



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 3 February 2015 at 7.00pm.

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 of her person nominated for this purpose no later than:
 - i) 5 pm on the day of the Ordinary Meeting if questions are submitted into the receptacle designated for public questions outside the Council Chamber;
 - ii) 5pm on the day of the Ordinary Meeting if questions are submitted by electronic medium as per Council website directions.

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

- It is an offence for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave the meeting when requested by the Chairperson to do so.
Penalty: 20 Penalty Units
- It is an offence for any person to fail to obey a direction of the Chairperson relating to the conduct of the meeting and the maintenance of order.
Penalty: 20 Penalty Units

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

TABLE OF CONTENTS

1. OPENING PRAYER AND RECONCILIATION STATEMENT	5
2. APOLOGIES AND LEAVE OF ABSENCE	5
3. CHANGE TO THE ORDER OF BUSINESS	5
4. DEPUTATIONS	5
Mr Ray Jesper, Regional Manager of Victoria SES Central Region to present to Council the Certificate of Audit for Council's Municipal Emergency Management Plan (MEMP).	
5. DECLARATION OF ANY PECUNIARY INTEREST, OTHER INTEREST OR CONFLICT OF INTEREST OF ANY COUNCILLOR	5
6. ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	5
Minutes of the Ordinary Meeting of Council held on 16 December 2014.	
7. CORRESPONDENCE INWARD	5
8. PETITIONS AND JOINT LETTERS	5
9. RESUMPTION OF DEBATE OR OTHER BUSINESS CARRIED OVER FROM A PREVIOUS MEETING	6
9.1 PLANNING APPLICATION PA 2014/4548 - TWO LOT RURAL SUBDIVISION AT 1 - 105 LEAKES ROAD, PLUMPTON	6
To consider a planning application for two lot rural subdivision at 1 - 105 Leakes Road, Plumpton.	
10. PUBLIC QUESTION TIME	20
11. PRESENTATION OF STAFF REPORTS	21
11.1 AUTHORISATION OF AFFIXING THE COMMON SEAL OF COUNCIL	21
For Council to adopt the schedule of documents (Appendix 1) requiring the Common Seal of Council.	

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- 11.2 COMMUNITY LEARNING BOARD MINUTES 30 OCTOBER AND 4 DECEMBER 2014** 24
- To present to Council Minutes of the Community Learning Board meetings held on 30 October 2014 and 4 December 2014
- 11.3 MELTON A LEARNING CITY: COMMUNITY LEARNING PLAN 2015-2018** 34
- To present to Council for endorsement, *Melton a Learning City*: Community Learning Plan 2015-2018 and the Community Learning Plan Action Framework 2015-2018
- 11.4 LEISURE ADVISORY COMMITTEE MEETING MINUTES 24 NOVEMBER 2014** 83
- To present the minutes of the Leisure Advisory Committee meeting held on 24 November 2014.
- 11.5 DISABILITY ADVISORY COMMITTEE MEETING MINUTES 4 DECEMBER 2014** 88
- To present the minutes of the Disability Advisory Committee meeting held on 4 December 2014.
- 11.6 COMMUNITY SAFETY COMMITTEE MEETING MINUTES 1 DECEMBER 2014** 93
- To present the minutes of the Community Safety Committee meeting held on 1 December 2014.
- 11.7 DELEGATIONS OF AUTHORITY EXERCISED - 1 JULY 2014 TO 31 DECEMBER 2014** 99
- To advise Council of Delegations of Authority exercised for the period 1 July 2014 to 31 December 2014.
- 11.8 ASSET MANAGEMENT STRATEGY AND PLANS** 148
- To have Council consider and adopt the Asset Management Strategy 2014 and Asset Management Plan 2014 (includes Buildings, Drainage, Roads and Open Space).
- 11.9 PLANNING APPLICATION PA 2014/4593 - THREE LOT RURAL SUBDIVISION, AND THE USE AND DEVELOPMENT OF LOT 2 FOR THE PURPOSE OF A DWELLING AND OUTBUILDING AT 107-161 LEAKES ROAD, PLUMPTON** 496
- To consider a planning application for three lot rural subdivision, and the use and development of lot 2 for the purpose of a dwelling and outbuilding at 107-161 Leakes Road, Plumpton.

11.10 JUNIOR COUNCIL PROGRAM	516
To provide Council with an update on the Junior Council initiative.	
11.11 FAMILY DAY CARE FUNDING REFORMS	519
To update Council on the change to the Australian Federal Government funding for Family Day Care (FDC) from 30 June 2015.	
12. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES	522
12.1 PUBLIC ADDRESS BY EACH COUNCILLOR	522
13. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS	523
13.1 RECORD OF ASSEMBLY OF COUNCILLORS IN ACCORDANCE WITH SECTION 80A(1) OF THE LOCAL GOVERNMENT ACT 1989	
• 27 JANUARY 2015	523
14. NOTICES OF MOTION	525
14.1 NOTICE OF MOTION 398 (CR TURNER) COUNCIL WRITE TO MINISTER FOR LOCAL GOVERNMENT, THE HONORABLE NATALIE HUTCHINS.	525
14.2 NOTICE OF MOTION 399 (CR CARLI) CEO TO ADVISE BY NEXT ORDINARY COUNCIL MEETING WHAT SERVICES WILL BE CUT.	526
14.3 NOTICE OF MOTION 400 (CR CARLI) CEO UNDERTAKE RECOVERY OF MONIES PAID IN THE FORM OF CHILDCARE REIMBURSEMENTS	527
15. COUNCILLOR'S QUESTIONS WITHOUT NOTICE	528
16. MOTIONS WITHOUT NOTICE	528
17. URGENT BUSINESS	528
18. CONFIDENTIAL BUSINESS	529
18.1 EXPRESSION OF INTEREST - 54 PINNACLE CRESCENT, BROOKFIELD PROPERTY	530
To provide Council with an overview on the expression of interest for the property situated at 54 Pinnacle Crescent, Brookfield.	

18.2 PROVISION OF VALUATION SERVICES - CONTRACT No 15/017 **562**

To inform Council that the tender assessment for the provision of Valuation Services has been completed and to recommend the preferred tender to Council.

18.3 CEO'S REVIEW COMMITTEE REPORT 2014/15 **567**

To inform the Council of the Review Committees periodical assessment for the Chief Executive Officer.

19. CLOSE OF BUSINESS **570**

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**

Mr Ray Jesper, Regional Manager of Victoria SES Central Region to present to Council the Certificate of Audit for Council's Municipal Emergency Management Plan (MEMP).

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 16 December 2014 be confirmed as a true and correct record.

7. CORRESPONDENCE INWARD

Nil.

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

9.1 PLANNING APPLICATION PA 2014/4548 - TWO LOT RURAL SUBDIVISION AT 1 - 105 LEAKES ROAD, PLUMPTON

Author: Cam Luong- Development Planner
Presenter: Bob Baggio- Manager Planning and Environment

PURPOSE OF REPORT

To consider a planning application for two lot rural subdivision at 1 - 105 Leakes Road, Plumpton.

