



MELTON CITY COUNCIL

Minutes of the Ordinary Meeting of the Melton City Council

4 March 2014

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

TABLE OF CONTENTS

1. OPENING PRAYER AND RECONCILIATION STATEMENT	4
2. APOLOGIES AND LEAVE OF ABSENCE	4
3. CHANGE TO THE ORDER OF BUSINESS	4
4. DEPUTATIONS	4
5. DECLARATION OF ANY PECUNIARY INTEREST, OTHER INTEREST OR CONFLICT OF INTEREST OF ANY COUNCILLOR	4
6. ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	4
7. CORRESPONDENCE INWARD	5
8. PETITIONS AND JOINT LETTERS	5
9. RESUMPTION OF DEBATE OR OTHER BUSINESS CARRIED OVER FROM A PREVIOUS MEETING	5
10. PUBLIC QUESTION TIME	5
11. PRESENTATION OF STAFF REPORTS	6
11.1 AUTHORISATION OF AFFIXING THE COMMON SEAL OF COUNCIL	6
For Council to adopt the schedule of documents (Appendix 1) requiring the Common Seal of Council.	
11.2 POLICY REVIEW PANEL MINUTES	9
This report presents to Council Minutes of the Policy Review Panel meeting for adoption of the panels recommendations.	
11.3 MUNICIPAL AUDIT COMMITTEE	40
To advise Council of the minutes of the Municipal Audit Committee meeting held on 12 February 2014 and recommends actions emanating from the minutes.	

-
- 11.4 COUNCIL ANNUAL ACTION PLAN 2013-14 SECOND QUARTER PROGRESS REPORT** **49**
- To provide Council the second quarter update on the progressive achievement of the Council's 2013-14 Annual Action Plan.
- 11.5 MELTON PLANNING SCHEME - AMENDMENT C144 & PA2013/3989 APPLICATION FOR REZONING AT 2-4, 6-8, 24 AND 26 OUTLOOK RIDE AND 2 GUNNAWARRA ROAD, KURUNJANG AND SUBDIVISION AT 6-8, 24 AND 26 OUTLOOK RIDE, KURUNJANG** **89**
- To consider submissions received during the exhibition period for combined Planning Scheme Amendment C144 and Planning Permit PA2013/3989.
- 11.6 PLANNING APPLICATION PA 2008/2070 - DEMOLITION OF A BUILDING (DIGGERS REST HOTEL) AFFECTED BY A HERITAGE OVERLAY CONTROL AT LOT 1 ON PS34396C, NUMBER 1434-1466 CALDER HIGHWAY, DIGGERS REST** **119**
- To consider a planning permit application for demolition of the Diggers Rest Hotel, and to respond to the joint letter tabled at the 17 December 2013 Ordinary Council Meeting.
- 11.7 THE ESPLANADE INTERIM TRAFFIC CALMING - NOTICE OF MOTION 371** **188**
- To respond to Notice of Motion 371 regarding what can be done to improve the safety of road users and the community that live around and along The Esplanade in Caroline Springs.
- 11.8 ENVIRONMENTAL ENHANCEMENT POLICY (EEP) 2013 COMPLIANCE REPORT** **194**
- To inform Council of the outcome of the 2013 Environmental Enhancement Policy, advise that the owners of 40 properties have not complied with the 2013 Environmental Enhancement Policy requirements and seek Council endorsement to issue these property owners with supplementary rates notices.
- 11.9 CLIENT SUPPORT HEATWAVE EVENTS** **201**
- This report is to provide information and to inform Council on the implementation of the Heatwave Guidelines and the HACC support that Council provides on heatwave days.
- 11.10 TAYLORS HILL MEN'S SHED CAPITAL FUNDING OUTCOME** **204**
- To advise Council of the capital funding received through the State Governments Strengthening Men's Shed program.
- 11.11 V8 JET BOATS LEASE** **207**
- To inform Council of the existing Lease conditions and Planning Permit arrangements that are in place for the Jet Sprint Boat Racing at Macpherson Park.

11.12 MUNICIPAL EARLY YEARS PLAN 2014-2017	210
To present the Municipal Early Years Plan 2014-2017 and seek Council's support for endorsement.	
12. REPORTS FROM DELEGATES APPOINTED BY COUNCIL TO OTHER BODIES	233
13. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS	233
13.1 RECORD OF ASSEMBLY OF COUNCILLORS IN ACCORDANCE WITH SECTION 80A(1) OF THE LOCAL GOVERNMENT ACT 1989	234
<ul style="list-style-type: none">• 11 February 2014• 18 February 2014• 25 February 2014• 26 February 2014	
13.2 PUBLIC ADDRESS BY EACH COUNCILLOR	241
14. NOTICES OF MOTION	242
15. COUNCILLOR'S QUESTIONS WITHOUT NOTICE	240
16. MOTIONS WITHOUT NOTICE	240
17. URGENT BUSINESS	240
18. CONFIDENTIAL BUSINESS	241
18.1 MUNICIPAL AUDIT COMMITTEE MINUTES CONFIDENTIAL ITEMS	242
This report advises Council of the "in-camera" minutes of the Municipal Audit Committee meeting held on 12 February 2014 and recommends actions arising from the minutes.	
18.2 THE CITY OF MELTON ARTS AND CULTURE ADVISORY COMMITTEE NOMINATION	246
This report presents to Council for consideration the nomination of a community candidate to join City of Melton Arts and Culture Advisory Committee.	
19. CLOSE OF BUSINESS	257

MELTON CITY COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE MELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC CENTRE, 232 HIGH STREET, MELTON ON 4 MARCH 2014 AT 7.00PM

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

Mr K.Tori, Chief Executive Officer
Mr P.Bean, General Manager Corporate Services
Mr M.Heaney, General Manager Community Services
Mr L.Shannon, General Manager Planning and Development
Mr B.Baggio, Manager Planning
Mr D.Hogan, Manager Customer Engagement
Ms A.Raijer, Communications Coordinator

1. OPENING PRAYER AND RECONCILIATION STATEMENT

The Mayor, Cr Turner 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

Nil.

6. ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Crs Ramsey/Majdlik.

That the Minutes of the Ordinary Meeting of Council held on 4 February 2014 be confirmed as a true and correct record.

CARRIED

7. CORRESPONDENCE INWARD

Nil.

8. PETITIONS AND JOINT LETTERS

Petition received signed with 161 signatories requesting Melton Council seek a meeting as a matter of priority with the Victorian State Government and Minister for Education, Martin Dixon to identify, acquire and establish new State Secondary Schools 7-12 and 10-12 in the Hillside/Taylors Hill/Plumpton/Caroline Springs area.

Joint letters (54) received from residents and Cambridge, Coburn & Watts Residents Association Inc (CCWRA) supporting Council approval to demolish the burnt out remains of the Diggers Rest Hotel.

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

Nil.

10. PUBLIC QUESTION TIME

Name	Question asked of Council
John Southall	In relation to hard waste collection.
Michelle Mendes	In relation to Bulmans Road plan for duplication.
Michelle Mendes	In relation to landscaping of roundabouts on High Street from Coburns Road.
Mario Cachia	In relation to City of Melton Open Space Strategy 2014-2024
A Touvanna	In relation to Boral landfill application.
A Touvanna	In relation to Capital Improved Value (CIV) used in calculation of council rates and what defines an encumbrance.
David O'Connor	In relation to Diggers Rest Hotel planning application for demolition (agenda item 11.6) – timeframe to execute the permit.
Nathan Miles	In relation to Boral landfill application.
Kevin Ramsey	In relation to planning application C144 & PA2013/3989 application for rezoning at 2-4, 6-8, 24 and 26 Outlook Ride and 2 Gunnawarra Road Kurunjang.
Nathan Miles	In relation to Diggers Rest Hotel planning application for demolition (agenda item 11.6) – uses for the current site if demolition application is refused.

11. PRESENTATION OF STAFF REPORTS

Procedural Motion

Crs Ramsey/Borg.

That recommendations as printed in items 11.1, 11.3, 11.4 and 11.12 be adopted in block.

CARRIED

11.1 AUTHORISATION OF AFFIXING THE COMMON SEAL OF COUNCIL

Author: Christie Shields- Governance Officer

Presenter: Peter Bean- General Manager Corporate Services

PURPOSE OF REPORT

For Council to adopt the schedule of documents (**Appendix 1**) requiring the Common Seal of Council.

RECOMMENDATION:

That the Council Seal be affixed to the documentation as detailed in the Schedule for Authorising of Affixing of the Common Seal of Melton City Council dated 4 March 2014 and appended to this report (**Appendix 1**).

Crs Ramsey/Borg. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

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

2. Background/Issues

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

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

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

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

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

The Melton City Council 2013-2017 Council Plan references:

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

4. **Financial Considerations**

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

5. **Consultation/Public Submissions**

Not applicable.

6. **Risk Analysis**

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

7. **Options**

Not applicable.

LIST OF APPENDICES

1. Schedule for Authorising of Affixing The Common Seal

11.2 POLICY REVIEW PANEL MINUTES

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

PURPOSE OF REPORT

This report presents to Council Minutes of the Policy Review Panel meeting for adoption of the panels recommendations.

RECOMMENDATION:

That :-

1. The unconfirmed minutes of the Policy Review Panel Meeting of 12 February 2014 be noted (**Appendix 1**).
2. Council adopt the recommendations of the Committee as detailed in the Minutes appended to this report.

Motion

Crs Majdlik/Carli.

That:-

1. At the next Policy Review Meeting the committee review Council's Local Laws Policy around responsible Dog ownership, particularly around 'Dogs on leash' and 'picking up after your dog' in public areas; and
2. Council consider a potential campaign around these two issues at the upcoming budget deliberations, including more signage to be incorporated in strategic areas to inform residents of their mandatory responsibilities concerning these matters of health and safety.

CARRIED

REPORT

1. Executive Summary

Presented for Councils consideration are the Policy Review Panel Meeting Minutes of 12 February 2014.

