



MELTON CITY COUNCIL

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

28 June 2021

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

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18. CLOSE OF BUSINESS 71

MELTON CITY COUNCIL

MINUTES OF THE MEETING OF THE MELTON CITY COUNCIL HELD VIA A VIDEOCONFERENCE ON 28 JUNE 2021 AT 7:00PM

Present: Cr K Majdlik (Mayor)
Cr G Kesic (Deputy Mayor)
Cr S Abboushi
Cr L Carli
Cr M Deeming
Cr S Ramsey
Cr J Shannon
Cr B Turner
Cr A Vandenberg

Mr K Tori, Chief Executive Officer
Ms LJ Mellan, Executive Manager Property & Projects
and Acting Manager Legal & Governance
Mr P Bean, General Manager Corporate Services
Mr T Scoble, Acting General Manager Community Services
Mr L Shannon, General Manager Planning and Development
Mr S Rumoro, Manager Finance
Mr B Baggio, Manager Planning Services
Mr J Whitfield, Governance Coordinator
Ms R Bartlett, Governance Officer

1. OPENING PRAYER AND RECONCILIATION STATEMENT

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

2. APOLOGIES AND LEAVE OF ABSENCE

Nil.

3. CHANGES TO THE ORDER OF BUSINESS

Nil.

4. DEPUTATIONS

Nil.

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

Before moving into the Confidential Business section of the meeting at Item 17, the CEO, Mr Tori, declared a Material Conflict of Interest pursuant to Section 128 of the *Local Government Act 2020* in Item 17.2, 'Chief Executive Officer Review Advisory Committee Meeting Minutes - held 25 May 2021 and 15 June 2021.'

6. ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION:

That the Minutes of the Meeting of Council held on 7 June 2021 be confirmed as a true and correct record.

Motion

Crs Abboushi/Carli.

That the Minutes of the Meeting of Council held on 7 June 2021 be confirmed as a true and correct record.

This Motion was WITHDRAWN with the leave of Council.

Motion

Crs Abboushi/Kesic

That the Minutes of the open to the public Meeting of Council held on 7 June 2021 be confirmed as a true and correct record, and the adoption and confirmation of the Minutes of the Confidential Business section of the Meeting of Council held on 7 June 2021 be deferred for consideration during the Confidential Business section of this meeting.

CARRIED

7. RECORD OF ASSEMBLY OF COUNCILLORS

7.1 SUMMARY OF INFORMAL MEETINGS OF COUNCILLORS IN ACCORDANCE WITH CHAPTER 6, RULE 1 OF THE COUNCIL'S GOVERNANCE RULES

- 7 June 2021 Summary of Informal Meeting of Councillors
- 7 June 2021 Summary of Informal Meeting of Councillors
- 10 June 2021 Summary of Informal Meeting of Councillors
- 21 June 2021 Summary of Informal Meeting of Councillors

RECOMMENDATION:

That the Summary of Informal Meetings of Councillors dated 7, 7, 10 and 21 June 2021 attached to this Agenda be received and noted.

Motion

Crs Abboushi/Shannon.

That the recommendation be adopted.

CARRIED

LIST OF APPENDICES

1. Summary of Informal Meeting of Councillors - dated 7 June 2021
2. Summary of Informal Meeting of Councillors - dated 7 June 2021
3. Summary of Informal Meeting of Councillors - dated 10 June 2021
4. Summary of Informal Meeting of Councillors - dated 21 June 2021

8. CORRESPONDENCE INWARD

Nil.

9. PETITIONS AND JOINT LETTERS

Nil.

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

Nil.

Cr Ramsey left the meeting at 7:16pm.

Cr Ramsey returned to the meeting at 7:17pm.

11. PUBLIC QUESTION TIME

| Name (or Pseudonym) | Question asked of Council |
|---------------------|--|
| Andrew | <i>'Has the Chief Executive Officer submitted the VEC's report on the conduct of the election to the Council, as required under regulation 83(3) of Local Government (Electoral) Regulations 2020?'</i> |
| Andrew | <i>'Will the election report be made public?'</i> |
| Shaun McKerral | <i>'With regard to planned developments in Diggers Rest, specifically those in the area of Coimadai Road/Tame Street (Planning Application # PA2020/7146/1) & the estate planned off Old Calder Hwy, what planning is being taken to address traffic congestion in that area? This is a high volume area, with narrow roads & railway crossing that connects East & West Diggers, provides Freeway access & access to mass transit parking/bus terminals. What impact will approx. 500 new residences have on traffic on this area & what steps are being taken to address this & not adversely affect existing residents?'</i> |
| Shaun McKerral | <i>'Diggers Rest-Coimadai Rd & Old Calder Hwy were previously signposted as not for heavy traffic. Signs have been covered up & the volume of traffic along that route has increased steadily with more residents & associated construction (locally & in other nearby estates). As per previous question, these roads are narrow, transit through a high congestion (including pedestrian access) area & there are several tight bends - where sign posts are repeatedly damaged or destroyed. Why was the traffic restriction removed to allow heavy transport to use that route & is there a plan to return it to remove heavy vehicles off this route to help manage traffic, preserve roads, or is there a plan to improve/widen roads & improve traffic management?'</i> |
| Barbara Burns | <i>'Under Victorian law, is it legal for Local Government Councils to provide sex based/targeted services and facilities separately to gender identity based/targeted services and facilities? If not, why not? For example, can we legally put signs on a set of public toilets declaring that one is for biological males (including males with an intersex condition), one is for biological females (including biological females with an intersex condition) and one is for people with transgender identities (of any biological sex)? If not, why not?'</i> |
| Ben Morse | <i>'Why do Diggers Rest recreation facilities get completely ignored when it comes to basic maintenance of the playing surface? Our season is currently at risk due to sustained lack of action by the Council.'</i> |
| Ben Morse | <i>'Will the Council consider compensation to the clubs impacted by Council negligence at the Diggers Rest Recreation Reserve.'</i> |

| Name (or Pseudonym) | Question asked of Council |
|----------------------|---|
| Garrick Walter Oates | <i>'Given the recent Ombudsman's report into MK Datanet and Mr M. Is Council following all the recommendations of the investigation and hand over the matter to Victorian Police?'</i> |
| Garrick Walter Oates | <i>'Along with this, what measures are Council taking to notify other councils regarding MK Datanet's actions and its true ownership and what is Melton Council doing to recover the funds expended following Mr M's conflicted guidance to IT Management during his tenure?'</i> |
| David O'Connor | <i>'Some residents are of the opinion that the Diggers Rest Skate Park is to be demolished as part of the Recreation Reserve Master Plan Upgrades. If this is correct, then what immediate plans do Council have to fill the void for patrons who frequent the park, especially our youth?'</i> |
| David O'Connor | <i>'Over the years the Stan Payne Reserve in Diggers Rest has hosted many community events. The area once provided ample space for the delivery of the Houdini Celebrations in 2010, Market Days and Community Festivals. Unfortunately, recent upgrades to the reserve has significantly limited the opportunity to use this space beyond a walking track and picnic area. Given the overall consolidation of community space in Diggers Rest in recent times, what space would Council suggest is currently available for the purpose of community events such as Farmers Markets, Food Van Stalls and the like?'</i> |
| Neek Procek | <i>'With regards to Proposal PA2020-7146-1 How did the Council resolve the Thrice Lane and Gloaming Ride issue some years back, and what does the Council propose to prevent a similar issue when the land is eventually developed at the end of Tame St in Diggers Rest?'</i> |
| Neek Procek | <i>'With regards to Proposal PA2020-7146-1 Does the development of a lifestyle residential village benefit the wider community in the same way as if the land was developed for the conventional residential housing, for example Council rates, stamp-duty and developer contributions?'</i> |
| Monica Ceckiewicz | <i>'If the land is within the UGB, is zoned residential, is supported by the MSS, is supported by the Housing Strategy, is supported by Plan Melbourne and by Victorian Planning Provisions in several parts including policy on housing why have these been considered as of less consequence than airport provisions of the same planning sections?'</i> |
| Monica Ceckiewicz | <i>'Given that the current Melbourne Airport Environs Strategy states that the 20 ANEF (the extent of the MAEO) is used to define the extent of controls and that planning controls are not applied to areas outside the 20 ANEF, why does the planning report suggest that land use and development outside this area is restricted by Melbourne Airport N contours?'</i> |

Procedural Motion

Crs Ramsey/Carli

That the recommendations as printed in Items 12.1, 12.3, 12.4 and 12.5 be adopted en bloc.

CARRIED

12. PRESENTATION OF STAFF REPORTS

12.1 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

Author: Rebecca Bartlett - Governance Officer

Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

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

RECOMMENDATION:

That Council:

1. adopt the minutes of the Advisory Committee meeting at **Appendix 1 - 4**
2. adopt recommendations arising within the Minutes.

Motion

Crs Ramsey/Carli

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

Whilst not mentioned in the Local Government Act 2020 (the 2020 Act), Council has the power to create Advisory Committees pursuant to its general power set out in section 10 of the 2020 Act.

The minutes of the Advisory Committees attached to this report form a written record of meeting including any matters considered and any conflicts of interest disclosed.

The minutes also serve as the advice/recommendations to Council for its consideration.

2. Background/Issues

An Advisory Committee is a committee established by Council to provide advice to it or its delegate. Whilst not mentioned in the 2020 Act, Council has the power to create Advisory Committees pursuant to its general power set out in section 10 of the 2020 Act.

All advisory Committees are subject to their individual Terms of Reference. The membership varies depending upon the committee's 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. Advisory Committees for the 2020/21 municipal year were considered by the Councillor Representation Nominations Advisory Committee (CRNAC) when it met on Monday 23 November 2020.

The minutes of the Advisory Committees attached to this report forms the written record of the committee detailing matters considered and any conflicts of interest disclosed.

The minutes also serve as the advice/recommendations to Council.

| Meeting Date | Advisory Committee | Attached |
|--------------|---|------------|
| 11 May 2021 | Preventing Family Violence Advisory Committee | Appendix 1 |
| 3 June 2021 | Heritage Advisory Committee | Appendix 2 |
| 9 June 2021 | Melton Transport Community Reference Group | Appendix 3 |
| 23 June 2021 | Policy Review Panel | Appendix 4 |

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

Advisory Committees are not responsible for operational expenditure and cannot direct Council officers to act without the consent of Council. Operational expenses and administrative actions arising from an Advisory Committee meeting are accommodated within Council's recurrent budgets, unless otherwise requested within the minutes of the meeting and detailed in a recommendation to Council for consideration.