RECOMMENDATION:

That Council issue a Notice of Refusal for the above proposal on the following grounds:

1. The proposal is inconsistent with the State Planning Policy Framework of the Melton Planning Scheme, and in particular, Clause 11 of the Melton Planning Scheme relating to the Green Wedges and Rural Productivity, which discourages development of isolated small lots in rural areas for rural living.
 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. In particular, 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 Plan Melbourne Strategy, which recognises that "*some areas around Melbourne with very fertile soil, essential for highly productive agricultural land uses, are under threat from competing land uses such as urban encroachment and rural residential development*"; and outlines that "*Important areas need to be protected to ensure strategically significant agricultural land is not permanently lost.*"
 5. The proposal is inconsistent with Council's adopted *Western Plains North Green Wedge Management Plan, 23 September 2014*. In particular, the proposal is deemed to be inconsistent with the strategic direction of Precinct 3 and the actions (recommendations) identified as part of the Green Wedge Management Plan.
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REPORT**1. Background****Executive Summary**

Application No.:	2014/4548
Applicant:	Mr R Brouchier, C/- Viney and Tomkinson

- This matter was reported to Council at its Ordinary Meeting of 16 December 2014, where it was resolved to defer consideration of the application to this meeting of Council.
- The proposal is to subdivide the land into two allotments.
- The site is within the Green Wedge Zone and affected by the Significant Landscape Overlay (Schedule 1).
- 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 56.47ha and is located to the southeast of the intersection of Holden Road and Leakes Road. Other features of the site are as follows:

- The site is triangular in shape with a northern frontage of 1.79km to Holden Road, and a western frontage of 765 metres to Leakes Road.
- The land contains a single storey dwelling of brick construction in its south west corner as well as various sheds. The dwelling is accessed via a crossover and all weather driveway which connects to Leakes Road approximately 350m north of the dwelling.
- The applicant has indicated that the bulk of the property is currently used for cropping, via long standing share-farming arrangements with a neighbour who intends to continue farming the property in the long term. There is a small olive grove directly to the east of the dwelling and its associated effluent field. There is scattered vegetation along the property fence lines, with much of it being planted non-native trees.
- The site contains three dams.
- Post and wire fencing has been erected along all boundaries.
- The applicant has also indicated that the site has access to reticulated water, power and telecommunications, as well as a recycled water pipeline (Sunbury Melton Recycled Water Scheme). The dwelling is also provided with supplementary water by four large water tanks. A septic system manages waste from the dwelling, with its effluent field directly to the east of the dwelling (between the dwelling and the olive grove).

The surrounding area is characterised by its 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.

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

The Application

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

The proposed development is summarised as follows:

- Proposed Lot 1 will contain the existing dwelling and will be approximately 4.47ha in area, and will incorporate the existing driveway and crossover to Leakes Road. The applicant has indicated there is an opportunity to grow more olive trees on the land to the north of the dwelling.
- Proposed Lot 2 will form the primary lot and contain 52ha of land. This lot will be accessed via the existing access off Holden Road. This lot will continue to be used for its current cropping purposes. The existing olive grove will be located within the allotment.
- To justify their proposal the applicant has indicated the following:

The current lot is too small in current (and anticipated future) market conditions to profitably run a farming enterprise as a stand-alone farm and needs to continue to be incorporated into larger farming enterprises to continue its agricultural use into the future. Excising the house lot (proposed Lot 1) will enable it to be managed separately from the business enterprise on the remaining cropping property. The house lot can be transferred into the personal names of the owners, where the cropping lot can remain as part of the current company name that it operates within. This provides the flexibility needed to continue to manage the cropping property as agricultural land into the future, in line with City of Melton objectives for rural areas, including the Green Wedge Zone.

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

Planning Controls

The subject land is located in the Green Wedge Zone (GWZ) and is affected by the Significant Landscape Overlay (Schedule 1) 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 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.’*

The Management Plan outlines a number of Actions for Precinct 3; the Actions (recommendations) which are relevant to the assessment of this application are as follows:

Action	Assessment
<p>Action L10 a7</p> <p>Pursue changes to introduce a flat 30ha minimum lot size as an 'interim' measure (subject to approvals), in the Leakes Road- Holden Road Precinct until optimal agricultural uses and associated lot sizes are confirmed.</p>	<p>The Western Plains North Green Wedge Management Plan identifies that the current schedule to the Green Wedge Zone, which includes the subdivision formula $N=A/20$ results in poor land management outcomes.</p> <p>It therefore recommends a future amendment to the Planning Scheme to replace the rural lot excision provisions with the flat minimum lot size.</p>
<p>Action L2 a1</p> <p>Work with Western Water to prepare a 'recycled water based agriculture' business plan.</p> <p>Action L2 a2</p> <p>On the basis of the findings of the agricultural business plan, pursue any required updates to the identified subdivision controls to best facilitate agricultural uses.</p>	<p>The Management Plan recommends that Council prepare a Recycled Water Business Plan with Western Water to determine the most appropriate allotment sizes for improved land management outcomes and sustainable agricultural practices.</p> <p>Whilst this Business Plan may support the subdivision of land similar to what is being proposed, this work has not yet been done hence the proposed subdivision is premature and should not be supported at this stage.</p>
<p>Action L10 a8</p> <p>Introduce relevant controls to discourage strip development along main roads in the Leakes Road – Holden Road Precinct, outline requirements for Sustainable Land Management Plans, and recognise the ongoing quarry uses and associated buffers.</p>	<p>Despite the permit application identifying that the primary (larger) lot will be used for agricultural purposes, approving the subdivision will mean a dwelling can be constructed on this primary lot, resulting in increased residential development along Leakes or Holden Roads.</p> <p>The issue in relation to the proliferation of strip development (applications) is evident by the recent lodgment of a separate application to subdivide the property to the south.</p> <p>The Management Plan does not support this.</p>
<p>Action E7 a1</p> <p>Explore opportunities for identification of the Mount Kororoit area as a destination and investigate opportunities for recognising this.</p>	<p>The proposed subdivision includes land which is within the Significant Landscape Overlay – recognising the proximity to Mount Kororoit. Approval of a subdivision within this location may prejudice the objectives of the SLO, which is applied to limit development within this environmentally sensitive area.</p>

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 through a Recycled Water Business Plan, and may impact on views and environmental qualities of Mount Kororoit which is considered to be an environmentally sensitive location.

Significant Landscape Overlay (Schedule 1)

The purpose of the Significant Landscape Overlay (Schedule 1) is to protect and conserve volcanic hills and cones from inappropriate development and to help to conserve the existing visual amenity and rural landscapes. In particular, the policy outlines that in order to protect these volcanic cones from development, buildings and works will be discouraged above the 180 metre contour line for Mt 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.*

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

Internal

Engineering Department	No objections, subject to conditions.
Environmental Services	No objections, subject to conditions (including a revised Environmental Management Plan).
Strategic Development	The proposal is deemed to be inconsistent with Council's adopted Western Plains North Green Wedge Management Plan. The subject land is located within Precinct 3, which has been recognised as one of the two (the other being Precinct 2) key agricultural corridors due to the presence of large allotments with minimal fragmentation and supported by the Sunbury Wastewater Treatment Facility and associated recycled water pipeline.