At the meeting held on 12 February the panel considered the following:

- Policy Review Terms of Reference
 - o Harness Racing Victoria Grants Program Assessment Panel
 - o The Club – Community Benefit Program Assessment Panel
 - o Community Grants Program – Annual Grants Assessment Panel
 - o Community Grants Program – Monthly Responsive Grant Assessment Panel.
- Policies
 - o Amendment to Development Contributions Policy

2. **Background/Issues**

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

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

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

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

The Melton City Council 2013-2017 Council Plan references:

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

2.6 Ensure timely compliance with statutory and regulatory obligations

4. **Financial Considerations**

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

5. **Consultation/Public Submissions**

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

6. **Risk Analysis**

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

7. **Options**

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

LIST OF APPENDICES

1. Policy Review Panel Minutes 12 February 2014
2. Harness Racing Victoria Grants Program Assessment Panel Terms of Reference
3. The Club - Community Benefit Program Assessment Panel Terms Of Reference
4. Community Grants Program - Annual Grants Assessment Panel
5. Monthly Responsive Grants Terms of Reference
6. Development Contributions Policy

11.3 MUNICIPAL AUDIT COMMITTEE

Author: Cheryl Santoro- Senior Administration Officer
Presenter: Peter Bean- General Manager Corporate Services

PURPOSE OF REPORT

To advise Council of the minutes of the Municipal Audit Committee meeting held on 12 February 2014 and recommends actions emanating from the minutes.

RECOMMENDATION:

That

1. The unconfirmed minutes of the Municipal Audit Committee of 12 February 2014 be noted; and
2. Council endorse the recommended actions detailed in the minutes of the Municipal Audit Committee meeting held on 12 February 2014 (Appendix 1).

Crs Ramsey/Borg. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The unconfirmed minutes of the Audit Committee meeting held on 12 February 2014 are appended to this report as **Appendix 1**. The Committee considered various issues in relation to risk, financial management and governance and the minutes contain recommendations for the consideration of Council.

2. Background/Issues

It is a requirement within the Audit Committee Charter to meet and report its decisions and recommendations to the Council for consideration.

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

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

2.6 Ensure timely compliance with statutory and regulatory obligations

4. Financial Considerations

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

5. Consultation/Public Submissions

The Municipal Audit Committee consists of Councillor Turner, Councillor Majdlik and three independent external audit members Mr Alan Hall as Chairperson, Mr Mark Holloway and Mr Adam Roberts.

6. Risk Analysis

N/A

7. Options

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

LIST OF APPENDICES

1. Audit Committee Minutes

11.4 COUNCIL ANNUAL ACTION PLAN 2013-14 SECOND QUARTER PROGRESS REPORT

Author: Fiona MacPherson- Corporate Policy and Planning Coordinator

Presenter: Maurie Heaney- General Manager Community Services

PURPOSE OF REPORT

To provide Council the second quarter update on the progressive achievement of the Council's 2013-14 Annual Action Plan.

RECOMMENDATION:

That Council receive and note the 2013-14 Annual Action Plan Second Quarter (1 October to 31 December 2013) Progress Report as presented at **Appendix 1**.

Crs Ramsey/Borg. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

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

Each year, Council produces an Annual Action Plan identifying the activities and initiatives that Council will work towards achieving, which respond to the strategic outcomes and strategies identified in the Council Plan. This is aligned with the Council's annual budget development process.

The progressive achievement of the Annual Action Plan is reported at the end of each quarter of the financial year, with a final summary provided at the conclusion of each financial year, through the production of Council's Annual Report.

Appendix 1 provides detail on activity during the second quarter period, 1 October to 31 December 2013, in the progressive achievement of the 2013-14 Annual Action Plan.

2. Background/Issues

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

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

The 2013-14 Annual Action Plan provides 135 actions that Council has committed to deliver. Council provides the community with a quarterly progress reports that supports Council's commitment in providing transparency, through public access, to relevant information, decision making and strategic documents.

Appendix 1 provides a detailed summary on the status of each action in the 2013-14 Annual Action Plan, inclusive of the report period from 1 October to 31 December 2013.

The following table provides summary of progress against actions:

Status	Description	Number of actions
Achieved	The Action is completed.	17
On track	The Action is progressing on target to be achieved within the timeline.	101
Behind Schedule	The Action has been delayed impacting on the current timeframe. An explanation of the cause and remedial action were appropriate is provided in the "comments" column with the revised due date.	17
Postponed	The Action has been deferred for the financial year due to circumstances outside Councils control. An explanation has been provided.	0
Total		135

Key achievements extending from the second quarter progress report include:

- Finalisation of key documents including but not limited to the following:
 - o **City of Melton's Economic Development and Tourism Strategy 2014-2030:**
The strategy focuses on the generation of local jobs across a diverse range of industries through the development of an innovative and skilled local workforce. That supports local sustainability for the City's residents into the future.
 - o **Developer Contributions Policy:**
Given our continued growth as a City, this policy was an integral piece of work that will ensure a consistent approach when negotiating and administering developer contributions in new developments.
 - o **Leadership Development Framework:**
A vital process that will enable the implementation of programs and activities to ensure Council's workforce and culture, has the necessary skills and knowledge to grow capacity and optimum performance of the organisation.
 - o **Melton South Master Plan:**
A Plan that guides the future development of the Melton South Recreation Reserve, which will ensure our community has access to services and opportunities for all to recreate and socialize.
 - o **Design of the Clarkes Road Children's and Community Centre:**
Completion of documentation for a new multipurpose community facility for our expanding community in the suburb of Brookfield. The design provides future kindergarten, childcare, neighbourhood house programs and spaces for our community to learn and socialise.
- Implementation of new program and service initiatives that included:
 - o **Delivery of the 'Active Plus' Program:**
A quit smoking program targeted towards resident's not working full time. The program was part of a study with Victorian University measuring the effectiveness of linking exercise with quitting smoking.

- Community engagement in planning and decision making initiatives included:
 - o **Green Wedge Management Plan for the City's Northern Green Wedge:**
Conclusion of an extensive consultation program that supported the delivery of a Plan that provides a strategic approach for the future development and management of the green wedge zone of the City.
 - o **Retail and Activity Areas Strategy:**
A program of community engagements has seen the development of a Retail and Activity Areas Strategy. The program saw the involvement of retailers, businesses, community organisations, and entertainment providers feed into a Plan that establishes a hierarchy of activity centres within the municipality.

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

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

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability
 - 2.1 *Build community trust through socially responsible governance for long term sustainability*

4. **Financial Considerations**

Initiatives and activities delivered from the Action Plan are contained within Council approved 2013-14 Budget.

5. **Consultation/Public Submissions**

The 2013-17 Council planning process involved extensive consultation of stakeholders including the community, Council staff, government agencies, community organisations and private industry. This process resulted in the publication of the 2013-2017 Melton City Council Plan and 2013-14 Annual Action Plan.

The Second Quarter 2013-14 (1 October to 31 December 2013) Annual Action Plan Progress Report will be published on Council's website in providing information to our community that assists in transparent operations and supports our residents understanding of Council's direction and decisions.

6. **Risk Analysis**

Nil.

7. **Options**

Nil.

LIST OF APPENDICES

1. CAP 2nd Quarter 2013 and 2014 1 October to 31 December 2013

**11.5 MELTON PLANNING SCHEME - AMENDMENT C144 & PA2013/3989
APPLICATION FOR REZONING AT 2-4, 6-8, 24 AND 26 OUTLOOK RIDE AND 2
GUNNAWARRA ROAD, KURUNJANG AND SUBDIVISION AT 6-8, 24 AND 26
OUTLOOK RIDE, KURUNJANG**

Author: Kate Barclay- Senior Development Planner

Presenter: Bob Baggio- Manager Planning

PURPOSE OF REPORT

To consider submissions received during the exhibition period for combined Planning Scheme Amendment C144 and Planning Permit PA2013/3989.

RECOMMENDATION:

That Council request the Minister for Planning to convene a Planning Panel to consider submissions to combined Planning Scheme Amendment C144 and Planning Permit PA2013/3989 following the submission of an approved Cultural Heritage Management Plan (CHMP).

Procedural Motion

Crs Majdlik/Ramsey.

That Council suspend Standing Orders at 7.31pm to consider a late item of correspondence in relation to item 11.5, Melton Planning Scheme – Amendment C144 & PA2013/3989 application for rezoning at 2-4, 6-8, 24 and 26 Outlook Ride and 2 Gunnawarra Road, Kurunjang and subdivision at 6-8, 24 and 26 Outlook Ride, Kurunjang.

CARRIED

Procedural Motion

Crs Ramsey/Majdlik.

That Council resume Standing Orders at 7.39pm.

CARRIED

Motion

Crs Ramsey/Dunn.

That Council defer item 11.5 for no more than three months to continue discussions with the applicant and affected residents.

CARRIED

Cr Borg called for a division of Council.

For:

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

Against:

Cr Borg.

The Mayor declared the division CARRIED.

REPORT

1. Executive Summary

Amendment C144 and Planning Application PA2013/3989 is a combined Planning Scheme Amendment and Planning Permit application for subdivision under Section 96A of the *Planning and Environment Act 1987*.

The amendment proposes to rezone land at 2 – 4, 6 – 8, 24 and 26 Outlook Ride and 2 Gunnawarra Road, Kurunjang from Low Density Residential Zone (LDRZ) to a Residential 1 Zone (R1Z) and to subdivide the land at 6 – 8, 24 and 26 Outlook Ride into residential allotments.

Preparation of the amendment was authorised by the Minister for Planning and the amendment was exhibited from 21 October to 22 November 2013. 76 submissions were received.

It is recommended that Council seek appointment by the Minister for Planning of a Planning Panel to consider submissions received to the amendment, following the submission of an approved Cultural Heritage Management Plan (CHMP).

2. Background/Issues

The Land and Surrounding Area

The subject land consists of three adjoining land parcels – the largest of which fronts the north side of Outlook Ride with rear abuttal to Little Blind Creek, with the two other lots fronting the east side of Outlook Ride.