5. Consultation/Public Submissions

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

6. Risk Analysis

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

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

7. Options

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

LIST OF APPENDICES

1. Preventing Family Violence Advisory Committee Meeting Minutes - dated 11 May 2021
2. Heritage Advisory Committee Meeting Minutes - dated 3 June 2021
3. Melton Transport Community Reference Group Meeting Minutes - dated 9 June 2021
4. Policy Review Panel Meeting Minutes - dated 23 June 2021

The Mayor, Cr Majdlik vacated the Chair.

The Deputy Mayor, Cr Kesic took the Chair.

12.2 AUDIT AND RISK COMMITTEE MINUTES FOR SPECIAL MEETING HELD ON 24 JUNE 2021

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

PURPOSE OF REPORT

To present to Council the minutes of the Audit and Risk Committee special meeting held on Thursday 24 June 2021.

RECOMMENDATION:

That Council:

1. Note the minutes of the Audit and Risk Committee special meeting held on Thursday 24 June at **Appendix 1**.
2. Adopt the recommendations arising within the minutes.

Motion

Crs Majdlik/Deeming

That Council:

1. defer the unconfirmed minutes of the Audit & Risk Committee special meeting held on Thursday 24 June 2021 in **Appendix 1** until such time when the minutes are ratified by the committee members;
2. officers provide detailed minutes of the Audit & Risk Committee for these and all future Audit & Risk Committee meetings, and that in future the minutes be ratified by the Audit & Risk Committee prior to them being brought to Council in a report for noting;
3. staff and/or Councillors consider obtaining external independent legal advice in relation to the Outcomes and Recommendations of the Ombudsmans Report as detailed in **Appendix 1** in the unconfirmed Minutes of the Audit & Risk Committee held 24 June 2021; and
4. officers prepare a detailed response for the Ombudsman and the Minister for Local Government detailing all actions taken by Council.

CARRIED

REPORT

1. Executive Summary

The minutes of the Audit and Risk Committee special meeting held on 24 June 2021 are appended to this report as **Appendix 1**.

The minutes contain recommendations for the consideration of Council.

2. Background/Issues

The Audit and Risk Committee is established by the Council pursuant to Section 53 of the *Local Government Act 2020* ('the Act').

The primary function and responsibility of the Audit and Risk Committee is to monitor the compliance of Council policies and procedures with the Act including any regulations, and chiefly, the overarching governance principles, Council's financial and performance reporting, Council's risk management and fraud prevention systems and controls and oversee the internal and external audit function.

The Audit and Risk Committee makes recommendations to Council for its consideration. These recommendations are set out in the minutes attached at **Appendix 1** for matters that the Audit and Risk Committee considered in open session.

Clause 5 of Council's Audit and Risk Committee Charter states:

'Additional meetings shall be convened at the discretion of the Chairperson or at the written request of any member of the Committee, internal or external auditor'.

A special meeting of the Audit and Risk Committee was convened to address the Agenda item contained within the minutes as **Appendix 1**.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

Any and all financial considerations are set out within the reports and minutes of the Audit and Risk Committee.

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

A risk analysis is contained within each report to the Audit and Risk Committee.

Risks identified by the Audit and Risk Committee and recommendations in relation to same should be carefully considered by Council as these represent an independent and forensic appraisal of the issues.

7. Options

The Audit and Risk Committee is not a delegated committee and operates in an advisory capacity to Council, therefore Council has the discretion to accept, reject or amend the Committee's recommendations.

LIST OF APPENDICES

1. Audit and Risk Committee Meeting Minutes - dated 24 June 2021

The Deputy Mayor, Cr Kesic vacated the Chair.

The Mayor, Cr Majdlik took the Chair.

12.3 LEADWEST COMMITTEE MEETING MINUTES

Author: John Whitfield - Governance Coordinator

Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

To present the confirmed minutes of LeadWest Advisory Committee meeting held 19 May 2021.

RECOMMENDATION:

That Council adopt the confirmed minutes of the LeadWest Advisory Committee meeting held 19 May 2021 (refer **Appendix 1**).

Motion

Crs Ramsey/Carli

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The purpose of the LeadWest Committee is to oversee the preparation and implementation of the LeadWest Strategic Plan and identified sub projects as adopted and agreed by member Councils.

The minutes attached to this report are the confirmed minutes of the LeadWest Advisory Committee held 19 May 2021.

The minutes serve as the advice/recommendations to Council for its consideration.

2. Background/Issues

Prior to the introduction of the relevant provisions of the Local Government Act 2020 (the 2020 Act), the LeadWest Committee operated as a special committee under section 86 of the Local Government Act 1989 (the 1989 Act). As a special committee of the 1989 Act it had delegated powers and functions in an Instrument of Delegation and Schedule and has Terms of Reference that governed its operations, meeting and reporting arrangements.

The 2020 Act sees the introduction of delegated committees and in many respects these resemble the former special committees in the way they function. Pursuant to the 2020 Act delegated committees require a Councillor to be the chairperson whereas LeadWest has operated for some time with an independent chair.

From 1 September 2020 when provisions relating to delegated committees commenced under the 2020 Act, LeadWest has operated as an Advisory Committee and continues to

maintain an independent chair. Whilst not specifically mentioned in the 2020 Act, Council has the power to create Advisory Committees pursuant to its general power set out in section 10 of the 2020 Act.

LeadWest is proposing to commence operation as a joint delegated committee under Section 64 of the 2020 Act and this matter is the subject of the next report to this Council meeting.

Attached to this report are the confirmed minutes of the LeadWest Advisory Committee held held 19 May 2021.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

The formation of the LeadWest Committee and adoption of a new Strategic Plan for LeadWest is designed to provide a cost effective funding model for each member Council and more focused outcome driven approach which is aligned to agreed regional priorities.

Funds will be allocated by the Committee within Council's approved budget for the development of the new Strategic Plan.

The ongoing budget for the LeadWest Committee will include two components. Firstly, to deliver the projects in the four year implementation plan, recommendations will made to member Councils for consideration in each Council's annual budgeting process. Secondly, a payment of a base contribution to apply equally to all Councils.

5. Consultation/Public Submissions

The LeadWest Committee will provide a mechanism for a regional approach to advocacy and the delivery of a ten-year Strategic Plan. The Strategic Plan will be underpinned by a rolling four-year implementation plan which will be delivered by teams from across the six Councils implementing specific projects. This Plan will be prepared following extensive consultation including a focus on engaging Councillors from the member Councils.

6. Risk Analysis

Nil.

7. Options

That Council adopt the minutes of the meeting of the LeadWest Committee held on 19 May 2021 as per the recommendation to this report.

LIST OF APPENDICES

1. LeadWest Advisory Committee Meeting Minutes - dated 19 May 2021

12.4 PROPOSED ESTABLISHMENT OF A JOINT DELEGATED COMMITTEE KNOWN AS LEADWEST COMMITTEE

Author: John Whitfield - Governance Coordinator
Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

To provide the background about the proposed change in the governance arrangements for LeadWest and to recommend that Council establishes a new Joint Delegated Committee under s 64 of the *Local Government Act 2020 (LGA 2020)*, known as the "LeadWest Committee".

RECOMMENDATION:

That Council:

1. Establishes a Joint Delegated Committee called LeadWest Committee (**Committee**) pursuant to s 64 of the *Local Government Act 2020 (Act)*, with the Cities of Brimbank, Hobsons Bay, Maribyrnong, Melton and Wyndham, being established on and from 1 August 2021.
2. By Instrument of Delegation pursuant to s 11 of the Act, delegates to the Committee, the powers, duties and functions relevant to the LeadWest governance arrangements, in accordance with the Instrument of Delegation and Schedule in **Attachment 1**, effective from 1 August 2021.
3. Authorises the affixation of Council's common seal to the Instrument of Delegation.
4. Determines that the Instrument of Delegation will:
 - 4.1 come into force on 1 August 2021; and
 - 4.2 remain in force until Council determines to vary or revoke it.
5. Adopts the Terms of Reference for the Committee as detailed at **Attachment 2**.
6. Appoints as voting members of the Committee:
 - 6.1 one Councillor and their proxy from each of the Cities of Brimbank, Hobsons Bay, Maribyrnong, Melton and Wyndham, as nominated by each of those Councils from time to time, provided that a proxy will only be entitled to vote in the absence of the relevant nominated Councillor; and
 - 6.2 the Chief Executive Officer from each of the Cities of Brimbank, Hobsons Bay, Maribyrnong, Melton and Wyndham, and the proxy nominated by each Chief Executive Officer from time to time, provided that a proxy will only be entitled to vote in the absence of the relevant Chief Executive Officer.
7. Appoints Cr Sophie Ramsey as the Councillor delegate and Cr Julie Shannon as the proxy for Council.

Motion

Crs Ramsey/Carli

That the recommendation be adopted.

CARRIED

REPORT**1. Executive Summary**

The officer recommendation in this report is designed to implement the necessary arrangements to effectively transition the existing LeadWest Committee from a Special Committee under the *Local Government Act 1989* (LGA 1989) to an appropriate governance structure under section 64 of the *Local Government Act 2020* (LGA 2021). To facilitate this, each member council must establish a Joint Delegated Committee under s 64 of the LGA 2020 which mirrors the delegations and terms of reference of the other members.

The proposal is to transition LeadWest from a Special Committee under s 86 of the *Local Government Act 1989* to a Joint Delegated Committee under s 64 of the LGA 2020. It is noted that with the expiry of delegations made under the LGA 1989 on 1 September 2020, LeadWest has continued in operation as an advisory committee without delegated authority.

To establish the LeadWest Committee under the Joint Delegated Committee provisions all 5 Councils are required to adopt an identical Instrument of Delegation and Terms of Reference.

The current objective of LeadWest is to remain the same under the new Joint Delegated Committee arrangements.

This report also recommends the appointments of the voting members to the Committee.

2. Background/Issues**Background**

LeadWest was originally established as a company in 2007 as a regional organisation for Melbourne's west. At its inception, all 6 councils in Melbourne's West (Brimbank, Hobsons Bay, Melton, Maribyrnong, Moonee Valley and Wyndham) were members. The City of Moonee Valley withdrew its membership of LeadWest effective from 1 September 2020.

Following a review of the LeadWest governance arrangements, the Member Councils agreed to transition LeadWest from a company to a Council-aided Special Committee under the *Local Government Act 1989* (**LGA 1989**). This change took place effective from 1 July 2019.

Following the repeal of the Special Committee provisions of the LGA 1989 on 1 May 2020 and the expiry of delegations made under the LGA 1989 on 1 September 2020, LeadWest has continued in operation as an advisory committee without delegated authority.

