



# MELTON CITY COUNCIL

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

**4 February 2019**

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

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## MELTON CITY COUNCIL

MINUTES OF THE ORDINARY MEETING  
OF THE MELTON CITY COUNCIL  
HELD IN THE BURNSIDE COMMUNITY HALL,  
23 LEXINGTON DRIVE, BURNSIDE  
ON 4 FEBRUARY 2019 AT 7.00PM

**Present:** Cr B Turner (Mayor)  
Cr L Carli (Deputy Mayor)  
Cr S Abboushi  
Cr K Hardy  
Cr G Kesic  
Cr K Majdlik  
Cr M Mendes  
Cr S Ramsey

Mr K Tori, Chief Executive Officer  
Mr P Bean, General Manager Corporate Services  
Mr M Heaney, General Manager Community Services  
Mr L Shannon, General Manager Planning and Development  
Ms C Denyer, Manager Legal and Governance  
Mr S McManus, Manager Engagement and Advocacy  
Mr J Whitfield, Governance Coordinator

### 1. OPENING PRAYER AND RECONCILIATION STATEMENT

The Mayor, Cr Turner read the opening prayer and reconciliation statement.

### 2. APOLOGIES AND LEAVE OF ABSENCE

Cr M De Santis

### 3. CHANGES TO THE ORDER OF BUSINESS

#### Procedural Motion

Crs Ramsey/Hardy.

1. That Item 13, 'Reports from Delegates Appointed to Other Bodies' and Item 14, 'Councillor Representation and Acknowledgements' be combined with Councillors having up to 3 minutes and the Mayor up to 5 minutes to give their reports.
2. That Item 15.6, 'Notice of Motion (Rescission) 608 (Cr Abboushi)' be heard immediately prior to Item 12, 'Presentation of Staff Reports'.

CARRIED

**4. DEPUTATIONS**

Nil.

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

Cr Carli declared an Direct Conflict of Interest pursuant to Section 77B of the *Local Government Act 1989* in Item 12.9, 'Planning Application PA 2018/4962 - Extension of time to an existing permit authorising earthworks involving the placement of clean fill to re-grade an existing training track At 379 Plumpton Road, Diggers Rest'.

Cr Majdlik declared a conflicting personal interest pursuant to Section 79B of the *Local Government Act 1989* in Item 19.4, 'Recommendations of The Club Caroline Springs Grants Program Assessment Panel Meeting' and advised she will be moving that she be excused from consideration and voting on that matter when that item is presented to Council.

Cr Turner declared an Indirect Conflict of Interest pursuant to Section 78A of the *Local Government Act 1989* in Item 19.5, 'Recommendations of the Harness Racing Victoria/Tabcorp Park Grants Program Assessment Panel Meeting'.

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

That the Minutes of the Ordinary Meeting of Council held on 10 December 2018 be confirmed as a true and correct record.

**Motion**

Crs Ramsey/Hardy.

That the recommendation be adopted.

CARRIED

## 7. RECORD OF ASSEMBLY OF COUNCILLORS

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

- 10 December 2018 Record of Assembly of Councillors
- 29 January 2019 Record of Assembly of Councillors

#### RECOMMENDATION:

That the Record of Assembly of Councillors dated 10 December 2018 and 29 January 2019 attached to this Agenda be received and noted.

#### Motion

Crs Majdlik/Carli.

That the recommendation be adopted with a correction to the Minutes of the Record of Assembly held 29 January 2019 to show that:

1. Cr Majdlik declared a conflicting personal interest in Item 19.4 and left the meeting room when that item was discussed; and
2. Cr Turner and Cr De Santis both declared an Indirect Conflict of Interest in Item 19.5, not Item 12.5.

CARRIED

#### LIST OF APPENDICES

1. 10 December 2018 Record of Assembly of Councillors
2. 29 January 2019 Record of Assembly of Councillors



**8. CORRESPONDENCE INWARD**

Nil.

**9. PETITIONS AND JOINT LETTERS****9.1 ADDITIONAL PARKING SPACES AT THE CRADLE ROAD SHOPPING PRECINCT IN DIGGERS REST.****SUMMARY**

Cr Mendes tabled a petition requesting Council to urgently investigate the opportunity for additional parking spaces at the Cradle Road Shopping Precinct in Diggers Rest.

**Motion**

Crs Mendes/Majdlik.

That the petition requesting Council to urgently investigate the opportunity for additional parking spaces at the Cradle Road Shopping Precinct in Diggers Rest be received.

CARRIED

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

Nil.

Cr Ramsey left the meeting at 7:28pm.

Cr Ramsey returned to the meeting at 7:29pm.

## 11. PUBLIC QUESTION TIME

Name	Question asked of Council
Bilyana	*Not in attendance.
Bilyana	*Not in attendance.
David O'Connor	Will Council commit to joining other municipalities to help support the Everybody's Home Alliance campaign?
David O'Connor	Can Council provide data in relation to the current 'at-call' waste collection service, in particular the household participation numbers since inception?
A. Micallef	*Not in attendance.
A. Micallef	*Not in attendance.
Ajay Nair	*Not in attendance.
Ajay Nair	*Not in attendance.
Narinder Singh	*Not in attendance.
Stephen Mayne	Given the statistics on gambling losses in Victoria and in the City of Melton and that the Melton Country Club pokies operate from 9am to 3am on most days, would the Councillors consider requiring some responsible trading hours from Essendon Football Club at the Melton Country Club?
Stephen Mayne	Could the Mayor please clarify the history of the relationship between the Melton Country Club and his not-for-profit group Gap an Graham? With regard to the past funding relationship between Essendon Football Club and GAP on Graham, is the Mayor proposing to declare a conflict of interest on the Melton Country Club lease item tonight? If not, why not? Does the Administration support this decision?
Allen Fairweather	As other Councils in the area have done, when will Council declare the Indian Mynah birds as vermin?

Name	Question asked of Council
Allen Fairweather	When will Council rectify the placement of a speed hump in Kurunjang Drive which is the through road at the corner of Mowbray Crescent?
Stewart Fairweather	*Not in attendance.
Yvonne Barker	*Not in attendance.
Anna Bardsley	<p>Are the Councillors aware that the Melton Country Club extended its trading hours last September until 3am on Monday and Tuesday nights?</p> <p>Is this regarded as responsible service of gambling practice and are Councillors aware the gambling losses at the Melton Country Club jumped by 8% in 2018 to \$5.95 Million?</p> <p>Would the Councillors consider revising the terms of the lease and shortening the trading hours to reduce community harm?</p>
Anna Bardsley	<p>Have the Councillors received any correspondence from the new state Member for Melton Mr Steve McGhie MP on the question of the Essendon pokies lease?</p> <p>What did it say and are they going to act on it in order to reduce gambling harm in the Melton community?</p>
Marimar Cachia	What can be done concerning the issue of affordable housing, to reduce the cost of housing for home buyers and renters and in relation to Amendment GC99 and the PSP in the Clarkes Road area?
Mario Cachia	What can be done concerning the issue of affordable housing, to reduce the cost of housing for home buyers and renters and in relation to Melton Planning Scheme Amendment C200 and the PSP in the Clarkes Road area?

\* In accordance with Council's Meeting Procedure Local Law 2013, if a person who submitted a question is not present at the Council's Ordinary Meeting, their question is not read out or replied to at the meeting and a written response is provided.

Cr Hardy left the meeting at 7:47pm.

Cr Hardy returned to the meeting at 7:48pm.

## 15.6 NOTICE OF MOTION (RESCISSION) 608 (CR ABBOUSHI)

Councillor: Steve Abboushi - Councillor

### NOTICE:

That Council formally rescind the resolution of Council, adopted at the Ordinary Meeting of Council held on 10 December 2018 at Item 12.3 – Lease-Melton Country Club.

Cr Abboushi foreshadowed the following Notice of Motion for the next Council meeting if this rescission motion is carried by the Council.

*That Council officers enter into further discussions with the Melton Country Club management and include the following provisions in a future lease agreement:*

- 1. Reduce Trading Hours – no pokies trading between 1:00am and 9:00am; a mandatory 8 hours shutdown each day.*
- 2. Reduce Lease Term – from the expiry of the current lease in 2022 an extension for a further 10 years; until 2032*
- 3. Commit to no more poker machines for the life of the new lease agreement regardless of population growth in the municipality*
- 4. That Essendon Football Club agree to the City of Melton Councillor representation on their community benefits program.*

### Motion

Crs Abboushi/Carli.

That Council formally rescind the resolution of Council, adopted at the Ordinary Meeting of Council held on 10 December 2018 at Item 12.3 – Lease-Melton Country Club.

LOST

Cr Majdlik called for a division thereby setting aside the vote.

### For:

Crs Abboushi, Carli, Majdlik and Mendes

### Against:

Crs Hardy, Kesic, Ramsey and Turner

The Mayor declared the Motion LOST on the casting vote of the Mayor.

Cr Hardy left the meeting at 7:55pm and did not return.

**Procedural Motion**

Crs Majdlik/Carli.

That the recommendations as printed in Items 12.1 and 12.2 be adopted en bloc.

CARRIED

## 12. PRESENTATION OF STAFF REPORTS

### 12.1 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

Author: Dominique Roberts - Governance Officer

Presenter: Kel Tori - Chief Executive Officer

#### PURPOSE OF REPORT

To present the aggregated minutes of Advisory Committee meetings yet to be considered by Council.

#### RECOMMENDATION:

That Council:

1. adopt the minutes of the Advisory Committee meeting at **Appendix 1, 2, 3, 4, 5, 6, 7, 8 and 9.**
2. adopt recommendations arising within the Minutes.

**Motion**

Crs Majdlik/Carli.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

In accordance with section 3(1) of the Local Government Act 1989 (the Act), Council may establish a) Advisory Committees for the purpose of providing advice, or b) Special Committees which are delegated powers, duties or functions of Council. The establishment of an Audit Committee, considered an Advisory Committee of Council, is dealt with under section 139 of the Act.

A Council appointed Advisory Committee meeting where at least one Councillor attends and which considers matters that are intended or likely to be the subject to a decision of Council, is considered an assembly of Councillors. In accordance with section 80A of the Act, a written record of an assembly of Councillors must, as soon as practicable, be reported at an ordinary meeting of the Council. The minutes of the Advisory Committees attached to this report forms the written record of the assembly detailing matters considered and any Councillor conflicts disclosed.

