



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 15 December 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.

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- 11.13 VCAT DECISION ON APPLICATION FOR PLANNING PERMIT NO.
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- 11.14 VCAT DECISION ON APPLICATION FOR PLANNING PERMIT NO.
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- 11.15 PLANNING APPLICATION PA 2015/4929 - 2 LOT RURAL SUBDIVISION
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	To inform Council that the tender evaluation process for the provision of parks maintenance services, tree maintenance services and roads and drainage maintenance services has been completed and a recommendation is presented to Council for consideration.	
19.	CLOSE OF BUSINESS	784

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 10 November 2015 and Special Meeting of Council held on 8 December 2015 be confirmed as a true and correct record.

7. CORRESPONDENCE INWARD

7.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR

- The Hon Jacinta Allan MP – Member for Bendigo East and Minister for Public Transport – Facilities at Diggers Rest Railway Station.
- The Hon Wade Noonan MP – Minister for Police – Police resources at Melton Police Station.

RECOMMENDATION:

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

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1. Correspondence - The Hon Jacinta Allan MP – Member for Bendigo East and Minister for Public Transport – Facilities at Diggers Rest Railway Station
2. Correspondence - The Hon Wade Noonan MP - Minister for Police - Police resources at Melton Police Station.

8. PETITIONS AND JOINT LETTERS

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

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

Nil.

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 15 December 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 POLICY REVIEW PANEL MEETING MINUTES - 23 NOVEMBER 2015

Author: Fiona MacPherson- Corporate Policy and Planning Coordinator
Presenter: Peter Bean- General Manager Corporate Services

PURPOSE OF REPORT

To present the minutes of the Policy Review Panel meeting held Monday, 23 November 2015.

RECOMMENDATION:

That Council:

1. note the minutes of the Policy Review Panel Meeting held Monday, 23 November 2015
2. adopt the recommendations arising within the minutes.

REPORT

1. Executive Summary

Presented for Council are the minutes of the Policy Review Panel Meeting held on 23 November 2015, attached as **Appendix 1**.

At the meeting held on 23 November 2015 the panel considered the following items:

- a) Community Safety Committee Terms of Reference
- b) Four Year Old Kindergarten Central Enrolment Policy

2. Background/Issues

Council established a 'Policy Review Panel' to review existing Council policy and formulate new policies in areas identified by Council as requiring appropriate policy consideration.

The panel is an Advisory Committee which meets bi-monthly and presents its recommendations to the Council for adoption. A copy of the Minutes is attached as **Appendix 1** to this report.

The revised Community Safety Committee Terms of Reference were endorsed by the Community Safety Committee and presented to the Policy Review Panel for their endorsement.

The Four Year Old Kindergarten Central Enrolment Policy has been updated to align with best practice to ensure compliance with specific anti-discrimination and human rights legislation.

The policy and terms of reference considered at the Policy Review Panel largely reflect what are the pre-existing practices in relation to these matters and therefore are not viewed as containing any major issues for 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

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

All policies considered are incorporated within Council's existing budgets.

5. Consultation/Public Submissions

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

6. Risk Analysis

Maintaining up to date policies within an organisational framework assists Council in controlling risk.

7. Options

The Policy Review Panel is an Advisory Committee of Council and Council therefore has the discretion to accept, reject or amend its recommendations as Council deems appropriate.

LIST OF APPENDICES

1. Minutes of Policy Review Panel 23 November 2015

11.3 ARTS AND CULTURE ADVISORY COMMITTEE MINUTES - 7 DECEMBER 2015**Author: Christine Sita- Events Officer****Presenter: Peter Bean- General Manager Corporate Services****PURPOSE OF REPORT**

To present the minutes of the Arts and Culture Advisory Committee meeting held 7 December 2015.

RECOMMENDATION:

That council:

- 1) note the minutes of the Arts and Culture Advisory Committee meeting held on 7 December 2015, and
- 2) adopt the recommendations arising within the minutes.

REPORT**1. Executive Summary**

The Arts and Culture Advisory Committee (AACAC) meet a minimum of four times per year, formally considering a range of issues and projects in relation to the artistic and cultural development of the municipality and related work-plan of Council.

The minutes, including any attendant actions or recommendations arising, are reported to Council as required by the Terms of Reference governing the Committee.

As an advisory Committee, any recommendations must be ratified by Council to become binding.

2. Background/Issues

The AACAC meeting on 7 December 2015 addressed the following topics:

- Progress update on CS Gallery.
- Artist in Residence expression of interest applications.
- Martin Hodge Public Artwork restoration.
- Councillor representation Arts and Culture Advisory Committee 2016.

Minutes of the meeting including actions and recommendations arising are attached as **Appendix 1**.

In regards to recommendation 2, in this instance, immediate remedial action is deemed necessary. Moving forward, the proposed Public Art Strategy will specifically address maintenance, repair and restoration for all public art pieces, inclusive of associated funding sources and procedures. The draft Public Art Strategy will be presented to Council for endorsement.

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

3.3 Develop an environment that supports imagination, creative expression and engagement in cultural experiences

4. Financial Considerations

Council staff will need to make allowance for the amount quoted for the repair of 'Wing and Arch' by Martin Hodge within the mid-year budget review, to accommodate Recommendation 2 of the Committee for immediate remedial action.

5. Consultation/Public Submissions

Nil.

6. Risk Analysis

Nil.

7. Options

That Council note the report.

LIST OF APPENDICES

1. Arts and Culture Advisory Committee Minutes - 7 December 2015

11.4 DISABILITY ADVISORY COMMITTEE MEETING MINUTES - 3 DECEMBER 2015

Author: Warren Penna- Metro Access Project Officer
Presenter: Maurie Heaney- General Manager Community Services

PURPOSE OF REPORT

To present the minutes of the Disability Advisory Committee meeting held Thursday, 3 December 2015.

RECOMMENDATION:

That Council note the minutes of the Disability Advisory Committee meeting held on Thursday, 3 December 2015.

REPORT

1. Executive Summary

The Disability Advisory Committee (DAC) has been established to provide advice to Council on issues and barriers that affect people with a disability living, working, recreating or studying in the City of Melton.

Membership of the Committee is drawn from people with a disability, carers of people with a disability and community service providers who have a significant role in delivering services and responding to local disability priorities.

The minutes of the DAC meeting held on 3 December 2015 are attached at **Appendix 1**.

2. Background/Issues

The DAC meets bi-monthly to consider matters in relation to the needs of people with a disability and to raise advocacy issues for Council to consider.

The DAC meeting on 3 December 2015 addressed the following:

- Progress on Melton City Councils Disability Action Plan 2013 - 2017
- Atherstone regional playground access and inclusion design features
- Success of the 2015 CARE Melton Expo

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

Operational expenses and initiative related to the DAC are accommodated within Council's recurrent budget programs.

5. Consultation/Public Submissions

The DAC 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

The DAC ensure continued meaningful engagement and dialogue with people with a disability, carers and community service providers and ensures relationships and resources are adequately aligned and assist Council in mitigating possible risk.

7. Options

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

LIST OF APPENDICES

1. Minutes of the Disability Advisory Committee Meeting - 3 December 2015

11.5 LEISURE ADVISORY COMMITTEE MEETING MINUTES - 23 NOVEMBER 2015

Author: Nicole Willis- Recreation Development Officer
Presenter: Maurie Heaney- General Manager Community Services

PURPOSE OF REPORT

To present the minutes of the Leisure Advisory Committee meeting held on Monday, 23 November 2015.

RECOMMENDATION:

That Council note the minutes of the Leisure Advisory Committee meeting held on Monday, 23 November 2015.

REPORT

1. Executive Summary

The Leisure Advisory Committee has been established to provide advice to Council on matters relating to leisure and recreation within the municipality.

Membership of the Committee is drawn from key stakeholders and subject matter experts to develop partnership responses to the local communities leisure and recreation needs.

The minutes of the 23 November 2015 meeting are attached at **Appendix 1**.

2. Background/Issues

The purpose of the Committee is to provide advice and recommendations to Council relating to leisure and recreation matters within the municipality.

At its meeting of Monday 23 November 2015, the Committee discussed the following:

- The outstanding actions from last meeting
- The Open Space Plan
- The Western Metropolitan Region Football Facilities Strategy
- The Western Metropolitan Region Trails Strategic Plan
- An update on the Bridge Road Athletics/Hockey Facility in Toolern
- The Melton Waves Leisure Centre Tender

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

4. Community Health and Wellbeing: A City of people leading healthy and happy lives
4.3 Encourage our community to be physically active and healthy

4. Financial Considerations

Operational expenses relating to the Leisure Advisory Committee are accommodated within Council's recurrent budgets.

5. Consultation/Public Submissions

The Leisure 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 issues with and promote opportunities for leisure and recreation in the municipality could provide a risk that Council may not meet the health and wellbeing needs of our growing community. To improve community health and wellbeing, Council must ensure that the community is understanding and aware of the leisure and recreation opportunities available.

7. Options

The Leisure Advisory Committee is a Committee of Council, therefore Council has the discretion to accept, reject or seek further information on the Committee's minutes, reports and/or recommendations, as Council deems appropriate.

LIST OF APPENDICES

1. Leisure Advisory Committee Meeting Minutes - 23 November 2015

11.6 COMMUNITY SAFETY COMMITTEE MEETING MINUTES 12 OCTOBER 2015

Author: Kate Hills- Acting Team Leader, Health Promotion and Planning

Presenter: Maurie Heaney- General Manager Community Services

PURPOSE OF REPORT

To present the minutes of the Community Safety Committee meeting held on Monday, 12 October 2015.

RECOMMENDATION:

That Council note the minutes of the Community Safety Committee meeting held on Monday, 12 October 2015.

REPORT

1. Executive Summary

The Community Safety Committee has been established to provide a strategic, responsive and accountable model to promote community safety and address crime prevention efforts in the City.

Membership of the Committee is drawn from key stakeholders and subject matter experts. Committee members have an interest in developing partnership responses to local community safety priorities.

The Committee meets bi-monthly, with the minutes of the 12 October 2015 meeting presented at **Appendix 1**.

2. Background/Issues

The Community Safety Committee meets to consider matters relating to crime prevention, health and wellbeing, and community safety.

The purpose of the Committee is to coordinate a multi-agency partnership response to prioritise community safety and crime prevention issues within the City.

At the meeting on 12 October 2015, a review the Community Safety Committee Terms of Reference (dated 9 April 2013) was undertaken. Proposed changes were discussed and agreed to by the Committee (with quorum met). The updated Terms of Reference were endorsed by the Policy Review Panel at the meeting of 23 November 2015, and are to be presented to Council for adoption at the 12 December 2015 Ordinary Meeting of Council, as an attachment to Policy Review Panel minutes.

The Committee also addressed the following:

- Overview of the Holistic Community Safety Conference held in Sydney on 29 and 30 September 2015. Melton City Council was represented by an Officer who presented on 'integrated approaches to build organisational capacity to address community safety' and led a workshop session to explore 'strategies to address anti-social behaviour and alcohol fuelled violence.'

- Update on the Helipad Project aimed at drug and alcohol prevention and resilience amongst secondary school students has been successfully implemented at four (4) local schools. The project is a Medicare Local funded initiative led by Westcare Medical Centre.
- Advice that a new Community Crime Prevention and Community Reassurance Officer has been appointed at Melton Police Station.
- Updates from member agencies.

Following the Committee meeting, the Safer City Day event was held (incorporating Responsible Gambling Awareness Week) at The Corner @ McKenzie Pop up Park in partnership with Victoria Police, CFA, Department of Justice and Responsible Gambling Foundation.

