-on-one meetings and online business surveys conducted over February to June 2015. The workshops were well represented across all main stakeholders both internal and external including staff from different Council departments, education providers, state government and other regional groups.

The following five key themes emerged during the consultation process:

1. Activity Centres & Precincts
2. Investment Facilitation & Business Development
3. Incubation of Home Based & Small Business
4. Future Growth & Enabling Assets
5. Investment Attraction Marketing

Monitoring and Evaluation

The outcomes of the Strategy will be measured in a number of ways, including the following:

- Level and scope of new investment enquiries
- Business investor feedback captured through engagement
- Success in retaining and assisting expansion of existing businesses captured through engagement

- Growth identified by Australian Business Register data and number of new business packs distributed
- Local industry and workforce outcomes identified by Census data

An annual review will be conducted to ensure ongoing relevance and that the strategy remains reflective of the Melton business investment climate.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City
 - 1.3 Generate an innovative local economy that stimulates opportunities for investment, business and training*

4. Financial Considerations

Development of the Strategy and the four year Action Plan will be implemented within the existing operational budget.

5. Consultation/Public Submissions

Consultation was carried out with a range of key stakeholders as detailed in the – Strategy Development Process section of Background/Issues of this report.

The draft strategy will be put out for public comment 20 October – 17 November 2015 through public notice, media release, Council website, libraries, direct contact with key stakeholder groups, social media and the Venture Melton e-newsletter.

6. Risk Analysis

Council has a responsibility under the Local Government Act (1989) to promote the social, economic and environmental viability and sustainability of the municipal district. There are potential risks associated with not proceeding with the draft Investment Attraction Strategy as detailed below.

- There is a risk that the City of Melton profile is under-developed without clear value propositions and lack of targeted marketing
- There is a risk that investment in the municipality will not take an integrated approach, considering competitive strengths, future growth industries and assets
- There is a risk that without an Investment Attraction Strategy and vision there could be potential detrimental effects to the long term sustainability of the Melton local economy in terms of maximising employment outcomes

7. Options

Council endorse draft Investment Attraction Strategy 2016-2019 and release for public comment.

Council delay endorsement of the draft Strategy for further refinement.

LIST OF APPENDICES

1. Draft Investment Attraction Strategy 2016-2019
2. Draft Investment Attraction Action Plan 2016-2019
3. Investment Attraction Strategy Background Report

11.11 HOUSE RULES - HOUSING CHARACTER ASSESSMENT & DESIGN GUIDELINES AND EXHIBITION OF C169 TO THE MELTON PLANNING SCHEME

Author: Kate Barclay - Senior Strategic Planner

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

PURPOSE OF REPORT

To consider the adoption of '*House Rules*' – Housing Character Assessment & Design Guidelines and the initiation of a Planning Scheme Amendment to introduce schedules to the Residential Zones and update local policies.

RECOMMENDATION:

That Council:

1. adopt '*House Rules*' Housing Character Assessment & Design Guidelines including the Study Report & Recommendations September 2015 at **Appendix 1** and the Character Statements & Design Guidelines September 2015 at **Appendix 2**
2. note the Housing Character Assessment & Design Guidelines Engagement Report July 2015 at **Appendix 3**
3. seek authorisation to prepare Planning Scheme Amendment C169 from the Minister for Planning
4. upon receipt of authorisation exhibit the amendment in accordance with the Planning and Environment Act 1987.

REPORT

1. Executive Summary

This report outlines the purpose of '*House Rules*' the Melton Housing Character Assessment and Design Guidelines.

Council engaged Planisphere in September 2014 to undertake the preparation of the Melton Housing Character Assessment and Design Guidelines.

This project involved an assessment of neighbourhood character in the City of Melton and the preparation of design guidelines and recommendations for incorporating these guidelines into the Melton Planning Scheme.

Relevant requirements from the guidelines are intended to be included in the Schedules to the residential zones. This project builds on the assessment undertaken as part of Council's *Housing Diversity Strategy (2014) 'House Smart'* adopted by Council at the Ordinary Council Meeting on May 27 2014 and was commissioned in response to its recommendations.

The addition of Schedules to the residential zones and the incorporation of the design guidelines into the Melton Planning Scheme will enable informed and consistent decision making by Council officers in respect of planning permit applications within the established areas of the municipality. The Schedules and Design Guidelines will also support Council officer's position at the Victorian Civil and Administrative Tribunal (VCAT) when required.

2. Background/Issues

Housing Diversity Strategy 'House Smart'

At the Ordinary Council Meeting on May 27 2014 Council adopted 'House Smart' the Melton Housing Diversity Strategy. The Melton Housing Diversity Strategy May 2014 is Council's response to the changing housing needs and requirements for existing and future residents within the municipality.

The strategy provides a twenty-year plan that establishes the types of housing needed and the suitability of different residential locations to accommodate different rates of housing change.

House Smart incorporates an Action and Implementation Plan designed to implement the City of Melton Housing Diversity Strategy. The Housing Character Assessment and Design Guideline project is a key action of 'House Smart'.

Objective 5 Action and Implementation outlines the following:

Action No.	Action	Council Role	Partnerships	Timeframe	Theme Addressed
5.1	Undertake a detailed neighbourhood character study	Council to lead the development of a neighbourhood character study	DTPLI (now DELWP)	Short-term	Character; Diversity
5.2	Develop residential and urban design guidelines and incorporate relevant requirements into schedules to the residential zones	Council to lead the development of the residential and urban design guidelines and initiate relevant planning scheme amendments	MPA and DTPLI (now DELWP)	Medium-term	Character; Diversity

The finalisation of the Study Report and Recommendations and the Character Statements and Guidelines including the preparation of schedules to the residential zones will implement the recommendations from 'House Smart'.

Housing Character Assessment and Design Guidelines

The municipality's population has doubled in the last decade and has continued to grow rapidly, with the population set to double again by 2031 to over 240,000 people. As a result of rapid growth, tensions between the old and the new are bound to arise, therefore it is important to preserve the established character of different neighbourhoods, and put measures in place to provide for good residential design for future development in these areas.

Council engaged Planisphere in September 2014 to undertake the preparation of the Melton Housing Character Assessment and Design Guidelines.

This project involves an assessment of neighbourhood character in the established areas in the City of Melton and the preparation of design guidelines and recommendations for incorporating these guidelines into the Melton Planning Scheme as detailed in Appendix 1 and 2.

Each character area identified in the municipality is based on the area's evolution and existing character as well as the current residential zones which provide direction on the design and development of residential areas.

The project was undertaken as follows and included consultation with the community and stakeholders at key stages:

Stage 1: Project Inception

Stage 2: Site survey and preparation of the draft character study, including community engagement (bulletin & postcard)

Stage 3: Preparation of Draft guidelines

Stage 4: Community engagement (postcard) including community drop in sessions at Diggers Rest, Melton and Caroline Springs, engagement report, site survey

Stage 5: Finalisation of reports.

The tasks undertaken in each stage are outlined in more detail in Appendix 1 Section 5 and Appendix 3 of this report provides details of the consultation undertaken as part of this project.

The project team provided a number of briefings to Council at key stages throughout the project including presenting the draft document prior to releasing them for public comment.

Amendment C169

The amendment proposes:

- To introduce schedules to the following residential zones to implement changes consistent with the design guidelines:
 - Residential Growth Zone
 - General Residential Zone
 - Neighbourhood Residential Zone
 - Mixed Use Zone
- To update the Municipal Strategic Statement and Local Planning Policy Framework to reference the 'Study Report and Recommendations' **Appendix 1** and the 'Character Statements and Guidelines' **Appendix 2**.
- To apply a Neighbourhood Character Overlay to the special character areas, Brookfield Courts to protect the landscape qualities and Toolern Vale to protect the vegetation in this bushy rural-feel landscape setting.

The 'Character Statements and Guidelines' and new Schedules incorporated into the residential zones will only apply when a planning permit application is triggered, for instance a new multi-dwelling development or where a permit is required for a single dwelling on a lot. In all other instances where a planning permit is not required, the guidelines are a reference document.

The recommended changes to the minimum lot sizes will only affect land zoned Neighbourhood Residential Zone within the Melton Planning Scheme. In most instances the changes will be minimal as the existing Neighbourhood Residential Zone limits the number of dwellings on each lot to two. The addition of minimum lot sizes through the schedules to the Neighbourhood Residential Zone will enable subdivision to occur in a consistent pattern whilst maintaining the character of the respective areas.

The amendment will be exhibited through the normal Statutory Planning Scheme Amendment exhibition process including notices in local papers, the government gazette and on the Department of Environment, Land, Water and Planning's (DEWLP) and Council's website. In addition, letters to all landowners residing within a Neighbourhood Residential Zone and the areas which will have Neighbourhood Character Overlays applied will receive direct notification.

Strategic justification:

In line with the *Strategic Assessment Guidelines for Planning Scheme Amendments* (August 2004), prepared by the State Government, every Planning Scheme Amendment should be strategically supported and maintain or develop the strategic focus of the Planning Scheme.

It is necessary to determine whether any amendment supports or implements the State Planning Policy Framework and the Local Planning Policy Framework of the Planning Scheme. Further, Council must determine whether the outcome of the amendment will have any consequences in terms of the Planning Scheme's directions, usability and transparency.

The amendment is consistent with the State Planning Policy Framework:

- Clause 11 – Settlement, the amendment acknowledges the existing character in established neighbourhoods within the municipality and protects them from inappropriate development.
- Clause 15 – Built Environment and Heritage, the amendment also responds to the municipalities built form and cultural context through design guidelines that contribute positively to local and urban character and sense of place. The amendment also responds to Clause 15.01-5 *Cultural Identity and Neighbourhood Character* as the amendment 'ensures development responds to the context of the municipality by reinforcing special characteristics of local environment and place by emphasising the built form that reflects community identity.'

