



## **MELTON CITY COUNCIL**

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**Notice is hereby given that the Ordinary Meeting of the Melton City Council will be held in the Council Chamber, Civic Centre, 232 High Street, Melton on 24 July 2017 at 7.00pm.**

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### **AGENDA**

**Kelvin Tori  
CHIEF EXECUTIVE**

## Visitors to the Gallery please note:

Proceedings at Council meetings are controlled by the Chairperson. The Chairperson is empowered to enforce the provision of Council's Local Law, which includes the following aspects:

- **Silence** must be maintained by members of the public in the gallery at all times. A visitor to the gallery must not interject or take part in the debate that occurs in the Chamber.
- Members of the public in the gallery must not operate **recording equipment** at a Council or Special Committee Meeting without the prior written consent of Council.
- **Question time** is available at every Ordinary Meeting to enable members of the public to address questions to Council. All questions must be received by the Chief Executive Officer or other person nominated for this purpose no later than:
  - i) 5 pm on the day of the Ordinary Meeting if questions are submitted into the receptacle designated for public questions outside the Council Chamber
  - ii) 5pm on the day of the Ordinary Meeting if questions are submitted by electronic medium as per Council website directions.

A person must not submit more than two (2) individual questions at a meeting, inclusive of all parts and variants as interpreted by the Chairperson or other person authorised for this purpose by the Chairperson. The person directing the question must be present in the gallery at the time the question is to be dealt with for it to be valid.

- It is an offence for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave the meeting when requested by the Chairperson to do so.  
Penalty: 20 Penalty Units
- It is an offence for any person to fail to obey a direction of the Chairperson relating to the conduct of the meeting and the maintenance of order.  
Penalty: 20 Penalty Units

A penalty unit for a Local Law made under Part 5 of the *Local Government Act 1989* is \$100 in accordance with s110(2) of the *Sentencing Act 1991*.

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**1. OPENING PRAYER AND RECONCILIATION STATEMENT**

The Chairperson will read the opening prayer and reconciliation statement.

**Prayer**

'Almighty God we humbly beseech Thee to vouchsafe Thy blessing upon this Council, direct and prosper its deliberations to the advancement of Thy glory and the welfare of the people whom we serve – Amen.'

**Reconciliation Statement**

Melton City Council acknowledges that the land it now occupies has a history that began with the Indigenous occupants, the Kulin Nation. Council pays its respects to the Kulin Nation people and their Elders and descendants past and present.

**2. APOLOGIES AND LEAVE OF ABSENCE**

The Chairperson will call for any apologies received from any Councillors who are unable to attend this meeting.

**3. CHANGES TO THE ORDER OF BUSINESS****4. DEPUTATIONS****5. DECLARATION OF ANY PECUNIARY INTEREST, OTHER INTEREST OR CONFLICT OF INTEREST OF ANY COUNCILLOR**

Pursuant to Section 77A, 77B, 78 and 79 of the Local Government Act 1989, any Councillor must declare any direct or indirect interest, and any conflict of interest, in any items contained within the Notice Paper.

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

That the Minutes of the Ordinary Meeting of Council held on 26 June 2017 and Special Meeting of Council held on 10 July 2017 be confirmed as a true and correct record.

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

- 26 June 2017 Record of Assembly of Councillors
- 3 July 2017 Record of Assembly of Councillors
- 10 July 2017 Record of Assembly of Councillors
- 17 July 2017 Record of Assembly of Councillors

**RECOMMENDATION:**

That the Record of Assembly of Councillors dated 26 June, 3 July, 10 July and 17 July 2017 attached to this Agenda be received and noted.

**LIST OF APPENDICES**

1. 26 June 2017 Record of Assembly of Councillors
2. 3 July 2017 Record of Assembly of Councillors
3. 10 July 2017 Record of Assembly of Councillors
4. 17 July 2017 Record of Assembly of Councillors



**8. CORRESPONDENCE INWARD**

**8.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR**

- The Hon Luke Donnellan MP – Minister for Roads and Road Safety, Minister for Ports – Intersection of High Street and Coburns Road, Melton.

**RECOMMENDATION:**

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

**LIST OF APPENDICES**

1. Correspondence Inwards - The Hon Luke Donnellan MP - dated 16 June 2017

**9. PETITIONS AND JOINT LETTERS**

The Chief Executive will table any petitions and/or joint letters received prior to this meeting.

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

Nil.

**11. PUBLIC QUESTION TIME**

## 12. PRESENTATION OF STAFF REPORTS

### 12.1 AUTHORISING THE AFFIXING OF THE COMMON SEAL OF COUNCIL

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

#### PURPOSE OF REPORT

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

#### RECOMMENDATION:

That the Council Seal be affixed to the documentation as detailed in the Schedule for Authorising of Affixing of the Common Seal of Melton City Council dated 24 July 2017.

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#### REPORT

##### 1. Executive Summary

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

##### 2. Background/Issues

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

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

- a. bear the name of the Council (which name may refer to the inhabitants of the municipal district) and any other word, letter, sign or device the Council determines should be included
- b. be kept at the Council office
- 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 authorised officers who must be present and sign every document to which the common seal is affixed.

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

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

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

##### 4. Financial Considerations

There are no financial considerations 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 - dated 24 July 2017

## 12.2 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

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

### PURPOSE OF REPORT

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

### RECOMMENDATION:

That Council:

1. note the minutes of Advisory Committee meetings at **Appendix 1, 2, 3, 4, 5 and 6**
2. adopt recommendations arising within the Minutes.

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### REPORT

#### 1. Executive Summary

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

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

#### 2. Background/Issues

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

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

Councillor representation on Advisory Committees is generally for one year and is reviewed annually at the Statutory Meeting of Council. Councillor representation on current Council Committees and to other organisations for 2017 were adopted by Council at the Ordinary Meeting held 21 November 2016.

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

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

Meeting Date	Advisory Committee	Attached
17 May 2017	CALDAC Meeting Minutes	Appendix 1
2 June 2017	Road2Zero Advisory Committee Meeting Minutes	Appendix 2
15 June 2017	Heritage Advisory Committee Meeting Minutes	Appendix 3
22 June 2017	Early Years Partnership Committee Meeting Minutes	Appendix 4
22 June 2017	Community Learning Board Meeting Minutes	Appendix 5
26 June 2017	Policy Review Panel Meeting Minutes	Appendix 6

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

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

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

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

### 4. Financial Considerations

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

### 5. Consultation/Public Submissions

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

### 6. Risk Analysis

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

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

### 7. Options

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

**LIST OF APPENDICES**

1. CALDAC Meeting Minutes - dated 17 May 2017
2. Road2Zero Advisory Committee Meeting Minutes - dated 2 June 2017
3. Heritage Advisory Committee Meeting Minutes - dated 15 June 2017
4. Early Years Partnership Committee Meeting Minutes - dated 22 June 2017
5. Community Learning Board Meeting Minutes - dated 22 June 2017
6. Policy Review Panel Meeting Minutes - dated 26 June 2017

## 12.3 MUNICIPAL AUDIT COMMITTEE MINUTES - 28 JUNE 2017

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

### PURPOSE OF REPORT

To present to Council the minutes of the Municipal Audit Committee meeting held on Wednesday, 28 June 2017.

### RECOMMENDATION:

That Council:

1. note the minutes of the Municipal Audit Committee meeting held on Wednesday 28 June 2017
  2. adopt the recommendations arising within the minutes
  3. adopt the reviewed Audit Committee Terms of Reference.
- 

### REPORT

#### 1. Executive Summary

The minutes of the Audit Committee meeting held on 28 June 2017, 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 Terms of Reference of the Municipal Audit Committee to meet and report on decisions and recommendations to the Council of consideration.

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

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

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

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

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

#### 4. Financial Considerations

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



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

The Municipal Audit Committee consists of Crs Carli and Hardy and three independent external members Mr Adam Roberts, Mr Alan Hall and Mr Robert Tommasini.

## **6. Risk Analysis**

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

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

## **7. Options**

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

### **LIST OF APPENDICES**

1. Minutes of Audit Committee Meeting - dated 28 June 2017
2. Audit Committee Terms of Reference - dated 28 June 2017

## 12.4 RESPONSE TO NOTICE OF MOTION 476 - REVIEW OF THE LOCATION OF PUBLIC TOILETS IN THE MUNICIPALITY.

**Author: Adrian Cope - Open Space Planning Coordinator**  
**Presenter: Coral Crameri - Acting General Manager Community Services**

### PURPOSE OF REPORT

To provide Council with a response to Notice of Motion 476 adopted at the Ordinary Meeting of Council held 1 May 2017.

### RECOMMENDATION:

That Council:

1. Note the assessment outcomes undertaken by Officers related to the Notice of Motion 476, and refer the recognised provision gaps outlined within the report to the 10 year Capital Works Program for prioritisation and future consideration.
2. Approve the development of provision guidelines to inform the decision making for future provision of public toilets within public open spaces across the municipality.

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### REPORT

#### 1. Executive Summary

At the Ordinary meeting of Council on 1st May 2017, Council adopted the following motion:

*“That Council officers undertake a review of the location of public toilet facilities within the municipality, and complete an assessment of any obvious service gaps that exist, with recommendations on priority areas for the installation of new public toilet facilities, for report to Council.”*

Whilst there is no policy to determine the future provision and location of public toilets across the municipality, the Council endorsed Open Space Plan 2016 - 2026 and the Landscape Development Guidelines 2010. These strategic documents provide guidelines that refer to the provision of public toilets in open space areas throughout the municipality.

The Landscape Guidelines identifies open spaces categorised as district and / or regional as requiring public toilets. Therefore a comparison of these open spaces to determine any provision gaps was undertaken.

The existing district reserves that do not have public toilets are West Melton Recreation Reserve, Lake Caroline Reserve and Caroline Springs Recreation Reserve.

West Melton Recreation Reserve is a relatively small reserve that has the West Melton Tennis Club associated with it and appears to be utilized by a limited number of the community. Both Lake Caroline Reserve and Caroline Springs Recreation Reserve are located in close proximity to other toilet amenities, such as the Caroline Springs Leisure Centre and Caroline Springs Square and therefore to date have not had public toilets specific to users of those sites constructed.

## 2. Background/Issues

Whilst there is no policy to guide the future provision and location of public toilets across the municipality, the Council endorsed Open Space Plan 2016 - 2026 and the Landscape Development Guidelines 2010. These strategic documents provide guidelines that refer to the provision of public toilets in open space areas throughout the municipality.

These guidelines require the provision of public toilets in district and regional reserves and indicate that public toilets in local reserves should not to be provided. Therefore, for the purposes of this report, a comparison of these open spaces to determine any provision gaps was undertaken.

Council Officers are currently undertaking the development of Urban Design Guidelines and whilst these will not outline provision of public toilets, they may provide a design framework for the implementation or development of public toilets.

### Existing Provision Assessment

The range of public toilet facilities provided throughout the municipality include stand-alone toilets in the urban domain, stand-alone toilets in parks / reserves and under roof line toilet amenities associated with sports pavilions.

There are 32 public toilet amenities located throughout the municipality. In addition, there are public toilet amenities that are provided by private enterprise, generally located in shopping centres that community access as part of utilizing the open space network.

The demand and usage for existing public toilets is unknown as there is currently no mechanisms in place to determine how frequently toilets are being used. Therefore data to inform the future provision at other locations is limited.

There has been nine requests for the installation of public toilets in open space areas since 2010 at the following locations:

- Melton Botanic Garden, Melton (public amenities installed)
- Lake Caroline Reserve, Caroline Springs
- Walhalla Drive Reserve, Eynesbury
- Arbouton Park in the Woodlea estate
- Tenterfield Drive Linear Reserve, Burnside Heights

Of these requests, four have been received for Tenterfield Drive Linear Reserve, three submitted from one organization.

Whilst the Tenterfield Drive Linear Reserve is classified as a local reserve, it has a significant piece of play equipment that was installed by the Developer of the Tenterfield estate. The playspace associated with this equipment includes shelters, barbecues and seating with a shared path that runs along the linear reserve, thereby creating an attractive hub for the community. Anecdotal evidence suggests that this park attracts users from an area that would be considered a 'local' catchment, therefore under the existing guidelines that inform provision, does not require the installation of a public toilet.

Site conditions and availability of services associated with the provision of public toilets are often major constraints to their provision. In regards to the Tenterfield Drive Linear Reserve, the nearest sewage easement is approximately 175 metres to the north, significantly impacting the cost of future provision should it be required.

### **Gaps in Existing Provision Identified**

Council has 27 district and regional parks all having public toilets with the exception of:

- Lake Caroline Reserve which is located in close proximity to Caroline Springs Square
- West Melton Recreation Reserve
- Caroline Springs Recreation Reserve.

West Melton Recreation Reserve is a relatively small reserve that has the West Melton Tennis Club associated with it. Public toilets have not been installed as it appears to be utilized by a limited number of the community.

Both Lake Caroline Reserve and Caroline Springs Recreation Reserve are located in close proximity to other toilet amenities, such as the Caroline Springs Leisure Centre and Caroline Springs Square and therefore to date have not had public toilets specific to users of those sites planned or constructed.

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

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

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

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

### **4. Financial Considerations**

Pending the scale of public toilet amenity required, the provision of toilet facilities can be a significant cost, largely dependent upon the ability to connect to sewerage systems, utilities as well as ongoing servicing costs.

Generally the cost can be anywhere upwards of \$150,000 to \$230,000. The cost of the new facility at the corner of Palmerston/McKenzie Streets, Melton was \$215,258 excluding the cost of connection to services. The ongoing servicing cost at that site is planned at approximately \$190 per week/\$9,880 per annum. This facility has been maintained by the contractor however is about to be handed over to Council. It should be noted whilst this facility has self-cleaning mechanisms, it will be serviced once a day, 7 days a week. The cost of servicing based on existing contract prices is approximately \$11 per service, so a public toilet cleaned every day of the week over 52 weeks is \$4,000 per annum.

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

No community consultation or public submission process has been undertaken to inform the development of this report.

### **6. Risk Analysis**

The risk associated with the provision and under provision of public toilets relate to public satisfaction and Council providing services and infrastructure that is deemed to be value for money by the community.

Provision of public toilets in linear and local reserves will be a high cost and result in an ad hoc provision. The under supply will result in perceptions that Council does not meet the needs of residents and visitors in the municipality.

## **7. Options**

Council has the option to:

1. Note the report.
2. Provide public toilets based on the assessment of requests for provision.
3. Develop specific provision guidelines to inform the decision making for public toilet amenities in the future and take a strategic approach to planning and delivery.

## **LIST OF APPENDICES**

Nil

## 12.5 RESPONSE TO NOTICE OF MOTION 479 - RELOCATION OF CAROLINE SPRINGS WAR MEMORIAL

Author: Matthew Wilson - Manager Community Planning  
Presenter: Coral Crameri - Acting General Manager Community Services

### PURPOSE OF REPORT

To present to Council options in relation to the relocation of the Caroline Springs War Memorial.

### RECOMMENDATION:

That Council:

1. Note the alternate proposed relocation site, as presented at **Appendix 1**.
2. Officers prepare a Council report with detailed costing on the relocation of the existing War Memorial inclusive of traffic implications and an enhanced model of the War Memorial to the proposed location as presented at **Appendix 1**.

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### REPORT

#### 1. Executive Summary

At the 29 May 2017 Ordinary Meeting of Council, Council adopted the following motion:

*'That Council officers identify potential alternate sites, in conjunction with the Caroline Springs RSL Sub-Branch President and committee members, for the Caroline Springs RSL Memorial and report to Council on their assessment of those identified alternate sites.'*

Council is undertaking a project to extend the Caroline Springs Leisure Centre. The Caroline Springs War Memorial located at 9-19 The Parade, Caroline Springs Leisure Centre, Caroline Springs will not be physically impacted by the project and therefore there is no requirement to relocate it.

Consultation with the President, Andrew Marshall, and members of the Caroline Springs RSL Sub-Branch have indicated support for the proposed relocation site at Caroline Springs Civic Centre and Library as detailed in **Appendix 1**.

The proposed site was recommended by Council's officers as being appropriate and accessible for civic presence, a place of reflection, and accommodating for large gatherings.

Officers will need to prepare a further report to Council on the detailed costing on the relocation of the existing War Memorial and an enhanced model of the War Memorial to the proposed location.

#### 2. Background/Issues

Council is undertaking a project to extend the Caroline Springs Leisure Centre. The Caroline Springs War Memorial located at 9-19 The Parade, Caroline Springs Leisure Centre, Caroline Springs, will not be physically impacted by the project and therefore there is no requirement to relocate it.

The War Memorial will be accessible during construction albeit construction will be occurring in close proximity to it for approximately 12-18 months. This may impact the aesthetics of memorial services during this time.

Following the completion of the Caroline Springs Leisure Centre expansion, the site will be fully accessible however the backdrop of the expanded Caroline Springs Leisure Centre may be perceived as unsuitable for memorial services.

Officers have spoken with the President of the Caroline Springs RSL about the potential location identified at the Caroline Springs Civic Centre and Library, as presented at **Appendix 1**. This has been tabled at a committee meeting of the RSL on 3 July 2017. The RSL has confirmed that the proposed site would be suitable.