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.

3.6 Create a safer community through building a sense of belonging and community pride.

4. Financial Considerations

Operational expense and initiatives extending from the Community Safety Committee are accommodated within Council's recurrent budgets.

5. Consultation/Public Submissions

The Community Safety 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

The Community Safety Committee exists to provide Council with an avenue to collaborate with the community to address key community safety concerns. Failure to support the function of the committee may result in a decrease in attention to the issue of community safety. To improve community health and wellbeing, Council must ensure that ongoing attention is brought to matters of concern and that residents continue to have strong perceptions of safety within their local neighbourhoods.

7. Options

The Community Safety Committee is an Advisory Committee to Council, therefore Council has the discretion to accept, reject or amend the Committee's recommendations.

LIST OF APPENDICES

1. Community Safety Committee Meeting Minutes - 12 October 2015

11.7 MUNICIPAL AUDIT COMMITTEE MEETING MINUTES - 2 DECEMBER 2015

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

PURPOSE OF REPORT

To present to Council the minutes of the Municipal Audit Committee meeting held on Wednesday, 2 December 2015.

RECOMMENDATION:

That Council:

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

REPORT

1. Executive Summary

The minutes of the Audit Committee meeting held on 2 December 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 minuted 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

N/A

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. Audit Committee Minutes
2. Quartley Finance Report September 2015

11.8 REVIEW OF THE LOCAL GOVERNMENT ACT 1989

Author: Christine Denyer- Legal Services Manager
Presenter: Kel Tori- Chief Executive Officer

PURPOSE OF REPORT

To present to Council a draft submission on the Discussion Paper concerning the Review of the *Local Government Act 1989*.

RECOMMENDATION:

That Council make a submission in relation to the review of the *Local Government Act 1989* as set out in the draft document attached at **Appendix 2**.

REPORT

1. Executive Summary

The Government has called for the first round of submissions, identifying the broad issues, in relation to the Review of the *Local Government Act 1989* ('the Act') by 18 December 2015.

This submission is intended only to raise the issues for further consideration. Accordingly, it need not be exhaustive nor represent Council's final position on any matter.

The attached draft submission focuses on what is considered to be the high level issues for further consideration (**Appendix 2**).

2. Background/Issues

On Tuesday 11 August 2015 the Government announced a review ('the Review') of the *Local Government Act 1989* ('the Act').

The Terms of Reference are set out at **Appendix 1**.

The purpose is stated as:

to revise the current legislation governing local government in Victoria to create a more contemporary, accessible, plain English Act, that meets current and future needs of the community and local government sector.

The Scope includes all aspects of the current Act "with a view to more accurately and consistently reflecting policy intent and improving clarity" including the form of the Act itself.

The Principles underpinning the Review include, but are not limited to:

- The recognition in the Victorian Constitution of local government as a distinct and democratic tier of government in Victoria charged with responsibility for delivering peace, order and good government for local communities.
- The necessity for the legislation to strike an appropriate balance between autonomy for councils in their operations and decision-making processes and the interests of the Victorian community and Government.

The Government released a Discussion Paper ('the D') as the first stage of what it advises will be as an 'extensive consultation process'. The DP is intended to "begin a conversation, with the sector and the community more broadly".

The Government has invited all Victorians to make a submission in relation to the DP either online or by post by 18 December 2015.

This submission is intended only to raise the issues for further consideration. Accordingly, it need not be exhaustive nor represent Council's final position on any matter.

Broadly, the Government's current proposed timetable is as follows:

- Identification of the Issues – September 2015 to December 2015
- Consideration of the submissions on the DP and technical working groups consultation – December 2015 – March 2016
- Development of a Directions Paper – 2016
- Drafting of a bill and ongoing consultation – 2017
- Implementation of a new Act – 2018

Four members of Council are participating on the technical working groups, being Finance Manager, Legal Services Manager, Customer Engagement Manager and Local Laws Coordinator.

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

2.5 Advocate in the best interests of our community and region

4. Financial Considerations

There are no financial considerations.

5. Consultation/Public Submissions

This submission is intended to be by and on behalf of the Council itself and thus public consultation has not been undertaken. The submission is intended only to raise the issues for further consideration. Accordingly, it need not be exhaustive nor represent Council's final position on any matter.

The Government has invited all Victorians to make a submission in relation to the DP either online or by post by 18 December 2015.

6. Risk Analysis

If no submission is made, there is a risk that some of the issues may be overlooked.

7. Options

1. Resolve to make a submission in substantially the same terms as set out at **Appendix 2**.
2. Resolve to make a submission in different terms to those set out at **Appendix 2**.
3. Not make a submission.

LIST OF APPENDICES

1. Terms of Reference
2. Submission - Review of Local Government Act 1989

11.9 MELTON HIGHWAY ADVISORY COMMITTEE

Author: Les Stokes- Engineering Services Manager
Presenter: Luke Shannon – General Manager Planning & Development

PURPOSE OF REPORT

To provide an update to Council in relation to the outcomes achieved by the Melton Highway Advisory Committee and provide a recommendation as to the future of the Committee.

RECOMMENDATION:

That the Melton Highway Advisory Committee be absorbed within a community reference group to be established by Council for the purpose of advocating for and implementing transport priorities as defined within the City of Melton Integrated Transport Strategy Moving Melton, and that Council Officers prepare draft Terms of Reference for such committee to be brought forward for ratification at a future meeting of Council.

REPORT

Executive Summary

Council has in place a Melton Highway Advisory Committee to provide advice to Council regarding its advocacy for improvements to the Melton Highway. Since the establishment of the Committee, positive outcomes have been achieved along this important regional road connection.

The only remaining improvement to this corridor is the duplication of the road from Melton to Hillside, a high cost improvement requiring a funding a commitment from State Government. The Melton Integrated Transport Strategy 'Moving Melton' lists this project as an advocacy priority. It is therefore appropriate for the Committee to be absorbed into a community reference group to be established as part of the implementation of 'Moving Melton'.

Background/Issues

In 2011 Council established a Committee to provide Council advice in terms of future improvements at the Melton Highway. **Appendix 1** is a copy of the Terms of Reference of the Committee.

The Committees establishment was largely as a result of Community concern regarding the road safety issues on Melton Highway and for the purpose of promoting improvements to the Melton Highway.

Council has received some community input through the Committee and has also received appropriate support from the relevant Government agencies.

Since the establishment of the Committee a number of positive outcomes have been achieved on the Melton Highway, including:

1. Road widening and safety improvements at Kororoit Creek
2. Re-synchronised timing of traffic signals along the urban section of Melton Highway.
3. Improved linemarking between Leakes Road and Kororoit Creek.

The only remaining identified improvement is the duplication of the Melton Highway from Hillside to Melton.

Council has developed the Melton Integrated Transport Strategy 'Moving Melton,' this strategy lists the duplication of the Melton Highway as a priority project.

Given the positive outcomes achieved, the Committee has served a useful purpose. With the finalisation of the Integrated Transport Strategy and the last remaining improvement being the Duplication of the Melton Highway from Hillside to Melton, it is appropriate that the Committee be absorbed into the community reference group to be established as one of the actions in 'Moving Melton'. A further report will be provided to Council to enable the formal establishment of the group.

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
 - 1.5 *Support a transport system that connects and moves our community*

Financial Considerations

There are no financial considerations in terms of the functioning of the Committee.

Consultation/Public Submissions

The Committee previously provided an important conduit from the public, in terms of seeking feedback on the safety and function of the road.

Risk Analysis

Not Applicable

Options

Council has two options:

1. Continue the existing Committee in its current form
2. Absorb the Committee into a new community reference group which will be established to advocate and implement transport priorities identified in 'Moving Melton'.

LIST OF APPENDICES

1. Melton Highway Advisory Committee - Terms of Reference

11.10 DRAFT MELTON CITY COUNCIL AUDIT COMMITTEE TERMS OF REFERENCE**Author: Cheryl Santoro- Senior Administration Officer****Presenter: Kel Tori- Chief Executive Officer****PURPOSE OF REPORT**

To present the draft Audit Committee Terms of Reference.

RECOMMENDATION:

That Council endorse the draft Audit Committee Terms of Reference.

REPORT**1. Executive Summary**

The current Audit Committee Terms of Reference was last reviewed in September 2013 and in-line with the Audit Committee Annual Plan, a review of the Terms of Reference was tabled and discussed at the October 2015 Audit Committee meeting. The action emanating from that meeting was for the draft Terms of Reference (**Appendix 1**) to be tabled to Council for endorsement.

2. Background/Issues

Council's original Audit Committee Terms of Reference was endorsed in 1998 and has been reviewed every few years. Since 2003, it has been mandatory for councils to establish an audit committee as an advisory committee under section 139(2) of the Local Government Act 1989. Sections 139(5) and (6) provide that the Minister for Local Government may make guidelines for roles and responsibilities of an audit committee and the terms of reference must reflect this. The appended Terms of Reference have been amended to ensure the Audit Committee's duties and responsibilities are in-line with ethical and statutory compliance.

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

The cost for remuneration of the Audit Committee independent members has been provided in this year's budget.

5. Consultation/Public Submissions

The draft Audit Committee Terms of Reference was tabled and discussed at the October 2015 Audit Committee meeting.

6. Risk Analysis

N/A

7. Options

Council has the option to accept, reject or amend the draft Audit Committee Terms of Reference.

LIST OF APPENDICES

1. Audit Committee Terms of Reference

11.11 COUNCIL ANNUAL ACTION PLAN 2015/16 FIRST QUARTER PROGRESS REPORT

Author: Fiona MacPherson- Corporate Policy and Planning Coordinator
Presenter: Maurie Heaney- General Manager Community Services

PURPOSE OF REPORT

To provide Council with the first quarter update on the progressive achievement of the Council Annual Action Plan 2015/16.

RECOMMENDATION:

That Council receive and note the Annual Action Plan 2015/16 First Quarter Progress Report (1 July to 30 September 2015) as presented at **Appendix 1**.

REPORT

1. Executive Summary

The Council Plan 2013-2017 was prepared in accordance with the *Local Government Act 1989*. The Plan is reviewed on an annual basis to adapt to the evolving needs of our growing community.

Each year an Annual Action Plan is produced, identifying the activities and initiatives that Council will work towards achieving in response to the strategic outcomes and strategies identified in the Council Plan.

The progressive achievement of the Annual Action Plan is reported at the conclusion of each quarter of the financial year, with a final summary provided at the conclusion of each financial year. A summary of these outcomes is also provided in the Annual Report.

Appendix 1 to this report provides details on activities during the first quarter period, 1 July to 30 September 2015, in the progressive achievement of the Annual Action Plan 2015/16.

2. Background/Issues

The Council Plan 2013-2017 is Council's primary vision and strategic planning document. It establishes the direction Council has committed to for its term of office (four years). The Council Plan outlines the objectives, strategies and performance indicators to achieve this vision.

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

The Annual Action Plan 2015/16 contains 147 actions that Council has committed to deliver. Council provides the community with quarterly progress reports that support Council's commitment in providing transparency, through public access to relevant information, decision making and strategic documents.

Appendix 1 provides a detailed summary on the status of each action in the Annual Action Plan 2015/16, inclusive of the report period from 1 July to 30 September 2015.