The amendment is consistent with the Municipal Strategic Statement and Local Planning Policy Framework:

- MSS - The amendment is consistent with the MSS, particularly with Clause 21.04 (*Housing within Established Residential Areas*) which states that the 'design of residential dwellings and residential areas in general needs to reflect the existing character of an area.' Furthermore the Clause states that protection of existing residential character is to be managed through housing policy.
- Clause 22.12 – Housing Diversity Policy

The amendment is consistent with Local Planning Policy at Clause 22.12 which achieves to 'protect and enhance the neighbourhood character of residential areas where appropriate' and 'ensures new development does not impact adversely on areas of recognised neighbourhood character.'

The amendment is required to implement the recommendations of the 'Study Report and Recommendations' and the 'Character Statements and Guidelines', which will provide area specific character statements and design guidelines that will protect and enhance the existing neighbourhood character by guiding future residential development in established areas in the municipality.

Implementing '*House Rules*' in the Melton Planning Scheme will make the objectives of Council clear in relation to the established residential areas within the municipality. It will therefore improve Council's planning permit process in regards to assessing neighbourhood character and most likely result in fewer VCAT appeals.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City
 - 1.1 *Strategically plan for a well designed and built City*

4. Financial Considerations

The cost of the amendment is addressed within the recurrent budget.

It is not envisaged that the implementation of the 'Study Report and Recommendations' and the 'Character Statements and Guidelines' will require any additional staff resource as the projects will be integrated into the work program of relevant Council departments. It will assist with the processing and assessment of Planning Applications as it provides clear policy direction.

5. Consultation/Public Submissions

A series of consultation methods were applied in of the development of the project with the community and key stakeholders informed of the project and feedback sought at key stages. This included information updates on Council's website, advertisements in local media, project bulletins, postcards at Council's community and civic facilities, a dedicated project website and the facilitation of a workshop and community 'drop in' sessions.

The community consultation process comprised:

- Community bulletin, postcard, website and initial survey (Stage 1)
- Key stakeholder workshops (Stage 3)
- Community 'drop in' sessions and second survey (Stage 4).

The first round of community engagement in Stage 1 included a survey which was open from November 2014 to April 2015. Feedback was sought on the following questions to inform the character assessment and design guidelines:

- What things do you like about the character of your neighbourhood (in terms of the streetscape, buildings and vegetation)? What things do you dislike?
- Which aspects of new residential developments work well? Which do not?
- Please provide photos where possible.

Responses could be made using the online survey, emailing the project email address or calling the City Strategy Team at Council. 23 survey responses were received throughout December 2014 and April 2015. Most survey responses were received from residents in Brookfield, Eynesbury, Kurunjang, Melton South and Melton West with one response each from Melton and Taylors Hill.

Themes such as subdivision, buildings, siting and landscaping emerged from the responses. The responses provided a number of comments relating to the design, style and quality of buildings, in particular comments raised concerns with small front and side setbacks.

Following the completion of the draft documents, Council held three community 'drop in' sessions between 25 May to 1 June 2015, at venues in Diggers Rest, Melton and Caroline Springs. These sessions were used to gather the community's views and feedback on the work undertaken on the 'Study Report and Recommendations' and the 'Character Statements and Guidelines'. The findings from these sessions are documented in the Stage 4 Engagement Report, refer **Appendix 3**.

Both draft documents were released for public comment for six weeks from 12 May to the 26 June 2015. Over this period the documents were advertised both in local media and through Council's website, with copies of the strategy and associated background reports being available to download from the dedicated project website (www.meltonhouserules.com) with a survey also on the website to provide feedback on the draft documents.

Council received a total number of one written submission to the draft documents, and nine responses to the survey in Stage 4 of the project.

The written submission generally supports the approach to the project and considered the documents to be a comprehensive assessment which should guide future development in the City of Melton.

The responses identified the following:

- Eight out of nine respondents considered that design issues were accurately described.
- All respondents considered that the City of Melton should be more green and leafy.
- All respondents valued the spaciousness of the streetscapes in their areas.
- Eight out of nine respondents considered that some houses have too much front garden area occupied by hard surfaces.
- Three out of nine respondents considered some houses had too much building frontage occupied by garage doors.
- Two of the nine respondents would be considered if council changed the street furniture in their area.
- Eight out of nine respondents considered the special character areas appropriate.
- Eight out of nine respondents considered the Preferred Character Statement for their area described an acceptable future for the area.

The responses generally supported the development of the documents and most respondents considered the documents addressed design issues and provided an appropriate character statement for the respective character areas. There were no recommended changes to the documentation resulting from the responses.

While a direct submission on the draft documents was not received from the Department of Environment, Land, Water and Planning (DELWP), they have reviewed the draft documents and have indicated they are generally supportive of the approach to the project, the proposed incorporation of schedules to the residential zones and changes to local planning policies. Further consultation with DELWP will occur prior to Council formally seeking authorisation from the Minister for Planning for Amendment C169.

6. Risk Analysis

If Council choose not to adopt the project or the request to authorise and exhibit Amendment C169 to the Melton Planning Scheme there are a number of associated risks:

1. It would prevent a key action from the *Melton Housing Diversity Strategy May 2014* from being implemented.
2. The absence of this comprehensive character analysis work and the introduction of schedules to the Residential Zones and 'Study Report and Recommendations' and the 'Character Statements and Guidelines' into the Melton Planning Scheme will result in a lack of clear direction with Council Officers to facilitate appropriate development and assess future planning permit applications in a consistent way and for applicants in terms of understanding requirements when submitting planning permit applications.

7. Options

Council has the option to:

1. Adopt 'House Rules' which comprises the 'Study Report and Recommendations' and the 'Character Statements and Guidelines' and request authorisation from the Minister for Planning to prepare and exhibit Amendment C169 to the Melton Planning

Scheme in accordance with the requirements of the *Planning and Environment Act, 1987*.

2. Not adopt '*House Rules*' which comprises the 'Study Report and Recommendations' and the 'Character Statements and Guidelines' or request authorisation from the Minister for Planning to prepare and exhibit Amendment C169 to the Melton Planning Scheme in accordance with the requirements of the *Planning and Environment Act 1987*.

LIST OF APPENDICES

1. Appendix 1 - Study Report and Recommendations September 2015
2. Appendix 2 - Character Statements and Guidelines September 2015
3. Appendix 3 - Engagement Report July 2015

11.12 AMENDMENT C170 TO THE MELTON PLANNING SCHEME - DEVELOPMENT PLAN OVERLAY REVIEW

Author: Morris Edwards - Development and Policy Planner

Presenter: Bob Baggio - Manager Planning Services

PURPOSE OF REPORT

To consider changes to the Development Plan Overlay (DPO) Review previously adopted by Council and initiate a planning scheme amendment to give effect to the Review.

RECOMMENDATION:

That Council:

1. adopt the Melton Planning Scheme – Development Plan Overlay Review October 2015
2. seek authorisation to prepare Planning Scheme Amendment C170 from the Minister for Planning
3. upon receipt of authorisation, exhibit the amendment in accordance with the Planning and Environment Act 1987.

REPORT

1. Executive Summary

The Development Plan Overlay (DPO) currently applies to significant parts of the municipality and has essentially been used to coordinate the appropriate use and development of land in new urban areas.

A review was conducted on the current application of the DPO within the municipality and it was found to be no longer relevant in many of the now developed areas. Recommendations were made outlining where the DPO should be removed through an appropriate amendment to the Planning Scheme. The DPO review was previously adopted by Council on 12 November 2013 at the Ordinary Meeting.

Since that time, Council has sought legal advice on the implications of removing the DPO from sites which have a planning permit that has not been acted upon. Further, some changes have also been made to the documents based on development which has occurred in the interim.

The most notable changes between the DPO review previously adopted by Council and the current review are that:

- The DPO13 (relating to the Orbis Business Park) be deleted as the land has been significantly developed and Design Guidelines are in place for the area.
- The DPO15 (relating to the land on the corner of the Western Freeway and Chisholm Drive) be deleted as the development has since been completed.

The changes form part of the updated Development Plan Overlay Review October 2015 at **Appendix 1**.

2. Background/Issues

The DPO is an overlay contained in the Victoria Planning Provisions that can be applied to planning schemes as required.

The purpose of the overlay is:

- 'To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use and develop the land.
- To exempt an application from notice and review if it is generally in accordance with the development plan.'

The Melton Planning Scheme was approved in 1999 introducing the Development Plan Overlay and many of the current schedules. Since that time, further areas have been brought under the DPO provisions in response to specific development proposals and strategic work undertaken.

In Melton's case, the DPO has traditionally been used as a planning tool to essentially coordinate the integrated use and development of new Greenfield urban areas. The overlay currently contains 14 schedules relating to new towns/suburbs, residential and/or industrial estates, rural living area, tourist precinct, and activity centres. In the new growth areas, the use of the DPO has almost entirely been replaced by the Urban Growth Zone and its requirement for the preparation of Precinct Structure Plans.

Since the introduction of the DPO, many of the areas to which it applies have been either fully or substantially developed. Further with the passage of time, the requirements of some of the schedules have become outdated and in need of review. This is particularly the case with the Melton East Growth Area given that the area is now largely developed and there would seem no planning rationale to retain the DPO control across the area. In fact, the overlay has, and is, creating issues and confusion particularly with existing residents in proximity to infill development sites. For example, there have been a number of instances in recent years where proposals for higher density housing development has been exempt from third-party notice and review rights where the proposal is deemed generally in accordance with the approved development plan. This is despite the fact that the surrounding area is largely developed and the proposal had potential to detrimentally affect surrounding residents. This has forced Council to informally advertise these applications – a practice which is not generally supported by VCAT.

