



MELTON CITY COUNCIL

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

12 September 2016

**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 COUNCIL CHAMBER, CIVIC CENTRE, 232 HIGH STREET, MELTON ON 12 SEPTEMBER 2016 AT 7.00PM

Present: Cr K Majdlik (Mayor)
Cr R Cugliari (Deputy Mayor)
Cr L Carli
Cr N Dunn
Cr S Ramsey
Cr B Turner

Mr K Tori, Chief Executive Officer
Mr L Shannon, General Manager Planning and Development
Ms C Cramer, Acting General Manager Community Services
Mr P Bean, General Manager Corporate Services
Mr B Baggio, Manager Planning Services
Ms LJ Mellan, Manager City Design, Strategy and Environment
Mr Adrian Burns, Manager Recreation and Youth
Ms C Denyer, Manager Legal and Governance
Ms T Spiteri, Governance Coordinator
Ms E Haley, Acting Coordinator Communications

1. OPENING PRAYER AND RECONCILIATION STATEMENT

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

2. APOLOGIES AND LEAVE OF ABSENCE

Cr Bentley.

3. CHANGES TO THE ORDER OF BUSINESS

Procedural Motion

Crs Ramsey/Cugliari

That standing orders be suspended at 7.05pm to present former Councillor Gary Stock a letter under Seal of Council.

CARRIED

Procedural Motion

Crs Ramsey/Cugliari

That standing orders be resumed at 7.09pm.

CARRIED

4. DEPUTATIONS

Nil.

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

Having previously advised the CEO in writing, in accordance with s.79 (2) (ii) of the *Local Government Act 1989* (the Act), Crs Majdlik and Ramsey declared an indirect conflict of interest in Item 19.1 Lease of Western BACE – Amended Sublease, of this Agenda.

The Chief Executive Officer Mr Kelvin Tori declared a direct conflict of interest in Item 19.2 Appointment of Consultant for CEO Review Panel, referencing s.77B (1).

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

That the Minutes of the Ordinary Meeting of Council held on 22 August 2016 be confirmed as a true and correct record.

Crs Cugliari/Ramsey. 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**

- 22 August 2016
- 29 August 2016
- 5 September 2016

RECOMMENDATION:

That the Record of Assembly of Councillors dated 22 August, 29 August and 5 September 2016 attached to this Agenda be received and noted.

Crs Cugliari/Carli. That the recommendation be adopted.

CARRIED

LIST OF APPENDICES

1. Record of Assembly of Councillors - 22 August 2016
2. Record of Assembly of Councillors - 29 August 2016
3. Record of Assembly of Councillors - 5 September 2016

8. CORRESPONDENCE INWARD

Nil.

9. PETITIONS AND JOINT LETTERS

A petition with 45 signatures was received Monday, 12 September 2016 regarding the installation of traffic calming measures on Catherine Drive, Hillside (between Honeysuckle Avenue and Community Hub).

The petition will be considered as part of the Officer's Report in this Agenda, Item 12.12 Response to Notice of Motion 434 – Catherine Drive, Hillside – Speeding Investigation.

Cr Cugliari tabled the petition.

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

Nil.

11. PUBLIC QUESTION TIME

Name	Question asked of Council
David O'Connor	Installation of shade sails at the Diggers Rest Pre School by Council if a grant application is unsuccessful .
David O'Connor	Update on the allocation of \$10,000 for a Community Garden, master plan in the 2015/16 Section 223 budget submissions.
Michelle Mendes	Process surrounding the Grants procedures. Aquittal process of Council grants provided to recipients.
Michelle Mendes	Consideration of specific documents when considering grant application.
Domenica Vassallo	Not in attendance.
Marcel Galea	Not in attendance.
Frank & Sherri Lagana	Not in attendance.
Mario Cachia	Raising the issue of infrastructure contribution to Melton City Council from the MPA.
Mario Cachia	That Melton City Council Councillors and Council Planning and Environment staff support the properties planned land use in their proposed subdivision.

Procedural Motion

Crs Ramsey/Cugliari

That the recommendations as printed in Items 12.1, 12.2, 12.4, 12.5, 12.6, and 12.8 be adopted in block.

CARRIED

12. PRESENTATION OF STAFF REPORTS**12.1 AUTHORISATION OF AFFIXING THE COMMON SEAL OF COUNCIL**

Author: Dominique Roberts - Governance Officer
Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

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

RECOMMENDATION:

That the Council Seal be affixed to the documentation as detailed in the Schedule for Authorising of Affixing of the Common Seal of Melton City Council dated 12 September 2016.

Crs Ramsey/Cugliari. That the recommendation be adopted.

CARRIED

REPORT**1. Executive Summary**

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

2. Background/Issues

Use of the Council Seal is required where Council, as a body corporate, executes a document.

The *Local Government Act 1989* (S.5(2) and (3)) prescribes that a Council must have a common seal, and that the common seal must –

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

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

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

4. Financial Considerations

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

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

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

7. Options

Not applicable.

LIST OF APPENDICES

1. Schedule for Authorising of Affixing the Common Seal.

12.2 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

Author: Tracy Spiteri - Governance Coordinator

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. note the minutes of the Advisory Committee meeting at **Appendix 1, 2 and 3**
2. adopt the recommendations arising within the minutes.

Crs Ramsey/Cugliari. That the recommendation be adopted.

CARRIED

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 2016 were adopted by Council at the Ordinary Meeting held 10 November 2015.

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
9 August 2016	Arts and Culture Advisory Committee Minutes	Appendix 1
10 August 2016	CALDAC Meeting Minutes	Appendix 2
18 August 2016	Policy Review Panel	Appendix 3

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

2.3 Facilitate community engagement in planning and decision making

4. Financial Considerations

Advisory Committee 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. Arts and Culture Advisory Committee Minutes - 9 August 2016
2. CALDAC Meeting Minutes - 10 August 2016
3. Policy Review Panel Meeting Minutes - 18 August 2016

12.3 LEADS PROJECT

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

PURPOSE OF REPORT

To present the Final Report on the Lead, Educate, Advocate, Demonstrate, Sustainability Project.

RECOMMENDATION:

That Council:

1. Note the Final Report on the Lead Educate Advocate Demonstrate Sustainability Project and formal acquittal of the project by the Australian Government.
2. Investigate options for the continued delivery of a community education program based on the LEADS Community Engagement Model.

Crs Turner/Ramsey. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

In 2014 Melton City Council was successfully granted funding through the Australian Government to deliver the Lead Educate Advocate Demonstrate Sustainability (LEADS) project. The project's main aims were to demonstrate Council's commitment to addressing climate change by maximising greenhouse gas reductions, and increasing capacity within the community to reduce energy consumption and associated costs. In particular, the project targeted Melton's lower socioeconomic sector to reduce their energy use and bill stress, addressing a huge need in Melton City Council.

The program comprised of three distinct project activities. The first was the street light replacement program, changing over 3,800 inefficient street lights to more efficient technology. The second was a series of upgrades and retrofits to improve the energy efficiency of nine Council facilities. The third project was an innovative community engagement program which provided energy efficiency training to the community, largely from the disadvantaged and vulnerable sector.

2. Background/Issues

In March 2011, Melton City Council adopted the Greenhouse Action Plan (GAP) 2011-2015. The plan provided the framework for Council to reduce its carbon emissions and impact on the environment, and sought to demonstrate leadership across the community whilst reducing Council's energy consumption in the face of rising costs. As identified in the GAP, the energy consumed by street lighting represented 52% of Council's corporate emissions, and buildings represented 43%. Council listed the upgrade of the inefficient street lighting as well as energy efficiency measures across the building assets as priority actions due to the significant proportion of emissions that these two elements represent.

In 2014 Melton City Council was successfully granted funding through the Australian Government to deliver the Lead Educate Advocate Demonstrate Sustainability (LEADS) project. The project's main aims were to demonstrate Council's commitment to addressing

climate change by maximising greenhouse gas reductions, and increasing capacity within the community to reduce energy consumption and associated costs. In particular, the project targeted Melton's lower socioeconomic sector to reduce their energy use and bill stress, addressing a huge need in Melton City Council.

The program comprised of three distinct project activities. The first was the street light replacement program, changing over 3,800 inefficient street lights to more efficient technology. The second was a series of upgrades and retrofits to improve the energy efficiency of nine Council facilities. The third project was an innovative community engagement program which provided energy efficiency training to the community, largely from the disadvantaged and vulnerable sector. The training educated and empowered participants to take charge of their energy bills, and provide them with real world solutions to reduce their energy consumption.

The results show that the on-the-ground energy efficiency works with street lighting and community facilities presented many opportunities for learning and improvement and were a great success. After changing 3,825 inefficient street lights, Melton City Council is saving over 1.14 million kWh per year. Melton Civic Centre also boasts a saving of 280,600 kWh per year in electricity which represents a 42% reduction.

The evaluation of the LEADS community engagement program has demonstrated that the model employed for this community engagement could have much wider positive implications, for future engagements activities that Council undertakes, than originally planned. Over 540 trainees participated in the education program with 65% residing in areas that were identified as low socio economic and disadvantaged. In the post-training evaluation 99% of the surveyed participants stated that they were now able to read and understand their energy bills and were ready to make changes and improve their energy usage.

The program increased energy efficiency of Council and community use buildings and street lights and demonstrated and encouraged the adoption of improved energy management practices for Council and the broader community. As the participant survey results indicate, the project positively influenced the attitudes of the community regarding sustainability, in particular regarding energy efficient behaviour, and empowered others to do the same.

There is an opportunity to build upon this success to educate the community and assist them in becoming more energy efficient. It is considered that Council should investigate opportunities to roll out the program in a sustainable way through the community education program within Council or potentially as a stand alone program.

The delivery of LEADS also provided opportunities for local industry to benefit. Many local service providers were engaged for the implementation of the project, which contributed to positive economic outcomes for Melton's community. These services include but are not limited to: catering suppliers, photographers/videographers, contracted trades and translators.

The model for the program can be used elsewhere both within Council and externally to contribute to a more sustainable future. Each of the three main project activities (street light changeover, building upgrades and community engagement program) had its own set of barriers to overcome, and these have been reported on along with recommendations on how these lessons can be used to inform future projects which are outlined in the Final Project Report contained at **Appendix 1**.

The project was finalised and audited by the Australian Government on the 11 July 2016 (Refer **Appendix 2**).

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

1.4 Value and protect the natural environment for future generations

4. Financial Considerations

NIL

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

NIL

7. Options

Council can choose to:

1. Note the report and investigate options for the continued delivery of a community education program based on the LEADS Community Engagement Program;
2. Not investigate options for the continued delivery of an energy efficiency community education program based on the LEADS Community Engagement

LIST OF APPENDICES

1. LEADS Final Report
2. Acquittal Letter - dated 11 July 2016

12.4 AMENDMENT C176 TO THE MELTON PLANNING SCHEME - EYNESBURY NATIVE VEGETATION OFFSETS

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

PURPOSE OF REPORT

To consider Amendment C176 to the Melton Planning Scheme to vary Native Vegetation Offset controls at Clause 52.17 of the Melton Planning Scheme for three stages of subdivision in Eynesbury.

RECOMMENDATION:

That Council:

1. Adopt Amendment C176 to the Melton Planning Scheme.
2. Submit Amendment C176 to the Minister for Planning for approval.

Crs Ramsey/Cugliari. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

A request has been received from Roberts Day on the behalf of Eynesbury Property Development Pty Ltd for a Planning Scheme Amendment to amend the Native Vegetation Offset controls in the Melton Planning Scheme, to allow offsets to be provided at a secured site in Dundonnell (in western Victoria). The proponent also requested an exemption from some of the notice requirements for the amendment.

The amendment will allow the developer to use a native vegetation offset site that they secured in 2011.

At the Ordinary Meeting of Council of 27 June 2016 (**Appendix 1**) resolved to seek authorisation for the Amendment and an exemption from notice requirements from the Minister for Planning in accordance with the *Planning & Environment Act 1987* and on receipt of the authorisation, prepare and exhibit the Amendment.

Following the Ordinary Council Meeting of 27 June 2016, Council officers submitted the relevant documentation to the Minister for Planning seeking authorisation to commence Amendment C176.

Authorisation was granted and the Minister for Planning requested that notice be given to the Biodiversity Division of the Environment and Climate Change Group in DELWP and prescribed Ministers. The Minister for Planning agreed that a shortened exhibition time of two weeks would be adequate.

The amendment was placed on exhibition from 1 August 2016 – 15 August 2016 with limited notification as authorised by the Minister for Planning. One submission was received from the Biodiversity Division of the Environment and Climate Change Group in DELWP which did not object to the Planning Scheme Amendment (**Appendix 3**).

It is recommended that Council adopt the Planning Scheme Amendment and submit it to the Minister for Planning for approval.

2. Background/Issues

In 2011 the developer of Eynesbury secured approval from the Department of Sustainability and Environment (now Department of Environment, Land, Water and Planning DELWP) for a native vegetation offset site in Dundonnell (in western Victoria).

The native vegetation site was confirmed to be suitable for offsets for five stages of the Eynesbury Township (stages four, six, nine, 11A West, 11A East (now renamed stage five), and 13 of the approved Eynesbury Township Development Plan – February 2013), as it met the requirements of the day.

In 2013, Planning Scheme Amendment VC105 introduced the Victorian Government's Reforms to Native Vegetation Permitted Clearing Regulations. One of the changes in VC105 was that an offset for the removal of native vegetation would need to be provided within the same Catchment Management Authority (CMA) area. The site that was approved and secured for offsets in Dundonnell in 2011 is not located within the same CMA area as Eynesbury.

The current owners of Eynesbury are seeking to lodge a planning permit application for subdivision for stages five, six and 13 of the approved Development Plan. In order for these areas to be subdivided native vegetation is to be removed. Given that the developer had secured approval for the offset site in 2011, the developer has applied for a planning scheme amendment to vary the controls in the planning scheme to utilise the secured offset site in Dundonnell.

The Planning Scheme Amendment

At its Ordinary Meeting of 27 June 2016 (**Appendix 1**), Council resolved to:

- seek authorisation to prepare Amendment C176 to the Melton Planning Scheme;
- apply for an exemption from all of the notice requirements of Section 19 of the *Planning and Environment Act 1987*, except for notification of prescribed Ministers under Section (1)(c); and
- Upon receipt of authorisation, prepare and exhibit Amendment C176 to the Melton Planning Scheme.