The site itself was proposed as being appropriate by Council's officers. The team assessed potential locations within the Caroline Springs town centre and noted that this was the only location that met criteria such as accessibility for large gatherings, civic presence, prominence and being an appropriate place for reflection. In addition, as the proposed site is adjacent to the Caroline Springs Boulevard, consideration will need to be given to traffic management during major events such as ANZAC Day. Any alternative sites are likely to be outside of the immediate Caroline Springs town centre.

It was noted that the proposed location is within a site that may be used for future development of civic infrastructure. However, the placement of the War Memorial at the proposed location will ensure that it does not inhibit future development of the site.

The importance of War Memorials in the 21st century is evolving into a function of remembrance, reflection and also education. This has been particularly relevant in the previous few years with the commemoration of the centenary of World War One and the fiftieth anniversary of the Battle of Long Tan. Significant investment has been made in war memorials of local, state and national significance to both restore them and to extend their 'reach' to younger and future generations. This work is particularly important to keep alive the memories of the sacrifice of service personnel in the various conflicts of the twentieth century, and to increase the understanding of the work of the Australian Defence Force in the twenty first century.

With this in mind, Council may wish to consider a strategic approach to the management, preservation, location and improvement of War Memorials across the municipality to ensure that they remain relevant, respected, and accessible for all the community. Any work of this nature would need to be undertaken in conjunction with the RSL and Vietnams Veterans Association and consider advice from the Australian National War Memorial and the Shrine of Remembrance.

The costs associated with the relocation are not yet identified and detailed costing would need to be prepared.

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

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives
  - 1.4 *A resilient community promoting social cohesion.*

### **4. Financial Considerations**

A detailed costing on the relocation of the existing War Memorial and an enhanced model of the War Memorial to the proposed location will need to be prepared.

## 5. Consultation/Public Submissions

Conversation has occurred with the President of the Caroline Springs RSL who has subsequently tabled the proposed location, as presented at **Appendix 1**, to members at the RSL committee meeting on 3 July 2017. If the memorial is to be relocated, the RSL are supportive of the proposed relocation.

## 6. Risk Analysis

Council should consider the appropriateness of the existing location and the proposed location in relation to accessibility and aesthetics as well as the cost implications of relocating the War Memorial.

## 7. Options

Council has the option to:

1. Retain the existing location of the Caroline Springs War Memorial, as it will not be physically effected by the Caroline Springs Leisure Centre expansion.
2. Direct Offices to seek detailed costing of relocating the Caroline Springs War Memorial to the proposed relocation, including details costing to locate the existing War Memorial as is and detailed costing for an enhanced War Memorial.

## LIST OF APPENDICES

1. Proposed site at Caroline Springs Civic Centre and Library for relocation of Caroline Springs War Memorial - undated



## 12.6 RESPONSE TO NOTICE OF MOTION No 486 - USE OF SOCIAL PROCUREMENT CRITERIA AND BUYING LOCALLY

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

### PURPOSE OF REPORT

To respond to Notice of Motion No. 486 and subsequent resolution of Council of 26 June 2017.

### RECOMMENDATION:

That Council:

1. determine that henceforth all tender criteria contain a formal 10 per cent weighting in relation to local (municipal area) content and conduct random audits at contract completion
2. continue to apply its Social Procurement Framework and at the same time proceed with the scheduled review of the Framework
3. develop, through Council's Engagement and Advocacy business unit, a capacity building program in relation to any social benefit suppliers that (by virtue of their ownership structure or purpose) channel economic and social resources into marginalised communities in this municipality.

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## REPORT

### 1. Executive Summary

At the Ordinary Meeting of Council on 26 June 2017 it was resolved that officers prepare a report to Council providing options for the use of a social procurement criteria (which may include, amongst other things, the use of local labour and local suppliers) in every contract for which it conducts a tender.

It is noted at the outset that the resolution refers broadly to two distinct notions but that, depending upon the circumstances, each may include an element of the other.

First, there is the notion of buying locally – that is, using local suppliers and employing local people. For the sake of clarity, unless otherwise stated in this report, 'local' means from within the City of Melton municipality.

Secondly, there is the notion of social procurement – that is, using procurement to cure a specific 'social ill' or improve a specific 'social problem', such as youth unemployment or refugee skill levels.

In relation to buying locally, it is acknowledged that State practice sees a formal 10 per cent weighting in relation to local content for certain State Contracts over certain amounts (Victorian Government projects and grants worth \$3 million and above and based in metropolitan Melbourne or state-wide; and \$1 million and above for those located in regional Victoria). Here 'local' means Australian and New Zealand.

For Council it is suggested that a mandatory formal weighting in relation to local content be included in all tenders and that the percentage allocated be 10 per cent, in line with the State VIPP program and other local Councils where a 'buy local' criteria is mandatory.

In relation to social procurement, Council has in place a Social Procurement Framework which provides guidelines for tenders and suggests that social procurement be a criteria in service contracts of 5 or more years. This Framework is imbedded in Council’s current practices and will continue to be adhered to. The Framework is due for review this month.

**2. Background/Issues**

At the Ordinary Meeting of Council on 26 June 2017 it was resolved that officers prepare a report to Council providing options for the use of a social procurement criteria (which may include, amongst other things, the use of local labour and local suppliers) in every contract for which it conducts a tender.

It is noted at the outset that the resolution refers broadly to two distinct notions but that, depending upon the circumstances, each may include an element of the other.

First, there is the notion of buying locally – that is, using local suppliers and employing local people. For the sake of clarity, unless otherwise stated in this report, ‘local’ means from within the municipality.

Secondly, there is the notion of social procurement – that is, using procurement to cure a specific ‘social ill’ or improve a specific ‘social problem’, such as youth unemployment or refugee skill levels.

The two broad notions will be further discussed below.

**Council buying/employing locally via tender/contractual arrangements**

Council can include in its tenders a criteria (mandatory or optional) around buying local supplies/using local suppliers and employing local people (where such employment is necessary for the contract) in order to encourage tenders to behave in a certain way.

The responses to the tender will vary depending upon the project being tendered.

The tenderer would be asked to outline how it would use local suppliers or local sub-contractors and how it would go about employing local people (should it need to employ people). The tender could be asked, for example,

- to quantify what percentage of the supplies/materials needed to complete the works would be obtained from the municipality;
- to indicate which proposed subcontractors were local to the municipality; and
- to indicate how it would ensure the employment of any people were local people (e.g. through the use of local employment agencies, local newspaper ads).

Relevant clauses would then need to be contained within the contract via either the specification or via special conditions.

Clauses such as these would likely be unlawful in Federal Government Contracts (depending upon the circumstances) but are lawful in some circumstances when it comes to State Government contracts and generally lawful when it comes to Local Government.

At a State level, the *Victorian Industry Participation Policy Act 2003* (‘the VIPP Act’) applies to certain contracts. It applies to Victorian Government projects and grants worth \$3 million and above and based in metropolitan Melbourne or state-wide; and \$1 million and above for those located in regional Victoria. Where it applies there is a formal 10 per cent local content weighting as part of project tender evaluation. A summary of the VIPP Act is attached at **Appendix 1**. In relation to the VIPP Act, ‘local’ means Australian and New Zealand.

The VIPP Act sets out 4 objectives and 2 principles as follows:

VIPP Objectives Section 5(a)-(d)	(a) promoting employment and business growth by expanding market opportunities for local industry;
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	<p>(b) providing contractors with increased access to, and raised awareness of, local industry capability;</p> <p>(c) exposing local industry to world's best practice in workplace innovation, e-commerce and use of new technologies and materials;</p> <p>(d) developing local industry's international competitiveness and flexibility in responding to changing global markets by giving local industry a fair opportunity to compete against foreign suppliers.</p>
VIPP Principles Section 6(a)-(b)	<p>(a) value for money should be the primary consideration in purchasing and supply decisions;</p> <p>(b) tendering mechanisms and processes should be open, clear and accountable.</p>

Compliance with extraneous clauses such as these is difficult to monitor and to do so properly is onerous. The focus should be, as much as possible, on the tenderer/contractor providing evidence of compliance.

In addition it should be noted that because the clauses are extraneous to the substantive procurement the traditional contract law remedy of damages is not generally available. To put that another way, if the tenderer/contractor does not purchase 10 per cent of the materials locally, there is no loss or damage suffered by Council that can be sought from the tenderer/contractor.

At a State level, where the VIPP Act applies, it conducts random audits at project completion.

If the contract were to require reports in relation to compliance throughout the term, then random audits on the accuracy of those reports could be conducted at a project completion or even throughout the term.

### **Council engaging in social procurement via tender/contractual arrangements**

There are two primary forms of social procurement applicable to Local Government:

1. engaging a social benefit supplier to deliver a good or service; and
2. inclusion of a social benefit as a component (criteria) of a tender and/or special condition of a contract.

Social benefit suppliers are organisations and businesses whose mission is centered on a social purpose, and/or owned by a group of people who are considered disadvantaged in their local community. By virtue of their ownership structure, social benefit suppliers channel economic and social resources into marginalised communities.

For example, social benefit suppliers may include Indigenous businesses, social enterprises, Australian disability enterprises, intermediate labour market companies, social firms, community enterprises, cooperative social enterprises, fair trade social enterprises, community development finance institutions or charitable business ventures.

Inclusion of a social benefit as a component or special condition of a contract is another way to deliver social benefits. For example, a highly desirable social procurement outcome is the placement of members of disadvantaged groups into employment and training. This outcome can be delivered through the inclusion of social benefit criteria in tenders and subsequent clauses in contracts.

#### Current Framework

In January 2015, a working group consisting of Council officers from various business units was established to undertake a review of current issues and arrangements associated with supporting the inclusion of social procurement in Council contracts and tender processes.

A Social Procurement Scoping Paper ('the Scoping Paper') (**Appendix 2**) was developed providing a detailed overview of social procurement principles, resources available, different forms of social procurement and best social procurement practices as well as case studies.

The findings of the Scoping Paper were used to guide the development of a Social Procurement Framework by the working group (**Appendix 3**).

The Framework provides guidelines on how Council can incorporate social procurement into its practices.

The Framework suggests application to long term tenders/contracts (5 years minimum including further terms) including but not limited to parks, open space, tree maintenance, road and drainage maintenance and the like. These longer term contracts allow for the amortisation of the costs over the term of the contract as they tend to have larger workforce resource allocations and can provide a greater opportunity for participants to find a career path following an initial traineeship or long term employment.

The Framework states that social procurement is not suitable to all contracts. It does not apply to capital works contracts due to the finite term and specific skills and expertise that are required to deliver such projects.

A social procurement schedule is contained in Council's template tender document, which is used when social procurement is a criteria upon which the tender is decided.

Tenderers are required to provide details of how they intend to contractually commit to providing opportunities for residents from the Municipality during the contract period as well as to identify the Social Benefit providers, if any, that the tenderer proposes to engage in delivering the social outcomes.

Again, compliance with extraneous clauses such as these is difficult to monitor and to do so properly is onerous. In addition it should be noted that as the clauses are extraneous to the substantive procurement the traditional contract law remedy of damages is not generally available.

#### Recent Examples

In 2015, Council went out to tender for Roads and Parks & Open Space. Both contracts included a criteria for Social Procurement and Local Content. A Council report outlining the Tender Evaluation Plan for these two contracts was presented for Council consideration prior to the tender process in August 2015. (Refer Confidential **Appendix 4** circulated separately).

The social procurement aspect was aimed at youth unemployment and was concerned with the number of trainees proposed in the tenderer's organizational structure.

Insofar as local content the engagement of a job support agency that met four key success factors viz, customised pre-employment training and preparation for job seekers; tailored preparation and support for employers; supported work placement; and post work place transition.

#### Other Avenues

To the extent that social procurement can be achieved by engaging social benefit suppliers, Council could investigate ways to build the capacity of these suppliers in order to be able to tender for more Council work.

This may include conducting workshops with local businesses in relation to how tender documents should be completed.

This could be considered in relation to a review of the framework which is due to occur in July 2017.

## Benchmarking

The table below sets out information received from other Councils as at May 2017.

At those Councils where buy local criteria is mandatory the percentage ranges from 0 per cent (Ararat and Buloke for contracts over \$200k and \$100k respectively) up to a maximum of 10 per cent.

LOCAL CONTENT AS A MANDATORY CRITERIA		
COUNCIL	%	NOTES
Ararat	Variable	>\$5k - 10%, \$5k to \$10k - 7.5%, \$10k to \$75k - 5%, \$75k to \$200k - 2.5%, >\$200k - 0%
Ballarat	10%	When a tender is for over \$100k, a separate Ballarat Industry Participation Program (BIPP) evaluation can be triggered if the second place price is within 5% of the first place.
Bendigo	10%	10% local content criteria in all evaluation processes (required in all procurement activities over \$25K)
Buloke	Variable	<\$5k - 10%, \$5k to \$15k - 5%, \$15k to \$100k - 3%, >\$100k - 0%
Campaspe	10%	
Central Goldfields	5%	
Geelong	10%	
Mildura	10%	For purchases over \$25,000
Mitchell	5%	
Moira	10%	
Moorabool	5%	Moorabool apply a 5% reduction to pricing for the purpose of evaluation for local businesses.
Nillumbik	5%	
Wangaratta	5%	Council expresses the extent of the effective and substantial preference through its determination that a price preference of 5% be extended to goods, machinery or material manufactured or produced in Australia and New Zealand.
Whittlesea	5%	Up to a maximum discount of \$10,000
LOCAL CONTENT AS AN OPTIONAL CRITERIA		
COUNCIL	%	NOTES
Alpine	0%	Consistent with the value for money and fit for purpose principles, where equivalent value can be sourced both locally and elsewhere, the goods or services should be procured from the local supplier.
Banyule	0%	
Bass Coast	0%	Council will include the tender evaluation criteria of "local employment" where that service or project is long-term and likely to have an impact on local jobs.
Casey	0%	
Dandenong	0%	With all factors being equal then Council may give preference to local economic benefit when sourcing goods or services.
Gannawarra	10%	Not compulsory but applied where applicable. Generally 10% but can be applied at 15% where deemed appropriate

Hepburn	0%	The mechanism for incorporating the support of local businesses into procurement decisions may be through the use of a local content element in the evaluation criteria
Horsham	0%	Council will endeavour to support businesses and industries within the municipality where such purchases can be justified in achieving best value for money.
Knox	0%	Knox City Council is committed to buying from local business where such purchases may be justified on Value for Money grounds.
Loddon	0%	Council is committed to supporting local sustainability, and will purchase goods and services from local businesses where purchases can be justified on a value for money basis, and provide local economic benefit.
Mount Alexander	0%	Where tenders are within 5% of the weighted tender evaluation of the highest ranked tender, the tender evaluation will take into consideration the merit of Local Economic Impact Statements when evaluating tenders.
Northern Grampians	0%	Buying locally is preferred where local suppliers are competitive and achieve value for money.
Warrnambool	0%	Council is committed to buying from local business where such purchases may be justified on Value for Money grounds.
West Wimmera	0%	
Wyndham	0%	If two evaluation scores are equal, the local supplier will be recommended

### Other Relevant Considerations - Council's contractual obligations generally

In its entry into contracts, governments and public sector statutory corporations have different obligations to those of ordinary citizens and ordinary corporate citizens.

The same contract law applies generally but for governments and public sector statutory corporations there are 'additional layers' and in some cases 'fewer layers', that apply to alter the applicable contract law landscape. The layers are both law (statute and common law) and non-law (custom, practice and public expectation).

Local councils are public sector statutory corporations that have been incorporated under specific legislation. In Victoria this legislation is the *Local Government Act 1989*.

The layers that apply to local councils as public sector statutory corporations are not the same as those that apply to 'the Crown' or the executive government in its 10 manifestations.

That said, local councils are viewed by many and are even referred to by many as 'government' or as 'quasi-government'. For this reason, some of the layers that apply to Government contracts either might actually apply or alternatively might be said or expected to apply to local councils. The lines here are blurred. But certainly to the extent that a local council is a body which raises funds from the public and also spends funds for the public or in its interests, that carries with it certain expectations and obligations around fairness, transparency, accountability, impartiality and value for money (beyond or in addition to the extent that those are already required by the Local Government Act and other laws). Application of these is difficult. First, because sometimes these expectations and obligations are at odds with each other when it comes to contract law. Secondly, because the expectations may be unwritten and/or unclear. This can be where phrases like 'the pub test' or 'the Herald-Sun test' come to bear.

In terms of the law, the main additional layers applicable to local councils are found in the Act itself which include the Objects of a Council (s3C), Principles of Sound Financial Management (s136), avoidance of conflicts of interest and compliance with the Best Value

Principles (ss208A, 208B). The common law also imposes different standards on tenders run by Government and semi-governmental entities for example by implying terms into the tender process which mean that the tender itself amounts to a 'process contract'.

In terms of fewer layers the main difference is that certain aspects of the competition and consumer legislation do not apply to local councils unless they are 'carrying on a business', the determination of which is not always straightforward.

Finally, Council has statutory obligations that it should (and in some cases must) pass on to its contractors such as in relation to Privacy, Working with Children and so on.