The following table provides a status overview of the actions:

Status	Description	Number of Actions
Achieved	The Action is completed.	6
On Track	The Action is progressing on target to be achieved within the timeline.	139
Behind Schedule	The Action has been delayed impacting on the current timeline. An explanation and the remedial action where appropriate, is provided in the 'progress comments' column with a revised due date.	2
Postponed	The Action has been deferred for the financial year. An explanation is provided in the 'progress comments' column.	0
Total		147

Key achievements extending from the first quarter progress report include:

Finalisation of key documents:

- Traffic School Business Case
- Service Review Report for Parks, Trees, Road and Drainage Maintenance
- Annual Report 2014-2015

Implementation of programs and services:

- High Street and Resident Request Planting Program
- Uni-Link program
- Small Business Victoria Festival at Western BACE

Community consultation and advocacy:

- Significant Landscape Strategy
- Bridge Road playspace

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

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

Initiatives and activities delivered in the Annual Action Plan 2015/16 are contained within Council's existing budget.

5. Consultation/Public Submissions

The 2013-2017 Council Plan development involved extensive consultation of stakeholders including the community, Council staff, government agencies, community organisations and private industry. This process resulted in the development of the Council Plan 2013-2017 and informs the subsequent annual action plans.

6. Risk Analysis

Nil.

7. Options

Nil.

LIST OF APPENDICES

1. Annual Action Plan - First Quarter 2015-16

11.12 PREVENTING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN STRATEGY AND ACTION PLAN 2013-2016: PROGRESS UPDATE

Author: Kate Hills- Health Promotion Officer
Presenter: Maurie Heaney- General Manager Community Services

PURPOSE OF REPORT

To provide Council with a report on achievements of the Preventing Violence against Women and their Children Strategy and Action Plan 2013-2016.

RECOMMENDATION:

That Council note the report on the Preventing Violence against Women and their Children Strategy and Action Plan 2013-2016.

REPORT

1. Executive Summary

In November 2013, Council endorsed the *Preventing Violence against Women and their Children Strategy and Action Plan 2013-2016*. These strategic documents aim to progress work in the prevention of violence against women and their children by promoting gender equity, respectful and equal relationships, and non-violent norms between men and women.

Council has a long standing commitment to preventing violence against women which is included in the Council Plan 2013-2017 and the Municipal Public Health and Wellbeing Plan 2013-2017. In supporting this commitment, a number of significant actions within the *Preventing Violence against Women and their Children Action Plan 2013-2016* have been implemented over the past two (2) years.

2. Background/Issues

Adopted in November 2013, Council's *Preventing Violence against Women and their Children Strategy and Action Plan 2013-2016* aims to respond to the prevalence and impact of violence against women globally, nationally and locally.

Violence against women continues to be a key social and health problem that significantly impacts the health and wellbeing of people in our community, with women and their children mostly affected.

Reports of family violence to Victoria Police continue to increase in the western region of Melbourne. Council is well placed to be a leader in the prevention of violence against women and as such, a number of key actions have been implemented to support Council's vision of a community where women can live free from both violence and the fear of violence.

Preventing Violence against Women and their Children Strategy and Action Plan 2013-2016

The Strategy and Action Plan identify four (4) preventative strategies:

1. Strong Partnerships
2. Council Services Creating Supportive Environments
3. Council as a Violence Prevention Leader
4. An Informed and Vocal Community

Forty-five (45) actions are included in the three (3) year action plan, and the actions implemented in 2015 are outlined in the table below. It is noted that a number of actions are on-going and continue to be embedded in Council practice and service delivery in 2016.

Preventative Strategy	Actions Implemented to Date
Strong Partnerships	<ul style="list-style-type: none"> - Continuing to convene the Melton Family Violence Network and Community Safety Committee - Involvement in and support for follow-up to Regional Management Forum 'Gender Equity Western Leaders Unite' - Commitment to newly established Western Region Gender Equity in Sports Clubs Working Group - Active participation in regional projects, plans and networks: <ul style="list-style-type: none"> - Preventing Violence Together: Western Region Action Plan to Prevent Violence against Women - Action for Equity: A Sexual and Reproductive Health Plan for Melbourne's West - Western Region United Project to Prevent Violence against Women - Western Region Integrated Violence Network - Western Region Crime Prevention Network - Municipal Association of Victoria (MAV) Preventing Violence Against Women Network
Council Services Creating Supportive Environments	<ul style="list-style-type: none"> - Ongoing coordination of Council's inaugural White Ribbon Action Team, comprising of eleven (11) members - Preventing violence against women messaging included at Council and community events such as White Ribbon Day, Djerriwarrh Festival, and Safer City Day - Preventing Violence Together staff gender equity survey completed by more than 100 Council staff members
Council as a Violence Prevention Leader	<ul style="list-style-type: none"> - White Ribbon Day 2015 including a coffee cup campaign in partnership with City of Melton cafes and restaurants, community breakfast event, and internal forums led by the White Ribbon Action Team - Implemented Council Workplace Family Violence Policy and Procedures - Implemented Council Framework for Consulting with Children - Implemented Council Housing Service Family Violence Policy
An informed and Vocal Community	<ul style="list-style-type: none"> - Prepared a submission to the Victorian Royal Commission into Family Violence - Presentation to the Melton Family Violence Network to build member capacity on family violence in culturally and linguistically diverse communities - International Women's Day Poster series showcasing twelve (12) local women in the City of Melton making it happen - Support for Week Without Violence community projects and City of Melton Women Making It Happen community group

Ongoing Implementation

As the Strategy and Action Plan move into the third year of implementation, a strong focus will remain on developing a whole of Council approach to prevent violence against women. In further strengthening and building on the successes of the previous year, the following key actions will be delivered:

- Continuation of the White Ribbon Action Team and subsequent events, programs and activities
- Continuation of Executive and Senior Management participation in the Regional Crime Prevention Network (violence against women is a Network key priority)
- Development and maintenance of partnerships with local experts and agencies
- Support respectful relationships training and resources at local schools and colleges
- Support local agencies to raise awareness of cyber safety

The actions reported in the table above will be collated into a report targeted at communicating Council's achievements to the community and partner agencies, and distributed in early 2016.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

4. Community Health and Wellbeing: A City of people leading healthy and happy lives
4.2 Address health inequalities in our community

4. Financial Considerations

The *Preventing Violence against Women and their Children Strategy and Action Plan 2013-2016* outlines key resources required to support implementation of the actions. These resources are catered for in the existing Council budget.

5. Consultation/Public Submissions

The *Preventing Violence against Women and their Children Strategy and Action Plan 2013-2016* was informed by extensive community and stakeholder consultation including a stakeholder forum held in May 2013 with over sixty five (65) community partners including local community service organisations, other neighbouring Councils and Djerriwarrh Health Services.

6. Risk Analysis

Failure to address violence against women and their children through a strategic local level approach poses the risk of increased and ongoing impacts on the health and wellbeing of the community, and in particular women and children.

7. Options

Nil

LIST OF APPENDICES

Nil

11.13 VCAT DECISION ON APPLICATION FOR PLANNING PERMIT No. PA2014/4520 - 1/1-19 SHERWIN COURT, MELTON

Author: Bob Baggio- Manager Planning Services
Presenter: Kelly Archibald – Acting Manager City Design, Strategy & Environment

PURPOSE OF REPORT

To advise Council of a recent VCAT decision relating to a planning application to erect a major promotion sign on land at 1/1-19 Sherwin Court, Melton.

RECOMMENDATION:

That Council note the VCAT decision.

REPORT

1. Executive Summary

The subject site is located on the corner of Melton Highway and Federation Drive in Melton and contains the existing Caltex service station and associated development.

In November 2014, Council refused a planning application for a Major Promotion Sign on the Melton Highway frontage principally on the basis that it would have an adverse impact on the streetscape and would detrimentally affect the visual amenity of nearby properties.

The applicants subsequently sought a review of Council's refusal which was heard by VCAT on 7 July 2015. On 12 August, VCAT directed that the decision of Council is affirmed and no permit is to issue.

2. Background/Issues

The subject site has an area of 3 hectares and is triangular in shape with three road frontages: Sherwin Court, Melton Highway and Federation Drive. A Service Centre comprising of a Caltex Petrol Station, Convenience store, Car wash, and three food and drinks premises currently occupies the site.

*Refer to **Appendix 1** for a copy of the locality plan.*

In November 2014, Council refused a planning application to erect a 12.25m high double sided Major Promotion Sign with a combined advertisement area of 84.8m², on the following grounds:

- 1. The proposed sign is inconsistent with the purpose and decision guidelines for Advertising Signs under Clause 52.05 of the Melton Planning Scheme.*
- 2. The proposed sign is inconsistent with the purpose and decision guidelines for Major Promotion Signs under Clause 52.05-6 of the Melton Planning Scheme.*
- 3. The proposed sign will have an adverse impact on the amenity of adjacent and surrounding properties in terms of its location, height, scale and appearance and will have a detrimental impact on the streetscape.*
- 4. The proposed sign does not complement the existing character or theme and pattern of advertising signage on the subject land or the surrounding area.*

5. *The proposal is inconsistent with the objectives and performance standards outlined under Council's Outdoor Advertising Policy.*

The applicants subsequently sought a review of Council's refusal which was heard by VCAT on 7 July 2015. On 12 August, VCAT directed that the decision of Council is affirmed and no permit is to issue.

Refer to **Appendix 2** for a full copy of the VCAT decision.

In its decision, the tribunal considered that the key planning issues were:

- Is the proposed sign consistent with planning policy?
- Is the proposal consistent with the decision guidelines of Clause 52.05-6?

Following is a summary of the tribunal's decision.

Is the proposed sign consistent with planning policy?

The tribunal acknowledged two relevant planning policies which had been adopted by Council but had as yet not been incorporated into the Planning Scheme. These were the 'Outdoor Advertising Policy and Guidelines' (2010) and the 'Highway Advertising Signage Policy for Residential Subdivisions' (2014).

The tribunal indicated that it is clear that Council's adopted advertising signage policies generally discourage the display of large Major Promotion Signs such as the one proposed in the application.

Is the proposal consistent with the decision guidelines of Clause 52.05-6?

In this regard, the tribunal took the view:

The area has an open, generally rural character, where views are possible to Mount Kororoit. The applicant suggested that only glimpses of the sign would be possible for motorists as they travel along the main roads. I disagree. I find that the sign will be highly visible to motorists as they slow to use the roundabout at the intersection of the two highways.

I find that the proposed sign is inconsistent with the open character of the area, and for this reason I have refused this application.

This does not mean that a Major Promotion Sign could never be supported on the site. As the area develops, and particularly if it does develop as a commercial and industrial precinct, there may well be the capacity for the area to comfortably absorb a Major Promotion Sign.

However, at this stage, in the absence of any significant built form I cannot support the erection of such a sign at this location.

Comments

The decision supports Council's stance that this type of sign is only generally appropriate on roads like the Western Freeway, which carries significantly more traffic than the Melton Highway, and is sited adjacent to existing industrial premises where the impact of this type of sign can be minimised.

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

Nil.

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

Nil.

7. Options

VCAT's decision is final unless Council considers that there has been an error in law, in which case an application for review can be made to the Supreme Court. This however is not considered to be the case here.

LIST OF APPENDICES

1. Locality Plans
2. VCAT Decision

11.14 VCAT DECISION ON APPLICATION FOR PLANNING PERMIT NO. PA2014/4545 - 13 JARDINE DRIVE, PLUMPTON

Author: Bob Baggio- Manager Planning Services

Presenter: Kelly Archibald – Acting Manager City Design, Strategy & Environment

PURPOSE OF REPORT

To advise Council of a recent VCAT decision relating to a planning application to construct three dwellings on land at 13 Jardine Drive, Plumpton.

RECOMMENDATION:

That Council note the VCAT decision.