The Amendment seeks to allow native vegetation offsets to be provided at a secured site in Dundonnell (in western Victoria). The amendment proposes:

- Amend the Schedule to Clause 52.03 Specific Sites and Exclusions to include a site specific control for stages five, six and 13 of the approved Eynesbury Township Development Plan, February 2013.
- Amend the Schedule to Clause 81.01 Incorporated Documents to include a new incorporated document.

The incorporated document will exempt stages five, six and 13 from the native vegetation removal and offset controls in Clause 52.17 of the Melton Planning Scheme to allow the offset of native vegetation to be provided at Dundonnell.

A copy of the planning scheme amendment documentation is at **Appendix 2**.

Strategic assessment of the proposal

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

It is necessary to determine whether the amendment supports or implements the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF) of the Planning Scheme. Further, Council must determine whether the outcome of the amendment

will have any consequences in terms of the Planning Scheme's directions, useability and transparency.

As discussed in the council report to the Ordinary Council Meeting of 27 June 2016 (**Appendix 1**), Amendment C176 is consistent with the provisions in the SPPF, LPPF, and the particular provisions contained within the Melton Planning Scheme.

Exhibition

In accordance with Section 20(2) of the *Planning and Environment Act 1987*, the Minister for Planning granted an exemption from the notification requirements of Sections 19(2) and 19(3) of the Act.

Notification of the amendment was limited to the Biodiversity Division of the Environment and Climate Change Group of the Department of Environment, Land, Water and Planning (DELWP) and the Prescribed Ministers.

The amendment was exhibited from 1 August 2016 to 15 August 2016. One submission was received from the Biodiversity Division of the Environment and Climate Change Group in DELWP, which did not object to the amendment.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

4. Financial Considerations

Council officer time and resources are involved in the preparation, exhibition and adoption of the amendment. Fees are payable to DELWP for the approval of the amendment which will be paid by the proponent.

5. Consultation/Public Submissions

As the amendment is about whether native vegetation offsets will be secured in a site in the Port Phillip and Western Port Catchment Management Authority area, or at a secured site in western Victoria (Dundonnell), the amendment was assessed as being unlikely to cause detriment to any individual.

Residents in Eynesbury were sent an information pack, including a plan which summarized the native vegetation offsets and were invited to a drop-in session at the Eynesbury Homestead on 7 June 2016 to find out more about the amendment. Residents were invited to provide comments on the amendment to the body corporate manager. Three submissions were received which did not relate to the planning scheme amendment.

The proponent and Council requested for an exemption from all of the notice requirements for a Planning Scheme Amendment, except for notice to be served to the Prescribed Ministers. The exemption was granted and it was requested that Council send notice to the Biodiversity Team in the Environment and Climate Change Group of DELWP.

Letters were sent to the Ministers prescribed in the Planning and Environment Act 1987, and to the Biodiversity Team in the Environment and Climate Change Group of DELWP.

The amendment was exhibited from 1 August to 15 August 2016, and one submission was received from DELWP which did not object to the amendment.

6. Risk Analysis

The risk of not proceeding with the amendment is that the Dundonnell site would not be able to be utilised for native vegetation offsets. Prior to the lodgement of application for subdivision if Dundonnell cannot be used for offsets the developer will need to find new sites for offsets which will result in further delays to the development of stages five, six and 13 of Eynesbury.

7. Options

Council can resolve to:

- Adopt the amendment and submit it to the Minister for Planning for approval.
- Abandon the amendment.

LIST OF APPENDICES

1. Minutes from Ordinary Council Meeting - 27 June 2016
2. Planning Scheme Ordinance - dated May 2016
3. Submission from the Department of Environment, Land, Water & Planning - dated 17 August 2016

12.5 AMENDMENT C178 TO THE MELTON PLANNING SCHEME - TAYLORS HILL WEST PRECINCT STRUCTURE PLAN ACTIVE OPEN SPACE

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

PURPOSE OF REPORT

To consider the Planning Scheme Amendment C178 to the Melton Planning Scheme to amend the proposed uses in the Taylors Hill West Active Open Space Reserve.

RECOMMENDATION:

That Council:

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

Crs Ramsey/Cugliari. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The Taylors Hill West Precinct Structure Plan (PSP) and Development Contributions Plan (DCP) were incorporated into the Melton Planning Scheme through Amendment C82 in 2010. These documents provide the land use framework for the development of the area and detail the development contributions for land, roads and community infrastructure which are to be collected by Council to deliver the projects identified in the PSP and DCP (Refer **Appendix 1**).

The provision of an active open space reserve is a key piece of infrastructure required by the PSP to service the community of Taylors Hill West. The reserve is 8.7 hectares and includes 2 senior ovals to accommodate Australian Rules football and/or cricket, a pavilion, tennis courts and associated infrastructure.

Based on trends in participation (refer **Appendix 2**), a master plan has been developed for the Taylors Hill West active open space reserve which responds to the needs of the community and includes four soccer fields, pavilion, 4 x multi-purpose courts, 1 x futsal court and associated access road, car parking and path network (refer **Appendix 3**).

However, the current wording of the PSP, DCP and conditions in the Urban Growth Schedule 1 (UGZ1) and Development Contributions Plan Overlay 1 (DCPO1) Schedules is prescriptive. As a result the current proposal for the Taylors Hill West Active Open Space as detailed in **Appendix 3** would not meet the 'generally in accordance' test. Therefore a planning scheme amendment is required to facilitate the development.

It is considered that there is enough strategic justification for the proposed change to the facilities based on the changing participation trends since the approval of the PSP and DCP in 2010. It is therefore recommended that Council undertake an appropriate planning scheme amendment to facilitate the development of the active open space reserve in accordance with **Appendix 3**.

2. Background/Issues

The Taylors Hill West Precinct Structure Plan (PSP) and Development Contributions Plan (DCP) were incorporated into the Melton Planning Scheme through Amendment C82 in 2010. These documents provide the land use framework for the development of the area and detail the development contributions for land, roads and community infrastructure which are to be collected by Council to deliver the projects identified in the PSP and DCP.

The provision of an active open space reserve is a key piece of infrastructure required by the PSP to service the community of Taylors Hill West. Section 5.5 (Open space and natural systems) of the PSP includes objectives, implementation points and planning and design guidelines for the delivery of open space, of which all 'must be met'. In respect of the 'Active Open Space', the PSP states:

"One active recreation reserve of 8 hectares (note: actual size in land use budget is 8.71) located and capable of providing the following facilities: 2 senior ovals capable of accommodating the needs of Australian Rules Football and/or cricket; pavilion; tennis courts; car parking, landscaping and appropriate setbacks from roads and neighbouring residential dwellings with a perimeter pedestrian / bicycle pathway; at least two joint school / community use outdoor netball courts within the proposed Government school".

The DCP includes the following relevant projects and associated descriptions in the Appendix – Project Cost Sheets:

- *DI_LA_03: 'Active open space – land acquisition' - One local active recreation reserve, area 8.7ha.*
- *DI_OS_1: '2 senior football / cricket ovals – construction' - Construction of 2 full size ovals, including access roads, car parking (150 spaces), landscaping and a perimeter path.*
- *CI_OS_1: 'Pavilion – construction' - One standard pavilion to serve all sports fields, including change rooms, umpires room, showers, kitchen, etc.*
- *CI_OS_2: 'Tennis courts – construction' - 1 tennis court facility: 5 courts adjacent to football ovals.*

Refer Appendix 1: Future Urban Structure Plan and DCP Project Cost Sheets.

Since 2014, there has been an 18% increase in soccer participation numbers within the City of Melton. 2016 membership levels across all clubs are 11% higher than 2015, with Football Federation Victoria (FFV) forecasting further seasonal growth. The percentage of junior and 'MiniRoos' players at each club is also well above the State average. Council has been forced to introduce player capping numbers at clubs located in the eastern corridor of Melton due to capacity issues (lack of pitches) in 2016. There are currently five soccer venues in the municipality (State average is seven) and 11 soccer pitches which is also below the State average of 16 (refer **Appendix 2**)

The FFV forecast the establishment of at least three new clubs within Melton over the next five years should facilities be available. Taylors Hill and surrounding areas are forecast to experience solid growth in 5-14 year olds (4,000 over next 10 years/36% increase), the age bracket most commonly associated with soccer participation. The proposed development is supported by FFV's Strategic Plan (2015) and Council's adopted Open Space Plan (2016).

Based on this evidence, a master plan has been developed for the Taylors Hill West active open space reserve which responds to the needs of the community and includes four soccer fields, pavilion, 4 x multi-purpose courts, 1 x futsal court and associated access road, car parking and path network (refer **Appendix 3**). The proposal does not require any additional DCP funding or land take but will require amendments to the PSP and DCP to enable the implementation of the proposed master plan.

The proposed changes to the active open space reserve at Taylors Hill West seek to deliver an active open space reserve that meets the needs of the community, based on emerging trends in participation as outlined above and provide access to a diverse range of sports rather than just Australian Rules Football and Cricket to encourage more people to participate in physical activity.

The intent of the Precinct Structure Plans is to set the land use planning framework to guide development of new communities and ensure that they have access to appropriate community facilities whilst allowing flexible to adapt to the changing needs of the community. However, the development of land for Leisure and Recreation triggers a planning permit and for a proposal to be allowed on the land under the Scheme (with or without a permit) it must:

- not be prohibited in the GRZ;
- be generally in accordance with the PSP;
- be consistent with the DCP; and
- include any conditions or requirements specified in the UGZ1, DCPO1 or PSP

Given the wording of the PSP, DCP and conditions in the UGZ1 and DCPO1 Schedules, the current proposal for the Taylors Hill West Active Open Space as detailed in Appendix 3 would not meet the 'generally in accordance' test and therefore a planning scheme amendment is required to facilitate the development.

It is considered that there is enough strategic justification for the proposed change in the facilities based on the changing participation trends since the approval of the PSP and DCP in 2010 and as such it is recommended that Council undertake an appropriate planning scheme amendment to facilitate the development of the active open space reserve in accordance with Appendix 3. It is also recommended that the amendment ensure that the revised wording in the PSP be flexible enough to allow the Council to respond to the changing needs in the community in the future without the need for another planning scheme amendment which is consistent with the recently adopted PSPs and DCPs.

It should also be noted that the planning scheme amendment will have no impact on the financial contributions being collected through the DCP or the area of land required, the amendment only materially affects the detailed description of the project contained in the PSP and DCP documents and any consequent changes that may be required to the wording of requirements, guidelines and conditions of the PSP, DCP and Schedules as they relate to the active open space.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

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

4. Financial Considerations

Council officer time and resources are involved in the preparation, exhibition and adoption of the amendment and statutory fees are required to be paid by Council as the Responsible Authority which are within Council's recurrent budget.

Amendment C178 does not propose any changes to the developer contributions as outlined in the Taylors Hill West Developer Contributions Plan (DCP), with any additional costs associated with the change to the project, such as the provision of synthetic fields, to be borne by Council through the capital works budget and not the DCP.

5. Consultation/Public Submissions

The extent of consultation will be determined by the format of the proposed Amendment which is subject to further discussion with the Victorian Planning Authority (formerly Metropolitan Planning Authority) and the Department of Environment, Water, Land and Planning (DELWP). As a minimum the landowners and residents of the Taylors Hill West PSP area will be informed of the proposed changes through a mail out, Council website and an appropriate notice in the local paper and government gazette.

As outlined above, Amendment C178 is only proposing to change the types of sporting activities that will be accommodated on the site to better reflect the changing needs of the community and to help diversify the range of sports that can be accessed within the municipality. In this context, the community will still be served by an active open space as expected.

6. Risk Analysis

As discussed above, the detail contained within the DCP would make it difficult to argue to that the proposed change to the sporting facilities in the Active Open Space are consistent with the PSP. If Council were to proceed with the development and issue a planning permit based on the proposed in the draft master plan (**Appendix 3**), there is a risk that the decision could be challenged by a third party.

To mitigate this risk, it is appropriate to commence an appropriate Planning Scheme Amendment to implement the proposed master plan. It is recommended that the format of the amendment be subject to further discussion with the VPA and DELWP to try and expedite the amendment and enable the delivery of this infrastructure as soon as possible.

7. Options

Council can resolve to either:

1. Seek authorisation, prepare and exhibit Amendment C178
2. Not proceed with Amendment C178.

LIST OF APPENDICES

1. Future Urban Structure Plan and DCP Project Cost Sheets - dated 2 July 2010
2. FFV Participation Trends - Melton
3. Proposed Master Plan Taylors Hill West Active Open Space Reserve - dated 8 May 2016

12.6 AMENDMENT C179 TO THE MELTON PLANNING SCHEME - TAYLORS HILL WEST PRECINCT STRUCTURE PLAN EDUCATION SITES

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

PURPOSE OF REPORT

To consider Planning Scheme Amendment C179 to the Melton Planning Scheme which seeks to amend the designation of education sites within the Taylors Hill West Precinct Structure Plan.

RECOMMENDATION:

That Council:

1. Seek authorisation to prepare a Planning Scheme Amendment from the Minister for Planning.
2. Upon receiving authorisation, exhibit the Amendment in accordance with the *Planning and Environment Act 1987*.
3. Note that the Department of Education and Training area is exempt from paying developer contributions, Authorise the General Manager Planning and Development to enter into negotiations with the Department of Education and Training to ensure that infrastructure projects required by the Precinct Structure Plan minimise any financial impact on Council.

Crs Ramsey/Cugliari. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The Taylors Hill West Precinct Structure Plan (PSP) and Development Contributions Plan (DCP) were incorporated into the Melton Planning Scheme through Amendment C82 in 2010. These documents provide the land use framework for the development of the area and detail the development contributions for land, roads and community infrastructure which are to be collected by Council to deliver the projects identified in the PSP and DCP.

2. Background/Issues

On the 29 July 2016, Melton City Council received a formal request from the Department of Education and Training (DET) (**refer Appendix 1**), to commence a Planning Scheme Amendment to amend the Taylors Hill West Precinct Structure Plan to change the proposed non-government and government primary schools identified in the PSP (**refer Appendix 2**) to a secondary school to reflect the DET decision to change the provision in this area.

The Taylors Hill West Precinct Structure Plan (PSP) and Development Contributions Plan (DCP) were incorporated into the Melton Planning Scheme through Amendment C82 in 2010. These documents provide the land use framework for the development of the area and detail the development contributions for land, roads and community infrastructure which are to be collected by Council to deliver the projects identified in the PSP and DCP.

The PSP identifies land for a government primary school and a non-government primary school (**refer Appendix 2**).