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

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

4. A strong local economy and a lifelong learning City: A City rich in local employment and education opportunities

*4.2 More local employment options with an increasing number of residents employed.*

### **4. Financial Considerations**

The *Local Government Act 1989* ('the Act') largely dictates how financial decisions should be made in terms of what things must be considered.

These sections are no more or less applicable to other sections which dictate how non-financial decisions should be made, in terms of what things must be considered.

Sections of the Act which apply to financial decisions also have non-financial aspects.

The sections of the Act which apply to tendering generally are set out above under 'Other Relevant Considerations - Council's contractual obligations generally'.

Take two requirements of the Act as an example – the Best Value requirement and the requirement to adhere to the primary Objective.

In relation to Best Value, the Act provides, amongst other things, that Council must adhere to Best Value Principles. These principles include ensuring decisions are made and action taken having regard to their financial effects on future generations and the management of financial risks faced by Council (debt, management & maintenance of assets, current and future liabilities, rates structure). This could be interpreted to include the effect of unemployment and intergenerational unemployment.

In relation to Objectives, Council must also have regard to the following facilitating objectives in seeking to achieve its 'primary objective' of achieving the best outcomes for the local community:

- (a) to promote the social, economic and environmental viability and sustainability of the municipal district
- (b) to ensure that resources are used efficiently and effectively and services are provided in accordance with the Best Value Principles to best meet the needs of the local community
- (c) to improve the overall quality of life of people in the local community
- (d) to promote appropriate business and employment opportunities
- (e) to ensure that services and facilities provided by the Council are accessible and equitable
- (f) to ensure the equitable imposition of rates and charges
- (g) to ensure transparency and accountability in Council decision making.

## 5. Consultation/Public Submissions

Not applicable.

## 6. Risk Analysis

If Council adopts the recommendation there are no *additional* risks to those which exist in relation to any tender.

If Council decides to impose a greater weight to the local content element there is an anecdotal risk that the quality or number of tenderers will decline.

There is also a risk of an action being brought against Council for a breach of the Consumer Law (assuming it was also found to apply in the circumstances).

## 7. Options

1. Adopt the recommendation as set out at the beginning of this report.
2. Require a greater or lesser weight for local content than the recommended 10 per cent, noting that State Government is also set at 10 per cent (where local means Australia and New Zealand) and noting that no other Council's mandatory weighting is above 10 per cent.

## LIST OF APPENDICES

1. Victorian Industry Participation Policy (VIPPP) - undated
2. Social Procurement Scoping Paper - dated September 2014
3. Social Procurement Framework - authorised 3 June 2015
4. **CONFIDENTIAL Appendix** – Separately Circulated



## 12.7 RESPONSE TO NOTICE OF MOTION 488 - MEMORIAL TREE FOR VICTIMS OF ROAD TRAUMA

**Author: Matthew Wilson - Manager Community Planning**  
**Presenter: Coral Crameri - Acting General Manager Community Services**

### PURPOSE OF REPORT

To seek Council endorsement of the proposed location for a memorial tree and plaque dedicated to victims of road trauma.

### RECOMMENDATION:

That Council endorse the proposed location for a memorial tree and plaque in Hannah Watts Park, Melton, as indicated at **Appendix 1**.

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## REPORT

### 1. Executive Summary

At the Ordinary Meeting of Council on 26 June 2017, Council tabled Notice of Motion 488 which stated,

*That Council, in conjunction with VORT (Victims of Road Trauma), the Road2Zero Committee and the Community Safety Committee, plant a mature tree at an appropriate location with a plaque that reads 'In memory of those who have lost their lives on our roads.'*

Officers have identified an appropriate location in Hannah Watts Park for the planting of a memorial tree and plaque. The proposed area is identified in the aerial map of Hannah Watts Park as presented at **Appendix 1**.

The initiative was tabled at the 2 June 2017 Road2Zero Steering Committee meeting and received support from committee members and was noted in the minutes of the meeting reported at the Ordinary Meeting of Council on 24 July 2017.

Officers have also directly discussed the proposed initiative with representatives of VORT and received support for the initiative.

Council is requested to endorse the proposed area for the memorial tree to be planted, allowing Officers to progress with implementing the initiative. An opening of the memorial will be scheduled once installation has been completed, and a date is to be advised.

### 2. Background/Issues

The initiative to plant a memorial tree with a plaque reading, 'In memory of those who have lost their lives on our roads', is an opportunity for Council to acknowledge the broad and deep impact that road trauma has on families and friends of victims.

Council is strongly committed to reducing the incidence of road trauma in the City of Melton through the Road 2 Zero Strategy and associated initiatives such as Road Safety Forums. Council partners closely with organisations such as VORTS and Victoria Police to deliver these initiatives.

VORTS is a group of like-minded individuals who organise regular meetings for mutual support, networking and to participate in local road safety projects and road trauma memorial events. The type of support that VORTS provides enables members to discuss the details of the road trauma, the journey of recovery, how to remember loved ones, and encouraging and learning from each other going forward in life. VORTS also campaigns for better roads and participates in Fatality Free Friday and other initiatives.

Officers discussed the proposed memorial with a representative of VORTS and received support for the initiative as it is consistent with their goal of assisting people to remember their loved ones who are victims of road trauma.

A location is proposed in Hannah Watts Park which has been identified for the following reasons:

- The memorial location should be reasonably close to car-parking for visitors to gain easy access.
- The relative proximity to the play space will allow families to watch their children play whilst reflecting on loved ones at the memorial.
- The location should include seating and path access to ensure quality presentation and space to sit and reflect.
- The zone proposed has these features, and is also close to the billabong which further enhances the tranquillity of the location for the purpose of reflection.

A range of species of trees that could be appropriate for the memorial are suggested for further consultation with key stakeholders. The proposed trees are either locally indigenous or native to Australia and include the following:

- Eucalyptus camaldulensis (River Red Gum)
- Eucalyptus microcarpa (Grey Box)
- Eucalyptus melliodora (Yellow Box)
- Corymbia maculata (Spotted Gum)

The suggested trees have a majestic scale, and a variety of floral displays. Subject to consultation with the key stakeholders Council also may wish to consider dedicating an existing mature tree in the proposed area as the memorial tree to victims of road trauma.

If Council endorse the proposed initiative, a specific location for planting the tree will be confirmed in consultation with Council officers and key stakeholders.

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

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives
  - 1.4 *A resilient community promoting social cohesion.*

### **4. Financial Considerations**

The costs associated with implementing the initiative will be accommodated within the recurrent budget 2017/18.

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

This initiative was tabled at the Road2Zero Steering Committee and received support from committee members. Further, it has been discussed with VORTS who support the initiative.

## **6. Risk Analysis**

There is no risk identified with endorsing this initiative.

## **7. Options**

Council has the option to:

1. endorse the recommendation in this report
2. not support the proposed initiative.

## **LIST OF APPENDICES**

1. Proposed location in Hannah Watts Park for a memorial tree and plaque for victims of road trauma.

## 12.8 WELCOMING CITIES PROGRAM

**Author: Essan Dileri - Intercultural Development Officer**  
**Presenter: Coral Crameri - Acting General Manager Community Services**

### PURPOSE OF REPORT

To present to Council an overview of the Welcoming Cities Program.

### RECOMMENDATION:

That Council endorses becoming a 'Welcoming City' by signing the Commitment to Participate in the Welcoming Cities Network as presented at **Appendix 1**.

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## REPORT

### 1. Executive Summary

The Welcoming Cities Program is a joint initiative of the Scanlon Foundation and Welcome to Australia. The program was launched nationally in March 2016 and aims to facilitate a national network of inclusive, vibrant communities internationally recognised for their ability to foster a sense of belonging and participation. It seeks to address and embrace the challenges and opportunities of migration. The program aims to achieve this by supporting local governments and communities to be more effectively resourced, networked and supported. It specifically supports local governments and communities to leverage the ideas and innovation that come from being welcoming and inclusive.

Becoming a 'Welcoming City', and joining the Welcoming City Network is one initiative within the overarching program, and reinforces Council's already strong commitment to promoting and enhancing interculturalism.

Council officers have supported the development and consultation phase of the overarching program and this is a key action in the Intercultural Plan 2017-2021, which was adopted at the Ordinary Meeting of Council on 29 May 2017. Likewise, considering joining the program was identified as an action.

### 2. Background/Issues

#### Overview of the Welcoming Cities Program

Increased and enhanced social cohesion and equitable economic growth within Australian communities is the ultimate goal of the Welcoming Cities Program. Welcoming Cities' means of achieving this is by working with local governments, through a multi-sector approach, to ensure that both receiving communities and recently arrived migrants have access and support to engage in ongoing socioeconomic opportunities and community life.

#### Becoming a Welcoming City

The Welcoming Cities initiatives supports local councils in committing, communicating, planning, building and sustaining a welcoming community. The initiative outlines five broad steps for becoming a Welcoming City, many of which Council is already demonstrating.

The first step, 'Commit to Welcome' involves endorsing the City of Melton as a 'Welcoming City' by signing the Commitment to Participate in the Welcoming Cities Network as presented at **Appendix 1**.

Key elements of the network include:

- Knowledge sharing - Supporting local councils and communities to learn from each other and access resources, research, policies, and case studies.
- Partnership development - Brokering meaningful multi-sector partnerships that foster a sense of belonging and participation for all members of the community.
- Celebrating Success - Showcasing leading practice through case studies and an award focused on responses by local government and communities to welcoming efforts.
- Standard and Accreditation - Developing and accrediting The Australian Standard for Welcoming Cities to benchmark policy and practice in cultural diversity and inclusion.

The remaining steps of becoming a Welcoming City include:

- Communicate Welcome - The development of messaging and communications highlighting unity, shared values, and that diverse voices are listened to and celebrated.
- Plan for Welcome - Consider existing policies and practices that embed welcoming and inclusion across all areas. Where appropriate, Council may also identify further cultural diversity and inclusion strategies that value social, economic and civic participation for all people.
- Build Welcome - Consider and benchmark our policies and practices against The Australian Standard for Welcoming Cities.
- Sustain Welcome - Report on and capture data to track social cohesion and socioeconomic indicators over time.

Council is already doing work within these areas.

Welcoming Cities are currently in active conversation with more than 45 local governments across Australia about becoming members of the program's network.

#### **Alignment with the Intercultural Plan 2017-2021**

Council's Intercultural Plan 2017-2021 was endorsed at the Ordinary Council Meeting on 29 May 2017.

Theme 1      Embrace Cultural Diversity, commits to contribute to the Welcoming Cities program:

*Initiative 1.4    Connect with broader initiatives to embrace cultural diversity and advance social cohesion*

*Action 1.4.1    Contribute to the establishment of the Welcoming Cities Program, with a view to joining*

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

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

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

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

There are no financial implications associated with joining the Welcoming Cities Program. Initiatives related to the Welcoming Cities Program will be resourced within Council's operational budget.

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

Public consultation was undertaken to inform the development of the Intercultural Plan 2017-2021 and its associated actions which includes contributing to the establishment of the Welcoming Cities Program, with a view to joining.

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

There is no risk identified in committing to join the Welcoming Cities Program.

#### **7. Options**

Council has the option to:

1. Commit to joining the Welcoming Cities Program by signing the Commitment to Participate in the Welcoming Cities Network as presented at **Appendix 1**.
2. Not commit to joining the Welcoming Cities Program.

#### **LIST OF APPENDICES**

1. Welcoming Cities Commitment Letter - undated

## 12.9 KURUNJANG COMMUNITY HUB - FUNDING ANNOUNCEMENT

**Author: Matthew Wilson - Manager Community Planning**  
**Presenter: Coral Crameri - Acting General Manager Community Services**

### PURPOSE OF REPORT

To inform Council of the successful funding outcome of \$2.35 million from the State Government's 2016/17 Shared Facilities Fund toward the Kurunjang Community Hub project.

### RECOMMENDATION:

That Council note the successful funding outcome of \$2.35 million from the State Government's 2016/17 Shared Facilities Fund toward the Kurunjang Community Hub project.

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### REPORT

#### 1. Executive Summary

Council has previously received reports outlining the funding submission to the State Government's 2016/17 Shared Facilities Fund for the Kurunjang Community Hub project.

Officers are pleased to report that Council received correspondence on 21 June 2017 confirming that the funding submission has been successful and that Council will receive \$2.35 million toward the project. A copy of the correspondence detailing the \$2.35 million funding allocation is attached at **Appendix 1**.

Combined with Council's capital contribution of \$300,000, the Kurunjang Community Hub project will see a \$2.65 million facility constructed at 33-35 Mowbray Crescent, Kurunjang.

#### 2. Background/Issues

The 2016-17 Shared Facilities Fund (SFF) Guidelines state that, '*The funding allocated through this program will support schools, local councils and other institutions to develop shared facilities arrangements. This fund can be used to implement a range of community infrastructure projects on school sites, including early learning centres, sporting facilities and community hubs*'.

Council partnered with Kurunjang Primary School in the submission of an Expression of Interest to the SFF for the construction of the community hub on Council's land at 33-35 Mowbray Crescent, Kurunjang. This parcel of land is adjacent to the school property.

The Kurunjang Community Hub will provide benefit to the school through health and wellbeing related curriculum opportunities and a teaching kitchen, the school community through parent focused initiatives and adult education, and the Kurunjang local community through neighbourhood house type programs. In a further development, Kurunjang Secondary College has expressed interest in participating in the project meaning that the reach of the project will expand the potential outcomes achieved through the facility.

The Kurunjang Community Hub will comprise the following spaces:

- Two larger community rooms for active, passive and learning programming
- A meeting room for smaller meetings and for consultations with visiting service providers

- A small consultation room for use by school welfare officers to enable meetings with families away from formal school facilities
- A standard kitchen space large enough for cooking demonstrations and classes
- An office space to accommodate up to four staff that would cater for a Neighbourhood Programs Officer, School staff, Council staff or other visiting service providers
- A foyer space
- A Teaching Kitchen to accommodate a full class
- A Dining area
- A Harvest Table where produce can be discussed and studied
- A Kitchen Garden.

The total budget for design and construction of the facility is \$2.65 million which consists of \$2.35 million in SFF and \$300,000 in capital contribution from Council. In addition, Council will resource the community programming and facility management related costs for the project.

This project represents a commitment from both Council and State Government to respond to the identified needs of residents in the Kurunjang community, and a significant investment in the long term service levels available within the suburb.

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

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

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

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

### **4. Financial Considerations**

Council's financial contribution of \$300,000 is budgeted in the 2018/19 financial year as per the resolution that Council made at the Ordinary Meeting of Council on 3 April 2017.

Costs associated with resourcing the community programming will be subject to the 2018/19 budget process.

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

This project was developed in response to the findings in Council's 2016 Household Community Satisfaction Survey that identified a need to provide community infrastructure and services within the Kurunjang local community area.

### **6. Risk Analysis**

There is no risk identified with receiving this report.

### **7. Options**

Council has the option to endorse the recommendation as put.



**LIST OF APPENDICES**

1. Letter of Congratulations from Department of Education and Training - funding for Kurunjang Community Hub - dated 16 June 2017

## 12.10 HARNESS RACING VICTORIA - SECTION 173 AGREEMENT

**Author: Luke Shannon - General Manager Planning & Development**  
**Presenter: Luke Shannon - General Manager Planning & Development**

### PURPOSE OF REPORT

To consider a request from Harness Racing Victoria to extend the time in which to develop part of the property (Parcel B) acquired from Council for the establishment of the Harness Racing Victoria facility (Tabcorp Park).

### RECOMMENDATION:

That:

1. Council agree to the request by Harness Racing Victoria for an extension of time to develop Parcel B in accordance with the following timelines
    - Construction works to commence by 30 June 2021
    - Substantial completion of works by 30 June 2022
  2. any further extension(s) of time be at Council's absolute discretion.
- 

### REPORT

#### 1. Executive Summary

In 2005 Council entered into a Memorandum of Understanding (MoU) with Harness Racing Victoria (HRV) for the sale by Council of 92 hectares to HRV. As part of the final sale transaction in 2009 Council entered into a Section 173 Agreement pursuant to the Planning and *Environment Act* 1987. The Agreement imposed performance conditions on HRV to ensure the land was developed. A significant part of HRV's obligation from the original MoU has been met through the development of Tabcorp Park. However further obligations apply in terms of the development of part of the land fronting Abey Road (Parcel B).

The initial agreement required work to be commenced on Parcel B by May 2014 and be substantially complete by May 2015. If this wasn't achieved and under the Agreement Council had the opportunity to buy it back the land at market value.

At the request of HRV Council subsequently resolved at its meeting on the 13 October 2011 to effectively allow for an extension of the time for works to both commence and be completed so a set of new deadlines were:

- Works to commence by 30 June 2017
- Substantial completion of works by 30 June 2018
- Further extension(s) of time to be at Council's absolute discretion.

HRV have now made a request for a further extension of these deadlines. It is recommended that Council support the request.

#### 2. Background/Issues

In February 2005, Council signed a Memorandum of Understanding (MoU) with Harness Racing Victoria (HRV) in relation to the sale of land then owned by Council in Ferris

Road/Abey Road Melton South. The land was in two parts; Parcel A fronting Ferris Road and Parcel B fronting Abey Road.