REPORT

1. Executive Summary

The subject site is located on the corner of Jardine Drive and Portofino Crescent within the Taylors Hill West Precinct Structure Plan area, and has an area of 586m².

In March 2015, Council refused a planning application to construct three attached dwellings on the lot essentially on the basis of neighbourhood character, non-compliance with ResCode, and that it fails to comply with the approved Housing and Design Guidelines.

The applicants subsequently sought a review of Council's refusal which was heard by VCAT on 4 September 2015. On 13 October, VCAT directed that the decision of Council is affirmed and no permit is to issue.

2. Background/Issues

The subject site is located on the corner of Jardine Drive and Portofino Crescent within the Taylors Hill West Precinct Structure Plan area, and has an area of 586m². More particularly, the lot is located in a new subdivision known as the Springlands Estate.

*Refer to **Appendix 1** for a copy of the locality plan.*

In March 2015, Council refused a planning application to construct three attached dwellings on the lot, on the following grounds:

- 1. The proposal fails to respect or make a positive contribution to the preferred and emerging neighbourhood character of the area.*
- 2. The proposal is inconsistent with the State Planning Policies in particular, Clause 16.01-4 (Housing Diversity).*
- 3. The proposal fails to comply with some of the objectives and standards of ResCode pursuant to Clause 55 of the Melton Planning Scheme in relation to neighbourhood character, energy efficiency, solar access to open space, and design detail.*
- 4. The proposal fails to comply with some of the requirements of the Housing and Design Guidelines that apply to the land.*

The applicants subsequently sought a review of Council's refusal which was heard by VCAT on 4 September 2015. On 13 October, VCAT directed that the decision of Council is affirmed and no permit is to issue.

Refer to **Appendix 2** for a full copy of the VCAT decision.

The tribunal noted that the site is within the Taylors Hill West Precinct Structure Plan which inherently has sought to address a range of housing policy issues through the master planning and subsequent approval of the subdivision. *Unlike the context more typically encountered in applications for medium density development, where infill of existing urban areas is being pursued to utilise often more generous lots more efficiently, this proposal is pursued in the context of planned housing development that seeks to address the various policy outcomes for more efficient use of infrastructure and land through well controlled subdivision and design requirements.*

Further the tribunal noted that Housing Design Guidelines have been prepared for the subdivision in which the subject land lies. These guidelines have been endorsed by the Council. While the PSP does not explicitly apply the guidelines to residential development, the effect of schedule 1 of the Urban Growth Zone to require compliance with the PSP and the fact that housing design guidelines have been endorsed gives them sufficient statutory weight to make them a relevant consideration where permission is being sought for development under the UGZ.

The tribunal indicated that:

The purpose of the Housing Design Guidelines is stated to be 'to create a consistent standard of built form throughout the estate'. Thus while it is said by Develco that there is no neighbourhood character established in this area, I agree with the Council that given the weight of the guidelines under the scheme, it is indicative of character elements such as setbacks, materials and finishes and roofing that can be expected to emerge from future development in this area.

As I have also set out earlier, to achieve compliance with the UGZ requirements, the proposed development needs to be consistent with the Taylors Hill West PSP and the Housing Design Guidelines that apply under this PSP.

In summary, the tribunal found that the proposal:

- Did not comply with certain aspects of the Housing Design Guidelines, particularly in relation to building bulk, repetitive attached nature, and presentation to the street.
- Did not comply with ResCode in terms of open space, energy efficiency and neighbourhood character outcomes for side setbacks.
- Was effectively an overdevelopment of the site.

Comments

This is considered to be an important decision as it is one of the first times that a medium density housing development affected by a PSP and associated Housing Design Guidelines have been tested at VCAT. The decision clarifies the importance to be afforded approved Guidelines and their significance in establishing the residential character of different housing areas.

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

Nil.

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

Nil.

7. Options

VCAT's decision is final unless Council considers that there has been an error in law, in which case an application for review can be made to the Supreme Court. This however is not considered to be the case here.

LIST OF APPENDICES

1. Locality Plan
2. VCAT Decision

11.15 PLANNING APPLICATION PA 2015/4929 - 2 LOT RURAL SUBDIVISION AT 402-434 LEAKES ROAD, PLUMPTON

Author: Cam Luong- Development Planner
Presenter: Kelly Archibald – Acting Manager City Design, Strategy & Environment

PURPOSE OF REPORT

To consider a planning application for a 2 lot rural subdivision at 402-434 Leakes Road, Plumpton.

RECOMMENDATION:

That Council issue a Notice of Refusal to Grant a Permit subject to the grounds outlined in **Appendix 3**.

REPORT

1. Background

Executive Summary

Application No.:	PA2015/4929
Applicant:	Charlie Caruana C/O- JR Edwards

- The proposal is to subdivide the land into two allotments.
- The site is within the Green Wedge Zone.
- No objections were received.
- The proposal does not meet the relevant requirements of the Council's Planning Scheme.
- Refusal is recommended.

The Land and Surrounding Area

The subject site has an area of 46.97ha and is located on the western side of Leakes Road, Plumpton. Other features of the site are as follows:

- The land is generally rectangular in shape and contains an existing dwelling and several outbuildings.
- The rear portion of the land is used for cropping purposes.
- The land is located approximately 600m north of the Melton Highway.
- An existing quarry is located on the opposite side of Leakes Road.
- A Drystone wall is located along the northern property boundary.
- There is a windrow along the Leakes Road frontage and along the northern property generally north of the existing dwelling and outbuildings.

The surrounding area can be characterised by a mix of rural, rural living and commercial pursuits, such as the quarry, Christmas tree farm, Trethowan Nursery, and the Warrensbrook Faire Tourist Precinct.

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

The Application

The proposal seeks to subdivide the subject land into two lots.

The proposed subdivision is summarised as follows:

- Proposed Lot 1 will be a vacant allotment of approximately 1.375ha in area. The vacant allotment will be served by an existing driveway and crossover to Leakes Road.
- Proposed Lot 2 will contain the existing dwelling and the outbuildings, will be approximately 45.6ha in area, and will incorporate the existing driveway and crossover to Leakes Road. The lot will continue to be used for cropping purposes.
- The applicant has outlined that the purpose of the subdivision is 'to create a lot suitable for a detached dwelling suitable for occupation of his daughter and grandchild that needs constant care which will be close to family'.
- The dry stone wall and windrow plantings are not impacted upon by the proposal.

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

Planning Controls

The subject land is located in the Green Wedge Zone (GWZ) under the provisions of the Melton Planning Scheme. Pursuant to Clause 35.04-3 of the Scheme, a permit is required to subdivide the land. A proposal to subdivide land within the Green Wedge Zone must meet the conditions specified in the Schedule to the Green Wedge Zone.

The Schedule breaks down the rural land of Melton into three different groupings (this being Areas A, B and C). The subject land is located in Area A. The Schedule outlines the following requirements for subdivision within Area A:

- *'The number of lots into which the land may be subdivided is to be calculated using the following formula: $N=A/20$.*
- *Where N (rounded down) is the number of lots that can be created and A is the area of the land in hectares.*
- *The subdivision must comprise one large primary lot. The secondary lots must be at least 1.0 hectares and must be no larger than 5.0 hectares.*
- *An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided under this provision.'*

The proposed subdivision will meet the requirements outlined in the Schedule.

Background regarding the rural subdivision provisions in the Green Wedge Zone

Amendment L56 to the Melton Planning Scheme (1996) involved the deletion of the General Farming A and B Zones and replaced them with the Rural (Agricultural) Zone. The zone was subsequently replaced with the Green Wedge Zone, but the subdivision provisions remain.

It is important for Council to note that in supporting Amendment L56, Council identified that 'the amendment is first and foremost a rural based amendment intended to protect and enhance the declining rural and agricultural areas of Melton by producing a greater degree of flexibility in development controls (particularly in relation to subdivision) than would ordinarily be the case in rural zones and to use the economic gains to landowners from these concessions to consolidate and enhance the remaining rural landholdings into viable units.

Such a strategy involves a careful balance of the competing views of those public authorities who wish to avoid further fragmentation of rural areas and private land owners who want greater development options'. The aim is to respond in part to the pressures for further land fragmentation on the urban fringe, but to manage the fragmentation in a sustainable manner to encourage corresponding aggregation where possible (Panel Report, Page13).

The amendment was also designed to introduce a more flexible approach to rural land use and management by 'fostering developments that are sustainable and feature a high standard of environmental management by rural land owners'.

The proposed subdivision is not consistent with the purpose and intent of Amendment L56. The application provides no justification of how the economic gains to the owner of the subject land will protect or enhance the existing rural land holdings into viable units.

Green Wedge Management Plan

Section 60(1A)(g) of the *Planning and Environment Act* outlines that Council may consider any adopted strategic plan, policy document, code or guideline, when assessing an application.

At the Ordinary Meeting of Council on 23 September 2014, Council adopted the Western Plains North Green Wedge Management Plan (the WPNGWMP) in line with State Government requirements. The Management Plan recognises that the subject site is located within Precinct 3 titled 'Leakes Road and Holden Road'. This precinct is one of two recognised for agriculture within this green wedge. Whilst it is recognised that farming is difficult in this area due to low rainfall, urban pressures and land mismanagement occurring, both this Precinct, and Precinct 2 have been recognised as two key agricultural corridors due to the presence of large allotments with minimal fragmentation and both are supported by the Sunbury Wastewater Treatment Facility and associated recycled water pipeline.

The Management Plan describes Precinct 3 as '*broad expansive rural landscapes and vistas [which] exist across this area...the openness of this landscape is emphasised by the relative flatness and by the current large lots sizes (generally over 40ha) and lack of development. This openness should be taken into consideration when considering future planning permit applications in this area.*'

A key action for the protection of the landscape is removing the above mentioned subdivision control which results in the creation of small rural lots within this open landscape. A process to change the planning scheme by removing the current subdivision formula and introducing an interim control of 30 hectare lots is to be considered by Council in future. 30 hectares was recognised as an appropriate lot size to support the agricultural role this precinct has.

The WPNGWMP has also proposed the preparation of a Recycled Water Business Plan - to be prepared by Western Water with assistance from Council. This body of work may recognise the ability to have smaller lots within the area, with the use of the recycled water pipeline which extends down Leakes Road.

The Management Plan also recognises the significance of Mt Kororoit and surrounding environmental elements, indicating this area could form an 'Environmental Destination'. The importance of Mt Kororoit has been strengthened further as part of the draft Significant Landscape Strategy (SLS) - a key action from the WPNGWMP which Council is currently preparing. This draft document seeks to strengthen the importance of Mt Kororoit by updating the Significant Landscape Overlay (SLO) – an existing planning control. The updates include the need for development setbacks and additional design and siting guidelines for development surrounding the mount.

The proposed two lot subdivision is considered to be inconsistent with the strategic direction of Precinct 3 and the actions (recommendations) identified as part of the Green Wedge Management Plan. In particular, the subdivision will result in the fragmentation of land which is designated for agricultural purposes without adequate justification, absence of a Recycled

Water Business Plan to justify smaller allotments, and the potential impact on views and environmental qualities of Mount Kororoit.

Planning Policy Framework

The following State Planning Policies are relevant in the assessment of this application:

- Clause 11.04-7 – Green Wedges
- Clause 11.05-3 – Rural Productivity.

The purpose of the Green Wedge Policy at Clause 11.04-7 is to protect the green wedges of Metropolitan Melbourne from inappropriate development. One of the strategies of the policy is to *‘Consolidate new residential development within existing settlements and in locations where planned services are available and green wedge area values can be protected’*.