In the City of Melton's eastern corridor, there are currently three P-9 schools feeding into one 10-12 senior college. DET modelling and demographic demand patterns indicated that a P-6 primary school in Taylors Hill West was not the priority. DET proposed instead using the two parcels of land (totalling 11 hectares) for a 7-12 secondary school.

During the 2014 election, the state Labor party had committed to build a 10-12 senior college, however subsequent investigation revealed that a 7-12 secondary school was required.

In the 2016/17 State Budget, \$12 million was allocated to fund the first stage of constructing the new school. Plans since evolved to also include the provision of a 'satellite' special school on the site.

It is considered that a planning permit could be granted under the Scheme for a government secondary school in the location identified in the PSP for a government school and a non-government school for the following reasons:

- A permit is required to use and develop land for a secondary school in the GRZ.
- The PSP is worded broadly with respect to the two schools depicted on Plans 5 and 8. Those plans note the 'Non-Government Education Facility' is 'subject to permit', retaining a degree of discretion and therefore uncertainty in relation to that use. Section 5.4 (Community infrastructure) contains little information regarding the two schools, their respective designation as government and non-government or the reasons for their number. The sole 'planning and design guideline' the PSP states 'must be met' in relation to the schools is to 'provide for a minimum of two road frontages to both schools'.
- The DCP accounts for the government school and non-government school separately and notes the non-government school would be required to pay the DCP levy. However, it does not provide any additional detail with respect to the schools and the provision of a single government secondary school could be said to be consistent with the DCP.

Although it is considered that a permit could be granted for a school and be considered generally in accordance with the PSP, we note the Department of Education and Training generally rely on section 16 of the Act to use and develop the land without a planning permit.

It is therefore recommended that Council seek authorization to prepare and exhibit Amendment C179 to amend the Taylors Hill West PSP to reflect the change in school provision.

It should be noted that DET are also exempt from paying DCPs and as a result Council will no longer collect the funds identified in the DCP for the non-government school site.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

4. Financial Considerations

Council officer time and resources are involved in the preparation, exhibition and adoption of the amendment. Any statutory fees are required to be paid by the proponent which is the Department of Education.

It should be noted that DET are also exempt from paying DCPs and as a result Council will no longer collect the funds identified in the DCP for the non-government school site (approximately \$1.4M). It is recommended that Council enter into negotiation with the DET

to ensure that the DCP infrastructure projects such as the completion of City Vista Drive, provision of a pedestrian crossing and the completion of the path network to the east of the site to try and minimise any financial impact to Council.

5. Consultation/Public Submissions

As discussed above, a planning permit could be issued for the use and development of the land for a secondary school or the Department of Education and Training is exempt from the requirements of the Planning Scheme under section 16 of the *Planning & Environment Act 1987* to use and develop the land without a planning permit.

However, to ensure that the community is aware of the change from the provision of a non-government and government primary school as identified in the approved PSP to a proposed secondary college, as a minimum the landowners and residents of the Taylors Hill West PSP area will be informed of the proposed changes through a mail out, Councils website and an appropriate notice in the local paper and government gazette.

6. Risk Analysis

The Department of Education and Training is the proponent of this Amendment and as such there is limited risk to Council in proceeding with the amendment. However, it should be noted that a planning permit could still be issued for the use by Council or the DET may rely on section 16 of the *Planning & Environment Act 1987* to use and develop the land without a planning permit. Therefore, the purpose of the amendment is to ensure that the PSP and the Melton Planning Scheme reflect the proposed development of a secondary school.

To manage community expectations given that the PSP identifies two primary schools on the subject site not a secondary school. Council will work with the DET to ensure that the Taylors Hill West community is provided with relevant information to explain the proposed changes.

7. Options

Council can resolve to either:

1. Seek authorisation, prepare and exhibit Amendment C179; or
2. Not proceed with Amendment C179.

LIST OF APPENDICES

1. Letter from Department Education & Training requesting Planning Scheme Amendment - dated 29 July 2016
2. Taylors Hill West - Future Urban Structure Plan - dated 2 July 2010

12.7 PLANNING APPLICATION PA 2015/4934 - TWO LOT BOUNDARY REALIGNMENT SUBDIVISION AT 2139-2185 DIGGERS REST-COIMADAI ROAD, TOOLERN VALE

Author: Steve Finlay - Coordinator Statutory Planning
Presenter: Bob Baggio - Manager Planning Services

PURPOSE OF REPORT

To consider a planning application for a re-subdivision of two existing lots at 2139-2185 Diggers Rest-Coimadai Road, Toolern Vale.

RECOMMENDATION:

That Council issue a Notice of Decision to Refuse to Grant a Permit subject to the grounds outlined in **Appendix 5** of this report.

Crs Ramsey/Dunn. That the recommendation be adopted.

The Mayor declared the Motion LOST on her casting vote

Cr Ramsey called for a division of Council

For:

Crs Dunn, Ramsey and Turner

Against:

Crs Carli, Cugliari and Majdlik

The Mayor declared the division LOST on her casting vote

Motion

Crs Cugliari/Carli

That Council resolves to issue a Planning Permit for the two-lot boundary re-alignment subdivision of land at 2139-2185 Diggers Rest-Coimadai Road, Toolern Vale subject to the following conditions:

1. Before the Plan of Subdivision is certified under the *Subdivision Act* 1988, the owner of the land must have an Environmental Management Plan for the property prepared by a suitably qualified professional, and subsequently endorsed by the Responsible Authority to form part of this permit. The Environmental Management Plan must include, but is not limited to:
 - a. The protection of native vegetation on the property, including a statement to the effect that native vegetation (including on the adjoining roadsides) must not be removed, lopped or adversely impacted upon without a further planning permit;
 - b. The designation of an appropriate building and effluent disposal envelope for the vacant lot.
 - c. Mapped areas of native vegetation;
 - d. The protection of native vegetation as required throughout the site, clear of any development envelopes and access driveways;
 - e. Control, removal and exclusion of environmental weeds;
 - f. Machinery must be washed down prior to entering the site to minimize the introduction and spread of weeds and pathogens;

- g. No fill shall be brought onto the property, so as to minimise the introduction of weeds and pathogens;
- h. Induction of contractors to identify environmentally sensitive zones must be undertaken before subdivision works commence.

Once endorsed, the Environmental Management Plan will form part of the permit.

2. The subdivision as shown on the endorsed plan must not be altered or modified without the written consent of the Responsible Authority.
3. Prior to the issue of a Statement of Compliance for the subdivision, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987*, such that:
 - a. All buildings or works associated with a dwelling must be constructed on or carried out within a nominated Development Envelope;
 - b. The land must not be further subdivided so as to create any additional lots in accordance with the requirements of the Green Wedge Zone in the Melton Planning Scheme;
 - c. Any dwelling constructed on any allotment hereby permitted must be connected to a wastewater treatment and disposal facility in accordance with a land capability assessment undertaken by a suitably qualified person;
 - d. There must be ongoing implementation of an endorsed Environmental Management Plan, which is to be approved by the Responsible Authority.

The agreement must be registered on Title pursuant to Section 181 of the Planning and Environment Act 1987 and all costs associated with the preparation, execution and lodgement of the agreement on Title must be borne by the owner of the land.

4. Prior to the issue of a Statement of Compliance for the subdivision, each lot must be provided with a vehicle crossing to the requirements and satisfaction of the Responsible Authority. In this regard, the vehicle crossing/s must be constructed to a rural standard in accordance with Councils' Standard drawings and a road opening permit must be obtained prior to construction. Engineering plans showing the locations of vehicle crossings for the subdivided allotments must be submitted to the Responsible Authority prior to construction
5. Any existing works affected by the subdivision works shall be reinstated at no cost and to the satisfaction of the Responsible Authority.
6. All existing and proposed easements and sites for existing or required utility services and roads on land must be set aside on the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunications services to each lot shown on the endorsed plan in accordance with that authority's requirements and the relevant legislation at the time.
8. Prior to the issue of a Statement of Compliance for the subdivision, each allotment must be connected to a reticulated water supply to the satisfaction of the Responsible Authority.
9. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of the Act.
10. No vegetation (exotic or native) is permitted to be removed from the road reserve of Diggers Rest-Coimadai Road to create a new vehicle access or upgrade an existing vehicle access without the written consent of the Responsible Authority.
11. All stormwater discharge must be directed to the lowest point on the site. Any discharge off site due to the development must be restricted to sheet flow conditions.

12. This permit will expire if a plan of subdivision is not certified for the subdivision hereby permitted within two (2) years of the date of this permit and following certification, if a Statement of Compliance is not issued for the subdivision hereby permitted within five (5) years of the date of certification of the plan of subdivision.

The Mayor declared the Motion CARRIED on her casting vote

Cr Ramsey called for a division of Council

For:

Crs Carli, Cugliari and Majdlik

Against:

Crs Dunn, Ramsey and Turner

The Mayor declared the division CARRIED on her casting vote

REPORT

1. Background

Executive Summary

Applicant:	JR Edwards Land Surveyors (on behalf of Ian McLeod)
Proposal:	Two (2) lot boundary re-alignment subdivision
Existing Land Use:	Rural land with dwelling and outbuildings
Zone:	Green Wedge
Overlays:	Nil
Number of Objections:	None
Key Planning Issues:	Land fragmentation Inconsistent with the Green Wedge Management Plan Environmental issues
Recommendation:	Refusal of application

The Land and Surrounding Area

The subject site is located on the southern side of Diggers Rest-Coimadai Road in Toolern Vale. The land comprises two separate allotments known as Lot 1 on Plan of Subdivision 710988K and Lot 3 on LP134200.

Lot 1 is irregular in shape and has a frontage of 166.38 metres to Diggers Rest-Coimadai Road and a depth of 1271.5 metres. The allotment is adjacent to a small excision lot, which occupies a portion of the frontage for 131.92 metres. The rear boundary is 318.25 metres creating a total site area of 38.10 hectares. The land is vacant and contains vegetation to the north of the site.

Lot 3 is rectangular in shape and has a frontage of 333.70 metres to Diggers Rest-Coimadai Road and a depth of 1271.7 metres. The rear boundary is 255.71 metres creating a total site area of 40.47 hectares. The land contains an existing dwelling two large colourbond clad outbuildings.

The property to the north east of the site contains a dwelling and horse paddock and track. Land to the south east contains the Melton Airfield. The other surrounding properties are either vacant or used for rural residential pursuits.

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

The Application

The application proposes to re-subdivide via a boundary re-alignment two existing lots of 40.47 hectares and 38.10 hectares into lots of 75.85 hectares and 2.723 hectares. No additional lots are created by the subdivision.

Proposed Lot 1 is to have an area of 75.85 hectares and will be rectangular in shape and will have a frontage of 404.08 metres to Diggers Rest-Coimadai Road. It will have a depth of 1073.93 metres on the western boundary and a depth of 1271.6 metres on the eastern boundary. A 20 metre wide power line easement runs parallel along the entirety of the front boundary to Diggers Rest-Coimadai Road. A 15 metre wide power line easement runs in a north south direction from the frontage for a length of 438 metres. This lot will also contain an existing dwelling and sheds.

Proposed Lot 2 is to have an area of 2.723 hectares and will be rectangular in shape and has a frontage of 136 metres to Diggers Rest – Coimadai Road. It will have a depth of 199.27 metres on the western boundary and 190.20 on the eastern boundary. The rear boundary will be 144.02 metres. The lot is vacant, but does have a stand of mature trees, including Grey Box and Yellow Box, which are native and may require removal if this small lot is to be used for a dwelling in the future.

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

Planning Controls

Zone	(Clause 35.04 – Green Wedge Zone)	Permit is required to subdivide land (re-subdivision of existing lots) under Clause 35.04-3 of the Scheme.
Overlays	Nil	
Particular Provisions	Nil	

A full assessment of the proposal against the relevant State and Local planning policies is included in **Appendix 3**.

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

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 Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth.

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

3. Financial Considerations

No Council related financial considerations are involved with the application.

4. Consultation/Public Submissions

Public notification of the application

The application was advertised to adjoining and surrounding landowners. At the end of the notification advertising period, no objections were received. There was a submission from Melton Air Services, who did not object to the application, but wanted current and future owners to be advised of the presence of the Melton airfield so that those owners and Council can make appropriate decisions regarding their property, taking into account noise levels and building heights and how they may be impacted on by the functions of the airfield.

Referral of the application

The application was referred to Council's Engineering Services Department, Environmental Services, Environmental Health and City Strategy. Council's City Strategy and Environment Units have concerns with the proposal on the basis of biodiversity issues associated with the proposed smaller lot, rural land fragmentation and inconsistencies with the Western Plains North Green Wedge Management Plan.

No external referrals were required under the Melton Planning Scheme, however Western Water and VicRoads were advised of the application, and have not objected to the proposal. A complete list of responses is included in **Appendix 4**.

5. Issues

Planning Assessment

One of the main issues in Council's green wedge areas as identified in both planning policy and the Green Wedge Management Plan is the extent of land fragmentation.

The reasons for this are historical - stemming from flexible subdivision provisions, particularly the current schedule to the Green Wedge Zone, where there are a number of subdivision provisions specified in the Schedule to the Green Wedge Zone. Given the flexibility of subdivision provisions in the Melton Planning Scheme, there are numerous rural living lots scattered across the rural areas, which have fragmented agricultural land.

The Western Plains North Green Wedge Management Plan, which has been adopted by Council, is seeking to address the fragmentation issue by proposing further strategic planning work to identify areas where rural living opportunities would be appropriate and protecting other areas from indiscriminate subdivision.

Within the Western Plains North Green Wedge Management Plan, the subject land is located on the outer edge of Precinct 8 - which is nominated as Coburns Road. There is a considerable amount of lot fragmentation in parts of this precinct with lots ranging from 0.5ha to 50ha. Following further review by way of a Rural Land Supply and Demand Analysis to identify the full range of land use opportunities that may be appropriate to provide on the land, this area may be an area which is identified for further subdivision. It is envisaged that lot sizes in this particular area would be over 10 hectares in size. Until this further work is undertaken however, it is considered premature to allow further subdivision, including re-subdivision which creates a lot (in this case) of only 2.723 hectares. In relation to this precinct, the Plan recommends amongst other things, that:

- *A Development Plan Overlay to be placed over the area and an overall subdivision concept is to be prepared that identifies a potential subdivision pattern, having regard to the natural features of the area and opportunities for environmental improvements in the precinct*

- *Environmental site analysis and land capability work undertaken as part of the preparation of a subdivision concept would be used to determine lot sizes. The pattern of lot sizes would also be based on the environmental / community benefits that can be gained from further subdivision.*

The creation of a lot of less than 10 hectares would be inconsistent with the direction being sought by the Western Plains North Green Wedge Management Plan.