A review has therefore been conducted of the DPO – including the areas to which it applies and the schedules applying to each area. On the basis of this review, it is considered appropriate for Council to remove DPO areas as recommended in Appendix 1 in the review through an appropriate amendment to the Melton Planning Scheme.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. *Managing our Growth: A clear vision to connect and develop a sustainable City*
 - 1.1 *Strategically plan for a well designed and built City.*

4. Financial Considerations

There will be some costs associated with administering the amendment and should the amendment be required to go before a Panel for consideration.

5. Consultation/Public Submissions

Given the extent of properties affected, only land owners of significant vacant sites and sites where planning permits have been issued in accordance with approved Development Plans will be directly notified.

Additionally, the amendment will be notified broadly via notice in the local newspaper and on Council's website.

6. Risk Analysis

Risks relate to future planning applications in the redundant DPO areas being exempt from third-party notice and review rights and the confusion and concern that this causes to affected residents.

7. Options

Council can either accept the officer recommendation and adopt the Melton Planning Scheme – Development Plan Overlay Review October 2015 and initiate an appropriate planning scheme amendment, or elect to take no action.

LIST OF APPENDICES

1. Development Plan Overlay Review October 2015

11.13 VEC ELECTORAL REPRESENTATION REVIEW - PRELIMINARY REPORT

Author: Daniel Hogan - Manager Customer Engagement
Presenter: Peter Bean - General Manager Corporate Services

PURPOSE OF REPORT

To inform Council of the preliminary report of the Victorian Electoral Commission Electoral Representation Review of Melton City Council.

RECOMMENDATION:

That Council;

- 1) make a written submission in response to the VEC Preliminary Report: 2015 Melton City Council Electoral Representation Review, advocating for the adoption of Option A: Nine Councillors elected from one four-Councillor ward, one three-Councillor ward and one two-Councillor ward, and
- 2) support the written submission at the public hearing.

REPORT

1. Executive Summary

The Victorian Electoral Commission Preliminary Report: 2015 Melton City Council Electoral Representation Review was released on Wednesday 30 September 2015.

The Report detailed two options under consideration by the VEC to restructure the Melton City Council electoral model in order to provide fair and equitable representation to the voting population;

Option A: Nine Councillors elected from one four-Councillor ward, one three-Councillor ward and one two-Councillor ward.

Option B: Ten Councillors elected from two four-Councillor wards and one two-Councillor ward.

Option A most closely resembles the initial submission of Council to the VEC, in which Council proposed the existing structure of seven Councillors elected from one three-Councillor ward and two two-Councillor wards be maintained.

Public responses to the preliminary report, restricted to addressing the models proposed by the VEC, are able to be made to the VEC by 5pm, Wednesday 28 October. Council may use this opportunity to advocate for a preferred model of the two options.

2. Background/Issues

*Including extracts from Preliminary Report, 2015 Melton City Council Electoral Representation Review, attached as **Appendix 1**.*

The Local Government Act 1989 (the Act) requires the Victorian Electoral Commission (VEC) to conduct an electoral representation review of each municipality in Victoria before every third council general election.

The purpose of an electoral representation review is to recommend an electoral structure that provides fair and equitable representation for the persons who are entitled to vote at a

general election of the council. The matters considered by a review are the number of councillors and the electoral structure of the council (whether the council should be unsubdivided or divided into wards and, if subdivided, the details of the wards).

The VEC conducts all reviews on the basis of three main principles:

- 1) ensuring the number of voters represented by each councillor is within 10 per cent of the average number of voters per councillor for that municipality
- 2) taking a consistent, State-wide approach to the total number of councillors and
- 3) ensuring communities of interest are as fairly represented as possible.

The VEC bases its recommendations for particular electoral structures on the following information:

- internal research specifically relating to the municipality under review, including Australian Bureau of Statistics and .id Pty Ltd data; voter statistics from the Victorian electoral roll; and other State and local government data sets
- small area forecasts provided by .id Pty Ltd
- the VEC's experience conducting previous electoral representation reviews of local councils and similar reviews for State elections
- the VEC's expertise in mapping, demography and local government
- careful consideration of all input from the public in written and verbal submissions received during the review and
- advice from consultants with extensive experience in local government.

Public input is accepted by the VEC:

- in preliminary submissions at the start of the review
- in response submissions to the preliminary report and
- in a public hearing that provides an opportunity for people who have made a response submission to expand on this submission.

The following options are being considered by the VEC, as contained within the *Preliminary Report, 2015 Melton City Council Electoral Representation Review*, attached as **Appendix 1**;

Option A (preferred option)

Melton City Council consist of nine councillors elected from one four-councillor ward, one three-councillor ward and one two-councillor ward.

Option B (alternative option)

Melton City Council consist of 10 councillors elected from two four-councillor wards and one two-councillor ward.

(The ward boundaries for each option are illustrated in pages 24 & 25 of the Preliminary Report respectively.)

On 2 September, 2015, Council lodged a preliminary submission, attached as **Appendix 2**, seeking that the existing structure of seven (7) councillors elected from one three-councillor ward and two two-councillor wards be maintained.

An alternative, less preferred option was also offered, that the number of councillors be increased from seven (7) councillors to nine (9) councillors elected from one four-councillor ward, one three-councillor ward and one two-councillor ward.

Option A from the VEC is the closest fit to Council's declared preference.

There is an opportunity for Council to support any written submission at a public hearing scheduled to be held at 3.30 pm on Wednesday 4 November in the Balam Balam Seminar Room, Melton Library & Learning Hub, McKenzie Street, Melton.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability

2.1 Build community trust through socially responsible governance for long term sustainability

4. Financial Considerations

An increase in Councillor numbers, as determined by the VEC, will result in additional minor capital investment, allowances and administrative costs that will be accommodated within the 2016/17 budget.

5. Consultation/Public Submissions

This process and ultimate outcome of the electoral representation review is the responsibility of the VEC. Council may participate in the process to the same extent allowed to any member of the public:

- in preliminary submissions at the start of the review
- in response submissions to the preliminary report and
- in a public hearing that provides an opportunity for people who have made a response submission to expand on this submission.

On 2 September, 2015, Council lodged a preliminary submission, attached as **Appendix 2**.

6. Risk Analysis

Council is bound by the decision of the VEC and outcome of the electoral representation review. Should Council not wish to participate any further in the public consultation process and not submit a response to the preliminary report, Council may assume that a greater risk exists that the final outcome may not be the preferred result of Council, should Council have a preference between the two options canvassed in the preliminary report.

7. Options

Council may choose to endorse either of the options detailed within the VEC preliminary report, or choose not to respond to the report.

LIST OF APPENDICES

1. VEC Preliminary Report
2. Melton City Council VEC Representation preliminary submission

11.14 SUPPLEMENTARY REPORT - AMENDMENT C100 TO THE MELTON PLANNING SCHEME - DRY STONE WALL AMENDMENT

Author: Matthew Milbourne - Senior Strategic Planner

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

PURPOSE OF REPORT

To further consider submissions to Amendment C100 to the Melton Planning Scheme for the removal of dry stone walls from the proposed Heritage Overlay.

RECOMMENDATION:

That Council:

1. advise the Planning Panel that Council approves the removal or partial removal of a number of dry stone walls from the proposed Heritage Overlays included in the exhibited documentation for Amendment C100 to the Melton Planning Scheme
2. authorise the General Manager of Planning and Development to instruct Council's legal representatives to present Council's submissions at the hearing of the Amendment by the Panel in a way that is consistent with the recommendations of an expert witness engaged by Council, including any recommendations to not pursue application of the Heritage Overlay where heritage fabric no longer exists.

REPORT

1. Executive Summary

Amendment C100 seeks to amend the Melton Planning Scheme to implement the recommendations within the *Melton Dry Stone Wall Study*.

At its Ordinary Meeting on 8 September 2015, Council considered submissions received to Amendment C100 and approved the removal of 13 dry stone walls (or parts thereof) from the Heritage Overlay, and resolved that Council request the Minister for Planning convene a Panel to consider submissions to Amendment C100 in accordance with the requirements of the *Planning and Environment Act 1987*.

A number of submissions to Amendment C100 were received late in the exhibition period, and Council officers were not able to arrange site inspections to assess whether they should be included in the Heritage Overlay prior to the Ordinary Meeting of Council on 8 September 2015. Council officers have since conducted site inspections and recommend that the Heritage Overlay for a number of the dry stone walls be removed or reduced in extent, as outlined in Section Two.

On the basis of these inspections, it is recommended that Council advise the Planning Panel that Council approves the removal or partial removal of a number of dry stone walls from the proposed Heritage Overlays as documented in the table contained in Section Two of this report, from the proposed Amendment C100 to the Melton Planning Scheme.

2. Background/Issues

Melton Dry Stone Wall Study

The *Melton Dry Stone Wall Study* was adopted by Council at its Ordinary Meeting on

10 November 2011.

The Study surveyed over 300 dry stone walls and structures, and recommended that 140 of the walls be protected through their inclusion in the Schedule of the Heritage Overlay.

Amendment C100

At its Ordinary Meeting on 17 December 2013, Council resolved to prepare and exhibit Amendment C100 to the Melton Planning Scheme that implements the recommendations of the *Melton Dry Stone Wall Study*.

Amendment C100 was placed on Public Exhibition from 5 May 2015 to 7 August 2015. 25 submissions were received.

Council at its Ordinary Meeting of 8 September 2015 (agenda Item 11.14) considered the 25 submissions received to Amendment C100 to the Melton Planning Scheme, and agreed to changes to remove the Heritage Overlay from 13 dry stone walls (or parts thereof). Council resolved that it request the Minister for Planning convene a Panel to consider submissions to Amendment C100 in accordance with the requirements of the *Planning and Environment Act 1987*.

Further consideration of submissions to Amendment C100

The Minister for Planning has set timelines for the processing of Planning Scheme Amendments (Ministerial Direction 15 – The Planning Scheme Amendment Process). The Minister requires the dates to be pre-set for the Directions Hearing for the Planning Panel, and the Planning Panel before the Planning Scheme Amendment is placed on exhibition.