The purpose of the Rural Productivity Policy at Clause 11.05-3 is to manage land use change and development in rural areas to promote agricultural and rural production. The following strategies are contained in the policy:

- *Prevent inappropriately dispersed urban activities in rural areas.*
- *Limit new housing development in rural areas, including:*
 - *Directing housing growth into existing settlements.*
 - *Discouraging development of isolated small lots in rural zones from use for dwellings, rural living or other incompatible uses.*
 - *Encouraging consolidation of existing isolated small lots in rural zones.*

It is considered that the proposal is inconsistent with the State Planning Policy Framework of the Melton Planning Scheme.

Local Planning Policy Framework (LPPF)

The following Local Planning Policy is relevant in the assessment of this application:

- Clause 22.08 – Rural Land Use Policy

The overarching objective of the Rural Land Use Policy at Clause 22.08 is to *“Preserve the integrity of the Shire’s rural land for sustainable and efficient rural land uses...”* The relevant strategies and principles in the Policy are outlined as follows:

- *To maintain the rural areas predominantly in sustainable, agricultural use and to provide opportunities for alternative, more intensive rural uses.*
- *To encourage the consolidation of lots to ensure more effective land management practices and infrastructure provision.*
- *To provide opportunities for rural living in controlled, well planned, economically sustainable developments which minimise environmental impact in locations accessible to infrastructure and services.*
- *Ensure that the location of future rural living uses does not prejudice the operation and expansion of efficient agricultural pursuits.*
- *Discourage rural living development and small lot excisions from occurring in areas of productive agricultural land or adjacent to areas identified for future stone extraction (as shown on the Physical Framework Plan).*
- *Ensure that all secondary lots created in the rural areas be connected to a reticulated water supply and the municipal sealed road network.*

Despite the subdivision having access to a sealed road and being able to be connected to reticulated water provided along the Leakes Road frontage, it is considered that the proposal

is generally inconsistent with the Local Planning Policy Framework of the Melton Planning Scheme.

2. 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 sustainable City.*

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 no objections were received.

Referral of the application

The application was referred to a number of Council Departments and State Government agencies for comment. Of particular note are the comments from Council's Strategic Planning Unit which objects to the application based on inconsistency with the Western Plains North Green Wedge Management Plan (the WPNGWMP).

Refer to **Appendix 4** for a complete list of referrals

5. Issues

Planning Assessment

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

Council (at its Meeting on the 22 June 2009) refused a similar planning permit application for a two lot subdivision proposal at 544-618 Diggers Rest-Coimadai Road, Diggers Rest (PA2008/1903). The proposal was to create a primary lot (approximately 61.69 hectares); and a secondary lot (approximately 4.77 hectares). It should be noted that this property is located (geographically) approximately 5.5km from the subject land. The application was refused on the following grounds:

1. The proposal is inconsistent with the State Planning Policy Framework, in particular, Clause 12 of the Melton Planning Scheme relating to the Green Wedge Areas and Rural Residential Development, which discourages development of isolated small lots in rural areas for rural living or other incompatible uses and seeks to minimise property infrastructure servicing costs by local and state governments in rural areas.
2. The proposal is contrary to the purpose of the Green Wedge Zone pursuant to Clause 35.04 of the Melton Planning Scheme. The proposal fails to recognise, protect and conserve green wedge land for agricultural purposes and does not encourage sustainable land management practices, sustainable farming activities or provide opportunity for the retention of productive agricultural uses.
3. The proposal is inconsistent with the objectives and requirements of Council's Rural Land Use Policy which discourages rural living developments and small lot excisions

from occurring in areas of productive agricultural land and requires all secondary lots created in rural areas to be connected to a reticulated water supply. The proposed subdivision will result in the fragmentation of the existing rural areas, does not respect the rural character of the area and will reduce the amount of rural land available for productive and sustainable agricultural uses.

4. The proposal is inconsistent with the principles of the State Government's Melbourne 2030 policy in relation to Green Wedge Areas by failing to maintain the long-term sustainable use and management of existing natural resource attributes, in activities such as agricultural production.

The applicant subsequently lodged a review against Council's decision at VCAT (Tsourounakis v Melton SC [2009] VCAT 2602). Council's decision was affirmed by VCAT; and no planning permit was granted for the proposal. In his determination, the member made the following comments in relation to the proposal:

*'The state planning policy framework generally provides that land in the green wedge area that is presently used for rural purposes should continue to be used for that purpose. **Clause 12.02 seeks to discourage rural living development and directs new residential development to existing settlements where urban services are available.** Clause 12.03-2 provides that opportunities for rural living should be provided in a manner that reduces the likelihood of adverse economic, social or environmental outcomes. **This is to be generally achieved by the orderly development of land for rural living precincts or settlements. This is usually undertaken by identifying the overall demand for rural living development through a municipal housing strategy.** Within such a strategy, suitable areas can be identified for rural living development, the appropriate zone can be applied to the area to facilitate its orderly development. Land can be subdivided and developed with the appropriate services and infrastructure. **A key part of this approach is to discourage ad hoc, isolated small lots in rural areas.** This approach is supported in clause 21.04-3 that directs development to be located within existing settlement boundaries so as to preserve broadacre rural landholdings.'* **(Emphasis added)**

The guidance provided by these Clauses (12.02 and 12.03-2) are now contained in the Settlement Policy under Clause 11.04-7 and Clause 11.05-3.

In *Parkworth Pty Ltd & Anor v Casey CC* [2002] VCAT 1594 (18 December 2002), the tribunal made the following comments in relation the rural/residential property values:

Rural planning policy recognises that farming land is a very important economic asset of the state, quite apart from its value to the individual owners. However, its value for farming purposes can be compromised or lost if it is fragmented into small pieces that are not useful for farming purposes. The demand for rural houses and rural subdivisions comes from people wanting to exploit the residential value, as opposed to the farming value, of such land. There is a demand from people who like to live in the country on rural residential lots or hobby farms. Such use is essentially residential, rather than farming, in nature. Fragmentation into small holdings makes the land un-useful for genuine farming. It also inflates the per hectare value by endowing it with a residential rather than a farming value. The land value so inflated often means that farming activities cannot justify farming investment in it.

In *Blackwood v Casey CC* [2003] VCAT 769 (27 June 2003), the tribunal made the following comments in relation to difference in amenity expectations between rural and residential landowners:

It seems to me that allowing subdivision which adds to the number of rural residential lots in an area designated for farming and other compatible activities does not work towards achieving the outcomes that are called for by the relevant planning policies and strategies. This is the very problem which has been identified by the 'Rural Zones Review' Reference Group when it said that 'the subdivision of rural land, on its own, is

not the problem....Subdivision only becomes a 'problem' when a residential use of the land is proposed and the nature of the land use changes from agriculture to residential. Landowners expectations change accordingly.' This difference in expectations, particularly with respect to amenity and the provision of urban services, results in the fundamental difficulty associated with the provision of rural residential opportunities in areas designated for rural [as opposed to 'rural living'] purposes.

...

The amenity conflict is not the only matter which can threaten the continued viability of existing farming enterprises. The prospect of being able to subdivide land into rural residential type lots may also heighten expectations and pressure for this to occur on other land.

...

This proposal would bring about an outcome whereby an additional rural residential lot is created. This is not appropriate in an area which is clearly designated for rural purposes and currently accommodates farming uses which are not compatible with the type of residential amenity that is anticipated and expected by rural residential 'lifestylers'.

...

It would be easy to examine the merits of this proposal as simply being the creation of 'just one more lot'. However, all applications for excisions involve 'just one more lot'. The excision of any lot must produce an outcome which is consistent with furthering the purpose of the zone and not one which adds to existing pressures which work toward undermining the continued viability of rural land use.

Based on the above, the proposal is considered to be inconsistent with the relevant State and Local Planning Policies, Zoning Provisions, and the direction as set out in previous VCAT hearings.

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 does not comply with the relevant requirements of the Planning Scheme.

Therefore, it is recommended that the application be refused.

LIST OF APPENDICES

1. Appendix 1 - Locality Plan
2. Appendix 2 - Plans of Proposal
3. Appendix 3 - Grounds of Refusal
4. Appendix 4 - Complete List of Referrals

11.16 MOVING MELTON - CITY OF MELTON INTEGRATED TRANSPORT STRATEGY

Author: Matthew Milbourne- Senior Strategic Planner

Presenter: Kelly Archibald- Acting Manager City Design, Strategy & Environment

PURPOSE OF REPORT

To consider the City of Melton Integrated Transport Strategy and associated background technical reports.

RECOMMENDATION:

That Council:

1. adopt *Moving Melton* - The City of Melton Integrated Transport Strategy, November 2015, and the associated Action Plans within **(Appendix 1)**
2. note the Stage One Background Report, November 2014 **(Appendix 2)**
3. note the Stage Two Directions Report – Setting Directions for Melton’s Transport System, April 2015 **(Appendix 3)**

REPORT

1. Executive Summary

This report outlines the purpose of ‘*Moving Melton*’ the City of Melton Integrated Transport Strategy and the process undertaken to prepare the Strategy.

The preparation of an Integrated Transport Strategy was identified as critical to address the transport problems facing the City of Melton, and to inform the update of the City of Melton’s Municipal Strategic Statement and relevant local policies in the 2012 Planning Scheme Review which was adopted by Council at the Ordinary Meeting 26 July 2012.

Moving Melton recognises that an integrated transport network is a driver for improved liveability and economic opportunity within the City of Melton, and provides strategic direction for Council in the form of key implementation and advocacy actions required to achieve an integrated, functional and sustainable transport network.

2. Background/Issues

The City of Melton is currently experiencing rapid growth, with this trend expected to continue for at least the next 20 years. The current population of 133,752 (.id, September 2015) is expected to reach 240,000 by 2031, and an eventual population of over 400,000.

This rapid and sustained growth has significant implications for the City of Melton’s transport network. Currently 85% of our working residents travel outside of the municipality to work, and many of our resident’s have high levels of car dependence owing to infrequent public transport services.

Melton City Council engaged a consultant, AECOM in March 2014, to undertake the Integrated Transport Strategy. Council also appointed consultant, Harvest Digital Planning, to create a website (movingmelton.com.au) to engage with community and stakeholders throughout the duration of the project.

The preparation of Moving Melton was identified as critical to address the transport problems facing the City of Melton, and to inform the update of the City of Melton's Municipal Strategic Statement and relevant local policies in the 2012 Planning Scheme Review which was adopted by Council at the Ordinary Meeting 26 July 2012.

Moving Melton was undertaken in four stages and included engagement with the community, and stakeholders (including state agencies and adjoining Councils) at key stages:

- Stage One: Preparation of the Background Report, November 2014
- Stage Two: Preparation of the Directions Report – Setting Directions for Melton's Transport System, April 2015
- Stage Three: Preparation of the Draft Strategy, August 2015
- Stage Four: Finalisation of the Strategy - *Moving Melton* (current Stage)

The project team provided a briefing to Council at key stages throughout the project including presenting the Draft Strategy prior to releasing the document for public comment.

The project team has worked with relevant stakeholders and state government agencies through the process to ensure that the Strategy is deliverable.

Moving Melton recognises that an integrated transport network is a driver for improved liveability and economic opportunity within the City of Melton, and provides strategic direction for Council in the form of key implementation and advocacy actions required to achieve an integrated, functional and sustainable transport network.

Moving Melton is underpinned by a vision and four key principles which set out the direction for an integrated transport system for the City of Melton. The policy direction and actions required to create an integrated transport network which delivers the vision and principles are outlined in the five themes of active transport, public transport, roads, land use and development, and education and partnership. Each theme contains policy statement, outlines what the strategy seeks to achieve in the context of this theme and an implementation plan that outlined the actions required to achieve the key outcomes and outputs for each theme.