Further, the significance of the treed lot cannot be overstated. The small lot proposed on which the trees are located has a high vegetation value, which should be retained as part of a biolink or conservation area.

The permit applicant has provided an ecological assessment of the site, which has indicated that the small lot contains native vegetation in the form of Grey Box, Yellow Box and Yellow Gum. These trees have been identified as semi-mature. Large remnant trees on the land have been identified as being either deceased or in average to poor health. The ecological report submitted with the application has also suggested that a combined area of 3,000 square metres could be set aside on the land, within the vegetated lot for the purpose of a dwelling and outbuildings, with appropriate fire protection measures, without negatively impacting on native vegetation.

Council's Environment Unit are not supportive of the boundary re-alignment, nor agree with the ecological report submitted with the application and would not support any native vegetation removal to allow for a dwelling to be constructed on the land. The site is considered high risk for native vegetation removal and the current proposal does not demonstrate efforts to reduce impact on biodiversity values.

It should be noted that proposed Lot 2 adjoins a similar size lot which was approved in 2003, and a permit issued to increase the size of the lot was approved in 2012.

Any future development on the vacant lot would be subject to a further planning permit.

6. Options

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

7. Conclusion

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

It is considered that the proposal generally does not comply with the relevant requirements of the Planning Scheme.

Therefore, it is recommended that the application be refused as outlined in **Appendix 5**.

LIST OF APPENDICES

1. Appendix 1 - Locality Plan
2. Appendix 2 - Plans for the proposal
3. Appendix 3 - Assessment against relevant Planning Scheme controls
4. Appendix 4 - Referral comments
5. Appendix 5 - Grounds of Refusal

12.8 PLANNING APPLICATION PA 2012/3735 - EXTENSION OF TIME FOR A THREE DWELLING DEVELOPMENT AT 57 STAUGHTON STREET, MELTON SOUTH

Author: Steve Finlay - Coordinator Statutory Planning

Presenter: Bob Baggio - Manager Planning Services

PURPOSE OF REPORT

To consider and determine a request for an extension of time for a three dwelling development permit at 57 Staughton Street, Melton South.

RECOMMENDATION:

That Council refuse to extend planning permit PA2012/3735 subject to the grounds outlined in **Appendix 4** of this report.

Crs Ramsey/Cugliari. That the recommendation be adopted.

CARRIED

REPORT

1. Background

Executive Summary

Applicant:	Mr. Ehasani Vahid
Proposal:	Request for an extension of time to a permit for the construction of two single-storey dwellings at the rear of an existing dwelling on the land
Existing Land Use:	Existing single-storey dwelling and outbuilding
Zone:	Residential Growth Zone (Schedule 1)
Overlays:	Nil
Number of Objections:	Nil
Key Planning Issues:	Change in Planning circumstances Initial time limit imposed on permit
Recommendation:	Refusal to extend time on the permit

The Land and Surrounding Area

The subject site has an area of approximately 1,196m² and is located on the south side of Staughton Street, Melton South. Other features of the site are as follows:

- It is rectangular in shape and has dimensions of 50.29 metres in length and 23.73 metres in width.
- The site contains an existing single-storey brick dwelling in the north-western quadrant of the land, and a large outbuilding is located at the rear of the dwelling, towards the south-eastern corner of the land.
- The land is located approximately 250 metres south-west of the Melton Railway Station building and approximately 80 metres from the station car park.

- Planning permit number PA2012/3735 was issued on 12 December 2012 and allows for the development of the land with two single-storey dwellings to be constructed at the rear of an existing dwelling on the land.

The surrounding area can be characterised as a mix of residential land use and development comprising of single and multi-dwellings.

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

The Application

The application proposes the consideration of a request to extend time on planning permit number PA2012/3735, which is due to expire on 12 December 2016.

The proposal can be summarised as follows:

- Planning permit number PA2012/3735 allows for the construction of two single-storey dwellings at the rear of an existing dwelling on the land.
- Plans associated with the permit were endorsed on 19 April 2013.
- The planning permit has already had one time extension granted to the extent that the permit is now due to expire on 12 December 2016. This will be the second extension of time request associated with the permit.
- The previous extension of time request was granted on 25 August 2014, after the permit applicant advised that the permit was unable to be enacted owing to ill health and financial constraints.
- The owner has now requested a second extension of time, which has been received within the relevant statutory time frame. The applicant has advised that the permit has again unable to be enacted, citing building issues and ill health.

Refer to **Appendix 2** for the current permit associated with the proposal

Planning Controls

Zone	(Clause 32.07 – Residential Growth Zone)	A planning permit is required for the construction of two or more dwellings on a lot.
Particular Provisions	(Clause 52.06 – Car Parking)	Two car spaces are required for each three or more bedroom dwelling and one car space is required for each one or two bedroom dwelling. The development is required to provide five on-site car parking spaces, and this provision has been satisfied.
<i>Planning and Environment Act 1987</i>	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 permit is due to expire on 12 December 2016, the request has been submitted within the relevant statutory timeframe.

A full assessment of the proposal against the relevant State and Local planning policies is included in **Appendix 3**.

Clause 55 - ResCode

Under the requirements of the zone, the development of two or more dwellings on a lot must meet the requirements of Clause 55 of the Planning Scheme. Clause 55 requires that a development:

- must meet all of the objectives

- should meet all the standards.

If the Council however is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

The proposal generally satisfies the objectives and standards of ResCode.

Residential Growth Zone

At the time the planning permit was originally issued, the land was located within a Residential 1 Zone. This zone contemplated a diversity of housing types and moderate housing growth.

Since the date of issue of the permit, the land is now within a Residential Growth Zone. The Residential Growth Zone seeks to provide housing at increased densities, and in particular looks to higher densities and development of up to four storeys in height. The Residential Growth Zone is generally found close to activity centres and where there is good access to public transport.

Given the relatively modest scale of development previously permitted for the site, and on the basis of the land having been rezoned to facilitate the development of land with higher densities, the proposal is not consistent with the purpose of the Residential Growth Zone.

House Rules - Housing Character Assessment & Design Guidelines

The *Housing Character Assessment & Design Guidelines* was adopted at the Ordinary Meeting of Council on 13 October 2015. The site is located within the Garden Suburban 2 (GS2) area. The essential components of the (GS2) which need to be maintained into the future are:

- To retain the majority of the front setback as landscaped garden space including space for tree planting;
- To give the impression of side setbacks;
- To encourage the development of apartment dwellings;
- To maintain dwelling frontages as the dominant built form of the street and to prevent overhang onto the footpath or road reserve;
- To minimise the interruption of nature strips by driveways so that regularly-spaced street tree avenues can be planted or retained;
- To provide a transition of higher scale to lower scale development from commercial areas to adjoining residential areas zoned General Residential and to ensure that built form provides visual interest when viewed from public areas;
- To maintain and strengthen the garden settings of dwellings and to create a greener, leafier character of the area;
- To maintain the openness of the streetscape and views into the front gardens;
- To minimise any negative visual impact of new development and to maintain or enhance the cohesiveness of the area's character.

The area, by virtue of its zoning and character areas, as identified in Council's *Housing Character Assessment & Design Guidelines* has been earmarked specifically for a mixture of townhouses and apartments. The proposal is now not consistent with this direction.

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

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 Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth.

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

3. Financial Considerations

No Council related financial considerations are involved with the application.

4. Consultation/Public Submissions

Public notification of the application

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

Referral of the application

The application was not required to be referred given that that the proposal is for the extension of a pre-existing permit.

5. Issues

Planning Assessment

Town Planning permit number PA2012/3735 was issued on 12 December 2012 and allows for the construction of two single-storey dwellings at the rear of an existing dwelling on the land. By virtue of a previous extension of time having been granted, the permit is now due to expire on 12 December 2016. Plans associated with the permit were endorsed in April 2013.

Section 69 of the *Planning and Environment Act 1987* enables the owner or occupier of land to which a planning permit applies to apply for an extension of time prior to the permit expiring or within six months afterwards. By way of correspondence dated 24 June 2016, the owner has requested a further two year extension of time, which has been received within the relevant statutory timeframes. The owner has cited ill health and building issues for requiring a further extension of time.

The *Planning and Environment Act 1987* 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 residential development. 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 extension to the permit, it is necessary for Council to act reasonably and base its decision on any relevant matters.

Since the original date of the permit being issued, there have been some changes in planning circumstances surrounding the subject land. These changes include:

- Updates to the State and Local Planning Policy Frameworks of the Melton Planning Scheme;
- Inclusion of the land in the Residential Growth Zone (Schedule 1);
- Council has adopted its *Housing Character and Assessment Design Guidelines* and included this land in a Garden Suburban 2 character area.

The development is still one that can be considered by the provisions of the Melton Planning

Scheme, however, this fact alone does not necessarily mean that an extension of time should be granted

The Supreme Court decision in *Kantor vs Murrundindi 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.

So far as the factors identified in *Kantor vs Murrundindi Shire* and other factors are concerned in relation to this extension of time:

- The initial time period specified in permits for commencement is normally adequate, as has previously been observed by VCAT.
- Given the length of time that has elapsed and the absence of physical works since the permit was issued, it could be argued that the permit has, and will continue to be “warehoused” if a further extension is granted.
- The owner has taken only minor steps to develop the land, to the extent only site layout plans and drainage plans required by the permit have been endorsed in April 2013. No physical works have occurred on the site associated with the permit.
- The permit was initially issued in 2012. Nearly four years have elapsed since the permit was issued, which is considered an ample amount of time in which to have commenced the development.
- There have been changes to State and Local Planning Policies, as well as planning controls (by virtue of the inclusion of the land within the Residential Growth Zone). Notwithstanding, the proposal is not prohibited by the Planning Scheme, but is arguably inconsistent with the objectives of the Residential Growth Zone and relevant State and

Local Planning Policies owing to the current zoning and local policies suggesting that this land could be developed for apartment buildings of up to four storeys in height. The previously approved proposal is not consistent with the thrust of the Melton Planning Scheme, nor Council's adopted *Housing Character Assessment and Design Guidelines* and could be considered an underdevelopment of the land.

In considering the request for the extension of time, Council needs to take into account the above factors and also act reasonably and fairly. On balance, it is not considered unreasonable for Council to refuse to extend time on the permit on the basis that:

- There has been a significant amount of time since the permit was initially issued.
- The time limits imposed in the permit as well as the previous extension of time has been more than adequate to enable the development to proceed.
- Given that there has been a number of changes in State and Local Planning Policies and other planning controls affecting the land, a fresh application should be lodged so that it can be appropriately assessed against the current day planning regime.

Should Council be of a mind to grant an extension to the permit, it has the discretion as to how long the permit should be extended for. The permit holder has requested a further two year extension to the permit, which if approved would mean that the development would need to be commenced by 12 December 2018 and completed by 12 December 2020.

6. Options

Council can either support the application by extending the permit for any length of time considered appropriate and reasonable, or it can refuse to extend the planning permit.

7. Conclusion

The application has been assessed against the provisions of the *Planning and Environment Act 1987*, relevant Case Law, State Planning Policy Framework, Local Planning Policy Framework, Zone/Overlay provisions and Clause 65 of the Melton Planning Scheme.

It is considered that the proposal generally does not comply with the relevant requirements of the Planning Scheme and relevant Case Law.

Therefore, it is recommended that the application be refused as outlined in **Appendix 4**.

LIST OF APPENDICES

1. Appendix 1 - Locality Plan - 26 August 2016
2. Appendix 2 - Planning Permit and endorsed plans - dated 12 December 2012
3. Appendix 3 - Policy assessment
4. Appendix 4 - Grounds of Refusal

12.9 PLANNING APPLICATION PA PA2014/4641 - USE AND DEVELOPMENT OF THE LAND FOR THE PURPOSE OF RESTRICTED RETAIL, TRADE SUPPLIES, LANDSCAPE GARDENING SUPPLIES, OFFICE, CONVENIENCE RESTAURANT AND FOOD AND DRINK PREMISES, CREATION OF ACCESS TO A ROAD IN A ROAD ZONE (CATEGORY 1) AND VARIATION OF PARTICULAR PROVISION REQUIREMENTS RELATED TO LOADING AND UNLOADING, SERVICE STATION, CAR WASH AND BICYCLE FACILITIES, ALL WITH ASSOCIATED CAR PARKING AND LANDSCAPING, AND REMOVAL OF NATIVE VEGETATION AT 24 HIGH STREET, MELTON

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

PURPOSE OF REPORT

To consider the above planning application for the use and development of the land for the purpose of restricted retail, trade trade supplies, landscape gardening supplies, office, convenience restaurant and food and drink premises, creation of access to a road in a Road Zone (Category 1) and variation of particular provision requirements related to loading and unloading, service station, car wash and bicycle facilities, all with associated car parking and landscaping, and removal of native vegetation at 24 High Street, Melton.

RECOMMENDATION:

That Council issue a Notice of Decision to Grant a Permit subject to the conditions outlined in **Appendix 5** of this report.

Crs Turner/Ramsey. That the recommendation be adopted.

CARRIED

Cr Majdlik called for a division of Council

For:

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

Against:

Nil:

The Mayor declared the division CARRIED UNANIMOUSLY

REPORT

1. Background

Executive Summary

Applicant:	Macroplan Australia
Proposal:	Use and development of a mixed industrial and commercial development
Existing Land Use:	Vacant Land
Zone:	Industrial 1 Zone

Overlays:	Nil
Number of Objections:	Three
Key Planning Issues:	Oversupply of Restricted Retail Floorspace Integration with future Melton East Precinct Structure Plan Urban Design Vehicular access from Melton Highway Stormwater discharge
Recommendation:	Support the proposal with the inclusion of appropriate conditions

The Land and Surrounding Area

This application relates to approximately 9ha of a 39ha site located at 24 High Street, Melton and identified as Lot S3 on PS317226G.

The site forms an important gateway into Melton Township due to its proximity to Melton Highway, Western Freeway and the eastern end of High Street. Further, the site adjoins the future Melton East Precinct Structure Plan (PSP) and as such it is crucial that the future development of this site does not prejudice the development of the future PSP.

The overall site also has frontage to the eastern end of High Street which was closed to through traffic with the construction of the Western Freeway By-Pass.

The application area (of 9 hectares) is located on the northern and eastern side of Melton Highway and is irregular in shape with frontage of approximately 530m to the Melton Highway and a depth of 175m.