External

DEPI	No response received within 28 days.
Western Water	No objections, subject to conditions. In addition, outlined that the subdivision can easily and cost effectively comply with Council's Rural Land Use Policy in terms of provision of reticulated water. <i>Refer to Appendix 3 – Location of water mains (provided by Western Water)</i>

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 2.5km from the subject land.

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.

It should be noted that two separate subdivision applications have been lodged for similar subdivisions, with one at the abutting property at 107-161 Leakes Road, and for land at 244 Leakes Road. The application at 107-161 Leakes Road proposes to subdivide the land into three allotments, and has also been put forward for Councils' consideration at this meeting. The application at 244 Leakes Road also proposes a three lot subdivision, and is currently going through the planning application process and will be reported to a future meeting of Council.

Although, each application is considered to be a separate entity, it would be important to keep in mind the cumulative impacts of these types of proposals as a whole. The cumulative impacts include the conflict between rural land uses and residential lands uses, and these issues have been outlined in previous VCAT decisions.

In *Parkworth Pty Ltd & Anor v Casey CC* [2002] VCAT 1594 (18 December 2002), the tribunal made the following comments in relation to 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 the 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.

Although, the applicant has indicated that the existing share-farming practices will be maintained on the primary allotment, there is nothing preventing the existing landowner from selling the smaller lot as a rural residential allotment, and seek approval to construct a new dwelling on the primary allotment.

6. Options

Council can either support the application by issuing 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 and Overlay 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. Locality Plan
2. Plans of Proposal
3. Location of water mains

10. PUBLIC QUESTION TIME

11. PRESENTATION OF STAFF REPORTS

11.1 AUTHORISATION OF AFFIXING THE COMMON SEAL OF COUNCIL

Author: Christie Shields- Governance Officer
Presenter: Peter Bean- General Manager Corporate Services

PURPOSE OF REPORT

For Council to adopt the schedule of documents (**Appendix 1**) 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 3 February 2015 and appended to this report (**Appendix 1**).

REPORT

1. Executive Summary

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

2. Background/Issues

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

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

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

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

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

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

4. **Financial Considerations**

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

5. **Consultation/Public Submissions**

Not applicable.

6. **Risk Analysis**

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

7. **Options**

Not applicable.

LIST OF APPENDICES

1. Schedule for Authorising of Affixing the Common Seal

11.2 COMMUNITY LEARNING BOARD MINUTES 30 OCTOBER AND 4 DECEMBER 2014

Presenter: Peter Blunden- Life Long Learning Officer

PURPOSE OF REPORT

To present to Council Minutes of the Community Learning Board meetings held on 30 October 2014 and 4 December 2014

RECOMMENDATION:

That Council note the unconfirmed minutes of the Community Learning Board held on 30 October 2014 (Appendix 1) and 4 December 2014 (Appendix 2) and endorse the recommendations contained within those minutes.

REPORT

1. Executive Summary

The Learning Board met on 30 October 2014 and 4 December 2014 and addressed the following items:

- Finalisation of the Draft Community Learning Plan 2015-18
- Progress reports from the Board's working parties
- The 'Melton a Global Learning City' report; detailing Melton's presentation at the UNESCO 2014 Asia – Pacific Expert Symposium on Global Citizenship in Changwon, Republic of South Korea.
- Acceptance of the City of Melton's Case Study of Melton as a Learning City by the UNESCO Institute of Lifelong Learning (UIL).
- Adoption of the Collective Impact Assessment Tool as a preferred tool to assess learning community partnerships by the International PASCAL Observatory.

The minutes of the 30 October 2014 and 4 December 2014 meetings are attached as **Appendices 1 and 2** respectively.

2. Background/Issues

The Community Learning Board meets bimonthly and considers matters relating to employment, education and lifelong learning within the City. The Learning Board promotes Melton as a Learning City.

Council established the Community Learning Board in 1998 to promote the importance of lifelong learning to the social and economic development of Melton. The Board is an Advisory Committee which presents its recommendations to Council. The Community Learning Board connects those involved within the City in these endeavours in a forum to improve lifelong learning opportunities for the community. Membership is drawn from all learning sectors, industry and community organisations and also comprises a number of ex officio members from Council and other formal education service providers.

The Board has two working parties that concentrate on various elements of lifelong learning and implement the Community Learning Plan 2011-2014 through its Annual Action Plan. They are the Economic Development and Lifelong Learning Working Party and the Social Inclusion and Lifelong Learning Working Party. There is also a Kindergarten Working Party that is a joint activity of the City's Early Years Partnership and the Community Learning Board and the Schools Provisioning Working Party. Activities of these working parties are reported in Community Learning Board minutes.

A final draft of the new Community Learning Plan 2015-2018 has been endorsed by the Community Learning Board and is now ready for presentation to Council's Executive and Council for final approval.

3. **Council Plan Reference and Policy Reference**

The Melton City Council 2013-2017 Council Plan references:

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

3.4 Provide lifelong learning opportunities to build social connections and self development

4. **Financial Considerations**

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

5. **Consultation/Public Submissions**

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

6. **Risk Analysis**

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

7. **Options**

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

LIST OF APPENDICES

1. Community Learning Board Minutes 30 October 2014
2. Community Learning Board Minutes 4 December 2014

11.3 MELTON A LEARNING CITY: COMMUNITY LEARNING PLAN 2015-2018

Presenter: Peter Blunden- Life Long Learning Officer

PURPOSE OF REPORT

To present to Council for endorsement, *Melton a Learning City: Community Learning Plan 2015-2018* and the Community Learning Plan Action Framework 2015-2018

RECOMMENDATION:

That Council endorses *Melton a Learning City: Community Learning Plan 2015-2018* and the Community Learning Plan Action Framework 2015-2018

REPORT

1. Executive Summary

Council established the Community Learning Board in 1998 to promote the importance of lifelong learning to the social and economic development of Melton. The Community Learning Board connects those involved within the City in these endeavours in a forum to improve lifelong learning opportunities for the community. Membership is drawn from all learning sectors, industry and community organisations and also comprises a number of ex officio members from Council and other formal education service providers.

The Community Learning Board oversees the development, implementation and evaluation of the City of Melton's Community Learning Plans. Progress reports are provided to Council bi-monthly.

The Community Learning Board presents the Community Learning Plan 2015-2018 to Council for endorsement.

2. Background/Issues

The City of Melton's Community Learning Plan 2011-2014 was reviewed in 2014, and a new Plan developed to commence in 2015. This has been done in accordance with the Community Learning Board's current Terms of Reference and appropriate Council policies and guidelines.

Council endorsed the *Community Learning Plan 2011-2014 Evaluation Report: Melton a Learning City* and the Literature Review, *From a Learning Community to a Learning City*, at its October 2014 Ordinary Meeting.

The new Community Learning Plan, *Melton a Learning City: Community Learning Plan 2015-2018*, is structured similarly to the 2011-2014 Plan. It has priority themes for Economic Development and Social Inclusion, as well as themes across the life cycle for Children, Youth and Adults. A new priority theme, Advocacy, has been introduced that will align to the City's advocacy strategy. The new Plan also outlines the implementation and evaluation methodology and the accountability and reporting processes as well as the Learning Board's governance structure.