To facilitate the continued operation of LeadWest, the Member Councils have agreed to establish LeadWest as a Joint Delegate Committee aided under s 64 of the *Local Government Act 2020* (**LGA 2020**).

Joint Delegated Committees

Section 63 of the LGA 2020 enables Council to establish Delegated Committees, the successor to Special Committees under the LGA 1989. Section 64 of the LGA 2020 introduces a new concept of a Joint Delegated Committee established by two or more councils. A Joint Delegated Committee is formed by resolution of two or more councils.

For the purposes of the LGA 2020, Joint Delegated Committees are treated as Delegated Committees – ie. as a Delegated Committee of each Member Council.

Under s 11(1) of the LGA 2020, Council may, by Instrument of Delegation, delegate its powers, duties or functions to a Joint Delegated Committee. The Instrument of Delegation defines what authorities are given to the Committee, including setting limits on the amounts of any contracts or expenditure that the Committee may approve.

The membership of a Joint Delegated Committee is subject to the discretion of the Member Councils, but must:

- include at least one Councillor from each of the Member Councils; and
- be chaired by a Councillor from one of the Member Councils, appointed by the other members of the Joint Delegated Committee.

Meetings of a Joint Delegated Committee are to be determined by the Member Councils.

Delegated Committees have specific roles and powers (delegations) and therefore the new Act is concerned with ensuring public transparency in their operations and in recognising that members of delegated committees must declare interests. Members of delegated committees are subject to many of the same requirements as Councillors, such as conflict of interest, personal interest returns and standards of conduct.

Indemnity

The Act requires that Council must indemnify members of Delegated Committees, including in the conduct of the role as a member of a Joint Delegated Committee. Members are to be indemnified against actions and claims arising *in “respect of anything necessarily done or omitted to be done in the good faith”* (s43 of the 2020 Act) in the performance of their role.

Independent Member

LeadWest is currently chaired by an independent member, however the new Act requires a Councillor to chair the meetings of a Joint Delegated Committee.

It is not proposed to appoint an independent member in the newly established Joint Delegated Committee structure. However provisions have been included in the Terms of Reference to allow for independent member/s to be appointed to the committee, including the skills required and the appointment process should the Committee choose to do so at some point in the future.

Instrument of Delegation and Terms of Reference

A draft Instrument of Delegation and Terms of Reference has been prepared to enable the establishment of the LeadWest Committee as a Joint Delegated Committee.

Key items to note include:

- Under s 64 of the LGA 2020, the Chairperson for the Committee must be a Councillor. This means that the Committee will no longer have an independent Chairperson, which it has had since the Committee’s inception. The Chairperson will be nominated by the members of the Committee for annual terms.
- Independent members may be appointed to the Committee, by resolution of each of the Member Councils, in accordance with the Terms of Reference. Independent members will serve a term of two years unless removed sooner.
- It is proposed that each Member Council resolves to appoint a Councillor (and their proxy) and each CEO (and such proxy as nominated by the CEO) to the Committee as voting members. This will mean that there are 10 voting members (assuming no independent members), which will require a quorum of 6. (A quorum being 50% plus 1 of the persons appointed to the Committee).
- Meetings of the Committee will be held at least quarterly and conducted in accordance with the procedures set out in the Act, the Terms of Reference and the

Governance Rules of Brimbank City Council. Accordingly, meetings will be open to the public in accordance with s 66 of the LGA 2020.

- There is a process for the admission of new Member Councils to the Committee, which requires the unanimous approval of the existing Member Councils.
- Stakeholders can, when needed, attend the meetings of the Committee, but will not be voting members.
- An Executive Officer is appointed from the officers of one of the Member Councils to undertake a Coordination/Project Management role and provide regular reports to the Committee.

Summary

LeadWest, using Wyndham City Council and Melton City Council resources, engaged Maddocks Lawyers on behalf of all LeadWest member councils to seek advice about the matters relevant to re-establishing LeadWest as a Joint Delegated Committee. This includes:

- What must be done to ensure that the statutory requirements of section 64 of the *Local Government Act 2020* are met?
- Draft Documents:
 - Instrument of Delegation and Schedule (refer **Attachment 1**) – based on the existing Instrument of Delegation and Schedule
 - Terms of Reference (refer **Attachment 2**) – based on the existing Terms of Reference

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

The ongoing budget for the LeadWest Committee will be determined annually, including the proportion to be contributed by each Member Council, with the approval of the Member Councils.

5. Consultation/Public Submissions

The Committee will continue to provide a mechanism for a regional approach to advocacy and the delivery of a ten-year Strategic Plan. The Strategic Plan is underpinned by a rolling four-year implementation plan which will be delivered by teams from across the five member councils implementing specific projects. This Plan will be prepared following extensive consultation including a focus on engaging Councillors from the Member Councils.

6. Risk Analysis

The legal framework for the LeadWest Committee structure is pursuant to s 64 of the LGA 2020. There is no perceived risk in LeadWest moving to a joint delegated committee structure.

7. Options

In order to establish a joint delegated LeadWest Committee as described in the report, all 5 member Councils are required to establish such Joint Delegated Committee and adopt an identical Instrument of Delegation and Terms of Reference.

LIST OF APPENDICES

1. LeadWest Committee - Instrument of Delegation and Schedule - undated
2. LeadWest Committee - Terms of Reference - dated 1 August 2021

12.5 REPORT BY THE VICTORIAN ELECTORAL COMMISSION ON THE GENERAL ELECTION HELD OCTOBER 2020

Author: John Whitfield - Governance Coordinator
Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

To present the report by the Victorian Electoral Commission on the general election held in October 2020.

RECOMMENDATION:

That the report be received and noted.

Motion

Crs Ramsey/Carli

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The Victorian Electoral Commission (VEC) is the statutory election service provider for the conduct of local government elections in Victoria. Pursuant to Regulation 83 of the *Local Government (Electoral) Regulations 2020*, the Electoral Commissioner of the VEC has provided an Election Report to Melton City Council on the general election held in October 2020.

Pursuant to Regulation 83(3) of the Regulation, the VEC report is to be submitted to the Council at the earliest practicable meeting of the Council held after the report is received by the Chief Executive Officer.

2. Background/Issues

The Victorian local government general elections are held every four years as defined by the *Local Government Act 2020 (Vic)* (LG Act). In 2020, general elections were held for 76 of the 79 Victorian councils with Saturday 24 October marking election day. This included the general election held in each of the three Wards in the City of Melton.

In accordance with section 263(1) of the LG Act, the Victorian Electoral Commission (VEC) is the statutory election service provider for the conduct of local government elections in Victoria.

The VEC has provided an Election Report on the conduct of the 2020 Melton City Council general election including details of the end-to-end service delivery of electoral activities throughout the election timeline. The report also provides details of post-election items including compulsory voting enforcement.

Pursuant to Regulation 83(3) of the Regulation, the VEC report is to be submitted to the Council at the earliest practicable meeting of the Council held after the report is received by the Chief Executive Officer.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

The VEC has been paid an amount of \$538,431.52 ex GST for the provision of election services for the Melton City Council general elections. The quote from the VEC was \$541,208.26 ex GST. The nett saving is made up of a range of variations in election cost centres areas; some over the quote and some under the quote.

5. Consultation/Public Submissions

Not applicable

6. Risk Analysis

Not applicable

7. Options

Councils option is to note the VEC report on the Melton City Council general election held in October 2020.

LIST OF APPENDICES

1. 2020 Local Government Elections
Melton City Council - Election Report by the VEC - dated 19 April 2021

12.6 RESPONSE TO NOTICE OF MOTION 764 (CR VANDENBERG) - WASTE REMOVAL LICENSING SYSTEM

Author: Les Stokes - Manager Environment & Waste
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To respond to Notice of Motion 764 (Cr Vandenberg) requesting a report outlining the costs to introduce a waste removal licencing scheme.

RECOMMENDATION:

That Council receive and note this report.

Motion

Crs Kesic/Vandenberg

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

Council currently has powers to regulate and enforce litter and dumped rubbish under both the Council Local Law and the *Environment Protection Act 1970*. In addition to these current powers, the *Environment Protection Act 2017* (the new Act) and *Environment Protection Regulations 2021* (the Regulations) will come into effect on 1 July 2021 and Council will have increased powers relating to the deposit of waste on private property.

Council will have the authority to issue notices and penalties to people that dispose of waste unlawfully. The EPA will regulate the lawful transportation and receipt of waste through a licencing system and have powers to investigate and enforce these provisions. The Act does not include the delegation of these powers to Council.

2. Background/Issues

At the Meeting of Council on 10 May 2021, Notice of Motion 764 (Cr Vandenberg) was considered and Council resolved the following:

That in response to the increased dumping of waste by "rogue" waste removal operators, Council officers report, with costings, on introducing a waste removal licencing system which includes monitoring that ensures waste removal in the City of Melton can only be undertaken with a permitted and licensed operator who must provide evidence waste was properly disposed of, with penalty notices issued for businesses illegally dumping waste.

Council's **General Local Law** currently includes the following offences;

A Person must not:

- a) deposit any Household Refuse, Recyclable or other waste upon any Road, Public Place or Council Land; or*
- b) except at a Refuse Disposal Site, deposit any Household Refuse or other rubbish upon another Person's Property; or*
- c) place out for collection any Household Refuse unless it is in a Council Provided Mobile Bin.*

The Owner, and/or Occupier of a Property must not allow:

- a) the Property to become unsightly; or*
- b) the Property to become detrimental to the amenity of the area in which it is located; or*
- c) a Noxious Weed to grow on the Property; or*
- d) vegetation growth of more than 20 centimetres in height on the Property if the Property is located in an Urban Area; or*
- e) unconstrained refuse, rubbish, rubble, demolished or discarded materials from Building Work or other matter to accumulate on the Property so as to constitute a hazard to the health or safety of any Person*

Council also has powers under the current **Environment Protection Act 1970** (the old Act) to regulate and enforce litter and dumped rubbish. Council's Litter Enforcement Officers (LEO) are able to issue infringements for:

- Unlawful deposit of litter
- Unlawful deposit of waste
- Fail to remove waste when requested by a litter enforcement officer
- Fail to comply with notice to remove or dispose of waste

These provisions apply to Council Managed Land, ie Road Reserves, Parks & Open Spaces.

Under the **Environment Protection Act 2017** (the new Act) and Regulations the scope of local government's role as a regulator has not changed, but there are changes to the laws and powers of local governments, including a new delegation of powers from the EPA to councils.