The broader site is devoid of any buildings and has largely been cleared of vegetation. A Biodiversity Assessment prepared as part of the application indicates that the site contains some native plains grassland and non native trees along the Melton Highway boundary. Further, there is a patch of vegetation located within the broader site that will not be impacted upon by this proposal.

There are no existing vehicle access points to the site from the Melton Highway road reserve at this stage.

Surrounding Area

The land opposite the site across the Melton Highway to the west has been developed as a mix of light industrial and commercial uses (known as Melton Gateway).

The land directly north of this existing industrial/commercial area remains vacant however planning permits have been granted to develop the area with restricted retail (as Stage 2 of Melton Gateway), with land further north on the corner of Federation Way also having a permit for restricted retail uses and a petrol filling station and convenience restaurant.

The land to the north and east sits within the Urban Growth Zone and will be subject to the future Melton East PSP however preparation of the plan has yet to commence and is unlikely to be realised in the immediate future.

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

The Application

Overall Proposal and Concurrent Applications

This application is for a large mixed industrial and commercial development on that part of the site fronting the Melton Highway.

This proposal forms Stage 1 of the development of the site. An application has been lodged for Stage 2, approximately 7.8 hectares in area, located towards the south east corner of the lot, comprising six car sale yards. This application is still being assessed.

Further, an application for staged subdivision in accordance with this application has also been lodged. The subdivision will comprise three lots for Stage 1 and a road reserve to be vested in Council. The remainder of the parcel will form a Super Lot.

No applications have been lodged for the remaining approximate 21.8 hectares of the site located at the north east corner. Future development of this Stage must be responsive to the adjoining Melton East PSP to the east.

The proposal was accompanied by the following reports:

- Planning Report
- Economic Impact Assessment
- Traffic Report
- Biodiversity Assessment
- Stormwater Management Strategy.

Built Form

The application comprises the following which can be broken into three main precincts:

Precinct 1 – towards the north of the site

- Service station with attached convenience restaurant;
- Six food and drink premises;
- A three storey office block containing 16 suites;
- A motor repairs workshop;
- A carwash.

Precinct 2 – Centrally located on the site

- 11 attached restricted retail tenancies, with a combined approximate 1 hectare floorspace;
- Two separate detached convenience restaurants.

Precinct 3 – Located towards the south of the site:

- A single restricted retail, landscape gardening and trade supplies tenancy, with an approximate 1 hectare floorspace.

The built form consists of a mixture of materials and finishes that will ultimately be provided to the satisfaction of Council. The materials will include a mixture of render, glass, colourbond, wooden cladding and other finishes.

The height and built form varies significantly across the site due to the diversity of uses proposed.

Conditions of the permit will ensure the built form, materials and colours appropriately address the Melton Highway as well as significant internal roads.

Car Parking and Access

The proposed development will also include the provision of 959 car parks, including 16 disabled car parking bays, loading bays and will be required to provide 103 bicycle parking bays.

The primary access to the site will be via two main entrance and exit points to the Melton Highway. Additional access will be provided from the Melton Highway via an entrance to the service station to the north and another entrance to the main restricted retail building to the south. The primary northern entrance and connecting 4 lane road reserve will be vested in Council as a public road, with all other internal roads to be privately managed by the

developer. This proposed road will require a signalised intersection where it intersects with the Melton Highway that will be undertaken by the developer at their cost.

A new shared path is to be constructed along the Melton Highway and will connect with the existing footpath network. Pedestrian linkages will also be provided throughout the site.

Vegetation Removal and Landscaping

The application proposes to remove native vegetation on the site, specifically 0.880ha of remnant vegetation. Some existing vegetation on the Melton Highway road reserve will need to be removed to facilitate access to the site, including four trees which appear to be planted by or on behalf of the Rotary Club of Melton Valley.

Landscaping is proposed along the Melton Highway frontage, internal roads and both within and around the car parking areas.

The submitted plans show indicative areas for signage, however no signage permit is being sought under the current application. Any future signage requiring a planning permit will be subject to a separate planning application.

Additional landscaping will be required throughout the proposed car park to appropriately soften the extent of hardstand and built form.

Retarding Basin

To accommodate the future stormwater runoff from the site a retarding basin is required to be constructed in the south east corner of the site. The retarding basin is designed to retain current flows across the site accounting for the development of the entire site.

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

Planning Controls

Zone	Clause 33.01-1 – Industrial 1 Zone	Permit required for use and development
Overlays	Nil	Not Applicable
Particular Provisions	Clause 52.07 – Loading and Unloading Vehicles	Permit is required to reduce the space provided on the land for loading and unloading vehicles
	Clause 52.12 – Service Station	A permit is required to vary the crossover requirements of a service station
	52.13 – Car Wash	A permit is required to vary the queuing lane requirements of a car wash
	Clause 52.17 – Native Vegetation	A permit is required to remove native vegetation
	Clause 52.29 Create or alter access to a road in a Road Zone Category 1	A permit is required to create or alter access to a road in a Road Zone Category 1
	52.34 – Bicycle Parking	A permit is required to reduce the bicycle parking requirements and waive the shower and change room facility requirements.

A full assessment of the proposal against the relevant State and Local planning policies is included in **Appendix 3**.

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

Is the land of Cultural Heritage Sensitivity?

The land is considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*; and an approved cultural heritage management plan has been submitted with the planning application.

2. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth.

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

3. Financial Considerations

No Council related financial considerations are involved with the application.

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

The application was subject to notification. The notification was satisfactorily completed and three objections were received.

The grounds of objection may be summarised as follows:

Property	Grounds of objection
2290-2302 Melton Highway, Melton	The application is premature as there is already a sufficient supply of land for restricted retail uses within the area surrounding the subject site. Approval of the development will result in a short term oversupply of restricted retail inconsistent with the intent of Melton's <i>Retail and Activity Centres Strategy (2014)</i> .
2-6 Gateway Drive, Melton	As above
Not provided	The economic assumptions underpinning the proposal are incorrect, and that it: <ul style="list-style-type: none"> • will result in an oversupply of restricted retail land; • does not meet the relevant loading and unloading, service station, carwash, bicycle, associated car parking and landscaping requirements; • is inconsistent with the purpose of the INZ1; • will cause traffic hazards; • results in poor architectural and visual amenity; • has provided insufficient evidence of stormwater management.

The grounds of objection will be addressed in the detailed planning assessment at **Appendix 3**.

Referral of the application

The application was referred to a number of Council Departments for comment and advice. The application was also required to be referred to VicRoads, Department of Environment, Land, Water and Planning (DELWP) and Public Transport Victoria (PTV).

In summary, VicRoads require amongst other things, the provision of traffic signals to provide access from the Melton Highway.

A complete list of responses is included in **Appendix 4**.

Issues

Demand for restricted retail floor space

The objections received to the application essentially argue that the approval of this application would result in a significant oversupply of restricted retail floor space in the Melton area through to 2026.

This is largely based on previous planning permits issued for restricted retail developments: one on the corner of Melton Highway and Federation Drive (49,800 m²) and the other being Melton Gateway Stage 2 (17,799 m²). Note that these permits have yet to be acted upon.

A peer review submitted on behalf of one of the objectors, of the applicant's Economic Impact Assessment, found that this proposal would result in an oversupply in 2012 of 26,000 m² and still a small oversupply to 2026.

A response to that peer review from the applicants, has instead found that "once the increased population growth in Melton is allowed for, based on the recently received VIF 2016 population forecast, the proposed oversupply of bulky goods floorspace in 2026 would become an undersupply".

In terms of Council's assessment of the application, it is considered that whether there is a small oversupply or undersupply of restricted retail floorspace, is informative but not critical to its determination of the application. More relevant is the fact that the site is specifically nominated as a future Homemaker Centre in Council's adopted Retail and Activity Centres Strategy.

State and Local Planning Policy

It is considered that the proposal is responsive to State and Local Planning Policy and Council's adopted Retail and Activity Centres Strategy. It should be noted that the Strategy identifies the site as the Melton Homemaker Precinct and indicated that:

"The Melton Homemaker Precinct at the corner of the Melton Highway and High Street has emerged as a bulky goods centre taking up the highway frontage of the surrounding light industrial area. This area provides a useful service in an accessible location and further growth and consolidation should be expected here.

*A large area of land at 2-64 High Street Melton (**the subject site**) has previously been zoned for industrial purposes on the east side of the Melton Highway. This site will form an important component of the surrounding community and should be planned in conjunction with the Melton East Precinct Structure Plan. However, this will be some years away as will the development of alternative bulky goods precincts adjacent to the Toolern MAC. Some further development of bulky goods outlets may be warranted here in the short term.*

Any development of the site at 2-64 High Street should recognise its importance as the entrance to the Melton township in design terms and should preserve opportunities for connections through to Melton East. Given the existing and proposed hierarchy of activity centres, the site should not be rezoned to allow conventional retail development."

The site has access to the major road network with its proximity to Melton Highway and the Western Freeway. The proposal also will provide a significant economic contribution to Melton Township and the broader area which contribute to the local economy and provide increased opportunities for employment and amenity to serve the rapidly growing population.

The proposed use and development is considered to be in accordance with Local Planning Policies given the proposal is a logical expansion of the established homemaker precinct on the western side of High Street/ Melton Highway. The office component is relatively small (2,272 square metres over multiple floors) and will provide opportunities for small office tenancies, which is currently lacking in the Township. Further, the site provides a diverse range of activities and uses in proximity to the restricted retail components.

Zone

The proposed uses are all permissible within the Industrial 1 Zone and the site does not present any interfaces to sensitive land uses expected to result in any adverse amenity impacts. The proposal has been appropriately designed and sited in accordance with relevant planning policies, and can accommodate suitable car parking, access, loading docks, storage, lighting and landscaping treatments.

Car Parking, Loading and Unloading of Vehicles, Bicycle parking

The provision of car parking exceeds the amount prescribed in the planning scheme by 204 (755 are required and 959 are proposed). Conditions of the permit will require the number of car parks be reduced to provide greater opportunity for landscaping and employment links throughout the site in accordance with Council's Industrial Design Guidelines and Off-street Parking Guidelines.

A dispensation in relation to the number of loading bays is sought. This is considered reasonable given that only a reduction of three bays is sought and there is considered ample area for vehicle unloading at all premises throughout the site.

The proposal is required to provide 103 bicycle parking bays. These have not been shown on the plans. These will be required to be shown as a condition of permit.

Native Vegetation Removal

Council's Environmental Services area has reviewed the Biosis report and is satisfied with the proposed removal of native vegetation. Offsets will be required and provided as a permit condition.

Creating Access on to Melton Highway

VicRoads and Council's Engineering Department have reviewed the proposed access arrangements. A new signalised intersection is required to be constructed towards the north of the site and a new east west road will be vested in Council once constructed. The traffic management solutions proposed are considered appropriate.

The proposals relationship with the future Melton East PSP

The preparation of the Melton East PSP has not yet commenced. In accordance with the Retail and Activity Centres Strategy, it is considered appropriate to allow development of part of the site for bulky goods/restricted retail. The application only affects a portion of the site towards the west. The remainder of the land, which is directly adjoining the Melton East PSP, will be subject to separate further approvals.

Responsiveness of built form outcome and urban design

The proposed siting, layout and built form of the buildings, accessways and car parks is considered reasonable. However, detailed permit conditions are required for each building to ensure Council can be satisfied with the ultimate material and colour selection, provision of

glazing which provide passive surveillance and activation as well as appropriate layout of built form of specific buildings.

The proposal, subject to the conditions, will provide good activation of High Street, the new road to be vested in Council and the internal accessways. The buildings will be reasonably articulated through the use of varied materials and colours.

Signage is not proposed as part of this application and will require future assessment by Council.

Permit conditions are also designed to ensure the site is appropriately landscaped and has adequate pedestrian linkages throughout.

Summary

Overall the proposal is considered to be in accordance with the purpose of the relevant State and Local Planning Policies, Zoning of the land and relevant particular provisions and as such is considered reasonable to support, given the following:

- The use of the site partly for a restricted retail development is supported by Council's Retail and Activity Centres Strategy.
- The overall design is considered to be of a reasonable standard and will make a positive contribution to the streetscape. The proposal will contribute to a good aesthetic at the 'gateway' of Melton.
- The use and development of the site will enable employment generating land uses to occur on land that has been identified for this purpose. It will provide for a variety of employment opportunities through the mixture of uses proposed.
- The proposal is a logical expansion of the established homemaker precinct on the western side of High Street / Melton Highway.
- The proposal is generally in accordance with the purpose of the Industrial 1 Zone and will not result in unreasonable adverse amenity impacts to adjoining land owners, particularly given the site does not abut any sensitive land uses.
- The proposal complies with the required car parking provision at Clause 52.06.
- The variation sought in the loading and unloading of vehicles, car wash, bicycle provision requirements is considered minimal and appropriate to support in this instance.
- The proposed native vegetation is to be offset in accordance with the conditions of the permit.

5. Options

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

6. Conclusion

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

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

Therefore, it is recommended that the application be approved and a Notice of Decisions be issued in accordance with the Conditions at **Appendix 5**.

LIST OF APPENDICES

1. Locality Plan
2. Application Plans
3. Detailed Planning Controls Assessment
4. Referral Responses
5. Notice of Decision / Planning Permit Conditions

12.10 PLANNING APPLICATION PA 2003/371 - AMENDED PERMIT ASSOCIATED WITH AN EXISTING BROILER FARM AT 671-737 TROUPS ROAD SOUTH, MOUNT COTTRELL

Author: Steve Finlay - Coordinator Statutory Planning
Presenter: Bob Baggio - Manager Planning Services

PURPOSE OF REPORT

To consider and determine a planning application for an amended permit associated with an existing broiler farm at 671-737 Troups Road South, Mount Cottrell.

RECOMMENDATION:

That Council issue a Notice of Decision to Grant an Amended Permit subject to the conditions outlined in **Appendix 6** of this report.

Motion

Crs Ramsey/Dunn

That Council issue a Notice of Decision to Refuse to Grant an Amended Permit.