There are some key features in the 2015-2018 Community Learning Plan that are a significant advance on previous learning plans. These include a commitment from the Community Learning Board to:

Forge community partnerships and agreements that tackle some of City's intergenerational social and economic issues related to learning, over time. This will be done by setting significant impact measurement targets that all partners agree to work towards and then tracking and measuring the impact made using the Board's Collective Impact Assessment Tool;

Identify Melton as a Learning City by adopting the UNESCO 'Framework of Key Features of Learning Cities' and the Australian Centre of Excellence for Local Government's 'Learning as a Driver of Change: Learning Community Framework'.

Actively build on our engagement and knowledge exchange with the UNESCO Institute for Lifelong Learning and the UNESCO Global Network of Learning Cities; and build on the relationships already developed with other local governments and learning communities across Australia and the world.

The Community Learning Plan Action Framework 2015-2018 outlines the key activities to be undertaken to achieve the Community Learning Plan's intended outcomes. A more detailed Annual Action Plan is developed each year guided by the Action Framework and ongoing evaluation.

The Community Learning Board believes that *Melton a Learning City: Community Learning Plan 2015-2018* has the potential to realise significant benefits for residents, contribute to improving Melton's community image and continue the regional, national and global recognition of Melton's best practice in this area.

Melton a Learning City: Community Learning Plan 2015-2018 is attached as **Appendix 1** and the Community Learning Plan Action Framework 2015-2018 is attached as **Appendix 2**.

3. **Council Plan Reference and Policy Reference**

The Melton City Council 2013-2017 Council Plan references:

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

3.4 *Provide lifelong learning opportunities to build social connections and self development*

4. **Financial Considerations**

There are no financial implications for Council. The implementation of the Community Learning Plan is supported within Council's Operational Budget.

5. **Consultation/Public Submissions**

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

6. **Risk Analysis**

Being regularly informed on Community Learning Board activities assists Council in controlling any possible risk exposure. The Community Learning Plan 2015-2018 contributes to the successful implementation of the Council Plan 2013-2017.

7. **Options**

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

LIST OF APPENDICES

1. Melton a Learning City: Community Learning Plan 2015-2018
2. Community Learning Plan Action Framework 2015-2018

11.4 LEISURE ADVISORY COMMITTEE MEETING MINUTES 24 NOVEMBER 2014

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 24 November 2014.

RECOMMENDATION:

That Council note the unconfirmed minutes of the Leisure Advisory Committee meeting held on 24 November 2014, as presented at **Appendix 1**.

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 24 November 2014 meeting is attached at **Appendix 1** for Council awareness.

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 24 November 2014, the Committee discussed the following:

- The actions from the last meeting
- Athletics/Hockey Facility Update
- Funding Announcements
- Sporting Clubs Alcohol Accord DRAFT
- Arnold's Creek Recreation Reserve Ovals/Pavilion Expression of Interest
- Community Engagement sessions

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 extending from the Leisure Advisory Committee are accommodated within Councils 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 and promote the strengths and opportunities for leisure and recreation in the municipality provides a risk to our growing community. To improve community health and wellbeing, Council must ensure that the community is aligned and aware of the Leisure and Recreation opportunities available.

7. Options

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

LIST OF APPENDICES

1. Leisure Advisory Committee Meeting Minutes 24 November 2014

11.5 DISABILITY ADVISORY COMMITTEE MEETING MINUTES 4 DECEMBER 2014

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 on 4 December 2014.

RECOMMENDATION:

That Council note the unconfirmed minutes of the Disability Advisory Committee meeting on 4 December 2014, as attached at **Appendix 1**.

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 DAC minutes of 4 December 2014 meeting are attached to this report as **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 4 December 2014 addressed the following:

- Discussion on access to streetscape redevelopments planned for McKenzie Street, Wallace Square and Bakery Square.
- Reported on the success and outcomes of the CARE Melton Expo 2014.
- Success of the Christmas Theme Melton Go Arty Respite Program.
- Reported on the publication of an article (Blog) on the Australian Centre for Local Government webpage about Melton City Council Disability Action Plan 2013 - 2017 development.
- Celebration planned for International Day of People with Disability.

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 initiatives related to 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 ensures 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. Disability Advisory Committee Minutes 4 December 2014

11.6 COMMUNITY SAFETY COMMITTEE MEETING MINUTES 1 DECEMBER 2014

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

PURPOSE OF REPORT

To present the minutes of the Community Safety Committee meeting held on 1 December 2014.

RECOMMENDATION:

That Council note the unconfirmed minutes of the Community Safety Committee meeting held on 1 December 2014, as attached at **Appendix 1**.

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 1 December 2014 meeting provided 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 1 December 2014, the Committee addressed the following:

- Update and discussion on the development of the Safer City Plan 2014-2018, including a presentation from Council Officers providing an overview of the proposed framework for the Plan.
- Update on the Community Safety Day event held on 4 October 2014.
- Discussion on the structure of Community Safety Committee, including:
 - Maximising the value of the Community Safety Committee.
 - Meeting structure, frequency and membership.
- Update on Council's White Ribbon Action Team and White Ribbon Day event held on 25 November 2014 in support of a 'whole of community' response to preventing violence against women.

- Update on Council's Local Law Review.
- Update on the establishment of Council's Graffiti Management Team.

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 current 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 collaboratively with 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 has the discretion to accept, reject or amend the Committee's recommendations as Council deems appropriate.

LIST OF APPENDICES

1. Community Safety Committee Meeting Minutes 1 December 2014

11.7 DELEGATIONS OF AUTHORITY EXERCISED - 1 JULY 2014 TO 31 DECEMBER 2014

Author: Christie Shields- Governance Officer
Presenter: Peter Bean- General Manager Corporate Services

PURPOSE OF REPORT

To advise Council of Delegations of Authority exercised for the period 1 July 2014 to 31 December 2014.

RECOMMENDATION:

That the report be received for information.

REPORT

1. Executive Summary

Delegations exercised for the period 1 July 2014 to 31 December 2014 are detailed in **Appendices 1 and 2**.

2. Background/Issues

Section 98 of the *Local Government Act 1989* sets out that:

A Council may by Instrument of Delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act other than -

1. This power of delegation; and
2. The power to declare a rate or charge; and
3. The power to borrow money; and
4. The power to approve any expenditure not contained in a budget approved by the Council; and
5. Any power, duty or function of the Council under Section 223; and
6. Any prescribed power.

The Chief Executive may also delegate any power to a member of Council staff to exercise any of his duties, powers or functions, except for his power to delegate. Council have previously resolved to periodically receive a report setting out specific delegations that have been enacted by staff.

Attached as **Appendices 1 and 2** are the delegations for the period 1 July 2014 to 31 December 2014. They are set out in two categories Planning and Building.

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 regarding this report.

5. **Consultation/Public Submissions**

There is no requirement for consultation or public submissions in consideration of this item.

6. **Risk Analysis**

Reporting to Council significant delegations exercised by Officers provides oversight and limits the risk of inappropriate use of delegated authorities.

