



MELTON CITY COUNCIL

**Minutes of the Ordinary Meeting of the
Melton City Council**

8 September 2015

**THESE MINUTES CONTAIN REPORTS DEALT WITH AT A
CLOSED MEETING OF COUNCIL**

TABLE OF CONTENTS

1.	OPENING PRAYER, AND RECONCILIATION STATEMENT	5
2.	APOLOGIES AND LEAVE OF ABSENCE	5
3.	CHANGE TO THE ORDER OF BUSINESS	5
4.	DEPUTATIONS	5
5.	DECLARATION OF ANY PECUNIARY INTEREST, OTHER INTEREST OR CONFLICT OF INTEREST OF ANY COUNCILLOR	5
6.	ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	6
7.	CORRESPONDENCE INWARD	7
7.1	PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR	7
	<ul style="list-style-type: none">• Senator The Hon Scott Ryan – Parliamentary Secretary to the Minister for Education and Training – Permanent funding for the National Partnership Agreement on Universal Access to Early Childhood Education (National Partnership).	
8.	PETITIONS AND JOINT LETTERS	8
9.	RESUMPTION OF DEBATE OR OTHER BUSINESS CARRIED OVER FROM A PREVIOUS MEETING	8
10.	PUBLIC QUESTION TIME	8
11.	PRESENTATION OF STAFF REPORTS	9
11.1	AUTHORISATION OF AFFIXING THE COMMON SEAL OF COUNCIL	9
	For Council to adopt the schedule of documents requiring the Common Seal of Council.	
11.2	POLICY REVIEW PANEL MINUTES 4 AUGUST 2015	11
	To present the minutes of the Policy Review Panel meeting held Tuesday, 4 August 2015.	

-
- | | | |
|--------------|--|-----------|
| 11.3 | MELTON WEIR DEVELOPMENT ADVISORY COMMITTEE MEETING MINUTES 18 JUNE 2015 | 14 |
| | To present the minutes of the Melton Weir Development Advisory Committee meeting held on Thursday 18 June 2015. | |
| 11.4 | MINUTES OF THE DISABILITY ADVISORY COMMITTEE HELD ON 6 AUGUST 2015 | 16 |
| | To present the minutes of the Disability Advisory Committee held on Thursday, 6 August 2015. | |
| 11.5 | DELEGATIONS OF AUTHORITY | 18 |
| | To consider amending the current delegation of powers and instruments of delegation to the Chief Executive Officer and members of staff to reflect legislative amendments that have occurred since the last update. | |
| 11.6 | GENERAL LOCAL LAW (2015) - s223 CONSULTATION | 20 |
| | To consider public submissions relating to proposed General Local Law (2015), as required under Section 223 of the <i>Local Government Act</i> 1989. | |
| 11.7 | ROAD DISCONTINUANCE - GATEWAY DRIVE, MELTON | 24 |
| | For Council to consider a request to discontinue a road, Gateway Drive, Melton in accordance with the <i>Local Government Act</i> 1989. | |
| 11.8 | RESPONSE TO NOTICE OF MOTION 402- IMPACT OF PROPOSED RATE CAPPING FRAMEWORK. | 27 |
| | To respond to Notice of Motion 402 (Cr Majdlik) in relation to the consequences of rate capping in the Melton City Council and inform Council the short and long term impact of implementation of the proposed Rate Capping framework. | |
| 11.9 | DRAFT ANNUAL FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT - 30 JUNE 2015 | 32 |
| | To have Council approve in principle the draft Annual Financial Statements and Performance Statement for 30 June 2015 prior to them being submitted to Council's auditor, in accordance with section 132(2) of the <i>Local Government Act</i> 1989. | |
| 11.10 | ANNUAL ACTION PLAN REPORTING 2014/2015 | 34 |
| | To present the 2014/15 end of year Annual Action Plan report for Council's consideration. | |

11.11	RESPONSE TO NOTICE OF MOTION 392 WILLOWS PARK AND HOMESTEAD	37
	To provide Council with a response to Notice of Motion 392 regarding opportunities for increased access to Willows Park and the Homestead.	
11.12	PLANNING APPLICATION PA 2014/4577 AND DP2014/12 - SUBDIVISION AT 803 TAYLORS ROAD, CAROLINE SPRINGS	41
	To consider the development plan application and the planning application for subdivision at 803 Taylors Road, Caroline Springs.	
11.13	VCAT DECISION ON APPLICATION FOR PLANNING PERMIT No. PA2014/4405 - 2-50 MESKOS ROAD, ROCKBANK	60
	To advise Council of a recent VCAT decision relating to a planning application for materials recycling, concrete batching and landscape garden supplies on land at 2-50 Meskos Road, Rockbank.	
11.14	AMENDMENT C100 TO THE MELTON PLANNING SCHEME - DRY STONE WALL AMENDMENT	64
	To consider submissions received to Amendment C100 during the exhibition period.	
11.15	PALMERS ROAD ENVIRONMENT EFFECTS STATEMENT AND PLANNING SCHEME AMENDMENT C143 TO THE MELTON PLANNING SCHEME	70
	To prepare a response to VicRoads, who have prepared an Environment Effects Statement and Planning Scheme Amendment for the Palmers Road Corridor (comprising Calder Park Drive, Westwood Drive and Robinsons Road).	
12.	REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES	77
13.	COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS	78
13.1	RECORD OF ASSEMBLY OF COUNCILLORS IN ACCORDANCE WITH SECTION 80A(1) OF THE LOCAL GOVERNMENT ACT 1989	78
	<ul style="list-style-type: none">• 18 August 2015• 25 August 2015• 1 September 2015	
13.2	PUBLIC ADDRESS BY EACH COUNCILLOR	79
14.	NOTICES OF MOTION	80
15.	COUNCILLOR'S QUESTIONS WITHOUT NOTICE	80

16.	MOTIONS WITHOUT NOTICE	80
17.	URGENT BUSINESS	80
18.	CONFIDENTIAL BUSINESS	81
18.1	MINUTES OF THE CLUB CAROLINE SPRINGS GRANTS ASSESSMENT PANEL MEETING	82
	To present to Council the minutes of The Club Caroline Springs Grants Assessment Panel meeting held Wednesday, 19 August 2015.	
18.2	MANAGEMENT AND OPERATION OF COUNCIL OWNED KINDERGARTENS (JANUARY 2016 TO DECEMBER 2020)	84
	To provide Council with recommendations on the future provision of Kindergarten management and the Long Day Care service in Council owned facilities located within our municipality.	
18.3	MELTON COURTHOUSE LEASE	88
	To obtain Council endorsement for the issuing of a lease for part of the Old Courthouse, Melton to Little Gemz Cafe.	
18.4	SERVICE CONTRACTS FOR FIRE, SANITARY, ELECTRICAL, PLUMBING AND HEATING/VENTILATION/AIR-CONDITIONING (HVAC)	91
	To appoint contractors for the provision of Fire, Sanitary, HVAC, Plumbing and Electrical Services for Council buildings.	
18.5	CONTRACT 100T PROVISION OF A MANAGED SERVICE AND/OR SYSTEM TO MANAGE THE SUPPLY OF AGENCY WORKERS (TEMPORARY STAFF RECRUITMENT)	94
	To advise Council that the tender assessment for the provision of a managed service and/or system to manage the supply of agency workers (temporary staff recruitment) is completed and a recommendation is presented to Council.	
19.	CLOSE OF BUSINESS	98

MELTON CITY COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE MELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC CENTRE, 232 HIGH STREET, MELTON ON 8 SEPTEMBER 2015 AT 7PM

Present: Cr N Dunn (Deputy Mayor) (Chairperson)
Cr M Bentley
Cr L Carli
Cr R Cugliari
Cr K Majdlik
Cr B Turner

Mr K Tori, Chief Executive Officer
Mr I Stewart, Acting General Manager Corporate Services
Mr M Tudball, Acting General Manager Community Services
Mr L Stokes, Acting General Manager Planning and Development
Ms LJ Mellan, Manager City Design, Strategy and Environment
Mr D Hogan, Manager Customer Engagement
Ms A Rajjer, Communications Coordinator
Ms T Spiteri, Governance Coordinator

1. OPENING PRAYER AND RECONCILIATION STATEMENT

The Chair, Cr Dunn read the opening prayer, and reconciliation statement.

2. APOLOGIES AND LEAVE OF ABSENCE

Cr Ramsey.

3. CHANGES TO THE ORDER OF BUSINESS

Nil

4. DEPUTATIONS

Nil

5. DECLARATION OF ANY PECUNIARY INTEREST, OTHER INTEREST OR CONFLICT OF INTEREST OF ANY COUNCILLOR

Cr Majdlik having previously advised the Chief Executive Officer in writing under s.79(2)(a)(ii), declared an indirect interest in item 18.1 of the agenda.

6. ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on 11 August 2015 and Special Meeting of Council held on 1 September 2015 be confirmed as a true and correct record.

Crs Majdlik/Turner. That the recommendation be adopted.

CARRIED

7. CORRESPONDENCE INWARD

7.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR

- Senator The Hon Scott Ryan – Parliamentary Secretary to the Minister for Education and Training – Permanent funding for the National Partnership Agreement on Universal Access to Early Childhood Education (National Partnership).

RECOMMENDATION:

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

Crs Majdlik/Cugliari. That the recommendation be adopted.

CARRIED

LIST OF APPENDICES

1. Correspondence - Parliamentary Secretary to the Minister for Education and Training - Senator The Hon Scott Ryan - National Partnership Agreement funding.

8. PETITIONS AND JOINT LETTERS

Nil

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

Nil

10. PUBLIC QUESTION TIME

Name	Question asked of Council
Androulla Touvanna	Threshold number of signatories to a petition to rescind by-laws.
Androulla Touvanna	Additional resources for the enforcement of proposed General Local Law 2015.
David O'Connor	Clarification of clause 67 of proposed General Local Law 2015 regarding parking of heavy motor vehicles.
David O'Connor	Clarification regarding the proposed lease with the Melton & District Historical Society.

11. PRESENTATION OF STAFF REPORTS

Procedural Motion

Crs Majdlik/Cugliari

That the recommendation as printed in items 11.1, 11.4, 11.5, 11.7, 11.12 and 11.14 be adopted in block.

CARRIED

11.1 AUTHORISATION OF AFFIXING THE COMMON SEAL OF COUNCIL

Author: Tracy Spiteri- Governance Coordinator

Presenter: Peter Bean- General Manager Corporate Services

PURPOSE OF REPORT

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

RECOMMENDATION:

That the Council Seal be affixed to the documentation as detailed in the Schedule for Authorising of Affixing of the Common Seal of Melton City Council dated 8 September 2015.

Crs Majdlik/Cugliari. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

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

2. Background/Issues

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

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

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

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

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

4. Financial Considerations

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

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

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

7. Options

Not applicable.

LIST OF APPENDICES

1. Schedule for Authorising of Affixing the Common Seal.

11.2 POLICY REVIEW PANEL MINUTES 4 AUGUST 2015

Author: Liz Pace- Executive Assistant
Presenter: Peter Bean- General Manager Corporate Services

PURPOSE OF REPORT

To present the minutes of the Policy Review Panel meeting held Tuesday, 4 August 2015.

RECOMMENDATION:

That Council:

1. note the minutes of the Policy Review Panel meeting held on Tuesday, 4 August 2015
2. adopt the recommendations arising within the minutes.

Motion

Cr Carli.

That Council:

1. note the minutes of the Policy Review Panel meeting held on Tuesday, 4 August 2015
2. adopt the recommendations arising within the minutes incorporating amendments:
 - a. Media Policy;
 - i. delete paragraph 6 and 7 in section 4.1.2 Councillors: *“All comments to the media should portray the Mayor and Councillors as a united team working for the betterment of the city” and “The Councillor Code of Conduct is applicable regarding this media policy.”*
 - ii. delete section 4.2.1 from clause 4.2 Approaching the Media.
 - b. Terms of Reference – Councillor Representation Nominations Advisory Committee (CRNAC):
 - i. insert new clause 4.1.2 in section 4.1 Membership – *“The CEO and Corporate Services be present during whole committee meetings.*
 - ii. subsequent clauses in section 4.1 Membership be renumbered.

For want of a seconder, the motion LAPSED

Motion

Crs Majdlik/Carli.

That Council:

1. note the minutes of the Policy Review Panel meeting held on Tuesday, 4 August 2015
2. adopt the recommendations arising within the minutes incorporating amendments:
 - a. Media Policy;
 - i. delete paragraph 5 in section 4.1.2 Councillors
 - ii. amend new paragraph 5 in section 4.1.2 Councillors to read – *“All comments to the media should portray the Mayor and Councillors as a united team working for the betterment of the city. If comments to the media are contrary to a Council adopted*

position or on matters yet to be considered by Council, it should be clearly stated as the personal views of that Councillor”.

- iii.* add paragraph 4 in section 4.2.1 to clause 4.2 Approaching the Media – “*The Councillors Code of Conduct is applicable regarding this media policy*”.
 - iv.* delete section 4.2.1 from clause 4.2 Approaching the Media.
- b. Terms of Reference – Councillor Representation Nominations Advisory Committee (CRNAC):
- i.* insert new clause 4.1.2 in section 4.1 Membership – The CEO and General Manager Corporate Services be present at committee meetings, with nil voting rights
 - ii.* subsequent clauses in section 4.1 Membership be renumbered.

CARRIED

REPORT

1. Executive Summary

Presented for Councils consideration are the Policy Review Panel Meeting Minutes of 4 August 2015.

At the meeting held on 4 August 2015 the panel considered the following items:

- Borrowings Policy
- Asset Management Policy
- Media Policy
- Men’s Shed Policy
- Volunteer Policy
- Arts and Culture Advisory Committee Terms of Reference
- Councillor Representation Nominations Advisory Committee Terms of Reference

2. Background/Issues

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

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

The policies and terms of reference largely reflect what was the pre-existing practice in relation to these matters and therefore are not viewed as containing any major issues for Council.

Refer to **Appendix 1** for a copy of the meeting minutes.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

accountability and sustainability

2.6 Ensure timely compliance with statutory and regulatory obligations

4. Financial Considerations

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

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

5. Consultation/Public Submissions

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

6. Risk Analysis

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

7. Options

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

LIST OF APPENDICES

1. Policy Review Panel Minutes 4 August 2015
2. Borrowing Policy
3. Asset Management Policy
4. Media Policy
5. Mens Shed Policy
6. Volunteer Policy
7. Arts and Culture Committee Terms of Reference
8. Councillor Representation Nominations Advisory Committee Terms of Reference

11.3 MELTON WEIR DEVELOPMENT ADVISORY COMMITTEE MEETING MINUTES 18 JUNE 2015

Author: Trudy Martin- Coordinator Leisure Centres
Presenter: Michael Tudball- Acting General Manager Community Services

PURPOSE OF REPORT

To present the minutes of the Melton Weir Development Advisory Committee meeting held on Thursday 18 June 2015.

RECOMMENDATION:

That Council:

1. note the minutes of the Melton Weir Development Advisory Committee meeting held on Thursday 18 June 2015
2. adopt the recommendations arising within the minutes.

Motion

Crs Dunn/Majdlik.

That Council:

1. note the minutes of the Melton Weir Development Advisory Committee meeting held on Thursday 18 June 2015
2. adopt the recommendations arising within the minutes
3. endorse an extension to the current 2 year term for members of the Melton Weir Development Advisory Committee for a further 12 months.

CARRIED

REPORT

1. Executive Summary

At its meeting of 9 April 2013, Council appointed membership of the Melton Weir Development Advisory Committee. Membership of the Committee consists of representatives from Council (2 Councillors and 2 Council officers), Southern Rural Water, Melbourne Runabout & Speedboat Club and three (3) community members.