The new Act allows for Council LEOs to issue notices on private property as well as Council managed land. Council can issue a Waste Information Gathering Notice to obtain information about waste they believe to have been unlawfully deposited, allowing the LEO to collect information required for enforcement. It will be offence to refuse to comply with a notice.

Council can also issue a Waste Abatement Notice to require a person that deposited waste to clean up, restore a place that has been impacted by the deposit of waste, and to lawfully dispose of waste. It can also be used to require the occupier of a property to dispose of the waste if the responsible person cannot be located.

Under the new Act, household waste, as soon as it is picked up in a skip or as soon as a commercial arrangement is made for its removal, it is classified as "Industrial waste". There are duties placed on generators of waste, waste transporters and waste receivers in addition to the General Environmental Duty which applies to all:

Duties if you provide industrial waste to others (eg Residents arranging a skip bin)

You must take reasonable steps to identify and classify your waste. You must take all reasonable steps to make sure your waste is taken to a lawful place. For example, by engaging a reputable contractor to transport and dispose of your waste.

Duties if you deposit industrial waste (eg Residents taking waste to a disposal location)

If you deposit, or dispose of industrial waste, it must be at a 'lawful place'. This includes sorting, recovery and disposal facilities. If you receive or deposit industrial waste, it is your responsibility to know whether it is a lawful place.

Duties if you receive industrial waste (eg waste disposal contractors/transporters)

If you receive industrial waste, you must be a 'lawful place' as defined by the Act.

The EPA can enforce the duties above and will regulate the licencing of transporters and receivers of industrial waste. Council's do not have delegation to enforce or regulate these duties. It makes sense for the EPA to manage this section of the legislation as waste transporters will operate across multiple Local Government areas and in some cases state-wide, making a Local Government licencing system ineffective and burdensome.

3. Council and Wellbeing Plan Reference and Policy Reference

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives

1.5 Environments that enable and encourage positive public health and wellbeing outcomes.

4. Financial Considerations

The new powers under the Act may increase the workload on Councils Litter Enforcement Officers. The provision of additional resource to this team (if required) is an operational issue that will be monitored by Council's Manager Community Safety assessed by the Executive Management Team.

All revenue from enforcement action under the new Act is retained by Council.

5. Consultation/Public Submissions

Nil

6. Risk Analysis

There are no risks associated with noting this report.

7. Options

The *Environment Protection Act 2017* documents the EPA's powers to ensure the lawful transport and disposal of waste. These powers are not delegated to Councils, Officers believe this is appropriate. No other options are available other than to note this report.

LIST OF APPENDICES

Nil

12.7 RESPONSE TO NOTICE OF MOTION 737 (CR TURNER) - ANALYSIS OF POLICE NUMBERS AND CRIME RATE AGAINST POPULATION INCREASES IN THE CITY OF MELTON

Author: Elizabeth Johnston - Road and Community Safety Officer
Presenter: Troy Scoble – Acting General Manager Community Services

PURPOSE OF REPORT

To respond to Notice of Motion 737 (Cr Turner), providing an analysis of police numbers and crime rate against population increases in the City of Melton.

RECOMMENDATION:

That Council:

1. Note the analysis report and its findings
2. Authorise Officers to prepare letters for relevant Ministers from the Mayor to advocate for further police resourcing in the City of Melton.

Motion

Crs Turner/Ramsey

That Council:

1. Note the analysis report and its findings;
2. Authorise Officers to prepare letters for relevant Ministers from the Mayor to advocate for further police resourcing in the City of Melton; and
3. Officers report back to Council with a comparison of police numbers relative to population from various service areas within the police communities.

CARRIED

REPORT

1. Executive Summary

This report is provided in response to Notice of Motion 737 (Cr Turner), carried at the Council meeting held on 21 December 2020. The Motion carried was:

That Council

1. *Write to the Hon Lisa Neville, Minister for Police and Emergency Services and local members Mr Steve McGhie MP, Member for Melton, Hon Marlene Kairouz MP, Member for Kororoit, Hon Natalie Hutchins MP, Member for Sydenham, Ms Mary-Anne Thomas MP, Member for Macedon, and Mr Joshua Bull MP, Member for Sunbury requesting police numbers in the City of Melton be increased in line with our population increases, and requesting details of the changes in the City of Melton crime rate over the last 5-10 years gauged against population increases.*
2. *Officers report to Council assessing police numbers and the crime rate within the City of Melton against population increases over the last 5-10 years*

This report provides an analysis assessing police numbers and the crime rate within the City of Melton against population increases over the last 5-10 years. This analysis was also discussed with the Safe City Advisory Committee at the March 2021 meeting noting that data on police numbers is available for the last three years only (2018-2020). The report provides the foundation for future communications on this issue with relevant Victorian Government Ministers and local members.

The data was collated and analysed in a report (**Attachment 1: Analysis of police numbers, crime rate and population increases in the City of Melton, May 2021**), which also considers data from neighbouring growth and interface Council, the City of Wyndham. This comparison has been provided for context.

The report concludes that based on the analysis, growth in police numbers is relatively proportionate to the increase in criminal incidents and population growth across the City of Melton.

Melton's police provisioning has been further strengthened in 2021 as the Victorian Government recently announced an increase to the number of police in the Melton service area.

Noting this, Council staff will prepare a letter advocating for additional Police Officers to cater for the rapidly growing population.

2. Background/Issues

At the meeting of the Safe City Advisory Committee on 9 March 2021, Council officers reported that statistics on police numbers are not available prior to 2018, and therefore this data could only be provided for the last three years. This was reaffirmed by the representative from Victoria Police who advised that the data requested could not be provided, despite their efforts to obtain it on Council's behalf. It is understood that this is due to changes in the way the data was systemically reported prior to 2018.

Committee members discussed alternative options for providing the appropriate analysis, concluding that the available data would need to be sufficient. Minutes capturing this decision were endorsed at the 12 April 2021 Ordinary Meeting of Council.

Available data was therefore collected and analysed for population growth, crime rates for a ten-year period (2011- 2020) and police numbers over a three-year period (2018-2020) for the Melton service area. This analysis is attached to the Report (**Attachment 1**).

The report outlines that the population in the City of Melton has grown from 112,643 people in 2011 to 180,686 in 2021, an increase of almost 70,000 people or 66 per cent. In the same decade, there has been an overall (but fluctuating) increase in the number of criminal incidents across the City of Melton from 6,065 to 10,113. This represents a total growth of more than 4,000 incidents, or 65 per cent. The increase in criminal incidents across the municipality is therefore considered to be relatively proportionate to the population growth.

Assessment of the number of police in the Melton service area reveals a 9 per cent increase in police officer numbers (from 108 to 118 between 2018 and 2020). During the same period, the population in the City of Melton grew by approximately ten per cent from 156,718 to 172,500 people. This indicates that the population has increased at a rate similar to the number of police officers.

In comparison, data was benchmarked against neighbouring and similar growth and interface municipality, the City of Wyndham, the number of police officers for 100,000 population is slightly higher in the City of Melton. Graphs have been included in the attached analysis to depict this data visually, with further comparisons to the City of Wyndham and Victoria to provide context.

The Victoria Police Corporate Statistics group is required to collect, collate, analyse and disseminate statistical data collected by Victoria Police. The rate of offences per 100,000

population is noted on their website as important as it allows comparisons to be made across different geographical areas and across time, because the population size is taken into account in the calculation. Crime rates also show the likelihood of experiencing a crime in a given area. As shown in graph 2 of the attached analysis, the rate of criminal incidents per 100,000 population is slightly higher for Victoria than for Melton. Further details on the method for provisioning of police numbers for service regions are not published. Officers will request further information on provisioning methods from the central Victoria Police Centre.

The analysis reveals that the police numbers in the City of Melton are relatively proportionate to the growth in population and crime rate across the City of Melton. When compared to neighbouring interface Council area Wyndham, Melton has a slightly higher rate of police numbers by population rate, and a lower crime rate overall. It is noted that the crime rate is not necessarily linked with the number of police, and that other contributing factors need to be considered. An evidence-based approach to community safety, including crime prevention, is outlined in the Council endorsed *Safe City, Proud Communities Plan*.

In addition to the data outlined in the attached analysis, it should be noted that the Victorian Government recently announced an increase to the number of police in the Melton service area. The announcement, dated 3 May 2021, stated that 3,135 new police officers would be deployed across Victoria, with 118 of these in the North West metro region. It is confirmed that nine of the new police officers will be based in the Melton service area, and four will be allocated to the Brimbank service area. The two regions will also share six new members for crime scene services, five extra highway patrol members and a new officer for the sexual offences and child abuse team. Chief Commissioner Shane Patton noted “the additional officers will allow Victoria Police to have a greater community presence, and the new members will start being posted to the local commands from October 2021.”

With consideration of the recent announcement and findings from the data analysis, Council officers will prepare a letter to the appropriate Ministers advocating for further police.

3. Council and Wellbeing Plan Reference and Policy Reference

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives
 - 1.2 *A safe and equitable community.*

4. Financial Considerations

There is no additional cost related to this report.

5. Consultation/Public Submissions

Victoria Police, and the Safe City Advisory Committee were consulted in the development of this Council report.

6. Risk Analysis

Nil

7. Options

Not applicable.

LIST OF APPENDICES

1. Analysis police numbers, crime rate and population increases, City of Melton, - dated May 2021

The meeting was adjourned at 8:03pm.

The meeting resumed at 8:17pm

12.8 COMMUNITY VISION: 'MELTON CITY 2041—THE CITY WE CREATE'

Author: Michelle Venne-Rowe - Social Planning Officer
Presenter: Troy Scoble – Acting General Manager Community Services

PURPOSE OF REPORT

To present the Community Vision: 'Melton City 2041—The City We Create' and seek Council adoption.

RECOMMENDATION:

That Council:

1. Receive the Community Vision: 'Melton City 2041—The City We Create' and the public submissions report
2. Adopt the Community Vision: 'Melton City 2041—The City We Create', as attached at **Appendix 1**.

Motion

Crs Ramsey/Shannon

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

'Melton City 2041—The City We Create' is the Community's Vision for the City of Melton. It was developed by our community, for our community. It will help shape the future of the City of Melton by clearly outlining aspirations and priorities for what the community wishes to see achieved in the next two decades.

Melton City 2041 ensures that the community's voice, needs and aspirations are at the heart of Council's work. It provides a long term vision for the municipality along with five themes for achieving that vision that are based on evidence of current and future needs, as well as in depth community consultation.