Cr Ramsey called for a division of Council

For:

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

Against:

Nil:

The Mayor declared the division **CARRIED UNANIMOUSLY**

REPORT

1. Background

Executive Summary

Applicant:	Mr. J. Buttigieg C/- Focus CDS Consultants
Proposal:	Amended permit associated with an existing broiler farm to increase the farm capacity from 160,000 birds to 240,000 birds and buildings and works involving the attachment of stub stacks to five broiler sheds.
Existing Land Use:	Existing broiler farm
Zone:	Part Green Wedge Zone Part Rural Conservation Zone
Overlays:	Environmental Significance Overlay (Schedule 2) Environmental Significance Overlay (Schedule 5) Public Acquisition Overlay (Schedule 3)

Number of Objections:	One
Key Planning Issues:	Existing use Land Use Planning controls Precinct Structure Planning Traffic Odour Broiler Farm Code of Practice
Recommendation:	Notice of Decision to Grant and Amendment to the Permit

The Land and Surrounding Area

The subject site has an area of 43.11 hectares and is located on the eastern side of Troups Road South, Mount Cottrell. Other features of the site are as follows:

- The site is rectangular in shape.
- An existing broiler farm operates from the site, where there are four existing broiler sheds and a fifth broiler shed currently under construction.
- There are a number of outbuildings on the site which have been built both prior to the broiler farm establishing on the site, and associated with the current broiler farm. These outbuildings include silos and water tanks.
- Tree planting has occurred around the perimeter of the site to shield the broiler sheds from adjoining properties.
- A watercourse traverses the north-western corner of the site.
- The broiler farm has been operating by virtue of planning permit number PA2003/371, which was issued at the direction of the Victorian Civil and Administrative Tribunal on 26 June 2006. The permit allows the use and development of the land for a broiler farm, including the construction of five broiler sheds and associated works, and a caretakers dwelling in accordance with endorsed plans. The caretakers residence has yet to be constructed.

The surrounding area can be characterised as rural in nature, and comprises of vacant rural land used for cropping and grazing, and developed land used for a mix of agricultural and rural residential pursuits.

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

The Application

The application proposes an amendment to the existing broiler farm permit to the extent that the bird numbers permitted by the permit are sought to increase from 160,000 birds to 240,000 birds. Buildings and works are also proposed to five broiler sheds to include the provision of stub stacks on each shed to assist with ventilation of the sheds and odour dispersal. No additional sheds nor any further buildings and works beyond the addition of stub stacks to each of the sheds are proposed.

The proposed amendment to the permit can be summarised as follows:

- Amendment to condition 14 of the permit to change the farm capacity from 160,000 birds to 240,000 birds;
- Amendment to condition 1 of the permit to insert a new dot point requiring the provision of stub stacks on the duty fans of the five broiler sheds.

Refer to **Appendix 2** for the existing permit.

Planning Controls

Zone	(Clause 35.04 – Green Wedge Zone and Clause 35.06 – Rural Conservation Zone)	<p>Whilst a permit is required for a broiler farm in the Green Wedge Zone, it must meet the requirements of a particular provision at Clause 52.31 of the Melton Planning Scheme, related to broiler farms.</p> <p>A broiler farm is prohibited within the Rural Conservation Zone.</p>
Overlays	(Clause 42.01 – Environmental Significance Overlay (Schedule 2 and Schedule 5) and Clause 45.01 - Public Acquisition Overlay (Schedule 3))	<p>A planning permit is required for buildings and works under the Environmental Significance Overlay controls. Although the land is encumbered by two schedules to the Environmental Significance Overlay, the area of the works (ie: stub stacks to existing sheds) is only affected by Schedule 5 to the Overlay, which is identified as a rural conservation area. Given that the works are to existing sheds, and no other works are proposed, the proposal will not compromise the intent of the rural conservation area.</p> <p>The area of the proposed buildings and works also fall outside that portion of land affected by the Public Acquisition Overlay control. The front portion of the land is affected by the Public Acquisition Overlay control, which is land earmarked for the future Outer Metropolitan Ring Transport Corridor.</p>
Particular Provisions	(Clause 52.31 – Broiler Farm)	<p>This Clause applies to permit applications to use or develop land to establish a new broiler farm, or to increase the farm capacity of an existing broiler farm.</p> <p>Given that the proposed farm capacity of an existing broiler farm is sought to be increased, this particular provision applies to the proposal. An application of this nature must comply with the <i>Victorian Code for Broiler Farms 2009</i>.</p> <p>For the purpose of the Code of Practice, given that the increase in farm capacity cannot comply with the required separation distance, it is deemed to be a Special Class Farm, where odour reduction technology is to be used on the farm.</p>
Particular Provisions	(Clause 63 – Existing Use Rights)	<p>The use of land for a broiler farm is now a prohibited use in the Rural Conservation Zone.</p> <p>Notwithstanding, Clause 63.01 of the Melton Planning Scheme applies and establishes an existing use right for the broiler farm, where a use has been lawfully carried out</p>

		<p>before the approval date, and where the use has not stopped for a continuous period of two years. The use is lawful and has been carried on in accordance with a planning permit continuously for approximately seven years.</p> <p>Further, the <i>Victorian Code for Broiler Farms 2009</i> also has a section related to existing farms and advises that broiler farms that were lawfully established before the introduction of the Code may continue to operate in accordance with previous lawful operations and any valid planning permit that applies to the broiler farm, which is the case in this circumstance.</p> <p>Under this clause, a planning permit is required for buildings and works, the use must continue to comply with existing permit conditions, and the amenity of the area must not be negatively impacted upon by the change in activities proposed.</p>
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A full assessment of the proposal against the relevant State and Local planning policies is included in **Appendix 3**.

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

Is the land of Cultural Heritage Sensitivity?

Although the land is affected by Aboriginal Cultural Heritage Sensitivity in the north-western and western portion of the land the area of the proposed buildings and works (ie: the stub stacks) falls outside of the area identified for Cultural Heritage Sensitivity and therefore the proposal is not considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*.

2. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth.

1.1 Strategically plan for a well designed and built City.

3. Financial Considerations

No Council related financial considerations are involved with the application.

4. Consultation/Public Submissions

Public notification of the application

The application was subject to notification, with letters being sent to landowners generally within a 1.6 kilometre radius of the site. This notification also included landowners within the Mt. Atkinson and Tarneit Plains Precinct Structure Plan areas. The notification was satisfactorily completed and one objection was received from a landowner approximately 600 metres to the south-west of the existing broiler farm.

The grounds of objection may be summarised as follows:

- Increase in traffic;
- Odour

A response to the objections is provided in **Appendix 4**.

Referral of the application

The application was referred to a number of Council Departments for comment and advice. The application was also referred to VicRoads, the Environment Protection Authority, the Department of Environment, Land, Water and Planning, the Victorian Planning Authority and the Department of Economic Development, Jobs, Transport and Resources. A complete list of responses is included in **Appendix 5**.

Of particular note is that none of the relevant internal or State Government Departments have objected to the application.

5. Issues

Planning Assessment

Planning permit number PA2003/371 was issued at the direction of the Victorian Civil and Administrative Tribunal on 26 June 2006. Numerous plans have been endorsed to form part of the planning permit, and the broiler farm has operated on the site for approximately seven years. Four broiler sheds are in operation and a fifth is under construction.

The permit applicant has now sought to amend the permit to increase the permitted bird numbers from 160,000 to 240,000 and to include additional buildings and works in the form of stub stacks to be placed on the duty fans at the eastern end of all five broiler sheds to improve the dispersion of air that is extracted from the sheds by a tunnel ventilation system.

The stub stacks will be six metres in height and have the function of forcing the expelled air from the duty fans up vertically like a chimney. Without these stub stacks, the duty fans will initially expel the air horizontally at the height of about 2.5 metres. The applicant has advised that the stub stacks will assist in odour reduction on the basis that the initial vertical momentum and buoyancy of the emissions from the stub stacks results in an elevated odour plume, thus resulting in a lower ground level odour concentration due to the additional mixing of the odour plume before it reaches ground level downwind of the shed emissions.

In support of the application, the permit applicant engaged GHD Pty. Ltd. to undertake air quality monitoring, which included odour modeling based on a farm capacity of 240,000 birds contained within five broiler sheds on the land. The odour modeling indicates that despite the increase in bird numbers, the addition of the stub stacks will actually reduce odour emissions resulting in less of an amenity impact on adjoining land. The Environment Protection Authority has accepted the odour modeling and has not objected to the application.

Since the planning permit was issued, the land use planning controls affecting the property have changed to the extent that the land has been partially rezoned, had a number of overlays placed upon it, and has been brought inside the Urban Growth Boundary. Strategic Planning initiatives have also been implemented which affect the land. These include part of the land being reserved for the Outer Metropolitan Ring Transport Corridor, and the land being included within the Tarneit Plains Precinct Structure Plan area. The draft of this Precinct Structure Plan identifies the land as being set aside for conservation purposes.

It is important to note that the proposal does not envisage any physical works that have not already been approved, other than the addition of the stub stacks to the five approved broiler sheds. The footprint of the buildings will not change, and there are no other works involved.

Also, just as important is the fact that the application to increase bird numbers and add stub stacks to the sheds for the existing broiler farm was referred to VicRoads, the Department of Land, Environment, Water and Planning, Victorian Planning Authority, the Environment

Protection Authority and the Department of Economic Development, Jobs, Transport and Resources. These authorities were consulted on the basis of current planning controls affecting the land, and strategic planning initiatives that are in place for the land and surrounding area, including preparation of the Mt. Atkinson and Tarneit Plains Precinct Structure Plans. None of these authorities have objected to the application.

Since the commencement of the broiler farm use on the subject land approximately seven years ago, there has been very few complaints received by either Council or the Environment Protection Authority about odour emanating from the farm. There were two recent complaints lodged with the Environment Protection Authority in June 2016 alleging odour from the broiler farm, however, these were from a landowner some 2.7 kilometres from the broiler farm and the Environment Protection Authority could not confirm that odour was emanating from the broiler farm at the time.

Although the proposed increase in bird numbers will mean that the broiler farm will not meet the minimum separation distance required by the *Victorian Code for Broiler Farms 2009*, given the addition of odour reduction technology, the farm can be classified as a Special Class Farm for the purpose of the Code of Practice and can be considered by Council.

6. Options

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

7. Conclusion

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

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

Therefore, it is recommended that the application be approved as outlined in **Appendix 6**.

LIST OF APPENDICES

1. Appendix 1 - Locality Plan - 31 August 2016
2. Appendix 2 - Current Planning Permit - dated 26 June 2006
3. Appendix 3 - Policy assessment
4. Appendix 4 - Response to objections
5. Appendix 5 - Referral comments
6. Appendix 6 - Suggested amended permit conditions

Cr Turner left the Chamber at 8.16pm.

Cr Turner returned to the Chamber at 8.17pm.

12.11 PLANNING APPLICATION PA 2015/4666 - CONSTRUCTION OF A TELECOMMUNICATIONS FACILITY AT 142 HUME DRIVE, TAYLORS HILL (MELBOURNE WATER TANK SITE)

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

PURPOSE OF REPORT

To advise Council of the recent VCAT decision on the planning application for the construction of a telecommunications facility at 142 Hume Drive, Taylors Hill (Melbourne Water Tank site).

RECOMMENDATION:

That Council note the VCAT decision.

Crs Carli/Cugliari. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

Applicant:	Vodafone Hutchison Australia Pty Ltd
Proposal:	Construction of a Telecommunications Facility
Zone:	Public Use Zone 1 (Service and Utility)
Overlays:	Nil
Number of Objections:	53
Council Decision:	Notice of Decision to Refuse to Grant a Permit
Key Planning Issues:	Visual Impact Non-compliance with the Planning Scheme
Date of VCAT Hearing:	15 & 16 August 2016
VCAT Decision:	Set aside Council's decision and issue a planning permit

2. Background

The subject site has an area of 3.8ha, is owned by Melbourne Water and contains an existing water tank. The land generally adjoins the rear boundaries of properties fronting onto Hardware Lane, Hawthorn Grove and Timele Drive in Taylors Hill.

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

On 14 July 2015, Council refused a planning application to construct a Telecommunications Facility on the following grounds:

- The proposed telecommunications facility will not be adequately screened from surrounding properties, will dominate the landscape and will visually impact on residential properties in the surrounding area.
- The proposed telecommunications facility is contrary to State Planning Policy found at Clause 19.03-4 of the Melton Planning Scheme, which seeks a balance between the provision of telecommunications services and the need to protect the environment from adverse impacts arising from these facilities.
- The proposed telecommunications facility is contrary to Clause 52.19 of the Melton Planning Scheme which encourages that this type of facility has minimal impact on the amenity of the surrounding area.
- The proposed telecommunications facility is not in keeping with the design and siting principles of "A Code of Practice for Telecommunications Facilities" July 2004, in particular, the first principle which requires telecommunications facilities to be sited to minimise visual impacts.

The applicants subsequently sought a review of Council's refusal which was heard by VCAT on 15 and 16 August 2016. Prior to the hearing however, Council at its meeting on 4 April considered an amended proposal which reduced the height of the facility from 25 to 17m, and relocated the facility to a more central location on the site. Council determined not to support the amended proposal and continue to endorse its previous refusal at the VCAT hearing.

On 16 August 2016, VCAT directed that the decision of Council is set aside and a permit is to issue based on the amended plans.

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

The following is a summary of the Tribunal's decision:

- The views from the nearby streets is acceptable given the monopole will not be a dominant feature in these views; and the most intrusive impact, being that from 30-34 Hardware Lane, will be acceptably mitigated once the proposed vegetation is at a semi-mature stage.
- The Planning Scheme's policies and provisions for telecommunications facilities generally support the development of an effective telecommunications network subject to the minimisation of visual impacts.
- It is reasonable to expect new telecommunications infrastructure in an establishing neighbourhood such as this. While Taylors Hill has an open skyline caused by the lack of overhead power lines and the relative immaturity of landscaping in private gardens, it is expected that this will change over time as gardens mature.
- The existing water tank is a prominent local landmark that is significantly more dominant than the monopole. The tank, and its surrounding open space, also has notable visual impacts on the abutting properties. While the tank has a benign presence, it is a large structure that is dominant in many views from abutting rear yards.
- The open space next to the tank provides a benefit to directly abutting properties. It provides an open outlook to the sky that would not be there if these properties backed on to other residential properties. It is noted that this land is set aside for a second water tank. Given this is a reasonably anticipated outcome, it is considered that the monopole's visual impact is significantly less than that of a future water tank.
- The Tribunal placed no weight on the fact that the Council had twice refused to grant permits for similar facilities on this site as the applicants in those earlier cases did not seek a review of those decisions thus there is no indication as to whether these previous proposals would have succeeded or failed on review.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth.

1.1 Strategically plan for a well designed and built City.

4. Financial Considerations

Nil.

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

Not applicable.