The Committee was established to provide advice and guidance to Council on matters relating to the improvement, planning and development of the reservoir including water access and the surrounding public open space.

2. Background/Issues

The purpose of the Committee is to provide guidance to Council on opportunities to develop and provide for broader public access to and usage of the reservoir.

Southern Rural Water (SRW) is the Waterways Manager for the Melton Reservoir. A lease between Southern Rural Water and the Melbourne Runabout & Speedboat Club (MRSBC) is in place which allows restricted power boating activities and access to the water via a club controlled boat ramp.

The Committee is to provide a forum for communication between the facilities primary stakeholders (SRW and MRSBC) with the aim of meeting the needs of the local community.

At its meeting of 18 June 2015, the Committee discussed the following agenda items:

- Memorandum of Understanding between SRW and Council (**Appendix 3**)
- Residential development north of the Reservoir
- The Terms of Reference and membership term of the Committee
- Name change of the Committee from Melton Weir Development Advisory Committee to Melton Reservoir Development Advisory Committee.

Refer to **Appendix 1** for a copy of the meeting minutes;

Refer to **Appendix 2** Terms of Reference, Section 7.3; and

Refer to **Appendix 3** Memorandum of Understanding between SRW and Council.

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 Committee are accommodated within Council's recurrent budget.

5. Consultation/Public Submissions

An Expression of Interest process is conducted at the end of the term as specified in the Terms of Reference for community representation on the Committee.

6. Risk Analysis

Failure to endorse the minutes and recommendations of the Melton Weir Development Advisory Group meeting held 18 June 2015, may restrict the progress in future development of the reservoir and possible risk to our growing community.

7. Options

The 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. Melton Weir Development Advisory Committee 18 June 2015 Minutes
2. Melton Weir Development Advisory Committee - Terms of Reference
3. Draft Memorandum of Understanding between Melton City Council and Southern Rural Water

11.4 MINUTES OF THE DISABILITY ADVISORY COMMITTEE HELD ON 6 AUGUST 2015

Author: Warren Penna- Metro Access Project Officer
Presenter: Michael Tudball- Acting General Manager Community Services

PURPOSE OF REPORT

To present the minutes of the Disability Advisory Committee held on Thursday, 6 August 2015.

RECOMMENDATION:

That Council note the minutes of the Disability Advisory Committee meeting held on Thursday 6 August 2015.

Crs Majdlik/Cugliari. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

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

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

The minutes of the DAC meeting held on 6 August 2015 are attached to this report.

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 6 August 2015 addressed the following:

- The CARE Expo
- 5 Henry Street (previously MELBACC house)
- Clickability Presentation

Refer to **Appendix 1** for a copy of the meeting minutes.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

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

4. Financial Considerations

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

5. Consultation/Public Submissions

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

6. Risk Analysis

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

7. Options

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

LIST OF APPENDICES

1. Minutes of Disability Advisory Committee - 6 August 2015

11.5 DELEGATIONS OF AUTHORITY

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

PURPOSE OF REPORT

To consider amending the current delegation of powers and instruments of delegation to the Chief Executive Officer and members of staff to reflect legislative amendments that have occurred since the last update.

RECOMMENDATION:

That Council:

1. in exercise of the power conferred by Section 98(1) of the *Local Government Act* 1989 (the Act), and other legislation referred to in the attached Instrument of Delegation, delegates each duty and/or function and/or power described in column one of the schedule (and summarised in column two of the schedule) to the Chief Executive Officer and member of the Council staff holding, acting in or performing the duties of the office of each such duty and/or function and/or power in column three of the schedule within:
 - i) Instrument of Delegation, Council to Chief Executive Officer – S5
 - ii) Instrument of Delegation, Council to a member of staff – S6.
2. note that in the exercise of the power conferred by Section 98(2) of the *Local Government Act* 1989 (the Act), and other legislation referred to in the attached Instrument of Sub-Delegation, the Chief Executive Officer delegates each duty and/or function and/or power described in column one of the schedule (and summarised in column two of the schedule) to the member of Council staff holding, acting in or performing the duties of the office of each such duty and/or function and/or power in column three of the schedule within:
 - i) Instrument of Sub-Delegation Chief Executive Officer to a member of Council staff – S7.
3. records that upon the coming into force of the revised Instruments of Delegations, each delegation under the former Instruments of Delegations by the Council and Chief Executive Officer are revoked.
4. authorises the Common Seal be hereto affixed to the Instruments of Delegations.

Crs Majdlik/Cugliari. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

A Council may, by Council resolution, make an Instrument of Delegation (**Appendix 1 and 2**) and delegate to a member of its staff a range of powers, duties or functions of a Council under the *Local Government Act* 1989 (the Act) or any other applicable Act.

The schedule of delegations presented will provide for the proper and efficient use of Council's powers in allowing Council staff to undertake the day-to-day management of the organisation in a timely and responsive manner.

2. Background/Issues

Council at its meeting held on 25 June 2013 reviewed and updated its delegations of authority. The update of delegations attached to this report takes into account subsequent legislative changes and updates to the organisational structure and its delegated positions.

A Council, by Instrument of Delegation (**Appendix 1 and 2**) delegates to a member of its staff any power, duty or function of a Council under this Act or any other Act other than:

- This power of delegation
- The power to declare a rate or charge
- The power to borrow money
- The power to approve any expenditure not contained in a budget approved by the Council
- Any power, duty or function of the Council under Section 223
- Any prescribed power

The Chief Executive may also delegate to a member of Council staff (**Appendix 3**) any of his duties powers or functions except for his power to delegate.

The delegations of authority templates attached have been prepared by Council's solicitor, Maddocks, and is used by most Victorian Councils as the basis for their delegations.

The document contains State and Federal legislation that prescribes Council to carry out an action or task. It is then broken down into a number of sections which relate to sub-delegation by the Chief Executive to Council staff (by title) and delegations direct from Council to members of staff (by title). The authorities delegated to Council staff are predominantly administrative in nature.

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 relevant to this matter.

5. Consultation/Public Submissions

There is no requirement for public consultation in this process.

6. Risk Analysis

Should Council choose to maintain existing delegations, there is a minor risk that an Officers legal authority to perform operational duties may be challenged. There is no consequential risk in adopting the recommendation.

7. Options

Council has the option to maintain the current delegations as previously endorsed by Council, or reduce/expand on the delegations as outlined in **Appendix 1 and 2** as it sees fit.

LIST OF ATTACHMENTS

1. S5 Instrument of Delegation, Council to Chief Executive Officer
2. S6 Instrument of Delegation, Council to Other Members of Council Staff
3. S7 Instrument of Sub-Delegation from CEO to Staff

11.6 GENERAL LOCAL LAW (2015) - s223 CONSULTATION

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

PURPOSE OF REPORT

To consider public submissions relating to proposed General Local Law (2015), as required under Section 223 of the *Local Government Act 1989*.

RECOMMENDATION:

That Council:

1. receive public submissions made under Section 223 of the *Local Government Act 1989* in respect of the proposed General Local Law (2015)
2. incorporate the amendments proposed in **Appendix 2** to the proposed General Local Law (2015) as recommended
3. notify in writing any person who made a submission of Council decision and the reasons for that decision as detailed in **Appendix 2** of this report
4. consider adoption of the final General Local Law (2015) at the next Ordinary Meeting of Council 13 October 2015.

Motion

Crs Dunn/Majdlik.

That Council:

1. receive public submissions made under Section 223 of the *Local Government Act 1989* in respect of the proposed General Local Law (2015)
2. Accept officer recommendations in **Appendix 2**, except where in contradiction to the following amendments to the proposed General Local Law (2015):
 - a. amend clause 65 Shipping Containers to restrict the clause to apply to residential zones only
 - b. amend clause 57 Camping on Another's Land and clause 58 Allowing Others to Camp to allow camping for a period not exceeding 24 continuous hours to make it consistent with clause 56 Camping on Roads and Public Places
 - c. amend clause 81(a)(iii) from 10 poultry to 12 poultry
3. notify in writing any person who made a submission of Council decision and the reasons for that decision as detailed in **Appendix 2** of this report
4. consider adoption of the final General Local Law (2015) at the next Ordinary Meeting of Council 13 October 2015.

CARRIED

Cr Majdlik called for a division of Council

For:

Crs Bentley, Carli, Cugliari, Dunn, Majdlik and Turner

Against:

Nil.

The Chair declared the division CARRIED

REPORT

1. Executive Summary

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

The current General Local Law has been in effect since 2005, and under Section 122 of the Act, is due to sunset in late October 2015. Consequently, Council has reviewed the General Local Law (2005) and has developed an updated version for proposed adoption, attached as **Appendix 1**.

In accordance with Section 223 of the Act, Council invited submissions from interested parties and members of the community to comment on the proposed General Local Law (2015), advertised throughout locally circulating newspapers and available for public inspection.

A summary of the submissions, analysis and recommendations for the consideration of Council are attached at **Appendix 2**. The six submissions received are listed as **Appendices 3 – 8** respectively.

One minor amendment to the proposed General Local Law (2015) is recommended.

2. Background/Issues

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

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

Six submissions were received for the consideration of Council, summarised and considered by Officers within **Appendix 2**. Contained within this appendix are Officer recommendations for treatment of each respective application.

Having fully considered each application listed as **Appendices 3 - 8**, only one change is recommended for inclusion within the General Local Law, Clause 42(i), responding to Submission 2, attached as **Appendix 4**. As this amendment is minor in nature, an additional round of public consultation under Section 223 is not considered required.

Should Council move the recommendation of this report as written, it is intended that Council receive the final General Local Law (2015) at the next Ordinary Meeting of Council 13 October, 2015 for adoption. The Act provides that if the Local Law is adopted, it comes into effect the morning of that same Ordinary Council Meeting.

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

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

4. Financial Considerations

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

\$659 was incurred to publically advertise the s223 public consultation process in locally circulated newspapers, inviting submissions. A further \$97 was incurred placing a public notice in the Government Gazette.

5. Consultation/Public Submissions

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

- (2) The Council must give a notice in the Government Gazette and a public notice stating—
 - (a) the purpose and general purport of the proposed local law; and
 - (b) that a copy of the proposed local law and any explanatory document can be obtained from the Council office; and
 - (c) that any person affected by the proposed local law may make a submission relating to the proposed local law under section 223.
- (2A) The Council must ensure that —
 - (a) a copy of the proposed local law; and
 - (b) an explanatory document setting out prescribed details in relation to the local law—

is available for inspection at, and obtainable from, the Council office during ordinary business hours.

Council has complied with these statutory obligations, and has further advised by letter or email all applicants of receipt of their submission. No applicant requested to be heard in person by Council to support their submission, as also noted within the correspondence.

6. Risk Analysis

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

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

7. Options

No practical alternatives are available to Council other than to update the General Local Law.

LIST OF APPENDICES

1. Proposed General Local Law 2015
2. s223 Submissions Summary & Recommendations
3. Submission 1
4. Submission 2
5. Submission 3
6. Submission 4
7. Submission 5
8. Submission 6

11.7 ROAD DISCONTINUANCE - GATEWAY DRIVE, MELTON

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

PURPOSE OF REPORT

For Council to consider a request to discontinue a road, Gateway Drive, Melton in accordance with the *Local Government Act 1989*.

RECOMMENDATION:

That:

1. Council advertise and invite submissions pursuant to Section 223 of the *Local Government Act 1989* its intention to discontinue Gateway Drive, Melton
2. any submissions received in regard to the proposal be considered by Council's Section 223 Committee at a date to be determined.
3. Should no submissions be received, Council:
 - a) discontinue Gateway Drive – R1 on PS602307S
 - b) sign and seal all documents relating to the discontinuance of Gateway Drive, Melton R1 on PS602307S
 - c) receive a subsequent report from Officers on the disposal of the land.

Crs Majdlik/Cugliari. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

Council has received a request to discontinue Gateway Drive, Melton in accordance with Condition 1 of planning permit PA2014/4439 issued by Council on 20 March 2015, refer **Appendix 1**.

Gateway Drive, Melton intersects with Melton Highway and provides access to lots 4-14 on PS602307S which are all owned by the applicant.

The planning permit approves the use and development of the land for 12 restricted retail premises and 1 cafe with associated car parking and advertising signage, and requires consolidation of all lots (excluding Lot 5 occupied by the Tradelink & Boral outlet) prior to the commencement of any buildings and works.

The road was constructed by the applicant as a result of the previous subdivision of the land they own, including the construction of Gateway Drive and associated crossovers to individual lots. There are no active businesses on Gateway Drive that would be adversely affected by the discontinuance of the road, including the Tradelink and Boral outlets who will continue to have access to their property under the approved development.

2. Background/Issues

The applicant and owner of all the land which is accessed from Gateway Drive, lots 4-14 on PS602307S, received a planning permit for the use and development of all the land

(excluding lot 5 being 2-6 Gateway Drive, Melton). The Planning Permitting PA2014/4439 issued by Council 20 March 2015 permits:

“Use and development of the land for the purpose of restricted retail premises and food and drink premises (cafe), erect and display internally illuminated business identification and pylon signs, create access to a road in a Road Zone (Category 1) and a reduction in the number of car parking and bicycle spaces in accordance with the endorsed plans”.

Gateway Drive is a public road extending in a westerly direction from Melton Highway and is located between the intersections of Melton Highway/High Street and Melton Highway/Federation Drive. Gateway Drive was created following Council approval of a previous subdivision proposal relating to the land owned by the applicant Planning Permit PA2002/451 and subsequent amended versions of it.

It is a sealed road constructed by the applicant, which provides access to each lot within the subdivision in accordance with the previous planning permit PA2002/451. The road was subsequently vested in Council in PS602307S upon registration of the plan in December 2008, refer **Appendix 2**. Gateway Drive is listed on Council's road register as an access street.

There are currently no active businesses operating from Gateway Drive other than the Tradelink and Boral outlets, who lease land from the applicant. There is currently onsite parking at these premises and access will not be inconvenienced by the discontinuance and will continue to be provided during development of the site, refer **Appendix 3**.

The site layout under the newly issued planning permit will provide 530 car spaces in addition to the restricted retail premises. In order to develop the land in accordance with the plan, the road must be discontinued and the whole of the land consolidated into one title as detailed in condition 2 of the planning permit:

“Prior to the commencement of any buildings and works on the land, lot nos. 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, RES 1 and RES3 [vested in Powercor] on Plan of Subdivision PS602307S must be consolidated under the Subdivision Act 1988 and a copy of the new title (plan of consolidation) submitted to the satisfaction of the Responsible Authority”.

Once the lots have been consolidated the development of the land can proceed in accordance with the plans at **Appendix 4**.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

1.3 Generate an innovative local economy that stimulates opportunities for investment, business and training

4. Financial Considerations

A review of council road management records indicates that no maintenance costs have been incurred in the maintenance of the road since it was vested in Council in 2008.

The applicant/landowner requesting the discontinuance of the road will be responsible for all legal and/or administrative costs including miscellaneous disbursements associated with the process.

5. Consultation/Public Submissions

In accordance with Section 189 and 223 of the *Local Government Act 1989*, Council is required to give public notice of its intentions to discontinue a road and invite submissions from affected parties.

6. Risk Analysis

A planning permit PA2014/4493 has been issued by Council for the development of the land as is conditional upon the discontinuation of the road.

The discontinuance of the road will facilitate the functional development of the broader site to accommodate restricted retail uses which is supported by Councils adopted Retail & Activities Centre Strategy. Restricted retail use is a use that provides employment opportunities for local residents, close to existing communities and with access by public transport.

7. Options

Nil. Council issued a Planning Permit (PA2014/4493) in March 2015 which included a condition that the road Gateway Drive, Melton be discontinued prior to any development of the land. This report is to consider the request and to commence the statutory process to discontinue the road in accordance with the Planning Permit condition.