Moving Melton provides the implementation plan for Council to undertake improvements to the parts of the transport system that it manages (footpaths, local bicycle infrastructure and local roads), and will form the basis of an advocacy platform to the State Government for the parts of the transport network that it manages (main roads, highways, freeways, bus routes and services, and rail services).

Moving Melton has 56 actions to be implemented in the short, medium and longer term across the five themes which seek to create an integrated transport system that provides transport choice and improves access to employment, education and other key services for our residents. While all the actions are important, there are two critical state transport projects which are required as a matter of urgency to improve the transport network so it can cope with the population growth that will continue to occur within the City of Melton:

1. improvements to the rail corridor to support a metro rail service from Melton; and
2. the upgrade of the Western Highway (Christies Road to Ferris Road) to freeway standard.

Council has a critical role in advocating to state government for the planning and delivery of these projects. These projects benefit the residents and businesses within the City of Melton and would create rail and road capacity for businesses and residents to the west of the City of Melton who rely on these transport corridors (including the Shire of Moorabool and the City of Ballarat).

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
 - 1.5 Support a transport system that connects and moves our community

4. Financial Considerations

Moving Melton outlines a number of actions that Council are required to undertake to implement the Strategy. These include actions to create Pedestrian and Bicycle Network Plans, invest in improvements to these active transport networks, investment in the improvement of road intersections, and the construction of missing sections of roads.

A number of these actions can be addressed within the recurrent budget such as footpath and road renewal, whereas some actions will be put forward as new initiatives as part of the budget process in due course for consideration by Council.

Many of the actions in *Moving Melton* are advocacy based, and therefore it is not envisaged that the implementation of the strategy will require any additional staff resource as the projects will be integrated into the work programmes of the Economic Development & Advocacy, Engineering Services and City Design, Strategy & Environment units.

5. Consultation/Public Submissions

An extensive consultation process was undertaken as part of the development of Moving Melton.

A project website was set up as part of the project which was updated at key milestones to allow the community and stakeholders to provide input to the development of Moving Melton and to view, download and provide feedback at each of the key stages.

During stage one extensive community and stakeholder engagement was undertaken to inform the development of the Background Report. A stall was set up at the five Community Expo events in August – September 2014, as well engagement with special interest groups. In addition to this two dedicated drop-in sessions in Melton Township and the Eastern Corridor. People were also encouraged to fill in the online survey. Council received responses from over 900 people who told us what challenges they faced with the current transport system, and what improvements they would like to see made to it.

During stage two, Council released a Directions Paper, which outlined what improvements could be made to the current transport system. This was informed by the Background Report and community responses. We asked the community and stakeholders what their thoughts were on the identified improvements to the active transport, public transport, and road networks. Two dedicated drop-in sessions were held, as well as meetings with special interest groups and stakeholders, and an online survey. 185 comments were received during this stage.

During stage two the community told us their top three transport projects were:

1. the duplication of the Melton Railway Line
2. the improvement to the City Loop to allow additional trains into the Melbourne CBD; and
3. the upgrade of the Western Highway.

As part of stage three, Council released the Draft Strategy – *Moving Melton*, for community and stakeholder comment. This was informed by the Stage One and Two reports, and the comments received to these. The community and stakeholders were invited to attend a dedicated community drop-in session on 14 September 2015 in Melton Township, or provide

comments online. Comments were received from 30 people/organisations during this stage, with most comments supporting the direction of the Strategy.

6. Risk Analysis

If Council choose to not adopt the Strategy there are a number of associated risks:

- It would prevent or delay the necessary updates required to the Melton Planning Scheme, particularly the Municipal Strategic Statement.
- The absence of the strategy will result in lack of clear direction for Council and Council officers to deliver or advocate for key improvements to the transport network.

7. Options

Council has the option to:

1. Adopt *Moving Melton* – the City of Melton Integrated Transport Strategy including the Action Plans and note the Stage One and Two reports
2. Not adopt *Moving Melton* – the City of Melton Integrated Transport Strategy or note the Stage One and Two reports.

LIST OF APPENDICES

1. Moving Melton - City of Melton Integrated Transport Strategy, November 2015
2. Moving Melton - Background Report, November 2014
3. Moving Melton - Directions Paper, April 2015

11.17 AMENDMENT C172 TO THE MELTON PLANNING SCHEME - AMENDMENT TO THE TOOLERN PRECINCT STRUCTURE PLAN

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

PURPOSE OF REPORT

To consider the preparation and exhibition of Amendment C172 to the Melton Planning Scheme to amend the approved Toolern Precinct Structure Plan and associated documentation.

RECOMMENDATION:

That Council:

1. Seek authorisation to prepare a Planning Scheme Amendment from the Minister for Planning.
2. Upon receiving authorisation, exhibit the Amendment in accordance with the Planning and Environment Act 1987.

REPORT

1. Executive Summary

At the Ordinary Council meeting of 13 October 2015 Council resolved to write to the MPA providing conditional support for 'C162 Paynes Road Precinct Structure Plan (PSP)' to be undertaken as 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.

Council officers have been working with the MPA to resolve all outstanding submissions including those of other state agencies. As part of the submission process Public Transport Victoria (PTV) advised MPA that they seek to establish the future Paynes Road station as a 'park and ride' destination within the rail network that will necessitate a minimum of 1,000 car spaces. PTV has requested that sufficient land area be secured within the precinct to accommodate these facilities.

Part of the proposed station is within the approved Toolern PSP area. The Toolern PSP was approved in 2010 and at this time a train station at Paynes Road was not anticipated and as a result is not identified in the Toolern PSP. As a result, an amendment to the Melton Planning Scheme is required to facilitate the development of the future Paynes Road Station.

2. Background/Issues

The Metropolitan Planning Authority (MPA) 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. At the Ordinary Council meeting of 13 October 2015 Council response to write to the 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.

Council officers have been working with the MPA to resolve all outstanding submissions including those of other state agencies. As part of the submission process Public Transport Victoria (PTV) advised MPA that they seek to establish the future Paynes Road station as a 'park and ride' destination within the rail network that will necessitate a minimum of 1,000 car spaces. PTV has requested that sufficient land area be secured within the precinct to accommodate these facilities.

Council have been supportive of the identification of land for a future station as part of the Paynes Road PSP and in meetings held between the MPA, PTV and Council officers it is generally agreed that the future station should be located midway between Mt Cottrell Road and Paynes Road, as described in the West Growth Corridor Plan.

In subsequent discussions held between the MPA, PTV and Council officers to consider the impacts of the station being identified as a 'park and ride' destination, it was generally agreed that provision of car parking facilities to provide 500 spaces should be split north and south of the rail corridor. It is considered that this minimise traffic impacts on the local road network and maximise station access to future residents (**Appendix 1**).

The northern component of the proposed train station has been identified through the Paynes Road PSP and is being dealt with through Amendment C162 as part of the PSP process and would not form part of Amendment C172.

However, the southern component of the future station is within the approved Toolern Precinct Structure Plan area. The Toolern PSP was approved in 2010 and at this time a train station at Paynes Road was not anticipated and as a result is not identified or discussed in the Toolern PSP or associated documentation, including the Future Urban Structure (**Appendix 2**). As a result, an amendment to the Melton Planning Scheme is required to facilitate the development of the future Paynes Road Station as outlined above.

The proposed amendment C172 would:

- Update the Toolern Precinct Structure Plan to identify the land for the future train station and include changes to all relevant plans and any Requirements and Guidelines which are required to facilitate the future development of the train station.
- Update the Toolern Precinct Structure Plan to provide clearer guidance on noise attenuation requirements along the rail corridor.
- Update the Toolern PSP and associated documents to facilitate the development of the grade separation at Mount Cottrell Road.
- Update the Toolern Development Contributions Plan to reflect the inclusion of land for Paynes Road Station if required.
- Update UGZ Schedule 3 to reflect the changes to the Toolern PSP and DCP.

Further consultation with MPA will occur prior to Council formally seeking authorisation from the Minister for Planning for Amendment C172 to discuss the format of the proposed amendment documentation.

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 and adoption of the amendment and statutory fees are required to be paid by Council as the Responsible Authority which are within Council's recurrent budget.

5. Consultation/Public Submissions

The Exhibition of Amendment C172 will provide an opportunity for those affected or who have an interest in the proposed amendment to put in a formal submission to the process. Amendment C172 would be on public exhibition for a period of four weeks and notice would be given:

- To land owners and Government bodies, who may be directly affected by the amendment.
- In a local newspaper circulating in the area, on Council's website, and in the Victorian Government Gazette.

Following the Exhibition period, Council officers would review all submissions received and seek to work with submitters to resolve the issues raised. If the submissions cannot be resolved, Council officers would prepare a report to Council recommending that a request be made for an independent Planning Panel to be convened to hear the submissions.

6. Risk Analysis

Should Council choose to not initiate this Amendment the Toolern Precinct Structure Plan and associated documents would not allocate land to facilitate the future development of Paynes Road Station which may have an impact on the delivery of the station.

7. Options

Council can resolve to either:

1. seek authorisation to prepare and exhibit Amendment C172 for the prescribed period
2. not proceed with the amendment.

LIST OF APPENDICES

1. Future Paynes Road Station Concept Plan
2. Approved Toolern Future Urban Structure Plan

11.18 COUNCIL SUBMISSION TO PLAN MELBOURNE REFRESH

Author: Laura-Jo Mellan- Manager City Design, Strategy & Environment
Presenter: Kelly Archibald – Acting Manager City Design, Strategy & Environment

PURPOSE OF REPORT

To consider the key issues of the draft Metropolitan Planning Strategy – ‘Plan Melbourne Refresh’ that are of relevance to the City of Melton and should form the basis of Council’s submission to the Minister for Planning.

RECOMMENDATION:

That Council endorses the preparation of City of Melton’s detailed submission based on the key issues discussed in this report and delegate authority to prepare and approve the submission to a committee comprising the Chief Executive Officer, General Manager Planning & Development and Manager City Design, Strategy & Environment.

REPORT

1. Executive Summary

In 2012, the Minister for Planning under the Liberal Government announced that a new strategic plan, Plan Melbourne would be developed to manage Melbourne’s growth and change, and contribute to the overall vision for the State including links with regional Victoria. Following the release of a Discussion Paper and draft Plan Melbourne in 2012 and 2013, Plan Melbourne was approved and released in 2014.

Following the change in government to Labour in late 2014, the current Minister for Planning has released ‘Plan Melbourne refresh: Discussion Paper’ for comment.

The Plan Melbourne refresh retains many of the priorities included in Plan Melbourne 2014 but seeks to revisit some key issues such as housing supply, diversity and affordability and climate change in addition to reflecting the current transport network priorities.

Plan Melbourne Refresh Discussion Paper was released for comment on the 22 October 2015. This Paper set out the key themes and principles proposed to form the basis of a revised Plan Melbourne. The Discussion Paper is open for comment until the 18 December 2015.

It is recommended that Council endorse the key issues contained in this report as the basis of a more detailed submission that will be forwarded to the Minister for Planning for consideration in the finalisation of the ‘Plan Melbourne’.

2. Background/Issues

In 2012, the Minister for Planning under the Liberal Government announced that a new strategic plan, Plan Melbourne would be developed to manage Melbourne’s growth and change, and contribute to the overall vision for the State including links with regional Victoria.