In this instance the Directions Hearing was pre-set for the week commencing 12 October 2015, and the Panel Hearing is to commence in the week starting 9 November 2015.

In order for the Panel to be fully briefed on Amendment C100 to the Melton Planning Scheme, prior to the Directions Hearing, the submissions for Amendment C100 had to be considered by Council at its meeting 8 September 2015, and a request made to the Minister for Planning that a Planning Panel be convened.

Many submissions were received in the last week of the Public Exhibition period. Council officers were unable to conduct site inspections of all the submitters in the period between the end of exhibition and the Council report being finalised.

Council officers, including Council's Heritage Advisor, have now carried out inspections of the dry stone walls highlighted in submissions five, 14, 19, 22, 23, 24 and 25 (refer **Appendix One**) as detailed in the Ordinary Meeting of Council, 8 September 2015 report, and recommend that additional changes be made to reduce the extent or remove the Heritage Overlay from the following dry stone walls only:

Wall to be removed from HO Polygon	Reason for change	Site inspection
Remove A270 from HO201 from 304-324 Leakes Road	The section of dry stone wall on the eastern boundary of 304-324 Leakes Road is not a constructed wall.	03/09/2015
Remove B41 from HO203 (full extent)	This is a hollow wall with large segments missing along its length. The wall is in poor repair and of low significance.	10/09/2015
Remove B119 from HO203 (full extent)	This wall has been removed and replaced with a post and wire fence. Remnants of the wall remain and are of low significance.	10/09/2015
Remove B122 from	This wall has been removed and replaced with a	10/09/2015

Wall to be removed from HO Polygon	Reason for change	Site inspection
HO203 (full extent)	post and wire fence. Remnants of the wall remain and are of low significance.	
Remove northernmost 25m of wall B170 from HO203	The northernmost 25 metres of dry stone wall B170 was removed when two high pressure gas pipelines were laid. The stones have been scooped up and placed back on the boundary but is no longer a constructed wall.	10/09/2015
Remove C67 from HO204 (full extent)	The wall is of late construction and is not a historical wall	03/09/2015
Remove D83 from HO204 (full extent)	The wall has been covered in stone removed from paddocks in recent years. It is difficult to identify the constructed dry stone wall. The wall is in very poor condition and of low significance.	03/09/2015
Remove F101 from HO200 (full extent)	Whilst the dry stone wall is on its historical alignment, there are very few sections of it which resemble a constructed wall. The wall has been used for stone consumption and is of low significance.	17/09/2015
Remove J136 from HO204 from 262-302 Greigs Road	The wall was rebuilt by the current owners approximately 20 years ago from stone in the fields. When the owners bought the property the wall was only one stone high. The historical wall can no longer be identified.	27/08/2015

There are still a number of issues from submissions which have not been resolved and these will be considered by the Planning Panel.

It is recommended that Council adopt the above further changes to Amendment C100 in response to submissions received, and advise the Planning Panel that Council has resolved to further amend the Planning Scheme Amendment documentation.

During the course of the Hearing there may be opportunities to resolve submissions. It is recommended that Council authorise the General Manager of Planning and Development to instruct Council's lawyers to present Council's submissions at the hearing of the Amendment by the Panel in a way that is consistent with the recommendations of an expert witness engaged by Council, including any recommendations to not pursue application of the Heritage Overlay where heritage fabric no longer exists.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City

1.1 Strategically plan for a well designed and built City

4. Financial Considerations

Council officer time and resources are involved in the preparation, exhibition, the consideration of submissions, and the adoption of the amendment.

The amendment will not add significantly to the resource and administrative costs of Council. The amendment will result in a small increase in the number of planning applications to Council as the Heritage Overlay controls trigger permits for various buildings and works.

5. Consultation/Public Submissions

Public notification of the amendment involved notice to land owners and occupiers and Government bodies and agencies who may be materially affected by the amendment.

Notices were placed in local newspapers circulating in Melton, a notice in the Government Gazette, letters to affected land owners and land occupiers, Government bodies and agencies.

The amendment was on exhibition from 5 May 2015 to 7 August 2015, generating 25 submissions to the amendment.

As discussed, Council at its Ordinary Meeting 8 September 2015 resolved to remove or reduce the extent of the Heritage Overlay to 13 dry stone walls. Council officers in Section Two of this report recommend a further nine changes to the extent of Heritage Overlay following site inspections by Council officers of dry stone walls in response to submissions received.

6. Risk Analysis

Amendment C100 to the Melton Planning Scheme is seeking to provide statutory protections to dry stone walls. If the amendment does not proceed Council runs the risk of losing many dry stone walls, which contribute to the heritage of our municipality.

7. Options

Council can resolve to:

1. Make the requested alterations to the amendment as outlined in this report, and advise the Planning Panel of the changes to the amendment; and
2. Authorise the General Manager of Planning and Development to instruct Council's lawyers to present Council's submissions at the hearing of the Amendment by the Panel in a way that is consistent with the recommendations of an expert witness engaged by Council, including any recommendations to not pursue application of the Heritage Overlay where heritage fabric no longer exists; or
3. Not adopted the recommendations of this report and make no further changes to the extent of dry stone walls contained within the proposed heritage overlay in Amendment C100 to the Melton Planning Scheme and proceed with the amendment as resolved at the Ordinary Meeting on 8 September 2015.

LIST OF APPENDICES

1. Submission Table from the Ordinary Council Meeting report 8 September 2015

11.15 PLANNING APPLICATION PA 2015/4807 - USE AND DEVELOPMENT OF THE LAND FOR THE PURPOSE OF EARTH AND ENERGY RESOURCES INDUSTRY (QUARRY PROCESSING PLANT) AT 408-546 HOPKINS ROAD & 1154-1198 CHRISTIES ROAD, TRUGANINA

Author: Claire Bickerstaff - Senior Major Developments Planner

Presenter: Bob Baggio - Manager Planning Services

PURPOSE OF REPORT

To consider a planning application for use and development of the land for the purpose of earth and energy resources industry (quarry processing plant) at 408-546 Hopkins Road & 1154-1198 Christies Road, Truganina.

RECOMMENDATION:

That Council issue a Notice of Decision to Grant a Permit subject to conditions outlined in **Appendix 3**, Permit Conditions.

REPORT

1. Background

Executive Summary

Application No.:	2015/4807
Applicant:	Boral Construction Materials

- It is proposed to use and develop a quarry processing plant on the subject land.
- The proposed quarry processing plant is similar to an existing plant currently operating on an adjacent site, which will be decommissioned after construction of the new plant.
- The site is within the Special Use Zone (Earth and Energy Resources Industry).
- 379 objections have been received.
- The proposal is considered to meet the relevant requirements of the Melton Planning Scheme.
- Approval is recommended.

The Land and Surrounding Area

The subject site is located on Riding Boundary Road, between Hopkins Road and Christies Road, Truganina. The site is located within the wider 1,150ha Boral Deer Park Quarry site (the quarry site), which has been in operation since the 1970's.

The 33.5ha site is generally bounded by a private (disused) railway track to the east, Riding Boundary Road to the south, and quarry land to the north and west. All abutting properties are in the same land ownership as the subject site.

Access to the site is provided via Riding Boundary Road, which runs east to west between Christies Road and Hopkins Road. The road is closed to public traffic.

The subject site contains minimal vegetation, and is currently used as a stockpile area for quarried material.

The majority of the quarry site, including the subject site, is approved for quarrying and related uses pursuant to the State Government Extractive Industry Approval Work Authority 97 ('Work Plan 97') and associated planning permits.

The quarry primarily extracts basalt rock. An existing processing plant, concrete batching plant, masonry plant and asphalt plant are located within the quarry site to the south of Riding Boundary Road, and are used to process and refine the material quarried on the site.

The immediate area surrounding the subject site is generally characterised by quarry land and vacant farmland. The Dame Phyllis Frost Womens Prison and the Metropolitan Remand Centre are located between 1km to 1.8km east of the site.

The closest residential property is located approximately 1.2km to the east of the subject site. The closest established residential neighbourhoods of Burnside, Deer Park (which are within the City of Brimbank), Derrimut and Caroline Springs are located approximately 2km to 3km north and east of the subject site.

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

The Application

The application proposes to develop a quarry processing plant on the subject site. This will be a more modern version of the existing processing plant that has operated on the quarry site since the 1970's.

The proposed plant will cover approximately 25ha of the site and include the following features:

- Primary crusher plant to a height of 23.5m;
- Secondary/tertiary crusher plant to a height of 23.5m;
- Blending and load-out process plant to a height of 17m;
- Product stockpiling areas with approximate heights of between 10m to 23m;
- Landscaped bunds to the northern and eastern site boundaries, built to a height of up to 7m;
- Miscellaneous operational infrastructure including a laboratory, office, workshop facilities area, a weighbridge, truck wheel wash, etc;
- A permanent staff car park containing 80 spaces;
- Two water detention ponds; and
- Fire system building and two fire water tanks.

Access to the site will be from three proposed vehicle crossovers to Riding Boundary Road. The central access will be used by staff vehicles, with each outer access to service trucks entering and exiting the site.

The proposed buildings will be finished with a combination of Colorbond, steel and sheet metal in natural finishes and muted colour tones.

The proposed processing plant will have the same hours of operation as the existing plant, as permitted by Work Plan 97. This allows for continuous 24 hours a day use, apart from between 11:00pm Sunday to 6:00am Monday.

The applicant has advised the proposal will not increase the volume of material processed on the site. As production increases at the proposed plant there will be a corresponding decrease in processing at the existing plant. The applicant has suggested a 9 to 18 month 'transition' period to re-locate processing to the proposed plant.