LIST OF APPENDICES

1. PA2014-4493 - Planning Permit - Gateway Drive, Melton
2. Plan of Subdivision - PS602307S
3. Existing Site Plan - Gateway Drive, Melton
4. Approved Development Plan - Gateway Drive, Melton

11.8 RESPONSE TO NOTICE OF MOTION 402- IMPACT OF PROPOSED RATE CAPPING FRAMEWORK.

Author: Shan Thurairajah- Manager Finance
Presenter: Peter Bean- General Manager Corporate Services

PURPOSE OF REPORT

To respond to Notice of Motion 402 (Cr Majdlik) in relation to the consequences of rate capping in the Melton City Council and inform Council the short and long term impact of implementation of the proposed Rate Capping framework.

RECOMMENDATION:

That Council:

1. note the report
2. forward a copy of this report to the Municipal Association Victoria (MAV).

Motion

Crs Majdlik/Turner.

That Council:

1. note the report
2. forward a copy of this report to the:
 - Municipal Association Victoria (MAV)
 - Minister of Local Government, The Hon. Natalie Hutchins
 - Premier of Victoria, Daniel Andrews
 - State Opposition Leader, The Hon. Matthew Guy
 - Local Members of Parliament, both upper and lower house of representatives, that encompass Melton's municipality borders.

CARRIED

Cr Carli called for a division of Council

For:

Crs Bentley, Cugliari, Dunn, Majdlik and Turner

Against:

Cr Carli

The Chair declared the division CARRIED

REPORT

1. Executive Summary

This report responds to a resolution of Council, being Notice of Motion No 402 of 21 April 2015, Specifically "That, no later than 8 September 2015 Ordinary Meeting of the Council, provide a report to Council and subsequently to the MAV with material of the short, medium and long term consequences of rate capping on Melton City, being a growth Council".

A draft report outlining the proposed 'framework' for Rate Capping was released by the Essential Services Commission on 31 July 2015 with Council having responded by a submission as directed at the August meeting of Council.

Council's adopted Strategic Resource Plan is based on 5% annual increase in the level of rates, plus growth varying between 3% and 4% p.a. for the remainder of the plan.

The anticipated impact of a rate cap as proposed is that Council will face \$11.3 million in reduced rate and municipal charge revenue in the short term (first three years) of rate capping, compared to what is in the currently adopted Strategic Resource Plan, if no variations to the cap are approved.

In the medium to longer term (years 4-10) a further shortfall of \$58.3 million in "anticipated income" is likely to eventuate based on historic patterns of rate determination.

In essence Council will need to fully review its Strategic Resource Plan in light of the impact of a rate cap environment, and all options and strategies will need to be fully explored in the development of budgets, commencing with the 2016/17 Budget.

2. Background/Issues

In January 2015 terms of reference were received by the Essential Services Commission (ESC) from the Minister of Finance and Local Government to conduct a review and report on local government rate capping. The Commission was asked to design a 'framework' to meet the Government's commitment to cap annual rate increases as well as to develop a workable process to assess proposals from councils for above cap increases ('variation process').

In April 2015 a consultation paper was released identifying a set of eight (8) principles which received widespread support and these principles were used as the basis for the development of the proposed 'framework'.

A draft report outlining the proposed 'framework' was released on 31 July 2015 with Councils having until 28 August 2015 to respond to the proposed 'framework'.

The proposed 'framework' is designed to provide confidence to ratepayers and the broader community in regard to the decision-making process used to determine council rates. The proposed 'framework' has three elements:

- Rate cap – the maximum annual rate increase that councils can apply.
- Variation process – the mechanism for councils to seek and have considered increases in rate revenue above the rate cap.
- Monitoring and reporting - the means of verifying and reporting on compliance as well as identifying and addressing unusual or unexplained outcomes.

The report outlines eleven draft recommendations designed to assist in implementing each element of the framework.

Council received a report, at the Council meeting on 11 August 2015, about the main contents of the draft report.

This report analyses the recommendations contained in the draft report and the financial impact it will have on Melton in the short, medium and long term.

The Commission recommends that the cap should be applied to rates and charges paid by the average ratepayer. This is calculated by dividing a council's total revenue required from rates in a given year by the number of rateable properties in that council area at the start of the rate year.

The table below shows the historic actual rate including municipal charges and the number of rateable properties at the start of the year and the average rates/property applying in City of Melton and its predecessor Shire.

Year	Total Rates & Municipal charge	Number of properties	Average rates	% increase in Average rate
2006/07	\$38,723,456	35,095	\$1,103	6.2%
2007/08	\$41,016,696	36,510	\$1,123	1.8%
2008/09	\$45,199,346	39,164	\$1,154	2.7%
2009/10	\$49,400,967	40,861	\$1,209	4.8%
2010/11	\$55,012,015	43,434	\$1,267	4.8%
2011/12	\$61,737,255	45,150	\$1,367	8.0%
2012/13	\$67,104,856	47,045	\$1,426	4.3%
2013/14	\$72,044,091	48,414	\$1,488	4.3%
2014/15	\$77,833,049	49,810	\$1,563	5.0%
2015/16	\$83,440,869	51,310	\$1,626	4.1%

The indicative rate Caps for the next three years, as detailed in the draft report, are based on the May 2015 forecast of Department of Treasury & Finance as shown below. The Department will publish updated forecasts in December each year which will be applied by the Commission to become the binding cap rate for the following year.

	2016-17	2017-18	2018-19
Forecasted Annual Rate Cap	3.05	2.85	2.80

Short term effect on Council's Revenue (2016/17 to 2018/19)

Based on the indicative rate cap announced, the following rate income can be raised without an approved variation for the next three years, assuming Council achieve the growth projection of between 3-4% as per annum as per the adopted Strategic Resource Plan of Council.

Year	Total Rates & Municipal charge	Number of properties	Average rates	% increase in Average rate
2016/17	\$88,583,321	52,860	\$1,676	3.05%
2017/18	\$93,762,245	54,400	\$1,724	2.85%
2018/19	\$100,250,178	56,580	\$1,772	2.80%

Council's adopted Strategic Resource Plan is based on 5% increase in the level of rates, plus growth varying between 3% and 4% for the remainder of the plan. The table below compares the indicative reduction in rate revenue for the next 3 years compared to the rate income forecasted as per the Strategic Resource Plan.

Year	Forecasted Rates & Municipal Charge (SRP)	Rates & Municipal Charges as per rate capping	Shortfall in Expected Rates & Municipal Charge
2016/17	\$90,210,418	\$88,583,321	\$1,627,097
2017/18	\$97,423,992	\$93,762,245	\$3,661,747
2018/19	\$106,308,630	\$100,250,178	\$6,058,452
Cumulative Reduction in Rates & Municipal Charge			\$11,347,296

Medium-Long term impact on Council's Revenue (2019/20 to 2025/26)

Assuming the growth will continue at 3% to 4% per annum for following seven years, and with an assumed 1% gap between the rate cap and what would have been applied without a rate cap in place, Council will forego an additional \$58.3 million in rate income over this period.

Council's operating costs have more than doubled during the last 10 years from \$51 million in 2006/07 to over \$103 million in 2015/16 with average increase of 10.3% per year. This growth in expenditure is inclusive of the impact of growth in population and number of serviced properties, which over that time, averaged around 5%, indicating an underlying growth in expenditure of approx 5% per annum. In the absence of any pro-active review of service levels, this trend is anticipated to continue due to the service delivery demands resulting from growth.

Council will need to investigate all of the following in a rate cap environment:

- i) look for other sources of revenue- maximising Council's other revenue streams- this may involve benchmarking Council's fees and charges with "like" councils for similar services and introduce applicable "user pay" principles
- ii) apply for a variation to the rate cap in order to continue to provide the same level of service and capital works, -Section 3.3 of the draft report proposes five matters would need to be addressed in each application for variation
- iii) undertake service reviews to identify efficiencies and/or reductions in service areas or levels
- iv) reduce Capital Works program, - this may have significant implications for Melton being a growth Council and facilities required by a growing community, or
- v) increase borrowings- This will have an impact on long term commitment of debt servicing.

There are recommendations in the draft report in relation to applying for variation to the rate cap. Length of permissible variation approvals increases from one year in 2016/17 to four years from 2019/20 and onwards.

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 is no financial impact in the current year. This report is to advise of the potential financial implication to council in the future, resulting from the introduction of a rate cap.

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

The report is for Council's notation only and as such no risks applicable.

7. Options

Council will have the option to submit for variation to the rate cap in accordance with the provisions that will be contained within the final report once it is approved by the Minister. Council will also be required to ensure that it has fully evaluated all other options, as outlined in the Draft Report, prior to submitting a variation application.

LIST OF APPENDICES

Nil

11.9 DRAFT ANNUAL FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT - 30 JUNE 2015

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

PURPOSE OF REPORT

To have Council approve in principle the draft Annual Financial Statements and Performance Statement for 30 June 2015 prior to them being submitted to Council's auditor, in accordance with section 132(2) of the Local Government Act 1989.

RECOMMENDATION:

That Council:

1. approve, in principle, the draft Annual Financial Statements and Performance Statement for 30 June 2015
2. authorise the Mayor Cr Ramsey and Deputy Mayor Cr Dunn to approve the Statements in their final form after any changes recommended, or agreed, by the Auditor have been made, pursuant to sections 132(2) and 132(5) of the Local Government Act 1989.

Crs Majdlik/Cugliari. That the recommendation be adopted.

WITHDRAWN

Motion

Crs Majdlik/Cugliari.

That the report be deferred to a Special Meeting of Council.

CARRIED

REPORT

1. Executive Summary

The Audit Committee meeting on 26 August 2015 discussed and reviewed the draft Annual Financial Statements and Performance Statement for the year ended 30 June 2015. The Audit Committee has recommended that Council approve the statements prior to them being submitted to the Auditor, as required under the Local Government Act 1989.

2. Background/Issues

For the purpose of sections 132(2) and 132(5) of the Local Government Act 1989, Council must not submit the Annual Financial Statements and Performance Statement to the auditor or the Minister unless it has passed a resolution giving its approval in principle to the statements. The Council must authorise two Councillors to certify the Statements in their final form after any changes are recommended, or agree to, by the Auditor.

In accordance with section 133(1) of the Local Government Act 1989, Council must submit the statements to the Minister within three months of the end of the financial year.

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 direct costs associated with this matter.

5. Consultation/Public Submissions

There is no requirement for public consultation in relation to the draft Financial Statements and Performance Statement.

6. Risk Analysis

Endorsing the recommendations in this report will ensure Council's continued compliance with the legislative requirements.

7. Options

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

LIST OF APPENDICES

1. Draft Performance Statement - 30 June 2015
2. Draft Annual Financial Statements - 30 June 2015

11.10 ANNUAL ACTION PLAN REPORTING 2014/2015

Author: Matthew Wilson- Manager Community Planning
Presenter: Michael Tudball- Acting General Manager Community Services

PURPOSE OF REPORT

To present the 2014/15 end of year Annual Action Plan report for Council's consideration.

RECOMMENDATION:

That Council receive and note the 2014/15 end of year Annual Action Plan report.

Crs Majdlik/Carli. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

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

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

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

Appendix 1 to this report provides details on activity during the fourth quarter/end of year period in the achievement of the 2014/15 Annual Action Plan.

2. Background/Issues

The Council Plan is Council's primary vision and strategic planning document that establishes the direction Council has committed for its term of office (4 years). The Council Plan contains the objectives, strategies and performance indicators.

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

Council provides the community with a quarterly progress reports that supports Council's commitment in providing transparency, through public access, to relevant information, decision making and strategic documents.

Annual Action Plan (2014/15)

The 2014/15 Annual Action Plan provided 106 actions that Council committed to deliver.

Appendix 1 provides a detailed summary on the status of each action in the 2014/15 Annual Action Plan, inclusive of the reporting period from 1 April 2014 to 30 June 2015.

The following table provides summary of progress against actions for 2014/15:

Status	Description	Number of actions
Achieved	The Action is completed.	84
On track	The Action is progressing to be achieved by a revised target date of 31 December 2015.	14
Behind Schedule	Expected to be completed by 30 June 2016.	7
Postponed	The Action has been deferred due to matters beyond Council's control or change in Council direction.	1
Total		106

Key achievements extending from the fourth quarter/end of year report include:

The finalisation of key strategic documents including:

- The adoption of the Asset Management Strategy and Asset Management Plan outlining Councils management of its physical infrastructure assets, and guides service level intervention to optimise the life of its assets.
- The development of a Community Engagement Framework and associated Policy and Guidelines that will assist Council officers with guidance and structure to support effective community engagement.
- Development of the Youth Strategy for 2014-2017 that will guide Councils youth related service delivery and community development initiatives.
- The adoption of the Reconciliation Policy and Reconciliation Roadmap which guides and informs Council with future planning and program development.
- The Safer City Plan 2015-2017 which provides Council with a strategic framework to promote community safety within the municipality.

The implementation of new program and service initiatives, including:

- The delivery of the Streetscape Improvement program design concept for the redevelopment of the McKenzie Street and Courthouse Plaza precinct, Melton.
- The expansion of the "Its cool to walk to school" program with 24 schools participating during 2014/15.
- The Melton City Council Employee Mentoring Program, established to support staff across the organisation with personal and professional development goals.
- The establishment of a Men's Shed at Morton Homestead, Taylors Hill enabling men living in the City of Melton to come together to participate in a range of activities and special events supporting men's health programs and initiatives.
- The delivery of the Healthy Children Growing together project with more than 700 children and parents across the municipality participating in a range of activities and awareness programs.

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

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

2.6 Ensure timely compliance with statutory and regulatory obligations

4. Financial Considerations

Initiatives and activities delivered in the Annual Action Plan 2014/15 were funded within Councils 2014/15 budget.

5. Consultation/Public Submissions

The 2013-17 Council planning process involved extensive consultation of stakeholders including the community, Council staff, government agencies, community organisations and private industry. This process resulted in the publication of the 2013-2017 Melton City Council Plan and subsequent 2014/15 Annual Action Plan.

6. Risk Analysis

Nil

7. Options

That Council:

1. Adopt the 2014/15 end of year Annual Action Plan report as detailed at **Appendix 1**;
2. Not adopt the 2014-15 end of year Annual Action Plan and refer back to officers for further work; or
3. Provides an alternative option as considered by Council.

LIST OF APPENDICES

1. 2014/15 end of year Annual Action Plan report

11.11 RESPONSE TO NOTICE OF MOTION 392 WILLOWS PARK AND HOMESTEAD

Author: Kate McCluskey- Coordinator Neighbourhood Participation
Presenter: Michael Tudball- Acting General Manager Community Services

PURPOSE OF REPORT

To provide Council with a response to Notice of Motion 392 regarding opportunities for increased access to Willows Park and the Homestead.

RECOMMENDATION:

That:

1. Council endorse Officers to discuss terms of a new lease for use of the Willows Homestead by the Melton and District Historical Society including identified opportunities to increase public access to The Willows Historical Park, and
2. Officers provide a future report to Council on the outcome of increased public access to the Willows Historic Park inclusive of a review of existing user groups.

Motion

Crs Dunn/Turner.

That Council:

1. note the report
2. Officers seek community feedback via public consultation on ideas to increase usage, access and patronage of the Willows Park and Homestead
3. Officers present a future report to Council on options from the consultation.

CARRIED

REPORT

1. Executive Summary

This report responds to a Notice of Motion (NOM) that was raised by Cr. Nola Dunn requesting:

“That Council Officers explore other opportunities for increased access to the Willows Park and the Homestead with a future report to be presented to Council for consideration.”