On 26 October 2012, the discussion paper “Melbourne, let’s talk about the future”, designed to generate discussion about the content of the new Metropolitan Strategy. The discussion paper was focussed around what strategies may be required to achieve the long-term vision for the Metropolitan and discussed ideas on what implementation mechanisms would be required to support the delivery of these strategies. Melton City Council made a submission

to the Discussion Paper which was endorsed at the Ordinary Council meeting of 5 March 2013.

On 9 October 2013, the Minister for Planning released the draft strategy 'Plan Melbourne' for public comment with submissions required to be made to the Minister for Planning by 6 December 2013. Melton City Council made a submission to the draft 'Plan Melbourne' the preparation of which was endorsed at the Ordinary Council meeting of 12 November 2013.

Following the change in government to Labour in 2014, the current Minister for Planning has released 'Plan Melbourne refresh: Discussion Paper' for comment.

The Plan Melbourne refresh retains many of the priorities included in Plan Melbourne 2014 but seeks to revisit some key issues such as housing supply, diversity and affordability and climate change in addition to reflecting the current transport network priorities.

The Plan Melbourne website notes that the intent of the refresh is to ensure that Plan Melbourne 2016 better explains *'the opportunities, challenges and tensions for the city's future development, possibly with reference to the UN Sustainable Development Goals which embrace the three key pillars of sustainable development: economic prosperity, social inclusion and environmental sustainability'*.

While Melton City Council is supportive of the intent of many of the directions and initiatives set out in the 'Plan Melbourne Refresh' discussion paper; there is a lack of clear justification for some proposed changes, there is no clear direction for implementation and there continues to be no real commitment to the funding of key state infrastructure although refresh does recognise the need to better sequence development in the growth areas. There are a number of directions and initiatives within the Strategy which will have a direct impact on the City of Melton and should be addressed in our submission. These issues are outlined below:

- There is a number of areas of the discussion paper that appear to conflict with the recommendations of the Ministerial Advisory Committee and some new elements introduced by the Department of Environment, Land, Water and Planning (DELWP) without any discussion or justification. There are also a number of recommendations outlined in the appendix to the discussion paper which are not discussed within the body of the report such as the proposed 25 dwellings per hectare in the Growth Areas.
- Further detail on the process for 'locking down' the Urban Growth Boundary is required and needs to ensure that all growth area councils are engaged in the process.
- Further clarification on the 70/30 splits for growth in favour of the established areas rather than growth areas – what does this mean for the growth area Councils? There needs to be further work undertaken by state government, in collaboration with all relevant Councils, to understand the impact that such a policy change would have on the implementation and preparation of Precinct Structure Plans particularly the delivery of key infrastructure. There also needs to be a clear strategy for communicating and engaging landowners in this process.
- The proposal of the discussion paper to downgrade Toolern from a metropolitan activity centre against the recommendation of the Ministerial Advisory Committee. Council do not accept the assertion in the discussion paper that the centre has yet to establish and does not exhibit the characteristics of existing centres designated as metropolitan activity centre. It has been *planned* to have the same characteristics and considerable investment has already been made in Toolern on that basis. In addition, the discussion paper provides no evidence that there are other centres better placed to play this role than Toolern.
- Council are supportive of protecting and management the green wedge areas and the evaluation of planning mechanisms to protect agricultural land. However, there also

needs to be recognition that each Green Wedge is different and the viability of agriculture varies and therefore a blanket approach to protecting this land is not necessarily the best planning outcome.

- There needs to be clear direction and commitment from state government through Plan Melbourne 2016 on the transport priorities to deliver an integrated metropolitan transport network that is fair and equitable.
- There needs to be clear direction on the future of the Western Interstate Freight Terminal given the important economic role it will play in the west. The lack of certainty on the location of this facility is impacting the delivery of employment outcomes for the City of Melton.
- The planning mechanisms proposed to deliver some of the initiatives such as mixed use activity centres and employment precinct when the Commercial Zones mean that no permits are required for many uses that would be expected to be located in these zones.
- The creation of any standardised planning and design tools such as Code Assess must be developed in collaboration with local councils and other relevant authorities/agencies as the authorities who will be responsible for implementing the outcomes of these tools.
- The need for any new mandatory controls relating to achieving quality design and attractive neighbourhoods to be a baseline and still provide Council's with the ability to augment them with local controls that address issues of local character and identity that wouldn't be possible in metro wide controls;
- The relationship between the proposed sub-regional plans and those that local councils are required to prepare on similar issues at a municipal level i.e. housing strategies.
- Critical to the success of the plan is bi-partisan support and a strong implementation strategy that defines timelines and funding mechanisms, and most importantly holds all those involved in delivery of the plan accountable. A mechanism for ensuring this bipartisan support could be enshrining the document in legislation to give it the statutory weight that this critical planning document needs if the vision is to be realised. Having an approach that encourages a review with a change in government or minister rather than for technical reasons creates a level of uncertainty. Considerable financial and staff resources are committed by State and Local government to deliver on the metropolitan plans which needs to be recognised.

In summary, Council should make a submission that acknowledges and supports the positive strategic directions and initiatives of 'Plan Melbourne Refresh Discussion Paper' but request the above issues be considered and further detailed be provided prior the finalisation of the plan, a strong implementation strategy be provided in draft prior to the release of Plan Melbourne 2016 and critically that 'Plan Melbourne 2016' be released in draft for comment prior to approval by the Minister for Planning.

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

2.5 Advocate in the best interests of our community and region

4. Financial Considerations

Not applicable

5. Consultation/Public Submissions

The Minister for Planning, through the Plan Melbourne website <http://www.planmelbourne.vic.gov.au> has invited all interested members of the community to make a submission to the 'Plan Melbourne Refresh Discussion Paper'.

6. Risk Analysis

If Council chooses not to submit a submission to the Minister for Planning on the 'Plan Melbourne Refresh Discussion Paper' it misses the opportunity to inform the preparation of the *Plan Melbourne 2016* which will guide investment in infrastructure and integrated land use planning across the metropolitan region.

7. Options

Council can choose either:

1. Endorse the preparation of a City of Melton's submission to the 'Plan Melbourne Refresh Discussion Paper' based on the key issues discussed in this report and delegate authority to prepare and approve the submission to a committee comprising the Chief Executive Officer, General Manager Planning & Development and Manager City Design, Strategy & Environment; or
2. Not make a submission to the Plan Melbourne Refresh Discussion Paper.

LIST OF APPENDICES

1. Plan Melbourne Refresh summary document

11.19 INVESTMENT ATTRACTION STRATEGY 2016-2019

Author: Rachel Bernardo- Business Marketing & Investment Attraction Officer
Presenter: Luke Shannon- General Manager Planning & Development

PURPOSE OF REPORT

To present and seek endorsement on the Investment Attraction Strategy 2016-2019.

RECOMMENDATION:

That Council:

1. note the report
2. endorse the Investment Attraction Strategy 2016-2019.

REPORT

1. Executive Summary

Initial presentation of the draft Investment Attraction Strategy 2016-2019 to Council took place on 13 October 2015.

The document was released for public comment from 20 October 2015 to 17 November 2015. One written response was received from the Department of Economic Development, Jobs, Transport and Resources as part of this process with minor changes made to the draft document.

Officers are now seeking Council endorsement of finalised Investment Attraction Strategy 2016-2019 attached at **Appendix 1**.

2. Background/Issues

Why is an Investment Attraction Strategy needed?

The development of an Investment Attraction Strategy is a key deliverable in the Economic Development & Tourism Plan 2014-2030.

Investment Attraction is an essential part of sustainable economic development and focuses on existing business growth and new business investment. Some benefits include new employment opportunities, utilisation of local resources, expansion of local capability and skills, potential growth of new industries including exports and increasing overall resilience of the local economy.

What role does Council play in Investment Attraction?

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

Strategy Development and Ongoing Review Process

The Economic Development & Advocacy Department presented the initial draft of the Investment Attraction Strategy to Council on 13 October 2015. This included the action plan and background report.

The Strategy, background report and action plan work together as a suite of documents which provide the context for the development and implementation of the strategic directions including outcomes from consultation sessions with key stakeholders.

An annual review will be conducted to ensure ongoing relevance of the strategy against key measurement indicators.

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 first four year Action Plan will be implemented within the existing operational budget.

5. Consultation/Public Submissions

The draft Investment Attraction Strategy 2016-2019 was released for public comment from 20 October 2015 to 17 November 2015. This included a public notice, media release, feature on Have Your Say page on the Council website, comment boxes at Melton Library & Learning Hub and Caroline Springs Library, direct emails to key stakeholders included in the consultation process, Venture Melton social media channels and the monthly business e-newsletter.

One written response was received from the Department of Economic Development, Jobs, Transport and Resources as part of this process with minor changes made to the draft document.

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 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 can choose to endorse or not endorse the final Investment Attraction Strategy 2016-2019, or delay endorsement of the final Strategy pending further refinement.

LIST OF APPENDICES

1. Investment Attraction Strategy 2016-2019

11.20 VEC ELECTORAL REPRESENTATION REVIEW - FINAL REPORT

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

PURPOSE OF REPORT

To inform Council of the Final Report and recommendation of the Victorian Electoral Commission 2015 Electoral Representation Review of Melton City Council.

RECOMMENDATION:

That Council note the report.

REPORT

1. Executive Summary

The Victorian Electoral Commission (VEC) 2015 Electoral Representation Review of Melton City Council Final Report was released on Wednesday 25 November 2015 (**Appendix 1**). The report details the process undertaken by the VEC during the electoral representation review of Melton City Council, and subsequent recommendation for the electoral structure for the City of Melton.

The VEC recommends the electoral structure of Melton City Council consist of nine councillors, elected from one four-councillor ward, one three-councillor ward and one two-councillor ward.

The recommendation was submitted to the Minister for Local Government, The Hon. Natalie Hutchins for consideration on 25 November 2015 as required by the *Local Government Act 1989*.

If the VEC recommendation is accepted, changes to the electoral structure of Melton City Council will take effect at the next council general election in October 2016. It is considered highly likely that the recommendation of the VEC will be confirmed.

Council participated at every available opportunity within the process, first submitting that the current electoral structure of seven councillors across three wards remain. Council subsequently elected a preference of Option A in response to the VEC preliminary report, which consisted of nine councillors elected from one four-councillor ward, one three-councillor ward and one two-councillor ward. Council further supported this written submission by participating in a public hearing held by the VEC.

The ultimate recommendation of the VEC was Option A of the preliminary report as preferred by Council.

2. Background/Issues

The Local Government Act 1989 requires the Victorian Electoral Commission to conduct Electoral Representation Reviews before every third Council Election, approximately every twelve years. Melton City Council, selected for early review given extraordinary population growth, was given notice by the Victorian Electoral Commission of commencement of the review with notices appearing in local papers 4 August 2015. A report was presented to Council at the Ordinary Meeting of Council held on 11 August 2015 outlining the commencement of the Electoral review.

Preliminary Submissions

A Special Meeting of Council was held on 1 September 2015 for Council to formally ratify a position that would form the basis of Council's preliminary submission to the VEC with respect to the City of Melton Electoral Representation Review. On 2 September 2015, Council lodged a preliminary submission, seeking that the existing structure of seven councillors elected from one three-councillor ward and two two-councillor wards be retained.

Preliminary Report

The VEC Electoral Representation Review - Preliminary Report was released on 30 September 2015. The following options were presented in the report for consideration;

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.

Response Submissions

A report was presented to the Ordinary Meeting 13 October 2015 where Council resolved to make a written submission in response to the VEC Preliminary Report, 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 to support the written submission at the public hearing.