The application does not relate to actual quarrying of the land or further refinement of the material processed at the proposed plant.

The applicant has submitted a number of technical reports to support the application, including:

- Noise Assessment (Marshall Day Acoustics, 15 May 2015)
- Air Quality Assessment (Pacific Environment Limited, 24 April 2015)
- Transport Impact Assessment (GTA Consultants, 15 May 2015)
- Visual Assessment (Tract Consultants, 19 May 2015)
- Tree Inspection (AECOM, 23 March 2015).

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

Planning history

The following planning approvals are most relevant to the quarry operations currently being conducted across the wider quarry site, in which the subject site is located:

Permit	Date Issued	Proposal
TP61060	29 Aug 1972	Develop the site for Extractive Industry (Quarry).
TP61893	16 Feb 1973	Buildings & works associated with extractive industry
TP72217	27 Nov 1973	Buildings and works associated with the production of concrete masonry blocks
TP82906	7 Nov 1975	Concrete masonry block plant
TP61060A	12 Aug 1983	The cartage of quarry materials from the site
P2078/97	5 May 1998	Expansion of existing quarry
PA99/079	15 Nov 1999	Materials recycling
PA2000/154	23 Feb 2001	Training facility
PA2000/231	20 Nov 2000	Concrete batching plant ancillary to existing extractive industry
PA2001/249	8 April 2002	Extractive Industry, including the creation of the Northern Grassland Reserve.

PA2001/288	26 Feb 2002	Wet cast concrete paver manufacturing facility ancillary to existing extractive industry
PA2008/1727	17 June 2008	Temporary mobile asphalt batching plant
PA2009/2180	24 June 2009	Materials recycling
PA 2012/3625	9 June 2012	Building and works comprising a minor extension to an existing building on the land

Planning Controls

The land is within the Special Use Zone and is not affected by any overlays.

Under the Zone provisions, a permit is required for the use and development of a quarry processing plant.

The following State policies are relevant to this proposal:

Clause 13.03-1 refers to the **use of contaminated and potentially contaminated land** and seeks to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

Clause 13.04-1 refers to **noise abatement** and seeks to assist the control of noise effects on sensitive land uses by using a range of building design, urban design and land use separation techniques, as appropriate.

Clause 13.04-2 refers to **air quality** and seeks to assist the protection and improvement of air quality.

Clause 14.03 refers to **resource exploration and extraction** and seeks to encourage exploration and extraction of natural resources in accordance with acceptable environmental standards, and to provide a planning approval process that is consistent with the relevant legislation.

Clause 17.02-1 refers to **industrial land development** and seeks to ensure the availability of land for industry, and encourages industrial uses that meet appropriate standards of safety and amenity.

Clause 17.02-2 refers to the **design of industrial development** and seeks to facilitate the sustainable development and operation of industry, including by providing adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries.

In summary, these policies encourage industrial uses and developments to be appropriately located, designed and managed to minimise off-site impacts.

Local Planning Policy Framework

Clause 22.04 refers to **urban development** and states that industrial land uses, including extractive industry, that have off-site impacts on the amenity of sensitive uses will be discouraged.

Clause 22.05 refers to **employment** and aims to create an environment conducive to economic growth and wealth generation, and aims to provide a range of employment opportunities for a variety of skill levels and qualifications.

2. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth

1.1 Strategically plan for a well designed and built City.

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 required to be advertised. The advertising was satisfactorily completed and 379 objections were received.

378 of the objections were pro-forma letters which stated:

"I write regarding Boral's application to build a new rock processing facility on the northern side of Riding Boundary Road, Deer Park.

I acknowledge that the quarry is an existing operation and also acknowledge the proposal effectively seeks to relocate part of that existing operation within the Boral site.

As neighbours to the site - which has both quarrying and landfill activities (restricted to the south east corner only) – our family regularly experiences off-site impacts and amenity issues from the Boral operations.

Boral has an appalling track record in our community. They have lost the trust of the community and they cannot be trusted.

Last year they applied to extend the Western Landfill by 179 million cubic metres of tipping space, creating one of the largest tips in Australia. This was despite years of mismanagement and residents suffering from constant odour and litter problems.

The air quality in our community is terrible due to Boral's presence and I want Council to make sure that it doesn't get worse.

I object to a permit being granted unless very stringent and controlled conditions are in place which would require Boral to run and remediate the quarry on a 'best-practice' basis with the community's welfare in mind.

I request that the City of Melton, ensure the following:

- 1. Boral must commit to only processing products from their own Deer Park quarry and not accept materials from outside the quarry such as building material waste and concrete.*

This should be a condition of their permit to operate;

- 2. Boral must commit to real time monitoring of dust, with latest technology laser dust monitoring and independent assessment of air quality;*
- 3. Boral must be given a date for the current facility to cease operations. The transitional time frame of 9-18 months for two processing plants to be operating is unacceptable.*

The community requests that Boral provide assurances around the remediation of quarried land.

Once an area has been quarried what will Boral do to restore the land?

Can Boral guarantee that their land won't be used for landfill and that they will deliver our community remediation similar to the award winning program they delivered at Greystanes in Sydney's West, where 8,500 new jobs were created for community benefit?"

Brimbank City Council provided the following submission:

At its Ordinary Meeting on Tuesday 8 September, Council resolved to lodge an objection to the application. Council supports the replacement of the quarry processing plant at the Boral Deer Park Quarry and installation of modern dust monitoring equipment, however, seeks to ensure that:

- a) The facility is located a sufficient distance from residential uses in the City of Brimbank, having regard to the prevailing wind direction and local climatic conditions.*
- b) An environmental impact assessment and implementation report (taking into consideration the cumulative impact of all on-site operations, including truck movements and road treatment) is prepared by an independent environmental auditor.*
- c) That ongoing monitoring of operations and regular updates by the independent environmental auditor is provided to the Boral Deer Park Community Liaison Committee.*

Referral of the application

Internal

Department	Response
Engineering Services	No objection subject to standard permit conditions.
Environment Services	No objection subject to standard permit conditions.
Landscape Development	No objection subject to standard permit conditions.
Strategic Planning/Urban Design	No objection subject to standard permit conditions.

External

Authority	Response
AusNet	No objection subject to standard permit conditions.
Country Fire Authority (CFA)	No objection.
Department of Economic Development, Jobs, Transport and Resources (DEDJTR)	No objection.
Environment Protection Authority (EPA)	No objection. The EPA recommended the following conditions be included on the permit: 1. A Best Practice Dust Management Plan which incorporates reactive dust management strategies and

	<p>processes.</p> <p>2. Nuisance dust must not be discharged beyond the boundaries of the premises.</p> <p>3. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy No.1 (Control of noise From Commerce, Industry And Trade).</p>
Metropolitan Planning Authority (MPA)	<p>No objection.</p> <p>The MPA noted the proposal will not affect the Mt Atkinson and Tarneit Plains PSP's currently under preparation.</p>
Powercor	No objection subject to standard permit conditions.

5. Issues

Planning Assessment

The subject site is zoned for use and development specifically associated with the earth and energy resources industry, and is currently approved to be quarried as per the Work Plan 97, which is managed by the Department of Economic Development, Jobs, Transport and Resources.

The West Growth Corridor Plan identifies the site as to be used for "quarry" purposes, and both state and local planning policy support that necessary infrastructure should be provided to ensure approved quarrying operations can continue in an appropriate manner.

The MPA has reviewed the application and has not raised any concern with the proposed use and development, and confirmed the proposal will not prejudice the preparation of the Mt Atkinson or Tarneit Plains PSP currently being undertaken.

The proposal will provide a similar quarry processing plant to that existing to the south of Riding Boundary Road, to allow stone extracted on the quarry site to be sorted and processed in an efficient manner.

The proposal was referred internally to Council's Strategic Planning/Urban Design Department. Officers commented that the proposed plant equipment will be visible from Hopkins Road and the Mt Atkinson PSP area, however given that plant equipment can already be seen from this location, and given the majority of the area along Hopkins Road is proposed to be large format retail in the Mt Atkinson PSP, the impact on the landscape was acceptable. The applicant is also proposing to finish all buildings in muted tones and provide landscape buffers to further minimise the visual impact of the proposal in its immediate context.

Overall, the proposed quarry processing plant presents an acceptable design outcome and will not unreasonably impact the visual amenity of the area. Landscaping will be required as a condition of permit to further ensure the proposal is screened to an appropriate level.

The proposed and existing processing plants have broadly comparable infrastructure, and are expected to operate with comparable staff members and hours of operation.

In summary, it is considered that the proposal is generally supported by the zoning of the land, and relevant strategic documents.

Objectors Concerns

The objections raise specific concerns regarding air pollution from dust, odour and waste materials potentially being accepted on the site, and general concerns about the timing of implementing the development and the site's future use. The objections also drew attention to historical amenity issues generated from the wider site.

It is considered that Council should assess the proposal based on whether adequate controls have been put in place, or can be put in place, to ensure the proposed use and development will not result in unreasonable amenity impacts on the surrounding area.

The application was referred to the EPA, who advised they did not have any objection or concerns with the proposal. In regard to noise pollution, the EPA recommended a condition of permit require that noise emissions from the site must comply with the requirements of the State Environment Protection Policy No.1 (Control of noise from commerce, Industry and Trade) (SEPP N-1).

The use and development of a site for a quarry processing plant is expected to generate a higher amount of noise than typical urban development. The development has proposed adequate physical and operational mitigation features that ensure no residential properties will be unreasonably impacted on. Conditions on the permit will require the earth bunds to the north and east of the subject site are constructed as per the Marshall Day Acoustics report recommendations, and that SEPP N-1 requirements must be met through the life of the use. These conditions are adequate to manage any noise impacts generated from the site.