## 2. Background/Issues

Advisory Committees are established by a resolution of Council. The role of an Advisory Committee, including the limits of power, are clearly defined in the Terms of Reference adopted by Council.

The membership of Committees will vary depending upon its specific role. Committee membership will generally comprise a Councillor/s, council staff and community representatives and may include key stakeholders, subject matter experts and/or community service providers and organisations.

Councillor representation on Advisory Committees is generally for one year and is reviewed annually at the Statutory Meeting of Council. Councillor representation on current Council Committees and to other organisations for 2019 were adopted by Council at the Ordinary Meeting held 12 November 2018.

Advisory Committees meet regularly during the year and minutes of all meetings are scheduled to be presented at the next Ordinary Meeting of Council.

Advisory Committee Meetings minutes attached to this report for Council acknowledgement and endorsement:

Meeting Date	Advisory Committee	Attached
5 September 2018	Road2Zero Advisory Committee Meeting Minutes	Appendix 1
13 November 2018	Reconciliation Advisory Committee Meeting Minutes	Appendix 2
21 November 2018	Intercultural Advisory Committee Meeting Minutes	Appendix 3
29 November 2018	Early Years Partnership Committee Meeting Minutes	Appendix 4
6 December 2018	Disability Advisory Committee Meeting Minutes	Appendix 5
11 December 2018	Youth Advisory Committee Meeting Minutes	Appendix 6
12 December 2018	Policy Review Panel Meeting Minutes	Appendix 7
14 December 2018	Preventing Family Violence Advisory Committee Meeting Minutes	Appendix 8
18 December 2018	Arts and Culture Committee Meeting Minutes	Appendix 9

## 3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

## 4. Financial Considerations

Advisory Committees are not responsible for operational expenditure and cannot direct Council officers to act without the consent of Council. Operational expenses and administrative actions arising from an Advisory Committee meeting are accommodated

within Council's recurrent budgets, unless otherwise requested within the minutes of the meeting and detailed in a recommendation to Council for consideration.

## **5. Consultation/Public Submissions**

Advisory Committees are one method of Council consulting and communicating with the community. Such a Committee may be established to provide strategic level input into a broad area of Council operations, such as community safety or arts and culture. An Advisory Committee may also be established for a specific time-limited project, such as a review of a Local Law.

## **6. Risk Analysis**

With a mandatory responsibility to report to Council and restricted to making recommendations for Council consideration, risks attached to Advisory Committee actions are substantially mitigated.

It is prudent for Council to carefully consider any and all recommendations arising from Advisory Committee minutes, as Advisory Committees may canvass significant issues and significant expenditure in their deliberations.

## **7. Options**

Advisory Committees are a Committee of Council, therefore Council has the discretion to accept, reject, amend or seek further information on any of the Committee minutes and/or recommendations.

## **LIST OF APPENDICES**

1. Road2Zero Advisory Committee Meeting Minutes - dated 5 September 2018
2. Reconciliation Advisory Committee Meeting Minutes - dated 13 November 2018
3. Intercultural Advisory Committee Meeting Minutes - dated - 21 Nov 2018
4. Early Years Partnership Advisory Committee Meeting Minutes - dated 29 November 2018
5. Disability Advisory Committee Meeting Minutes - dated 6 December 2018
6. Youth Advisory Committee Meeting Minutes - dated 11 December 2018
7. Policy Review Panel Meeting Minutes - dated 12 December 2018
8. Preventing Family Violence Committee Meeting Minutes - dated 14 December 2018
9. Arts and Culture Committee Minutes - dated 18 December 2018

## 12.2 MUNICIPAL AUDIT COMMITTEE MEETING - 5 DECEMBER 2018

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

### PURPOSE OF REPORT

To present to Council the minutes of the Municipal Audit Committee meeting held on Wednesday 5 December 2018.

### RECOMMENDATION:

That Council:

1. Note the minutes of the Municipal Audit Committee meeting held on Wednesday 5 December 2018 at **Appendix 1**.
2. Adopt the recommendations arising within the minutes.

### Motion

Crs Majdlik/Carli.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

The minutes of the Audit Committee meeting held on 5 December 2018 are appended to this report as **Appendix 1**. The Committee considered various issues in relation to financial management and governance and the minutes contain recommendations for the consideration of Council.

### 2. Background/Issues

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

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

### 3. Council and Wellbeing Plan Reference and Policy Reference

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

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

*5.4 An organisation that demonstrates excellence in local government leadership and customer and community service.*



#### **4. Financial Considerations**

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

#### **5. Consultation/Public Submissions**

The Municipal Audit Committee consists of Crs Turner and Hardy and three independent external members Mr Robert Tommasini, Mr Alan Hall and Mr Farshan Mansoor.

#### **6. Risk Analysis**

With a mandatory responsibility to report to Council and restricted to making recommendations for Council consideration, risks attached to Audit Committee actions are substantially mitigated.

It is prudent for Council to carefully consider any and all recommendations arising from Audit Committee minutes, as the Audit Committee may canvass significant issues and significant expenditure in the deliberations.

#### **7. Options**

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

#### **LIST OF APPENDICES**

1. Municipal Audit Committee Minutes - dated 5 December 2018

## 12.3 RESPONSE TO NOTICE OF MOTION 546 (CR CARLI) - INVESTIGATION OF PARKING OPPORTUNITIES WITHIN AND ADJACENT BLOOMSBURY DRIVE RESERVE

Author: Kerry Walton - Coordinator Traffic and Transport  
Presenter: Luke Shannon - General Manager Planning & Development

### PURPOSE OF REPORT

To provide a further report in response to Notice of Motion 546 (Cr Carli) regarding the option to provide additional parking facilities within the Bloomsbury Drive Reserve that can be made at this location and the cost of providing additional car parking spaces.

### RECOMMENDATION:

That Council note the car parking options available in the vicinity of Taylors Hill Primary School, and prepare a parking management brochure for use by the school indicating where available parking exists in the surrounding road network.

#### Motion

Crs Carli/Abboushi.

That Council:

1. note the car parking options available in the vicinity of Taylors Hill Primary School, and prepare a parking management brochure for use by the school indicating where available parking exists in the surrounding road network; and
2. refer the matter to the 2019/20 budget discussions for consideration.

CARRIED

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## REPORT

### 1. Executive Summary

At the Ordinary Meeting of Council held on 20 August 2018 the following Notice of Motion 546 (Cr Carli) was resolved:

- 1. That Council note the car parking options available in the vicinity of Taylors Hill Primary School, and prepare a parking management brochure for use by the school indicating where available parking exists in the surrounding road network.*
- 2. That a report be brought back to Council on Option 2; to consider additional car parking facilities within the Bloomsbury Drive Reserve with the report to include the number of car parking spaces that can be made at this location and the cost of providing the additional car parking spaces'*

The Bloomsbury Drive Reserve is one of seven reserves in the area that services a local population of 6,518 residents (based on the 2016 census).

Council recently approved the inclusion of Bloomsbury Drive Reserve redevelopment for consideration in the applications for the 2018 Growing Suburbs Fund from the State Government. An indicative layout was supplied in this application and can be found in **Appendix 1**.

The landscape plan does not include additional car parking. Given this, we have explored opportunities in the road reserves adjacent the park.

Whilst additional car parking cannot be provided within the reserve we have explored the option to provide indented parking along Park Lane.

## 2. Background/Issues

Bloomsbury Drive Reserve is one of seven reserves that services a growing community that is bounded by Calder Park Drive to the west, Hume Drive to the north, Taylors Road to the south and the municipal boundary to the east.

This community consists of 6,518 residents (based on the 2016 census).

An assessment of open space provision has occurred and is documented within Council's Open Space Plan.

Council recently approved the inclusion of Bloomsbury Drive Reserve redevelopment for consideration in the applications for the 2018 Growing Suburbs Fund from the State Government. An indicative layout was supplied in this application and can be found in **Appendix 1**.

This reserve has been identified through the Parks Upgrade Program as requiring development to meet the needs of the growing community. The plan included in the Growing Suburbs Fund application does not include additional car parking. Given this, officers have explored opportunities in the road reserves adjacent the park.

Whilst additional car parking cannot be provided within the reserve officers have explored the option to provide indented parking along Park Lane.

### **Park Lane**

Park Lane is a local road that is located along the west boundary of the school and extends north past the school providing access to local residents. In the vicinity of the school the road comprises a pavement width of approximately 7.5m in with indented parking provided on the eastern side. This allows vehicles to park along the kerb on the west side whilst allowing traffic to pass. North of the school the road is reduced in width to approximately 5.5 metres in width that provides kerbside parking to one side of the road whilst allowing a single lane of traffic to pass.

Observations by Council Officers regarding parking on Park Lane north of the school indicated that vehicles typically parked along the kerb adjacent the reserve without adverse impacts to the operation of the road for other traffic. Of the 27 car spaces available for parking approximately 14 spaces were occupied leaving 13 spaces available for parking.

### **Indented Parking Assessment**

The opportunity to provide indented parking in Park Lane adjacent Bloomsbury Reserve has been considered with two options available. One option is to maximize as much indented parking along the verge which would impact the existing street trees however given Councils Tree Removal Policy this may not be supported by other Council departments and/or the community.

An alternative option has been considered that does not impact street trees and is aligned the Bloomsbury Drive Reserve landscape plan.

### **Option A –indented parking impacting street trees,**

This option provides 25 indented car spaces adjacent the reserve and 18 kerb side car spaces on the western side of Park Lane which is a net increase of 16 car spaces. A plan showing where indented parking is provided in **Appendix 2**. The cost breakdown is provided below:

Option A – cost breakdown

Item	No. of item	Cost per item	Total Cost
Indented car park	25	\$7,000	\$175,000
Trees lost	8	\$2,000	\$16,000
<b>Total project cost (estimate)</b>			<b>\$191,000</b>

### Option B – indented car parking not impacting street trees

This option provides 13 indented car spaces adjacent the reserve and 18 kerb side car spaces on the western side of Park Lane which is a net increase of 4 car spaces. A plan showing where indented parking is provided in **Appendix 3**. The cost breakdown is provided below:

Option B - cost breakdown

Item	No. of item	Cost per item	Total Cost
Indented car park	13	\$7,000	\$91000
<b>Total project cost (estimate)</b>			<b>\$91,000</b>

## 3. Council and Wellbeing Plan Reference and Policy Reference

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

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

3.2 *Community facilities, infrastructure and services that are equitably planned for, provided and maintained.*

## 4. Financial Considerations

There is no financial consideration associated with Option 1.