7. **Options**

There are no options in consideration of this item.

LIST OF APPENDICES

1. Planning Delegations
2. Building Delegations

11.8 ASSET MANAGEMENT STRATEGY AND PLANS

Author: John Miller- Asset Management Coordinator
Presenter: Luke Shannon- General Manager Planning & Development

PURPOSE OF REPORT

To have Council consider and adopt the Asset Management Strategy 2014 and Asset Management Plan 2014 (includes Buildings, Drainage, Roads and Open Space).

RECOMMENDATION:

That Council adopt the Asset Management Strategy 2014 and Asset Management Plan 2014 as detailed in **Appendix 1** and **2**.

REPORT

1. Executive Summary

Council is involved in the MAV Advanced Step Asset Management Program which provides a clearly defined framework for developing appropriate processes and procedures in Asset Management. As part of this program Council is required to have Asset Management Strategy and Plans adopted and in place to achieve the minimum "CORE" Asset Management maturity under the Federal Government's National Asset Management Assessment Framework.

The Asset Management Strategy and Plans outline Councils management, financial, economic, engineering and other practices applied to its physical infrastructure assets with the objective of providing the required level of service and most cost effective manner.

2. Background/Issues

Council has a significant number of infrastructure assets under its control, worth approximately \$1 billion dollars in replacement value. These assets include:

- Buildings – Libraries, Civic Centre, Preschools and Kindergartens
- Roads – Pavements, surfaces, Kerb and Channel, Drainage and Road Furniture
- Bridges – Pedestrian and Road
- Parks and Recreation – Sporting ovals, playgrounds, gardens and sporting courts.
- Footpaths – Shared within parks and along roadsides.
- Drainage – Underground and overland.

The review and development of these Asset Management documents has identified some key challenges for this Council in the future, in particular the management of Council's infrastructure so as to optimize the life of its Assets. To deliver on this key challenge it is important that Council understands and responds to its future liabilities, provides a consistent approach to Asset Management across all Asset Groups, continues to develop a sound foundation for data and systems and builds the internal capacity of its people to support the management of its assets.

The Strategic Actions in the Strategy (refer page 27) establishes the initiatives that Melton City Council must embrace to enhance its Asset Management capabilities whilst building efficiencies into its operations.

3. **Council Plan Reference and Policy Reference**

The Melton City Council 2013-2017 Council Plan references:

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

1.1 Strategically plan for a well designed and built City

4. **Financial Considerations**

There are no direct costs incurred by the adoption of these Asset Management documents. The Asset Management Strategy implementation plan and Asset Management Plan improvement actions will be carried out using existing resources and budgets within the Asset Management team.

5. **Consultation/Public Submissions**

The development of these documents involved ongoing discussions with the Asset Management Working Group and numerous business units within Council including Operations, Leisure and Facilities, Finance, Planning Services and Community Planning.

6. **Risk Analysis**

The ultimate costs of not managing our Assets in a responsible manner in accordance with these Asset Management documents would be considerable.

7. **Options**

Nil

LIST OF APPENDICES

1. Appendix 1 - Asset Management Strategy 2014
2. Appendix 2 - Asset Management Plan 2014

11.9 PLANNING APPLICATION PA 2014/4593 - THREE LOT RURAL SUBDIVISION, AND THE USE AND DEVELOPMENT OF LOT 2 FOR THE PURPOSE OF A DWELLING AND OUTBUILDING AT 107-161 LEAKES ROAD, PLUMPTON

Author: Cam Luong- Development Planner

Presenter: Bob Baggio- Manager Planning and Environment

PURPOSE OF REPORT

To consider a planning application for three lot rural subdivision, and the use and development of lot 2 for the purpose of a dwelling and outbuilding at 107-161 Leakes Road, Plumpton.

RECOMMENDATION:

That Council issue a Notice of Refusal for the above proposal on the following grounds:

1. The proposal is inconsistent with the State Planning Policy Framework of the Melton Planning Scheme, and in particular, Clause 11 of the Melton Planning Scheme relating to the Green Wedges and Rural Productivity, which discourages development of isolated small lots in rural areas for rural living.
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. In particular, 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 Plan Melbourne Strategy, which recognises that "*some areas around Melbourne with very fertile soil, essential for highly productive agricultural land uses, are under threat from competing land uses such as urban encroachment and rural residential development*"; and outlines that "*Important areas need to be protected to ensure strategically significant agricultural land is not permanently lost.*"
5. The proposal is inconsistent with Council's adopted *Western Plains North Green Wedge Management Plan, 23 September 2014*. In particular, the proposal is deemed to be inconsistent with the strategic direction of Precinct 3 and the actions (recommendations) identified as part of the Green Wedge Management Plan.
6. The proposal is inconsistent with the Significant Landscape Overlay (Schedule 1), which seeks to discourage development, buildings and works above the 180 metre contour line of Mt Kororoit.
7. The siting of the outbuilding on Lot 2 is inconsistent with Council's Stores and Outbuildings Policy at Clause 22.10 of the Melton Planning Scheme. In particular, the *Shire of Melton Store and Outbuilding Policy and Guidelines (2005)* outlines that outbuildings and stores should not normally be sited any closer to the road than the front elevation of a dwelling. In addition, it outlines that outbuildings and stores should not be visually obtrusive from the road frontages and should not adversely impact upon sightlines to hills (which includes Mt Kororoit).

REPORT

1. Background

Executive Summary

Application No.:	2014/4593
Applicant:	Mr G W Ford C/- Viney and Tomkinson

- The proposal is to subdivide the land into three allotments, and for the use and development of Lot 2 for the purpose of a dwelling and outbuilding.
- The site is within the Green Wedge Zone and is affected by the Significant Landscape Overlay (Schedule 1).
- 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 64.70ha and is located on the eastern side of Leakes Road (and in close proximity to the intersection between Holden Road and Leakes Road). Other features of the site are as follows:

- The land is rectangular in shape with a western frontage of 402.94 metres to Leakes Road.
- The site is currently used for agricultural purposes (primarily cropping and grazing) and is part of a larger property holding (contained in separate land titles). The applicant has identified 625 Holden Road, Diggers Rest, and 803-850 Plumpton Road, Plumpton as part of the land holding.
- The applicant has also indicated that the site has access to reticulated water, power and telecommunications, as well as a recycled water pipeline (Sunbury Melton Recycled Water Scheme).

The surrounding area is characterised by its 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.

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

The Application

The application proposes to subdivide the land into three allotments, and for the use and development of Lot 2 for the purpose of a dwelling and outbuildings.

The proposal is summarised as follows:

- Lot 1 will form the primary lot and will be approximately 62.70ha in area. The lot will continue to be used for agricultural purposes. The lot will be accessed via the existing crossover and driveway off Leakes Road, at the south-west corner of the lot.