In regard to dust pollution, the application has proposed dust control measures that will significantly reduce the amount of dust emissions presently generated by the existing quarry processing plant. The primary and tertiary processing stations will be contained within purpose built buildings installed with a dry extraction system, with external areas surfaced with a road base to reduce dust from truck movement. Landscape bunds will be created to the north and east of the subject site and the site will be surfaced to reduce dust created by vehicles.

The dust control measures are considered best practice for this type of quarry processing activity, and are expected to practically remove all visible dust under all weather conditions and ensure smaller particle dust is managed to safe levels as per the State Environmental Protection Policy (Air Quality Management) (SEPP (AQM)) and Protocol for Environmental Management: Mining and Extractive Industries (PEM) requirements.

The EPA recommended the applicant be required to provide a Best Practice Dust Management Plan to show how dust emissions would be managed in unforeseen circumstances, such as a plant breakdown or extreme weather conditions, and a condition included on the permit that nuisance dust must not be discharged beyond the boundaries of the premises. These requirements will be included on the permit and will further ensure air quality will not be adversely affected by the development and generally improved in the immediate area.

The processing plant is located approximately 1.2km from the nearest residential dwelling, and over 2km from the nearest established residential suburb. Clause 52.10 does not list a quarry processing plant as a use with potential adverse amenity impacts, and no minimum buffer distances are required. Notwithstanding this, the proposal sits within the wider quarry site, and benefits from the existing buffers required as per Work Plan 97. As noted, additional earth bunds are proposed to further buffer the use from the surrounding area.

The objections commented that the proposed 9 to 18 months transition period was inappropriate. The comments appear based on a concern that both plants will be fully operational during the transition period.

The amount of material that can be processed on the site is not capped under any local or state regulation, and is effectively subject to market demand. Work Plan 97 and associated permits seek to control the impacts of any activity undertaken on the site through managerial and physical controls, rather than arbitrary production limits. Council has been advised by the DEDJTR, who manage Work Plan 97, they are not aware of Victorian quarry that has a condition limiting quarrying production.

In regard to the transition period, it is considered that 12 months is a reasonable timeframe to cease using the existing plant following the proposed plant becoming fully operational. This can be covered in a permit condition.

The objections also sought controls requiring the processing plant to only process products from the Deer Park quarry site, and not accept materials from outside the quarry such as building material, waste and concrete. The processing plant has no capability or reason to process building material, waste or concrete. The application is not proposing any part of the site to be used to store or process such materials. It is not considered relevant where the material to be processed is sourced, provided amenity issues such as noise, air pollution, vehicle movement, etc, are adequately managed. Conditions will be included on the permit to achieve the desired amenity controls, however no restriction on where quarry material is sourced is proposed.

6. Options

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

7. Conclusion

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

It is considered that the proposal generally complies with the relevant requirements of the Planning Scheme. Subject to appropriate conditions being included on the permit, the proposal is considered an appropriate development that will help ensure the existing approved quarrying operation can continue into the future.

Therefore, it is recommended that the application be approved.

LIST OF APPENDICES

1. Locality Plans
2. Application Plans
3. Permit Conditions

11.16 PLANNING APPLICATION PA 2015/4855 - CHANGE OF USE OF AN EXISTING WAREHOUSE BUILDING TO AN INDOOR SWIM SCHOOL AT 31 EUCUMBENE DRIVE, RAVENHALL

Author: Morris Edwards - Development and Policy Planner
Presenter: Bob Baggio - Manager Planning Services

PURPOSE OF REPORT

To consider a planning application for change of use of an existing warehouse building to an indoor swim school at 31 Eucumbene Drive, Ravenhall.

RECOMMENDATION:

That Council issue a Notice of Decision to Grant a Permit subject to conditions outlined in **Appendix 5**, Permit Conditions.

REPORT

1. Background

Executive Summary

Application No.:	2015/4855
Applicant:	G2 Urban Planning

- It is proposed to use an existing warehouse for the purpose of an indoor swim school on the subject land.
- The site is within the Industrial 3 Zone and is not encumbered by any Overlays.
- Six objections have been received.
- The main planning issue is the proposals impact on the shared parking provision throughout the industrial complex.
- The proposal is considered to meet the relevant requirements of the Council's Planning Scheme.
- Approval is recommended.

The Land and Surrounding Area

The subject site has an area of 279 square metres and is located on the eastern side of Eucumbene Drive, Ravenhall. Other features of the site are as follows:

- The subject site is an existing vacant warehouse that forms part of a larger commercial / industrial complex comprising a mix of showrooms and warehouses.
- A total of 523 car spaces and 80 bicycle spaces have been provided for the complex.
- Four car spaces were allocated specifically for this tenancy.

- Vehicle access to the site is provided via Eucumbene Drive to the west and Panamax Road to the east.

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

The Application

The applicant seeks to use the site for the purposes of a swim school.

Details of the use are as follows:

- Two swim instructors will each conduct classes for a maximum of four students.
- Students will be accompanied by an adult (parent or guardian) at all times.
- Lessons will be 30 minutes duration and will run consecutively between 8.00am and 5.30pm daily.
- Staff numbers will be limited to two swim instructors one of which will also be the premises Manager.

No external works are required as part of the application and the internal works do not trigger the need for planning approval.

Internal works are proposed as follows:

- An above ground pool measuring 15.5 metres in length and 4.5 metres in width.
- A timber ramp and decking structure providing access to and from the pool side.
- Four change rooms including one room to comply with disability legislation requirements.
- Separate wash-down shower.
- Store / Pump equipment room.
- Reception Foyer and office.

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

Previous Planning Permit

Planning Permit PA2011/3154 was approved on 5 November 2012 and allowed for the development of 53 warehouses. A total of 523 car spaces and 80 bicycle spaces have been provided. The plans for several of the warehouses have been amended slightly via secondary consent (for example to facilitate the construction of a mezzanine). The number of car spaces 'allocated' (although actually all shared car parking) for a tenancy this size is four.

Title / Covenants / Easements

The subject site is not encumbered by any Easements or Section 173 Agreements. The land is encumbered by two Covenants, however the proposal does breach either covenant.

Planning Controls

The site is within the Industrial 3 Zone and is not encumbered by any Overlays.

Pursuant to Clause 33.03-1 of the Melton Planning Scheme, a permit is required to use land for a Leisure and Recreation (Restricted Recreation Facility). A permit is also required to construct a building or construct or carry out works associated with these uses under Clause

33.03-4, however given the works are internal and do not increase the floor area of the facility are not triggered in this instance.

The table below details the relevant provisions of the Melton Planning Scheme:

State Planning Policies	Clause 11 – Settlement
	Clause 15.01 – Urban Design
	Clause 17.02 – Industrial Land Development
Local Planning Policies	Clause 21.03 – Planning Visions and Objectives for Melton
	Clause 22.04 – Urban Development Policy
Zone	Clause 33.03 – Industrial 3 Zone
Overlays	Nil
Particular Provisions	Clause 52.06 – Car parking
	Clause 52.34 – Bicycle Facilities
General Provisions	Clause 65 – Decision Guidelines

A detailed assessment against the abovementioned provisions is provided at **Appendix 3**.

2. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. *Managing our Growth.*

1.1 *Strategically plan for a well designed and built City.*

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 required to be advertised. The advertising was satisfactorily completed and seven objections were received, however one was subsequently withdrawn.

The grounds of objection may be summarised as follows:

- Insufficient on-site car parking, particularly in the afternoon during Karate Classes held at one of the tenancies within the warehouse complex.
- Safety concerns relating to increased traffic congestion and access to the site.

Referral of the application

Internal

Engineering Department	Engineering do not oppose the proposal subject to the following Conditions being placed on any permit issued: 1. The use may operate only between the hours of:
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	<p>a) Monday to Friday 8:00am – 4:30pm</p> <p>b) Saturday and Sunday 8:00am – 5:30pm.</p> <p>The hours must not be varied, changed or extended without the written consent of the Responsible Authority.</p> <p>2. No more than two classes to operate at any time. Classes must be staggered a minimum of 15 minutes between completion of one class and commencement of the following class so that no classes commence and / or end at the same time.</p> <p>3. A maximum of four students to participate in each class.</p> <p>4. A maximum of two staff including two swim instructors.</p>
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External

Nil.

Site Inspection

A site inspection was undertaken on 20 August 2015 at 4pm. Council were advised by objectors that between 4:00pm and 5:00pm was the period of peak congestion.

It was observed that car parking at front of the site was nearing capacity however car parking at the rear of the site was largely vacant. It is noted that the tenancies at the rear are also predominately unoccupied.

Numerous children were being dropped off at the Karate Studio which adjoins the subject tenancy to the south.

It was also observed that a number of car spaces were being inappropriately occupied by vehicles being repaired by one of the nearby tenancies.

Photos from the site inspection can be found at **Appendix 4**.

5. Issues**Planning Assessment**

The proposal is consistent with the zoning of the land given the following:

- The proposed use of the site as a Restricted Recreation Facility is appropriate in the Industrial 3 Zone.
- The surrounding area is developed with a mixture of industrial and commercial uses as well as other Restricted Recreation Facilities particularly a Karate Studio and Dance School.
- Overall the proposal will contribute to the vitality of the estate.

Pursuant to Clause 52.06-5, the car parking requirement for a "Swimming Pool" is 5.6 spaces to each 100 square metres of the site.

Although the overall floor area for the tenancy is 279 square metres, the applicable site area is considered to be limited to the area of the swimming pool and the immediate surrounds as this is the area that will generate the demand.

The site area of the swimming pool and the immediate surrounds is approximately 100 square metres. As such, the car park demand is calculated at 6 car spaces for the proposed use and subsequent reduction of 2 car space is being sought. Given the ample parking

provided throughout the industrial complex and the proposed conditions of the permit, the reduction in car parking is considered reasonable to support in this instance.

Objectors Concerns

The primary concern is the provision of car parking and access to the site.

As discussed above subject to the conditions of the permit the proposal is considered reasonable to support.