Option 2 is estimated to cost approximately \$191,000 for the net yield of additional 16 car spaces and is subject to approval to remove trees,

Option 3 is estimated to cost approximately \$91,000 for the net yield of an additional 4 car spaces.

## 5. Consultation/Public Submissions

None

## 6. Risk Analysis

**Option 1** - The risk of adopting Option 1 is minimal as it is expected that parents/ caregivers seeking to park around a school do so by parking within available public car parks and surrounding road network.

**Option 2** – The risk in adopting Option 2 is the loss of a number of street trees for the provision of car spaces as well as the indented car parking may not be fully utilized by the community as surveys indicated that not all available car parking is currently being utilised during school peak periods.

**Option 3** – The risk in adopting Option 3 is that the indented car parking may not be fully utilized by the community as surveys indicated that not all available car parking is currently being utilised during school peak periods.

## 7. Options

**Option 1** – Do nothing. The report presented at the Ordinary Meeting of Council on 20 August 2018 indicated that there was sufficient on street car parking within the existing road network to cater for the school parking demand.

**Option 2** – Construct 25 indented spaces adjacent the reserve including the removal of 8 street trees for a net increase of 16 additional car spaces on Park Lane.

**Option 3** – Construct 13 indented spaces adjacent the reserve for a net increase of 4 additional car spaces on Park Lane.

## LIST OF APPENDICES

1. Bloomsbury Drive - Landscape plan - undated
2. Option A - Plan showing maximum indented car parking spaces - dated September 2018
3. Option B - Plan showing indented parking with no impacts to street trees - undated

## 12.4 RESPONSE TO NOTICE OF MOTION 575 (CR ABBOUSHI) - EXPLORE OPTIONS TO EXTEND BROOKSIDE PAVILION

Author: Glenn Mulcahy - Recreation Coordinator  
Presenter: Maurie Heaney - General Manager Community Services

### PURPOSE OF REPORT

To respond to Notice of Motion 575 (Cr Abboushi) and explore options to extend the recreation reserve pavilion at Brookside Recreation Reserve.

### RECOMMENDATION:

That Council note this report.

#### Motion

Crs Abboushi/Majdlik.

That Council:

1. note this report; and
2. refer the matter to the 2019/20 budget deliberations.

CARRIED

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## REPORT

### 1. Executive Summary

At the 20 August 2018 Ordinary Meeting of Council, Council resolved via Notice of Motion 575 raised by Councillor Abboushi:

*That Council officers, in consultation with existing users, explore options to extend the Brookside Pavilion to –*

1. *Provide additional space to cater for a current high volume of users, and*
2. *Plan for an expected growth in the number of users in the future and that a report with recommendations and options be brought back to Council.*

The Brookside Recreation Reserve experiences one of the highest usage rates of participation for active recreation reserves in the municipality. Tenants at this reserve are sports users such as tennis, cricket and soccer, with a variety of community users enjoying the open space at the reserve.

With the growth in participation of tenant clubs, the current pavilion is limited in being able to meet the current use of the sporting clubs at the reserve. Consultation with the user groups indicates that, expanded social community space, functional kitchen enhancements, additional female friendly change rooms and increased storage opportunities are required to meet the clubs ongoing operational needs.

This report considers and explores options to extend the Brookside Pavilion. The concept plans provided in **Appendix 1** demonstrates that there is sufficient space to reconfigure and expand the existing footprint of the building.

## 2. Background/Issues

The Brookside Recreation Reserve is one of the most used active recreation reserves in municipality. The intent of this reserve and facility at the time of construction had a priority on tennis only. Over time the facility has had a number of upgrades to accommodate soccer and cricket.

The existing pavilion was extended in the 2013/14 financial year which reconfigured the existing two change rooms into two tennis and two new soccer change rooms and included a modest social space extension.

To assess opportunities to provide additional space to meet the existing and growth needs of current user groups, officers investigated the refurbishment of the existing Brookside Recreation Reserve Pavilion. As a minimum, the social community space requires extension and floor size increased (options provided in supporting appendix), the existing change rooms require refurbishment to ensure space compliance consistent with guidelines for senior competition soccer. In addition, the associated amenities supporting both the social space and change amenities also would require refurbishment.

The existing pavilion is already supported by car parking with no alternate car parking locations available within the reserve. The existing pavilion is relatively easy to reconfigure due to its modular design. The Caroline Springs Tennis Club is scheduled to relocate to the Caroline Springs Town Centre Sports Precinct in 2019 as part of the new development which creates opportunities for refurbishment within the existing pavilion to cater for the other user groups at the reserve.

Concept planning was undertaken as part of investigating options for refurbishment, taking into consideration the user groups at the reserve. A broad level concept plan as to how a refurbishment for additional space could be accommodated on site is provided (**Appendix 1**).

## 3. Council and Wellbeing Plan Reference and Policy Reference

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

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

*3.2 Community facilities, infrastructure and services that are equitably planned for, provided and maintained.*

## 4. Financial Considerations

Quantity surveyors have assessed the concept design provided in **Appendix 1** and estimate the construction of the concept design to cost, pending final design, up to \$1.28M which includes a social community space extension from the existing 70m<sup>2</sup> to 120m<sup>2</sup>, and change room upgrade consistent with competition guidelines and amenity refurbishment.

In the event funding was provided to progress the pavilion to detailed design phase, there is an opportunity to seek grant funding through various State Government departments.

## 5. Consultation/Public Submissions

As part of the 2019/20 Council budget process, the Westside Strikers Football Club (WSFC) provided the following request to upgrade and redevelop the Brookside pavilion for Council consideration:

- Increase the multipurpose meeting space to cater for 120 people. The larger multipurpose space would allow WSFC to hold club activities such as training courses, team building activities and fundraising events such as trivia nights.

- Larger kitchen in the multipurpose area to cater for larger functions.
- Increase in storage areas.
- Refurbishment of change rooms – 4 in total (four change rooms to be female friendly)
- All toilets and showers for players and umpires to be redesigned to become more female friendly i.e. unisex umpire amenities.

This budget submission will be considered in Council's budget deliberations for 2019/20 financial year with the remainder of submissions received.

Officers provided the club with a concept plan which addressed their submission and the compliance guidelines of the sporting associations. Officers also met with the club on Tuesday 27 November 2018 where the concept plan provided with this report was reviewed showing opportunities to provide additional space at the site can be accommodated. If this project was to proceed, further consultation with the club would be required.

The extension will cater for growth with the club. At this point of time, officers will need to engage further with the club to discuss team capacity, knowing that this reserve has some limitations and there will be no more opportunity for future additions to the building and ground.

## **6. Risk Analysis**

Should further development not be supported, Council must consider the usage of the reserve by existing user groups.

## **7. Options**

That Council:

1. Note the report;
2. Considers the funding required during the 2019/20 budget deliberations;
3. Does not proceed with any future development of this facility.

## **LIST OF APPENDICES**

1. Concept plans - Brookside Pavilion - dated 31 October 2018



## 12.5 RESPONSE TO NOTICE OF MOTION 587 (CR ABBOUSHI) - OPTIONS AND COSTING TO EXTEND CRICKET NETS AT BURNSIDE HEIGHTS RECREATION RESERVE

Author: Glenn Mulcahy - Recreation Coordinator  
Presenter: Maurie Heaney - General Manager Community Services

### PURPOSE OF REPORT

The purpose of the report is to respond to Notice of Motion 587 (Cr Abboushi) to explore options and costings to extend the cricket nets at Burnside Heights Recreation Reserve.

### RECOMMENDATION:

That Council note the report.

#### Motion

Crs Abboushi/Majdlik.

That Council:

1. note the report; and
2. refer the matter to the 2019/20 budget deliberations.

CARRIED

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## REPORT

### 1. Executive Summary

At the 15 October 2018 Ordinary Meeting of Council, Council resolved via Notice of Motion 587 raised by Councillor Abboushi:

*That Council officers prepare a report exploring options and costings to extend the cricket nets at Burnside Heights Recreation Reserve.*

The Burnside Heights Recreational Reserve is a community asset with two main tenants and a number of community users. The facility accommodates two main active open space ovals and a purpose built community pavilion.

The current Recreational Reserve accommodates four cricket nets required and is consistent with other sites.

This report provides a response to Notice of Motion 587 inclusive of costings.

### 2. Background/Issues

The Burnside Heights Recreation Reserve is well used by the broader community and has two resident sporting clubs being the Burnside Heights Football Club (BHFC) and the Burnside Springs United Cricket Club (BSUCC). Both clubs continue to increase participant numbers with the BSUCC requesting an expansion of two additional cricket nets at the reserve to cater for increasing junior team numbers.

For the 2018/19 cricket season the BSUCC advise that 12 junior teams and 4 senior teams are participating in competition and the requested two additional cricket net facilities will assist the club in the delivery of coaching and training.

Council's standard provision is two cricket nets for each oval constructed with the cricket facilities already in place at the reserve meeting this criteria with four cricket nets provided in the cricket training facility. The existing provision is considered consistent with meeting the demand for the participation level at this reserve. In the event funding was to become available to construct additional cricket nets, a budget of \$40,000 would be required to deliver one new cricket net. This cost estimate is consistent with recent and similar projects undertaken by Melton City Council.

There is land space available at Burnside Heights Recreation Reserve to undertake additional cricket net construction should funding be committed in the future by Council or an external partner.

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

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

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

*3.2 Community facilities, infrastructure and services that are equitably planned for, provided and maintained.*

### **4. Financial Considerations**

A budget of \$40,000 would be required to deliver one cricket net.

### **5. Consultation/Public Submissions**

Officers have contacted BSUCC and they have confirmed that they are seeking additional cricket net facilities at the Burnside Heights Recreation Reserve.

The Club has not raised this request through the community submission process at any time.

### **6. Risk Analysis**

Should Council fund this project, a new precedent above Council's standard cricket net provision (two cricket nets per one oval) for Council active recreation reserves would be established. This could potentially impact having to provide additional nets at other facilities with similar participation levels.

### **7. Options**

Council has the option to:

1. Note this report.
2. Refer the \$40,000 new cricket net construction at Burnside Heights Recreation Reserve to the 2019/20 budget process.