- Lots 2 and 3 will each be approximately 1ha in area. They will be located in the north-west corner of the lot, adjoining each other along Leakes Road. The lots will be accessed via a carriageway easement across Lot 1, generally contained within the existing fire break along the western boundary of the property. It should be noted that both of these allotments are entirely within the Significant Landscape Overlay (which applies to areas in proximity to Mt Kororoit).
- A dwelling and out building are proposed for Lot 2, within the proposed building envelope. The dwelling will be located to the north-west corner of the lot. The applicant has indicated that the landowner intends to more actively assist his father in running the farming property in the future and is required to reside on the property to assist with the daily operations and security of the enterprise. A brief description of the works is as follows:
 - The proposed dwelling will be single-storey in height, and constructed with a veneer finish with a hipped roof, and gabled in-fill elements. The dwelling will have an overall area of approximately 285.72 square metres. The plans lack details on materials, colours, and finishes.
 - The outbuilding will be 12m x 24m and will have a height of 5.52 metres at the apex. The plans lack details on materials, colours, and finishes.
- To justify their proposal the applicant has indicated the following:

“...The current owners intend to construct a dwelling on Lot 3 in the future, and will apply for a planning permit for that use at a more appropriate time. Their current dwelling on Holden Road will be highly impacted by the Outer Metropolitan Ring Transport Corridor when it is constructed and once it is in operation. Land set aside for the acquisition of the Corridor surrounds their current dwelling (refer to Figure 3) and will likely significantly affect their current daily operations on the farm if they continue to operate their enterprise from that location once the Corridor is under construction and in operation. The proposed new lot (Lot 3) will enable them to move away from the transport corridor and remain on the property to run the daily operations and security of the agricultural business. Locating Lot 3 adjacent to Lot 2 is best suited to minimize impacts on agricultural operations on the land and access existing and nearby services.

The proposed locations of Lots 2 and 3 provide a good oversight of the whole farming property, which is important for the ongoing security of the farming enterprise into the future...”

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

Planning Controls

The subject land is located in the Green Wedge Zone (GWZ) and is affected by the Significant Landscape Overlay (Schedule 1) 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 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 have access to 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.*

The Management Plan outlines a number of Actions for Precinct 3; the Actions (recommendations) which are relevant to the assessment of this application are as follows:

Action	Assessment
<p>Action L10 a7</p> <p>Pursue changes to introduce a flat 30ha minimum lot size as an 'interim' measure (subject to approvals), in the Leakes Road- Holden Road Precinct until optimal agricultural uses and associated lot sizes are confirmed.</p>	<p>The Western Plains North Green Wedge Management Plan identifies that the current schedule to the Green Wedge Zone, which includes the subdivision formula $N=A/20$ results in poor land management outcomes.</p> <p>It therefore recommends a future amendment to the Planning Scheme to replace the rural lot excision provisions with the flat minimum lot size.</p>
<p>Action L2 a1</p> <p>Work with Western Water to prepare a 'recycled water based agriculture' business plan.</p> <p>Action L2 a2</p> <p>On the basis of the findings of the agricultural business plan, pursue any required updates to the identified subdivision controls to best facilitate agricultural uses.</p>	<p>The Management Plan recommends that Council prepare a Recycled Water Business Plan with Western Water to determine the most appropriate allotment sizes for improved land management outcomes and sustainable agricultural practices.</p> <p>Whilst this Business Plan may support the subdivision of land similar to what is being proposed, this work has not yet been done hence the proposed subdivision is premature and should not be supported at this stage.</p>
<p>Action L10 a8</p> <p>Introduce relevant controls to discourage strip development along main roads in the Leakes Road – Holden Road Precinct, outline requirements for Sustainable Land Management Plans, and recognise the ongoing quarry uses and associated buffers.</p>	<p>Despite the permit application identifying that the primary (larger) lot will be used for agricultural purposes, approving the two secondary lots, including one with a proposed dwelling, will result in the possibility of having three new dwellings, two of which will be located along Leakes Road.</p> <p>The Management Plan does not support this.</p>
<p>Action E7 a1</p> <p>Explore opportunities for identification of the Mount Kororoit area as a destination and investigate opportunities for recognising this.</p>	<p>The proposed subdivision includes land which is within the Significant Landscape Overlay – recognising the contours of Mount Kororoit. Although it is noted that previous approval was given for a dwelling on this allotment, this was for a single dwelling on the 64.7ha lot. Approval of a three lot subdivision within this location increases the potential for compromising the scenic landscape value of Mt Kororoit and the SLO, which is applied to limit development within the environmentally sensitive area.</p>

The proposed three 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 through a Recycled Water Business Plan, and may impact on views and environmental qualities of Mount Kororoit which is considered to be an environmentally sensitive location.

Significant Landscape Overlay (Schedule 1)

The purpose of the Significant Landscape Overlay (Schedule 1) is to protect and conserve volcanic hills and cones from inappropriate development and to help to conserve the existing visual amenity and rural landscapes. In particular, the policy outlines that in order to protect these volcanic cones from development, buildings and works will be discouraged above the 180 metre contour line for Mt 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
- Clause 22.10 – Stores and Outbuilding 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.*

The Stores and Outbuilding Policy at Clause 22.10 provides guidance in terms of siting, setbacks from adjoining properties, the provision of adequate landscaping, scale and height of buildings. The purpose of the policy is to ensure that potential adverse amenity impacts, in particular visual amenity is minimised.

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

Internal

Engineering Department	No objections, subject to conditions
Environmental Services	No objection
Health Services	No objection to this proposal subject to adherence to the accompanying Land Capability Assessment
Strategic Development	<p>The proposal is deemed to be inconsistent with Council's adopted Western Plains North Green Wedge Management Plan.</p> <p>The subject land is located within Precinct 3, which has been recognised as one of the two (the other being Precinct 2) key agricultural corridors due to the presence of large allotments with minimal fragmentation and supported by the Sunbury Wastewater Treatment Facility and associated recycled water pipeline.</p>

External

Department of State Development Business and Innovation	No objections
Western Water	No objections, subject to conditions.
Tenix	No objections, subject to conditions.
Melbourne Water	No response received
Powercor	No response received

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 2.5km from the subject land.

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.

It should be noted that two separate subdivision applications have been lodged for similar subdivisions, with one at the abutting property at 1-105 Leakes Road, and for land at 244 Leakes Road. The application at 1-105 Leakes Road proposes to subdivide the land into two lots, and has also been put forward for Council's consideration at this meeting. The application at 244 Leakes Road proposes a three lot subdivision, and is currently going through the planning application process and will be reported to a future meeting of Council.

Although, each application is considered to be a separate entity, it would be important to keep in mind the cumulative impacts of these types of proposals as a whole. The cumulative impacts include the conflict between rural land uses and residential lands uses, and these issues have been outlined in previous VCAT decisions.

In *Parkworth Pty Ltd & Anor v Casey CC* [2002] VCAT 1594 (18 December 2002), the tribunal made the following comments in relation to 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.

6. Options

Council can either support the application by issuing 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 and Overlay 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

11.10 JUNIOR COUNCIL PROGRAM

Author: Rhona Pedretti- Acting Family Youth and Housing Manager
Presenter: Maurie Heaney- General Manager Community Services

PURPOSE OF REPORT

To provide Council with an update on the Junior Council initiative.

RECOMMENDATION:

That Council endorse the continuation of a Junior Council program until end of 2017 for the municipality.