7. Options

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

LIST OF APPENDICES

1. Locality Plan
2. VCAT Decision - 16 August 2016

12.12 RESPONSE TO NOTICE OF MOTION 434 - CATHERINE DRIVE, HILLSIDE - SPEEDING INVESTIGATION

Author: Tom Lay - Traffic Engineer
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To respond to Notice of Motion 434 that sought an investigation and report, with costings, as to the most appropriate traffic management device options for addressing speed related issues occurring in Catherine Drive, Hillside.

RECOMMENDATION:

That Council not install traffic calming devices in Catherine Drive Hillside, as it is not warranted as per Council's Traffic Calming Policy.

Motion

Crs Cugliari/Carli

That Council construct the most appropriate traffic management device in Catherine Drive at approximately the mid-point between Panorama Drive and Community Hub, within this financial year.

CARRIED

REPORT

1. Executive Summary

At the Ordinary Council of meeting 22 August 2016 a notice of motion was tabled that sought an investigation and report with costings as to the most appropriate traffic management device options for addressing speed related issues occurring in Catherine Drive, Hillside.

Engineering conducted speeding investigation and found that a treatment is not warranted due to the low speeds recorded on Catherine Drive.

2. Background/Issues

A resident has raised concerns in regards to vehicles speeding along Catherine Drive between Panorama Drive and Community Hub in Hillside.

Following the Notice of Motion an engineering investigation of the location has taken place. This included placement of a traffic counter for a 7 day period.

The count found:

- Average weekday traffic volumes two way 1,899 vehicles per day
- The 85th percentile speed was 44.8km/h. The 85th percentile speed is the speed at which 85% of traffic travel at or below. Catherine Drive has a default speed limit of 50km/h.

In accordance with Council's Traffic Calming Policy, the 85th percentile speed would need to exceed 5km/h over the speed limit and the road segment needs to be greater than 200 metres in length for traffic calming devices to be warranted. The road segment between

Panorama Drive and Community Hub is just less than 200 metres in length and based on the traffic count result being substantially lower than 55km/h, a traffic calming device would not be warranted.

Another road safety issue that was raised in the past was in regards to a near miss incident at the school crossing due to sight distance issues. Parking has since been banned to improve sight distances and there have been no recorded incidents since.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

4. Financial Considerations

Given that traffic calming device is not warranted as per Council's Traffic Calming Policy, there would be no financial implications.

If a speed hump was to be installed at this location, it would cost approximately \$5,500.

5. Consultation/Public Submissions

The result of the traffic count and investigation will be notified to the resident.

6. Risk Analysis

As with any roadway there is always an element of risk associated with potential crashes. To mitigate this risk Council have a traffic calming policy that complies with Austroads Guidelines that clearly sets out when and when not a traffic calming device is required.

The risk in installing a device despite not being warranted according to the policy is it lessens Council's position in the future at other sites if they are deemed not warranted when they don't meet the criteria set out in the policy.

7. Options

1. In accordance with the Traffic Calming Policy, do not install any traffic calming device and inform the resident of the result of the investigation
2. Install a speed hump mid-point on Catherine Drive between Panorama Drive and Community Hub.

LIST OF APPENDICES

1. Site Plan

Cr Carli left the Chamber at 8.33pm.

Cr Carli returned to the Chamber at 8.37pm.

12.13 INTERSECTION OF HIGH STREET AND NORTON DRIVE, MELTON - TRAFFIC ISSUES

Author: Charles Cornish - Strategic Infrastructure Engineer

Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To inform Council of the status of advocacy efforts to the State Government for the upgrade of the intersection of High Street and Norton Drive Melton.

RECOMMENDATION:

That Council receive and note the status of representations made to State Government seeking the installation of traffic signals at the intersection of High Street and Norton Drive, Melton.

Motion

Crs Ramsey/Turner

That Council

1. Receive and note the status of representations made to the State Government seeking the installation of traffic signals at the intersection of High Street and Norton Drive, Melton.
2. Thank Mr Don Nardella, Member for Melton and the Hon Luke Donnellan, Minister for Roads for their support, and indicate Council's desire to continue to work with the State Government to facilitate the installation of traffic signals at the High Street and Norton Drive intersection.

CARRIED

REPORT

1. Executive Summary

Council has advocated to VicRoads, Mr Don Nardella, Member for Melton and the Hon Luke Donnellan, Minister for Roads for the installation of traffic signals at the intersection of High Street and Norton Drive, Melton. Following a meeting between the Minister for Roads and the Member for Melton, a State Government budget bid will be prepared for the installation of traffic signals at the High Street and Norton Drive intersection.

2. Background/Issues

The intersection of High Street and Norton Drive, Melton, provides a key access to the Melton Industrial Park.

High Street, Melton (between Melton Highway and Coburns Road) is a declared arterial road and as such is under the management of VicRoads.

Since 2011 there have been 6 recorded crashes at this intersection, which resulted in 1 serious injury and 4 other injuries.

This intersection has been identified in the Melton Integrated Transport Strategy 2015 as requiring upgrade and is listed in the Melton Advocacy Priorities document as one of the top five declared arterial road intersections requiring upgrade within the City of Melton, proposing that this intersection should be signalised.

Council staff have written to VicRoads requesting the upgrade of this intersection, through the installation of traffic signals, in March 2016 and July 2016.

Council staff met with Mr Don Nardella, Member for Melton, on 20 July 2016 to raise the issue of traffic crashes at this intersection and the need for this intersection to be signalised.

A meeting between Mr Nardella and the Hon Luke Donnellan, Minister for Roads, occurred on 23 August 2016. Council staff attended this meeting, where the case for traffic signals at the High Street and Norton Drive intersection was put to the Minister for Roads, along with the other road transport priorities detailed in the Melton Advocacy Priorities document. The potential of funding works at this intersection will be further considered by the State Government as part of their upcoming budget deliberations.

Located in close proximity to the High Street and Norton Drive intersection is the entry to the Gateway Shopping Centre. As part of any reconfiguration to the High Street and Norton Drive intersection the entry to the Gateway Shopping Centre will require consideration. In the short term Council is seeking to work with the owners/managers of the Gateway Shopping Centre and VicRoads to make the entry and exit from the shopping centre onto High Street a 'left in – left out' configuration, removing the conflict created by right turn movements out of the shopping centre.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

4. Financial Considerations

The potential financial considerations from this issue for Council are minimal, confined at this stage to the potential installation of signage.

5. Consultation/Public Submissions

Prior to the implementation of any treatments or alterations, the abutting property owners will be consulted.

6. Risk Analysis

There are no risk issues associated with Council advocating for improvements to the arterial road network managed by VicRoads.

7. Options

Option consideration is not required.

LIST OF APPENDICES

Nil

Cr Ramsey left the Chamber at 8.42pm.

12.14 TAYLORS HILL WEST RECREATION RESERVE (AGREEMENT TO LEASE)

Author: Glenn Mulcahy - Recreation Coordinator
Presenter: Adrian Burns - Manager Recreation & Youth

PURPOSE OF REPORT

To seek approval and delegation to negotiate and enter into an agreement to lease with the Caroline Springs George Cross Soccer Club in respect of the Taylors Hill West Recreation Reserve.

RECOMMENDATION:

That Council resolve

1. to delegate to the Chief Executive Officer, Mr Kelvin Tori
 - a. the ability to negotiate; and
 - b. the ability to enter into an Agreement to Lease (with form of lease annexed) substantially in the form set out at **Appendix 1**.

with the Caroline Springs George Cross Soccer Club, subject to all statutory requirements.

Crs Majdlik/Carli. That the recommendation be adopted.

CARRIED

Cr Majdlik called for a division of Council

For:

Crs Carli, Cugliari, Dunn, Majdlik and Turner

Against:

Nil:

The Mayor declared the division CARRIED UNANIMOUSLY

REPORT

1. Executive Summary

Taylors Hill West Recreation Reserve is a new recreation reserve identified as one of the components of Taylors Hill West Precinct Structure Plan. The reserve is located adjacent to City Vista Drive in Taylors Hill West.

The Caroline Springs George Cross Soccer Club (CSGCSC) have offered funding to Council to secure the Taylors Hill West Recreation Reserve, as a home for their club with a 20 year lease arrangement.

This report provides an overview of the proposal and draft form of Agreement to Lease (with Lease annexed) at **Appendix 1**.

2. Background/Issues

A report titled Taylors Hill West Recreation Reserve Proposed Usage was presented to Council at the 7 March 2016 Ordinary meeting. Two recommendations were endorsed at the meeting being:

That Council:

“Endorse the future use of Taylors Hill West Recreation Reserve and support proceeding with the project in line with the content of this report.

Delegate authority to the Chief Executive Officer to prepare a legal agreement for Sunshine George Cross Soccer Club, for the construction and activation of Taylors Hill West Recreation Reserve, for endorsement by Council at a future date.”

In response, officers have continued to work with the CSGCSC to negotiate an Agreement to Lease for the Taylors Hill West Recreation Reserve which includes four soccer fields and a pavilion.

Key issues addressed in the Agreement to Lease include:

- Confirmation of the construction of a purpose-built pavilion and four soccer fields (two natural grass and two synthetic).
- Ongoing community access to the facility.
- Ongoing school access to the facility.
- That CSGCSC is responsible for the maintenance of the facility for a 20 year period.
- That CSGCSC will manage the commercial and community bookings for the Reserve’s spaces.
- Confirmation of the payment dates of the \$1,000,000 contribution to be made by CSGCSC to Council.

Delegation to the Chief Executive Officer to finalise any outstanding negotiations and enter into the Agreement to Lease in substantially the form at **Appendix 1** is recommended for endorsement for the following reasons:

- The facility will become the home of a NPL club which will create improved opportunities for partnerships with the Victorian Football Federation, and improve support for established Clubs within the municipality.
- The Reserve will become a venue for improved sport development opportunities, including junior boys and girls and Women’s soccer. This is consistent with Council’s current approach to improving and increasing participation.
- The facility will support Council in expanding soccer activity in growth areas.
- There will be the opportunity to explore synergies with the State Secondary School to be developed on the adjacent site.
- The tenancy will provide significant annual operational savings to Council (conservatively estimated to be up to \$200k per annum inclusive of ground and building maintenance and utilities).
- Having a tenant within the facility will improve passive surveillance of the facility and the Reserve and improve the monitoring of ongoing operational maintenance of the building.

Many of these community strengthening initiatives will be fast tracked by having the CSGCSC as a tenant at Taylors Hill West Recreation Reserve and will ultimately provide broader economic benefits and options to the community.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

1.1 Strategically plan for a well designed and built City

4. Financial Considerations

The developer contributions for the Taylors Hill West Recreation Reserve total \$5,155,459.

Council's Capital Works programme has identified \$2,094,541 towards this project over the next two (2) financial years.

Further funding submissions to the State Governments Growing Suburbs Fund have been submitted with the aim to further support this project.

CSGCSC's contribution of \$1,000,000 will offset the overall capital cost for the delivery of infrastructure on the Taylors Hill West Recreation Reserve.

At the 7 March 2016 Ordinary meeting Council resolved to fund the project to \$11M including \$1M from the CSGCSC.

5. Consultation/Public Submissions

The CSGCSC has been consulted on this submission, with Council and Executive briefed on 8 December 2015 and via Council report on 7 March 2016.

Should Council accept the Officer's recommendation then an advertisement would be placed in a local newspaper giving public notice. A 223 hearing process in relation to any submission will take place. The decision to enter into the Agreement to Lease will be taken after these hearings (if any).

6. Risk Analysis

Should the recommendation be adopted, there is a risk that other City of Melton clubs or residents may be unhappy with the proposed Agreement to Lease.

In response to this concern, the advertising and 223 process will allow for any and all persons to make a submission and be heard.

Should Council not proceed with the recommendation in this report, a potential opportunity to reduce construction costs by \$1,000,000 with reduced future management and operational costs will not be realised.

7. Options

Council has the option to:

1. Accept officer's recommendations as presented in this report.
2. Allocate the space to CSGCSC for a limited tenure and not receive the \$1,000,000 contribution offered by CSGCSC.
3. Proceed under current practice to advertise expressions of interest at the time of completion to all community/soccer groups.

LIST OF APPENDICES

1. Draft Agreement to Lease

Cr Ramsey returned to the Chamber at 8.44pm.

12.15 ANNUAL ACTION PLAN REPORTING 2015/16

Author: John Cook - Community Infrastructure Planner
Presenter: Coral Crameri – Acting General Manager Community Services

PURPOSE OF REPORT

To present to Council the 2015/16 end of year Annual Action Plan report.

RECOMMENDATION:

That Council receive and note the 2015/16 end of year Annual Action Plan as per **Appendix 1**.

Crs Dunn/Turner. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

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

Each year, Council produces an Annual Action Plan identifying the initiatives that Council will take in response to the objectives and strategies identified in the Council Plan.

Progressive achievements against actions from the Plan are reported following the conclusion of the first three quarters of the financial year, and this cumulative report is compiled following the conclusion of each financial year. Updates on select initiatives are also reproduced in Council's Annual Report.

Appendix 1 to this report provides details of Council's activities and achievements during 2015/16.

2. Background/Issues

The Council Plan is Council's primary vision and strategic planning document that establishes the direction Council has committed to over the course of its four year term of office. The Council Plan contains objectives, strategies and strategic indicators.

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

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

Annual Action Plan 2015/16

The 2015/16 Annual Action Plan identified 147 actions that Council committed to deliver.

Appendix 1 provides a detailed summary on the status of each action in the 2015/16 Annual Action Plan, inclusive of the reporting period from 1 July 2015 to 30 June 2016.

The following table provides summary of progress against actions for 2015/16:

Status	Description	Number of Actions
Achieved	The Action is completed.	134
Behind Schedule	The Action has been delayed impacting on the current timeline.	12
Postponed	The Action has been deferred for the financial year.	1
	Total	147

Major achievements from the end of year report include:

Construction of:

- Burnside Children's and Community Centre
- Bridge Road Sports Precinct, including the Athletics and Hockey Pavilion.

Finalisation of the following key strategic documents:

- Integrated Transport Strategy, Significant Landscape Strategy and Urban Design Guidelines for established residential areas
- Open Space Strategy and Community Infrastructure Planning Policy
- Melton Advocacy Priorities publication, an Investment Attraction Strategy and a Digital Business Strategy

The implementation of new program and service initiatives, including:

- The Project Management Framework
- Community Engagement Framework
- Lead Educate Advocate Demonstrate Sustainability (LEADS) Program and Environment Enhancement Program
- Rapid Transformation Pop-Up Park project at the corner of Palmerston and MacKenzie Street.