## **LIST OF APPENDICES**

Nil

## 12.6 RESPONSE TO NOTICE OF MOTION 593 (CR ABBOUSHI) - OPTIONS FOR FEMALE FRIENDLY CHANGEROOMS AT IAN COWIE RECREATION RESERVE PAVILION AND BURNSIDE HEIGHTS RECREATION RESERVE

Author: Glenn Mulcahy - Recreation Coordinator

Presenter: Maurie Heaney - General Manager Community Services

### PURPOSE OF REPORT

The purpose of this report is to respond to Notice of Motion 593 (Cr Abboushi) that Council investigate options for female friendly change facilities at Ian Cowie Recreation Reserve Pavilion and the Burnside Heights Recreation Reserve Pavilion.

### RECOMMENDATION:

That Council note the report.

#### Motion

Crs Abboushi/Majdlik.

That Council:

1. note the report; and
2. refer the matter to the 2019/20 budget deliberations.

CARRIED

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## REPORT

### 1. Executive Summary

At the Ordinary Meeting of Council on 12 November 2018 Notice of Motion 593 (Cr Abboushi) states:

*'That Council investigate options to introduce female friendly change room upgrades, in consultation with existing user groups, at Ian Cowie Recreational Reserve Pavilion and Burnside Heights Recreational Reserve Pavilion. Council Officers to report options to Council at a future Council meeting.'*

The identified female friendly change room works at the various sites across the municipality are underway and due for completion in the 2018-19 financial year. Existing works to facilities are in progress as per Council's endorsed position in December 2017. This work will see the expansion and renovations to the Hillside pavilion, Melton recreational Reserve pavilion, Caroline Springs pavilion, Blackwood Drive pavilion and Diggers Rest scout hall.

Further growth in female participation the past 12 months at Ian Cowie Recreation Reserve and the Burnside Heights Recreation Reserve requires Council to consider upgrades to ensure that these sites being used by females have female friendly change rooms and associated amenities.

## 2. Background/Issues

There is significant growth being experienced in female participation sports, particularly in Australian Rules football, cricket and netball across the municipality. At present, pavilions built before 2010 typically do not provide female facilities including separate shower cubicles. The existing female friendly change room program aims to improve basic infrastructure in change amenities, toilets and showers that caters for all participants.

In 2018 the Burnside Heights Football Club has introduced 3 female football teams which equates to 60 plus participants. This facility also hosted the 2018 female finals series for the Essendon District Football League Juniors.

The Ian Cowie Recreation Reserve has seen an increase of females participating in netball during the 2018 season which equates to 55 females. The existing change amenity at this reserve is not compliant with female friendly guidelines and does not support future growth of female participation.

As part of the existing Female Friendly Change Room Program as indicated in the executive summary, the next priority facilities for upgrades have been identified as Burnside Heights Recreation Reserve and Ian Cowie Recreation Reserve. This program is highlighted for the next financial year subject to Council's endorsement.

## 3. Council and Wellbeing Plan Reference and Policy Reference

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

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

3.2 *Community facilities, infrastructure and services that are equitably planned for, provided and maintained.*

## 4. Financial Considerations

\$500,000 has been highlighted in the Capital Works program for female friendly change rooms for Council's budget deliberations in 2019/20.

## 5. Consultation/Public Submissions

Consultation on the design at the two reserves is ongoing with license agreement holders (community sport clubs). Further work will need to occur in regards to specific designs of upgrades to all facilities proposed.

## 6. Risk Analysis

The accelerated growth in female active participation at Council Recreation Reserves has created a need to provide suitable change room facilities and amenities. It is likely that some community perceptions of Council will be influenced by the delivery of the female friendly change room program.

## 7. Options

Council has the option to:

1. Endorse the officers' recommendation as presented in this report.
2. Consider to provide funding for the Female Friendly Change Room Program in the 2019/20 budget process.

## LIST OF APPENDICES

Nil

## 12.7 RESPONSE TO NOTICE OF MOTION 596 (CR KESIC) - PLACEMENT / LOCATION OF AUSTRALIAN CITIZENSHIP CEREMONIES IN APPROPRIATE VENUES WITHIN THE MELTON MUNICIPALITY.

Author: John Whitfield - Governance Coordinator  
Presenter: Christine Denyer - Manager Legal and Governance

### PURPOSE OF REPORT

To respond to Notice of Motion 596 (Cr Kesic) on placement / location of Australian Citizenship Ceremonies in appropriate venues within the Melton municipality.

### RECOMMENDATION:

That, apart from citizenship ceremonies conducted on Australia Day, the Melton Community Hall continue to be the venue for the conduct of citizenship ceremonies.

#### Motion

Crs Kesic/Ramsey.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

Council resolved by Notice of Motion 596 (Cr. Kesic/Cr Hardy) at the 12 November 2018 Ordinary Meeting of Council as follows:

*“That Council officers prepare a report on placement / location of Australian Citizenship Ceremonies in appropriate venues within the Melton municipality”.*

This report addresses this resolution by comparing the conduct of citizenship ceremonies in the Council’s largest community venue, the Melton Community Hall with other Council owned facilities within the municipality, in particular the Burnside Community Hall.

### 2. Background/Issues

Citizenship ceremonies are the last stage of the process for a candidate to fulfil the legal requirements prescribed by the *Australian Citizenship Act 2007* (the Act) and the *Australian Citizenship Regulations 2007* to become an Australian citizen. They are conducted by a delegated person under the authority of the Australian Government Minister responsible for citizenship matters. Under the Act, this person is known as the Presiding Officer.

For 2019, and apart from Australia Day, the following citizenship ceremony dates have been scheduled to occur at the Melton Community Hall:

- Wednesday 13 February
- Thursday 14 February
- Wednesday 13 March

- Thursday 14 March
- Wednesday 10 April
- Thursday 11 April
- Wednesday 12 June
- Thursday 13 June
- Wednesday 28 August
- Thursday 29 August
- Wednesday 13 November
- Thursday 14 November

These twelve citizenship ceremonies will cater for 1,080 candidates and their guests in 2019. This is a significant increase on the seven ceremonies conducted in 2018.

After a downturn in candidate numbers in 2017, towards the end of 2018 candidate numbers began not only return to normal but to increase on previous years. An extra ceremony was held on 22 November 2018 which did not clear the waiting list. As at 4 January 2019, the waiting list of candidates was 423. This number does not include the 180 people already scheduled for the Council's citizenship ceremony on Australia Day.

The Council seeks to manage the waiting list so that candidates are invited to attend a citizenship ceremony between three and six months after reaching this final stage of approval from the Department of Home Affairs. This is the expectation of the Department.

This report has been prepared with these circumstances in mind.

Additionally, this report only considers the use of Council own facilities to conduct citizenship ceremonies. While there are other venues with larger seating capacity within the Melton municipality that the Council could hire for citizenship ceremonies, this option has not been explored:

1. chiefly because the Australian Citizenship Ceremonies Code deems that *"It is not appropriate for a citizenship ceremony to be held at a venue for the purpose of promoting a commercial enterprise"*;
2. also noting the significant extra cost in doing so; and
3. the logistical difficulties in preparing a hired venue for a ceremony.

### **Venue Options**

#### Melton Community Hall

The largest Council owned venue is the Melton Community Hall. This hall can seat up to 250 people with ample space remaining for ingress and egress. It has a stage for the display of banners and Australian native plants. It has an adjacent kitchen for preparing supper for candidates and their guests and it has an audio system and stage lighting.

The Council conducts citizenship ceremonies for a maximum of 90 conferees and their guests at Melton and with the attendance of family and friends the hall fills to capacity.

#### Burnside Community Hall

The Council has a number of medium size venues throughout the municipality, such as Community Centres, but only the recently completed Burnside Community Hall has an adjacent kitchen and an inbuilt audio system. As these are considered to be essential features for the conduct of a citizenship ceremony, only the Burnside facility is further explored.

The Burnside Community Hall currently has a seating capacity of 80 with a further 40 stackable chairs to be acquired soon. With an eventual capacity of 120 people, this venue could accommodate a maximum of 40 conferees and their guests. That said, this configuration (120 chairs) has not been attempted and thus it is not clear if there would be sufficient ingress and egress.

### **Advantages of Melton Community Hall**

The Melton Community Hall offers a number of significant advantages over the Burnside Community Hall as a venue for citizenship ceremonies. These are set out below.

1. The first advantage is that the number of conferees that can be accommodated at Melton is more than double that of Burnside and this produces economies of scale in a number of different ways.

In each year the Council can conduct fewer citizenship ceremonies in a venue with more capacity. This is therefore a more efficient way to deliver this service to the community.

A venue that maximizes the number of conferees for a ceremony is especially important at present with the sizeable waiting list and the prospect of large numbers of new citizens in 2019 and the years to come.

2. Following on from 1. above, the conduct of fewer ceremonies each year lowers the cost to the Council to conduct citizenship ceremonies. This is because the cost of conducting a ceremony for 40 conferees is similar to the cost for 90 conferees.

Each citizenship ceremony costs approximately \$2,700 to deliver. This figure is made up of:

- staff overtime costs in the setup, delivery and pack down of the ceremony,
- plant hire,
- hire of an audio technician,
- catering for candidates, their dependents and their guests; and
- a gift of a commemorative coin and native plant for candidates and dependents and a small paper Australian Flag for guests.

The costs for catering, the commemorative coin and the native plant are candidate number dependent. But the more significant costs, especially staff overtime, would remain the same in both circumstances.

The citizenship ceremony dates for 2019 above have been scheduled at Melton Community Hall for 2 consecutive days so as to minimize the set up and pack down time and costs, including in relation to chairs, tables, plants and flags.

3. Another consequence of having fewer citizenship ceremonies each year is that it lessens the demands on the Presiding Officer at a ceremony. (Under the instrument of authorisation under the Act, Presiding Officers can be either the Mayor, the Deputy Mayor, the CEO or a General Manager).

Because of the significance of the occasion, Melton City Council has preferred that the Mayor or Deputy Mayor preside at citizenship ceremonies.

4. The extra room afforded by the stage at the Melton Community Hall allows a great 'ceremonial' type presentation of banners, plants and stage lighting. The smaller venue at Burnside would not be as visually attractive, allowing only for the Queen's portrait and banner flags.
5. A quite simple but real advantage of Melton over Burnside is a logistical one. The chairs at Melton are stackable and are stored on moveable trolleys. The 80 chairs at Burnside are heavy and difficult to move and are not stackable.