6. Options

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

7. Conclusion

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

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

Therefore, it is recommended that the application be approved.

LIST OF APPENDICES

1. Locality Plan
2. Plans of the Proposal
3. Planning Controls Detailed Assessment
4. Site Photos
5. Permit Conditions

11.17 AMENDMENT C161 TO THE MELTON PLANNING SCHEME – PAYNES ROAD PRECINCT STRUCTURE PLAN

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

PURPOSE OF REPORT

To consider providing a letter of support to the Metropolitan Planning Authority for C161 to be approved by the Minister for Planning under s20(4) of the *Planning & Environment Act 1987*.

RECOMMENDATION:

That Council write a letter to the Metropolitan Planning Authority (MPA) for the conditional support of a Ministerial Amendment under s20(4) of the *Planning & Environment Act 1987* subject to the issues in this report being resolved to the satisfaction of the General Manager Planning & Development.

REPORT

1. Executive Summary

The Metropolitan Planning Authority (MPA) has released Amendment C161 to introduce the Paynes Road Precinct Structure Plan (PSP) into the Melton Planning Scheme.

The amendment was out for public comment from 1 July 2015 to 3 August 2015 and at the Ordinary Meeting of Council 11 August 2015, Council endorsed 'C161 Paynes Road Precinct Structure Plan Submission by Melton City Council' and submitted it to the MPA for consideration (refer **Appendix 1**).

The MPA received 10 submissions to the process and consider that they have resolved all issues raised in the submissions with the exception of those matters raised by Melton City Council (refer **Appendix 2**) and Public Transport Victoria (PTV). Given this, MPA have asked for Council support for a Ministerial Amendment under s20(4) of the *Planning & Environment Act 1987*, thus avoiding the need for an independent planning panel to be convened.

Council Officers consider that it would be appropriate to try and resolve the outstanding issues through discussions with the MPA and other relevant agencies to reach an agreed outcome on outstanding matters raised in our submission rather than proceed to a planning panel which will have cost implications for Council.

2. Background/Issues

The Metropolitan Planning Authority (MPA) has released Amendment C161 to introduce the Paynes Road Precinct Structure Plan (PSP) into the Melton Planning Scheme.

The Paynes Road PSP covers an area of approximately 199 hectares. The area is bounded by the Western Freeway (Ballarat Road) to the north, Paynes Road to the east, Mount Cottrell Road to the west and the Melbourne Ballarat Rail Corridor to the south.

The Paynes Road PSP is an amendment to the incorporated Toolern Precinct Structure Plan and formally referred to as PSP 31.2 Toolern Precinct Structure Plan, Part C. The PSP changes the future land use to residential from the employment-based zoning applied under the Toolern PSP, a revised land use outcome established by the West Growth Corridor Plan. The West Growth Corridor Plan established large areas of future employment land in Mt

Atkinson and Tarneit Plains PSP areas whilst designating the Paynes Road PSP area as a residential precinct.

The amendment was out for public comment from 1 July 2015 to 3 August 2015, with Melton City Council granted an extension to the 14 August 2015 to allow the submission to be reported to the 11 August 2015 Ordinary Council meeting.

At the Ordinary Meeting of 11 August 2015, Council endorsed '*C161 Paynes Road Precinct Structure Plan Submission by Melton City Council*' and submitted it to the MPA for consideration (Refer **Appendix 1**).

Council's submission outlined the key issues that needed to be resolved prior to the finalisation of the amendment documentation for C161.

The MPA received 10 submissions on the proposed amendment documentation including the submission of Melton City Council. The MPA have advised Council Officers that they consider they have resolved all issues raised in the submissions with the exception of a number of matters raised by Melton City Council (refer **Appendix 2**) and Public Transport Victoria (PTV) which are still to be resolved but are subject to ongoing discussion.

Given this, MPA have asked for Council support for a Ministerial Amendment under 20(4) of the *Planning & Environment Act 1987*, thus avoiding the need for an independent planning panel to be convened.

Since lodging the submission, Council Officers have had a number of meetings and discussions with the MPA regarding the issues raised in the submission. It is considered that a number of matters have been resolved and officers are continuing to work through those issues still outstanding with the MPA and other state agencies, as appropriate.

Council officers consider that it would be appropriate to try and resolve the outstanding issues through discussions with the MPA and other relevant agencies to reach an agreed outcome on outstanding matters raised in our submission rather than proceed to a planning panel which will have cost implications for Council.

In this context, it is recommended that conditional support be provided to a Ministerial Amendment under s20(4) of the *Planning & Environment Act 1987* subject to the following issues being resolved:

- a. Clear direction from state government regarding agreed noise attenuation requirements including the management, maintenance and funding of any required assets along the Melbourne-Ballarat rail corridor
- b. MPA organise a meeting with MCC and VicRoads to work through design options and triggers for interim and ultimate works at the Paynes Road and Mt Cottrell Road intersections with the Western Highway. There needs to be a clear commitment and direction from state government to address these issues and the PSP is the appropriate mechanism to achieve this.
- c. All outstanding matters as identified in the MPA response table to Council's submission (refer **Appendix 2**).

Further, it is recommended Council authorise the General Manager Planning & Development to resolve all outstanding issues on Council's behalf.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City
 - 1.1 *Strategically plan for a well designed and built City*

4. Financial Considerations

Should the Amendment follow a s20(4) process a planning panel will not be held as part of the process and therefore may result in cost savings to Council as there will be no requirement for legal representation or expert witness submissions to be heard at a panel hearing.

5. Consultation/Public Submissions

The Paynes Road PSP was put on public consultation for a month by the MPA with the submission period closing on Monday, 3 August 2015. Notification letters were sent to the landowners within the PSP area, adjacent properties and residents of the existing Toolern PSP area. All affected parties had an opportunity to make their own submissions to the MPA on the amendment documentation and as discussed above they received 10 submissions in total.

6. Risk Analysis

It is considered that there is no risk to Council in providing support for a s20(4) Ministerial Amendment as it is conditional on the outstanding issues being resolved to the satisfaction of the General Manager Planning & Development.

7. Options

Council can either:

1. resolve to write a letter to the Metropolitan Planning Authority (MPA) for the conditional support of a Ministerial Amendment under s20(4) of the *Planning & Environment Act 1987* subject to the issues in this report being resolved to the satisfaction of the General Manager Planning & Development.
2. resolve not to support a Ministerial Amendment under s20(4) of the *Planning & Environment Act 1987*.

LIST OF APPENDICES

1. C161 Paynes Road Precinct Structure Plan Submission by Melton City Council August 2015
2. MPA Response to MCC Submission C161 Paynes Road PSP

11.18 UNESCO 2ND INTERNATIONAL CONFERENCE ON LEARNING CITIES, MEXICO CITY 2015

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

PURPOSE OF REPORT

To report to Council on attendance at the UNESCO 2nd International Conference on Learning Cities held in Mexico City from 28-30 September 2015.

RECOMMENDATION:

That the report be noted and the Chief Executive further pursue identified opportunities to enhance Council's direction as a learning community.

REPORT

1. Executive Summary

At the June Council Meeting, Council determined that Council should be represented at the UNESCO 2nd International Conference on Learning Cities, being held in Mexico City in September of 2015, by the Mayor Cr Ramsey, Chief Executive and Lifelong Learning Coordinator. Following attendance at this Conference reports are being provided directly to Council by the Mayor, in this report by the Chief Executive and to the Melton Community Learning Board by Lifelong Learning Coordinator, Peter Blunden.

A number of activities and initiatives at other learning communities across the globe were identified at the Conference as having potential for implementation in various forms within the Melton Community, and as noted in the attached report **Appendix 1**, these matters are to be taken up through further discussion within Council business units and the Melton Community Learning Board.

2. Background/Issues

Melton City Council has participated in activities related to being a Learning City since the introduction of the first Learning Plan in 1998, and is currently in its fifth Learning Plan which clearly establishes it as one of the early adopters and leaders of the Learning Cities concept. Council approved the Mayor, Chief Executive and Lifelong Learning Coordinator attending the 2nd International Conference on Learning Cities in Mexico City and attendees have now returned from this conference and this report to Council is provided by the Chief Executive to inform Council of the learnings from the conference. Mayor Cr Ramsey will report directly to Council under Delegates Reports in relation to her involvement in and learnings from the conference, and similarly Peter Blunden Lifelong Learning Coordinator will report directly to the Melton Community Learning Board in relation to his participation in the conference and key learnings to result.

It is important to note that Melton City Council played a leading role in the activities at the conference with Peter Blunden being a presenter at the Conference, as well as being a Session Reporter, and administratively supporting the Drafting Committee for the development of the UNESCO Statement on Sustainable Learning Cities.

The Mayor Cr Ramsey had the honour of being appointed to the significant role of Chairperson of the Conference UNESCO Statement Drafting Committee. This select

committee of noted academics, UNESCO representatives and leading lifelong learning practitioners, was charged with the responsibility of drafting the statement from the Conference to guide Learning Communities over the next three years until the 3rd International Conference is to be held. The conference was attended by in excess of 700 delegates representing over 90 nations, and it is important to note the significant position that Melton City Council holds in this arena. Melton City was one of twelve case studies of Learning Cities featured in the publication entitled "Unlocking the potential of Urban Communities" produced by the UNESCO Institute of Lifelong Learning. At the conference each of the twelve cities featuring in that publication were awarded the UNESCO Learning City Award 2015. This is a significant acknowledgement of the work of Council over a substantial period to develop a Learning Community through partnership, early delivery of infrastructure services and facilities, and a commitment to community development.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

3. Diverse, Confident and Inclusive Communities: A culturally rich, active, safe and connected City
 - 3.4 *Provide lifelong learning opportunities to build social connections and self development*

4. Financial Considerations

Approval was given at the June Meeting of Council for estimated cost of \$4,450 per person to attend the conference. While not all final invoices and costs in relation to conference attendance have come to hand at this time and some exchange rate variation may occur in relation to expenditures incurred overseas, best estimate at this point in time is that attendance cost on average \$4,378 per person. These costs are itemised in the attached report at Appendix 1.