Attached is **Appendix 1** as a plan indicating the location of both parcels.

The MoU required HRV to undertake significant development of the overall site. This requirement has been achieved in relation Parcel A through the establishment of Tabcorp Park which opened in July 2009.

In the sale transaction for Parcel B Council entered a Section 173 Agreement with HRV on the 26 May 2009. The agreement set out an agreed timeframe for the development of the land. The agreement was used by Council as a mechanism to ensure that the site was not 'land-banked' by HRV as Council was anxious at that time to ensure the site be developed to its maximum potential within a reasonable timeframe.

Subsequent to the initial agreement Council considered the matter further at its Ordinary Meeting of 13 October 2011 and resolved:

That Council agree to the request by HRV for an extension of time to develop parcel B and that this be implement by:

1. Replacing the existing Section 173 Agreement with HRV with a new Agreement to be generally identical to the existing Agreement except that it should provide for:
  - a) Works to commence by 30 June 2017
  - b) Substantial completion of works by 30 June 2018
  - c) Further extension(s) of time at Council's absolute discretion.

Attached is **Appendix 2** as a copy of the most recent Section 173 Agreement.

In determining to extend the deadline at that time Council had regard to the partnership that it had established with HRV and Ecnam Properties for undertaking what became known as the Pegasus Project. This was an intensive process which involved a charette over the course of a week in 2010 which sought to develop options as to not only how the HRV site could be developed but also the surrounding area, including Council owned land. This resulted in a final report presented to all the partners in the project.

Since that time, as previously reported to Council, HRV have been undertaking a detailed environmental assessment of the former landfill site which covers part of Parcel B so as to determine any buffer distances required at that location. This work has been protracted and is expected to be completed on during the course of this year.

More recently a new CEO has been appointed by HRV who, in conjunction with the Board, is looking at how to maximise opportunities for the Melton site. Council has committed this financial year to commence an Urban Design Framework (UDF) for the Toolern Employment Precinct (which includes Parcel B owned by HRV) concurrently with a review of the Urban Design for the Toolern Town Centre. It is expected these documents will be completed over the next 12-18 months which will provide a far greater clarity to HRV and the other owners within the employment precinct as to how the land can be developed to its maximum potential. In light of this further work and Council's ongoing partnership with HRV it is recommended that Council support the requested extension as follows:

- Construction works to commence by 30 June 2021
- Substantial completion of works by 30 June 2022
- Any further extension(s) of time to be at Council's absolute discretion.

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

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

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

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

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

There are no financial implications should Council grant the extension of time sought. Should Council wish to refuse the request and purchase the land back, then this would need to be done at current market rates. A land valuation has not been sought at this time.

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

Not applicable.

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

There are no real risks associated with this issue.

#### **7. Options**

Council has two options available:

1. Extend the timelines under the Agreement.
2. Refuse to extend the timelines and seek to buy the land back at current market rates in line with the Agreement.

#### **LIST OF APPENDICES**

1. Plan of Subdivision - dated 7 February 2007
2. Section 173 Agreement, 92-134 Abey Road, Melton South - Melton Shire Council and Harness Racing Victoria - dated September 2012

## 12.11 CONTRACT 17/028 - TOOLERN URBAN DESIGN FRAMEWORKS

Author: Georgina Borg - Strategic Planner

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

### PURPOSE OF REPORT

To seek Council's approval to award Contract No. 17/028 to prepare the Toolern Employment and Mixed Use Urban Design Framework and revise the Toolern Town Centre Urban Design Framework.

### RECOMMENDATION:

That Council:

1. Award Contract No. 17/028 for the preparation of the Toolern Employment and Mixed Use Urban Design Framework and revision of the Toolern Town Centre Urban Design Framework to Tract Consultants for the lump sum amount of \$222,723.
2. Authorise the Chief Executive Officer to execute all contract documents.

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### REPORT

#### 1. Executive Summary

Council officers prepared tender documentation to seek a consultant to:

1. Prepare an urban design framework (UDF) for the 'employment' and 'mixed use' areas as identified in the Toolern Precinct Structure Plan (PSP) in response to the legislation of the Toolern PSP and Urban Growth Zone Schedule 3 (UGZ3) in the *Melton Planning Scheme*.
2. Revise the existing Toolern Town Centre UDF (2012) within the parameters of the legislation of the Toolern PSP and UGZ3 in the *Melton Planning Scheme* to include any changes to planning policy (such as the Town Centre's upgrade to a Metropolitan Activity Centre) and consolidate and simplify the document to become user-friendly.

The tender documentation requires the consultant to prepare both UDF documents simultaneously (with common technical reports and a common background report) over a period of 18 months and within a \$250,000 budget (excluding GST).

The tender for the above contract was open publically on 9 June 2017 and closed on 10 July 2017. The tender was advertised in The Age on Saturday 10 June, 2017.

A total of three tenders were received and assessed by an appointed tender evaluation panel on the basis of the evaluation criteria described in the tender documents.

The tender evaluation panel is recommending that Contract No 17/028 be awarded to Tract Consultants for the amount of \$222,723.

## 2. Background/Issues

### Urban Design Framework

Land for future development is zoned Urban Growth Zone, and requires a PSP to guide the transition of non-urban land into urban land. Once a PSP is prepared for an area a UDF may be required as an extra level of planning for a specific area within the PSP.

A UDF is a strategic document that sets out an integrated planning and design vision for an area. Ultimately, a UDF will enable Council's planners and urban designers to assess planning permit applications and guide subdivision applications and also provide certainty regarding the future development of an area for Council, landowners, developers, service providers, government bodies and investors alike.

### Toolern Employment and Mixed Use UDF

Council must prepare a UDF to meet the statutory obligations identified in the Toolern PSP and UGZ3 schedule that require that a UDF be prepared for the 'mixed use' and 'employment' areas of the Toolern PSP. Combined, the 'mixed use' and 'employment' areas are approximately 392 hectares in size.

### Revision of the Toolern Town Centre UDF

The Toolern Town Centre UDF is an existing document that was developed in 2012 by the Victorian Planning Authority (then the Growth Areas Authority) in consultation with Melton City Council. The document was developed in response to statutory requirements in the Toolern PSP and UGZ3 schedule that a UDF be prepared for the 'town centre' area in the Toolern PSP. The area is approximately 100 hectares in size.

A revision of the UDF is required because:

- The document is five years old and needs to be reviewed to include any changes in planning policy such as the Town Centre being upgraded to a Metropolitan Activity Centre through *Plan Melbourne 2017-2050*.
- The structure of the document is complicated, and needs to be consolidated and simplified to become user friendly.
- There is a need to rectify any errors that have become apparent since the document was finalised in 2012.

### Tender Process

Council officers prepared documents for a public tender to seek a consultant to:

1. Prepare a UDF document for the Toolern Employment and Mixed Use areas as identified in the Toolern Precinct Structure Plan.
2. Revise the existing Toolern Town Centre UDF (2012) document.

The tender documentation requires the consultant to prepare both UDF documents simultaneously with common technical reports and a common background report over a period of 18 months and within a budget of \$250,000 (excluding GST).

It is required that the UDFs will undergo an extensive engagement and consultation process at key stages of the project with (but not limited to) internal staff, Councillors, landowners, government bodies, service providers and the wider community.

The tender for the contract was open publically on 9 June 2017 and closed on 10 July 2017. The tender was advertised in *The Age* on Saturday 10 June, 2017.

A total of three tenders were received and assessed by an appointed tender evaluation panel on the basis of the evaluation criteria described in the tender documents.

The tender evaluation panel is recommending that Contract No 17/028 be awarded to Tract Consultants for the amount of \$222,723 (excluding GST). The tender evaluation summary is provided in the **Confidential Appendix 1** separately circulated to this report.

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

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

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

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

### 4. Financial Considerations

The preparation of the Toolern Employment and Mixed Use UDF document and the revision of the Toolern Town Centre UDF document has an allocated budget of \$250,000 excluding GST.

This budget has been allocated through the City Design, Strategy and Environment budget (\$100,000) and funds allocated from the Toolern Development Contributions budget (\$150,000). The funds allocated from the Development Contributions Plan are from a specific project budget (PL01) which is a DCP item to collect funds to recoup the costs that Council expended on the preparation of the Toolern Precinct Structure Plan and Developer Contributions Plan. These funds are identified as Project (PL01) which under the DCP is to be expended on the preparation of strategies and plans.

The budget breakdown for the project is as follows:

Goods and services	\$250,000 excluding GST
Total Budget	\$250,000 excluding GST

Officer time is also required for project management and expert advice. This time has been incorporated into work plans for the relevant officers.

### 5. Consultation/Public Submissions

Not Applicable.

### 6. Risk Analysis

Should Council choose to not support the officer's recommendation:

- It will result in delays to the commencement of the project.
- Council will not fulfil a statutory requirement under the Toolern PSP and UGZ3 in the *Melton Planning Scheme*.
- It may prejudice future development in the Toolern mixed use, employment and metropolitan activity centre areas and development will occur on an ad hoc basis.

### 7. Options

Council can resolve to either:

1. Adopt the officer's recommendation and appoint Tract Consultants as presented in this report and authorise the Chief Executive Officer to execute the contract.
2. Not appoint a consultant.

### LIST OF APPENDICES

1. **CONFIDENTIAL Appendix** – Separately Circulated

**12.12 AMENDMENT C200 - MUNICIPAL STRATEGIC STATEMENT (MSS) RE-WRITE****Author: Kate Barclay - Senior Strategic Planner****Presenter: Laura-Jo Mellan - Manager City Design, Strategy & Environment****PURPOSE OF REPORT**

To consider Planning Scheme Amendment C200 to the Melton Planning Scheme to prepare and exhibit the revised Municipal Strategic Statement (MSS)

**RECOMMENDATION:**

That Council:

1. Seek Authorisation to prepare Planning Scheme Amendment C200 to the Melton Planning Scheme from the Minister for Planning.
2. Upon receiving Authorisation, prepare and exhibit Planning Scheme Amendment C200 to the Melton Planning Scheme in accordance with Section 19 of the *Planning and Environment Act 1987*.
3. Authorise the General Manager Planning and Development and the Manager City Design, Strategy and Environment to negotiate and resolve any issues that are raised by submitters during the exhibition process prior to the Amendment being reported back to Council for referral to a Planning Panel or Adoption of the amendment.

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

The Municipal Strategic Statement (MSS) provides the policy foundation for the Melton Planning Scheme. The MSS also provides an opportunity for an integrated approach to planning across all areas of a Council's operations and should express links to the Council Plan.

Amendment C200 will ensure the Local Planning Policy Framework (LPPF) is consistent with, and is underpinned by the structure and themes at the State Planning Policy Framework (SPPF) level. The amendment will align the MSS, municipal profile, key issues and influences, vision and strategic framework plan with the Council and Wellbeing Plan 2017-2021.

The Amendment proposes to update the Local Planning Policy Framework (LPPF) by replacing the existing Municipal Strategic Statement (MSS) at Clause 21 of the Melton Planning Scheme with a new MSS to improve its usability. This update will ensure the MSS is consistent with state policy and adopted Council policy, plans and guidelines to create a strong planning framework to guide land use and development across the municipality.

It is recommended that Council seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C200 to the Melton Planning Scheme.



## 2. Background

### Municipal Strategic Statement (MSS)

The MSS provides the policy foundation for the Melton Planning Scheme. The MSS also provides an opportunity for an integrated approach to planning across all areas of a Council's operations and should express links to the Council Plan.

The MSS is dynamic and enables community involvement in its ongoing review. The MSS should be continually refined as a planning authority develops and revises its strategic directions in response to the changing needs of the community.

Amendment C200 will:

- Deliver a revised and up to date MSS
- Ensure Local Planning Policy Framework (LPPF) is consistent with, and is underpinned by the structure and themes at the State planning Policy Framework (SPPF) level
- Align the MSS, municipal profile and vision with the Council and Wellbeing Plan 2017-2021
- Provide an updated strategic framework reflective of the City of the Melton in 2017 and beyond
- Identify key issues and influences affecting the municipality
- Identify themes to assist land use and development planning and decision-making under the Melton Planning Scheme.

### Legislative Requirements

A planning scheme review must comply with Section 12B of the *Planning and Environment Act 1987 (the Act)* and *Planning Practice Note 32 - Review of Planning Schemes* (Practice Note). Councils are required to undertake a review of their planning scheme every four years. The Practice Note recommends the planning scheme review occur following the review of the Council Plan, and states:

*'The review also provides the opportunity to evaluate the planning scheme to ensure it:*

- *Is consistent in form and content with any directions or guidelines issued by the Minister under section 7(5) of the Act*
- *Sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies*
- *Makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives.'*

The Practice Note also states: *'the review is an audit of the performance of the planning scheme at a point of time and will inform the continuous improvement of the planning scheme by addressing ... what has been achieved since the last review.'*

*The Act* and Practice Note also require a planning scheme to be consistent with the State Planning Policy Framework (SPPF), including the metropolitan planning strategy, Plan Melbourne.

The Local Planning Policy Framework (LPPF), which includes the MSS, contains land use and development policies adopted by Council. Hierarchically, the content of the LPPF must be consistent with any policies within the SPPF.

### Summary of Planning Scheme Review 2012

In 2006, the Shire of Melton had its Municipal Strategic Statement (MSS) audited. The audit identified a substantial number of changes to the MSS including the incorporation of the

State Planning Policy Framework (SPPF) document Melbourne 2030 and a substantial body of strategic work undertaken by Council and others.

The findings of the MSS Audit were used to draft a new MSS, which was adopted by Council in 2008. Shortly after the adoption of the 2008 MSS, the State Government significantly changed the location of the Urban Growth Boundary (UGB), which rendered the redrafted MSS redundant as it was in conflict with the new policy direction of the SPPF. The changes to the UGB were so substantial that a new MSS must be rewritten.

It was considered that the review of the Planning Scheme and the rewrite of the MSS could not occur until the Growth Corridor Plans which show the broad land uses within the Corridor Plans, activity centre locations, areas of environmental significance, regional open space, and major transport routes (private and public) were released as these would need to guide the development of the new MSS.

In November 2011 the draft Corridor Plans were released for public comment. It was considered that it would be appropriate to begin planning for the rewrite of the MSS at this time as there was enough certainty about the future layout and function of land within the UGB.

A complete Planning Scheme Review was initiated shortly thereafter to review the content and function of the Planning Scheme, and to provide direction on what work would need to be done to rewrite the MSS and other sections in the Planning Scheme.

The review sought to enhance the effectiveness and efficiency of the planning scheme in achieving the objectives of planning in Victoria, and implementing the objectives and strategies of the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF).

Section 12B (5) of the Act requires that, on the completion of the review, Council reports the findings of the review to the Minister for Planning. The review should demonstrate how the planning scheme implements the SPPF, assess the performance of the scheme, and recommend changes to the scheme to improve its performance.

The review found that large sections of the Scheme were out of date and contradicted the State Planning Policy at that time, the scheme was failing to provide adequate guidance for the community, planners and Council on how Council should exercise its discretion when considering a planning permit application.

The Planning Scheme Review 2012 report recommended a comprehensive plan for Council to rewrite its planning scheme. Key recommendations of the report are:

1. To develop the following high-level strategies to inform the rewrite of the MSS:
  - a. Open Space Strategy
  - b. Recreation and Facility Strategy
  - c. Retail (Activity Centre) Strategy
  - d. Integrated Transport Strategy
  - e. Green Wedge Management Plan – Western Plains North.
2. Other high-level strategies to be developed in subsequent years in order to compile information necessary to rewrite its MSS, are:
  - a. Urban Design Strategy
  - b. Community Infrastructure Strategy
  - c. Economic Development Strategy
  - d. Housing Character Strategy
  - e. Biodiversity Strategy

- f. Green Wedge Management Plan – Western Plains South.
3. To authorise the development of a number of discrete strategies / policies in order to initiate a number of planning scheme amendments:
  - a. Electronic Gaming Machine Policy
  - b. Licensed Premises Policy
  - c. Interface Policy
  - d. Outdoor Advertising Policy
  - e. Significant Landscape Strategy
  - f. Parking Strategies
  - g. Telecommunication Infrastructure Policy
  - h. Indigenous Cultural Heritage Study
  - i. Post-contact Heritage Study.

Council resolved to adopt the recommendations of the 2012 Planning Scheme Review at the 26 July 2012 Council meeting. The review agreed that a series of work be undertaken before the MSS could be re-written. Those recommendations were forwarded to the Minister for Planning and series of work to develop plans and strategies undertaken.

#### **Strategic Work to Date**

A number of strategies and plans have been prepared to specifically inform the re-write of the MSS as directed by the Minister for Planning. These strategies and plans have been adopted by Council over the last three years and include:

- *Significant Landscape Features Strategy* (Adopted May 2016)
- *Melton Open Space Plan 2016-2026*, (Adopted 4 April 2016)
- *Moving Melton – Integrated Transport Strategy November 2015*, (Adopted 15 December 2015)
- *House Rules – Housing Character Assessment and Design Guidelines* (Adopted October 2015)
- *Western Plains North Green Wedge Management Plan September 2014*, (Adopted 23 September 2014)
- *House Smart – Housing Diversity Strategy March 2014*, (Adopted 27 May 2014)
- *Melton Retail and Activity Centres Strategy March 2014*, (Adopted 1 April 2014)

In addition to the abovementioned strategies and plans, work on a range of other strategies, plans and guidelines has also been undertaken as detailed in the MSS Background Report June 2017. Refer to **Appendix 2**.