Officers investigated the current utilisation of the Willows Park and Homestead. In particular, the activities of the Melton and District Historical Society and current community usage were reviewed.

Opportunities were identified to improve community access to the park, and more specifically to support Melton and District Historical Society (Historical Society) to provide increased access to the Willows Homestead. Additionally, the need to develop a new lease agreement with the Historical Society outlining expectations and opening hours was also identified.

2. Background/Issues

The Willows Historical Park consists of Dunvegan Cottage, Mac’s Cottage, the Melton Men’s Shed, the Barn, the Willows Homestead, Melton and District Historical Society Museum and the surrounding grounds.

The Historical Society has operated from the Homestead since the 1970s when Council purchased and restored the property. The Melton Men's Shed was opened on-site in 2009 and in 2014 the Vietnam Veterans Association Australia (Melton and District Sub-Branch) took up residence in Mac's Cottage.

Dunvegan Cottage and the Willows grounds are hired out to community users in accordance with the Community Facilities Access Policy. It is noted that the Willows Homestead is unavailable for community or private bookings because of the absence of running water or toilet amenities inside the building.

In 2014-2015 there were 297 bookings of Dunvegan Cottage and/or the Willows grounds. Six (6) commercial and community groups use the venue regularly and make up the bulk of bookings. The venue is also popular for private functions and is used for this purpose approximately 20% of the time.

There were 117 weekend bookings of the Willows Park in 2014/15. Sixty-two (62) of the 117 bookings were for private functions, with forty (40) of these private functions involving exclusive use of the grounds. The balance of weekend bookings was made up of commercial users, Council programs and events, and community group bookings.

Willows Park is currently one of only four Council venues in the township of Melton where alcohol can be consumed at private functions. Limitations on the use of this venue for private functions would potentially be met with negative feedback from the community.

The gates at the entry to the park are presently locked at all times except when the Historical Society is on-site on Sunday afternoons. The locked gates limit public access to the park, but support the use of the park by existing Council Services from the Men's Shed, community groups such as the Vietnam Veterans, and also for private functions bookings by community members. The locked gates also mitigate against the potential for vandalism of the facilities within the historical park.

Considering that a number of facilities are within the Willows Park, including the Men's Shed in which Council programs operate, it is appropriate to consider ways in which public access to the park can be provided without imposing on the other established activities and user groups. Additionally, it presents as an opportunity to increase potential visits to the Historical Society through unplanned visitation to The Willows Homestead by park users. If public use of the park during the operating hours of the Historical Society proves to be compatible with the other current facilities and uses in the park, then Council may consider extending the days and hours available for public access. However, it is noted that further extension of hours for public access may result in the park becoming less attractive as a venue for private functions.

The terms of the most recent licence agreement entered into with the Historical Society (dated April 3, 2000) state that the Homestead be open to the public for a minimum of 10 hours per week. Presently the Historical Society opens on Sunday afternoons for two (2) hours but this is complicated by bookings of the grounds by user groups under the Community Facilities Access Policy. It is timely to revisit the terms of agreement with the Historical Society and propose a new lease agreement.

Council Officers toured the Homestead in March 2015 and noted that it had been arranged to display a range of furniture and collectables reminiscent of the era. The Homestead is suitable for public patronage but the Museum and Barn are presently needing attention. The Historical Society state that a storage shed is required to allow the Homestead, Museum and Barn to be organised appropriately. The Historical Society is aware of the annual budget engagement processes through which community groups can submit applications for Council funding toward projects such as construction of a storage shed.

It is proposed that Council consider opportunities to increase public access to the Homestead operated by the Historical Society whilst maintaining the level of use by existing users. To achieve this, it is recommended that Council endorse Officers to discuss terms of a new lease agreement with the Historical Society that identifies mutually agreeable times

within the week that the gates can be unlocked to the public. It is further proposed that these times be unavailable for private functions so that the Historical Society can schedule access to the Homestead. Such terms would include the right for Council to book the park for civic or community functions at any time.

The recommendation above is consistent with Council's Community Facilities Access Policy.

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
 - 1.2 *Build a sense of place through an engaging range of community facilities and shared open spaces*

4. Financial Considerations

It is timely to consider terms of a new lease agreement between Council and the Historical Society. Terms of a new lease will be subject to negotiation with Officers and presented to Council for consideration and adoption at a future date.

Revenue from private, commercial and community bookings of the Willows Park was \$11,643 in the 2014-2015 financial year.

It is possible that extensive changes may result in a decrease of bookings and therefore revenue. As a result, it is recommended that Council minimise the impact of any proposed changes on the current usage of the park.

5. Consultation/Public Submissions

Council Officers toured the Homestead on 17 March 2015. It was noted that the Homestead had been arranged to display a range of furniture and collectables reminiscent of the era.

On 14 April 2015 Council officers met with representatives of the Historical Society at the Homestead. Ms Hutchison outlined barriers to public visitation to the Homestead if the park was to remain closed to the public. A need for a storage shed on-site was also discussed.

On 22 July 2015, the Mayor, Cr. Turner and a number of Council Officers met with representatives of the Historical Society to discuss how to progress the organisation of the Barn towards readiness for public exhibition. The Historical Society has committed to undertaking a range of tasks with assistance from Council to prepare the Barn.

6. Risk Analysis

Opening the grounds to the public increases the risk of theft and vandalism to buildings and exhibits.

Risks for the Historical Society associated with managing an increase in opening hours and patronage of the Homestead will be addressed through the negotiation of the proposed new lease.

Failure to make changes to the current arrangements with the Historical Society means that the sub-optimal use of the Willows Historical Park will continue.

7. Options

Council has the following options:

1. Endorse the recommendation as presented, or
2. Maintain the status quo regarding arrangements for the Willows Historical Park.

LIST OF APPENDICES

Nil

11.12 PLANNING APPLICATION PA 2014/4577 AND DP2014/12 - SUBDIVISION AT 803 TAYLORS ROAD, CAROLINE SPRINGS

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

PURPOSE OF REPORT

To consider the development plan application and the planning application for subdivision at 803 Taylors Road, Caroline Springs.

RECOMMENDATION:

That Council approve the Development Plan subject to the following modifications:

1. The indicative subdivision layout (including road/common property) is removed from the plans for the proposed medium density housing site east of Stony Hill Creek.
2. A note must be placed on the development plan indicating that subdivision/development of the medium density housing site will be designed with road/accessway running parallel to the drainage reserve. In addition, any interface to the drainage reserve must present as an active interface, and in particular state 'no side fencing permitted adjacent to the drainage reserve'.

Upon the approval (endorsement) of the Development Plan, that Council issue a Planning Permit for the subdivision subject to the following conditions:

1. Before the plan of subdivision is certified under the *Subdivision Act 1988*, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the submitted plans but amended to show:
 - (a) The sections of the dry stone wall to be retained on the site. The location of this wall is to be confirmed by the provision of detailed survey plans showing the position of the wall, adjoining garden beds, landscaping treatment, services and elevations of the proposed wall ends, showing the proposed finished height.
 - (b) Two 2.5m wide concrete shared paths (that also act as emergency vehicle tracks) along the extent of the development on both sides of Stony Hill Creek and connect to the existing pedestrian paths and road network to the satisfaction of the Responsible Authority. In addition, a note must be placed indicating that these paths will be located above the 1%AEP level of the water course.
 - (c) A 2.5m wide concrete shared path designed and constructed to the satisfaction of the Responsible Authority along the southern side of Taylors Road to its intersection with Monahans Lane, that connects to the existing pedestrian path and footpaths associated with this development.
 - (d) Boundary fencing details for proposed Lots 38 and 39. The proposed fencing must be semi-transparent and provide for passive surveillance of the local park.
 - (e) Boundary fencing (side fencing abutting tree and road reserve) details for proposed Lots 1, 12 and 48.
2. Before the plan of subdivision is certified under the *Subdivision Act 1988*, a Dry Stone Wall Management Plan must be submitted to and approved by the Responsible Authority. The Plan must include the following:
 - (a) Photographic documentation of the wall at 5m intervals prior to demolition of part of the wall.

- (b) Assessment of the condition of the wall.
 - (c) Conservation policies for the wall, including guidelines for the protection of the wall during and after construction.
 - (d) A specification and schedule of works for proposed reconstruction and repair of the wall, including a detailed elevation showing finished heights, batter, courses, coping stones and construction of wall end details. This needs to include an assessment of how much extra stone will be required.
 - (e) A long term maintenance plan which takes into account the location of future irrigation, trenching, services, garden beds, weed removal, grass maintenance and trees.
3. Before the plan of subdivision is certified under the *Subdivision Act 1988*, a landscape plan for all public open space areas, including streetscapes, parklands, water retention areas, buffer zones, service corridors, environmental reserves and community use areas to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and three copies must be provided. The plan must show:
- (a) The removal of all existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.
 - (b) All proposed street-tree planting using semi - advanced trees; with minimum container size of 45 litres.
 - (c) The supply and spread of sufficient topsoil and sub soil if required on the proposed areas of open space to provide a stable, free draining surface and hydro-seeding of proposed grass areas (Including within the transmission easement and drainage reserve).
 - (d) Mechanisms for the exclusion of vehicles.
 - (e) All proposed open space, streetscape embellishments such as installation of pathways, garden beds, seating, shelters, picnic facilities, boardwalks, tree planting, signage, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies (including the drainage reserve).
 - (f) Retain a natural drainage corridor with vegetated buffer zones at least 30m wide along each side of the waterway to maintain the natural drainage function, stream habitat and wildlife corridors, landscape values, minimise erosion of stream banks and verges, and reduce polluted surface runoff from the adjacent residential development.
 - (g) Location of public lighting.
 - (h) Fencing details for all allotment boundary fencing abutting Council reserves.
 - (i) The provision of a shared path along both the western and eastern side of the drainage reserve, which links up to the existing shared path network.
4. Before the plan of subdivision is certified under the *Subdivision Act 1988*, a Waterway Restoration Plan must be submitted to and endorsed by the Responsible Authority. When endorsed this plan will form part of this permit. The plan must include (but not be limited to):
- (a) Consider fauna habitat in the design of wetlands or creek restoration works to provide potential habitat for Growling Grass Frog.
 - (b) Be in accordance with best-practice guidelines for the creation of Growling Grass Frog habitat.
 - (c) Use species of local provenance from an appropriate Ecological Vegetation Class

and include planting schedules detailing species and densities.

- (d) A detailed construction methodology for works within or on the banks of Stony Hill Creek which reduces impacts and risk to Growling Grass Frog.
- (e) Any relevant recommendations as outlined in the Ecolink reports submitted with planning permit application PA2014/4577 dated November 2013 and February 2014.
- (f) The approved plan must be implemented to the satisfaction of the Responsible Authority.

Planting of approved species in accordance with the endorsed plan must be carried out within six (6) months of the date of this Permit, to the satisfaction of the Responsible Authority. Such planting must be maintained to the satisfaction of the Responsible Authority.

- 5. The subdivision as shown on the endorsed plan must not be altered or modified without the written consent of the Responsible Authority.
- 6. Prior to works commencing, written evidence must be submitted to the Responsible Authority showing that the proposed action has been referred and assessed by the relevant agency administering the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999.
- 7. Prior to the plan of subdivision being certified, a functional layout plan for the subdivision or stage of the subdivision must be submitted to and approved by the Responsible Authority. The plan must incorporate the following:
 - (a) A traffic management strategy and traffic engineering report identifying street classification, design traffic volumes, intersection treatments and any associated SIDRA electronic files, and traffic management devices to be incorporated into the development.
 - (b) A drainage management strategy detailing catchments both internal and external to the development, 1% AEP flow paths and flow volumes for the entire development. This strategy must include on-site stormwater quality improvement, and any stormwater and rainwater harvesting measures.
 - (c) A mobility plan detailing pedestrian access, bike/hike paths, public transport routes within the development and all interconnections to adjacent existing and future developments.
- 8. Road works and drainage works must be provided, in accordance with construction plans and specifications as approved by the Responsible Authority, prior to the issue of Statement of Compliance. Before any roads / drainage works associated with the subdivision start, detailed construction plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The construction plans will not be considered until the functional layout plan(s) has been approved by the Responsible Authority and landscape plans submitted, the plan of subdivision has been lodged for certification with the Responsible Authority and the locations of other authorities' services have been provided to the satisfaction of the responsible authority. When approved, the construction plans will be endorsed and will then form part of the permit. The construction plans must be drawn to scale with dimensions and one copy must be provided in the initial submission and subsequent resubmissions. For the final submission, a set of A1 sized plans, two A3 sized plans and a CD/DVD set of plans in pdf and AutoCAD format shall be provided. The construction plans must include:
 - (a) The 2.5m wide concrete shared paths (that also act as emergency vehicle tracks) and ancillary works must be constructed along the extent of the development on both sides of Stony Hill Creek and connect to the existing pedestrian paths and road network to the satisfaction of the Responsible Authority. They must be located

above the 1%AEP level of the water course.

- (b) A 2.5m wide concrete shared path shall be designed and constructed to the satisfaction of the Responsible Authority along the southern side of Taylors Road that connects to the existing pedestrian path and footpaths associated with this development.
- (c) Public lighting shall be designed and constructed along Taylors Rd from the existing to the extent of the development in accordance with Australian Standards AS1158 (V3 category) and to the satisfaction of the Responsible Authority.
- (d) Monaghans Lane and ancillary works must be designed and constructed to an urban standard along the extent of the development to the satisfaction of the Responsible Authority.
- (e) The Monaghans Lane – Taylors Road intersection must be designed and constructed to an urban standard to the satisfaction of the Responsible Authority. As a minimum, it must include a basic left turn and a basic right turn as per Austroads requirements.
- (f) All necessary computations and supporting documentation, including ones for any structure, traffic data, road safety audit and geotechnical investigation report.
- (g) All details of works consistent with the approved functional layout plan, submitted landscape plan and lodged plan of subdivision.
- (h) Design for full construction of streets and underground drainage, including measures to control / capture pollutants and silt.
- (i) Provision for all services and conduits (underground), including alignments and offsets, on a separate services layout plan.
- (j) All road reserve and pavement widths to be in accordance with the current Clause 56 of the Melton Planning Scheme to the satisfaction of the Responsible Authority.
- (k) All intersection treatments to comply with all turning movements of Council's waste collection vehicles. Turning templates will need to be submitted for verification.
- (l) Where an intersection, bend or junction is part of a designated bus route or one proposed in the Precinct Structure Plan, the design shall allow for the movement of a Design Ultra Low Floor Bus (12.5m) [Austroads Design Vehicles and Turning Path Templates, 1995 (AP34-95/HB 72-1995)].
- (m) Verge widths around all bends, intersections and in court bowls to be a minimum of that provided at the mid block.
- (n) Priority treatments shall be provided at intersections of Access Streets, Access Places and Access Lanes unless specified by the Responsible Authority. The priority treatment at intersections shall comprise of an open invert channel across the entrance to the minor street and a low profile splitter island, line-markings and raised reflective pavement markers (RRPMs) on the minor street.
- (o) Low profile splitter islands, line-markings and raised reflective pavement markers (RRPM's) on all 90-degree bends on through roads.
- (p) Vehicle crossings shall be provided to each lot in accordance with Council's Residential Standards, except for the medium density housing lot which is to be to heavy duty or industrial strength standards.
- (q) Provision of concrete footpaths in all road reserves. All footpaths shall be a minimum 1.5 metres in width and be in accordance with Council Standards.
- (r) Provision of a temporary turning area with sufficient size in locations where the road terminates at stage boundaries to allow waste collection vehicles to complete a

three-point turn.