The Community Vision is now legislated to be incorporated into Council planning and decision making. Under the *Local Government Act 2020*, the Community Vision will guide Council's work through the development and implementation of its Council and Wellbeing Plan, Asset Plan and Financial Plan.

This report presents the final Community Vision: 'Melton City 2041—The City We Create', together with the public submissions report, for Council's adoption.

2. Background/Issues

The first Community Vision, 'Melton City 2036—The City We Imagine', was endorsed by Council at the 6 February 2017 Council Meeting. At this time, Council committed to update it every four years.

'Melton City 2041—The City We Create' includes changes based on community feedback. The main change is a refresh of the themes, with the addition of 'our actively engaged people' now becoming a central theme in its own right.

The content was also updated to reflect the contributions of the City of Melton Community Panel and broader community consultation. Recent changes to the *Local Government Act 2020* and alignment with strategic Council documents have also been incorporated. Other minor changes in language and the general layout of the document have also been updated.

Council accepts responsibility for carriage of the Community Vision despite it technically being owned by the community.

Melton City 2041 will:

- help shape the future of the City of Melton, by outlining community aspirations and priorities
- establish the long term (20 year) community expectations for the municipality, along with five liveability themes for achieving it
- inform the work of Council.

The five themes are:

- Theme 1: Our Socially Connected City
- Theme 2: Our Thriving Natural Environment
- Theme 3: Our Well-Built City
- Theme 4: Our Strong Local Economy
- Theme 5: Our Actively Engaged People.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

5.1 Deliberative engagement and effective communication with the community that informs planning and decision making.

4. Financial Considerations

The costs associated with this project have been approved as part of Council's operational budget.

5. Consultation/Public Submissions

Early in 2020, the community was invited to help reshape the original 'Melton City 2036—The City We Imagine'. In March 2020, the sudden impact of COVID-19 meant that scheduled face-to-face community discussions and engagement went almost exclusively

online. Over 500 community members shared what they love about living in the City of Melton and critiqued what needed to be updated and revisited from the original Community Vision.

In February 2021, Council engaged a Community Panel to provide input into the development of four strategic documents, of which the Community Vision was one of them.

The Community Panel was asked to deliberate on the question of ‘what are our aspirations for the growing City of Melton in 2041 and how should we prioritise and resource in order to get there?’ In response to this remit, the Community Panel created the vision statement and title for Melton City 2041.

Other data sources and engagement used to shape the Community Vision included online forums, the Annual Household Survey, participation in community workshops and input provided at community festivals and events (pre March 2020).

Public Exhibition

Three submissions were received during the public exhibition period. Among these, general agreement and support for Melton City 2041 is noted, with two submissions also utilising the opportunity to raise concerns about traffic and the absence of a local school and local shops as part of their general feedback. These concerns were referred to City Strategy and Engineering Services for consideration. Further detail in relation to these submissions is provided at **Appendix 2**.

6. Risk Analysis

The delivery of a Community Vision, to inform Council’s integrated strategic planning, is required under the *Local Government Act 2020*. The risk associated with not adopting Melton City 2041 is that Council will not meet its legislative requirements.

7. Options

That Council:

1. adopts the Community Vision: ‘Melton City 2041—The City We Create’.
2. does not adopt the Community Vision: ‘Melton City 2041—The City We Create’.

LIST OF APPENDICES

1. Community Vision: 'Melton City 2041-The City We Create' - undated
2. Public Submissions Report - Community Vision: 'Melton City 2041-The City We Create' - undated

12.9 ADOPTION OF 2021/2022 BUDGET; MINUTES OF THE SECTION 223 SUBMISSIONS ADVISORY COMMITTEE HELD 27 MAY 2021

Author: Sam Rumoro - Manager Finance
Presenter: Sam Rumoro - Manager Finance

PURPOSE OF REPORT

To advise Council of the minutes of the Section 223 Submissions Advisory Committee Meeting held on 27 May 2021, on the 2021/2022 Budget.

RECOMMENDATION:

That Council:

1. notes the minutes of the Section 223 Submissions Advisory Committee meeting held Thursday, 27 May 2021.
2. adopts the recommendations contained within the minutes at **Appendix 1**.

Motion

Crs Carli/Vandenberg

That Council:

1. notes the minutes of the Section 223 Submissions Advisory Committee meeting held Thursday, 27 May 2021.
2. adopts the recommendations contained within the minutes at **Appendix 1** with an amendment to part of the Recommendation 4 wording to be:
"That a municipal charge of \$152 for each rateable land (or part) be declared in respect of the 2021/2022 financial year for the purpose of covering some of the administrative cost of the Council."
3. approve an increase in the 2021/22 Budget in relation to the automatic irrigation system for the turf wicket at Hillside Recreation Reserve. It is proposed that the total expenditure allocated to this project be \$30,000 with a \$9,000 contribution be made by the club.

CARRIED

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

For:

Crs Abboushi, Carli, Deeming, Kesic, Majdlik, Ramsey, Shannon, Turner and Vandenberg

Against:

Nil

The Mayor declared the Motion CARRIED

REPORT

1. Executive Summary

At the Meeting of Council held on 12 April 2021, Council reviewed the 2021/2022 Proposed Budget, and resolved that:

- The proposed Budget will be placed on public display in accordance with section 96 of the *Local Government Act 2020* and section 223 *Local Government Act 1989* with submissions being received up until 13 May 2021.
- The Section 223 Submission Advisory Committee consider any submissions made in accordance with Section 223 of the *Local Government Act 1989* and report these submissions to Council.

The Section 223 Submissions Advisory Committee met on 27 May 2021 to hear from the submitters and consider all submissions received.

A total of 22 submissions were received on the 2021/2022 Proposed Budget. Of those submissions 21 were from the public and 1 was a Councillor Initiative referred from budget deliberations.

The Minutes of the Section 223 Submissions Advisory Committee Meeting held on 27 May 2021 are attached at **Appendix 1** and the 2021/2022 Budget at **Appendix 2**.

2. Background/Issues

The Proposed Budget for 2021/2022 was presented to Council at the Meeting of the Council held on 12 April 2021. Council resolved that the proposed Budget be displayed for at least 28 days, inviting public submissions.

Council received a total of 22 submissions on the 2021/2022 Proposed Budget, primarily from ratepayers and organisations seeking an allocation of additional funding for Council facilities and programs.

The Section 223 Submissions Advisory Committee meeting was held on 27 May 2021 to consider the 22 submissions received on the Proposed Budget for 2021/2022. The Committee reviewed the submissions received, of which 4 verbal presentations were made in support of their written submission and recommendations were prepared for consideration in response to every submission.

3. Council and Wellbeing Plan Reference and Policy Reference

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

5. A high performing organisation demonstrating leadership and advocacy: An organisation operating with innovation, transparency, accountability and sustainability
 - 5.3 *Effective civic leadership, advocacy, partnerships and good governance.*

4. Financial Considerations

Costs associated with advertising and exhibiting the 2021/2022 Proposed Municipal Budget have been provided for in the current budget.

5. Consultation/Public Submissions

Council, in accordance with Section 96 of the *Local Government Act 2020* and section 223 of the *Local Government Act 1989*, invited submissions from the community, for consideration by Council on 28 June 2021 before adopting the 2021/2022 Proposed Municipal Budget.

The Section 223 Submissions Advisory Committee considered all submissions received on 27 May 2021 and present tonight recommendations in response to all submissions received before formally adopting the 2021/2022 Municipal Budget.

6. Risk Analysis

Council's process of endorsing the 2021/2022 Proposed Budget and seeking public submissions is in accordance with Section 96 of the *Local Government Act 2020* and section 223 of the *Local Government Act 1989* and poses no risk to Council.

7. Options

It is a legislative requirement under section 94 of the *Local Government Act 2020* to have the 2021/2022 Budget adopted by 30 June 2021.

LIST OF APPENDICES

1. Minutes of the Section 223 Submissions Advisory Committee Meeting - dated 27 May 2021
2. Municipal Budget 2021/22 - undated

12.10 ADOPTION OF REVENUE AND RATING PLAN 2021/22 TO 2025/26

Author: Catherine Nichols - Rates Coordinator
Presenter: Sam Rumoro - Manager Finance

PURPOSE OF REPORT

For Council to consider the adoption of the Draft Melton City Council Revenue and Rating Plan 2021/22 to 2025/26 having received submissions from the community engagement process.

RECOMMENDATION:

That Council:

1. Note the feedback received from the Draft Revenue and Rating Plan 2021/22 to 2025/26
2. Adopt the Revenue and Rating Plan 2021/22 to 2025/26.
3. Write to all respondents from the engagement process thanking them for participating and providing feedback to their submissions.

Motion

Crs Kesic/Turner

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The Draft Melton City Council Revenue and Rating Plan 2021/22 to 2025/26 was presented to Council at its Meeting held on 12 April 2021. Council resolved that the Draft Revenue and Rating Plan be displayed for 28 days and feedback be obtained via a targeted online survey.

Council received a total of three online survey responses. All submissions received were in relation to issues outside of the capacity of the Draft Revenue and Rating Plan.

Responses will be provided to all participants.

2. Background/Issues

Council reviewed the Revenue and Rating Plan 2021/22 to 2025/26 at the Meeting of Council held on 12 April 2021. Council resolved that:-

1. *That the Draft Melton City Council Revenue and Rating Plan 2021/22 to 2025/26 be prepared in accordance with Section 93 of "the Act".*
2. *The Chief Executive Officer be authorised to:*
 - a. *Give 'public notice' of the preparation Draft Melton City Council Revenue and Rating Plan 2021/22 to 2025/26; and*
 - b. *Make available for public inspection a copy of the Draft Melton City Council Revenue and Rating Plan 2021/22 to 2025/26, as set out in the public notice.*

3. Council approve commencement of a community engagement process via a targeted online survey.

Council received a total of three submissions from the online survey conducted on the Draft Plan. The details of the three submissions received are set out in section 5 of this report.

3. Council and Wellbeing Plan Reference and Policy Reference

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

5. A high performing organisation demonstrating leadership and advocacy: An organisation operating with innovation, transparency, accountability and sustainability
- 5.3 *Effective civic leadership, advocacy, partnerships and good governance.*

4. Financial Considerations

There are no financial considerations in relation to this report. The amount of funds raised from Council Rates and Fees and Charges is not a consideration of the plan and as such was not incorporated in the engagement process. The distribution of funds collected across all the rating categories was the key element that was evaluated and considered during the consultation phase for the Draft Plan.