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

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

2.6 Ensure timely compliance with statutory and regulatory obligations

4. Financial Considerations

Activities from the Annual Action Plan 2015/16 were funded via Council's 2015/16 budget process, and also supported by Government grants.

5. Consultation/Public Submissions

The 2013-2017 Council planning process involved extensive consultation of stakeholders including the community, Council staff, government agencies, community organisations and private industry. This process resulted in the publication of the 2013-2017 Melton City Council Plan and subsequent 2015/16 Annual Action Plan.

6. Risk Analysis

Nil

7. Options

That Council:

1. Adopt the 2015/16 end of year Annual Action Plan report as detailed at **Appendix 1**.
2. Provide an alternative option at Council's discretion.

LIST OF APPENDICES

1. Council Annual Action Plan 2015/16 End of Year Report

12.16 DRAFT ANNUAL FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT - 30 JUNE 2016

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

PURPOSE OF REPORT

To have Council approve in principle the draft Annual Financial Statements and Performance Statement for 30 June 2016 prior to reports being submitted to Council's auditor, in accordance with section 132(2) of the *Local Government Act 1989*.

RECOMMENDATION:

That Council:

1. Approve, in principle, the draft Annual Financial Statements and Performance Statement for 30 June 2016 at **Appendix 1**.
2. Authorise the Mayor, Cr Kathy Majdlik and Deputy Mayor, Cr Renata Cugliari to approve the Statements in their final form after any changes recommended, or agreed, by the Auditor have been made, pursuant to sections 132(2) and 132(5) of the *Local Government Act 1989*.

Crs Ramsey/Cugliari. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The Audit Committee meeting on 31 August 2016 failed to achieve a quorum, however the two external members present discussed and reviewed the draft Annual Financial Statement and Performance Statement for the year ended 30 June 2016. The members present have recommended that Council approve the statements prior to them being submitted to the Auditor, as required under the *Local Government Act 1989* (the Act).

2. Background/Issues

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

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

It is not a statutory requirement for Council's Audit Committee to review statements prior to their adoption by Council.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

2.6 *Ensure timely compliance with statutory and regulatory obligations*

4. Financial Considerations

There are no direct costs associated with this matter.

5. Consultation/Public Submissions

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

6. Risk Analysis

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

7. Options

Council has the option to reject the Officer's recommendation, however this would put Council's ability to meet statutory obligations at risk.

LIST OF APPENDICES

1. Draft Annual Financial Statements and Performance Statement 30 June 2016

12.17 AMENDMENT TO COUNCIL MEETING SCHEDULE 2016

Author: Tracy Spiteri - Governance Coordinator
Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

To present to Council a proposed amendment to the Council Meeting Schedule 2016 for the Statutory (special) meeting and November Ordinary meeting of Council.

RECOMMENDATION:

That Council resolve that:

1. the Statutory (special) meeting of Council be held on Tuesday, 8 November 2016
2. the November Ordinary meeting of Council be held on Monday, 21 November 2016
3. the publishing of a notice of the amended meeting dates be placed in local newspapers and on Council's website.

Crs Cugliari/Ramsey. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

At the Statutory Meeting held 27 October 2015, Council adopted the 2016 Council Meeting schedule, **Appendix 1**.

In July 2016, the *Local Government (Electoral) Regulations 2016* ("the Electoral Regulations") were made which causes the timelines of the Local Government General Election held on 22 October 2016 to be varied. As a consequence, Councils Meeting Schedule for 2016 will need to be amended to accommodate the varied timelines.

2. Background/Issues

Council meetings are open to the public and are scheduled to commence at 7pm on a Monday and are generally held every four weeks where possible. The Statutory (special) meeting of Council is generally held on the Thursday following the General Election. The Statutory (special) meeting of Council for 2016 is scheduled on 27 October 2016, four (4) working days after the 22 October 2016 Local Government General Election.

Section 83(a), 84A and 89(1) of the *Local Government Act 1989* ("the Act") provides for the scheduling of ordinary and special meetings of Council. Council's *Meeting Procedure Local Law* (section 2.2) outlines the process to alter meeting dates.

On 26 July 2016, the Electoral Regulations were fixed by the Governor in Council. As a result, regulation 93(2)(e) states that declaration envelopes [in an election] can be received by the returning officer by noon on the fifth working day after an election (midday, 28 October 2016). Consequently the Victorian Electoral Commission (VEC) has varied its election service plan to accord with the new regulations.

The earliest date at which the VEC will declare the results of the election is Monday 31 October 2016 at 10am, with all results declared by Friday 4 November 2016. As a result of

the new regulations and the variation to the VEC electoral plan, the Statutory meeting of Council scheduled for 27 October 2016 will need to be rescheduled. It is further recommended that the November Ordinary meeting of Council also be rescheduled.

The following table outlines the dates relating to the General Election, and the proposed meeting schedule dates for the Statutory (special) meeting and the Ordinary meeting in November.

<i>Saturday, 22 October 2016 – General Election</i>	
<i>Noon Friday, 28 October 2016 – Close of postal vote receipt period</i>	
<i>Friday 4 November 2016 – Declaration of Results</i>	
2016 Meeting Schedule	Proposed Scheduled Meeting dates
27 October 2016 – Statutory (special) meeting	8 November 2016 – Statutory (special) meeting
14 November 2016 – Ordinary meeting	21 November 2016 – Ordinary meeting

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

2.6 Ensure timely compliance with statutory and regulatory obligations

4. Financial Considerations

There are minimal additional costs associated with advertising in the local newspapers.

5. Consultation/Public Submissions

Section 89(4) of the *Local Government Act* 1989 requires Council to provide reasonable notice to the public of meetings of Council.

Should Council accept the amended meeting dates as recommended in this report, public notice of the meeting dates will be published in the local newspapers and on Council's website.

6. Risk Analysis

Section 71(3)(a) of the Act states that the Mayor is to be elected after the fourth Saturday in October but not later than 30 November in each year. Section 84A of the Act enables the Chief Executive Officer to summon a special meeting of the Council within 14 days of the declaration of the results in an election, generally referred to as the Statutory meeting.

The Statutory (special) meeting date is currently scheduled prior to the close of the postal vote receipt period. To comply with the Act for the election of the Mayor and Deputy Mayor after the results of the election is declared, it is recommended that the Statutory (special) meeting be rescheduled to Tuesday, 8 November 2016. The rescheduled meeting will enable all Councillors to be sworn in, attend Council's Induction program and other industry training and comply with the Act in the election of the Mayor and Deputy Mayor.

The proposed amendment to the November Ordinary Meeting of Council is recommended to enable Council Officers to undertake any necessary briefings with the new Council. The risk

in not rescheduling the November meeting to a later date is that new Councillors will not be provided an opportunity to be briefed on Council business before making an informed decision on a matter.

7. Options

In accordance with varied VEC timelines, the Statutory (special) meeting of Council cannot be held earlier than 31 October 2016 (the earliest date at which an election can be declared). The declaration of the election for Melton City Council has been scheduled for Friday 4 November 2016 therefore Council must resolve to amend the Statutory (special) meeting date.

Therefore Council has the following options:

1. Adopt the recommendation to reschedule the:
 - a. Statutory (special) meeting of Council to Tuesday, 8 November 2016, and
 - b. November Ordinary meeting of Council to Monday, 21 November 2016.
2. Adopt a recommendation to reschedule the Statutory (special) meeting of Council to Tuesday, 8 November 2016.

LIST OF APPENDICES

1. Minutes of the Statutory Meeting 27 October 2015

12.18 REVIEW OF THE LOCAL GOVERNMENT ACT 1989 - RESPONSE TO STATE GOVERNMENT'S DIRECTIONS PAPER

Author: Christine Denyer - Manager Legal and Governance
Presenter: Christine Denyer - Manager Legal and Governance

PURPOSE OF REPORT

To present to Council a draft submission in relation to the directions paper *Act for the future – Directions for a new Local Government Act*.

RECOMMENDATION:

That Council finalise and make a submission in relation to the Directions Paper as set out in the draft document attached at **Appendix 1**.

Crs Dunn/Turner. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

As previously reported to Council at the Ordinary meeting held on 15 December 2015 (copy report attached at **Appendix 2**), the State Government announced in August 2015, a review of the *Local Government Act 1989* ("the current Act"). The Terms of Reference (TOR) are set out at **Appendix 3** attached.

On 8 June 2016, the Government released a directions paper, *Act for the future – Directions for a new Local Government Act* ("the Directions Paper").

The Directions Paper sets out 157 separate directions for a new Local Government Act.

A draft submission is attached at **Appendix 1** for Council's consideration. It is intended to make comment on the proposed directions both broadly and individually. The Government advises that there will be an exposure draft in due course and thus this submission need not be exhaustive nor represent Council's final position on any matter.

The Government has invited all submissions in relation to the Directions Paper either online or by post by 16 September 2016.

2. Background/Issues

As previously reported to Council at the Ordinary meeting held on 15 December 2015 (copy report attached at **Appendix 2**), the State Government announced in August 2015, a review of the current local government act, the *Local Government Act 1989* ("the current Act"). The Terms of Reference (TOR) are set out at **Appendix 3** attached. In accordance with the TOR, the Government called for submissions on relevant issues from within the Local Government Sector and the broader Victorian community.

At that meeting Council resolved to make a submission setting out those issues it considered warranted further consideration by the Government in its review.

On 8 June 2016, the Government released a directions paper, *Act for the future – Directions for a new Local Government Act* ("the Directions Paper"). A copy of the Directions Paper is attached at **Appendix 3**.

The Directions Paper sets out 157 separate directions for a new Local Government Act.

The Major reform directions are set out at table 1 on pages 8 and 9 of the Directions Paper and are as follows:

No.	Major reform direction
1	Mayors leading councils: Enable a mayor to provide greater leadership to their council by having two-year terms and extending their powers and responsibilities.
2	Consistent representative structures: Improve the consistency of council representative structures by establishing a consistent formula for determining councillor numbers and having councils be unsubdivided or consist entirely of uniform multi-member wards.
3	Consistent, simpler voting arrangements: Simplify voting arrangements for council elections by using the state roll to determine eligible voters (except in the City of Melbourne), introducing partial preferential voting and having a consistent voting method for all council elections determined by the minister.
4	Deliberative community engagement: Require councils to undertake a deliberative community engagement process before adopting a four-year council plan by December of the year after their election.
5	Integrated, strategic planning and reporting: Require councils to have an integrated strategic planning and reporting framework including (as well as the four-year council plan) a 10-year community plan, 10-year financial plan and 10-year asset plan.
6	Effective ministerial intervention: Strengthen the minister's powers to deal with individual councillors who are contributing to or causing serious governance failures at a council.
7	Transparent CEO employment and performance: Require all councils to have a CEO remuneration policy and to have an independent advisory mechanism to guide recruitment, contractual arrangements and performance monitoring of CEOs.
8	Power to innovate and collaborate: Improve the financial sustainability of councils and strengthen their capacity to be innovative and to undertake collaborative activities.
9	A consistent rating system: Establish a single method for valuing land for rates, modernise exemptions from rates and increase transparency in the levying of differential rates.
10	Autonomous decision-making balanced by a principle-based Act: Extend autonomy to councils by deregulating council decision-making processes and replacing them with high-level principles requiring transparency and accountability.

In preparing Council's draft response, officers conducted internal consultation with the Chief Executive Officer and Managers and staff in the various directorates and conducted research into deliberative democracy and the proposed directions generally. Various staff attended briefings on the Directions Paper held by the Government itself and by local government stakeholders such as the Municipal Association of Victoria. Consultation was then conducted with the Mayor and Councillors and the draft submission finalised.

The submission is intended to make comment on the proposed directions. The Government advises that there will be an exposure draft in due course and thus this submission need not be exhaustive nor represent Council's final position on any matter.

The Government has invited all submissions in relation to the Directions Paper either online or by post by 16 September 2016.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability
2.5 Advocate in the best interests of our community and region

4. Financial Considerations

There are no financial considerations.

5. Consultation/Public Submissions

This submission is intended to be by and on behalf of the Council itself and thus public consultation has not been undertaken. The submission is intended to make comment on the proposed 157 directions both broadly and individually. As mentioned above, the Government advises that there will be an exposure draft in due course and thus this submission need not be exhaustive nor represent Council's final position on any matter.

The Government has invited all submissions in relation to the Directions Paper either online or by post by 16 September 2016.

6. Risk Analysis

If no submission is made there is a risk that the views Council espouses will not be considered in the review, however it is noted that Council's views may be shared by other Councils and thus this risk may not eventuate either wholly or in part, albeit this is almost impossible to predict with any accuracy.

The risk is mitigated by Council making its own submission.

7. Options

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

LIST OF APPENDICES

1. Draft submission Act for the future - Directions for a new Local Government Act - Melton City Council Response (September 2016)
2. Council Report (without attachments) dated 15 December 2015
3. Terms of Reference dated 11 August 2015

13. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES

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

14. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS

Crs Cugliari, Dunn, Turner, Carli, Ramsey and Majdlik addressed the Chamber in respect to a variety of matters of significance.

15. NOTICES OF MOTION**15.1 NOTICE OF MOTION 435 (CR DUNN)****Councillor: Nola Dunn - Councillor****MOTION:**

Crs Dunn/Majdlik

That Council write to the Planning Minister, The Hon. Richard Wynne MP, as well as the Chief Executive Victorian Planning Authority Mr Peter Seamer, and Places Victoria, Mr Tony De Domenico – Chair, seeking a review of the location of the Western Grassland Reserve in the context of the current environmental values and surrounding growth, and re-affirm that Melton City Council suggests that these areas could be better allocated elsewhere where a greater significance of environmental values occur, and seek a firm commitment on the maintenance and support and timing for acquisition of land remaining within the ultimate Reserve.

CARRIED UNANIMOUSLY

16. COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Ramsey

Update on Cemetery discussions.

Cr Dunn

Update on Westwood Drive.

Cr Turner

Number of extra burial sites for the proposed Harkness Road Cemetery.

17. MOTIONS WITHOUT NOTICE

Nil.

18. URGENT BUSINESS

Nil.

19. CONFIDENTIAL BUSINESS

Procedural Motion

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

19.1 Lease of Western BACE – Amended Form of Sub-Lease

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

19.2 Appointment of Consultant for CEO Review Panel

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

Crs Cugliari/Carli. That the recommendation be adopted.

CARRIED

Procedural Motion

Crs Ramsey/Turner

That the meeting be opened to the public.

CARRIED

20. CLOSE OF BUSINESS

The meeting closed at 9.32pm

Confirmed

Dated this

.....CHAIRPERSON