#### **Council and Wellbeing Plan 2017-2021**

Melton City Council has prepared a new Council Plan, Municipal Public Health and Wellbeing Plan, and a Community Vision. These have been developed concurrently with the revised Municipal Strategic Statement to ensure that these documents align to each other.

For the first time Council, has incorporated its Municipal Public Health and Wellbeing Plan into the Council Plan which by doing this aims to:

- Recognise that all areas of Council have an impact on the health and wellbeing of the community
- Ensure a whole of Council and community approach to promoting and protecting community wellbeing

- Align strategic planning, objectives and indicators.

By integrating these documents Council reinforces its high-level commitment to promoting, improving and protecting public health and wellbeing in everything we do. The Council and Wellbeing Plan was developed following extensive community consultation, partner agency and Council officer engagement and analysis of relevant data, trends, research and State and Federal Policy direction.

As the City continues to grow and mature, there are many opportunities and challenges that must be considered. These include rapid population growth, social cohesion, access to services, provision of and access to local infrastructure, transport, education and employment and preservation and protection of the natural environment.

The development of the Council and Wellbeing Plan was deliberately aligned with the development of key strategic documents this cycle including *Melton City 2036 – The City We Imagine* and the *Municipal Strategic Statement*.

The process to develop these documents has been shared and therefore each document reinforces and reflects the other. This shared foundation has established a strong strategic base to develop other key documents including the amalgamated early years, youth, older people and disability strategy, and the Environment Plan over the coming four-year period.

### **Amendment C200**

The Amendment proposes to update the Local Planning Policy Framework (LPPF) by replacing the existing Municipal Strategic Statement (MSS) at Clause 21 of the Melton Planning Scheme with a new MSS to improve its usability. This update will ensure the MSS is consistent with state policy, adopted Council policy, plans and guidelines and aligned with the structure and themes of the State Planning Policy Framework (SPPF).

The amendment also deletes the existing Eynesbury Station Policy (Clause 22.09) as these provisions are updated and included in Clause 21.11 (Local Areas) consistent with the current recommended structure of the MSS.

The amendment replaces the current LPPF with a new LPPF by:

- Replacing the existing MSS - Clauses 21.00 to 21.05 inclusive with new Clauses 21.01 to 21.12.
- Deleting Clause 22.09 Eynesbury Station Policy.

The revised MSS replaces six existing clauses and inserts an additional six clauses, while the number of local planning policies has been reduced by one from twelve to eleven.

The changes to the amendment are summarised in the table below:

<b>Proposed Clause</b>	<b>Previous Clause/s</b>	<b>Key Changes</b>
Clause 21.01 Municipal Profile, Council Vision and Strategic Directions	Clause 21.00 Municipal Strategic Statement  Clause 21.01 Snapshot of Melton City in 2014  Clause 21.02 Key Issues in the City  Clause 21.03 Planning Visions and Objectives for Melton	Updates the strategic directions of the municipality, key land use issues and includes relevant sections of the <i>Melton Council and Wellbeing Plan 2017-2021</i> .

Proposed Clause	Previous Clause/s	Key Changes
Clause 21.02 Settlement	Clause 21.01 Snapshot of Melton City in 2014  Clause 21.03 Planning Visions and Objectives for Melton  Clause 21.04 Housing within the Established Residential areas	Incorporates sections of the existing clauses that are still relevant and inserts issues and objectives from recently adopted Council strategies that inform the current direction for Settlement within the municipality.
Clause 21.03 Environment and Landscape Values	Clause 21.01 Snapshot of Melton City in 2014  Clause 21.03 Planning Visions and Objectives for Melton	Expands upon the existing Clause 21.01-11 Environment and Landscape Character. It Includes the relevant land use initiatives from the recently adopted <i>Melton Council Environment Plan – Natural Environment</i> and the <i>Significant Landscape Features Strategy May 2016</i> .
Clause 21.04 Environmental Risk	Clause 21.01 Snapshot of Melton City in 2014	Expands on issues relating to planning for flood and fire events and introduces objectives relating to planning for and mitigating climate change.
Clause 21.05 Activity Centre and Retail Provision	Clause 21.05 Activity Centres and Retail Provision	Reformats and rewords the recently adopted Clause that implements the <i>City of Melton Retail and Activity Centres Strategy, March 2014</i> to accord with the format specified in the Practice Note on form and content and advice from the Department of Environment Land Water and Planning.
Clause 21.06 Built Environment and Heritage	None	Introduces strategies from the recently adopted <i>Melton Housing Character Assessment Guidelines: Character Statements and Guidelines, September 2015</i> as well as other built form, principles and initiatives, in particular the Environmentally Sustainable Design Principles promoted by the <i>Melton Environment Plan – Built Environment</i> .  Objectives and Strategies relating to Heritage are also introduced for the first time.
Clause 21.07 Liveable Communities and Housing	Clause 21.04 Housing within Established Residential Areas	Updates the directions introduced by Council's <i>Housing Diversity Strategy in 2014</i> and introduces well-being initiatives relating to harm minimisation and liveability.

Proposed Clause	Previous Clause/s	Key Changes
Clause 21.08 Economic Development	Clause 21.01 Snapshot of Melton City in 2014	Updates and expands upon Clause 2.01-6 (Melton's Economic Base) and introduces objectives and strategies relating to Council's <i>Economic Development and Tourism Plan 2014-2030</i> and other economic initiatives.
Clause 21.09 Transport	Clause 21.01 Snapshot of Melton City in 2014	Introduces Council's integrated Transport Strategy – <i>Moving Melton - Melton Integrated Transport Strategy, November 2015</i>
Clause 21.10 Infrastructure	Clause 21.01 Snapshot of Melton City in 2014	Introduces priorities for the delivery of specific infrastructure in accordance with <i>Melton Advocacy Priorities</i> .
Clause 21.11 Local Areas	Clause 22.09 Eynesbury Station Policy	Deletes the local policy for Eynesbury and updates and includes the planning policy for Eynesbury in the Local Areas Clause, consistent with the current MSS format.
Clause 21.12 Monitoring and Review	Clause 21.05 Implementation and review	Streamlines the review process and links the review to the review of the <i>Council and Wellbeing Plan 2017-2020</i> and other corporate strategies.

The draft MSS clauses 21.01 to 21.12 included in **Appendix 1** to this report are drafts and may be subject to further change based on process and review prior to being formally exhibited as ongoing discussions occur with DELWP and key stakeholders.

The attributed brackets in red, adjoining some sentences within the MSS clauses are for council officer references and provide links to strategies that have been approved by Council. These attributes will not appear in the exhibited version.

### Strategic Assessment

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

Melton City Council has recently adopted its 2017-2021 Council Plan, and for the first time has incorporated the Municipal Public Health and Wellbeing Plan into the Plan, known as the *Melton Council and Wellbeing Plan 2017-2021*. This Amendment incorporates key initiatives from this Plan into the MSS.

Council has also undertaken a considerable amount of strategic planning work over the past four years which has resulted in a number strategies, plans and policies being adopted by Council which are required to be implemented into the planning scheme. This Amendment incorporates key initiatives, objectives and directions from these adopted documents into the MSS to provide an appropriate policy framework to guide the future land use and development of the City of Melton.

The Amendment will provide the Melton City Council and the community with an up to date planning scheme that includes relevant recent strategies adopted by Council. It also formats the scheme to accord with the Ministerial Direction on the Form and Content of Planning Schemes, the Practice Note Writing a Municipal Strategic Statement and aligns the themes so they are consistent with the State Planning Policy Framework.

The amendment implements the following objectives as set out in Section 4(1) of the *Planning and Environment Act 1987* and the *Transport Integration Act 2010* by introducing an up to date planning scheme that is consistent with state policy and provides clear strategic directions for land use and development within the municipality.

The Amendment will deliver positive environmental, social and economic outcomes by updating policies and addressing policy gaps in the current Melton Planning Scheme by integrating policy directions from a range of adopted plans, strategies and guidelines.

As previously discussed, the new MSS is aligned with the *Melton Council and Wellbeing Plan 2017-2021* which provides the basis for a much stronger focus on health and wellbeing in all of Council's initiatives, including the strategic direction of the Melton Planning Scheme.

In addition, key directions from Council's economic development and tourism strategies have been included in the MSS. This will provide specific support for initiatives that generate local employment opportunities and position the municipality as a leading vibrant and diverse place of business and visitor experience.

Overall, the Amendment will ensure that the Melton Planning Scheme provides the framework to achieve positive environmental social and economic development outcomes within the municipality.

The Amendment strengthens local planning policy in respect to bushfire by ensuring development specifically addresses bushfire risk through appropriate design and siting and where possible avoiding new development in areas of high bushfire risk.

The updated local planning policy introduced by this amendment accords with current state government policies and planning initiatives. The MSS structure is now consistent with the structure of the State Planning Policy Framework (SPPF) and closely aligns with the nine themes in the SPPF.

In particular, the Amendment is consistent with Ministerial Direction No. 9 Metropolitan Planning Strategy in that it is consistent with the directions and policies in *Plan Melbourne 2017-2050: Metropolitan Planning Strategy* and will assist in the implementation of the strategy. In particular, the amendment supports the following policies:

- The development of a network of Activity Centres, linked by transport
- An increase in local access to local employment
- Housing choice in locations close to jobs and services
- Social and affordable housing
- An integrated transport system
- A liveable city with quality design and amenity
- Design for healthy and safe communities
- Environmentally Sustainable Development
- Protection of the natural environment.

The amendment introduces a new Local Planning Policy Framework (LPPF) into the Melton Planning Scheme. It includes Council's recently adopted strategies and deletes references to superseded policies or planning objectives. The structure of the themes closely aligns with the SPPF structure but varies slightly to reflect local issues.

The Amendment provides clearer strategic direction by improving the structure and format of the MSS and addressing current policy gaps. In particular, it includes relevant objectives relating to community wellbeing from the *Melton Council and Wellbeing Plan 2017-2021* in respect to land use and development which is a current priority for Council.

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

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

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

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

### 4. Financial Considerations

Council officer time and resources are involved in the preparation, exhibition, and adoption of the amendment which may include a Panel Hearing and is included within Councils recurrent budget.

### 5. Consultation/Public Submissions

The strategies adopted by Council and included in the proposed amendment have all been through a public consultation phase.

Consultation activities with community, business and other stakeholders have been held for the Council Plan and Community Vision. The outcomes, and how they relate to land use planning and development issues, will help inform a consultation program for the MSS review.

As part of the MSS review project, ongoing consultation with the Department of Environment, Land, Water and Planning (DELWP) and State Government agencies has occurred and will continue to occur prior to the amendment being formally exhibited.

Amendment C200 will be exhibited as part of the formal planning scheme amendment process. This includes a statutory exhibition period under *the Planning & Environment Act 1987*, which allows any person to make a submission. Council in consultation with DELWP have determined that an extended period for exhibition is appropriate in this instance and the amendment will be exhibited for a six week period.

Other forms of notification in addition to the statutory required methods will be undertaken during the exhibition period and will include; drop in sessions across the municipality during the exhibition period, website updates, social media and web platform and ongoing stakeholders consultation pre and during exhibition.

### 6. Risk Analysis

Council has a statutory obligation to review its planning scheme, should council choose to not proceed with Amendment C200 then Council will be continuing to operate with an outdated MSS inconsistent with the recently adopted Council and Wellbeing Plan 2017-2021 and therefore not meeting a statutory obligation.

In addition, if the amendment to revise the MSS does not proceed, it will result in a number of Council adopted strategies, policies and guidelines not being implemented into the planning scheme as intended.

### 7. Options

Council can resolve to either:

- a. Seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C200 to the Melton Planning Scheme in accordance with the *Planning and Environment Act 1987* and authorise the General Manager of Planning



& Development or Manager City Design, Strategy & Environment to negotiate and resolve any objections prior to the amendment being reported back to Council.

- b. Not proceed with the amendment.

**LIST OF APPENDICES**

1. Draft MSS Clauses 21.01 to 21.12 - undated
2. Municipal Strategic Statement Background Report - dated 30 June 2017

## 12.13 CITY OF MELTON ELECTRONIC GAMING MACHINE PLANNING POLICY PROJECT

Author: Donald Lewis - Strategic Planner

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

### PURPOSE OF REPORT

For Council to consider the City of Melton Electronic Gaming Machine Reference Document and to seek authorisation to proceed with Planning Scheme Amendment C182 to the Melton Planning Scheme.

### RECOMMENDATION:

That Council:

1. Adopt the City of Melton Electronic Gaming Machine Planning Policy reference document at **Appendix 2**.
2. Note the City of Melton Electronic Gaming Machine Planning Policy Background Report at **Appendix 1**.
3. Seek authorisation to prepare Planning Scheme Amendment C182 to the Melton Planning Scheme from the Minister for Planning and upon receiving authorisation, prepare and exhibit the amendment in accordance with Section 19 of the *Planning & Environment Act 1987*.
4. Authorise the General Manger Planning and Development or Manager City Design Strategy & Environment to negotiate and resolve any issues that are raised by submitters during the exhibition process prior to the Amendment being reported back to Council for referral to a Planning Panel or Adoption.

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## REPORT

### 1. Executive Summary

The Melton Electronic Gaming Machine Planning Policy project has been developed over the last 18 months and builds on the broader *City of Melton Responsible Gambling Policy* which was adopted by Council in 2014.

This report provides an overview of the project which produced a Background Report (**Appendix 1**) that explains the legislative framework and a Reference Document (**Appendix 2**) that identifies the key principles including, location of Electronic Gaming Machines (EGMs) and minimising impacts on vulnerable communities. The Reference Document will form the basis of the Local Planning Policy.

Amendment C182 proposes to incorporate the recommendations of the Melton Electronic Gaming Machine Planning Policy project into the Melton Planning Scheme. The Amendment will provide a clearer direction for the assessment of gaming related planning applications and for Council to defend these decisions at VCAT.

## 2. Background/Issues

The *City of Melton Responsible Gambling Policy* is Council's social policy that was adopted by Council in October 2014. The policy describes Council's commitments in relation to addressing harms associated with all gambling products and activities over which Melton City Council has influence. The overarching aim of the Policy is to minimise the harms associated with all forms of gambling at an individual and community level. A key recommendation from the policy was to strengthen Council's position on EGMs by developing a Reference Document to be included in the Melton Planning Scheme.

The City of Melton currently has seven gaming venues (3 clubs and 4 hotels) which have a total of 503 EGMs and a combined turnover of \$60 million per annum. All Council areas have a cap for the number of EGM entitlements which is reviewed every five years. The City of Melton is currently capped at 659 EGM's.

### **Legislative framework for EGM's in Victoria**

Councils are limited in what they can control through planning policy in relation to EGM's. However, the Victorian Planning Provisions (VPP) at Clause 52.28 of the Melton Planning Scheme does provide Council discretion to prohibit gaming machines in specified shopping complexes and strip shopping centres, and to direct gaming activity to less convenient locations on the edge of these areas or to a stand-alone venue such as a sporting/community club. It is important to note that these requirements came into effect after many of the gaming venues in the City of Melton had been established prior to Amendment VC39 in 2006.

Applicants often gain approval for a gaming license through the Victorian Commission for Gambling and Liquor Regulation (VCGLR) first before seeking planning approval through Council, which can raise expectations that a planning permit will automatically be granted without the same level of rigor that the VCGLR apply to their assessments.

Under Clause 52.28, Councils are also required to consider the social and economic impacts of gaming machines and their locations by taking into account areas of high socio economic disadvantage. Through a Local Planning Policy, Council can specify information required to be submitted to better inform the planning assessment process.

The City of Melton currently has limited policy context to influence appropriate planning outcomes through the planning assessment process. This includes the refusal of applications and defending decisions for review at VCAT, objecting to gambling licenses issued by the VCGLR, influencing the location of new gaming venues, improving the design of new venues when expansion is proposed and requesting specific information during the application process.

The Electronic Gaming Machine Local Planning Policy project included the following elements:

- A Gap analysis that examined recent planning panel recommendations, compared other growth area Councils who have successfully implemented a Local Gaming Policy and identification of other relevant planning issues.
- Background report - This section provides important local and legislative context for the development of the Reference Document.
- Consultation – conducted between October and November 2015 involved discussions held in two workshops, telephone interviews, and undertaking of a community survey.
- Reference document which includes recommended changes to the Melton Planning Scheme.

## Background Report

The Background Report (**Appendix 1**) provides the necessary information that underpins the Reference Document and includes the following content:

- Important baseline data on Meltons' existing venues and other comparable Councils
- Legislative and strategic framework for the project.
- Identifies emerging issues to be considered for the project
- Analysis of recent VCAT and Planning Panel decisions
- Discusses gambling related harm and social and economic impacts.