The largest lot known as 6-8 Outlook Ride has an area of some 4.2ha, while the other two lots known as 24 and 26 Outlook Ride have an area of 5001m² and 5436m² respectively. The total land area is 5.244ha.

The land is on the periphery of an existing low density residential area and more conventional residential areas in Kurunjang. The two smaller lots are in effect part of this low density residential estate while the larger lot currently provides a buffer to conventional residential areas to the north, south and east.

The land is vacant save for an established Buloke tree and a number of planted non-indigenous trees located near the frontage of the larger lot. The land is relatively flat and has been previously used for farming purposes.

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

The Amendment

The amendment seeks to rezone land at 2 – 4, 6 – 8, 24 and 26 Outlook Ride and 2 Gunnawarra Road, Kurunjang from Low Density Residential Zone (LDRZ) to a Residential 1 Zone (R1Z) and to subdivide the land at 6 – 8, 24 and 26 Outlook Ride into residential allotments under Section 96A of the *Planning and Environment Act 1987*.

Planning Controls and History

The land is currently zoned Low Density Residential under Council's Planning Scheme as is the land to the west through to Coburn's Road. Land to the north, south and east is zoned Residential 1.

With recent changes to residential zones under Amendment VC100 in July last year, a planning application can now be made to subdivide the land into minimum 0.2ha lots (given that the land can be connected to reticulated sewerage). Previously the minimum lot size was 0.4ha.

A previous planning permit was issued by Council in March 2004 to subdivide the land into 11 low density lots generally accessed from an internal court. Prior to the expiry of this permit, two of the proposed lots (Lots 10 and 11) were created and each of these lots has been developed with a dwelling and ancillary development. Both of these lots are accessed from Gunnawarra Road which is located off Outlook Ride.

As a requirement of this permit, an s173 agreement was entered into which required (in part) that vehicular access to Lots 1 and 10 be from the proposed internal road and not from Outlook Ride.

Further in March 2012, Council considered a similar request to the current amendment to rezone the land to facilitate its redevelopment into standard residential lots. Council resolved not to support the request, and although no formal grounds were given for the rejection, it is believed that the main concern related to increased traffic and safety issues in proximity to the existing schools on Kurunjang Road and Centenary Avenue which could be exacerbated by this development.

Council resolved at its meeting of 27 August 2013 to seek authorisation to prepare an s96A Planning Scheme Amendment from the Minister for Planning and upon receipt of authorisation, exhibit the amendment application and planning permit in accordance with the *Planning and Environment Act 1987*.

Housing Diversity Strategy

Council is currently undertaking the Melton Housing Diversity Strategy. The Strategy is currently on an extended period of community consultation before it will be further considered by Council.

The draft Strategy provides a twenty year plan that establishes housing needs and identifies suitable locations across the City's established residential areas that can accommodate additional residential development. This will ensure that the municipality can accommodate the future growth of our communities.

The Housing Strategy will also inform the three levels of housing to guide the application of the zones recently released by the Minister for Planning.

The area which is the subject of this amendment is currently identified to be included within the General Residential Zone (GRZ). This zone is similar in many respects to the Residential 1 Zone proposed in this amendment.

*Refer to **Appendix 2** for Rezoning Plan and Indicative Subdivision Layout.*

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

4. Financial Considerations

Council officer time and resources are involved in the preparation and exhibition of the amendment however statutory fees are required from the proponent to assist in defraying these costs. The applicant will bear the costs of a planning panel.

5. Consultation/Public Submissions

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

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

The amendment was on exhibition from 21 October to 22 November 2013, generating 76 submissions which included 2 petitions, one with 29 signatures and the other with 5 signatures.

*Refer to **Appendix 3** for a full table of all submissions received and officer’s comments.*

A summary of the submissions received from landowners and officer’s comments are provided in the table below:

Nature of Concern	Officer’s comment
Significant increase in traffic leading to safety issues	Traffic resulting from the subdivision of this land would have little choice but to travel south along Kurunjang Drive in order to get onto Centenary Drive (the closest connector road) and beyond.
Only one access point to the area is provided from Kurunjang Drive	<p>There are no access points to the north and east because of the Creek and as Council would know the low density residential area to the west is divided into two areas where access is only possible for emergency vehicles. In 2009, Council considered a proposal to re-open Gloaming Ride and Thrice Lane; however it was decided not to proceed at that time, and to reconsider the proposal following the completion of the duplication of Centenary Drive.</p> <p>Notwithstanding, the proponents have submitted a traffic assessment to accompany their proposal. The assessment has undertaken traffic counts in the area and has applied the maximum vehicle movements to be anticipated from this form of development to determine its potential effect on the wider area.</p> <p>The findings confirm that Kurunjang Drive and the local road network can accommodate the increase in traffic anticipated from the development proposed.</p> <p>Kurunjang Drive itself is designed and constructed to take in the order of between 2,000 to 3,000 vehicle movements per day. It is unlikely to reach capacity; with this site possibly representing the last infill site in this area. As a result of this development, daily traffic volumes at the northern end of Kurunjang Drive can be expected to increase to approximately 2,100 vehicles per day.</p> <p>At the peak morning and afternoon periods, vehicles from</p>

	<p>this development would represent only one additional vehicle per minute.</p> <p>Council's Engineering Department concurs with the findings of the independent traffic assessment.</p> <p>In relation to the new access road into Outlook Ride, Officers consider that this road is important to ensure that allotments front the Little Blind Creek and provide surveillance to the Creek. The road is not considered to increase traffic volumes through the Outlook Ride area, the proposed road is likely to be utilised by existing Outlook Ride residents rather than occupiers of the proposed new subdivision area as an exit.</p>
Lack of Public Transport	<p>In relation to the public transport, the subject site has access to public transport with a bus route available in the vicinity being the 458 Kurunjang to Melton Station route located on Centenary Avenue.</p> <p>This is consistent with most urban areas in Melton which are not located in proximity to the rail services.</p>
Lack of Open Space and Footpaths	<p>In relation to Active Open Space, the closest reserves are located along Centenary Avenue, in addition, future active open space reserves will be provided as part of the Melton North Precinct Structure Plan development.</p> <p>The proponent will also be required to pay a monetary contribution towards Public Open Space; this monetary contribution will go towards upgrades or to the additional provision of Open Space in the vicinity of the site.</p> <p>The subject land abuts the Little Blind Creek which contains linear open space through the Kurunjang area. This Linear Open Space will be further extended and enhanced by this proposal.</p> <p>A condition of the subdivision permit also requires pedestrian and bike path to be constructed along the length of the Little Blind Creek in addition to footpaths in all streets.</p>
Neighbourhood Character	<p>The land is currently zoned Low Density Residential under Council's Planning Scheme as is the land to the west through to Coburn's Road. Land to the north, south and east is zoned Residential 1.</p> <p>The land to the west has an existing established character with larger allotments ranging in size between 0.4 hectares and 1.6 hectares.</p> <p>The subdivision proposed identifies allotments ranging in size from 371sqm to 809sqm. The proposed 4 allotments fronting Outlook Ride are proposed to be the largest of the allotments within the subdivision while the smaller allotments are located predominantly towards the east of the subdivision area in proximity to the existing Residential 1 Zoned land.</p> <p>In response to submissions relating to neighbourhood character and size of allotments adjoining the land to the west, Officers consider that there is opportunity to</p>

	<p>consolidate the allotments directly fronting Outlook Ride to better respond to the existing character of the existing low density allotments within Outlook Ride. This would require proposed Lots 72 and 73 and proposed Lots 74 and 75 to be consolidated.</p> <p>Further consolidation of allotments adjoining 10 and 22 Outlook Ride is also considered appropriate to ensure the interfaces between the existing Low Density allotments and the proposed allotments are managed appropriately. This will provide an appropriate transition from the low density sized allotments to conventional residential allotments.</p> <p>The consolidation of allotments would reduce the number of lots to approximately 67.</p> <p>Furthermore, Condition 1 on the proposed planning permit requires a restriction to be placed on the plan of subdivision restricting development to one dwelling per allotment, which will ensure that development is complementary to the surrounding area.</p> <p>Housing and Design Guidelines are also a requirement of the subdivision permit. The guidelines will ensure development on the allotments achieve appropriate design standards, and addresses setback and car parking requirements.</p>
Property Devaluation	Planning consideration cannot be given to property devaluation.
Overdevelopment of Land	<p>The average density across the subdivision is 1:480m².</p> <p>The proposed subdivision represents approximately 14 dwellings per hectare which is considered to be conventional densities.</p> <p>With the reduction of allotments to 67, the density will reduce to approximately 12.8 dwellings per hectare.</p>

A summary of the submissions received from Government bodies and agencies and officer's comments are provided in the table below:

Gov Agency	Submission	Officer's comment
Powercor	No objection to the issue of the planning permit subject to conditions being attached to any planning permit issued.	Conditions to be attached should a permit be approved.
Country Fire Authority (CFA)	No objection to the Planning Scheme Amendment or Planning Permit application.	CFA requirements will be as per Clause 56 of the Melton Planning Scheme which requires conditions to be attached to planning permits for subdivision which relate to hydrants and access to water etc.
Department of Premier and Cabinet (DPC)	The due diligence appears to be incorrect in its findings that a Cultural Heritage Management Plan (CHMP) is not required.	Officers considered that a CHMP is required to be undertaken given the uncertainty surrounding the definition of significant ground disturbance.

Metropolitan Heritage Services – Office of Aboriginal Affairs Victoria	Ploughing does not result in significant ground disturbance as defined under the regulations. The proposed activity is a high impact activity in an area of cultural sensitivity and therefore appears to trigger the requirement for an approved CHMP.	The applicant is prepared to undertake the CHMP prior to the commencement of a Planning Panel. It is recommended that the CHMP be approved and submitted prior to the Panel commencing its functions.
---	--	--

6. Risk Analysis

The risk of not rezoning the land is that it will remain underutilised on the edge of the Melton Township.

7. Options

Council can resolve to either:

- Request that the Minister for Planning establish an independent Panel to consider submissions received in response to combined Amendment C144 and Planning Application PA2013/3989, or
- Abandon the amendment.