- (s) Provision of public lighting and underground electricity supply to all streets, footpaths, bus stops and to major pedestrian and bicycle links likely to be well used at night.
- (t) The street lighting shall be designed in accordance with AS 1158 and Council's current Public Lighting policy. The lighting category shall be sought from Council.
- (u) Access to all public properties, pathways and road crossings shall comply with the Disability Discrimination Act and be to the satisfaction of the Responsible Authority.
- (v) Provision of street name plates to the Council standard design including a schedule of individual signs and associated street numbers.
- (w) Provision of underground easement drains of sufficient capacity to serve all lots being created to a legal point of discharge and the provision of an inlet on each such lot.
- (x) The location and provision of vehicle exclusion mechanisms abutting reserves.
- (y) Details of the proposed treatment and provision for lot boundary fencing adjoining all reserves other than road reserves.
- (z) Appropriate mechanisms for protecting environmental and heritage assets during the construction phase of the subdivision.
- (aa) Provision for the utilisation of any surplus topsoil from this stage.
- (bb) Permanent survey marks.
- (cc) Details in relation to all filling on the site that must be compacted to specifications approved by the Responsible Authority.
- (dd) The relocation underground of all existing aerial services, on the services layout plan.

Drainage

- (ee) The drainage system of the proposed development shall be designed to ensure that flows downstream of the site are restricted to pre-development levels unless increased flows are approved by the Responsible Authority.
- (ff) Underground drainage shall be provided and any other drainage works necessary for the transmission of drainage as required to the outfall.
- (gg) All drainage works shall be designed to meet the following current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (1999):
 - 80% retention of the typical annual load of total suspended solids
 - 45% retention of the typical annual load of total phosphorus; and
 - 45% retention of the typical annual load of total nitrogen.
- (hh) Provision of underground drains of sufficient capacity to serve all lots being created to a legal point of discharge and the provision of an inlet on each such lot.
- (ii) All lots within the proposed development abutting or adjoining a watercourse or water body shall have a minimum 600mm freeboard above the 1 in 100 year flood levels of the water course or water body.
- (jj) Roads and allotments are to be designed such that the allotments are protected with a minimum 150mm freeboard against the 1 in 100 flooding.
- (kk) Melbourne Water approval shall be required for the connection of drainage discharge from this development into the current outfall.

9. Prior to the issuance of the Statement of Compliance or at a time specified by the Responsible Authority the following must be submitted to the satisfaction of the Responsible Authority:
- (a) A complete set of 'as constructed plans' of site works, in hard copy and digital file format AutoCAD. The digital files must have a naming convention to enable identification of Council assets listed.
 - (b) Asset information in digital format to include data as per "D-Spec" and "R-Spec".
10. Prior to the commencement of onsite works, a Construction Environmental Management Plan must be prepared and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The Construction Environmental Management Plan must include, but not limited to the following:
- (a) Working hours;
 - (b) Haulage routes to the site;
 - (c) Methods of dust suppression;
 - (d) Sediment control and gross pollutant management;
 - (e) Procedures to ensure that no significant adverse environmental impacts occur as a result of the development;
 - (f) A site specific work method statement for Growling Grass Frog prepared by a suitably qualified contractor, with previous experience working in conservation areas, that includes:
 - Pre-clearance surveys to mitigate impacts to Growling Grass Frogs.
 - Measures which specify the sequencing works within Stony Hill Creek to occur during low flow/no flow periods, to best mitigate impacts to existing populations of Growling Grass Frogs.
 - Dams and waterways must be drained at least 48 hours prior to works commencing to enable the relocation of fauna and reduce the spread of Eastern Gambusia (environmental pest animal).
 - (g) Earthworks (Consistent with Construction Techniques for Sediment Pollution Control (EPA, 1991);
 - (h) Showing where stockpiling, machinery wash down, lay down, storage and personnel rest areas occur;
 - (i) Vehicle exclusion areas; and
 - (j) Weed management measures to be undertaken during and post construction.
 - (k) The permit holder must advise all persons undertaking works on site of all relevant conditions of this permit. In particular:
 - The Drystone Wall Management Plan
 - The Waterway Restoration Plan.
 - (l) In addition, the construction management plan must ensure:
 - All machinery brought on site to be weed and pathogen free, and measures to minimise the potential spread of weeds and soil pathogens.
 - All machinery wash down, lay down and personnel rest areas to be clearly fenced and located in disturbed areas
 - Contractors working on the site to be inducted into an environmental management program for construction work
 - Best practice erosion and sediment control techniques to be used to protect

any native flora and fauna.

11. Before the plan of subdivision is certified under the Subdivision Act 1988, the permit holder must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 or any alternative restriction deemed satisfactory by the Responsible Authority for all lots between 300m² and 500m² which requires the preparation of building envelope plans. These building envelope plans must:
- (a) Be in accordance with Standard C21 and any other relevant Standard under Clause 56 of the Melton Planning Scheme,
 - (b) Incorporate plans and a written statement to address each of the relevant objectives and performance measures of Clause 54 of the Melton Planning Scheme to the satisfaction of the Responsible Authority,
 - (c) Require the construction of all dwellings and associated development be contained within the nominated building envelope for each of the lots hereby approved except with the prior written consent of the Responsible Authority.

The agreement must also:

- (d) Require that the future maintenance and repair of all fences (excluding the removal of graffiti) abutting open space or tree reserves be the responsibility of the owner of each lot abutting the reserve (except where damage to the fence is caused by the Council or its representatives whilst undertaking maintenance works to the reserve).
- (e) Prohibit the construction of more than one dwelling on a lot except for the medium density housing site.

The costs for preparation and execution of the Agreement shall be borne by the permit holder.

12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.
13. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is created.
14. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of the Act.
15. Prior to the issue of a Statement of Compliance for the subdivision, the following must be undertaken to the satisfaction of the Responsible Authority:
- (f) The permit-holder must pay to the Responsible Authority a contribution equivalent to 9% of the site value of all the land in the subdivision for open space purposes in accordance with the Schedule to Clause 52.01 of the Melton Planning Scheme. The land contribution (local park) and the cost of constructing the shared path on the eastern side of the drainage reserve can be offset against any required monetary contribution as determined and agreed in writing by the Responsible Authority.
 - (g) All boundary fencing as shown on the "Landscape Plan" endorsed under the planning permit must be constructed.
 - (h) The 2.5m wide concrete shared paths (that also act as emergency vehicle tracks) and ancillary works must be constructed along the extent of the development on both sides of Stony Hill Creek and connect to the existing pedestrian paths and road network to the satisfaction of the Responsible Authority. They must be located above the 1%AEP level of the water course.
 - (i) A 2.5m wide concrete shared path shall be designed and constructed to the

satisfaction of the Responsible Authority along the southern side of Taylors Road to its intersection with Monaghans Lane, that connects to the existing pedestrian path and footpaths associated with this development.

- (j) Monaghans Lane and ancillary works must be designed and constructed to urban standards along the extent of the development to the satisfaction of the Responsible Authority.
 - (k) The Monaghans Lane – Taylors Road intersection must be designed and constructed to urban standards to the satisfaction of the Responsible Authority. As a minimum, it must include a basic left turn and a basic right turn as per Austroads requirements.
 - (l) The landscape works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 - (m) The Dry Stone Wall Management Plan must be carried out and completed to the satisfaction of the Responsible Authority.
 - (n) The Waterway Restoration Plan must be carried out and completed to the satisfaction of the Responsible Authority.
 - (o) All civil works (including roads, crossovers, drainage, light, etc.) must be carried out and completed to the satisfaction of the Responsible Authority.
16. The owner of the land must enter into an agreement with:
- (a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - (b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
17. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- (a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - (b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
18. The following must be undertaken to the satisfaction of City West Water:
- (a) The owner of the land enters into an agreement with City West Water for the provision of water supply.
 - (b) The owner of the subject land enters into an agreement with City West Water for the provision of sewerage.
 - (c) Prior to certification, the Plan of Subdivision must be referred to City West Water, in accordance with Section 8 of the Subdivision Act 1988.
19. The following must be undertaken to the satisfaction of Melbourne Water:
- (a) Prior to the issue of a Statement of Compliance, the owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of

surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.

- (b) Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- (c) At least 21 days prior to commencement of works, a Site Management Plan detailing pollution and sediment control measures, must be submitted to Melbourne Water.
- (d) No fill is to be placed within the flood plain of Stony Hill Creek without the prior consent of Melbourne Water.
- (e) All lots must achieve appropriate freeboard in relation to local overland flow paths to Council satisfaction.
- (f) All lots must be at least 600mm above the 1 in 100 year flood level of Stony Hill Creek.
- (g) Local drainage must be to the satisfaction of Council.
- (h) Engineering plans of the subdivision (in electronic format) are to be forwarded to Melbourne Water for comment/approval. A Certified Survey Plan may be required following our comments on the engineering drawings.
- (i) A separate application in writing to Melbourne Water is required for the crossing of Stony Hill Creek.
- (j) A minimum 60m wide Municipal Reserve in favour of Council is to be provided along the waterway and riparian area to the satisfaction of Melbourne Water and Council.
- (k) A Drainage and Floodway easement in favour of Melbourne Water is to be provided over the Municipal Reserve to the satisfaction of Melbourne Water and Council.
- (l) Melbourne Water requires that the applicant submit a detailed Drainage and Stormwater Management Strategy, which demonstrates how stormwater runoff from the subdivision will achieve flood protection standards and State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater. The strategy should also include information regarding the future ownership and maintenance requirements of any proposed assets.

The applicant should note that the Aboriginal Heritage Act 2006 and Aboriginal Heritage Act Regulations 2007 have been enacted within Victoria. According to this legislation, a cultural heritage management plan (CHMP) may be required before works can commence along waterways and natural wetlands. To check whether a CHMP is required for this proposal you are advised to contact Aboriginal Affairs Victoria (AAV) on (03) 9208 3333. Additionally, a map of Victoria's culturally sensitive heritage areas along with an Aboriginal Heritage Planning Tool can be accessed on the Aboriginal Affairs Victoria website <<http://www.aboriginalaffairs.vic.gov.au>>.

- (m) Prior to the approval of works at this site, the proponent must provide to Melbourne Water written evidence that a CHMP assessment has been undertaken. Where a CHMP is required, a copy of the plan must be submitted to Melbourne Water.
- (n) Prior to commencement of works, a flora and fauna management strategy, detailing the flora and fauna values of the creek frontage and measures to protect these values is to be submitted to Melbourne Water for approval.
- (o) Prior to the commencement of works separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne

Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.

Contact Asset Services on telephone 9679 6614 for Melbourne Water's connection requirements, including payment of appropriate fees.

- (p) Shared pathways within the Municipal Reserve and in vicinity of the waterway must be designed in accordance with Melbourne Water's Shared Pathways Guidelines".
- (q) Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

20. The following must be undertaken to the satisfaction of AusNet Services (Gas):

- (a) The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with the Section 8 of the Subdivision Act 1988.

21. The following must be undertaken to the satisfaction of Powercor:

- (a) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.

(b) The application shall:

- Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
- Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
- Any buildings must comply with the clearances required by the Electricity Safety (Installation) Regulations.
- Any construction work must comply with Energy Safety Victoria's "No Go Zone" rules.
- Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.

Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes"

pursuant to Section 88 of the Electricity Industry Act 2000.

- Obtain for the use of Powercor Australia Ltd any other easements external to the subdivision required to service the lots.
- Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

22. The following must be undertaken to the satisfaction of relevant fire authority (as per the requirements of Clause 56.09-3):

(a) Hydrants

- Operable hydrants, above or below ground must be provided to the satisfaction of the relevant fire authority.
- The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelopes, the rear of lots) must be 120m and hydrants must be no more than 200m apart.
- Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au)

23. Construction activities must be managed so that the amenity of the area is not detrimentally affected, through the:

- (a) Transport of materials, goods or commodities to or from the land.
- (b) Inappropriate storage of any works or construction materials.
- (c) Hours of construction activity.
- (d) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
- (e) Presence of vermin.

24. This permit will expire if:

- the plan of subdivision is not certified within two years of the date of this permit; or,
- the registration of the subdivision is not completed within five years from the date of certification of the plan of subdivision.

NOTES:

- All drains contained within the allotment, except in drainage easements, shall remain the property of the landowners and shall not be taken over by Council for future maintenance.
- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9679 7517, quoting Melbourne Water's reference **246743**.
- Although a mandatory Cultural Heritage Management Plan is not required for the proposed activity as the study area does not fall within an area of cultural heritage sensitivity as defined by the Aboriginal Heritage Regulations, it is recommended that a voluntary CHMP be prepared as subject land is likely to contain Aboriginal Cultural Heritage.
- The Construction/Site EMP template and guidance notes developed by Melbourne Water,

available at: <http://www.melbournewater.com.au/Planning-and-building/Standards-and-specifications/site-management/Pages/Develop-a-site-management-plan.aspx>

Crs Majdlik/Cugliari. That the recommendation be adopted.

CARRIED

REPORT

1. Background

Executive Summary

Application No.:	PA2014/4577 and DP2014/12
Applicant:	Taylor's Development Strategist

- The proposal relates to a site specific Development Plan (DP2014/12) for the subject land and a planning permit application to subdivide the subject land at 803 Taylor's Road in Caroline Springs.
- The site is within the General Residential Zone (Schedule 1) and is affected by the Development Plan Overlay (DPO1).
- Eight submissions to the Development Plan have been received.
- The proposal is considered to meet the relevant requirements of the Council's Planning Scheme.
- Approval is recommended.

The Land and Surrounding Area

The subject site has an area of approximately 5 hectares and is described as 803 Taylor's Road, Caroline Springs. Other features of the site are as follows:

- The land has a northern frontage of approximately 382m to Taylor's Road and a western frontage of 130m to Monaghans Lane. At this point in time, Monaghans Lane is unconstructed.
- Stony Hill Creek runs generally in a north/south direction through the site.
- The Taylor's Hill West PSP area is located generally to the northwest of the subject land.
- The future Kororoit PSP area is generally located to the west of the subject land.
- The areas to the south, east, and north of the site have already been developed for residential purposes.
- There is a portion of drystone wall that runs along the southern property boundary. The surveyed plan provided by the applicant indicates that a majority of this wall is located outside of the property.
- An existing single-storey dwelling is currently located on the subject land.

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

The Applications

The Development Plan Application (DP2014/12) is site specific and relates only to 803 Taylor's Road. A brief summary of the Development Plan is as follows:

- The Development Plan has been prepared in accordance with the requirements of the Development Plan Overlay.
- The Development Plan generally shows that a drainage reserve approximately 60 metres wide will be provided along the length of Stony Hill Creek, which runs north/south through the site. The drainage reserve will split the land into two distinct portions.
- The western portion will be accessed via Monaghans Lane, whilst the eastern portion will be accessed via a left-in/left-out accessway that will be located on Taylors Road.
- The western portion of the land will be subject to a concurrent planning permit application to subdivide the land for residential purposes.
- The eastern portion of the land is described as a Medium Density Superlot.
- The Development Plan provided shows an indicative layout for both portions of the land.

*Refer to **Appendix 2** for Development Plan*

The concurrent Planning Permit Application (PA2014/4577) relates to the subdivision of the land. The proposed subdivision is summarised as follows:

- Creation of 48 residential allotments, a local park of 0.12 hectares, a 60m wide drainage reserve, and a Superlot of 9,387m².
- A small section of land running parallel to the northern property boundary has been set aside for road widening purposes, as required by VicRoads.
- The residential allotments will be accessed via Monaghans Lane.
- The subdivision layout generally provides active street frontages to the drainage reserve, and to Taylors Road. In addition, several allotments will directly front onto Monaghans Lane.
- The residential allotments will range in size from 243m² to 588m² and an average lot size of 412m².
- The local park will be provided near the drainage reserve.
- The proposed subdivision is generally in accordance with the Development Plan that has been submitted for approval.