REPORT

1. Executive Summary

A report was presented and endorsed at the Ordinary Meeting of Council on 13 December 2012 recommending that a consultation process with schools and youth community based groups occur to ascertain the level of interest in the Junior Council initiative, with a report being provided to Council detailing the response.

All City of Melton State, independent and Catholic Education Office secondary and P-9 schools in the municipality were included in the consultation. Additionally, local Scouts and Girl Guides troupes were also consulted.

At the end of March 2013, Creekside College, Staughton College, Southern Cross Grammar and Springside College responded to the invitation to register an expression of interest in the initiative.

The expression of interest was sufficient to recommend initiating the Junior Council program for a trial period of 18 months. It was expected that once initiated, interest from other schools would be received and additional students co-opted into the program.

As part of the review process that comprises this progress report on the initiative, engagement data from the recent Youth Strategy process, and best-practice benchmarking of municipal Junior Councils was undertaken.

As a result of this review process, it is recommended that the Junior Council be continued with appropriate refinements.

2. Background/Issues

As outlined in the report to Council at the Ordinary Meeting on 13 December 2012, the Junior Council initiative was designed to build upon the established network of Student Representative Councils (SRCs) in the local school system by convening a bi-monthly combined meeting of nominated delegates from local school SRCs. The bi-monthly meeting was to feature a guest speaker, an open debate on a topic nominated by Youth Councillors, and a section for general business where delegates can raise items for further investigation by Youth Councillors.

The target age range for nominated delegates was to be students in years seven (7) to ten (10), with no more than two (2) delegates from each secondary school being eligible. Gender equity will be promoted by ensuring that delegates consist of one (1) boy and one (1) girl from each school.

The proposed meeting schedule involved three (3) meetings and one (1) presentation to Council in the period June to December 2013, and six (6) meetings and two (2) presentations to Council in the period February to December 2014.

The Junior Council initiative required allocation of existing resources within the Youth Services operational budget during the trial period. It was recommended that this approach be taken to enable a quick commencement of the program and also to enable an accurate quantification of required resources to be made through the trial period.

The Youth Strategy (2014 – 2017) was endorsed by Council at the Ordinary Council meeting on 21 October 2014. Young people were engaged throughout the Youth Strategy planning process to determine the need for future youth programs and services.

Increased opportunities for participation in local decision making were identified as a priority area throughout the engagement process, and it is envisaged that Junior Council continue to function as a civic engagement program alongside the Youth Advisory Committee (YAC) with new and complimentary program design features. Junior Council has also been able to capitalise on the skills and experience of Whitten Project graduates through providing pathways into Junior Council in order to extend their learning.

As part of the review process, municipal Junior Council models were benchmarked at the regional, national and international level.

It is recommended that Council resolve to continue the Junior Council program beyond the 18 month trial period with enhanced design.

The Melton City Council Youth Strategy (2014 – 2017) contains the following relevant action:

1.2.1 Combine and enhance the functions of the Youth Advisory Group and Youth Council through the Youth Governance and Leadership program.

3. Council Plan Reference and Policy Reference

The Melton City Council Plan references:

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

3.2 Build resilient people and communities through opportunities to participate in community life

4. Financial Considerations

The program will be resourced through the current Youth Services budget.

5. Consultation/Public Submissions

Prior to the establishment of the program, Youth Services staff were consulted for input into the development of the initiative. Additionally, benchmarking with a neighbouring Council was also conducted.

All State government, independent and Catholic Education Office secondary and P-9 schools within the City of Melton were invited to lodge an expression of interest, and the local Scouts and Girls Guides groups were also invited to lodge an expression of interest.

For the review of the initiative, consultation and engagement with young people, their families, schools and other relevant community stakeholders was undertaken as part of the Youth Strategy engagement process.

An additional benchmarking of best-practice in municipal Junior Council programs was also undertaken, and used to inform the Junior Council model as suggested in this review.

6. **Risk Analysis**

There is no risk identified with delivering this initiative.

7. **Options**

That Council:

1. Endorse the Junior Council initiative as presented in this report; or
2. Note the report and resolve not to proceed with the continuation of the Junior Council program.

LIST OF APPENDICES

Nil

11.11 FAMILY DAY CARE FUNDING REFORMS

Author: Vicky Matthews- Children Services Manager
Presenter: Maurie Heaney- General Manager Community Services

PURPOSE OF REPORT

To update Council on the change to the Australian Federal Government funding for Family Day Care (FDC) from 30 June 2015.

RECOMMENDATION:

That Council:

1. Note that the Australian Federal Government will cease Community Support funding (approximately \$180,000) for the Family Day Care Program from 30 June 2015.
2. Commence a consultation process with educators and families on a model to recover the loss of external Australian Federal Government funding of approximately \$180,000 with an intent to commit to the current funding to deliver the family day care service, but also increase the fees of \$6.40 to \$7.10 per hour to cover the loss of Federal Government funding (approximately \$180,000).

REPORT

1. Executive Summary

Council has previously received a report on Family Day Care Service at its Ordinary Council meeting on 13 May 2013.

At that meeting, Council resolved:

That:

- 1. Council continue to manage the provision of Family Day Care with the cap of 53 Family Day Care providers;*
- 2. Officers continue to explore other opportunities for the delivery of Family Day Care provision;*
- 3. Officers review this service in 12 months time, reviewing the current structure, staffing and provider numbers, taking into account market trends and other Family Day Care providers that are operating in Melton or other surrounding municipalities; and*
- 4. A report be presented to Council on the future delivery of Family Day Care.*

This report provides two (2) recommendations for the Family Day Care program for Council's consideration.

2. Background/Issues

Melton City Council's Family Day Care program commenced operations as the Shire of Melton in July 1975. Since 1975, Council has received Community Support funding from the Australian Federal Government to provide a Coordination unit who have the responsibility to monitor and oversee the delivery of education and care to children and families.

Family Day Care services provide early childhood education and care for children aged from birth to 12 years in educators' homes. The educators are sub contracted to Council and registered to provide Family Day Care services for Melton residents.

Currently the program has 43 external educators under agreement to Council to provide child care services to families in the municipality. Education and care is offered to families in the home beyond normal working hours through overnight and weekend care.

The Family Day Care coordination unit employs six (6) staff (5.28 EFT) and their role is to register, support and monitor the external educators. Currently, at the drafting of this report, a total of 509 children receive Family Day Care in the municipality, which equates to assistance being provided to 344 families.

Recruitment, training and qualifications

The Family Day Care coordination unit advertises when necessary for additional educators. Following the advertisements, the induction and training processes for educators commence, which can take up to approximately eight (8) weeks. For example, this can involve site visits to the home with checks occurring internal and external of the property, and reference checks. The minimum qualification for educators is Certificate III in Children's Services or other Early Childhood qualification approved by the Australian Children's Education & Care Quality Authority (ACECQA).