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

LIST OF APPENDICES

1. Locality Plan
2. Rezoning Plan and Indicative Subdivision Layout
3. Table of submissions

11.6 PLANNING APPLICATION PA 2008/2070 - DEMOLITION OF A BUILDING (DIGGERS REST HOTEL) AFFECTED BY A HERITAGE OVERLAY CONTROL AT LOT 1 ON PS34396C, NUMBER 1434-1466 CALDER HIGHWAY, DIGGERS REST

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

PURPOSE OF REPORT

To consider a planning permit application for demolition of the Diggers Rest Hotel, and to respond to the joint letter tabled at the 17 December 2013 Ordinary Council Meeting.

RECOMMENDATION:

1. That Council issue a Notice of Refusal for the above proposal on the following grounds:
 1. The proposal is inconsistent with the State Planning Policy Framework, and in particular Clause 15.03-1 of the Melton Planning Scheme, since the proposal does not ensure the conservation of a place of heritage significance.
 2. The proposal is inconsistent with the Local Planning Policy Framework, and in particular Clause 21.03-2 of the Melton Planning Scheme, since the proposal does not protect nor enhance a site of historical sensitivity;
 3. The proposal is inconsistent with the objectives of the Heritage Overlay control affecting the land.
2. That Council respond to the joint letters received in relation to the Diggers Rest Hotel, advising that the planning application PA2008/2070 has been refused, and that Council wishes to continue to work with the owner of the land to explore redevelopment options for the site.

Motion

Crs Carli/Cugliari.

That Council defer item 11.6 for a period not exceeding three months in order to further engage with the developer.

CARRIED

Cr Majdlik called for a division of Council.

For:

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

Against:

Nil.

The Mayor declared the division CARRIED unanimously.

REPORT**1. Background****Executive Summary**

Application No.:	2008/2070
Applicant:	Diggers Rest Properties Pty. Ltd.

- The Diggers Rest Hotel was destroyed by fire on 30 October 2008. A previous planning permit (PA2008/2088) was issued on 9 January 2009 for the partial demolition of the Hotel and propping of walls to accord with a 'make-safe' emergency order issued by Council's Building Department.
- It is now proposed to demolish the burnt out remains of the Diggers Rest Hotel in its entirety on the subject land.
- The site is within the Green Wedge Zone and affected by the Heritage Overlay control and the Melbourne Airport Environs Overlay control under the jurisdiction of the Melton Planning Scheme.
- As a result of public notification of the application, three objections have been received.
- Since the receipt of this planning permit application, there have been numerous structural reports prepared for the remains, indicating that the remaining building is structurally sound.
- Council Officers have attempted to liaise with the owners of the property since the submission of the planning application, and have met with the owners to discuss potential re-development options for the site. The planning application was put on hold pending the submission of plans about potential re-development options for the site, and Council Officers have been awaiting the submission of such plans to progress the application, however, none have been forthcoming.
- Council has recently received 64 joint letters seeking Council to issue an order to demolish the remaining structure on the land, or to determine planning permit application PA2008/2070 in favour of demolition.
- In addition to being encumbered by a Heritage Overlay control, the subject land is identified in Council's Heritage Study as being worthy of local historical significance.
- The use of land for a Tavern is prohibited by the Green Wedge Zone provisions of the Melton Planning Scheme. Any existing use right that the land enjoyed to be used as a Tavern has expired since the use has not been carried out for more than two years.
- The Schedule to the Heritage Overlay control in the Melton Planning Scheme allows for otherwise prohibited uses to be permitted, but this is on the basis that the Heritage place remains and the impact of the proposed use on the heritage place will not be detrimental to the heritage place. Demolition of the heritage place will not allow prohibited uses (such as a Tavern) to be permitted on the land, and other land use options are limited to the extent that they are permitted in the Green Wedge Zone and subject to a planning permit from Council.
- The proposal is not considered to meet the relevant requirements of the Council's Planning Scheme.
- Refusal of the planning application is recommended.

The Land and Surrounding Area

The subject site has an area of 2.77ha and is located on the western side of the Calder Highway, just south of the Diggers Rest township. Other features of the site are as follows:

- The site is irregular in shape.
- The land contains the burnt out remains of the Diggers Rest Hotel, which was destroyed by fire on 30 October 2008. The remains are currently fenced off to prevent unauthorised access into the building.
- The remainder of the land that does not contain the remains of the Diggers Rest Hotel or fencing is vacant.

The surrounding area can be characterised as a mix of rural and residential land use and development. Land immediately to the south and west of the site consists of largely vacant rural land. Land to the east is the Calder Highway, and beyond that, the Calder Freeway, whilst land to the north is generally the approach into the Diggers Rest township, with the Punjel Drive residential area north-east of the site.

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

The Application

The application proposes demolition of the burnt out remains of the Diggers Rest Hotel, in its entirety.

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

Planning Controls

The land is within the Green Wedge Zone and is affected by the Heritage Overlay (Schedule H043) control and the Melbourne Airport Environs Overlay (Schedule 2) control.

There are no permit triggers for the demolition under the requirements of the Green Wedge Zone or the Melbourne Airport Environs Overlay control.

Generally, proposals for demolition do not trigger the need for a planning permit, and this is reinforced by Clause 62.05 of the Melton Planning Scheme, which states that:

“A permit is not required for the demolition or removal of a building or works unless a permit is specifically required for demolition or removal.”

Owing to the presence of the Heritage Overlay control on the land, a planning permit requirement is triggered for demolition by Clause 43.01-1, which stipulates that a permit is required to demolish or remove a building. The purposes of the Heritage Overlay control are:

- *To implement that State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
- *To conserve and enhance heritage places of natural or cultural significance;*
- *To conserve and enhance those elements which contribute to the significance of heritage places;*
- *To ensure that development does not adversely affect the significance of heritage places; and*
- *To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

The following State policies are relevant to this proposal:

- 15.03-1 – *Heritage conservation*

In summary, this policy seeks to ensure the conservation of places of heritage significance. Specific strategies to achieve this objective include the need to:

- *Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value;*
- *Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations;*
- *Retain those elements that contribute to the importance of the heritage place;*
- *Encourage the conservation and restoration of contributory elements; and*
- *Support adaptive reuse of heritage buildings whose use has become redundant.*

The Municipal Strategic Statement (MSS) outlines a number of visions and objectives for the municipality, with one of these objectives being the need “...to protect and enhance areas of environmental, historical and cultural significance and sensitivity.”

2. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan refers to the need to manage our growth and to have a clear vision to connect and develop a sustainable City. To achieve these outcomes, Council aims to strategically plan for a well designed and built City. One of the strategies to achieve this objective (at Clause 1.1.4 of the Council Plan) is to:

“...Partner with stakeholders to take advantage of our local distinctiveness through the conservation, protection and enhancement of heritage features and places...”

3. Financial Considerations

No Council related financial considerations are involved with the application.

4. Consultation/Public Submissions

Public notification of the application

The application was required to be advertised. The advertising was satisfactorily completed, by sending letters to surrounding landowners, placing a sign on the land, and by placing a public notice in the Express Telegraph, and three objections were received, including from the Diggers Rest Residents Association.

The grounds of objection may be summarised as follows:

- The Diggers Rest Hotel is an iconic landmark that is part of the identity of Digger Rest;
- A redeveloped hotel on the site should be permitted that is sensitive to the historical aspects of the previous hotel on the land;
- It is imperative to retain something of the historical integrity of the Hotel;
- Demolition is premature until proper structural assessments have been undertaken;
- The building is architecturally and historically significant.

Council has also recently received 64 joint letters from some residents of Diggers Rest, seeking to have Council issue an order to demolish the remains of the Hotel, or that Council approve planning application PA2008/2070 to allow for the demolition of the building.

The basis on which these orders are sought are that the Hotel was destroyed by fire five years ago, and since that time, the burnt out remains have been left to deteriorate and it is the belief of some residents that the current decaying structure is of no social or historical benefit to the community, and despite the fact that some ideas have been put forward to rebuild the Hotel, none of these suggestions have attracted the necessary interest to make them sustainable.

Referral of the application

Internal

Heritage Advisor	Based upon structural assessments indicating that the building is structurally sound, is not supportive of demolition of the Hotel remains in their entirety, but is receptive to the possibility of a rebuild using the remaining historical fabric.
-------------------------	---

External

Heritage Victoria	Advised that the Diggers Rest Hotel is identified in the Melton Heritage Study as having architectural significance at the local level. Also provided context to the historical significance of the site and recommended that an appropriately qualified heritage consultant should be engaged to assess and record significant materials and construction of the hotel prior to any demolition. It was also recommended that Council consider the development of a heritage interpretation scheme for the site, which details the significance of the Hotel, and that it may also be possible for the footings or the footprint of the goldfields hotel to be retained, interpreted and presented together with details of the places history.
National Trust	The Diggers Rest Hotel is not registered by the National Trust, however it was included in an advocacy project focusing on 'unloved' heritage places.

5. Issues

Planning Assessment

The Diggers Rest Hotel was destroyed by fire on 30 October 2008. A previous planning permit (PA2008/2088) was issued on 9 January 2009 for the partial demolition of the Hotel and propping of walls to accord with a 'make-safe' emergency order issued by Council's Building Department. The owner of the land has now sought a planning permit for the demolition of the remains of the Diggers Rest Hotel in their entirety.

The subject land is affected by a Heritage Overlay control in the Melton Planning Scheme, which triggers the need for a planning permit for demolition, and the Diggers Rest Hotel is cited in the Shire of Melton Heritage Study – Stage 2 as having local historical significance. The statement of significance associated with the Diggers Rest Hotel, as outlined in Council's Heritage Study contains the following summary of significance:

“The Diggers Rest Hotel, at 1434-1466 Calder Highway, Diggers Rest, constructed in 1854, is significant as one of the few Mount Alexander Road goldrush wayside hotels known to survive, and the only known surviving example of the many wayside hotels that were established between towns during the goldrush...” and “...is architecturally significant at a Local level. Although recently burnt and now in a ruinous state, it still demonstrates nineteenth century and interwar design qualities...”