Public Hearing

A public hearing was held by the VEC at 3.30pm on Wednesday 4 November 2015 in the Balam Balam Seminar Room, Melton Library & Learning Hub, McKenzie Street, Melton. Mr Kel Tori, Chief Executive Officer, presented Council's submission supporting Option A.

Final Report and Recommendation

The final report was released on 25 November 2015, and a media release outlining the VEC recommendation for a modified electoral structure for Melton City Council (**Appendix 2**). The final report states:

The VEC recommends Melton City Council consist of nine councillors elected from one four-councillor ward, one three-councillor ward and one two-councillor ward. The electoral structure was designated as Option A in the preliminary report.

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 the number of Councillors from seven to nine councillors, 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

The 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.

6. Risk Analysis

Nil.

7. Options

There are no options available to Council as it is bound by the decision of the Minister for Local Government as advised by the VEC having conducted the electoral representation review.

LIST OF APPENDICES

1. 2015 Melton City Council Electoral Representation Review - Final Report
2. 2015 Melton City Council Electoral Representation Review - Final Report Map

11.21 MELTON PUBLIC CEMETERY

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

PURPOSE OF REPORT

To provide Council with an update of the current status of the Melton Public Cemetery.

RECOMMENDATION:

That:

1. Council receive the report for information
2. No further burial sites be sold as pre-purchase sites
3. Council continued discussions with the Greater Metropolitan Cemetery Trust in relation to options going forward to address the cemetery facility needs of the community.
4. A media campaign be undertaken advising the community of the current situation and medium term options available for cemetery services.

REPORT

1. Executive Summary

Melton Public Cemetery, located at the corner of Centenary Avenue and O'Neill's Road, Melton, has been managed by Council since 1922. The cemetery accommodates approximately 2,500 burial sites and 1,037 sites for cremated remains.

Over the past six years, significant works have increased the capacity of the cemetery, responding to consistent demand for pre-purchase (future interment) and at-need (immediate interment) requirements.

It is no longer possible to increase the burial site capacity of the cemetery, and the cemetery has almost sold out of burial sites, with only 15 available as at 30 November 2015. Capacity is expected to be reached in early 2016. Consequently, to accommodate requests for at-need sites, the pre-purchase of burial sites is no longer available, to be confirmed by Council decision.

While the availability of new sites is now extremely limited, as most burial sites can accommodate two interments, the number of pre-purchased sites which are either currently empty or have only a single interment means that approximately 2,000 burials are still yet to occur.

With 400 cremated remains sites still available for pre-purchase and at-need purchase, and 300 pre-purchased sites able to accommodate a further 300 interments, a total of 700 cremated remains interments are still yet to occur.

Consequently, given the volume of interments which are still to occur for both burial and cremated remains sites, with the exception of pre-paid purchases being no longer available, Council operation of the Melton Public Cemetery will remain as standard for the foreseeable future.

It is further expected that the Greater Metropolitan Cemetery Trust (GMCT) will begin works for a new public cemetery at Harkness Road, Melton West in eight to ten years. This site is expected to meet the long term future needs of the community.

2. Background/Issues

Melton Public Cemetery has been serving the community since 1861 originally managed by a community representative Trust. In 1922, control of the cemetery was transferred to Melton Shire Council. The Melton Public Cemetery is a Class B cemetery under the *Cemeteries and Crematoria Act 2003* (The Act) and is currently managed by Council staff under delegation of the Trustees, being all Councillors of the City of Melton.

The cemetery is 2.4 hectares of crown land and currently consists of approximately 2500 burial sites and 1037 sites for interment of cremated remains. Historically burial sites were purchased for single burials or as a family plots, which is common amongst the old monument areas within the cemetery. In more recent times, burial sites are generally purchased to enable two burials. Burials at the cemetery are in perpetuity.

It is estimated through records that 2500 burials have been received to date, however with prepaid burial sites and reopens of double sites, there is still a capacity for approximately 2000 more burials.

Over the past six years up to twelve new lawn beams have been constructed to provide a further 250 burial sites, which can accommodate up to 500 burials in total. The lawn beams were constructed in vacant lawn areas in different areas of the cemetery however this process is now complete.

The only remaining section of vacant land is in the south east corner of the cemetery. The Shire of Melton Heritage Study Citation 181 states that this section of the cemetery is the final resting place of the bones of Aboriginal people found on Greenhills station, and close by are the bones of workers from the old Rockbank quarry. As such, it has been determined that this area cannot be developed.

As at 30 November 2015 there are only 15 vacant burial sites available. These remaining sites have been reserved for at-need (immediate interment) requirements. At the current rate of at-need purchases, it is anticipated that these will be fully accounted for in early 2016.

The cemetery will continue to offer burial services to holders of prepaid burial sites, or burial sites where a second interment can be accommodated. The cemetery will also continue to provide sites for the interment of cremated remains with more than 400 still available. Including prepaid and multiple sites, it is estimated that 700 interments of cremated remains can still be accommodated.

It is further expected that the Greater Metropolitan Cemetery Trust (GMCT) will begin works for a new public cemetery at Harkness Road, Melton West in eight to ten years. This site is expected to meet the long term future needs of the community.

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

Financial considerations necessary are provided for within the recurrent operational budget process of Council.

5. Consultation/Public Submissions

No public consultation was necessary for the preparation of this report.

6. Risk Analysis

Situational analysis identifies no current or emergent risk in relation to the status of Cemetery.

7. Options

This report is for information only and to engage with the GMCT to discuss options pertaining to meeting future demands.

LIST OF APPENDICES

Nil

11.22 SWIMMING POOL AUDIT PROGRAM

Author: Ian Stewart- Manager Compliance
Presenter: Peter Bean- General Manager Corporate Services

PURPOSE OF REPORT

To inform Council of the proactive ongoing swimming pool and spa audit conducted from late 2013 to the present.

RECOMMENDATION:

That Council note the report.

REPORT

1. Executive Summary

All pools in Victoria appurtenant to domestic buildings are required to have a Safety Barrier in compliance with AS1926 'Swimming Pool Safety'. To ensure these pools meet this requirement Council commenced an audit program. This program we believe is the first of its type in Victoria.

It became apparent when the audit commenced that, except for isolated incidents, the community understood the importance of complying. Council's Building Department's have been diligent in its commitment to completing the audit which has resulted in the Council being seen as a professional and community focused organisation.

During the audit 489 properties were found to be non-conforming which resulted in nearly 800 inspections being undertaken. To date approximately 90% have been brought into compliance and staff are continuing to address the outstanding ones.

Staff are now focusing on pools and spas that have building permits dating back to the 1970's. Retrospectively, all pools and spas must have a pool safety barrier that were not required at the time of the building permit being issued prior to 1991.

2. Background/Issues

The consequences of non compliant swimming pool safety barriers have been highlighted recently by a high profile case at the Coroner's Court. Tragically an infant drowned and it could not be definitively established whether the non compliant section of the safety barrier that was the place of entry by the child into the pool area. However, the case did bring to light the importance of a compliant safety barrier being in place and maintained.

All pools in Victoria appurtenant to domestic buildings are required to have a Safety Barrier in compliance with AS1926 'Swimming Pool Safety'. Most pools and spas in Victoria are constructed pursuant to a building permit and receive a final certificate. It can be assumed with a degree of confidence that these pools will have a safety barrier.

A scan of a sample area of Melton utilizing Council's mapping system and reconciling individual properties against council records indicated that many pools and spas have been constructed in the municipality without the required building permit.

In all probability, due to the absence of a building permit and the subsequent final certificate these swimming pools either have no or a non compliant safety barrier.

Furthermore, Part 12 Building Regulations 2006 (in particular regulations 1219 and 1220) require that Essential Safety Measures are maintained which includes the safety measures for pools and spas.

Taking this into account, it was decided to design and instigate a pool and spa audit within the Municipality of pools that have no building permit.

The fact that demographic data held by Council clearly highlights that the municipality is made up of families with young children further reinforced the need for the audit.

Due to the specialised nature of pool safety barriers with the nuances of the many changes of legislation Council obtained the services of an external Building Inspector to undertake the task. This Building Inspector had performed approximately one thousand pool inspections for the Victorian Building Authority (VBA) as part of a pool audit program.

There has been a high level of acceptance by the community to assist Council in bringing the subject pools into compliance. This can be partially attributed to the sensitive nature of child safety and the conciliatory way the process was conducted in rather than a combative one.

During the audit 489 properties were found to be non-conforming with the regulations which resulted in nearly 800 inspections being undertaken. To date approximately 90% have been brought into compliance.

Staff are now focusing on pools and spas that have building permits dating back to the 1970's. Retrospectively, all pools and spas must have a pool safety barrier that were not required at the time of the building permit being issued prior to 1991.

There are approximately 2800 pools and spas in the City of Melton built with building permits. To realistically visit each property no definitive time frame can be indicated. The program will be an ongoing process capturing the older pools to the most recent built.

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

The Council has incorporated an amount in the recurrent budget to deliver part of this program.

5. Consultation/Public Submissions

No consultation has been undertaken in the preparation of this report.

6. Risk Analysis

To not have an audit program could expose Council in the event that an incident occurred at a private swimming pool. It is important that Council continue this program to reduce the risks within the community.

7. Options

Council has the option to alter the frequency of the pool inspections, however the current rate is considered appropriate.

LIST OF APPENDICES

Nil

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**

- 17 November 2015
- 24 November 2015
- 1 December 2015
- 8 December 2015

RECOMMENDATION:

That the Record of Assembly of Councillors attached to this Agenda be received and noted.

LIST OF APPENDICES

1. 17 November 2015 Record of Assembly of Councillors
2. 24 November 2015 Record of Assembly of Councillors
3. 1 December 2015 Record of Assembly of Councillors
4. 8 December 2015 Record of Assembly of Councillors

13.2 PUBLIC ADDRESS BY EACH COUNCILLOR

14. NOTICES OF MOTION**14.1 NOTICE OF MOTION 413 (CR CARLI)****Councillor: Lara Carli**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 15 December 2015.

MOTION:

That Council investigate and prepare a report to come to council at the next Ordinary Meeting on establishing a Snake Catching Program for the City Of Melton, and include the costs of such a program.

1. Officer's Comments

Council currently provides a service for snakes on Council properties only. Investigations have been undertaken and only one out of six outer metropolitan Councils (Wyndham) provide a service to their residents, Wyndham intend to renew delivery of the service in June 2017.

Should Council wish to pursue this service Council would need to enter into an agreement with a contractor with appropriate skills and licenses. The potential cost of this service could be in the vicinity of \$35,000 to \$50,000 per annum. This is based on a service fee of approximately \$200 per call out for between 170 to 250 premises per year.

- 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 Meeting Minutes - 2 December 2015 - Confidential Items

This report is confidential in accordance with s89(2)(h) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person.

18.2 Appointment of Two New Members to the Heritage Advisory Committee

This report is confidential in accordance with s89(2)(h) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person.

18.3 Amendment C162 to the Melton Planning Scheme - Mt Atkinson and Tarneit Plains Precinct Structure Plan

This report is confidential in accordance with s89(2)(e) as it relates to proposed developments.

18.4 Property Development Advisory Committee Meeting Minutes - 22 September 2015

This report is confidential in accordance with s89(2)(d) (e) as it relates to contractual matters; AND proposed developments respectively.

18.5 Awarding of Construction Contract 16/026 Blackspot Program - Boundary Road and Sinclairs Road

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

18.6 Contract No. 16/014 Mt Cottrell Road Construction - Stage 1

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

18.7 Tender Evaluation Report - Contracts 16/001, 16/002 and 16/003

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