5. Consultation/Public Submissions

As per Council's Community Engagement Policy, Council undertook a participatory engagement process with respect to the Draft Melton City Council Revenue and Rating Plan 2021/22 to 2025/26 which entailed:

- Public notice' of the preparation Draft Melton City Council Revenue and Rating Plan 2021/22 to 2025/26;
- Community engagement via the community website and online platform;
- Sought feedback via a targeted online survey in relation to Councils differential rates.

Following community engagement, Council received the following 3 submissions:

| Submission | Suburb | Rating Category | Agree with current rating categories | Comment | Agree with level of rating categories | Comment | Council comment |
|------------|----------|-----------------|--------------------------------------|---------|---------------------------------------|--|---|
| 1 | Rockbank | Vacant Land | Yes | | No | Urban Growth should be higher rated to discourage land banking and increase speed of development | Urban Growth rates relate to properties with no approved precinct structure plan for development, once there is an approved plan in place they are rated as general or vacant land rate |

| Submission | Suburb | Rating Category | Agree with current rating categories | Comment | Agree with level of rating categories | Comment | Council comment |
|------------|------------------|-----------------|--------------------------------------|---|---------------------------------------|--|---|
| 2 | Caroline Springs | General | No | Categories should reflect the cost of service, not the value of the property or the "capacity to pay" | No | Rates should reflect the cost of service, not the value of the property or the "capacity to pay" | This is outside of Council's capabilities. Council's must rate on the value of properties |
| 3 | Fraser Rise | General | No | Vacant land is too high for those who buy land but have to wait for the land to title before commencing the build | Yes | | Rates are only charged on properties once titles have been issued |

6. Risk Analysis

There is no associated risk to Council as the process complies with requirements of the legislation and is aligned with Council's Community Engagement Policy.

7. Options

It is a legislative requirement for Council to have a Revenue and Rating Plan 2021/22 to 2025/26 adopted by 30 June 2021.

LIST OF APPENDICES

1. Revenue and Rating Plan 2021/22 to 2025/26 - undated

12.11 AMENDMENT C170 TO THE MELTON PLANNING SCHEME - DEVELOPMENT PLAN OVERLAY

Author: Tunc Ozlatif - Strategic Planner
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To consider the Planning Scheme Amendment C170 to the Melton Planning Scheme.

RECOMMENDATION:

That Council:

1. Adopt Amendment C170 to the Melton Planning Scheme as contained in **Appendix 2**.
2. Submit Amendment C170 to the Melton Planning Scheme to the Minister for Planning for approval.

Motion

Crs Carli/Abboushi

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

Amendment C170 to the Melton Planning Scheme proposes to delete redundant Schedules to the Development Plan Overlay (DPO) either partially or in their entirety.

At the Ordinary Council Meeting of Council on 4 February 2019, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C170 to remove redundant planning controls in the Melton Planning Scheme (**Appendix 1**).

Authorisation to prepare the amendment was subsequently submitted to the Minister for Planning on 29 March 2019 and authorisation was received on 13 March 2020.

The amendment was exhibited from 25 February 2021 to 7 April 2021 in accordance with the requirements of the *Planning and Environment Act 1987* and no objections were received.

It is recommended that Council adopt the Amendment (**Appendix 2**) and submit it to the Minister for Planning for approval.

2. Background/Issues

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

- Delete DPO 1 – Melton East Growth Area except for areas identified as Modeina Estate, Burnside and 1-15 Banchory Avenue, Hillside
- Delete DPO 5 – Banchory Grove and Bellevue Hill, Hillside

- Delete DPO 7 – Tenterfield Estate, Burnside Heights
- Delete DPO 8 – 511-531 Taylors Road, Burnside Heights
- Delete DPO 11 – Clarkes Road, Brookfield except the 2-hectare undeveloped portion in the southern part of the precinct
- Delete DPO 12 – West Park Industrial Estate, Truganina
- Delete DPO 13 – Orbis Business Park, Ravenhall
- Delete DPO 15 – Western Highway Restricted Retail Site, Caroline Springs

The DPO has been used in the Melton Planning Scheme as a planning control to coordinate the orderly development and integrated use of new greenfield or vacant urban sites.

However, as areas have become substantially developed over time a number of DPO Schedules no longer serve a purpose. It is necessary to remove the redundant planning controls to reinstate third-party notice and review rights. This will ensure property owners and/or residents who may be impacted by a proposed development are notified of and are also afforded the statutory mechanisms to object to a planning application.

At the Ordinary Meeting of Council on 4 February 2019, Council resolved to seek Authorisation from the Minister for Planning to prepare and exhibit C170 to remove redundant planning controls in the Melton Planning Scheme (**Appendix 2**). Preparation of the amendment was subsequently authorised by the Minister for Planning on 13 March 2020.

The amendment was exhibited from 25 February 2021 until 7 April 2021 in accordance with the requirements of the *Planning and Environment Act 1987* and no objections were received.

Given there have been no objections, there is no requirement to refer Amendment C170 to a Planning Panel.

On this basis it is considered appropriate to adopt the amendment and submit it to the Minister for Planning for approval.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

4. Financial Considerations

Council officer time and resources are involved in the preparation of the amendment. Council is also required to pay the mandatory fees associated with the amendment process. The budget for planning scheme amendments is within the City Design and Strategy unit's recurrent budget.

5. Consultation/Public Submissions

Public Exhibition

Amendment C170 was exhibited from 25 February to 7 April 2021.

Notice of Amendment C170 was given as follows:

- Landowners and occupiers were notified by letter where the DPO was proposed for removal and the land was zoned Residential Zone and greater than 1,500sqm in size.

- Landowners and occupiers were notified by letter where the DPO was proposed for removal and the land was zoned Commercial or Industrial Zone.
- Prescribed Ministers
- Notices were placed in local newspapers; the Melton and Moorabool Star Weekly and the Brimbank and North West Star Weekly.
- In the Government Gazette.
- On Council's website and Melton Conversations page.
- 2 Facebook posts on 22 and 29 March 2021.

Prior to the commencement of the Exhibition period, the COVID-19 Omnibus (Emergency Measures) Bill came into effect on 25 April 2020. This included temporary changes to the *Planning and Environment Act 1987* to allow for documents and notices to be available for inspection electronically and free of charge. The Bill removed the requirement to have a physical copy of the amendment available for viewing at Council offices and provided for Councils to specify their website as the platform for document inspections.

Submissions

No submissions were received in response to the amendment.

6. Risk Analysis

Should Council choose not to Adopt Amendment C170, it would result in future planning applications in the redundant DPO areas to continue to be exempt from third-party notice and review rights where applications may be detrimental to surrounding residents.

7. Options

Council can resolve to either:

1. Adopt Amendment C170 to the Melton Planning Scheme as outlined in **Appendix 2**.
2. Abandon Amendment C170 to the Melton Planning Scheme.

LIST OF APPENDICES

1. Melton City Council - Minutes of the Ordinary Meeting of Council - dated February 2019
2. Amended documents attached - undated

Cr Ramsey left the meeting at 8:41pm.

Cr Ramsey returned to the meeting at 8:42pm.

12.12 PLANNING APPLICATION PA 2020/7146/1 - USE AND DEVELOPMENT OF LAND FOR A RESIDENTIAL VILLAGE AND ASSOCIATED REMOVAL OF NATIVE VEGETATION AT 13-15 DIGGERS REST-COIMADAI ROAD DIGGERS REST AND 23 TAME STREET DIGGERS REST

Author: Simon Temple - Acting Statutory Planning Coordinator
Presenter: Bob Baggio - Manager Planning Services

PURPOSE OF REPORT

To consider and determine the above planning application.

RECOMMENDATION:

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

Motion

Crs Carli/Deeming

That the recommendation be adopted.

CARRIED

REPORT

1. Background

Executive Summary

| | |
|-----------------------|---|
| Applicant: | Prime Equity Group Pty Ltd |
| Proposal: | Use and development of land for a Residential Village and associated removal of native vegetation. |
| Existing Land Use: | Vacant |
| Zone: | General Residential Zone (Schedule 1) |
| Overlays: | Melbourne Airport Environs Overlay (Schedule 2) |
| Number of Objections: | 39 (including a petition) |
| Key Planning Issues: | Increased traffic/congestion Urban Design Neighbourhood character Consistency with state and local planning policy relating to the current and future operations of Melbourne Airport. |
| Recommendation: | Refuse application |

The Land and Surrounding Area

The subject site consists of two separate, adjacent land parcels known as Lot 2 on Plan of Subdivision PS620952J and Lot 2 on Plan of Subdivision PS428824Q. Lot 2 on Plan of Subdivision PS620952J (13-15 Diggers Rest-Coimadai Road Diggers Rest) is located on the southern side of Diggers Rest-Coimadai Road, is irregular in shape and has a total area of 43.4 hectares. Lot 2 on Plan of Subdivision PS428824Q (23 Tame Street) is located at the southern end of Tame Street, is irregular in shape and has a total area of 1.1 hectares.

The surrounding area can be characterised as a mix of rural and residential land use and development. The adjoining land to the north-east contains established residential development in the form of single storey detached brick, weatherboard and colourbond clad dwellings with concrete tiled and colourbond clad roofing along both sides of Tame Street. The Diggers Rest Railway Station is located approximately 180 metres east of the subject land while the Sunbury to Melbourne railway line abuts the eastern boundary of the subject land.

The land further north on the opposite side of Diggers Rest-Coimadai Road also contains established residential development comprising single and double storey detached brick dwellings that form part of the St Genevieve estate. The adjoining land to the south consists of vacant rural land. The adjoining land to west contains two single storey detached dwellings with associated outbuildings and structures in conjunction with the use of the land for rural residential purposes. The adjoining land to the north-west contains eighteen detached single storey dwellings fronting Diggers Rest-Coimadai Road known as former Diggers Rest Army Housing Estate and Administration Building.

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

The Application

The application proposes the use and development for the purpose of a Residential Village and associated removal of native vegetation.