6. In terms of car parking spaces, Melton has a greater capacity than Burnside and also offers ample on-street car parking spaces near to the community hall. The Burnside Community Centre is limited in terms of on-street parking due to the residential nature of the neighbourhood there.

There are two final matters to note in considering the placement / location of Australian Citizenship Ceremonies in appropriate venues within the Melton municipality.

7. The first is the system for allocating candidates and dependents to a citizenship ceremony. This is handled solely by the Department of Home Affairs. The Council has no influence on which part of the municipality the candidates to a citizenship ceremony come from.

Whether a ceremony be held in the western part of the municipality or the eastern part, the candidates will come from anywhere within the municipality. In other words, the Council doesn't have the ability to put together a list of candidates from the eastern part of the municipality in order to invite them to a citizenship ceremony held in the east.

8. The final matter to note is that a candidate attends an Australian citizenship ceremony only once in their lifetime. So the trip that a resident makes from within the municipality to attend their citizenship ceremony occurs just the once. To this end, it is not an unreasonable encumbrance upon candidates.

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

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives  
*1.1 A community where all people feel welcome, valued and proud.*

### **4. Financial Considerations**

Generally, speaking, holding citizenship ceremonies in larger capacity venues offers 'economies of scale'. This is primarily because of the time it takes to set up for, conduct and pack down after a citizenship ceremony is the same whether the ceremony be for 40 new Australian citizens or 90.

Another way to consider the financial aspects of the options presented in this report is that a move to a smaller facility means that the Council would need to conduct more ceremonies each year in order to process the candidates approved by the Department of Home Affairs. This would significantly increase the cost to Council of conducting citizenship ceremonies. This has not currently been budgeted for or planned for in terms of staff resources.

### **5. Consultation/Public Submissions**

No public consultation has been undertaken in preparing this report.

### **6. Risk Analysis**

There are no risks to Council if Option 1 below is adopted.

If Council resolves to conduct citizenship ceremonies at Burnside Community Hall or another Council venue a risk assessment would need to be conducted. For Burnside, based on a seating configuration of 120, a risk assessment is needed to ensure there is sufficient ingress and egress (for people with a disability and in the event of an emergency).



## **7. Options**

The Council has the following options:

1. Adopt the recommendation as set out; or
2. Move an alternate motion.

## **LIST OF APPENDICES**

Nil

## 12.8 PLANNING SCHEME AMENDMENT C170 - DEVELOPMENT PLAN OVERLAY

Author: Tunc Ozlatif - Strategic Planner

Presenter: ~~Laura-Jo Mellan – Manager City Design, Strategy & Environment~~  
Luke Shannon – General Manager Planning & Development

### PURPOSE OF REPORT

To consider the preparation and exhibition of Amendment C170 to the Melton Planning Scheme to implement recommendations from the *Development Plan Overlay Review (January 2019)*.

### RECOMMENDATION:

That Council:

1. Adopt the *Development Plan Overlay Review January 2019 (Appendix 1)*.
2. Seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C170 to the Melton Planning Scheme to implement the findings of the *Development Plan Overlay Review January 2019*.
3. Upon receipt of authorisation, prepare and exhibit Amendment C170 to the Melton Planning Scheme in accordance with the relevant requirements of the *Planning and Environment Act 1987*.
4. Authorise the General Manager Planning and Development and the Manager City Design, Strategy and Environment to negotiate and resolve any issues that are raised by submitters during the exhibition process prior to the amendment being reported back to Council for referral to a Planning Panel or adoption of the amendment.

### Motion

Crs Majdlik/Ramsey.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

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

Two reviews have been conducted on the current application of the DPO within the municipality with the most recent review completed in January, 2019. The reviews were undertaken to assess whether the DPO was still required given the level of development that has been undertaken.

Following this review it is recommended that 8 of the existing DPO's be removed either partially or in their entirety as they are no longer an appropriate planning control.

## 2. Background/Issues

### Development Plan Overlay (DPO)

The DPO is an overlay contained in the Victorian Planning Provisions that can be applied to planning schemes as required. The purpose of the overlay in reference to the Melton Planning Scheme is:

- 'To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land'.
- 'To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority'.

The Melton Planning Scheme currently contains 16 DPO Schedules that cover residential, industrial, commercial, rural and tourist areas (Refer **Appendix 1**). These DPO's apply to significant parts of the municipality, including the areas known as the Eastern Corridor, Eynesbury, Melton Township, Diggers Rest and Bonniebrook.

The Victorian Planning Provisions Practice Note 23 – *Applying the Incorporated Plan and Development Plan Overlays August 2015* recommends that the use of a DPO in a Planning Scheme should be reviewed regularly to ensure that it is still relevant to and supportive of, the proposed use and development of the land to which it is applied.

The practice note also states that *'because the DPO has no public approval process for the plan, it should normally be applied to development proposals that are not likely to significantly affect third party interests, self-contained sites where ownership is limited to one or two parties and sites that contain no existing residential population and do not adjoin established residential areas'*.

Within the municipality, the DPO has been used as a planning control to coordinate the orderly development and integrated use of new Greenfield or vacant urban sites and therefore meets the intent of the overlay. However, reviews completed in 2015 and 2019 have highlighted issues around the continued applicability of the DPO in areas which are now substantially developed and have other planning controls in place.

As development has occurred, DPO schedules have become redundant. The criteria for their removal focuses on how much development has occurred in the overlay area. In addition, as noted above, properties within a DPO are exempt from third-party notice and review rights. Given that several of the DPO areas are now fully or substantially developed, the means that there are now residents or property owners who may be impacted by a proposed development but have no statutory mechanisms to object to a development.

Considering the purpose of the DPO and the advice contained within Practice Note 23, it is recommended that Council to remove a portion of DPO1 and DPO11, and remove the entirety of DPO5, DPO7, DPO8, DPO12, DPO13 and DPO15 as recommended by the *Melton Planning Scheme – Development Plan Overlay Review 2019* as contained at **Appendix 1**, through an amendment to the Melton Planning Scheme.

### Amendment C170

Amendment C170 to the *Melton Planning Scheme* proposes to remove 8 redundant Schedules to the DPO. The proposed Amendment C170 will amend Clause 43.04 in the *Melton Planning Scheme* and more specifically:

- Delete DPO1 – Melton East Growth Area except from areas identified as Modeina Estate, Burnside and 1-15 Banchory Avenue, Hillside.
- Delete DPO5 – Banchory Grove and Bellevue Hill, Hillside.
- Delete DPO7 – Tenterfield Estate, Burnside Heights.

- Delete DPO8 – 511-531 Taylors Road, Burnside Heights.
- Delete DPO11 – Clarkes Road, Brookfield except the 2 hectare undeveloped portion in the southern part of the precinct.
- Delete DPO12 – West Park Industrial Estate, Truganina.
- Delete DPO13 – Orbis Business Park, Ravenhall.
- Delete DPO15 – Western Highway Restricted Retail Site, Caroline Springs.

### **Strategic Assessment**

Ministerial Direction No 11 requires amendments to be assessed against a number of guidelines. This strategic assessment has been undertaken and it is considered that the amendment adequately addresses the guidelines.

The amendment is consistent with the Planning Policy Framework (PPF) and a number of aspects of Clause 11: Settlement of the PPF:

- Clause 11.01R – Settlement – Metropolitan Melbourne - the amendment acknowledges the changing nature of development and supports the need to create a more consolidated sustainable municipality and protect the values of non-urban land by respecting the Urban Growth Boundary.
- Clause 11.02 – Managing Growth, the amendment acknowledges the level of growth that the municipality is facing now and in the future and supports the need to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community use.

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

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

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

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

## **4. Financial Considerations**

Council officer time and resources are involved in the preparation, exhibition and adoption of the amendment and statutory fees are required to be paid by Council as the Responsible Authority which are within Councils recurrent budget. Council officer time and resources are also involved in the assessment of development plans. The removal of redundant schedules to the DPO and their requirement for development plans to be submitted with permit applications will save officer time and resources.

## **5. Consultation/Public Submission**

The amendment will be exhibited in accordance with the requirements of the *Planning and Environment Act 1987* via notice in the local newspaper and on Council's website, a notice in the Government Gazette and letters to relevant Ministers and Government Departments.

Once the exhibition period closes, a further report will be provided to Council summarising any submissions made to Amendment C170, the recommended changes as a result of exhibition and recommending whether a Planning Panel is required.

## **6. Risk Analysis**

Should Council choose to not initiate this amendment it will result in future planning applications in the redundant DPO areas being exempt from third-party notice and review rights where applications may be detrimental to surrounding residents.

## **7. Options**

Council can resolve to either:

1. Seek authorisation to prepare and exhibit the Amendment C170 for the prescribed period.
2. Not proceed with the amendment.

## **LIST OF APPENDICES**

1. Development Plan Overlay Review - dated January 2019

Cr Carli declared she has a Direct Conflict of Interest in Item 12.9 pursuant to Section 77B of the *Local Government Act 1989* and left the meeting at 8:11pm.

**12.9 PLANNING APPLICATION PA 2018/4962 - EXTENSION OF TIME TO AN EXISTING PERMIT AUTHORISING EARTHWORKS INVOLVING THE PLACEMENT OF CLEAN FILL TO RE-GRADE AN EXISTING TRAINING TRACK AT 379 PLUMPTON ROAD, DIGGERS REST**

Author: Joseph Oyelowo - Development Planner  
 Presenter: ~~Bob Baggio – Manager Planning Services~~  
 Luke Shannon – General Manager Planning & Development

**PURPOSE OF REPORT**

To consider and determine the above extension of time request in relation to an existing planning permit.

**RECOMMENDATION:**

That Council refuse to extend the expiry date of the permit subject to the grounds outlined in **Appendix 3** of this report.

**Motion**

Crs Abboushi/Kesic.

That Council defer consideration of the request for extension of time until after the applicants have had an opportunity to brief Council on the proposal and future plans for the land.

CARRIED

Cr Majdlik called for a division thereby setting aside the vote.