*Refer to **Appendix 3** for Subdivision Master Plan*

Planning Controls

The subject land is located in the General Residential Zone (Schedule 1 – Melton General Residential Areas) under the jurisdiction of the Melton Planning Scheme. A permit is required for the subdivision pursuant to Clause 32.08-2 of the Melton Planning Scheme. An application to subdivide land not containing an existing dwelling or car parking space must meet the relevant objectives and standards of Clause 56 (depending on the class of subdivision). The Development Plan Overlay (DPO1) also applies to the land.

State Planning Policy Framework (SPPF)

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

- Clause 11 – Settlement
- Clause 12.01 – Biodiversity
- Clause 14.02 – Catchment Planning and Management
- Clause 15.01-3 – Neighbourhood and Subdivision Design
- Clause 15.03 – Heritage conservation.
- Clause 15.03-2 - Aboriginal cultural heritage

- Clause 16.01-4 – Housing Diversity.

The Settlement Policy at Clause 11 contains numerous policy directions to respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. The policy direction contained in 'Clause 11.02 – Urban growth' and 'Clause 11.03 - Open space' are of direct relevance to this application.

The objective of Clause 12.01 is to protect and conserve Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.

The objective of Clause 14.02 is to protect and, where possible, restore catchments, waterways, water bodies, groundwater, and the marine environment.

The Neighbourhood and Subdivision Design Policy at Clause 15.01-3 aims to ensure that subdivision design and layout achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods. Amongst the numerous strategies of the policy, it encourages the provision of a "range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people".

The Housing Policy at Clause 16 provides a series of objectives relating to the multiple forms of residential accommodation including residential development for single dwellings, medium density housing, and rural living. In relation to residential development for single dwellings the policy recognises the need for subdivisions to occur in locations with access to physical and community infrastructure, infrastructure provision is cost effective.

The Aboriginal cultural heritage policy at Clause 15.03-2 is to "ensure the protection and conservation of places of Aboriginal cultural heritage significance." and to "Provide for the protection and conservation of pre- and post-contact Aboriginal cultural heritage places."

Local Planning Policy Framework (LPPF)

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

- Clause 22.12 – Housing Diversity Policy.

The objective of the Housing Diversity Policy is "to provide a comprehensive plan guiding housing growth within the established residential areas across the municipality. It will also ensure that future housing development provides an appropriate range of housing choice and diversity to meet the needs of a growing and changing community." This proposal suitably satisfies this policy objective by providing a range of residential lots.

Clause 43.04 - Development Plan Overlay (DPO1)

Pursuant to Clause 43.04, a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority. A permit granted must be generally in accordance with the development plan.

The Development Plan Application (DP2014/12) and Planning Permit Application (PA2014/4577) have been submitted concurrently.

Clause 52.01 – Public Open Space Contribution and Subdivision

The provision allows Council to collect public open space contributions for developers who choose to subdivide land. The contributions can be a percentage of the land to be subdivided, or a percentage of the site value, or a combination of two. A public open space contribution can be made only once for any of the land to be subdivided. The Schedule to Clause 52.01 outlines that amount of contribution for public open space within the Melton East Growth Area is 9%.

Clause 52.37 – Post Boxes and Dry Stone Walls

The purpose of the policy is to “*conserve historic post boxes and dry stone walls.*” The provision outlines that a permit is required to demolish, remove or alter a dry stone wall constructed before 1940 on land specified in the schedule to this provision. The schedule introduced to the Melton Planning Scheme as part of Amendment C142 now outlines that it applies to ‘All land’ within the municipality.

Clause 52.17 – Native Vegetation

The purpose of the policy is to “*ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria’s biodiversity.*” The provision outlines that a permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

Clause 56 – Residential Subdivision

A proposal to subdivide land within a residential area generally needs to be assessed against the relevant objectives and standards of Clause 56 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.*

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

This includes the strategy to ‘*ensure appropriate land use planning for public infrastructure, non urban areas, urban development and community assets*’.

3. Financial Considerations

No Council related financial considerations are involved with the application.

4. Consultation/Public Submissions

Public notification of the application

There is no requirement to give formal public notice of any application for Development Plan approval, nor for any subsequent application to amend such an approval once granted.

As part of Council’s processes, neighbouring landowners were informally notified that the Development Plan application had been lodged and were informed that the Planning Permit Application (PA2014/4577) for the subject land had been lodged (if, they called to enquire). The neighbouring landowners were provided with a 14 day timeframe to provide comments. At the end of the designated timeframe **eight objections** were received. The issues raised in the objections (and Officers response to the concerns) are as follows:

- *The proposal will de-value our property.*

The possible devaluation of surrounding properties is difficult to substantiate without specific information from a valuer. The site is identified for residential purposes in the planning scheme.

- *Privacy concerns.*

This issue seems to relate to the future development of the medium density housing site. It should be noted that any development of this land will be subject to a further planning permit and any issues which may affect surrounding residents will need to be assessed at that time.

- *Parking issue.*

Again this issue seems to relate to the medium density site and is a matter that will be dealt with as part of a future planning permit for the site.

- *That they bought into a residential area; and were not given any indication that they would about a medium density site.*

The use of land can change over time depending on a number of factors including changes in planning policy and the needs of the community. It is considered that it is appropriate for a part of this site to be identified for future medium density housing, particularly given its proximity to future activity centres within the Taylors Hills West and Kororoit precinct structure plan areas, and the community need of providing a range of housing options for future residents.

- *They were not notified of any re-zoning.*

The land was previously located in the Residential 1 Zone and is now located in the General Residential Zone (Schedule 1). The General Residential Zone was applied as part of the implementation of the new residential zones. The transition from the Residential 1 Zone to the General Residential Zone has not impacted on the potential uses and subdivision of the land. There was significant notification and advertisement of this change when the work was undertaken in 2014.

Referral of the application

Internal

A number of concerns were initially raised by Council's Urban Design and Engineering areas; however through the submission of amended plans, many of these issues have been addressed.

External

The application was referred to a number of external agencies, who did not object to the application subject to the inclusion of conditions in any permit issued.

5. Issues

Planning Assessment

Design and layout

The proposed subdivision layout has been substantially modified as part of the application process. The subdivision layout has now been designed to allow dwellings to address Taylors Road (via an internal loop road) and front directly onto Monaghans Lane.

The subdivision layout also provides an acceptable interface to existing dwellings located to the south (located off Asthima Way).

Superlot

The 'medium density site' will be used for the purpose of residential housing. The relevant State and Local Planning Policies generally encourage "a diverse range of housing to meet the needs of a diverse population and provide genuine choice in housing products" and "to support increased residential densities in locations with high levels of access to infrastructure, services and transport." Medium density development is considered to be part and parcel of residential areas.

It should be noted that there is proposed to be a Local Activity Centre located within the Taylors Hill West Precinct Structure Plan area (at the corner of Hume Drive and Vista Drive). This Activity Centre is located approximately 1km from the subject land. Further, it is envisaged that there would be another Neighbourhood Activity Centre located within the future Kororoit Precinct Structure Plan that is estimated to be within 1km of the subject land

(as shown on the draft Future Urban Structure). Nonetheless, it needs to be stressed that the Kororoit PSP has not been finalised at this point in time.

The indicative subdivision layout was provided by the applicant at the request of Council officers. The purpose of the indicative subdivision layout was to demonstrate to Council that the Superlot can potentially be developed in a manner that provides an appropriate interface to the residential properties to the west and the south, whilst also ensuring that active frontages (in the form of a road/common accessway) to the drainage reserve can be achieved.

The creation of the Superlot is considered to be appropriate given that the Drainage Reserve (Stony Hill Creek) divides the land into two separate portions. In addition, the nomination of the Superlot for the purpose of 'medium density site' is considered to be appropriate given that it would generally be supported by State and Local Planning Policies on the basis that it would add to housing diversity and that it would be in close proximity to the Activity Centres as outlined above.

In any event, the future subdivision or the development of the land for a medium density development will be subject to a separate application.

Access Arrangements

The proposed access arrangement to the Superlot has been reviewed by VicRoads, who have raised no objections. In addition, the Subdivision Masterplan indicates that land has been set aside for road widening purposes (for Taylors Road) in accordance with requirements of VicRoads.

Open Space

The local park is required as the nearest passive space to the subdivision is located at the Botanical Drive Reserve and is likely to be over 600 metres walking distance to the nearest dwelling and in excess of 800m from dwellings in the northwest section of the development.

The applicant has outlined that the existing shared path on the west side of the drainage reserve (Stony Hill Creek) will be extended as part of their proposal. Council's Open Space Planning area has conveyed the need to extend the shared path to the east of the drainage reserve. This can be addressed as a condition on permit.

Environmental Issues

The environmental reports by the applicant's consultant Ecolink (dated 2013 and 2014) consider the property contains important dispersal habitat for Growling Grass Frog (GGF) – a species protected under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. The environmental reports further outline that *"should the proposed residential development follow the requirements of these documents (The GGF CMP), there will not be a need to re-refer the proposed development to the Commonwealth Department of the Environment"*.

Council's Environmental Services Department consider that there is a significant opportunity to restore the waterway and re-connect the fragmented and degraded habitat corridor - particularly for Growling Grass Frog.

Clause 56 – Residential Subdivision Provisions

The proposal has been assessed against the relevant provisions in Clause 56 and satisfactorily addresses the relevant objectives, standards, and decision guidelines. The Clause 56 Assessment provided by the applicant highlights the proposals' overall compliance with Clause 56.

Refer to **Appendix 4** for Clause 56 Assessment (as submitted by the applicant).

Aboriginal Heritage Act, 2006

The application has been checked against the requirements of the Aboriginal Heritage Act 2006 as to the need for a Cultural Heritage Management Plan (CHMP).

The applicant submitted an 'Aboriginal Heritage Due Diligence Report' that has been prepared by 'Heritage Insight P/L'. The report outlines the following:

"The study area does not intersect with or contain any areas of cultural heritage sensitivity as defined in the regulations.

The Watercourse passing through the study area is Stony Hill Creek. However, as this creek is not registered under the Geographic Name Places Act 1998, it does not qualify as an area of cultural heritage sensitivity as defined in the Regulations.

...

A mandatory CHMP is not required for the proposed activity as the study area does not fall within an area of cultural heritage sensitivity as defined by the Aboriginal heritage regulations.

However, the study area has been assessed as being highly likely to contain Aboriginal cultural heritage, and a voluntary CHMP is recommended.

In addition, the Report outlines:

"A search of the Aboriginal Cultural Heritage Register Information Systems (ACHIRIS) administered by the Office of Aboriginal Affairs Victoria (OAAV) was carried out on October 30, 2013. This search showed that the study area has been partially subject to previous archaeological survey and does not contain any registered Aboriginal places. A second search of ACHRIS was made on February 13, 2015.

...

As Stony Hill Creek is not a registered waterway under the Geographic Place Names Act 1998 the study area is not deemed an area of cultural heritage sensitivity and therefore a mandatory Cultural Heritage Management Plan (CHMP) is not required by the Aboriginal Heritage Regulations 2007. However, regardless of the registration of waterways under the Geographic Place Names Act 1998, the study area is considered highly likely to contain Aboriginal cultural heritage, and as a result of this finding, it is highly recommended that a voluntary CHMP be undertaken for the entirety of the study area. As a consequence a mandatory CHMP in accordance with section 46 of the Aboriginal Heritage Act 2006 is not required."

6. Options

Council can either support the application by approving of the Development Plan and issuing a subsequent planning permit for the subdivision, or not support the proposal by refusing both applications.

7. Conclusion

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

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

Therefore, it is recommended that the applications be approved.

LIST OF APPENDICES

1. Appendix 1 - Locality Plan
2. Appendix 2 - Development Plan
3. Appendix 3 - Subdivision Masterplan
4. Appendix 4 - Clause 56 - Assessment (Submission by the applicant)

11.13 VCAT DECISION ON APPLICATION FOR PLANNING PERMIT No. PA2014/4405 - 2-50 MESKOS ROAD, ROCKBANK

Author: Bob Baggio- Manager Planning Services
Presenter: Bob Baggio- Manager Planning Services

PURPOSE OF REPORT

To advise Council of a recent VCAT decision relating to a planning application for materials recycling, concrete batching and landscape garden supplies on land at 2-50 Meskos Road, Rockbank.

RECOMMENDATION:

That Council note the VCAT decision.

Crs Majdlik/Cugliari. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The subject site has a total area of about 51ha and is located at 2-50 Meskos Road in Rockbank. The land is located between the Western Freeway and the Melbourne – Ballarat rail line, and is currently developed with a temporary material recycling facility (rock crushing) and a plant nursery. It is also located in the northern part of the Mount Atkinson precinct structure plan area.

In May 2014, a planning application was lodged to use the land for materials recycling, (incorporating a rock crushing facility), concrete batching plant, and landscape garden supplies. Council received 422 objections to the application including from the Metropolitan Planning Authority (MPA), and Mt Atkinson Holdings, a major landholder within the Mount Atkinson PSP area.

The applicants lodged an application with VCAT against Council's failure to grant a permit within the prescribed time. At its meeting on 21 October 2014, Council resolved not to support the application at the VCAT hearing, however further resolved that if VCAT decided to support the proposal, Council strongly recommends the submission of and re-advertising of amended plans relocating the concrete batching plant and materials recycling uses to the north-west portion of the site, and a reduction of the duration of the proposal to ten (10) years.

The VCAT hearing was heard over seven days in April this year. On 3 August 2015, VCAT directed that a permit be granted.

2. Background/Issues

The land, known as 2-50 Meskos Road, Rockbank has an area of approximately 51 hectares and is located about 12.5 km from Melton township and 36 km from Melbourne's CBD. The Western Freeway to the north, the Melbourne to Ballarat rail line to the south, a road interchange to the east and small rural landholdings to the west surround the land. The land has been used and developed as a landscape garden supplies and nursery for a number of

years. More recently, the Council granted a permit allowing the temporary use of the land for materials recycling, including a rock crushing operation. The permit is due to expire in 2017.

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

Buildings, machinery, stockpiles of materials and earthen mounds associated with these uses exist on the land.

Contextually, the land is located at the northern end of a substantial strategic precinct, with an area exceeding 700 hectares, known as the Mt Atkinson Precinct Structure Plan (PSP) area. The PSP area is within the Urban Growth Zone and earmarked to be redeveloped for a range of land uses and activities including residential, retail, commercial/industrial and education. The process for the preparation of a PSP for the Mount Atkinson area is well advanced, with the latest Future Urban Structure (FUS) released in April 2015. The MPA anticipates that the formal process for amending the scheme to implement a PSP for the Mount Atkinson area will begin later this year.

In May 2014, Aurora Constructions Pty Ltd lodged an application for planning permit with Council to use the land for materials recycling (incorporating a rock crushing operation), concrete batching plant, and landscape garden supplies. The Council received 422 objections to the permit application. The MPA, a determining referral authority, objected to the grant of the permit, as did Mt Atkinson Holdings, a major landholder within the PSP area.

The applicants lodged an application with VCAT against the Council's failure to grant a permit within the prescribed time. Council considered the application at its meeting on 21 October 2014, and resolved:

In the event that Council had the opportunity to determine the application (prior to the VCAT proceedings being lodged) it would have refused the application on the following grounds:

- 1. The MPA, as a determining referral authority, objects to the proposal.*
- 2. The application is premature given the status of the proposed Mt Atkinson PSP which will include the subject land. There is insufficient information to determine at this stage in the development of the PSP whether the proposed use and development will be appropriate in this location.*
- 3. The proposal is contrary to principles of proper and orderly planning.*
- 4. The proposal may prejudice the development and implementation of the Mt Atkinson PSP.*
- 5. Based on the information provided, the off-site amenity impacts, including in relation to hours of operation, dust and noise impacts and the proposed location of the facility in relation to existing and proposed future residential areas, are not sufficiently resolved.*

Notwithstanding the above, if VCAT resolves to support the proposal at appeal, Council strongly recommends the submission of and re-advertising of amended plans relocating the concrete batching plant and materials recycling uses in the north-west portion of the site, a reduction of the duration of the proposal to ten (10) years and the approval of the Metropolitan Planning Authority (MPA), subject to the following permit conditions...