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

This report is for information only.

7. Options

Council may determine to direct any appropriate action in relation to the ongoing involvement in Learning Communities activities.

LIST OF APPENDICES

1. CEO Report on UNESCO 2nd International Conference on Learning Cities, Mexico City 2015

12. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES

13. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS**13.1 RECORD OF ASSEMBLY OF COUNCILLORS IN ACCORDANCE WITH SECTION 80A(1) OF THE LOCAL GOVERNMENT ACT 1989**

- 15 September 2015
- 22 September 2015
- 29 September 2015
- 6 October 2015

RECOMMENDATION:

That the Record of Assembly of Councillors attached to this Agenda dated 15 September, 22 September, 29 September and 6 October 2015 be received and noted.

LIST OF APPENDICES

1. 15 September 2015 Record of Assembly of Councillors
2. 22 September 2015 Record of Assembly of Councillors
3. 29 September 2015 Record of Assembly of Councillors
4. 6 October 2015 Record of Assembly of Councillors



RECORD OF ASSEMBLY OF COUNCILLORS

Section 80A(1) of the *Local Government Act 1989*

ASSEMBLY DETAILS:

Meeting Name:	Briefing of Councillors		
Meeting Date:	15 September 2015	Time:	6.15pm
Councillors present: <small>(delete as appropriate)</small>	Cr S.Ramsey (Mayor) Cr N Dunn (Deputy Mayor) Cr M Bentley Cr L Carli Cr R Cugliari Cr K Majdlik Cr B Turner		
Officers present: <small>(name & title)</small>	Mr K Tori, Chief Executive Mr P Bean, General Manager Corporate Services Mr M Tudball, Acting General Manager Community Services Mr L Stokes, Acting General Manager Planning & Development Services Mr G Mulcahy, Acting Manager Recreation & Youth Mr A Cope, Open Space Planning Coordinator Ms T Bradley, Acting Manager Economic Development & Advocacy Mr S Shanmugapalan, Manager Finance		
Apologies: <small>(name & title)</small>			
Matters discussed:	1. Strategic Direction of Melton Botanic Gardens Briefing 2. Special Meeting of Council 3. Christmas Decorations Briefing 4. Grants Commission Methodology & MAV Rates Survey 5. Councillor Discussion		

CONFLICT OF INTEREST DISCLOSURES:

Were there any conflict of interest disclosures by Councillors?		No
Matter No.	Councillor making disclosure	Councillor left meeting <small>(Circle/delete as appropriate)</small>

REPORT PRODUCED BY:

Officer name:	Peter Bean – General Manager Corporate	Date:	17/9/15
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RECORD OF ASSEMBLY OF COUNCILLORS

Section 80A(1) of the *Local Government Act 1989***ASSEMBLY DETAILS:**

Meeting Name:	Briefing of Councillors		
Meeting Date:	22 September 2015	Time:	6.15pm
Councillors present: (delete as appropriate)	Cr S.Ramsey (Mayor) Cr N Dunn (Deputy Mayor) Cr M Bentley Cr L Carli Cr R Cugliari Cr B Turner		
Officers present: (name & title)	Mr K Tori, Chief Executive Mr P Bean, General Manager Corporate Services Mr M Tudball, Acting General Manager Community Services Mr L Stokes, Acting General Manager Planning & Development Services Ms R Bernardo, Business Marketing & Investment Attraction Officer Ms L Mellan, Manager City Design Strategy & Environment Ms K Barclay, Senior Strategic Planner Mr D Lewis, Strategic Planner Ms T Bradley, Acting Manager Economic Development & Advocacy		
Apologies: (name & title)	Cr K Majdlik		
Matters discussed:	1. Housing Character Assessment and Design Guidelines Briefing 2. Investment Attraction Strategy Briefing 3. Green Wedge Zone Amendment Project Briefing 4. Councillor Discussion		

CONFLICT OF INTEREST DISCLOSURES:

Were there any conflict of interest disclosures by Councillors?		No
Matter No.	Councillor making disclosure	Councillor left meeting (Circle/delete as appropriate)

REPORT PRODUCED BY:

Officer name:	Peter Bean – General Manager Corporate	Date:	24/9/15
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RECORD OF ASSEMBLY OF COUNCILLORS

Section 80A(1) of the *Local Government Act 1989***ASSEMBLY DETAILS:**

Meeting Name:	Briefing of Councillors		
Meeting Date:	29 September 2015	Time:	6.15pm
Councillors present: (delete as appropriate)	Cr N Dunn (Deputy Mayor) Cr M Bentley Cr K Majdlik Cr B Turner		
Officers present: (name & title)	Mr P Bean, Acting Chief Executive Mr M Tudball, Acting General Manager Community Services Mr L Stokes, Acting General Manager Planning & Development Services Mr G Mulcahy, Acting Manager Recreation & Youth Ms L Mellan, Manager City Design Strategy & Environment Mr B Baggio, Manager Planning Services Ms C Bickerstaff, Senior Major Developments Planner Ms M Brennan, Coordinator Environmental Services Mr K Shanley, Environmental Policy Officer Mr D Hogan, Acting General Manager Corporate Services		
Apologies: (name & title)	Cr S Ramsey (Mayor) Cr L Carli Cr R Cugliari Mr K Tori, Chief Executive Ms T Martin, Coordinator Leisure Centres		
Matters discussed:	1. Boral Briefing 2. Development of Council's "Environmental Plan" Briefing 3. Low Carbon West Briefing 4. Melton Waves Review 5. Councillor Discussion		

CONFLICT OF INTEREST DISCLOSURES:

Were there any conflict of interest disclosures by Councillors?		No
Matter No.	Councillor making disclosure	Councillor left meeting (Circle/delete as appropriate)

REPORT PRODUCED BY:

Officer name:	Dan Hogan – Acting General Manager Corporate	Date:	1/10/15
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RECORD OF ASSEMBLY OF COUNCILLORS

Section 80A(1) of the *Local Government Act 1989***ASSEMBLY DETAILS:**

Meeting Name:	Briefing of Councillors		
Meeting Date:	6 October 2015	Time:	6.15pm
Councillors present: (delete as appropriate)	Cr N Dunn (Deputy Mayor) Cr M Bentley Cr L Carli Cr R Cugliari Cr K Majdlik Cr B Turner		
Officers present: (name & title)	Mr K Tori, Chief Executive Mr P Bean, General Manager Corporate Services Mr M Heaney, General Manager Community Services Mr L Stokes, Acting General Manager Planning & Development Services Mr B Baggio, Manager Planning Services Ms L Mellan, Manager City Design Strategy & Environment Ms K Archibald, Coordinator City Strategy Mr D Hogan, Manager Community Engagement		
Apologies: (name & title)	Cr S.Ramsey (Mayor)		
Matters discussed:	1. Briefing of Preliminary Report from Electoral Representation Review 2. Draft Agenda – Ordinary Meeting of Council 13 October 2015 3. Councillor Discussion		

CONFLICT OF INTEREST DISCLOSURES:

Were there any conflict of interest disclosures by Councillors?		No
Matter No.	Councillor making disclosure	Councillor left meeting (Circle/delete as appropriate)

REPORT PRODUCED BY:

Officer name:	Peter Bean – General Manager Corporate	Date:	8/10/15
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13.2 PUBLIC ADDRESS BY EACH COUNCILLOR

14. NOTICES OF MOTION**14.1 NOTICE OF MOTION 409 (CR TURNER)****Councillor: Bob Turner**

Notice was given at the Ordinary Meeting of Council held on 8 September 2015 of my intention to move the following motion at the Ordinary Meeting of Council to be held on Tuesday 13 October 2015.

MOTION:

That Council write to VicRoads requesting an urgent review be made of the traffic flow in and around Christies Road/Western Highway with forethought to the increased traffic around the new Ravenhall train station.

1. Officer's Comments

Council officers are aware that in 2012 VicRoads developed a project under their congestion program to address this issue. This would not have taken into account the increased traffic volumes that are expected with the Caroline Springs Station being opened. A review of this project would be warranted to include this information.

Council officers have also been in discussion with VicRoads about an immediate treatment to reallocate existing traffic lanes and re-model the traffic signals at the Christies Road/Ballarat Road intersection. Council officers do not believe that this issue has been properly considered.

Given the above it would be appropriate that Council write to VicRoads requesting both an ultimate solution (extra lanes) and an immediate treatment (re-allocating lanes and re-modeling signals).

14.2 NOTICE OF MOTION 410 (CR RAMSEY)**Councillor: Sophie Ramsey**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on Tuesday 13 October 2015.

MOTION:

That Council determine that Council meetings and briefings for the 2016 calendar year be convened on Monday evenings.

1. Officer's Comments

Council's Meeting Procedure Local Law (2013) states;

2.1 Date, Time and Place of Meetings

a) Council will fix the dates, times and places of all Council Ordinary Meetings for a twelve month period at the Statutory Meeting of Council which is to be held no earlier than the last Saturday in October and no later than Monday 30 November in each year.

b) The date, time and place of all Council Ordinary Meetings are to be made available to the public.

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

18. CONFIDENTIAL BUSINESS**Procedural Motion**

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

18.1 Municipal Audit Committee Minutes - 26 August 2015

This report is confidential in accordance with s89(2)(d) as it relates to contractual matters.

18.2 Contract Extension - Contract 13/004 Public Conveniences & BBQ Cleaning Services

This report is confidential in accordance with s89(2)(d) as it relates to contractual matters.

Procedural Motion

That the meeting be opened to the public.

19. CLOSE OF BUSINESS