...The hotel is also historically important at the LOCAL level as the place after which the small township of Diggers Rest was almost certainly named.

The Diggers Rest Hotel, Calder Highway, is scientifically significant at a LOCAL level. The site has the potential to provide archaeological evidence that would contribute to the history of the goldrush era.

The Diggers Rest Hotel is socially significant at a LOCAL level as a place which is the recognised locally for its goldrush history, and valued as a place of recreation and community.

Overall, the Diggers Rest Hotel, Calder Highway, is of LOCAL heritage significance..."

Refer to **Appendix 3** for the full citation of the Diggers Rest Hotel as outlined in the Shire of Melton Heritage Study.

At the time of the fire that destroyed the Hotel, the property was subjected to 'interim' heritage controls. Amendment C71 to the Melton Planning Scheme then sought to apply the more permanent heritage controls that affect the land today. Following the fire, the owner of the land made a submission to the Panel associated with Amendment C71, which opposed the inclusion of the Diggers Rest Hotel in the Heritage Overlay, arguing that due to the fire, it was no longer appropriate or required that the site be subjected to a Heritage Overlay control, and that the building was structurally unsound and needed to be demolished.

In determining to recommend that the Heritage Overlay be applied to the site, after the fire, the Panel appointed to consider submissions in relation to Amendment C71 to the Melton Planning Scheme took into consideration the submission of the owner (who argued for demolition and no Heritage Overlay), Council's submission and also conducted an inspection of the Hotel in its ruinous state. The Panel observed that the walls were still standing and the details of construction of the masonry walls or the central two-storey section are clearly visible.

"The Panel considered that the hotel, even in its damaged state remains a historically important building..." owing to its architectural and construction details providing architectural and historical interest, and the site is still of scientific interest in relation to the goldfields era and its history of social significance remains.

The Panel ultimately recommended, and Council and the Minister for Planning agreed during the approval process of Amendment C71 that the site, even in its ruinous state is a place of heritage significance to the municipality and should be retained under the Heritage Overlay as a place of Local historical significance.

Other than the passage of time, nothing has changed in relation to the site, or its level of historic significance. There have been a number of assessments done as to the structural integrity of the building, and the most recent assessment, done on 10 February 2014 has determined that the ruinous building is still structurally sound and that there is no impediment to its rehabilitation.

Refer to **Appendix 4** for the most recent structural report for the Diggers Rest Hotel.

As outlined above, there are a limited number of State and Local Planning Policies applicable to heritage issues. Notwithstanding, it is about quality and not quantity, and both the State and Local Planning Policy Frameworks of the Melton Planning Scheme seek to ensure the retention of places of historic significance. Council's own Council Plan also seeks to conserve places of historic significance. To allow the demolition of the remains of the Diggers Rest Hotel would be contrary to both the State and Local Planning Policy Frameworks of the Melton Planning Scheme, and is also inconsistent with the City of Melton's own Council Plan 2013-2017.

The Heritage Overlay affecting the property also has its objectives in trying to preserve places of historical significance. In this case, the presence of the Heritage Overlay benefits the owner of the land. Given that the land is in a Green Wedge Zone, which prohibits a Tavern (Hotel), and any existing use right enjoyed by the Hotel has extinguished, owing to the passage of time since the fire, if not for the Heritage Overlay, a new application to rebuild a Hotel on the site would have to be refused by Council because it would ordinarily be prohibited by the Melton Planning Scheme. The presence of the Heritage Overlay allows prohibited uses to be established on the land utilising a specific control in the Melton Planning Scheme, related to the historical aspects of the heritage place. Clause 43.01-5 of the Melton Planning Scheme states that:

“...A permit may be granted to use a heritage place (including a heritage place which is included on the Victorian Heritage Register) for a use which would otherwise be prohibited if all of the following apply:

- *The schedule to this overlay identifies the heritage place as one where prohibited uses may be permitted;*
- *The use will not adversely affect the significance of the heritage place;*
- *The benefits obtained from the use can be demonstrably applied towards the conservation of the heritage place...”*

The Schedule to the Heritage Overlay control in the Melton Planning Scheme identifies the site as one where prohibited uses may be permitted. The key aspect of this control in the Melton Planning Scheme is that the benefits from a prohibited use can be “...*demonstrably applied toward the conservation of the heritage place...*”

If the demolition were allowed to proceed, such that no aspect of the heritage place were retained, then Clause 43.01-5 of the Melton Planning Scheme could not apply and the site would be limited to the scope of uses that are permitted within the Green Wedge Zone. If demolition was to occur, and a new application for a Tavern (Hotel) was received, it would have to be refused by Council because such a use is prohibited by the Green Wedge Zone. If the intention is to re-build a new hotel on the site, then it is in the owner’s best interests that such a proposal seeks to include some aspects of the heritage place into the redevelopment proposal so that it can comply with the requirements of the Heritage Overlay control of the Melton Planning Scheme.

Objectors Concerns

In response to the grounds of objection to the demolition, these are generally about the historical aspects of the hotel, the significance of the heritage place and the need to carry out necessary structural assessments of the ruinous structure to ascertain the level of appropriateness to allow for the demolition.

The historical value of the hotel has already been outlined, and reiterated through the presence of the Heritage Overlay on the site, which was reinforced as being appropriate by the Panel recommendation associated with Amendment C71 after the Diggers Rest Hotel was destroyed by fire. Even in its ruinous state, the Diggers Rest Hotel still holds some historical significance at the local level.

There have been at least four structural assessments done in relation to the Diggers Rest Hotel since the fire, and each of these reports has generally concluded that the building is structurally sound and that there should be no impediment to its rehabilitation.

It is understood that the owner of the land was at some stage looking at proposals which sought to rebuild the Hotel on the site, and which retained a substantial part of the fire damaged building, including new additions. Council has previously met with and sent correspondence to the owner of the land seeking their intentions with regards to the site, including the need to submit plans of a redeveloped Hotel, however the owner has not been forthcoming with such plans.

Joint letters seeking demolition

Council has recently received 64 joint letters from members of the Diggers Rest community, seeking Council to make an order to demolish the remaining building on the land on the basis that it is of no social or historical benefit to the community, and it has just been left to deteriorate on the site.

The land is clearly identified in the Shire of Melton Heritage Study as having historical significance, even in its ruinous state. The matter of the fire and the remaining buildings were considered by the Panel appointed to consider submissions related to Amendment C71 to the Melton Planning Scheme, and they considered that the *"...hotel, even in its damaged state, remains an historically important building..."* In adopting Amendment C71, Council and the Minister for Planning agreed at the time.

An options paper for the Diggers Rest Hotel has been prepared by HLDC Pty. Ltd. (funded by Council) which gives a number of redevelopment options for the site, and Council Officers are prepared to work with the owner of the land to obtain a suitable outcome for the site, which seeks to rebuild the hotel, incorporating some of the historical aspects of the building into a re-development, however, no redevelopment plans have been forthcoming at this point in time. If the intention is to rebuild a hotel on the site, the demolition of the ruins cannot be allowed to proceed, since such a use is prohibited by the Green Wedge Zone. The presence of the Heritage Overlay and retention of the historical ruins is required to see a redeveloped hotel erected on the site. There is no structural impediment to the redevelopment of the site.

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 and Overlay provisions and Clause 65 of the Melton Planning Scheme.

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

Therefore, it is recommended that the application for demolition associated with planning permit application number PA2008/2070 be refused.

LIST OF APPENDICES

1. Appendix 1 - Locality Plan
2. Appendix 2 - Plans of proposal
3. Appendix 3 - Diggers Rest Hotel Heritage Study citation
4. Appendix 4 - Diggers Rest Hotel structural report

11.7 THE ESPLANADE INTERIM TRAFFIC CALMING - NOTICE OF MOTION 371

Author: Matthew Hutchinson- Design and Traffic Coordinator
Presenter: Luke Shannon- General Manager Planning and Development

Cr Cugliari left the Chamber at 7.52pm.

PURPOSE OF REPORT

To respond to Notice of Motion 371 regarding what can be done to improve the safety of road users and the community that live around and along The Esplanade in Caroline Springs.

RECOMMENDATION:

That Council;

1. Adopt the proposal outlined in the officer report and refer the project to the capital works program for implementation.
2. Review the traffic conditions along The Esplanade, upon the completion of the Westwood Drive Bridge, and determine if the traffic calming measures are still needed.

Motion

Crs Majdlik/Dunn.

That Council:-

1. Adopt the proposal outlined in the officer report and refer the project to the capital works program for implementation.
2. Review the traffic conditions along The Esplanade, upon the completion of the Westwood Drive Bridge, and determine if the traffic calming measures are still needed.
3. Officers explore the potential for a 40km/h speed limit in The Esplanade in the interim and for it to be reviewed upon completion of the Westwood Drive link over the Kororoit Creek.
4. Include in the proposal of works, more speed signs along The Esplanade, to be included in the Capital Works program.
5. Notify the residents who live on The Esplanade of the outcome of this Motion.

CARRIED

REPORT

1. Executive Summary

At Council's Ordinary Meeting on 17 December 2013, Council resolved:

That:-

1. *Council officers engage with residents who live on or near 'The Esplanade' in Caroline Springs regarding the issues of concern particularly around increased volume of traffic, speeding and hoon driving, poor visibility for pedestrian when crossing the road particularly as the road has several bends, better signage, and the potential for speed treatments for the road; and*

2. *Council officers prepare a report to the next meeting of Council detailing how the road issues mentioned can be improved in safety for both road users and the community that live in and around the area.*

It is recommended that Council implement a series of traffic calming devices along The Esplanade (refer to **Appendix 1**), to address safety and amenity concerns arising from traffic rat-running to avoid traffic signals and school zones in the Caroline Springs Town Centre. The rat-running is resulting in a much higher than expected traffic volume on The Esplanade and high traffic speeds along with associated issues of hooning, congestion and parking.