The proposed development is summarised as follows:

- The proposed residential village will occupy the northern half of the subject land and involve the construction of 333 single storey dwellings comprising two bedrooms and two bedrooms and a study (three bedroom) dwellings with associated single car garages. A total of 6 varying dwelling types are proposed, as selected by the resident.
- The dwellings will generally have a height of 5.1 metres.
- External materials and finishes for the dwellings include timber or fibro cement roof and wall cladding with applied paint finish and aluminium framed windows.
- Development of associated community facilities including a Community Clubhouse, Indoor Pool and Gym, Bowling Green, Tennis Courts, Mens Shed and Croquet Green for the exclusive use of residents and visitors to the village.
- The Community Clubhouse will be single storey with a maximum overall height of 9 metres. External materials and finishes include cement rendered walls, lightweight cladding, aluminium framed doors and windows and colourbond clad roofing.
- A total of 91 visitor car spaces are proposed to be provided throughout the site for visitors and staff, which includes 73 spaces adjacent to the community facilities.
- Vehicle access to the subject land will be via a new 7.5-metre-wide road connecting to Diggers Rest Coimadai Road at the northern end of the subject land. The internal road network servicing the village will also consist of a secondary access road (5.5 metres wide) and a series of local access roads (5.5 metres wide).
- The southern portion of the subject land will remain vacant and the applicant has not provided any detail or plans on how this land is to be developed in the future with the exception of the possible future expansion of the proposed residential village if there is sufficient demand.

- The proposed residential village and associated community facilities will be managed and maintained by the operator of the village.
- The removal of native vegetation comprising a patch of plains native grassland and one small scattered immature river red gum tree. No offset is required to be provided as the subject land is located in the Metropolitan Strategic Assessment (MSA) and covered by the Biodiversity Conservation Strategy.
- No subdivision of land is proposed as a part of this application. The applicant has indicated that there is no intention to subdivide the subject land, but to operate the land as a single entity.

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

Planning Controls

| | | |
|-----------------------|--|---|
| Zone | (Clause 32.08 – General Residential Zone) | A permit is required to use and develop land for a Residential Village (Accommodation). |
| Overlays | (Clause 45.08 – Melbourne Airport Environs Overlay (Schedule 2)) | A permit is required to use and develop land for a Residential Village (Accommodation). |
| Particular Provisions | (Clause 52.06 – Car Parking) | One car space for each one- or two-bedroom dwelling, two car spaces for three or more bedroom (including studies as separate rooms) and zero car spaces for visitors to every five dwellings for developments of five or more dwellings. The subject land is located within the Principal Public Transport Network. A total of 423 car spaces are required and provided in the form of single garages and single garages with tandem car spaces. A total of 91 visitor car spaces are provided on the subject land. |
| | (Clause 52.17 – Native Vegetation) | A permit is required to remove, destroy, or lop native vegetation. The subject site is located in the Metropolitan Strategic Assessment (MSA) and covered by the Biodiversity Conversation Strategy (BCS) which means that an offset is not required to be provided for the removal of any native vegetation from the land. However, an assessment by a suitable qualified ecologist, addressing the requirement of the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017). A Biodiversity Assessment Report prepared by a suitably qualified ecologist has been submitted to Council as part of this application. |

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; however, the land is affected by an agreement pursuant to Section 173 of the Planning and Environment Act 1987. The agreement contains several obligations relating to applications for the residential subdivision of the land and restricts the minimum residential lot size to 0.2 hectares (2,000 square metres) per lot.

The proposal does not breach any of the requirements of the agreement as the application is for a residential use and development of the subject land and is not a residential subdivision.

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 (No. 14247 approved 17 November 2020) has been submitted with the planning application.

2. Council and Wellbeing Plan Reference and Policy Reference

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

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

3.1 A City that strategically plans for growth and development.

3.1.4 Advocate and support development and availability of diverse and affordable housing options.

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 39 objections received including a petition containing 54 signatures and an objection from Melbourne Airport Corporation who received notification of the application under Clause 45.08-6 of the Melton Planning Scheme. One submission in support of the proposal was also received.

The grounds of objection may be summarised as follows:

- Insufficient infrastructure to accommodate the proposed development.
- The proposal will have an adverse impact on traffic in the area.
- Tame Street will be used to provide vehicle access to the proposed development.
- The proposal is inconsistent with the purpose of the General Residential Zone (Schedule 1) and the Melbourne Airport Environs Overlay.
- The proposal is contrary to the state planning policies in relation to Planning for Airfields and Airports (Clause 18.04-1S) and Melbourne Airport (Clause 18.04-1R).
- The proposal is inconsistent with the purpose and decision guidelines of the Melbourne Airport Environs Overlay (Schedule 2).
- The proposal does not meet the legal definition for a Retirement Village.
- The proposal is inconsistent with the neighbourhood character of the area.
- Lack of provision of active and passive open space for residents of the village.
- The proposal will result in an increase in crime and drugs.

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

Referral of the application

The application was referred to Council's Engineering (Infrastructure Planning), City Design, City Sustainability and Environment and City Landscape Departments. The application was also required to be referred to the Department of Transport which is a determining referral authority in this case. A complete list of responses is included in **Appendix 5**.

It should be noted that City Design has expressed concerns with the layout of the proposed residential village in relation to the 'back of house' arrangements at the main entry to the village, directly south of the interface with Tame Street and along the southern boundary of the village (northern interface with the balance of the land). City Design has also expressed concerns in relation to the lack of detail as to how the balance of the subject land will be accessed and developed in the future and does not support the solid fencing proposed along the northern boundary of the subject land.

Council's Engineering (Infrastructure Planning) has also expressed concerns in relation to the lack of a footpath being provided for the proposed local roads servicing the village and has requested that a footpath be provided on one side of the local roads. Council's Engineering (Infrastructure Planning) Department does not support the view of the applicant and residents can walk on local roads within the village and argue that this is unsafe for residents of the village and removes the opportunity to provide a safe and active mode of transport for residents of the village.

5. Issues

Planning Assessment

The application proposes the use and development of the subject land for the purposes of a Residential Village comprising 333 dwellings with associated car parking, community and recreational facilities and internal road network.

Under Clause 73.03 of the Melton Planning Scheme, a Residential Village is defined as "*Land, in one ownership, containing a number of dwellings, used to provide permanent accommodation and which includes communal, recreation, or medical facilities for residents of the village*".

The main difference between a Residential Village and a Retirement Village is that a Residential Village is not exclusively restricted to retired people or the aged and is defined to provide affordable housing for people of all ages and all household types. The ownership model for the proposed dwellings will operate similar to Retirement Villages in that people will lease a plot of land from the operator of the Residential Village and construct a house on that plot.

The proposed development will be designed to work in partnership with Homes for Homes with a percentage (0.1%) from the sale of homes built as part of the proposed residential village donated to Homes for Homes for the provision of social housing projects in Victoria.

The proposal is generally consistent with the Planning and Local Planning Policy Framework in relation to the housing. The proposal will provide a diversity of housing type and choice to meet the needs of the community and the subject land is well located in relation to its proximity to public transport (Diggers Rest Railway Station), shops, schools, public open spaces and other community infrastructure.

However, the proposal is inconsistent with the state planning policy relating to Planning for airports and airfields under Clause 18.04-1S and Clause 18.04-1R of the Melton Planning Scheme respectively as the proposal will be incompatible with and prejudice the safety and efficiency of the current and future operations of Melbourne Airport by significantly increasing the number of dwellings that will be directly impacted by aircraft noise. The proposal will also

adversely impact on the curfew free status of Melbourne Airport and prejudice the optimum usage of the airport.

The proposal is also inconsistent with the purpose and decision guidelines of the Melbourne Airport Environs Overlay (Schedule 2) as it be incompatible with the current and future operations of the Melbourne Airport as it will result in a significant number of dwellings being directly exposed to noise generated by aircraft approaching and departing the airport. The proposal is also inconsistent with Clause 1.1 of Schedule 2 which states that the development of two or more dwellings must not exceed a density of one dwelling per 300 square metres. The density of the proposed development is 1 dwelling per 133 square metres (1 dwelling per 43 square metres of the development area) which exceeds the requirements under this overlay.

Melbourne Airport was notified of the application under Section 52 (1) of the Planning and Environment Act 1987 and has lodged an objection to the application. The grounds of objection are outlined in Appendix 4 of this report.

It is noted that the Department of Environment, Land, Water and Planning (DELWP) is currently reviewing the Melbourne Airport Environs Overlay (MAEO) provisions in a few Victorian Planning Schemes including the Melton Planning Scheme. The purpose of the review is to update these provisions in relation to the 20 to 25 Australian Noise Exposure Forecast (ANEF) contour levels resulting from the 2018 Melbourne Airport Master Plan. The updated MAEO will provide certainty by identifying areas with land use and development requirements around the airport for Melbourne Airport's future four-runway layout.

The update is currently going through community consultation and no timeframe has been given in relation to when the update will be completed and the MAEO provisions of the Melton Planning Scheme updated accordingly. However, it is noted that as part of the review and update, the MAEO (Schedule 2) is proposed to be removed from the subject land. This means that a planning permit would no longer be required for the proposed use and development under the Melbourne Airport Environs Overlay and the requirements of the overlay including the number of dwellings per lot and density requirements (1 dwelling per 300 square metres) currently outlined under the overlay would not apply to the proposed development. However, a planning permit would still be required for the proposal under the General Residential (Schedule 1) provisions of the Melton Planning Scheme.

Furthermore, the subject land may still experience some level of aircraft noise even if it is not at the same level that requires a MAEO to be applied to the land even if the MAEO is to be removed from the land. Any land use and development will still be required to comply with the 'N' (number above) Contours which are used by Melbourne Airport to indicate potential daily noise exposure from a single aircraft.

The proposal is inconsistent with the Planning and Local Planning Policy Framework in relation to Urban Design and Neighbourhood Character. The proposal fails to provide an appropriate site responsive design that adequately addresses the opportunities and constraints of the subject land and respects the existing and preferred neighbourhood character of the area.

The layout of the proposed development fails to provide an appropriate site responsive design in relation to the siting and orientation of dwellings directly backing onto the main entrance to the village, areas south of the established residential development in Tame Street and along the southern boundary of the proposal (interface with the balance of the subject land). The proposal will also result in the majority of lots having side frontage comprising high solid fencing to the main boulevard into the residential village. This will result in a poor presentation to the streetscape and an undesirable urban design outcome.

The layout also offers limited landscape opportunities along internal streets with the majority of streetscape landscaping provided within the front yard area of dwellings or within very constrained nature strips.

The proposal is also not considered to be accessible as the residential village will only be accessible to residents and visitors of the village and not the broader community. In addition, the proposal will only occupy the northern portion of the site with no details provided in relation to how the balance (southern portion) of the land will be used or development. This potentially could result in the balance of the land being landlocked which is not considered to be proper and orderly planning under Clause 65 (Decision Guidelines) of the Melton Planning Scheme.