**For:**

Crs Abboushi, Kesic, Majdlik, Mendes and Turner

**Against:**

Cr Ramsey

The Mayor declared the Motion CARRIED

**REPORT**

**1. Background**

**Executive Summary**

Applicant:	Planning Studio on Peel
Proposal:	Request for an extension of time to an existing permit for earthworks

Existing Land Use:	Existing single storey dwelling and horse training track
Zone:	Green Wedge Zone
Overlays:	Public Acquisition Overlay Schedule 3 Melbourne Airport Overlay Schedule 2
Number of Objections:	Nil (request not required to be advertised)
Key Planning Issues:	Breach of the planning permit issued and plans endorsed A new application should be lodged and assessed appropriately
Recommendation:	Refuse to grant permit extension

### The Land and Surrounding Area

The subject site has an area of 100.3ha and the entry into the site is located on the eastern side of Plumpton Road, Diggers Rest. Other features of the site are as follows:

- The site is an L shaped allotment.
- It contains an existing horse training track, single storey dwelling and outbuildings located in the north of the site.
- Significant land filling works have been conducted on the site over a number of years.

Land use and development in the area is mainly agricultural, with scattered dwellings.

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

### Site History

In September 2013, Council issued a planning permit (PA2012/3705) for the placement of clean fill on the subject land, with the intent of the works to regrade an existing horse training track. The permit was a temporary permit and expired two years after the permit was issued.

The works authorised by the above permit were not completed, and so a further planning permit (PA2015/4962) was applied for and issued in March 2016, with works needing to be completed by March 2018, or else the permit again would have expired. The extent of the earthworks approved were to place fill on 4 metres outside the track to a maximum height of 0.60 metres and to the inside 2 metres of the track to a maximum height of 0.30 metres. Council Officers recommended approval with the understanding and agreement that the earthworks would be confined to the alignment of the existing horse track where it would not encroach upon areas of native vegetation. The owner at that time advised and agreed that no native vegetation will be removed or destroyed as a result of the application.

Since the second permit was issued in March 2016, there have been a number of allegations made by adjoining landowners that the permit applicant has not complied with the conditions of the permit, since the area of works carried out has exceeded what was originally approved. Subsequent investigations by Council Officers have confirmed that there appear to have been breaches of the permit, and Council Officers have commenced enforcement proceedings against the landowner.

It is worth noting that most of the fill placed on the land appears to be outside of the area previously approved. This is contrary to the intention of confining the works areas to areas on the land that would not encroach upon areas of native vegetation. Representatives of the landowner have indicated that a new planning application will be lodged shortly for another permit for the placement of clean fill on the land to reflect current works and proposed additional works on the land. This will enable the works already carried out to be legalized, offsite amenity impacts and further native vegetation removal can then be controlled via permit conditions.

### The Application

The application proposes the consideration of a request to extend the time on planning permit PA2015/4962. The approved proposal under this planning permit can be described as follows:

- Upgrading of horse training track by raising surface level of track by 600-800 mm with imported clean fill, spreading and consolidating, and placing 100-150 mm crushed rock followed by 50-100 mm clean sand topping.
- Objective is to improve safety and period during which training can be undertaken. The track width will be about 12 metres with a grassed batter on each side.
- Cartage of filling and pavement materials will be along the existing access drive from Plumpton Road. The track will be watered to avoid dust and regularly graded while cartage is underway.

Refer to **Appendix 2** for site layout and cross-sectional plans.

### Planning Controls

Zone	Clause 35.04 – Green Wedge Zone	Permit required for earthworks
Overlays	Clause 45.01 – Public Acquisition Overlay Schedule 3 Clause 45.08 – Melbourne Airport Overlay Schedule 2	Permit not required for earthworks.  Permit not required for earthworks.
Particular Provisions	N/A	N/A
Planning and Environment Act 1987	Section 69	Before the permit expires, or within six months afterwards, the owner or occupier of land may ask the Responsible Authority to extend the permit. Given that the request to extend time was received by Council prior to the permit expiry date, the request has been submitted within the relevant statutory timeframe.

#### Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant; however it is encumbered by a Section 173 Agreement. The proposal does not breach any of the requirements of the Section 173 Agreement.

#### Is the land of Cultural Heritage Sensitivity?

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

## 2. Council and Wellbeing Plan Reference and Policy Reference

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

3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way.
  - 3.1 A City that strategically plans for growth and development.



### 3. Financial Considerations

No Council related financial considerations are involved with the application.

### 4. Consultation/Public Submissions

#### Public notification of the application

The application was not subject to notification given that the proposal is for the extension of a pre-existing permit.

#### Referral of the application

The application for the extension of time was not required to be referred to any other government agencies.

### 5. Issues

#### Criteria for extending the time of a permit

Section 69 of the *Planning and Environment Act 1987* enables the owner or occupier of the land to which a planning permit applies to apply for an extension of time prior to the permit expiring or within six months afterwards. The request to extend the permit has been received within the relevant statutory time frame.

The Act generally envisages a time limit be imposed on planning permits. The time limit condition that was originally imposed on the subject permit is consistent with most planning permits related to earthworks. The reason for imposing a time limit on planning permits is to ensure that permit holders do not 'warehouse' planning permits. The time limit enables Responsible Authorities to reconsider planning permits, where they have not been acted upon, taking into account any new policy or control that may have been introduced in the intervening period.

In considering the request for the time extension to the permit, it is necessary for Council to act reasonably and to base its decision on any relevant matters. The Supreme Court decision in *Kantor vs Murrumbidgee Shire* is the most comprehensive statement of matters to be taken into account as to whether or not to allow a request for an extension of time. The principles of this case law in respect to the treatment of an extension of time request are that the Responsible Authority:

- Should treat the applicant as being obliged to advance some reason or material in support of the grant of an extension.
- May rightly consider as a factor in favour of an exercise of discretion, that there has been no change in planning policy (including the planning scheme legislation) – but it does not follow that, absent a change in planning policy, an extension should normally be granted.
- Consideration as a factor tending against the grant of an extension, any material suggesting that an owner of land is intending to "warehouse" a permit – ie obtain a windfall by selling the land together with the benefit of an unused permit.
- Consideration of any intervening circumstances, such as if in seeking an extension of time, whether steps have already been taken to develop the land in accordance with the permit, this will count in favour;
- Consideration of the total amount of time which has elapsed when a request to extend is being considered. If a permit has been long held and not acted upon, this will tend against an application for an extension of time, particularly where other possible developments nearby are being stultified. The philosophy of the *Planning and Environment Act 1987* that a permit should not be unlimited as to time must also

be borne in mind here.

- Consideration as to whether the time limit originally imposed was adequate in all the circumstances.
- Consideration as to whether the permit casts a considerable economic burden on the owner of the land, making it necessary for him or her to proceed slowly, whilst always intending to proceed with the development; and
- Consideration as to the probability that if a request to extend time were refused and a fresh application lodged, it would be granted. This factor would be particularly relevant where planning policy has remained unchanged and it is improbable that potential objectors to a fresh proposal will be able to raise any new considerations.

### **Change in circumstance**

The owner has not taken steps to carry out the earthworks in accordance with the permit. Council received information that the works carried out on the subject land were not in accordance with the permit issued and plans endorsed. The application for the extension of time was put on hold because of the planning enforcement investigation to ascertain the validity of this claim.

The outcome of the planning investigation, reveals that areas of soil which were placed upon the track are between 85 metres and 165 metres wide, being up to 10 times the approved width. This fill is mostly on average 1 metre in height, and considered to change the rate of flow of water across the boundary due to the existing and previous natural contours of the land. Based on the above comments, the time under this permit should not be extended because the majority of the works carried out on the subject land is contrary to that which were approved under PA2015/4962. It is considered that this breach of the planning permit issued and plans endorsed is a change in circumstances of sufficient significance to suggest that the permit is no longer appropriate. Consequently a new application should be lodged and assessed appropriately.

The merits of the works carried out contrary to the permit issued require extensive consideration on the basis of factors not considered at the time the original application was lodged and approved. It is worth noting that the applicant is making an effort to lodge a fresh new application which will include both the works carried out on the subject site and any outstanding works, and this new application should go through the proper assessment process, including public notice.

## **6. Options**

Council can either support the application by extending the life of the permit or not support the proposal by not granting an extension.

## **7. Conclusion**

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

It is considered that the proposal does not comply with the relevant requirements of the relevant case law.

Therefore, it is recommended that the application be refused as outlined in **Appendix 3**.

**LIST OF APPENDICES**

1. Locality Plan - dated 16 January 2019
2. Site layout and cross-sectional plans - dated 18 April 2016
3. Grounds for refusing to extend the life of the permit - undated

Cr Carli returned to the meeting at 8:12pm.

Cr Carli left the meeting at 8:13pm.

Cr Kesic left the meeting at 8:13pm.

Cr Kesic returned to the meeting at 8:15pm.

Cr Carli returned to the meeting at 8:16pm.

## 12.10 CONTRACT NO. 19/016 - CONSTRUCTION OF EYNESBURY RECREATION RESERVE - STAGE 1A

Author: Daniel Speirs - Capital Projects Officer

Presenter: Maurie Heaney - General Manager Community Services

### PURPOSE OF REPORT

To seek Council's approval for the award of Contract No. 19/016 for construction of the Eynesbury Recreation Reserve Stage 1A submitted by *Ace Contractors Group* for the sum of \$2,685,020.28 commencing 18<sup>th</sup> February 2019.

### RECOMMENDATION:

That Council:

1. Awards Contract No. 19/016 for *the construction of the Eynesbury Recreation Reserve Stage 1A* submitted by *Ace Contractors Group* for the sum of \$2,685,020.28 (excl. GST), subject to the land being transferred to Council's ownership.
2. Authorise the Chief Executive Officer to sign and seal all relevant contract documentation for this project.

### Motion

Crs Ramsey/Mendes.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

This report seeks Council resolution for the award of Contract No. 19/016 for construction of the Eynesbury Recreation Reserve Stage 1A.

Stage 1A will comprise the Oval 1 and associated earthworks including filling of the dams; oval perimeter fence, ball protection fencing, goal posts, line markings, subsurface irrigation system; hydraulic and electrical services connections and supplies; modifications to CFA fence. Works are scheduled to commence in *February 2019* for a period of *8 month construction and 2 year maintenance period*.

All works outside the oval fence line will be undertaken in stage 1B, i.e. oval 1 lighting, perimeter footpath, player's boxes, main switchboard and associated sub-boards, pavilion, road pavement, carpark, play space, landscaping and hard courts. Stage 1B is scheduled to be tendered early June 2019.