If the interim traffic calming proposal is adopted, Council will consult with the affected residents as per Council's Traffic Calming Policy on what type of traffic calming devices they prefer and implement them as a temporary solution. Following the Westwood Drive bridge construction Council will monitor the traffic volumes annually. If the trigger volumes are reached a review process and consultation with the affected residents will be undertaken to determine whether to keep or remove the traffic calming devices.

2. **Background/Issues**

The Esplanade traffic calming project was conceived as a result of the increasing number of customer requests and complaints being received in relation to traffic issues within The Esplanade at Caroline Springs. It has been identified that the source of traffic issues such as rat-running, congestion and speeding, is the limited north-south crossings over the Kororoit Creek. Caroline Springs Boulevards is currently the only crossing over the creek that provides a north-south connection to the Caroline Springs Town Centre, Melton Highway, Western Highway and Deer Park Bypass. Accordingly, a portion of Caroline Springs, the entire Burnside Heights and a quarter to half of the Taylors Hill catchment of traffic that would ideally travel north-south via a completed Westwood Drive are forced to travel across to Caroline Springs Boulevard. A portion of this traffic is taking The Esplanade route to avoid the traffic signals and school zones along Caroline Springs Boulevard at the Town Centre.

Council officers had been advising residents in The Esplanade of the fact the Westwood Drive bridge would shortly be constructed and would remove the need for traffic to use this route. The Westwood Drive bridge is the missing link in the future arterial road corridor that provides connection between the Calder Highway and Princess Freeway, linking to Melton Highway, Western Freeway and the Deer Park Bypass. Unfortunately, this project has been halted and will not proceed until after VicRoads have completed an Environmental Effect Statement (EES).

Consequently, traffic will continue to use Caroline Springs Boulevard via The Esplanade and therefore Council officers are proposing to implement traffic calming devices such as speed cushions along the entire length of The Esplanade, as a temporary solution. It is envisaged, that the traffic calming devices will reduce speeding and allow safer pedestrian movements.

The current 85th percentile speed on The Esplanade is 59.3km/hr. This means that 15% of vehicles exceed 59.3km/hr, which is of concern given the 50km/hr speed limit which applies. This is well over the 55km/hr limit for treatment according to Council's traffic calming policy.

An initial concept for the treatments has been drawn up (refer to **Appendix 1**) and once the Westwood Drive bridge is constructed, Council officers will continue to monitor the traffic volumes on The Esplanade in two locations and when volumes are back to an acceptable level for either location a review process will be undertaken to either retain the treatments as a permanent solution or remove them. The current volume on The Esplanade southern section is 4,453 vehicles per day and a satisfactory traffic volume is 3,000 vehicles per day. The northern section volume is 3797 and a satisfactory traffic volume is 2500 vehicles per day, these values will be used as the trigger to review the traffic calming treatments.

More detail on trigger volumes, current volumes and speed is provided in **Appendix 2**.

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

The Melton City Council 2013-2017 Council Plan references:

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

4. **Financial Considerations**

The implementation of the recommended traffic management devices will require funding from Council's Traffic Management Devices Program within the Capital Works Program. The estimated cost of the project is approximately \$50,000.

5. **Consultation/Public Submissions**

Complaints

Over a three (3) year period from 2011, Council have received twelve (12) complaints with ten (10) relating speeding, one (1) relating to parking and one (1) relating congestion and traffic volume increase.

Consultation

If the proposal is adopted by Council, the affected residents will be notified of the outcome and will be asked to comment on what type of traffic calming treatment they would prefer. Once the Westwood Drive bridge is constructed and traffic volumes return to an acceptable level, Council will propose the removal of the traffic calming devices, the affected residents will be notified and will be asked to comment on whether they wish to keep or remove the traffic calming devices.

6. **Risk Analysis**

The risks associated with not adopting and implementing traffic calming along The Esplanade in Caroline Springs would be:

- A crash occurring along a section of road causing an injury to pedestrians and the vehicle occupants.
- Community concern at nothing being done to address the issues of rat-running, speeding and so on.

The risks associated with adopting and implementing traffic calming along The Esplanade in Caroline Springs would be:

- Some of the traffic could attempt to detour through other streets to try to avoid traffic calming devices. However Council Officers believe would be unlikely to occur, due to the circuitous nature of these routes. This issue could be monitored after the installation.
- Residents' not agreeing with the implementation of traffic calming devices in their street.

7. **Options**

Option 1

1. Adopt the proposal and refer the project to the capital works program for implementation.

2. Once the Westwood Drive Bridge is completed, review the traffic conditions along The Esplanade and determine if traffic calming is still needed.

Option 2

Not adopt the proposal and do nothing.

LIST OF APPENDICES

1. The Esplanade - Site and Traffic Calming Map
2. The Esplanade - Traffic Volume, Speeds and Triggers

11.8 ENVIRONMENTAL ENHANCEMENT POLICY (EEP) 2013 COMPLIANCE REPORT

Author: Russell Beer- Environmental Services Coordinator
Presenter: Luke Shannon- General Manager Planning and Development

Cr Cugliari returned to the Chamber at 7.55pm.

PURPOSE OF REPORT

To inform Council of the outcome of the 2013 Environmental Enhancement Policy, advise that the owners of 40 properties have not complied with the 2013 Environmental Enhancement Policy requirements and seek Council endorsement to issue these property owners with supplementary rates notices.

RECOMMENDATION:

That Council;

1. Issue supplementary rates notices to the 40 property owners (see **Appendix 1**) that have not complied with the requirements of the 2013 Environmental Enhancement Policy.
2. Acknowledge the excellent work completed by the vast majority (97%) of rural landholders in managing their land responsibly.
3. Authorise the General Manager Planning and Development to make the final decision of any appeal by a landowner against the notice of non-compliance.
4. Liaise with the Department of Primary Industries to ensure that those non-conforming landowners are held responsible for weed control pursuant to the *Catchment and Land Protection Act 1994*.

Crs Majdlik/Dunn. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

Council's Environmental Enhancement Policy provides eligible rural landowners with a rate rebate to undertake environmental improvement works on their land. In 2013, 97% of eligible properties met the requirements of the policy with only 40 property owners failing to comply with the policy. The policy continues to be well received by landowners within the municipality and is a key method for Council to engage with rural landholders on land management and environmental sustainability issues.

2. Background/Issues

The Environmental Enhancement Policy (EEP), which was first introduced in 1994 and aims to provide rural landholders within the City of Melton with a financial incentive to undertake specified works that will improve the environmental condition of their properties. This incentive is provided as a Rate Rebate. The EEP applies to all rural properties greater than 2 hectares in size and all eligible landowners must participate in the program. The EEP had 1255 participants in 2013.

A review of the Environmental Enhancement Policy was completed by staff and presented to Council at the Ordinary meeting on 30 April 2013. The EEP is a nationally renowned and award winning initiative that puts Council at the forefront of effectively tackling land degradation issues such as weed infestation. Other Councils often examine the EEP to obtain an understanding of how they might improve or implement a similar program.

In early 2013, the Environmental Enhancement Policy and the accompanying 2013 Proposed Works Form were sent to all eligible landowners. Under the policy, each eligible landowner is required to submit a completed Proposed Works Form by 31 March 2013. This form sets out the proposed works to be undertaken by the landowner during the course of the year in order to address land management issues especially those relating to the management of noxious weeds on their land.

Those landowners that did not return their form by the end of March 2013 were contacted by Council officers via telephone and in writing and all efforts were made to encourage landowners to participate in the program. Submitted Proposed Works Forms were assessed by Council officers and written approval sent to landowners. Landowners whose proposed works could not be immediately approved were contacted and amendments to the proposed works were agreed.

In addition, following the review of the Environmental Enhancement Policy review in April 2013, Council resolved to include properties within approved Precinct Structure Plans (PSP). This added an additional 93 properties to the program. These property owners were provided additional time to submit the Proposed Works Forms.

On-site meetings and inspections of properties occurred throughout the year. Those landowners who have successfully undertaken works in accordance with their agreed works form have been provided with correspondence confirming their compliance with the policy and congratulating them on their efforts.

The overall compliance rate for 2013 was 97% of the eligible properties. The compliance rate for the previous ten years has ranged between 88% and 96%.

Many of the property owners who are recommended to receive a supplementary rates notice either failed to undertake any works or insufficient work to control priority noxious weeds on their land. Their failure to effectively manage noxious weeds on their land severely comprises the good work undertaken by adjoining landowners.

The actual number of landowners failing to retain their rate rebate (40) is a positive result considering the EEP applies to 1255 properties. Of the 40 recommended failures, 13 failed to return a Proposed Works Form. This is important to note as those landowners who do not submit a Proposed Works Form automatically have their rate rebate withdrawn. Each landowner who has failed to comply with the EEP will receive a letter from Council with an accompanying supplementary rates notice. The Plan at **Appendix 2** provides an indication as to the location of each relevant property.

Any appeal against the notice of non-compliance will be considered by a panel consisting of the Manager Planning and Environment, the Coordinator Environmental Services and an independent senior officer. The recommendation from this panel will then be reported to the General Manager Planning and Development for final consideration.

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

The Melton City Council 2013-2017 Council Plan references:

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

1.4 Value and protect the natural environment for future generations

4. **Financial Considerations**

Council's current budget allocation for the Environmental Enhancement Policy is \$1,982,000 for the 2013/2014 financial year.

5. **Consultation/Public Submissions**

Extensive consultation has occurred with all landowners who are eligible for the rate rebate. This consultation has been via mail, telephone, email and/or in person.

6. **Risk Analysis**

It is important for Council to administer the EEP fairly and effectively. Failure to effectively deliver and enforce the policy will mean that the program will be significantly undermined, rural land productivity will diminish and environmental and property values will decline.

7. **Options**

Council approval could be given to issue supplementary rates notices to all, some or none of the 40 property owners as detailed in **Appendix 1**.