## Reference Document

The Reference Document (**Appendix 2**) is based on the following key principles:

- a. *Gaming venues and EGMs should be accessible to the extent that they are available but not convenient.*

This is central to reducing gambling related harms by locating new venues away from convenient locations such as town centres, transport hubs and other places where people congregate. Achieving the objectives of this principle can be challenging due to the number of existing venues that were approved prior to this principle being given weight in Victorian planning schemes.

- b. *Growth Areas – The availability of EGM's and gaming venues should be managed to reflect population growth and distribution.*

This principle acknowledges the importance of sequencing development in new areas and ensuring that new venues do not act as the main type of entertainment available to emerging communities. A variety of activities and services should be in place as housing develops and gaming venues should complement these options.

- c. *Exposure to opportunities to gamble should be managed to safeguard the health and wellbeing of communities at an elevated risk of gambling related harms.*

Some communities are particularly vulnerable from gambling activities and this is reflected in State and Commonwealth data which is often used to justify planning decisions where new venues or expansion of existing venues are proposed. The location of gambling venues near 'sensitive uses' such as health centres and schools are also a key consideration.

- d. *Venues should be designed and operated to maximise their potential community benefits.*

Gambling venues should provide genuine community benefit. In the gambling context, community benefit is broad in its definition and includes, taking into account community attitudes when planning applications are being considered, funds derived from the gaming venue should be applied to achieve real outcomes for the community and to support non-gaming activities and services within the venue.

Sections 4 and 5 of the Reference Document makes recommendations for changes to the Melton Planning Scheme to provide the policy framework to implement these key principles.

These recommendations will form the basis of the proposed amendment and are summarised below:

- Update Clause 52.28-3 to reflect current list of shopping complexes that would prohibit gaming machines
- Include a Local Policy at Clause 22.13. The Local Policy will provide clear guidelines and application requirements for the assessment of gaming related planning applications.

- Update relevant sections of the Municipal Strategic Statement to include references to the City of Melton Electronic Gaming Machine Local Planning Policy Project.
- Include the project reference document as a Reference Document in the Planning Scheme.

The purpose of the Amendment C182 is to provide improved direction from the Melton Planning Scheme and enable a more comprehensive assessment of gaming related planning applications. The Amendment C182 will ensure that Council has the policy guidance to defend decisions at VCAT and advise applicants at the pre application stage.

### **Strategic Assessment**

In accordance with Ministerial Direction No 11 the amendment has been assessed against the relevant Strategic Assessment Guidelines.

It is considered the amendment is required to provide better guidance through the Melton Planning Scheme for the assessment of gaming related planning applications.

The Amendment provides a fair and orderly approach to EGMs acknowledging the economic role of venues to local communities whilst minimising the impacts from gambling on these communities.

The proposed amendment supports the SPPF, in particular Clause 11 (Settlement) and Clause 17 (Economic Development).

- Clause 11 (Settlement) seeks to provide a focus for business, shopping, working, leisure and community facilities, to improve the social, economic and environmental performance and amenity of centres and to reduce the number of private motorised trips by concentrating activities in accessible centres by encouraging economic activity and business synergies.
- Clause 17 (Economic Development) seeks to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development. Relevant policy encourages various retailing options that meet the needs of local residents.

The Amendment will address a current gap in the Local Planning Policy Framework by including a Local Planning Policy in the Melton Planning Scheme and updating relevant sections of the Municipal Strategic Statement.

The Amendment also updates Clause 52.28 of the Particular Provisions and is consistent with the following objectives:

- To ensure that gaming machines are situated in appropriate locations and premises.
- To ensure the social and economic impacts of the location of gaming machines are considered.
- To prohibit gaming machines in specified shopping complexes and strip shopping centres.

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

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

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

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

## 4. Financial Considerations

The City of Melton Electronic Gaming Machine Planning Policy was prepared by an external consultant within the approved budget of \$40,000.

It is not envisaged that the implementation of the City of Melton Electronic Gaming Machine Planning Policy will require any additional staff resources as the implementation of the project will be incorporated into the planning scheme providing an improved framework for the assessment of planning applications.

## 5. Consultation/Public Submissions

### Internal technical consultation

A Project Control Group was established comprising the project manager, appointed consultant, Coordinator of Community Planning and Coordinator of City Strategy. In addition, Councils statutory and strategic planners and economic development departments provided feedback on the project.

### Councillor briefings

An initial Council briefing was held in early 2016 which reported on the background analysis/consultation and a further briefing was held at the end of the project in May 2017 to outline the key elements and findings of the Reference Document.

### Consultation/Public Submissions

An external stakeholder workshop was held with representatives from relevant community organisations. All seven venue operators within the City of Melton were interviewed and a survey was conducted which received 39 responses. The survey asked a range of questions relating to location of venues, types of entertainment available and frequency of visits to venues. In summary, the survey found that;

- most venues attracted older patrons who drove to the venue
- the extent of services and facilities was important to patrons and
- there was community awareness that easy access to gambling can lead to problem gambling issues.

As part of the Planning Scheme Amendment process, all landholders who are affected by the amendment will be directly notified and given an opportunity to make a submission. The Amendment will also be publicly advertised.

## 6. Risk Analysis

If Council choose not to adopt the project or the request to authorise and exhibit Amendment C182 to the Melton Planning Scheme there are a number of associated risks:

1. The absence of an Electronic Gaming Machine Local Planning Policy in the Melton Planning Scheme will result in a lack of clear direction for Council officers in assessing future planning applications in a consistent and efficient manner.
2. A lack of guidance for existing venues operators and new venue operators.
3. Inappropriate planning outcomes in relation to the location of new venues and expansion of existing venues.

## 7. Options

Council has the option to:

1. Adopt the Electronic Gaming Machine Local Planning Policy May 2017, note the Background Report and request authorisation from the Minister for Planning to prepare and exhibit Amendment C182 to the Melton Planning Scheme in accordance with the requirements of the *Planning and Environment Act 1987*.
2. Not to adopt the Electronic Gaming Machine Local Planning Policy May 2017 or request authorisation from the Minister for Planning to prepare and exhibit Amendment C182.

**LIST OF APPENDICES**

1. City of Melton Electronic Gaming Machine Planning Policy Background Report - dated June 2017
2. City of Melton Electronic Gaming Machine Planning Policy Reference Document - dated June 2017

## 12.14 CITY OF MELTON ENVIRONMENT PLAN 2017-2027

Author: Holly Dillabough - Environmental Policy Officer  
Presenter: Laura-Jo Mellan - Manager City Design, Strategy & Environment

### PURPOSE OF REPORT

For Council to consider the City of Melton Environment Plan 2017-2027.

### RECOMMENDATION:

That Council:

1. adopt the City of Melton Environment Plan 2017-2027 attached at **Appendix 1**
  2. note the Directions Paper attached at **Appendix 2**.
- 

### REPORT

#### 1. Executive Summary

The City of Melton Environment Plan 2017-2027 (hereafter the Environment Plan) attached at **Appendix 1** provides direction for Council's environmental sustainability over the next ten years. The Plan identifies key current and emerging environmental issues in the municipality and proposes actions to address these issues. The Plan is under-pinned by a strong technical analysis and has been informed by input from the community and key stakeholders.

The Plan will assist Council to:

- Respond to the community's expectations for Council's environmental management
- Demonstrate and model environmental leadership
- Protect and enhance the City of Melton's natural environment
- Prepare Council to respond to emerging issues and opportunities
- Act as a reference and guiding document to help inform future policies and programs that relate to environmental management

As a policy guide, the Environment Plan will align and guide plans addressing specific aspects of the environment, and is strongly aligned with the Council Plan and the Municipal Strategic Statement.

The Environment Plan includes an overarching vision, goals and key principles, along with objectives and key actions for the four key themes of climate change, biodiversity, waste and water. If adopted, it will guide the municipality towards becoming a sustainable city that protects its ecological values, and provides a healthy environment to support a growing population.

It is important to note that in implementing actions from the Environment Plan there will be opportunity to realise long term savings to Council. For example, investing in works to reduce Greenhouse emissions can deliver savings in ongoing operational costs associated with a reduced energy demand, and continue to return savings beyond the payback period required to cover the cost of the investment.



## 2. Background/Issues

### Gap analysis and internal consultation

In 2015, Council undertook a gap analysis of current plans, strategies and policies to identify what Council was doing well and where it could improve its environmental management. Early internal consultation identified challenges around four key themes:

- climate change
- waste
- water
- biodiversity.

These findings along with Internal consultation (refer Section 5) informed the development of a Directions Paper (**Appendix 2**) and are addressed in the Environment Plan.

### Directions Paper

Based on the four key themes outlined above, a Directions Paper was developed to guide the first phase of community consultation. The paper outlined the challenges and opportunities around climate change, waste, water and biodiversity, as well as Council's role in these areas. The purpose of the Directions Paper was to:

- Inform the community that the Plan was being developed
- Provide information on how the Plan is being developed
- Introduce the four key themes
- Provide information to assist the community in engaging with the Plan's development.

### Technical reports

Two technical reports were developed by consultants to inform the Environment Plan. The first performed modelling to examine utility consumption in the context of population increase and urban development over the next 20 years. The final report recommends actions to reduce our Greenhouse Gas emissions and lower associated energy and water costs.

The second report examined likely future climate scenarios in the municipality to identify risks to current and future infrastructure. Checklists were developed to improve the resilience of Council's assets and avoid unnecessary costs associated with climate change. The report also included a high level feasibility assessment of renewable energy opportunities on Council owned assets.

These reports have been used to inform the Plan and will assist with its implementation.

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

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

2. A thriving and resilient natural environment: A City that preserves and enhances its natural environment for future generations

*2.4 A City growing and developing sustainably.*

## 4. Financial Considerations

The Environment Plan was developed in-house. The technical reports to inform its development were prepared by consultants within the approved budget of \$60,000.

Some actions of the Environment Plan will be implemented using existing Council resources, as part of general staff responsibilities or through recurring budgets. Other actions will be funded through the Annual Budget process and their implementation subject to funding availability.

Further, Council will continue to utilise opportunities for external funding as they become available to assist in conducting further feasibility studies and in undertaking works related to the Environment Plan.

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

Internal and Community Consultation was undertaken internally throughout the development of the Environment Plan and has been summarized below.

### **Internal consultation**

Early internal consultation identified four key issues that formed the basis of a Community Directions Paper which led the first phase of community consultation. Continued internal consultation was undertaken throughout the development of the Plan with input from staff across Council.

### **Community consultation – First phase**

The first phase of community consultation was undertaken in April and May 2016.

External consultation methods included a survey, a Community Directions Paper, consultation sessions, and stalls at Council's *My City, My Say* events. The community was informed through social media, emails, a media release and a dedicated page on Council's website. Local environment groups were contacted directly by email or phone, inviting them to attend the *My City, My Say* events, provide a submission to the Directions Paper, fill out the online survey or contact the Environmental Policy Officer with any additional feedback.

Sixty-eight online surveys and 138 paper surveys were completed. The results indicated broad support for the key themes and for Council to improve its sustainable practices. A summary of the feedback received is contained at **Appendix 3**.

### **Councillor and Executive Team engagement**

Councillors and the Executive Team were briefed on three occasions throughout the Plan's development: Monday, 16 May 2016, Monday, 28 November 2016 and Monday, 10 April 2017.

These briefings included an update on the Plan's progression followed by opportunities for input into its development.

A draft of the Plan was presented at the Council briefing on Monday, 8 May 2017.

### **Community consultation – Second phase**

Public consultation on the draft Environment Plan was undertaken from Monday, 8 May 2017 until Friday, 9 June 2017. The public consultation methods included a media release picked up by the e-West Newsletter, a survey publicised on Council's social media and the project webpage, advertisements on the libraries' electronic display screens, attending Advisory Committee meetings and other community events, holding a stall at the Eynesbury Market and direct contact with local environment groups.

Council received ten submissions during the consultation period. A summary of submissions received during the public comment period and officers response are attached at **Appendix 4**.

## 6. Risk Analysis

If Council choose not to adopt the project, there are a number of associated risks:

1. A lack of clear guidance in Council's environmental management
2. A lack of environmental leadership to the community
3. Reputational risk for not responding to community expectations around sustainability
4. Potential for missed opportunities for financial and social co-benefits of environmental action
5. Impact Councils ability to meet the objectives of the Paris Agreement, the Victorian governments Take2 Pledge and the international Covenant of Mayors all of which Melton City Council is a signatory too.

## 7. Options

Council has the option to:

1. Adopt the City of Melton Environment Plan 2017-2027 and note the Directions Paper **Appendix 2**.
2. Not adopt the City of Melton Environment Plan 2017-2027 or note the associated reports.

## LIST OF APPENDICES

1. City of Melton Environment Plan 2017-2027 - dated July 2017
2. Directions Paper - dated April 2017
3. Directions Paper Consultation Report - undated
4. Public submissions summary table - undated

## 12.15 PLANNING APPLICATION PA 2017/5508 - TWO LOT SUBDIVISION AT 2 AVIATOR PLACE, BROOKFIELD

Author: Joseph Oyelowo - Development Planner  
Presenter: Bob Baggio - Manager Planning Services

### PURPOSE OF REPORT

To consider and determine the above planning application.

### RECOMMENDATION:

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

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## REPORT

### 1. Background

#### Executive Summary

Applicant:	Di Mase Berry & Co. Pty Ltd
Proposal:	Two Lot subdivision
Existing Land Use:	Existing single storey dwelling and sheds
Zone:	Neighbourhood Residential
Overlays:	Nil
Number of Objections:	Three including a petition with seven signatories
Key Planning Issues:	Previous Council refusal Respect for Neighbourhood Character
Recommendation:	Support the application

#### Planning History

In 2014, the land was rezoned from Residential 1 to Neighbourhood Residential, as part of a broad planning scheme change which introduced the new residential zones across the municipality.

In July 2016, Council refused a planning application for a two lot subdivision of the land, principally because one of the proposed lots was only 1,300 square metres in area. This was considered contrary to Council's adopted Neighbourhood Character Guidelines which recommend a minimum lot size of 2,000 square metres in this area.

Prior to this, Council had in 2014 approved a planning permit for a vehicle store on the site. This involved the parking of a number of trucks and other machinery from a large shed to be built on the property. This permit has since expired as the building was never constructed.

Notwithstanding this, the property has been used for the parking of trucks and other machinery and goods, in contravention of the planning controls. This has been investigated by Council officers and enforcement action taken. The unauthorised use continues however, and further action is being pursued.

### The Land and Surrounding Area

The subject land has an area of 4,300 square metres and is situated on the north side of Aviator Place. Other features of the site are as follows:

- The site has a frontage of 43 metres to Aviator Place and a depth of 100 metres.
- There is an existing single storey dwelling and sheds on the site.
- A 3 metre wide easement extends along the rear northern boundary.
- Vehicle access is through the south-west and south-east corner of the subject land.

The land forms part of an area that is commonly known as the Brookfield Acres Estate. The Estate is generally bounded by Brooklyn Road to the north, Arnolds Creek to the south and east and Clarkes Road to the west.

The majority of the lots within the Estate have an area of 4,000 square metres occupied by large 'homestead' type dwellings built across the frontage (there are examples of larger lots within the estate). There are also smaller lots located east of Clarkes Road and interspersed throughout the Estate comprising of 2,000 square metres in area.

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

### The Application

The current proposal with Council is to subdivide the land into two lots. Lot 1 will contain the existing dwelling including the shed and Lot 2 to the rear will be a parcel of land with a shed on it. Lot 2 will allow for the siting of a future dwelling.

The initial lot area proposed for Lot 1 was 2,354 square metres and 1,946 square metres for Lot 2. The owner of the subject land was informed that the proposal would not be supported in its current form. The lot area was altered. Lot 1 will now have an area of approximately 2,299 square metres and Lot 2 will be 2,001 square metres.

The proposed changes is summarised as follows:

- Lot 1 will be rectangular in shape with a splay at the north-eastern corner.
- Lot 2 is battleaxe in shape. The northern boundary will have a 3 metre wide easement identified as E-1. Vehicle access will be from a 7.9 metre wide carriageway easement identified as E-2.
- The owner of the subject land has indicated that this carriageway easement is to allow vehicle access to the rear of Lot 1. Maintenance of the vehicle accessway way would be carried out by the new owner of Lot 2.

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

### Planning Controls

Zone	Clause 32.09 – Neighbourhood Residential Zone	Permit required to subdivide land.
Overlays	Nil	Nil
Particular Provisions	Clause 56 – Residential Subdivision	Provisions apply to an application to subdivide land.

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

### **Melton Housing Diversity Strategy**

The Melton Housing Diversity Strategy (MDHS) was adopted by Council in May 2014. The Strategy provides a 20-year plan that establishes the types of housing needed and the suitability of different residential locations to accommodate different rates of housing change.

The MDHS locates the site within the existing character area 8: Melton. This area displays a character which is more typical of a low density estate due to its larger allotment size and informal open streetscape presence with established canopy vegetation. Lot sizes are consistent, fluctuating between 2,000 square metres and 17,000 square metres with an average of 4,000 square metres. Lots contain large building footprints and wide frontages to the street.

The strategy provided the basis for the land being located within the Neighbourhood Residential zone.