The VCAT hearing was heard over seven days in April this year. On 3 August 2015, VCAT directed that a permit be granted.

It should be noted by Council, that VCAT's decision is based on amended plans relocating the rock crushing facility and concrete batching plant to the north-west portion of the site, and limiting the life of the permit to 11 years. The permit is subject to some 92 conditions.

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

In the decision, the Tribunal indicated that this case raised two fundamental issues for its consideration. The first is whether the grant of a permit for the proposed uses and development will compromise the future planning and development of the area covered by the Mt Atkinson PSP. The second issue is whether the grant of the permit will result in unreasonable impacts on the amenity of both existing and future residential properties within the PSP area and other localities.

Following is a summary of the decision:

Will the grant of the permit compromise the future planning and development of the Mount Atkinson precinct?

The Tribunal essentially found that the nature of the use and development proposed is consistent with the strategic planning for this area and that it was not premature to grant this permit. Quoting from the decision:

...from a strategic viewpoint, we see no inconsistency between what is proposed in the application and the strategic direction for the future use of land on the subject land and the wider PSP area. The land is identified for industrial use and that is what is proposed. Further, given the various strategic documents to which we refer above, including the latest PSP, we find that the strategic planning process is advanced enough to enable us to conclude that the future of the western part of the subject land is for industrial purposes... While the PSP is not finalised, nothing was put to us to show that the industrial use envisaged for the western part of the subject land is in dispute or an uncertain outcome.

... Further, we find that the repositioning of the rock crushing and concrete batching operations will not prejudice the orderly planning of the area, specifically, the finalisation of the PSP and its implementation, both on the subject land and surrounding land.

Will the proposed use and development result in unreasonable impact on amenity?

In relation to potential noise impacts, the Tribunal concluded that:

- the inclusion of appropriate acoustic baffles;
- limits on the hours of operation;
- the preparation of an acoustic management plan and its implementation, and
- subsequent testing of the facility once operational

provides a strong management regime to control and regulate the emission of noise associated with the proposed industrial uses to ensure compliance in accordance with SEPP N-1 at nearby sensitive receptors.

In relation to visual amenity, the Tribunal indicated that:

We agree that it will take time for proposed landscaping to mature and have a meaningful impact. However, whether this is acceptable must be considered in the context that the PSP area will be developed over a number of years. The development of both the Mt Atkinson and adjacent PSP areas will bring with it, a great deal of development activity. The land is within an area where the appearance of the locality will change. Construction activity together with trucks transporting materials to and from various properties in these areas will be part of what is to be reasonably expected.

In terms of dust, the Tribunal took the view that based on the expert advice, and impacts beyond the site will be limited and can be controlled with appropriate conditions.

Officer comments

The VCAT decision and permit conditions are considered comprehensive and appear to cover any potential issues relating to the future development of the PSP area or nuisance to surrounding residents. The permit requires submission and approval of:

- Landscape plans
- Rehabilitation plan
- Engineering / construction plans
- Construction management plan
- Drainage and stormwater management plan
- Dust management plan
- Noise attenuation plan
- Water balance report
- Land and environmental management plan.

In addition, condition 86 requires that the concrete batching and materials recycling (rock crushing) uses must cease at the earlier of:

- (a) 11 years from the date of this permit; or
- (b) 3 months prior to the opening of a railway station; or
- (c) 3 months prior to the opening of a supermarket with a minimum floor area of 3,500sqm in the Mt Atkinson town centre; or
- (d) 3 months prior to the opening of a total of 5,000sqm of shop floorspace in the Mt Atkinson town centre. For the purposes of this condition, shop floor space does not include floor space occupied by any use falling within the definition of either Trade Supplies or Restricted Retail Premises under the Planning Scheme.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

4. Financial Considerations

Not applicable.

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

Nil

7. Options

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

LIST OF APPENDICES

1. Appendix 1 - Locality Plan
2. Appendix 2 - VCAT Decision

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

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

PURPOSE OF REPORT

To consider submissions received to Amendment C100 during the exhibition period.

RECOMMENDATION:

That Council request the Minister for Planning convene a Panel to consider submissions to Amendment C100 in accordance with the requirements of the *Planning and Environment Act 1987*.

Crs Majdlik/Cugliari. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

Amendment C100 seeks to amend the Melton Planning Scheme to implement the recommendations within the *Melton Dry Stone Wall Study*. The *Melton Dry Stone Wall Study* was adopted by Council at its Ordinary meeting on 10 November 2011.

The Study surveyed over 300 dry stone walls and structures. All of these were mapped and their details recorded. It was found that there were 10 types of walls in Melton, and that some of these were unique in Australia. Many however were in a poor and deteriorated condition. Based on the assessment undertaken it was recommended that 140 of the walls be protected through their inclusion to the Schedule of the Heritage Overlay.

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

Following the Council meeting of 17 December 2013, Council officers submitted the relevant documentation to the Minister for Planning seeking authorisation to commence Amendment C100. Authorisation was given and Amendment C100 was placed on public exhibition from 5 May – 7 August 2015. 25 submissions were received and are discussed in Section Five of this report.

It is recommended that Council seek appointment by the Minister for Planning of a Planning Panel to consider submissions received during exhibition of the amendment.

2. Background/Issues

Melton Dry Stone Wall Study

The *Melton Dry Stone Wall Study* was adopted by Council at its Ordinary meeting on 10 November 2011.

The Study surveyed over 300 dry stone walls and structures. All of these were mapped and their details recorded. It was found that there were 10 types of walls in Melton, and that some of these were unique in Australia. Many however were in a poor and deteriorated condition. Based on the assessment undertaken it was recommended that 140 of the walls be protected through their inclusion to the Schedule of the Heritage Overlay.

The walls are located in five Dry Stone Wall precincts and two individual walls (the location of which are shown in **Appendix One**). The precincts identify the general location of walls for ease of reference only. The Amendment is only proposing to apply the Heritage Overlay to specific walls and a five metre buffer either side of the identified walls and it is not intended to apply the Heritage Overlay to all land within the Precincts.

Amendment C100

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

The scope of the Amendment was reduced based on discussions with the Department of Environment, Land, Water and Planning (DELWP – formerly known as DTPLI). Originally the Amendment was going to introduce a new local policy regarding heritage conservation, and include two new Schedules to the Significant Landscape Overlay.

Council is currently preparing a Significant Landscape Strategy which will provide the strategic justification for any future changes to the existing Significant Landscape Overlays (SLO). Therefore the proposal to change the SLO was removed from the amendment, and will be dealt with through the Significant Landscape Strategy.

The local policy regarding heritage conservation was removed as it was considered that this may confuse landowners who own a property subject to the Heritage Overlay and do not have a dry stone wall on their property. This amendment is intended to focus on the protection of dry stone walls; therefore the inclusion of a new local policy for heritage conservation will be dealt with as a separate amendment.

To protect the dry stone walls whilst Amendment C100 is being processed, Council has signed on to the Schedule of Clause 52.37. This applies to all dry stone walls constructed prior to 1940 across the municipality. This is an interim control that requires all landowners, across the municipality, with dry stone walls to apply for a planning permit to demolish a dry stone wall. This control will apply until Amendment C100 has been finalised.

Amendment C100 was placed on Public Exhibition from 5 May 2015 to 7 August 2015. 25 submissions were received and are discussed in Section Five of this report.

The Amendment

The proposed Amendment C100 implements the findings of the Melton Dry Stone Wall Study by amending the Schedule to Clause 43.01 – Heritage Overlay to include 140 dry stone walls. The amendment also inserts a new local planning policy and a new Incorporated Document.

The amendment seeks to:

- Amend the Schedule to Clause 43.01 Heritage Overlay to include 140 dry stone walls
- Insert a new local planning policy, Clause 22.14 Dry Stone Walls into the Melton Planning Scheme
- Amend the Schedule to Clause 81.01 to include the City of Melton Dry Stone Wall Study Volume 3 Statements of Significance in the Melton Planning Scheme
- Amend Planning Scheme Maps 2HO, 6HO, 13HO and 14HO

The five metre buffer on either side of the identified dry stone walls is an area where a planning permit will be required to construct or carry out works that may have an impact on the dry stone walls. These kind of works do not include mowing or slashing of grass, weed management, ploughing, sowing or harvesting

Refer to **Appendix 2** for the amendment documentation.

Strategic assessment of the proposal

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

The protection of heritage features as part of this Amendment supports a number of initiatives in the State Planning Policy Framework, including Clause 11 *Settlement* which identifies the need for growth area planning to retain and protect sites and features of heritage value, and requires development to respect these features.

Furthermore, Clause 15 *Built Environment and Heritage* requires all new land use and development to respond appropriately to, and protect places and sites with significant heritage value and ensure these places of significance are included in the Planning Scheme.

This amendment supports the above by proposing to introduce Planning Scheme controls to protect key heritage features within the City.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

1.1 Strategically plan for a well designed and built City

4. Financial Considerations

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

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

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

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

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

In addition to the standard amendment documentation, Council provided in the letter to affected land owners and occupiers a public exhibition brochure (which explained the process and answers some frequently asked questions), and a brochure which explains how land owners / occupiers can keep their dry stone wall in good repair.

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

During exhibition, Council received a number of enquiries about the amendment. Some land owners informed Council that their dry stone walls have been removed, and therefore should not be included in the Heritage Overlay. Where Council was informed that a dry stone wall should not be included in the Heritage Overlay (either through telephone contact or a submission), a site inspection was carried out to verify that. Below is a list of changes which should be made to the extent of the Heritage Overlay (HO) polygon:

Wall to be removed from HO Polygon	Reason for change	Site Inspection
Remove B42 from HO203 (full extent)	The wall was removed a number of years ago when a boundary fence was constructed.	28/05/2015
Remove J18 from HO204 (full extent)	The wall was removed a number of years ago.	28/05/2015
Remove J135 from HO204 (full extent)	The wall has been removed from the western boundary	28/05/2015
Remove J136 from HO204 from 1369-1447 Greigs Road	The wall has been removed from the southern boundary of 1369-1447 Greigs Road, Rockbank	28/05/2015
Remove F101 from HO200 from 413-427 Faulkners Rd	The wall has been removed from the eastern boundary of 413-427 Faulkners Road, Mount Cottrell	28/05/2015
Remove B117 from HO203 (full extent)	The wall was removed a number of years ago	28/05/2015
Remove the easternmost 730m of wall A280 from HO201	The easternmost 730m of the dry stone wall has been removed. Retain westernmost 80m of the dry stone wall within the HO polygon	18/06/2015
Remove F103 from HO200 (full extent)	Stones and rubble have been placed in this location and is not a dry stone wall (internal boundary)	09/07/2015
Remove R190 from HO202	The wall has been removed	06/08/2015
Remove D83 from HO204 from 64-92 Greigs Road	The wall is of recent construction and is not a historical wall	13/08/2015
Remove J138 from HO204 (full extent)	The wall is of poor quality and has been extensively modified	13/08/2015
Remove the easternmost 192m of wall J143 from HO204.	The wall only extends 193m along the western end of the northern boundary of 469-513 Paynes Road, Rockbank	13/08/2015
Remove the easternmost 225m of C67 from HO200	The easternmost 225m of dry stone wall is subject to HO108. It is not possible to have a HO polygon on top of another	n/a

A table of the submissions received and Council officer response to them are found at **Appendix 3**. A summary of the submissions is provided below:

- Six submissions indicated that they either supported the amendment or had no objection to it;
- One submission was resolved and withdrawn;
- Six submissions provided information to Council that the heritage overlay polygon is being applied to walls that either no longer exist or should not be included in the Heritage Overlay, Council officers have inspected these properties and has confirmed that the extent of the Heritage Overlay should be amended. If the Heritage Overlay polygon is removed from these walls these submissions are considered to be resolved; and
- The remaining 12 submissions have not been resolved.

Below a summary of some of the matters which have not been resolved, and will be considered by the Planning Panel:

Submission	Response
I would like to remove my dry stone wall as there are snakes in it, and they are dangerous	Snakes are native to the area, and the removal of the wall would not eradicate snakes from the property. There are other ways to deal with the presence of snakes than removing dry stone walls.
I would like to remove my dry stone wall as people keep stealing stones from it	Council has offered to provide signs to the submitter advising people the removal of stones from the walls are prohibited.
The heritage overlay (HO) restricts use and development on part of my land. Will I be compensated for this?	The HO requires a planning permit to construct or carry out building works within 5 metres either side of a dry stone wall, and to carry out works which alters the wall. The HO does not restrict the use or development of the land.
The heritage overlay will interfere with the reasonable use of land for agriculture	The HO requires a planning permit to construct or carry out building works within 5 metres either side of a dry stone wall, and to carry out works which alters the wall. It is still possible to farm up to the wall.
The heritage overlay will result in unnecessary red tape	The proposed control is targeted and requires a planning permit to make changes to a dry stone wall or undertake construction within the buffer.
My walls are in poor repair and should not be included in the heritage overlay	Council is arranging site inspections for these walls and will try to resolve these matters prior to the Planning Panel Directions Hearing.
Dry stone wall retention is not suitable in the Urban Growth Boundary	Heritage places can be successfully incorporated and interpreted in urban areas.
The five metre landscape buffer either side of dry stone walls is an inequitable restriction on privately owned land in an Urban context	In the event of subdivision Council will consider appropriate measures to incorporate each dry stone wall into the urban fabric. In many instances this may be through a landscape strip along a road.
The amendment will place financial pressure on owners, as protecting and maintain dry stone walls is expensive	There is no obligation for land owners to bring their wall up to a certain standard. Council has a Heritage Assistance Fund, which can assist people to repair and preserve walls.

Council has requested the Metropolitan Planning Authority provide a response to Amendment C100, given that many of the proposed walls are located within the Urban Growth Boundary. No submission has been received to date.

6. Risk Analysis

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

7. Options

Council can resolve to either:

- Request the Minister for Planning to establish an independent Panel to consider submissions received in response to Amendment C100 in accordance with the Planning & Environment Act 1987, or
- Abandon the amendment.

It is recommended that Council make the alterations to the amendment as outlined in this report, and seek the appointment by the Minister for Planning a Planning Panel to consider the unresolved submissions received to the amendment.

LIST OF APPENDICES

1. Location of Dry Stone Walls
2. Amendment C100 documentation
3. Summary of submissions received

11.15 PALMERS ROAD ENVIRONMENT EFFECTS STATEMENT AND PLANNING SCHEME AMENDMENT C143 TO THE MELTON PLANNING SCHEME

Author: Matthew Milbourne- Senior Strategic Planner

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

PURPOSE OF REPORT

To prepare a response to VicRoads, who have prepared an Environment Effects Statement and Planning Scheme Amendment for the Palmers Road Corridor (comprising Calder Park Drive, Westwood Drive and Robinsons Road).

RECOMMENDATION:

That Council:

1. send a letter of support to VicRoads in relation to the Palmers Road Environment Effects Statement and Planning Scheme Amendment C143 to the Melton Planning Scheme, and request minor changes to the documentation as recommended within the report
2. send a letter to VicRoads requesting that they finalise the CHMP with AAV following the finalisation and adoption of the EES and Planning Scheme Amendment C143 to the Melton Planning Scheme.