LIST OF APPENDICES

1. EEP 2013 Compliance Report
2. EEP 2013 Plan

11.9 CLIENT SUPPORT HEATWAVE EVENTS

Author: Judy Leonard- Home Based Services Coordinator
Presenter: Maurie Heaney- General Manager Community Services

Cr Dunn left the Chamber at 8.00pm.

Cr Dunn returned to the Chamber at 8.01pm.

PURPOSE OF REPORT

This report is to provide information and to inform Council on the implementation of the Heatwave Guidelines and the HACC support that Council provides on heatwave days.

RECOMMENDATION:

That Council:

1. Receive and note the report.
2. Explore promotional opportunities for community awareness on heatwave events.

Crs Ramsey/Majdlik. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

This report provides an overview of service delivery to HACC clients on heatwave days and the complementary services that Council provides for those older clients.

2. Background/Issues

During the recent heatwave events in January 2014, Council service unit Community Care and Inclusion implemented local heatwave initiatives and strategies to ensure that clients are safe and provide those clients with additional support when required.

As part of the Victorian Heatwave Strategy, the Department of Health funded 13 pilot projects to develop Heatwave Plans.

These Heatwave Plans were integrated into existing municipal planning processes, such as the Municipal Public Health & Wellbeing Plan and the Municipal Emergency Management Plan. Local Governments engaged with key stakeholders, including Emergency Service providers and community groups and businesses, where they had a contribution to make when the community is affected by a heatwave.

The Department of Health Heatwave Planning Guide was released in July 2009; the Guide is based on the findings and the outcomes of the previous pilot projects highlighted in the report. This Guide is designed to assist Local Governments in addressing heatwave at the community level. It provides Local Government with information and guidance on how to develop a heatwave plan, with a number of actions and recommendations being recommended for Council to incorporate in their heatwave plan.

The objective for Council services and HACC delivery is to clearly identify the following:

- Identify the process for activation for clients or residents;
- Identify 'at risk' groups;
- Communicate clearly to residents and assist them with strategies for looking after themselves;
- Communicate to both clients and Council staff on strategies that will be put in place in the event of a heatwave situation, including the possible changes to service provision; and
- Clearly communicate with and support our 'at risk' clients during heatwave events.

Council's Community Care and Inclusion service unit implemented the heatwave Guidelines in January 2014. These were introduced due to a number of continuous heatwave days and heat health alerts received from the Department of Health. These alerts are issued in order to allow Council to make any preparations necessary to respond to heatwave conditions.

On severe fire rating days, Council HACC services were delivered earlier on that day, and examples of such services are domestic assistance, personal care, volunteer transport, property maintenance and delivered meals. Council staff focused on the monitoring and wellbeing of clients.

During January 2014, there were a number of consecutive heatwave days, with temperatures exceeding 40 degrees. Further strategies were put in place to monitor the wellbeing of clients on these extremely hot days. Council's Community Care and Inclusion staff made an approximate additional 500 calls to clients. Following this process, a 117 Community Care and Inclusion HACC clients received follow up phone calls and checks. Additional welfare checks were also made at the clients' homes.

One client who receives HACC services was identified as an at risk client due to his recent discharge from hospital, living alone and has no family supports. During the heatwave additional visits to his home to monitor his health and wellbeing were conducted. The need for further assistance was identified and was provided such as shopping for food items and medication which was essential during this period.

During this process a number of referrals were taken for personalised alarms and other services. The service unit at the time received a number of compliments for their support and assistance to clients.

Melton Community Safety Register operated also during this time. The Register is a Crime Prevention and Community Care Initiative that is operated by the Melton Police for the benefit of the community. The Melton Community Safety Register was established in March 2007 and is designed to provide a weekly phone call to monitor resident's health and wellbeing.

The Register has approximately 480 clients, and is assisted by 34 volunteers that contact residents regularly via telephone. Welfare phone calls made by the Register average 300 calls per week.

Council will review promotional opportunities for community awareness on heat wave events. This will involve discussion with the Police in regards to the Melton Community Safety Register, and notifications to the community through Council's Moving Ahead publication and website.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

4. Community Health and Wellbeing: A City of people leading healthy and happy lives
 - 4.1 Collaborate for an accessible, integrated and aligned health service system

4. Financial Considerations

There was no financial impact for the implementation of the heatwave guidelines as the resources are incorporated in Community Care and Inclusion service unit operational budget.

5. Consultation/Public Submissions

The Heatwave Guidelines were developed in consultation with key stakeholders, other service providers and internal service units.

6. Risk Analysis

Nil.

7. Options

Nil.

LIST OF APPENDICES

Nil

11.10 TAYLORS HILL MEN'S SHED CAPITAL FUNDING OUTCOME

Author: Coral Crameri- Manager Community Care and Inclusion
Presenter: Maurie Heaney- General Manager Community Services

PURPOSE OF REPORT

To advise Council of the capital funding received through the State Governments Strengthening Men's Shed program.

RECOMMENDATION:

That Council:

1. Receive and note this report.
2. Write to the Hon. Mary Wooldridge MP, Minister of Community Services, thanking the State government for the \$60,000 in funding.

Crs Majdlik/Carli. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

As a result of Notice of Motion 339 and a previous Council report, Council officers submitted an application through the State Government Strengthening Men's Sheds Program. The funding submission has resulted in Melton City Council receiving the amount of \$60,000 towards the construction of a new Men's Shed at Morton Homestead site in Taylors Hill.

This report provides an overview of the Capital Grant funding received from the State Government for Morton Men's Shed.

2. Background/Issues

The Men's Shed movement has grown rapidly over the past five years. Men's Sheds engage men in health promotion activities, skills development and pathways to community participation, education and training.

Men's Sheds create real benefits for local communities by:

- Enabling older men to remain independent, active and healthy;
- Supporting social connectedness through physical and mental health for vulnerable men; and
- Strengthening local communities by engaging men in volunteering.

In August 2009, the Melton Men's Shed opened and became a place for men to come together to capture and share their skills and experiences, and contribute positively to their community and to enhance their health and wellbeing.

A Council report presented on 13 December 2012 provided detailed background on a future Men's Shed that could be located at the Morton Homestead site in Taylors Hill.

After this consideration, through the 2013-14 Budget process deliberations, Council provided an allocation of \$250,000 towards the design and construction of the Men's Shed, to be constructed at the Morton Homestead site in Taylors Hill.

Morton Homestead is the hub for the delivery of Community Care and Inclusion programs and services in the Eastern Corridor. The co-location of a Men's Shed will complement the service delivery model currently in place and enhance referral process, range of programmable spaces, partnership opportunities and overall functionality of the site.

The Shed development on this site will complement the existing setting and will be built in similar character as the current Homestead facility.

The Morton Men's Shed will provide targeted initiatives to address a range of health inequalities and significantly improve quality of life of men and their families including preventative health and education programs, physical activity and health eating initiatives.

The Morton Men's Shed will support the following target populations:

- Adult men
- Male retirees 55 and above
- Men from CALD backgrounds
- Young males
- Clients of Community Centre and Inclusion particularly Planned Activity Group

Council officers provided a Council report to the 13 December 2012 Council meeting, as a result of Notice of Motion 339, with a recommendation to explore funding opportunities with the State Government. Council has been successful in obtaining \$60,000 through the State Government's Strengthening Men's Sheds Program.

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

The Melton City Council 2013-2017 Council Plan references:

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

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

4. **Financial Considerations**

In the current budget, there is an allocation of \$250,000 towards the Men's Shed at Morton Homestead site in Taylors Hill.

The additional \$60,000 has been successful due to the advocacy of Council officers and will offset Council's capital contribution.

5. **Consultation/Public Submissions**

Consultation occurred with State Government departments to determine the best and appropriate funding stream to apply for Capital funding that would benefit Council.

6. **Risk Analysis**

Nil

7. **Options**

Council accept recommendations as presented.

LIST OF APPENDICES

Nil

11.11 V8 JET BOATS LEASE

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

Cr Carli left the Chamber at 8.05pm.

PURPOSE OF REPORT

To inform Council of the existing Lease conditions and Planning Permit arrangements that are in place for the Jet Sprint Boat Racing at Macpherson Park.

RECOMMENDATION:

That:

1. Council receive and note the report.
2. A further report be provided to Council in three (3) months to update on developments with this matter.

Crs Ramsey/Dunn. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

This report is to provide Council with an overview of the current arrangements that are in place at Macpherson Park in regards to Leases and events, specifically for Jet Boats.

The Jet Sprint Boat Racing facility was developed by a local Jet Sprint Boat club in 2001, which operated the track under an arrangement with Council until 2005.

On 25 July 2005, Council entered into a Lease agreement with a provider trading as Melton (Melbourne) Jet Sprint, for the land and the Jet Sprint Boat Racing facility at Macpherson Park Recreation Reserve in Coburns Road, Melton. The permitted use is for all activities usually associated with the running of a Jet Sprint Boat facility and Mud Drag/Tractor Pull events.

The Lease was to be expressed for an initial term of five (5) years, with an option to extend to the provider for a further nine (9) year period.

Subsequently on 8 February 2010, Melton (Melbourne) Jet Sprint requested Council to extend their Lease arrangements within its current provisions.

A subsequent review of the letter from Melton (Melbourne) Jet Sprint and the Lease indicated that the nine (9) year extension to the Lease was validly exercised by Melton (Melbourne) Jet Sprint in 2010 and the Lease will continue until 24 July 2019.

The delay in issuing the Lease documentation is a result of ongoing negotiations surrounding requested changes to the Planning Permit conditions however Melton (Melbourne) Jet Sprint have now abandoned these requested changes and are seeking to finalise discussions and receive from Council the relevant Lease documentation.

The revenue arrangements in respect of this Lease are that Melton (Melbourne) Jet Sprint will pay Council 10% of any gate takings for each event held.

In line with the Planning Permit conditions which form a part of the Lease, Melton (Melbourne) Jet Sprint are allowed to hold up to three (3) Jet Sprint events per year at the

Macpherson Park track, plus one (1) Four Wheel Drive Drag and one (1) Tractor Pull event, however only one (1) Jet Sprint event has been held each year between 2009 and 2012 with the last event being Round 2 of the Australian Formula Jet Sprint Association on 28 and 29 April 2012.