### **House Rules - Housing Character Assessment & Design Guidelines**

The Housing Character Assessment & Design Guidelines was adopted by Council in October 2015. The site is located within the Life Style 3 (LS3) character area. The minimum subdivision lot size specified for this area is 2,000 square metres. The essential components of the (LS3) which need to be maintained into the future are:

- Buildings sited well back from the road and generally also from side boundaries.
- Buildings and hard surfaces occupying only a small proportion of the site.
- Continuity of soft landscape across adjacent lot frontages.
- Retention of large feature trees.
- Retention of some remnants of vegetation from the pre-residential landscape, where they exist.

The rural look and feel of these areas is to be strengthened by:

- Using open, agricultural-style fencing
- Avoiding boundary treatments with an urban or suburban appearance.

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

The land is not affected by a Restrictive Covenant.

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

The Aboriginal Heritage Regulations 2007 specify the circumstances in which a cultural heritage management plan is required for an activity or class of activity.

The land is in an area of Aboriginal Cultural Heritage sensitivity. Division 5 of the Aboriginal Heritage Regulations 2007 does not list the proposal as a high impact activity. Hence, a cultural heritage management plan is not required.

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

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

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

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

## **3. Financial Considerations**

No Council related financial considerations are involved with the application.

## 4. Consultation/Public Submissions

### Public notification of the application

The application was subject to notification. The notification was satisfactorily completed and three objections were received including a petition with seven signatories.

The grounds of objection may be summarised as follows:

- Increased traffic having a detrimental effect on this quite area.
- Damage to the road caused by the current unauthorised uses on the site.
- The properties within this area were once encumbered by a covenant that restricted subdivision.
- The landscape and surrounding properties will be impacted.
- The proposal will affect the amenity of the residents in terms of power supply and drainage.
- The proposal will spoil the character and ambience of a nice, quiet and safe residential area. Many trucks drive up our driveway to reverse as the driveway is narrow.
- As the subject land is located in an area of Aboriginal Cultural Heritage sensitivity, concern that constructing a dwelling on the new lot would be contrary to the protection and conservation of these features.
- The fact that a previous application for subdivision was refused.

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

### Referral of the application

The application was referred to Councils Engineering Department for comment and advice. A complete list of response is included in **Appendix 5**.

## 5. Issues

### Planning Assessment

The Brookfield Acres Estate provides larger than standard suburban lots. There are varying lots sizes within the Estate. For example lots facing Aviator Place are around 4,000 square metres while some lots facing Springbank Way, Maplewood Close, Westley Place and Billing Place within the same Estate, are smaller and around 2,000 square metres. Council's adopted House Rules recommends that the minimum subdivision lot size is to be 2,000 square metres.

There are a number of examples of two lot subdivisions which has been approved by Council and/or VCAT within the Brookfield Acres Estate. Many of these have a similar battle-axe shaped layout as proposed in the application. The advantages of this type of subdivision layout, is that future development on the rear lot is substantially screened from the adjoining street, and therefore the existing streetscape character is largely maintained.

The proposal has been assessed and considered in the context of the requirements of the Melton Planning Scheme, relevant Council Strategies, the objections received and the previous Council decision.

It is considered that the proposed subdivision, in this case presents a better design outcome for the site than the previous planning application that was refused. This current proposal is more respectful of the existing and preferred character for the area and generally complies with the objectives and standards of Clause 56 – Residential Subdivision for the following reasons:

1. The proposed subdivision lot size for both lots will be a minimum of 2,000 square metres. The area and dimension of the proposed lots will create a subdivision that is consistent with the existing and preferred character of the area.
2. Lot 2 will allow for the siting of a future dwelling with sufficient room for the building, car parking and private open space, access to and integration with the street, and appropriate solar orientation.

The carriageway easement that is proposed over the access area for the new lot, for the benefit of the front lot is unusual, unnecessary and should be removed from the plan of subdivision as a condition of permit.

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

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

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

## LIST OF APPENDICES

1. Locality Plan - dated 7 June 2017
2. Plans for the Proposal - undated
3. Assessment against Planning Scheme - undated
4. Response to Objections - undated
5. Referral Comments - undated
6. Notice of Decision - undated



**12.16 PLANNING APPLICATION PA 2016/5197/1 - REDEVELOPMENT OF AN EXISTING SERVICE STATION BY DEMOLISHING EXISTING BUILDINGS AND INFRASTRUCTURE AND BUILDING A NEW SERVICE STATION WITH REFUELING CANOPY AND FORECOURT AND CONVENIENCE SHOP WITH ASSOCIATED CAR PARKING, LANDSCAPING AND BUSINESS IDENTIFICATION SIGNAGE AT 1486-1490 DIGGERS REST-COIMADAI ROAD, TOOLERN VALE**

**Author: Simon Temple - Principal Planner  
Presenter: Bob Baggio - Manager Planning Services**

**PURPOSE OF REPORT**

To consider and determine the above planning application.

**RECOMMENDATION:**

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

**REPORT**

**1. Background**

**Executive Summary**

Applicant:	R J Sinclair Pty Ltd
Proposal:	Redevelopment of the existing Toolern Vale Service Station
Existing Land Use:	Service Station and Horse Saddlery
Zone:	Low Density Residential
Overlays:	Nil
Number of Objections:	46
Key Planning Issues:	Intensification of existing use and appropriateness of further redevelopment Hours of operation Vehicle access to and from the site onto Diggers Rest-Coimadai Road and impacts on existing road network (Creamery Road)
Recommendation:	Refuse application

**The Land and Surrounding Area**

The subject site has an area of 2,913m<sup>2</sup> and is located on the northern side of Diggers Rest-Coimadai Road in Toolern Vale approximately 350 metres east of Gisborne Melton Road. Other features of the site are as follows:

- The site is irregular in shape, relatively flat and has dual frontage to Diggers Rest-Coimadai Road (declared main road) and Creamery Road (local unsealed road).

- The land contains two single storey weatherboard buildings (General Store and Horse Saddlery respectively) with steel sheet roofing, a large weatherboard and steel shed (currently used as a produce store) with steel sheet roofing and an existing steel shed at the rear of the property. Two above ground petrol bowsers are located towards the front of the subject land.
- Vehicle access to the site is via two existing crossovers on Diggers Rest-Coimadai Road and a third crossover on Creamery Road.
- The subject land is located in proximity to a bend in Diggers Rest-Coimadai Road and adjacent to the intersection of this road and Creamery Road.

The surrounding area can be characterised as single storey detached brick dwellings with concrete tiled or steel sheet roofing to the east, west, north-east and north-west. Land to the north is occupied by an existing primary school while land to the south (opposite side of Diggers Rest-Coimadai Road) is occupied by an existing recreation reserve comprising tennis courts, a steel framed pavilion, playground and associated car parking.

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

### **The Application**

The application proposes the redevelopment of the subject land for a new service station comprising a new sales building (convenience shop), refuelling canopy and forecourt with associated car parking, landscaping and business identification signage.

The proposed development is summarised as follows:

- The existing weatherboard buildings, septic tank system, petrol bowsers, underground fuel tanks (2 x 110,000 litres), signage, stockpiles and structures (rear of the site) and one of the existing vehicle crossovers are to be removed.
- The new sales building will be single storey, have a total floor area of 180 square metres and setback 24.4 metres from the front (southern) boundary, 8 metres from the eastern boundary and 15 metres from the western boundary. The building will have a maximum height of 6.4 metres. External materials and finishes for the sales building include weatherboard and vinyl cladding, aluminium framed glazing and colourbond clad roofing.
- A refuelling canopy between the sales building and Diggers Rest-Coimadai Road to service light (four bays) and heavy vehicles (two bays). The canopy will have a pitched roof and maximum height of 9 metres. External materials and finishes include steel posts, vinyl cladding and colourbond clad roofing.
- Hours of operation were initially proposed to be 24 hours a day, seven days a week. The hours have since been revised to 6am-11pm, seven days a week.
- A total of four car spaces (including one disabled car space) will be located to the west of the sales building adjacent to the western boundary of the site.
- Business identification signage in the form of a 6 metre high pole sign (advertisement area of 5.94 square metres), shop fascia signage (5.5 square metres), price board sign (0.42 square metres), canopy fascia sign (21.6 square metres each side) and wall mounted poster signs (1 square metre).

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

**Planning Controls**

Zone	(Clause 32.03 – Low Density Residential Zone)	<p>A planning permit is required to use and develop land for a Service Station. The site must adjoin a commercial or industrial zone or adjoin or have access to a road in a Road Zone. The site must not exceed 3,000 square metres or 3,600 square metres if it adjoins on two boundaries a road in a Road Zone.</p> <p>The subject land has a total area of 2,913 square metres and adjoins Diggers Rest-Coimadai Road which is a road in a Road Zone (Category 1).</p>
Overlays	Nil	Not applicable
Particular Provisions	(Clause 52.05 – Advertising signage)	<p>A permit is required to display business identification including pole signage.</p> <p>The application provides signage in the form of a pole sign, shop fascia sign, canopy fascia sign and window poster signs.</p>
	(Clause 52.06 – Car parking)	<p>There is no specified car parking rate for Service Station. However, there is a standard ratio for Convenience Shop of 10 car spaces to each premises.</p> <p>The application provides four car spaces to the west of the sales building adjacent to the western boundary of the site.</p> <p>The applicant has advised that 10 spaces are provided if the area where vehicles park to refuel is included as part of car parking. This assessment is supported by previous VCAT decisions.</p> <p>Therefore, it is considered that the amount of car parking provided on site for the proposal is adequate.</p>
	(Clause 52.07 – Loading Bays)	<p>Space must be provided on land for loading and unloading of vehicles in accordance with this clause.</p> <p>The application provides a loading bay area (4m x 9.5m) in accordance with the requirements of this clause.</p>
	(Clause 52.12 – Service Station)	<p>The application does not fully comply with the requirements of this clause.</p> <p>The vehicle crossovers exceed the maximum width of 7.7 metres and the exit crossover is not located 4.5 metres from Creamery Road. The setback of the refueling canopy from the street frontage is 2.2 metres which is less than the minimum setback of 2.5 metres required under this clause.</p> <p>However, approval may be granted to vary these requirements if the Responsible Authority considers that a better design solution will result.</p>

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

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

The land is not affected by a Restrictive Covenant.

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

The land is considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*. The proposed buildings and works are identified as a high impact activity under the Aboriginal Heritage Regulations 2017. However, under Section 43(3) of the regulations, the proposed buildings and works are not a high impact activity as they are associated with a use lawfully carried out on the land before the commencement of the regulations. Therefore, a cultural heritage management plan is not required.

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

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

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

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

**3. Financial Considerations**

No Council related financial considerations are involved with the application.

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

The application was subject to notification. The notification was satisfactorily completed and 46 objections were received.

The grounds of objection may be summarised as follows:

- Increased traffic, noise and dust to adjacent and surrounding properties due to trucks being unable to turn right on Diggers Rest-Coimadai Road and using Creamery Road, Burtons Road and Mechanics Road (all unsealed roads) instead.
- Hours of operation – the existing use is a daytime operation and the proposal will result in a significant increase in hours that will impact on the amenity of an existing low density residential area.
- The entrance and exit to the site is dangerous and will create unsafe traffic conditions due to the location of the subject land close to a blind bend in Diggers Rest-Coimadai Road and insufficient space for trucks to turn right from the subject land onto this road.
- The speed limit along this section of Diggers Rest-Coimadai Road should be reduced from 80km to 60km due to its proximity to a blind bend in this road.
- The proposal will adversely impact on the neighbourhood character of the area in relation to the height and size of the proposed refuelling canopy.

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

The applicant has submitted a petition comprising 93 signatures in support of the application.

**Referral of the application**

The application was referred to a number of Council Departments for comment and advice. The application was also required to be referred to VicRoads which is a determining referral authority in this case and EPA, Worksafe Victoria and Western Water which are recommending referral authorities. A complete list of responses is included in **Appendix 5**.

It is worth noting that both Vic Roads and Council's Traffic Engineering Section raised

concerns about vehicles turning right into and out of the site, given its proximity to a bend in Diggers Rest-Coimadai Road. There is also an existing guard rail on the southern side of Diggers Rest-Coimadai Road directly opposite the exit to the subject land which would make it difficult for heavy vehicles to turn right from the site onto Diggers Rest-Coimadai Road.

## 5. Issues

### Planning Assessment

It is acknowledged that the existing Service Station and General Store have been operating from the subject land for many years and have established existing use rights under the Melton Planning Scheme.

The applicant has advised that the existing service station is over 30 years old and it proposes to undertake an upgrade of the existing buildings, petrol pumps, underground fuel tanks and construct a new refuelling canopy to bring the service station in line with modern day standards and make it safer for the community and the environment.

The assessment of the application reveals that the proposal is inconsistent with relevant state and local planning policies as it seeks to intensify the existing incompatible use of the land as a service station through increasing the hours of operation and number of petrol bowsers and constructing a new refuelling canopy and forecourt to accommodate more vehicles (including heavy vehicles).

The intensification of the existing use is likely to have an adverse impact on the amenity of a predominantly low density residential area in terms of hours, increased traffic (particularly from heavy vehicles) vehicle access to and from the subject land and is also likely to adversely impact on the existing local road network, in particular, Creamery Road which is currently an unsealed road due to vehicles being unable to enter and exit the site from Diggers Rest-Coimadai Road in a safe manner.

The application initially proposed the new service station operating 24 hours a day, seven days a week. Following discussions with the applicant and in response to concerns raised by objectors, these hours have been revised to 6am-11pm. However, the revised hours are considered to be excessive given that the existing use operates from 6am-6pm and is located within a predominantly low density residential area.

The application has failed to adequately address the concerns raised by Council's Traffic Engineering Section and Vic Roads which commented that vehicle access to the site must be modified to restrict right hand turn movements into and out of the site from Diggers Rest-Coimadai Road. This is not supported by the applicant due to potential adverse impacts on the amount of traffic visiting the site. However, the applicant has failed to present any other viable solutions to address the concerns of Council Officers and the objectors.

The applicant has not undertaken a detailed assessment of the proposal in terms of its impact on existing traffic volumes and the capacity of the local road network (in particular, Creamery Road) to cater for the likely increase in traffic (particularly heavy vehicles).

The applicant has also failed to adequately address the concerns of residents in relation to vehicle entry and exit arrangements to and from the site given its proximity to a sharp bend in Diggers Rest-Coimadai Road and insufficient space for trucks to turn right from the site onto Diggers Rest-Coimadai Road resulting in trucks having to use Creamery Road, Burton Road and Mechanics Road (all unsealed roads) leading to increased traffic, noise and dust and adversely impacting on the amenity of the existing residents and school.

While VicRoads has imposed restrictions on vehicles turning right into and out of the site onto Diggers Rest-Coimadai Road through signage, it is not considered practical to enforce these restrictions.

## 6. Options

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

## 7. Conclusion

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

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

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

## LIST OF APPENDICES

1. Locality Map - dated 12 July 2017
2. Development Plans - received 21 November 2016
3. Assessment against Planning Scheme - undated
4. Response to Objections - undated
5. Referral Comments - undated
6. Notice of Refusal (Grounds) - undated

## **12.17 ATTENDANCE AT UNESCO LEARNING CITIES CONFERENCE - CORK, IRELAND**

**Author: Kel Tori - Chief Executive Officer**  
**Presenter: Kel Tori - Chief Executive Officer**

### **PURPOSE OF REPORT**

To advise Council of the UNESCO Learning Cities Conference to be held 18-20 September 2017 in Cork, Ireland.

### **RECOMMENDATION:**

That Council endorse the attendance of Sally Edwards, Lifelong Learning Officer, at the bi-annual UNESCO Learning Cities Conference to be held 18-20 September 2017 in Cork, Ireland.

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### **REPORT**

#### **1. Executive Summary**

The Bi annual UNESCO Global Network of Learning Cities conference is to be held this year in Cork, Ireland, and Council as the only Australian local government that has Network membership should be represented at the conference. There are many benefits to attendance, including making contacts in the global learning community, hearing first hand details of new research and programs implemented, and ensuring Council's standing as a leader in the learning community sector is preserved.

#### **2. Background/Issues**

Melton City Council is the only Australian local government authority to hold membership of the UNESCO Global Network of Learning Cities (GNLC), and in 2015 was acknowledged for its achievements in the pursuit of lifelong learning with a Learning City Award.

In 2015, the Mayor, CEO and Learning Coordinator attended the conference held in Mexico City, at which the 'Collective Impact Assessment Tool', being developed at that time through partnerships established via Melton's Community Learning Board (CLB) was one of the presentation topics at the conference. The Mayor also chaired the committee charged with developing the 'conference statement', which was significant acknowledgement of Council's status within the global learning community.

The Collective Impact Assessment Tool has now been fully developed and it is proposed that it will be 'presented' to UNESCO as a 'gift' of the City of Melton, for use across the learning network.

Theme 4 of the newly adopted Council plan is 'A strong local economy and lifelong learning city'. To achieve this we must foster a community culture that embraces and encourages the community of learning at all age levels.

Officers believe that ongoing involvement with the GNLC will expose the city to current research and provide opportunities to share learnings and best practice. The City of Cork is an acknowledged leader in the learning community space, and the officer would have the opportunity at the conclusion of the conference to engage with Cork Learning Festival organisers, and to tour various providers and programs across Cork.