Melton City Council currently do not have the rights to the land of the Eynesbury Recreation Reserve. Council are in the process of obtaining the rights to the land prior to Stage 1A construction commencing. If the land is not acquired by 18 February 2019 it will delay construction which will delay State government and Federal government funding milestones. The transfer of land documents are currently with Eynesbury Property Development Pty Ltd for signing. Provided there are no significant changes requested by Eynesbury Property Development Pty Ltd, it is anticipated that the land will be transferred to Council during the week of the 11 February 2019.

The tender evaluation summary is provided in the **Confidential Appendix** attached to this report for the Eynesbury Recreation Reserve.

## 2. Background/Issues

Melton City Council has committed to the provision of a sports precinct in the rapidly growing suburb of Eynesbury.

To cater to the growing population in the Eynesbury area, Council made an application in December 2017 to the Federal Government for funding from the Department of Industry, Innovation and Science through the Building Better Regions Fund (BBRF) and the State Government for funding from the Department of Environment, Land, Water and Planning (DELWP) through the Growing Suburbs Fund (GSF) for financial assistance in the development of this recreation reserve. The BBRF and GSF provides a contribution towards meeting critical local infrastructure needs for communities in Melbourne's diverse and fast-growing outer suburbs. It is positioned to quickly respond to the pressures being experienced by interface communities by bringing forward local infrastructure projects that will make a big difference in the day-to-day lives of outer suburban families.

Council was advised that it was successful in obtaining \$2,845,377 in funding from the BBRF and \$2,075,000 in funding from the GSF. The total project (Stage 1A and 1B) has been allocated a total estimated budget of \$9,161,000 as per the project business case. This is made up of \$100k from AFL Victoria Funding, \$2,075,000 from the GSF, \$4,140,623 from Developer Contributions and \$2,845,377 from the BBRF.

Council has agreed under the BBRF and GSF to deliver the project by January 2021. A key funding milestone of the project is that Council must complete 10% by June 2019.

The Eynesbury Recreation Reserve has been split into stages. This report pertains to the construction of Stage 1A; the northern oval and associated services. Stage 1B, currently in design, is scheduled to be tendered in June 2019. Stage 1B will include oval 1 lighting, perimeter footpath, player's boxes, main switchboard and associated sub-boards, pavilion, road pavement, carpark, play space, landscaping and hard courts.

Melton City Council currently do not have the rights to the land of the Eynesbury Recreation Reserve. Council are in the process of obtaining the rights to the land prior to Stage 1A construction commencing. If the land is not acquired by 18 February 2019 it will delay construction which will delay State government and Federal government funding milestones. Which could potentially damage Melton City Councils reputation for delivering projects on time. The transfer of land documents are currently with Eynesbury Property Development Pty Ltd for signing. Provided there are no significant changes requested by Eynesbury Property Development Pty Ltd, it is anticipated that the land will be transferred to Council during the week of the 11 February 2019.

The construction tender for the Stage 1A contract was released to six shortlisted contractors on 30 November 2018 and closed on 8 January 2019.

A total of three tender submissions were received and assessed on the basis of the evaluation criteria described in the tender documents.

All three tenders were considered non-conforming due to the incomplete sub-contractor statutory declaration but all were still considered and evaluated. Common practice is that upon tender award the successful contractor will submit the sub-contractor statutory declarations within thirty days of award, so the contract can be finalised.

No member of the Tender Evaluation Panel declared any conflict of interest in relation to this tender evaluation.

### 3. Council Plan Reference and Policy Reference

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives
  - 1.5 *Environments that enable and encourage positive public health and wellbeing outcomes*

### 4. Financial Considerations

The Eynesbury Recreation Reserve Stage 1 (A and B) project requires an estimated budget of \$9,161,000.00 (excluding GST). As per the Funding application Business Case dated 18 December 2017.

Funding Sources	Amount \$
Developer Contributions	\$4,140,623
State Government – Growing Suburbs Fund	\$2,075,000
Federal Government – Building Better Regions Fund	\$2,845,377
AFL Victoria Funding	\$100,000
<b>TOTAL</b>	<b>\$9,161,000</b>

The estimated budget components for the project are as follows:

Budget	Amount \$
Consultant Fees	\$631,500
Project Contingency	\$1,000,000
Construction Stage 1A (this Contract)	\$2,685,020.28
Construction Stage 1B	\$4,844,479.80
<b>TOTAL</b>	<b>\$9,161,000</b>

### 5. Consultation/Public Submissions

Council officers have been in regular contact with the State Government and Federal Government in regards to the development being delivered by Council.

Local residents and key stakeholders were consulted extensively in 2012 in order to determine high level user requirements. Information collected through this consultation was used to develop the approved sport precinct master plan.

## 6. Risk Analysis

The following measures have been put in place to reduce or eliminate the risk to Council for this project.

- Invited expressions of interest for the construction phase and conducted a capacity assessment.
- Advertised Direct Tenders to a select number of construction companies deemed capable of completing the work.
- Required companies direct tendering for the construction phase to comply with Council's occupational health and safety requirements.
- Conducted referee checks on the companies invited to the direct tender phase.
- The engagement of an independent and expert consultant to conduct a financial review of the short-listed companies.
- Council has committed to a commencement date for this construction project under the funding agreements with the State Government and the Federal Government. It is important to Council's ongoing advocacy for continuation of the Growing Suburbs Fund and the Building Better Regions Fund that timelines are met.
- Developed a communications plan and allocated a number of staff to work closely with a variety of stakeholders.

## 7. Options

Council has the options to adopt the Officers' recommendations as presented in this report.

### LIST OF APPENDICES

1. Contract No. 19-016 Eynesbury Recreation Reserve - Tender Evaluation Panel Report - **CONFIDENTIAL**

Designated as confidential by the Chief Executive Officer pursuant to Section 77(2)(c) and Section 89(2)(d) of the *Local Government Act 1989*.

## 12.11 PROVISION OF ACOUSTIC FENCING FOR LOTS IN THE SILVERDALE ESTATE ABUTTING THE WESTERN FREEWAY

Author: Bob Baggio - Manager Planning Services  
Presenter: Luke Shannon - General Manager Planning & Development

### PURPOSE OF REPORT

To satisfy the directions of Council from the 10 December 2018 ordinary meeting.

### RECOMMENDATION:

That Council receive and note the report on the 'Provision of Acoustic Fencing for Lots in the Silverdale Estate abutting the Western Freeway' which was first presented to the 10 December 2018 Ordinary Meeting of Council as a Confidential Report.

#### Motion

Crs Ramsey/Mendes.

That the recommendation be adopted.

CARRIED

Cr Majdlik called for a division thereby setting aside the vote.

#### For:

Crs Abboushi, Carli, Kesic, Majdlik, Mendes, Ramsey and Turner

#### Against:

Nil

The Mayor declared the Motion CARRIED

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## REPORT

### 1. Executive Summary

Council at its ordinary meeting on 10 December 2018, considered a Confidential Report on the 'Provision of Acoustic Fencing for Lots in the Silverdale Estate abutting the Western Freeway'.

In relation to this matter, the Council resolved, in part, as follows:

*That Council place the 'Provision of Acoustic Fencing for lots in the Silverdale Estate abutting the Western Freeway' report into an Open Council report, with the legal advice removed, at the next Ordinary Meeting of Council with this report to show how Councillors voted on the matter.*

This report has been produced to meet this direction of Council.



## 2. Background/Issues

In accordance with Council's resolution outlined in the Executive Summary, attached as **Appendix 1** is the Council report on the provision of acoustic fencing for lots in the Silverdale Estate abutting the Western Freeway with the legal advice section redacted.

In regard to this report, the Council also carried the following resolution at its ordinary meeting on 10 December 2018:

*That Council adopt the recommendations as per the consultant's report and commit to:*

- *Immediate community consultation and design of the noise attenuation fence, in the 2019/20 Budget*
- *A 2020/21 and 2021/22 Budget allocation and construction over the two financial years with the budget allocation of \$1m in each financial year sharing the load on subsequent budgets.*

The Councillors that voted for this resolution were Cr Hardy, Cr Kesic, Cr Mendes, Cr Ramsey and Cr Turner. The Councillors that voted against this resolution were Cr Carli, Cr De Santis and Cr Majdlik. Cr Abboushi was an apology for the meeting.

## 3. Council and Wellbeing Plan Reference and Policy Reference

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

3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way
  - 3.1 A City that strategically plans for growth and development.

## 4. Financial Considerations

There are no financial considerations in meeting the Council's resolution to place the 'Provision of Acoustic Fencing for lots in the Silverdale Estate abutting the Western Freeway' report into an Open Council report, with the legal advice removed, at the next Ordinary Meeting of Council, with this report to show how Councillors voted on the matter.

There are, of course, financial implications identified in the report attached as **Appendix 1**.

## 5. Consultation/Public Submissions

Nil.

## 6. Risk Analysis

There are no risks in meeting the Council's resolution to place the 'Provision of Acoustic Fencing for lots in the Silverdale Estate abutting the Western Freeway' report into an Open Council report, with the legal advice removed, at the next Ordinary Meeting of Council, with this report to show how Councillors voted on the matter.

A Risk Analysis is set out in the report attached as **Appendix 1**.

## 7. Options

That the report recommendation be adopted.

**LIST OF APPENDICES**

1. Council Report 10 December 2018 - Provision of Acoustic Fencing for lots in the Silverdale Estate abutting the Western Freeway

**13. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES**

Verbal reports were received from Crs Carli, Ramsey, Abboushi, Kesic, Majdlik, Mendes and Turner.

**14. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS**

Crs Carli, Ramsey, Abboushi, Kesic, Majdlik, Mendes and Turner addressed the meeting in respect to a variety of matters of significance.

**Motion**

Crs Kesic/Ramsey.

That Council write a letter of congratulations to Mr Haileluel Gebre-Selassie on his Order of Australia Medal announced on Australia Day for service to the African community of Victoria.

CARRIED

**Motion**

Crs Majdlik/Ramsey.

That Council write a letter of appreciation to Inspector Kathy Rudkins for her work in the Melton community on her departure from her role here.

CARRIED

**15. NOTICES OF MOTION****15.1 NOTICE OF MOTION 603 (CR MAJDLIK)****Councillor: Kathy Majdlik - Councillor****NOTICE:**

That Council refer the removal of both roundabouts with the installation of full pedestrian and traffic lights at the following locations in Caroline Springs to the 2019/20 Budget discussions:

1. Caroline Springs Boulevard and The Crossing
2. Caroline Springs Boulevard and Rockbank Middle Road.

**Motion**

Crs Majdlik/Abboushi.