Should Council not wish to continue with the arrangements with Melton (Melbourne) Jet Sprint for the Leasing and use of the MacPherson Park track, Council has three (3) options available;

- Allow the Lease to expire;
- The Lease is terminated by one party, due to a breach by the other party; or
- By agreement between the parties.

There have been no identifiable breaches of the Lease that warrant the termination of the Lease.

2. **Background/Issues**

Current arrangements with lease

Current key arrangements contained within the Lease include:

- Initial term for five (5) years with an option of a further nine (9) year term;
- Council receives 10% of any gate takings per event held;
- Permitted use is all activities usually associated with the running of a 'Jet Sprint Boat facility' and a 'Mud Drag/Tractor Pull Track';
- At the end of the Lease, the portions of the land excavated for the purposes of running a 'Jet Sprint Boat facility' and a 'Mud Drag/Tractor Pull Track' must be reinstated to their original condition as at the date the Tenant commenced occupation of the land (as though no alterations have been made by the Tenant) unless Council agrees otherwise; and
- The tenant may conduct three (3) 'Jet Sprint Boat Races' per year, one (1) 'Four Wheel Drive Drag' and one (1) 'Tractor Pull'.

Past events that have occurred

Events are currently held intermittently and have reduced in numbers over recent years, with the following events being held since 2009:

- 2009 Continental Australian Superboat Championships, held 8 March 2009.
- 2009 World Series V8 Jet boat event, held 29 November 2009.
- 2010 Superboat Sprint Racing event, held 7 March 2010.
- 2011 Superboat Sprint Racing event, held 12 October 2011.
- 2012 Superboat Sprint Racing event, held 29 March 2012.

Permit obligations by the jet boats

Planning Permit PA2000/122 was issued to support the use and development of a Jet Sprint Boat Racing facility in accordance with plans submitted. Key permit obligations include:

- No nuisance or annoyance must be caused by the operation of the use to persons beyond the site;
- The site must be kept in an ordered and tidy state and its appearance must not prejudicially affect the amenity of the area;

- The facility must only be used for the hereby permitted use between the hours of 9.00am to 5.00pm; and
- Each race meeting must be separated by a minimum of four (4) weeks.

Council obligations in regard to the lease

Melton (Melbourne) Jet Sprint club requested an extension to the lease in line with the Lease conditions in February 2010. The tenant's letter dated 8 February 2010, requesting a new Lease for a further nine (9) years, constitutes a valid exercise of the nine (9) year option for renewal. Should Council wish to not continue with the Lease, this can only occur if:

- It expires;
- It is terminated by one party, due to a breach by the other party; or
- By agreement between parties.

There have been no identifiable breaches of the Lease that warrant the termination of the Lease.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

4. Financial Considerations

At present the infrequent activities at the site mean the income derived by Council is minimal or non-existent.

5. Consultation/Public Submissions

Council officers have had discussions with members of the community with them expressing dissatisfaction with the management of the Macpherson Park Jet Sprint Boat Racing venue.

6. Risk Analysis

While there is still interest from small groups of enthusiasts in jet boat activities, general community interest in jet boat and associated activities has waned since its inception at Macpherson Park in 2005.

Given the few events held at the existing jet boat site, there has been little risk associated with the hosting of events, noise generated, traffic and transport plans etc. The most significant risk to Council is the financial risk associated with returning the land to its pre-Lease existing condition in the event the land is not returned to its original condition upon Melton (Melbourne) Jet Sprint vacating the site.

7. Options

Nil.

LIST OF APPENDICES

Nil.

11.12 MUNICIPAL EARLY YEARS PLAN 2014-2017

Author: Leigh Cruickshank- Coordinator Early Years Partnerships
Presenter: Maurie Heaney- General Manager Community Services

Cr Carli returned to the Chamber at 8.09pm.

PURPOSE OF REPORT

To present the Municipal Early Years Plan 2014-2017 and seek Council's support for endorsement.

RECOMMENDATION:

That Council endorse the Municipal Early Years Plan 2014-2017 as presented at **Appendix 1** in the report.

Crs Ramsey/Borg. That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The Municipal Early Years Plan 2014-2017 (MEYP) is a four (4) year strategic document which sets the direction for services which impact on children aged 0-12 years living in the City of Melton.

The MEYP is a local area plan that expresses a vision for children and details key themes and outcomes that have been identified from input and feedback from consultation sessions, and supports the principals of the Melton City Council Plan 2013-2017.

The MEYP is a guide that will assist Council and service providers to work together in partnership to deliver quality learning and support services for children and their families.

Officers presented a summary of the MEYP at a Council briefing on 26 November 2013. The draft MEYP was made available for public comment on Council's website from 10 January 2014 to 12 February 2014, and advertisements in the Leader Newspaper on 14 and 28 January 2014.

Refer to **Appendix 1** for the Municipal Early Years Plan 2014-2017.

2. Background/Issues

Council is required by the State Government to develop and implement a Municipal Early Years Plan for the purpose of providing local strategic direction for the development and coordination of early years services and programs.

A reference group consisting of Council officers, external service providers was established to guide the evaluation of the way forward and establishment of the MEYP. The reference group also considered previous achievements in Municipal Early Years Plans and will be the key group that will monitor the delivery of the MEYP, including its progress via bi-monthly reports to the Early Years Partnership committee.

The development of the MEYP was a consultation process with a number of service providers, Government partners, Council officers and families. Parents were engaged in the process and discussions occurred with cross sector service providers, with them providing feedback to the Early Years Partnership committee on their thoughts of what is important to children and families living in the City.

From the consultation the community demonstrated that early years services were well regarded within the City of Melton and Council had supported programs in the way of new facilities and services being provided within the municipality.

In drafting the MEYP, there was a general consensus that five (5) themes were identified as priority for the next four (4) years.

Theme 1 – Growing Up Happy and Healthy

Outcome: There is a partnership approach to supporting the happiness, health and wellbeing of all children. Childhood is recognised as a time for laying the foundations of future health, ensuring that children are educated about behaviours that promote healthy lifestyles

Theme 2 – Shaping Our City

Outcome: Children are recognised as having opinions and processes are in place to engage them and ensure their voices are heard. Children are included in community consultation about issues that affect them.

Theme 3 – Our Learning and Development

Outcome: Ensure the potential of every child is maximised by working together to support their learning and development.

Theme 4 – What Our Families Need

Family strengths are supported and they have the information to access the services they need for their children.

Theme 5 – Our Community

Outcome: the City of Melton community is inclusive, connected and child friendly, providing opportunities for children and families to be active participants.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

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

4. Financial Considerations

There will be no additional funding required from Council to deliver the initiatives required in the MEYP. The Plan will be implemented over this term via the recurrent budget processes that are already in place within various service units within Council.

5. Consultation/Public Submissions

The development of the MEYP was informed by a comprehensive engagement process consisting of:

- 370 Parent/Carer Community snapshot surveys completed.
- Participation of thirty (30) parents and carers in six (6) small group discussions.

- Discussion with a cross sector of service providers across seven (7) network meetings.
- Feedback from the Early Years Partnership committee and the Municipal Early Years Plan reference group members.
- Council staff including Municipal Early Years Plan Children's Services Champions group.

Officers presented a summary of the Municipal Early Years Plan 2010 – 2013 evaluation and themes of the MEYP at the 26 November 2013 Council briefing.

The draft MEYP was made available for public comment on the Council website from 10 January 2014 until 12 February 2014 with advertisements in the Leader newspaper on 14 and 28 January 2014.

Council was not provided with any feedback from the community after this process.

6. **Risk Analysis**

Endorsement of the MEYP will ensure that Council fulfils its responsibility to provide leadership and strategic direction for the provision of early years services within the City.

7. **Options**

Nil.

LIST OF APPENDICES

1. Municipal Early Years Plan 2014-2017

12. REPORTS FROM DELEGATES APPOINTED BY COUNCIL TO OTHER BODIES

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

Cr Ramsey presented to the Mayor the LGPro Professional Award for 'Children in Decision Making'.

Cr Borg left the Chamber at 8.20pm.

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

- 11 February 2014
- 18 February 2014
- 25 February 2014
- 26 February 2014

RECOMMENDATION:

That the Record of Assembly of Councillors attached to this Agenda dated 11 February, 18 February, 25 February and 26 February 2014 be received and noted.

Crs Ramsey/Majdlik. That the recommendation be adopted.

CARRIED

LIST OF APPENDICES

1. 11 February 2014
2. 18 February 2014
3. 25 February 2014
4. 26 February 2014

13.2 PUBLIC ADDRESS BY EACH COUNCILLOR

Cr Ramsey addressed the Chamber in respect of a variety of matters of significance.

Cr Borg returned to the Chamber at 8.25pm.

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

Motion

Crs Turner/Cugliari.

That Council write to Lydia Lassila congratulating her on her bronze medal success at the SOCHI 2014 Winter Olympic Games.

CARRIED

14. NOTICES OF MOTION

Nil.

15. COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Ramsey requested information regarding the Councillor briefing on the Boral landfill application and Councillors ability to express an opinion prior to the consideration of a council report.

16. MOTIONS WITHOUT NOTICE

Nil.

17. URGENT BUSINESS

Nil.

Cr Cugliari left the Chamber at 8.38pm and took no further part in the meeting.

18. CONFIDENTIAL BUSINESS

Procedural Motion

Crs Majdlik/Carli.

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

18.1 Municipal Audit Committee Minutes Confidential Items

This report is confidential in accordance with s89(2)(f) as it relates to matters relating to legal advice

18.2 The City of Melton Arts and Culture Advisory Committee Nomination

This report is confidential in accordance with s89(2)(b) as it relates to a matter which council considers prejudicial to council or any person.

CARRIED

Procedural Motion

Crs Majdlik/Borg.

That the meeting be opened to the public.

CARRIED

19. CLOSE OF BUSINESS

The meeting closed at 8.44pm.

Confirmed

Dated this

.....CHAIRPERSON