Crs Majdlik/Carli. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

VicRoads proposes to upgrade the Palmers Road Corridor (Calder Park Drive, Westwood Drive, Robinsons Road and Palmers Road) to a six-lane divided road, with shared bicycle and pedestrian facilities on both sides of the road, removal of two existing railway level crossings and the construction of two bridges over the Kororoit Creek, and a raised freeway interchange at the Calder Freeway.

The Victorian Minister for Planning determined on 13 November 2009, that an Environment Effects Statement (EES) is required for the Project under the *Environment Effects Act 1978*. The EES process informs decision-making on the Project under Victorian law. The EES applies to the section of the corridor between the Calder Freeway and the Western Freeway.

VicRoads have prepared two planning scheme amendments (C157 to the Brimbank Planning Scheme, and C143 to the Melton Planning Scheme) to enable VicRoads' to acquire private land, and to exempt the project from needing a planning permit.

VicRoads have placed the EES and the two Planning Scheme Amendments on public exhibition from Thursday, 30 July 2015 until Monday, 31 August 2015.

The preparation of the EES and the Planning Scheme Amendments has been overseen by the Terms of Reference Group, which Melton City Council has been part of.

The EES and Amendment C143 to the Melton Planning Scheme will obtain the necessary permissions for Council to build the Westwood Drive Bridge over the Kororoit Creek.

It is recommended that Council send a submission to VicRoads supporting the EES and Amendment C143 to the Melton Planning Scheme, and request the following changes to the documentation:

- Section 5.10 of the EES (Vol . 1 of 2) and the Kororoit Creek bridge cross-section (Vol. 2 of 2) be altered to show a 3.3 metre wide shared path on the Kororoit Creek (not 4 metres), as Council already has an approved design of the bridge which has a 3.3 metre wide shared path. The 3.3. metre wide path is greater than the minimum width of 3 metres for a shared path in VicRoads path standards.
- There is a discrepancy in the EES documentation. Part of the EES documentation states that two bridges will be constructed over the Kororoit Creek with a light well between them, and other sections state that a single bridge is being constructed (first section by Melton City Council, and then widened by VicRoads). This discrepancy is to be rectified.
- Table 11-4 and Section 14 of the EES (Vol. 1 of 2) discuss the need to require consent from Heritage Victoria to disturb the Drover's Hut site (H7822-0160). Council received consent from Heritage Victoria (C873) on 15 August 2013 and Council has undertaken an excavation in accordance with the consent permit. Council therefore requests that the EES be updated to reflect this, and this requirement be deleted from the EES.

2. Background/Issues

The Project

VicRoads proposes to upgrade the Palmers Road Corridor to a six-lane divided road. The project contains the following elements:

- Off-road shared bicycle and pedestrian facilities on both sides of the road;
- Removal of two existing railway level crossings (Bendigo and Ballarat railway lines);
- Construction of two bridges over the Kororoit Creek (one to be constructed by Council, and the other by VicRoads); and
- Raised interchange at the Calder Freeway.

This report focuses on the section of the corridor between the Western Freeway and the Calder Freeway. Parts of the road are located in the City of Brimbank, and sections are location in the City of Melton.

Some land acquisition will be required by VicRoads to construct the road.

EES

The Victorian Minister for Planning determined on 13 November 2009, that an Environment Effects Statement (EES) is required for the Project under the *Environment Effects Act 1978*. The EES process informs decision-making on the Project under Victorian law. The EES applies to the section of the corridor between the Calder Freeway and the Western Freeway.

The purpose of an EES is to provide a detailed description of the project and to investigate its potential effects on the environment, to inform the public and stakeholders, and then to enable an assessment of the project by the Minister for Planning.

A copy of the summary brochure prepared by VicRoads can be found at **Attachment One**, this brochure summarises the EES and the 12 technical reports prepared to inform the preparation of the EES.

The EES has determined that the Palmers Road corridor is suitable for a six-lane road for the following reasons:

- The project is well supported by land use and transport strategies including *Plan Melbourne 2014*, the *West Growth Corridor Plan 2012*, the *Western Melbourne Transport Strategy 2012*, the *Melton Growth Area Framework Plan 2006*, the *Outer Western Suburbs Transport Study 2001*, and the *Melton East Strategy Plan 1997*

- The adjoining road corridors (Caroline Springs Boulevard and Kings Road) are unsuitable to be upgraded to six lane roads, as it would require extensive land acquisition and would be impacted by the presence of schools and shopping centres.

Road safety and capacity

- Transport modelling has shown that a six-lane road will be required in this area in the future. Without this upgrade traffic conditions in this area will deteriorate.
- Construction of the Kororoit Creek Bridge and the Calder Freeway interchange will provide significant improvements in connecting road users within the Cities of Brimbank and Melton and beyond.
- The upgrade will improve road safety and capacity to the region, and will improve pedestrian, cyclist and public transport movement in the area.

Amenity and environmental quality

- For most people along the corridor the increase in noise from a two lane road to a six lane road will be between +1 and +3 decibels (3 decibel change in noise is just perceptible).
- The greatest increase in noise is around the Kororoit Creek, where the Calder Park and Westwood Drives are not currently connected. When the first Kororoit Creek Bridge is constructed and the two Drives are connected there will be an increase noise for adjoining land owners. The increase noise between the first two lanes of traffic and six lanes are within VicRoads threshold and no noise attenuation is required.
- The predicted air pollutants associated with vehicle emissions are expected to be within the threshold using the VicRoads Air Quality Screening Tool which has been developed with the assistance of the EPA. No mitigation measures are required for air quality.

Social, land use and infrastructure

- The long term planning for the area has ensures that land is available to support the development of the road. No dwellings or commercial buildings will need to be acquired for the construction of the road; however some small parts of residential and commercial land will needs to be acquired.
- When the Kororoit Creek Bridge is constructed there will be significant improvements to north-south movements for pedestrians, cyclists' and motorists.
- Pedestrian crossings are proposed along the length of the corridor to improve pedestrian safety across the road.

Visual and landscape values

- The proposed bridge will be highly visible within the Kororoit Creek corridor. The EES has prepared design guidelines for the bridges to mitigate the impact on the creek, including the planting of indigenous vegetation on the embankments.
- Some minor land acquisition is proposed at the Banchory Grove Nature Conservation Reserve, and the Ravenhall Magazine and Storage Facility. Mitigation measures are required to minimise impact to these two sites.

Biodiversity and habitat

- The upgrade of the Palmers Road corridor is not expected to have a significant impact on flora or fauna species.
- Where nationally significant species (such as Growling Grass Frog) are impacted, permission will need to be granted by the Commonwealth Government.

- Contractor Environmental Management Plans (CEMP) will need to be prepared to the satisfaction of the Minister for Planning to minimise impact of construction on flora and fauna.

Catchment values

- There are potential impacts to surface water and catchment values, as the construction activity will cross the Kororoit Creek. The CEMP will need to minimise impacts to the function and quality of the Kororoit Creek and its floodplain.
- The Kororoit Creek Bridge will need to be designed in accordance with Melbourne Water requirements.

Cultural heritage

- The project impacts on three sites listed on the Victorian Heritage Inventory (Cobbled Road, the Ravenhall 2 Magazine and Storage Facility, and the Drover's Hut). Consents to disturb these sites will need to be acquired from Heritage Victoria.
- The Kororoit Creek is identified as a site of Aboriginal cultural heritage sensitivity. The project cannot avoid impacts to the Aboriginal cultural heritage due to the nature of the road and bridge construction. Measures are being developed through the Cultural Heritage Management Plan (CHMP) being developed on the behalf of VicRoads. VicRoads will work with Aboriginal Affairs Victoria to have the CHMP approved following the approval of the EES.

Council officers have reviewed the EES documentation and recommend the following changes:

- Section 5.10 of the EES (Vo1.1 of 2) states that the Kororoit Creek bridge will have a 4 metre wide shared path, and this is reflected in the Kororoit Creek bridge cross section in the EES (Vol. 2 of 2); Council's bridge design has a 3.3 metre wide shared path on the Kororoit Creek bridge (not 4 metres). Council will request that the EES be altered to show the 3.3 metre wide shared path
- There is a discrepancy in the EES documentation. Part of the EES documentation states that two bridges will be constructed over the Kororoit Creek with a light well between them, and other sections state that a single bridge is being constructed (first section by Melton City Council, and then widened by VicRoads). This discrepancy is to be rectified.
- Table 11-4 and Section 14 of the EES (Vol. 1 of 2) discuss the need to require consent from Heritage Victoria to disturb the Drover's Hut site (H7822-0160). Council received consent from Heritage Victoria (C873) on 15 August 2013 and Council has undertaken an excavation in accordance with the consent permit. We therefore request that the EES be updated to reflect this, and this requirement be deleted from the EES.

Amendment C143 to the Melton Planning Scheme

Amendment C143 to the Melton Planning Scheme has been prepared by VicRoads. The amendment proposes the following:

- Amend Maps 10PAO and 14PAO to the Public Acquisition Overlay, Schedule 5 (PA05) to land required for the upgrade of Calder Park Drive, Westwood Drive, and Robinsons Road.
- Amend the Schedule of Clauses 52.03 and 81.01 to insert the "*Palmers Road Corridor Upgrade (Western Freeway to Calder Freeway) Incorporated Document*", July 2015 to allow the land identified in the Incorporated Document to be used and developed for a major north south road subject to conditions.

- Amend the Schedule to Clause 61.01 to make the Minister for Planning the responsible authority for administering and enforcing the "*Palmers Road Corridor Upgrade (Western Freeway to Calder Freeway) Incorporated Document*", July 2015.

The Planning Scheme Amendment documentation can be found at **Attachment Two**.

The Amendment is on public exhibition from 30 July to 31 August 2015. Council officers have requested an extension of time to make its submission, and have been granted an extension to 11 September 2015.

The public acquisition is proposed to a variety of properties along the length of the Palmers Road corridor to facilitate the development of the six land road and safe access to the road from adjoining roads and properties.

Council officers have reviewed the Planning Scheme Amendment documentation and recommend no changes to it. The proposed planning scheme amendment will put into place the necessary permissions for VicRoads to upgrade the road corridor (as required), which will facilitate improvements to pedestrian, cyclist, bus, and motor vehicle movements in the region.

Westwood Drive Bridge over the Kororoit Creek

Council commenced works on the construction of the Westwood Drive Bridge over the Kororoit Creek in 2013, which would have completed the second north-south road corridor through the Eastern Corridor, which had been reserved through the Melton East Strategy Plan since 1997.

In late 2013, the State Government department, Aboriginal Affairs Victoria (AAV), issued a stop-work notice to Melton City preventing the construction of the Westwood Drive extension and bridge.

Council tried to resolve this matter a number of times with the AAV with no avail. In order to avoid ongoing extensive delay cost entitlements due to the contractor under the tendered contract condition, Council terminated the contract.

In collaboration with Council, VicRoads have prepared a planning scheme amendment and EES to ensure that all the necessary permissions are in place to reserve land along the corridor for the road, and permit the development of the road in the future (including the bridge to be constructed by Council).

It is proposed that once the EES and Planning Scheme Amendment are finalised, that VicRoads will finalise the Cultural Heritage Management Plan (CHMP) with AAV. Once the CHMP has been approved Council will be in a position retender the project and recommence works on the construction of the bridge. It is expected that the tendering and construction phase will take approximately 18 months.

It is recommended that Council write to VicRoads and request that they finalise the CHMP with AAV following the finalisation and adoption of the EES and Planning Scheme Amendment C143 to the Melton Planning Scheme.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City
 - 1.5 Support a transport system that connects and moves our community

4. Financial Considerations

Once the EES, Planning Scheme Amendment, and CHMP are approved, Council will be in a position to construct the Westwood Drive Bridge over the Kororoit Creek, subject to a future budget process.

5. Consultation/Public Submissions

VicRoads have undertaken community consultation during the compilation of the EES and during the exhibition period.

During the exhibition period, VicRoads held two community information sessions at Caroline Springs Civic Centre / Library on 5 August and 15 August 2015. During the preparation of the EES documents the following consultation activities occurred:

- VicRoads' consultants, AECOM, undertook face-to-face and phone interviews with land owners and businesses along Westwood Drive in 2008
- VicRoads sent out 1,300 letters and brochures to land owners / occupiers in or near the Palmers Road corridor in 2013
- Two public information days were held in 2013 by VicRoads

The EES and Amendment are on public exhibition from 30 July to 31 August 2015. Council officers have requested an extension of time to make its submission, and have been granted an extension to 11 September 2015.

6. Risk analysis

As discussed in Section Two of this report, Council had commenced work on the construction of the Westwood Drive extension over the Kororoit Creek in 2013, and had a stop work placed on the project by AAV.

Council sought to resolve the concerns raised by AAV with no success. VicRoads have agreed to include Melton City Council's bridge over the Kororoit Creek as part of the EES and its CHMP.

Council will not be able to commence construction on the Kororoit Creek Bridge until the CHMP has been approved by AAV.

7. Options

Council can resolve to either:

- Send a submission in support of the Environment Effects Statement (EES) and Planning Scheme Amendment C143 to the Melton Planning Scheme, requesting some minor changes to the EES documentation, or
- Send a submission of unqualified support of the Environment Effects Statement and Planning Scheme Amendment C143 to the Melton Planning Scheme.

It is recommended that Council send a submission in support of the EES and Amendment C143 to the Melton Planning Scheme, and request some minor changes to the EES documentation, as outlined earlier in this report.

It is recommended that Council send a letter to VicRoads requesting that they finalise the CHMP with AAV following the finalisation and adoption of the EES and Planning Scheme Amendment C143 to the Melton Planning Scheme.

LIST OF APPENDICES

1. EES Summary Brochure
2. Amendment C143 Documentation

12. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES

Verbal reports were received from Crs Carli, Turner, Majdlik, Cugliari and Dunn.

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

- 18 August 2015
- 25 August 2015
- 1 September 2015

RECOMMENDATION:

That the Record of Assembly of Councillors attached to this Agenda dated 18 August, 25 August and 1 September 2015 be received and noted.

Crs Majdlik/Bentley. That the recommendation be adopted.

CARRIED

LIST OF APPENDICES

1. 18 August 2015 Record of Assembly of Councillors
2. 25 August 2015 Record of Assembly of Councillors
3. 1 September 2015 Record of Assembly of Councillors

13.2 PUBLIC ADDRESS BY EACH COUNCILLOR

Crs Cugliari, Majdlik, Turner, Bentley, Carli, Dunn addressed the chamber in respect of a variety of matters of significance.

14. NOTICES OF MOTION

Nil

15. COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Nil

16. MOTIONS WITHOUT NOTICE

Cr Turner

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

17. URGENT BUSINESS**Motion**

Crs Majdlik/Cugliari

That Council write an official letter to the Mayor, Cr Sophie Ramsey and her two daughters Eleanor and Bryoni expressing deepest condolences on the loss of their beloved daughter and sister Samantha, on behalf of Council and its residents.

CARRIED

18. CONFIDENTIAL BUSINESS**Procedural Motion**

Crs Majdlik/Carli.

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 Minutes of The Club Caroline Springs Grants Assessment Panel Meeting

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

18.2 Management and Operation of Council Owned Kindergartens (January 2016 to December 2020)

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

18.3 Melton Courthouse Lease

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

18.4 Service Contracts for Fire, Sanitary, Electrical, Plumbing and Heating/Ventilation/Air-Conditioning (HVAC)

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

18.5 Contract 100T Provision Of A Managed Service And/Or System To Manage The Supply Of Agency Workers (Temporary Staff Recruitment)

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

CARRIED

Procedural Motion

Cr Majdlik/Carli. That the meeting be opened to the public.

CARRIED

19. CLOSE OF BUSINESS

The meeting closed at 8.38pm.

Confirmed

Dated this

.....CHAIRPERSON