Family Day Care enables employment opportunities and participation in the workplace, particularly for women. Council currently subsidises the Family Day Care service and has committed \$126,354 in the current 2014/15 financial year. On the current income projections it is estimated that Council's costs would be in the vicinity of \$70,000 by the end of June 2015, due to the introduction of an educator levy of 0.10 cents per hour and increased demand of child care hours. The Australian Federal Government, the **Department of Education and Training** ceasing funding from 30 June 2015 means that Council's Family Day Care service will result in a loss of approximately \$180,000 in external funding. Council would then be required to subsidise the service by approximately \$250,000 in the 2015/16 financial year, unless fees were increased. This cost estimate is based on 43 educators at any one time. If the educator levels were to reduce, the cost to Council increases. For example, there are currently 19 educators in the Eastern corridor and 24 educators in the Melton Township.

The Federal Government funding is 0.70 cents per hour of care for a child. The \$180,000 equates to the number of hours of care provided in any one (1) financial year.

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

As indicated above in recommendation two (2), the proposed increase is 0.70c per hour per child whilst in care. It should be noted that this cost would be reduced due to families being eligible for the Australian Government child care rebate and child care benefit.

Council's budget allocation for 2014/15 for the Family Day Care program is \$126,354. As from 1 July 2015, Council will no longer receive the Australian Federal Government funding amount of approximately \$180,000.

If Council would determine not to continue to provide the Family Day Care service and have the service provided by an alternative external organisation, there would be a significant redundancy cost that would affect 5.28 EFT (6 staff). Council has obligations in its current enterprise bargaining agreement (EBA) that would determine payments.

5. Consultation/Public Submissions

Consultation will need to occur with staff, Council's Family Day Care educators and representatives from families on proposed fee increases Council is considering. Officers will write to the effected families and educators as a first point of contact outlining the consultation process.

6. Risk Analysis

The Australian Federal Government funding changes will result in Council incurring a cost shift and having to pass on a new fee structure to the users of the service.

Currently there are 43 educators under agreement with Council. It should be noted that this number fluctuates during the year and can increase or decrease at any point in time. A decrease could incur additional costs to Council as the hours would not be delivered until a recruitment process is finalised.

7. Options

Council has the option to:

- Continue to commit funding of approximately \$126,000 to deliver the family day care service, but also increase the fees of \$6.40 to \$7.10 per hour to cover the loss of Federal Government funding (approximately \$180,000).
- Increase the hourly child care fee from \$6.40 to \$7.35 per hour which will cover the Federal Government funding loss, an additional cost that Council currently incur to provide the service. This will result in a nil cost to Council in the future pending EBA agreements.
- Cease to be a provider of Family Day Care and have the service operated and managed by an external provider/organisation.

LIST OF APPENDICES

Nil

12. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES

12.1 PUBLIC ADDRESS BY EACH COUNCILLOR

**13. COUNCILLOR REPRESENTATIONS AND
ACKNOWLEDGEMENTS**

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

- 27 January 2015

RECOMMENDATION:

That the Record of Assembly of Councillors attached to this Agenda dated 27 January 2015 be received and noted.

LIST OF APPENDICES

1. Record of Assembly - 27 January 2015

14. NOTICES OF MOTION

14.1 NOTICE OF MOTION 398 (CR TURNER) COUNCIL WRITE TO MINISTER FOR LOCAL GOVERNMENT, THE HONORABLE NATALIE HUTCHINS.

Councillor: Bob Turner

Notice was given at the Ordinary Meeting of Council held on 16 December 2014 of my intention to move the following motion at the Ordinary Meeting of Council to be held on 3 February 2015;

MOTION:

That Council write to the Minister for Local Government, the Honourable Natalie Hutchins requesting a review of the Valuation of Land Act of 1960 and Local Government Act 1989 in relation to the application of rating properties based on current valuation methods as Council believe the legislation does little to reflect the complexities of interface Councils, in particular land with the classification Urban Growth Zone.

1. Officer's Comments

The valuation prepared under the Valuation of Land Act 1960 is used for rating purpose and Land Tax purpose by local and state governments. The valuation is arrived at the market value of the land. Market value is based on the principal of "highest and best use" which may not necessarily be the current use.

Valuation of properties within the UGB have gone up significantly because of the change in **potential use** of these land (i.e development) from their **current** use, which was either farming or rural residential . The impact of this change on property owners within UGB is significant increase in their municipal rates and land tax/capital gain tax where applicable.

Owners of properties within this zone range from developers, investors, long term residents including pensioners.

This situation is faced by all interface councils and each council been dealing with this issue differently and apply provisions available within the Local government Act 1989, including application of differential rating, deferral of rates, reduced interest on increased rates etc.

Melton currently rates properties within the UGB at 0.75 differential of the general rate –for properties outside PSP. Properties within a PSP are rated at the same differential as General rate. Melton also offers Deferral of increased rates to eligible ratepayers at reduced interest.

14.2 NOTICE OF MOTION 399 (CR CARLI) CEO TO ADVISE BY NEXT ORDINARY COUNCIL MEETING WHAT SERVICES WILL BE CUT.**Councillor: Lara Carli**

Notice was given at the Ordinary Meeting of Council held on 16 December 2014 of my intention to move the following motion at the Ordinary Meeting of Council to be held on 3 February 2015;

MOTION:

That following the Mayors public announcement that this council would lose services due to rate capping, can the CEO please advise by the next Ordinary Council Meeting what services will be cut. Could he also inform this council of service cuts that occurred under a previous Melton Council when the rates were capped.

1. Officer's Comments

Melton Council "capped" rate increases at CPI for the years as follows;

- 2005/6 2.75%
- 2006/7 3.00%
- 2007/8 2.20%

Officers have reviewed recent press articles on the subject of rate capping, and the only article quoting the Mayor, Cr Ramsey, appeared in the Leader Newspaper on 16 December 2014, with the attributed quote;

"The City of Melton is a growth area with significant infrastructure and service delivery demands".

"It is unclear how a CPI rate cap would affect Council's budget at this stage, but it would have a significant impact".

14.3 NOTICE OF MOTION 400 (CR CARLI) CEO UNDERTAKE RECOVERY OF MONIES PAID IN THE FORM OF CHILDCARE REIMBURSEMENTS**Councillor: Lara Carli**

Notice was given at the Ordinary Meeting of Council held on 16 December 2014 of my intention to move the following motion at the Ordinary Meeting of Council to be held on 3 February 2015;

MOTION:

That the CEO immediately undertake to recover any amounts of monies paid in a form of childcare reimbursements by this council using rate payers money, between 2008-2014, where as indicated in item 11.7 as a breach of procedure occurring. That he report back to this council on a monthly basis at Councils Ordinary Meeting, to advise how much has been recovered, and further more that this money recovered be added to the operating budget of disability services.

1. Officer's Comments

It is suggested that prior to any recovery action being initiated, as outlined in the Notice of Motion, Council should seek legal advice on whether the "administrative oversight" of non collection of specific taxation documentation is such that Council could seek re-imbusement.

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 Expression of Interest - 54 Pinnacle Crescent, Brookfield property

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

18.2 Provision of Valuation Services - Contract No 15/017

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

18.3 CEO's Review Committee Report 2014/15

This report is confidential in accordance with s89(2)(a) as it relates to personnel matters.:

Procedural Motion

That the meeting be opened to the public.

19. CLOSE OF BUSINESS