That Council refer the removal of both roundabouts with the installation of full pedestrian and traffic lights at the following locations in Caroline Springs to the 2019/20 Budget discussions:

1. Caroline Springs Boulevard and The Crossing
2. Caroline Springs Boulevard and Rockbank Middle Road.

**CARRIED**

**15.2 NOTICE OF MOTION 604 (CR MAJDLIK)****Councillor: Kathy Majdlik - Councillor****NOTICE:**

That Council officers report to Council, after working with the Principal of the Rockbank Primary School, to outline how Council can better assist in resolving the parking issues around the school, including the consideration of a School Crossing Supervisor.

**Motion**

Crs Majdlik/Kesic.

1. That an onsite meeting be organized with the appropriate Council officers and the Principal of Rockbank PS during the end of a school day (peak time), to see firsthand the issues that are faced with safety around car parking (extending the invitation to all Councillors).
2. That Council officers report back to Council, after working with the Principal of Rockbank Primary School, to outline how Council can better assist in resolving the parking issues around the school (which is the car park that is owned by Council), including the consideration of a potential school crossing Supervisor if deemed that the parking lot would improve safety for school children navigating the parking lot area/street.

CARRIED

**15.3 NOTICE OF MOTION 605 (CR MAJDLIK)****Councillor: Kathy Majdlik - Councillor****NOTICE:**

That Council refer to the 2019/20 Budget discussion, the all-weather shelters for the City Vista Sports Pavilion for both the northern and southern components of the pavilion facing the main soccer pitch.

**Motion**

Crs Majdlik/Mendes.

That Council refer to the 2019/20 Budget discussion, the all-weather shelters for the City Vista Sports Pavilion for both the northern and southern components of the pavilion facing the main soccer pitch.

CARRIED

**15.4 NOTICE OF MOTION 606 (CR DE SANTIS)****Councillor: Melissa De Santis - Councillor****NOTICE:**

That Council:

1. Officers provide a brief report at the next Ordinary Meeting of Council outlining the hosting of an annual conference or forum focussed on preventing family violence with the conference or forum to provide an opportunity for other Councils and service providers to attend and discuss matters around the prevention of family violence.
2. Refer this matter to the 2019/20 Budget discussions and consider allocating approximately \$30,000 to \$35,000 in the 2019/20 Budget deliberations.

**Motion**

Crs Carli/Majdlik.

That Council:

1. Officers provide a brief report at the next Ordinary Meeting of Council outlining the hosting of an annual conference or forum focussed on preventing family violence with the conference or forum to provide an opportunity for other Councils and service providers to attend and discuss matters around the prevention of family violence.
2. Refer this matter to the 2019/20 Budget discussions and consider allocating approximately \$30,000 to \$35,000 in the 2019/20 Budget deliberations.

**CARRIED**

**15.5 NOTICE OF MOTION 607 (CR RAMSEY)****Councillor: Sophie Ramsey - Councillor****NOTICE:**

That Council officers provide a report with an update on our advocacy to get traffic lights at the following three locations:

1. Leakes Road and Melton Highway
2. Coburns Road and High Street; and
3. Norton Drive and High Street.

**Motion**

Crs Ramsey/Kesic.

That Council officers provide a report with an update on our advocacy to get traffic lights at the following three locations:

1. Leakes Road and Melton Highway
2. Coburns Road and High Street; and
3. Norton Drive and High Street.

**CARRIED**



**15.7 NOTICE OF MOTION 609 (CR ABBOUSHI)****Councillor: Steve Abboushi - Councillor****NOTICE:**

That Council Officers explore options to construct a supervised pedestrian crossing at the new Burnside Primary School as soon as reasonably practicable, and report to Council by the March 2019 Ordinary Meeting of Council.

**Motion**

Crs Abboushi/Majdlik.

That Council Officers explore options to construct a supervised pedestrian crossing at the new Burnside Primary School as soon as reasonably practicable, and report to Council by the March 2019 Ordinary Meeting of Council.

CARRIED

**15.8 NOTICE OF MOTION 610 (CR ABBOUSHI)****Councillor: Steve Abboushi - Councillor****NOTICE:**

That Council Officers review the entire length of City Vista Ct Fraser Rise, Aspire Blvd Fraser Rise, and surrounding roads where necessary to assess the need for traffic calming devices, pedestrian facilities and any other road needs to cater for the growing number of road users in the area. Council Officers to report the outcomes of the review as soon as reasonably practicable.

**Motion**

Crs Abboushi/Kesic.

That Council Officers review the entire length of City Vista Ct Fraser Rise, Aspire Blvd Fraser Rise, and surrounding roads where necessary to assess the need for traffic calming devices, pedestrian facilities and any other road needs to cater for the growing number of road users in the area. Council Officers to report the outcomes of the review as soon as reasonably practicable.

CARRIED

**15.9 NOTICE OF MOTION 611 (CR ABBOUSHI)****Councillor: Steve Abboushi - Councillor****NOTICE:**

That Council officers review the current pedestrian crossing facilities along Westwood Drive between Tenterfield Drive and Ballarat Road for suitability for pedestrians to cross Westwood Drive. Identified improvements to be referred to Councils Capital Works Program for funding.

**Motion**

Crs Abboushi/Majdlik.

That Council officers review the current pedestrian crossing facilities along Westwood Drive between Tenterfield Drive and Ballarat Road for suitability for pedestrians to cross Westwood Drive, including the specific area outside the Burnside Retirement Village. Identified improvements to be referred to Councils Capital Works Program for funding.

CARRIED

**15.10 NOTICE OF MOTION 612 (CR CARLI)****Councillor: Lara Carli - Councillor****NOTICE:**

That Council officers identify the most appropriate location for a signalised Pedestrian Crossing on Taylors Rd, between Watervale Blvd and Gourlay Rd so members of our community will be able to cross the road safely, and that funding for construction of the crossing be referred to the 2019/20 budget discussions for consideration.

**Motion**

Crs Carli/Mendes.

That Council officers identify the most appropriate location for a signalised Pedestrian Crossing on Taylors Rd, between Watervale Blvd and Gourlay Rd so members of our community will be able to cross the road safely, and that funding for construction of the crossing be referred to the 2019/20 budget discussions for consideration.

CARRIED

**15.11 NOTICE OF MOTION 613 (CR RAMSEY)****Councillor: Sophie Ramsey - Councillor****NOTICE:**

That Council allocate an additional \$5,000 per month for "Emergency Relief" for a period of 3 months, and during this time Council officers use their best endeavors to ensure that providers funded by the Federal Government to deliver Emergency Relief in the West establish in an accessible location in Melton.

**Motion**

Crs Ramsey/Abboushi.

That Council allocate an additional \$5,000 per month for "Emergency Relief" until such time as providers funded by the Federal Government to deliver Emergency Relief in the West establish in an accessible location in the municipality with this funding to be reviewed after 3 months and the funding to continue during the review period.

CARRIED

**16. COUNCILLOR'S QUESTIONS WITHOUT NOTICE****16.1 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Ramsey

When will a report on the performing arts review sites be presented to Council?

**16.2 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Abboushi

Have Council staff been receiving in the last couple of days, as I have been, photos of dead ducks at Lake Caroline? Are officers aware of this situation and can a message be placed on Council's website to inform residents of this issue?

**16.3 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Mendes

Can I please get an update on the progress of work on the Diggers Rest Hotel including the starting date?

## 17. MOTIONS WITHOUT NOTICE

### 17.1 MOTIONS WITHOUT NOTICE

Cr Abboushi

That Council formally subscribe to the 'Everybody's Home' alliance as a campaign partner and consider distributing a media release to all residents in the municipality discussing the key objectives of the campaign and how our residents can participate.

### 17.2 MOTIONS WITHOUT NOTICE

Cr Ramsey

Given that the Council has extensively reviewed its Gaming Policy in recent years, that a minor review of Council's Gaming Policy be undertaken by officers and a report brought back to Council within the next 3 months with the review to consider no further poker machines in Council buildings and a tighter scrutiny on the hours of operation of gaming venues.

### 17.3 MOTIONS WITHOUT NOTICE

Cr Ramsey

That the following items be referred to the 2019/20 Budget:

- a performing arts centre in the township of Melton;
- a 5 court basketball stadium;
- roadwork proposals being traffic lights on the corner of Station and Brooklyn Roads and a pedestrian crossing from the Melton Railway to Melton South; and
- a \$5 increase in the pensioner rebate.

### 17.4 MOTIONS WITHOUT NOTICE

Cr Ramsey

That Council write to the state government seeking to have the Indian Mynah bird declared a pest species.

### 17.5 MOTIONS WITHOUT NOTICE

Cr Mendes

That in response to a recent radio interview, Council write to Jeroen Weimar, the CEO for Public Transport Victoria (PTV) and request that PTV address without delay the community concerns regarding the upgraded DDA compliant toilets and waiting room facilities at the Diggers Rest Park-n-Ride railway station.

## 18. URGENT BUSINESS

Nil.

## 19. 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:

- 19.1 Contract No. 19/030 - Ferris Road & Hollingsworth Drive Signalised Intersection**  
(d) as it relates to contractual matters.
- 19.2 Taylors Hill West Precinct**  
(f) as it relates to legal advice.
- 19.3 Sale of property for unpaid rates and charges**  
(b) as it relates to the personal hardship of any resident or ratepayer.
- 19.4 Recommendations of The Club Caroline Springs Grants Program Assessment Panel Meeting**  
(i) as it relates to a resolution to close the meeting to members of the public.
- 19.5 Recommendations of the Harness Racing Victoria/Tabcorp Park Grants Program Assessment Panel Meeting**  
(i) as it relates to a resolution to close the meeting to members of the public.
- 19.6 Arts and Culture Advisory Committee new representatives**  
(h) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person.
- 19.7 Municipal Audit Committee Meeting Minutes 5 December 2018 - Confidential Report**  
(f) as it relates to legal advice.

CARRIED



**Procedural Motion**

Crs Majdlik/Carli.

That the meeting be opened to the public.

CARRIED

**20. CLOSE OF BUSINESS**

The meeting closed at 8:56pm.

Confirmed

Dated this

.....CHAIRPERSON