6. Options

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

7. Conclusion

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

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

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

LIST OF APPENDICES

1. Locality Map - dated 11 June 2021
2. Plans to the Proposal - dated February 2021
3. Assessment against Melton Planning Scheme - undated
4. Response to Objections - undated
5. Referral Comments - undated
6. Notice of Refusal to Grant a Permit - undated

12.13 AMENDMENT TO THE MELTON PLANNING SCHEME - MELTON HOSPITAL

Author: Laura-Jo Mellan - Executive Manager Property and Projects
Presenter: Laura-Jo Mellan - Executive Manager Property and Projects

PURPOSE OF REPORT

To consider a proposed Amendment to the Melton Planning Scheme to facilitate the delivery of the Melton Hospital.

RECOMMENDATION:

That Council:

- Provide a letter of support to the Victorian Health Building Authority to apply a Public Acquisition Overlay to part of the land at 245-267 Ferris Road through an Amendment to the Melton Planning Scheme pursuant to s20(4) of the *Planning and Environment Act 1987*, to facilitate the delivery of the Melton Hospital.

Motion

Crs Turner/Vandenberg

That the recommendation be adopted.

CARRIED

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

For:

Crs Abboushi, Carli, Deeming, Kesic, Majdlik, Ramsey, Shannon, Turner and Vandenberg

Against:

Nil

The Mayor declared the Motion CARRIED

REPORT

1. Executive Summary

Melton City Council and the community have been advocating for the provision of a hospital within the municipality for a number of years. In 2018, the Victorian Government committed \$2.4 million to the preparation of a business case for the Melton Hospital. The Victorian Government committed further \$75 million in the 2020/21 and 2021/22 State budget to secure a site and progress the capital planning for the new Melton Hospital.

Melton City Council have received a request from the Victorian Health Building Authority (VHBA), to provide support for an amendment to the Melton Planning Scheme which will apply a Public Acquisition Overlay to part of the property at 245-267 Ferris Road to facilitate the acquisition of the land for a public purpose, namely the new Melton Hospital (**Appendix 1**).

The VHBA have requested that the Amendment be undertaken by the Minister for Planning pursuant to s20(4) of the *Planning and Environment Act 1987* due to the significance of the project. The proposal is consistent with the requirements of the Toolern Precinct Structure Plan and the adopted Cobblebank Metropolitan Activity Centre Urban Design Framework (2019) which identifies the site for health uses.

it is recommended that Council provide a letter of support to the VHBA for the application of a Public Acquisition Overlay to part of the land at 245-267 Ferris Road by undertaking an amendment to the Melton Planning Scheme.

2. Background/Issues

Melton City Council and the community have been advocating for the provision of a hospital within the municipality for a number of years. In 2018, the Victorian Government committed \$2.4 million to the first stage of the Melton Hospital project which was the preparation of a business case. The purpose of the business case was to determine the proposed location, size and range of services the new Melton Hospital will provide.

The Victorian Government committed further \$75 million in the 2020/21 and 2021/22 State budget to secure a site and progress the capital planning for the new Melton Hospital.

In this context, Melton City Council have received a request from the Victorian Health Building Authority (VHBA), to provide support for an amendment to the Melton Planning Scheme which will apply a Public Acquisition Overlay to part of the property at 245-267 Ferris Road to facilitate the acquisition of the land for a public purpose, namely the new Melton Hospital (**Appendix 1**). The Minister for Health has approved the compulsory acquisition of the land.

The VHBA have requested that the Amendment be undertaken by the Minister for Planning pursuant to s20(4) of the *Planning and Environment Act 1987* due to the significance of the project.

Section 20(4) of the *Planning and Environment Act 1987* enables the Minister for Planning to amend a planning scheme, with exemption from notice requirements, if the Minister considers that compliance with any of those requirements is not warranted or that the interests of Victoria or any part of Victoria make such an exemption appropriate.

The request was referred to City Strategy who provided the following response:

'The Cobblebank Metropolitan Activity Centre Urban Design Framework (CMAC UDF) was developed in response to a requirement in the Toolern Precinct Structure Plan (Toolern PSP) that a urban design framework is prepared for the activity centre. Recently, through the State government's metropolitan planning strategy, Plan Melbourne 2017-2050, the activity centre was upgraded to a Metropolitan Activity Centre. The CMAC UDF responded to Plan Melbourne and the Toolern PSP's identification of the need for a health precinct by preparing a land use framework that includes a hospital.'

The CMAC UDF identifies a preferred site for a hospital at the location of 245-267 Ferris Road, Cobblebank, therefore the proposal is consistent with the CMAC UDF, and Council have no objection to the public acquisition overlay to be applied on the subject site'.

Based on the above, it is recommended that Council provide a letter of support to the VHBA for the application of a Public Acquisition Overlay to part of the land at 245-267 Ferris Road by undertaking an amendment to the Melton Planning Scheme.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

Providing support for the amendment has no financial implications for Council as the Amendment process is proposed to be undertaken by the Minister for Planning.

5. Consultation/Public Submissions

No public consultation is required by Council to provide support to a ministerial amendment. However, as outlined in the **Appendix 1**, the VHBA have consulted with the landowner and surrounding landowner in preparing the amendment for the site.

The request was referred to City Strategy who have provided support for the s20(4) Amendment process as the proposal is consistent with the requirements of the Toolern Precinct Structure Plan and the adopted Cobblebank Metropolitan Activity Centre Urban Design Framework (2019), as outlined in section 2 of this report.

6. Risk Analysis

There is no risk associated with this report as it is a letter of support for a site which is subject of the proposed Planning Scheme Amendment consistent with the planning documents which guide the future development of the metropolitan activity centre.

The planning scheme amendment and compulsory acquisition processes will be undertaken by the relevant Ministers and departments of State government.

7. Options

Council has the option to:

1. Provide a letter of support to the Victorian Health Building Authority to apply a Public Acquisition Overlay to part of the land at 245-267 Ferris Road through an Amendment to the Melton Planning Scheme pursuant to s20(4) of the *Planning and Environment Act 1987*, to facilitate the delivery of the Melton Hospital;
2. Not support the amendment and write to the Victorian Health Building Authority advising them of their decision.

LIST OF APPENDICES

1. VHBA Melton Hospital - letter to Melton City Council - dated 18 June 2021

Cr Ramsey left the meeting at 9:13pm.

Cr Ramsey returned to the meeting at 9:14pm.

13. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES AND COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS

Verbal reports were received from Crs Kesic, Ramsey, Vandenberg, Carli, Turner, Deeming, Abboushi, Shannon and Majdlik.

Motion

Crs Carli/Ramsey.

That Council write to Inspector Zorka Dunstan, the Local Area Commander for the Melton Police Service Area to thank her for all her hard work on her departure from that role.

CARRIED

14. NOTICES OF MOTION**14.1 NOTICE OF MOTION 769 (CR SHANNON)****Councillor: Julie Shannon - Councillor****NOTICE:**

That Officers engage with City of Melton school Principals (Primary and Secondary) to discuss the issue of vaping in our community and the best way to address the concern. A report to be provided to a future meeting of Council outlining how Council can support addressing this issue of concern in the future.

Motion

Crs Shannon/Kesic

That Officers engage with City of Melton school Principals (Primary and Secondary) to discuss the issue of vaping in our community and the best way to address the concern. A report to be provided to a future meeting of Council outlining how Council can support addressing this issue of concern in the future.

CARRIED

15. COUNCILLOR'S QUESTIONS WITHOUT NOTICE**15.1 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Ramsey

Can I please receive an update in relation to the status the Western Victoria Transmission Network Project, including the findings of the recent independent assessment undertaken regarding the feasibility of undergrounding of transmission lines?

15.2 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Shannon

In regard to the abandoned shopping trollies situation, have officers been in consultation with retailers and what was the response?

When will the abandoned trollies task force begin, if it hasn't already?

If trolleys have been reported but not collected within 2 days, what is the process for people that may have done that?

15.3 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Vandenberg

What is Council doing to address the concerns of residents not having streets wide enough to accommodate street parking?

What can Council do to prevent streets being blocked by parked cars from residents and blocking access for emergency vehicles?

16. URGENT BUSINESS

As a result of the announcement late last week advising of the selection of Hi-Quality in Bulla as the preferred location for the soil from the west gate tunnel, the CEO raised the matter of Council's potential legal challenge in respect of Ravenhall site to be considered as urgent business.

Procedural Motion

Crs Ramsey/Kesic

That Council accept a motion to receive a report in respect of Planning Scheme Amendment C222 – Ravenhall Toxic Soil – Legal challenge, as an item of Urgent Business.

CARRIED

Procedural Motion

Crs Ramsey/Vandenberg

That Council:

1. consider this matter of Urgent Business in the Confidential Business section of the Council meeting agenda as it contains confidential information on grounds provided in section 3(1) of the *Local Government Act 2020* being:
 - (e) legal privileged information, being information to which legal professional privilege or client legal privilege applies; and
2. change the order of business in Section 17 of the Council Agenda to consider this matter of Urgent Business immediately after Item 17.1-Reconciliation Advisory Committee – Appointment of organisation and community members 2021-2023.

CARRIED

The CEO, Mr Tori, declared a Material Conflict of Interest pursuant to Section 128 of the *Local Government Act 2020* in Item 17.2, 'Chief Executive Officer Review Advisory Committee Meeting Minutes - held 25 May 2021 and 15 June 2021.'

17. CONFIDENTIAL BUSINESS

Procedural Motion

Crs Ramsey/Turner

That pursuant to section 66(1) and (2)(a) of the *Local Government Act 2020* the meeting be closed to the public to consider the following reports that are considered to contain **confidential information** on the grounds provided in section 3(1) of the *Local Government Act 2020* as indicated:

17.1 Reconciliation Advisory Committee - Appointment of organisational and community members 2021-2023

(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;

17.2 Chief Executive Officer Review Advisory Committee Meeting Minutes - held 25 May 2021 and 15 June 2021

(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;

CARRIED

Also to be heard in the Confidential Business section of the meeting are the two matters that Council has previously resolved to consider in this section, being:

- Adoption and Confirmation of the Minutes of the Confidential Business section of the Meeting of Council held on 7 June 2021, referred to Confidential Business at Item 6 of this agenda; and
- Planning Scheme Amendment C222 – Ravenhall Toxic Soil – Legal challenge, referred to Confidential Business at Item 16 of this agenda as it contains Confidential Information on the grounds provided in section 3(1) of the *Local Government Act 2020* as indicated:
(e) legal privileged information, being information to which legal professional privilege or client legal privilege applies.

Procedural Motion

Crs Carli/Ramsey

That the meeting be opened to the public.

CARRIED

18. CLOSE OF BUSINESS

The meeting closed at 10:44pm

Confirmed

Dated this

.....CHAIRPERSON