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

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

4. A strong local economy and a lifelong learning City: A City rich in local employment and education opportunities

*4.5 Lifelong learning opportunities are available and promoted*

### **4. Financial Considerations**

There is no registration fee, however travel and accommodation costs are anticipated to be in the range of \$4,000-5,000. Budget provision for this cost exists in the staff training and development budget.

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

There has been no public consultation in relation to this report.

### **6. Risk Analysis**

Council has established a position of some prominence within the global learning community, and were it not to be represented at this conference it would suffer reputation damage. It would also miss the opportunity to gain first-hand knowledge of new trends and initiatives that are benefitting learning communities internationally, that could be readily translated into the local context and benefit our community.

### **7. Options**

Council has the option to decline endorsement of representation at the conference, or to endorse additional representation.

## **LIST OF APPENDICES**

Nil



**12.18 GROWING SUBURBS FUND 2017-19**

**Author: David Caligari - Manager Capital Projects**  
**Presenter: Luke Shannon - General Manager Planning & Development**

**PURPOSE OF REPORT**

To outline the criteria of the recently announced Growing Suburbs Fund and determine Council's priority projects for submission to the Fund.

**RECOMMENDATION:**

That Council endorse the submission to the Growing Suburbs Fund (GSF) for the following projects in priority order:

1. White House redevelopment - \$2M funding for \$4M project
2. Rockbank North (Woodlea) Community Hub - \$1.0M funding for \$6.7M project
3. Taylors Hill West Community Hub - \$1.6M funding for \$6.7M project
4. Female change rooms - \$600K funding for \$1.2M project
5. Arnolds Creek Playspace - \$300k funding for \$600K project
6. Allenby Road Reserve Hillside - \$300K funding for \$600K project
7. Bill Cahill Reserve Melton South - \$300K funding for \$600K project
8. Hannah Watts park - \$600K for \$1.2M project
9. MacPherson Park - \$3M funding for \$9M project

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

The State Government officially launched the Interface Growth Fund (IGF) in July 2015 announcing an initial \$50M investment into the outer suburbs to support the delivery of critical local infrastructure needs for growing communities. A further announcement was made in May 2016 allocating an additional \$50M to Melbourne's ten (10) interface Councils with a name change to the Growing Suburbs Fund. The 10 interface Councils that are eligible for funding under the GSF are Cardinia, Casey, Hume, Melton, Mitchell, Mornington Peninsula, Nillumbik, Whittlesea, Wyndham and Yarra Ranges

Council was successful in obtaining a total of \$6.321M from the IGF and \$4.38M from Round 1 of the GSF. The successful 2016-17 projects in Round 1 of the GSF were:

	<b>Project</b>	<b>Funding Received</b>
1	Caroline Springs Basketball Facility extension	\$2.5M
2	Scout Environment Education Activities Centre construction	\$500K
3	Botanic Trail	\$190.9K
5	Kenswick Drive Reserve Development upgrade	\$194K
7	Burnside Stage 2 Multipurpose Community Centre	\$1M

A further \$50M has been allocated in the 2017-18 Victorian State budget however unlike previous years, this amount has been spread across the 2017-19 financial years. Applications opened on 23 June 2017 and close on 10 August 2017.

The following projects are recommended for submission to the 2017-19 GSF in priority order:

1. White House redevelopment - \$2M funding for \$4M project
2. Rockbank North (Woodlea) Community Hub - \$1.0M funding for \$6.7M project
3. Taylors Hill West Community Hub - \$1.6M funding for \$6.7M project
4. Female change rooms - \$0.6M funding for \$1.2M project
5. Arnolds Creek Playspace - \$300k funding for \$600K project
6. Allenby Road Reserve Hillside - \$300K funding for \$600K project
7. Bill Cahill Reserve Melton South - \$300K funding for \$600K project
8. Hannah Watts park - \$0.6M for \$1.2M project
9. MacPherson Park - \$3M funding for \$9M project

## 2. Background/Issues

Council has received the 2017-19 Growing Suburbs Fund application guidelines which outline how Council can apply for funding and the funding criteria. A summary of the guidelines is outlined below.

The GSF is intended to fund ideally a mix of projects that have a direct social or economic benefit for communities across the following broad infrastructure:

- community health, wellbeing, and social interaction
- early education and learning and training
- sport, recreation and leisure
- environmental and climate change resilience
- place-making civic amenity and community connecting.

All infrastructure projects must commence construction within 10 months of the grant being announced and must be completed within a three (3) year timeframe from the start of construction.

The 2017-19 GSF continues the State Government's commitment of contributing towards meeting critical local infrastructure needs for communities in Melbourne's diverse and fast growing outer suburbs. It is positioned to quickly respond to the pressures being experienced by Interface communities by bringing forward local infrastructure projects that will make a big difference of the day-to-day lives of outer suburban families.

### Objectives of the GSF

The 2017-19 GSF will contribute to a prosperous and livable Melbourne by improving the quality of life for those living in the outer suburbs. It will fund infrastructure that improves the community and economic development, livability and resilience of these communities.

### Assessment Criteria

#### Criterion 1 – Why is this project required? – 25%

Applications will be required to demonstrate the extent to which the project addresses an identified need in the community by:

- clearly identifying the need or gap in infrastructure provision that the project will address

- demonstrating (by quantifying) the breadth and depth of the need or gap in infrastructure provision
- demonstrating how the project aligns and delivers against current state policy objectives.

Applications that directly address needs resulting from population growth will be favourably considered.

#### **Criterion 2 – Who will benefit and how? – 25%**

Applications must clearly demonstrate the extent to which the project will deliver benefits to the locality and must:

- clearly identify the expected benefits (social, economic, and/or environmental) that the project will deliver
- demonstrate the breadth and depth of the expected benefits including who will benefit and how
- demonstrate how the project will deliver on the purpose of the GSF and the desired outcomes.

#### **Criterion 3 – What will be delivered – 20%**

Applications must provide details of what the funding will be used for and:

- demonstrate the relationship between what the project will deliver, the need for the project, and the expected benefits
- demonstrate consistency with climate change, environmental sustainable design, and universal design principles
- explain how the project benefits will be sustained once the infrastructure is delivered.

#### **Criterion 4 – How will the project be delivered – 20%**

Applications must provide details that:

- demonstrate a sound approach to deliver the project, providing realistic time-frames for delivery, and demonstrate that the project is financially viable and represents value for money
- demonstrate capacity to implement and/or source expertise to manage the delivery of the project
- outline the proposed funding contributions for the project.

#### **Criterion 5 – The extent of council and community support for the project – 10%**

Applications must:

- demonstrate that the project is a recognised strategic council priority and is consistent with key council plans such as the current Council Plan and Strategic Resource Plan, community plans or structure plans and/or policy documents
- demonstrate the level of support at the community level. This could be demonstrated by engagement activities, co-contributions or in-kind support from community members or groups.

#### **Application Process and Key Timing**

Applications Open	23 June 2017
Applications Close	10 August 2017
Assessment and Decision Making	11 August to mid-October 2017

Announcements	From November 2017
Funding Agreements Executed	From November 2017
Construction Commencement	No later than September 2018
Construction Complete	Within 3 years of commencement

Officers have reviewed the funding guidelines and assessment criteria and assessed the projects in the 10 year Capital Works Program to determine the projects that most closely address the funding requirements. Officers have also met with State Government Officers who administer the GSF to seek their advice on the type of projects the State Government is most likely to fund. Based on the funding guidelines and State Government advice, the following projects are recommended in priority order:

1. White House redevelopment - \$2M funding for \$4M project
2. Rockbank North (Woodlea) Community Hub - \$1.0M funding for \$6.7M project
3. Taylors Hill West Community Hub - \$1.6M funding for \$6.7M project
4. Female change rooms - \$0.6M funding for \$1.2M project
5. Arnolds Creek Playspace - \$300k funding for \$600K project
6. Allenby Road Reserve Hillside - \$300K funding for \$600K project
7. Bill Cahill Reserve Melton South - \$300K funding for \$600K project
8. Hannah Watts park - \$0.6M for \$1.2M project
9. MacPherson Park - \$3M funding for \$9M project

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

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

3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way
  - 3.2 *Community facilities, infrastructure and services that are equitably planned for, provided and maintained.*

### 4. Financial Considerations

The projects identified exist within Council's 10 Year Capital Works Plan for current or future years. In the event contributions are not forthcoming there is no anticipation that additional Council funds will be required. If projects are funded this would simply enable some of them to be brought forward in the 10 Year Capital Works Plan.

### 5. Consultation/Public Submissions

Consultations have occurred over the past in many ways, specifically around Council briefings or budget paper discussions, Capital Works updates etc.

### 6. Risk Analysis

Timelines are tight for the application process, although officers have been working on the suggested initiatives for some time.

Although noted that applications are on a tight timeframe, the infrastructure projects must commence construction within 10 months of the grant being announced and Council would

have a three (3) year timeframe to complete the project from the start of that construction term.

## **7. Options**

That Council:

1. Endorse the priority order list contained within the recommendation
2. Endorse a revised priority order list from the recommended projects
3. Endorse alternative projects at Council's discretion
4. Not endorse any of the recommended priority order projects.

## **LIST OF APPENDICES**

Nil

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

Reports on external Committees and external Representative Bodies for which Councillors have been appointed by Council.

**14. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS**

Address from Councillors in relation to matters of civic leadership and community representation, including acknowledgement of community groups and individuals, information arising from internal Committees, advocacy on behalf of constituents and other topics of significance.

**15. NOTICES OF MOTION****15.1 NOTICE OF MOTION 489 (CR MENDES) - WITHDRAWN****Councillor: Michelle Mendes - Councillor**

Notice was given at the Ordinary Meeting of Council held on 26 June 2017 of my intention to move the following motion at the Ordinary Meeting Council to be held on 24 July 2017.

**MOTION:**

That Councillors note the Officer's report and request:

1. Officers undertake a comprehensive study for additional infrastructure and facilities to cater for a significant event at the Morton Homestead.
2. That an Australia Day Celebration event be held at the Morton Homestead during the current term of this Council.

**WITHDRAWN**

Cr Mendes gave notice on Monday, 17 July 2017, of her withdrawal of this Motion.

**15.2 NOTICE OF MOTION 490 (CR CARLI)****Councillor: Lara Carli - Councillor**

Notice was given at the Ordinary Meeting of Council held on 26 June 2017 of my intention to move the following motion at the Ordinary Meeting Council to be held on 24 July 2017.

**MOTION:**

That Council install bollards around a section of the reserve at the corner of Wattle Valley Drive and Pilgrim Drive, Hillside to prevent vehicles from driving over the grass reserve.

**OFFICER'S COMMENTS:**

Council officers have inspected the site and identified that a history of hoon behaviour has existed for some time. Damage has been sustained to park infrastructure and adjacent residential properties.

It is appropriate for a combination of fencing and tree planting to resolve the issue of illegal vehicle movement.

The cost of works is estimated in the order of \$3,750.



**15.3 NOTICE OF MOTION 491 (CR MAJDLIK)****Councillor: Kathy Majdlik - Councillor**

Notice was given at the Ordinary Meeting of Council held on 26 June 2017 of my intention to move the following motion at the Ordinary Meeting Council to be held on 24 July 2017.

**MOTION:**

That Council contribute \$10,000 towards an electronic scoreboard in the 2017/18 financial year at the Ian Cowie Reserve in Rockbank in conjunction with the Rockbank Football Club.

**OFFICER'S COMMENTS:**

The Rockbank Football Netball Club (RFNC) currently have a manual scoreboard consistent with Council's standard provision outlined in Council's Open Space Plan 2016-2026.

Council has previously contributed funds to electronic scoreboard projects at Hillside Recreation Reserve (in progress), Burnside Recreation Reserve (in progress), Melton Recreation Reserve and MacPherson Park. There is also currently a club managed electronic scoreboard project in progress at Caroline Springs Town Centre.

Whilst Council's Recreation Unit are unaware of the details of the proposal to install an electronic scoreboard at Ian Cowie Reserve, Officers are supportive of community organisations undertaking enhancements on, or to, existing Council assets where appropriate consultation and adherence to statutory requirements is in place. Based on recent installations, it is estimated total project cost (depending on location of services) is between \$40,000 and \$50,000.

Should Council resolve to provide \$10,000 to the club toward installation of an electronic scoreboard, a site meeting to confirm proposed location, design and construction drawings (provided by the club) to be evaluated by Council's Property Services Unit will be required. Upon approval, securing a building permit will be the trigger to commence construction works and Council's contribution to be invoiced.

The RFNC will be required to undertake all construction works consistent with routine Council conditions related to OH&S and risk management. Council Officers would be available to provide any support and guidance to facilitate the project.

**15.4 NOTICE OF MOTION 492 (CR DE SANTIS)****Councillor: Melissa De Santis - Councillor**

Notice was given at the Ordinary Meeting of Council held on 26 June 2017 of my intention to move the following motion at the Ordinary Meeting Council to be held on 24 July 2017.

**MOTION:**

That Council officers provide a brief report regarding Council's current resourcing and support for working with the Aboriginal and Torres Strait Island community and organisations within the municipality.

**OFFICER'S COMMENTS:**

Officers will prepare a report as requested outlining the work to achieve Council's adopted Reconciliation policy and Roadmap to Reconciliation action plan, the events and initiatives that celebrate Aboriginal and Torres Strait Islander people and culture, and the work in support of registered Aboriginal community corporations operating in the municipality.

## 15.5 NOTICE OF MOTION 493 (CR HARDY)

Councillor: Ken Hardy - Councillor

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 24 July 2017.

### MOTION:

That Council commence a targeted advocacy campaign, focussing on the Premier along with all local members to seek to achieve a commitment to the:

1. Immediate investment by the State from the Sustainability Fund (and other sources as necessary) to establish alternate waste technologies which can respond to Melbourne's waste requirements in a geographically well distributed manner, rather than continuing with the current heavy reliance on the Melbourne Regional Landfill site. The Department of Environment, Land, Water and Planning's 2016 Annual Report shows a balance in this fund of \$466M. Council's contribution to the Fund last financial year (2016/17), through the landfill levy, was in the order of \$3M.
2. Reduction in the reliance on the site for landfill purposes in the short term through improved methods of waste diversion, including recycling. These methods should be achieved at the source of generation rather than at the existing landfill site.
3. Longer term use of the Melbourne Regional Landfill site for alternate uses, such as open space, rather than for landfill purposes.

### OFFICER'S COMMENTS:

In May 2017 at the MAV State Council, council representatives voted to pass a resolution relating to the landfill levy (Sustainability Fund) distribution. The following was resolved:

*That the MAV write to the Minister for Energy, Environment and Climate Change before the end of May and strongly advocate that:*

- *the Minister provides improved transparency regarding the spending and allocation of the landfill levy from 2008/09 onwards and provides expenditure plans for the unallocated funds from the landfill levy*
- *a minimum of 50% of the accrued landfill levy funds be allocated to the originating local government to support long term provision of landfill remediation and for projects that take further action on climate change, waste reduction, recycling and illegal dumping. Projects deemed suitable should not require any matched funding from local government*
- *the landfill levy be frozen at the current rate per tonne.*

In 2016, the Metropolitan Waste & Resource Recovery Group (MWRRG) released the Governments *Metropolitan Waste and Resource Recovery Implementation Plan*. The MWRRG is the Victorian State Government Statutory Body responsible for coordinating and facilitating the delivery of waste management and resource recovery across metropolitan Melbourne.

The Implementation Plan brings together state-wide priorities set out in the State-wide Waste and Resource Recovery Infrastructure Plan and applies them within the metropolitan context.

The Implementation Plan's objectives are to:

- reduce waste sent to landfill
- increase organic waste recovered
- deliver community, environmental and economic benefits
- plan for Melbourne's growing population

Given the MAV's position and the objectives of the State Government's *Metropolitan Waste and Resource Recovery Implementation Plan*, it is very appropriate for Council to undertake an advocacy campaign on the allocation of the Sustainability Fund to deliver these objectives.

With respect to the longer term use of the Melbourne Regional Landfill site for alternate uses, such as open space, rather than for landfill purposes, the Minister for Planning has recently approved a planning permit for the landfill to be expanded into the area which has been / will be quarried south of Riding Boundary Road. The remainder of the Boral land north of Riding Boundary Road has approval to be quarried, although not to be used as a landfill. It is envisaged that once the landfill has been completed (post 2046), the area will be rehabilitated and ultimately used for passive open space.

**15.6 NOTICE OF MOTION 494 (CR KESIC)****Councillor: Goran Kesic - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 24 July 2017.

**MOTION:**

That Council write to the Hon Greg Hunt, Minister for Health, expressing Council's gratitude for the funding provided by the Turnbull Government for a Headspace facility in Melton, which will greatly assist in addressing youth mental health issues experienced in our municipality.

**OFFICER'S COMMENTS:**

Officers will draft a letter for the Mayor's signature thanking the Hon Greg Hunt as per the Notice of Motion 494, should this motion be adopted.

**15.7 NOTICE OF MOTION 495 (CR RAMSEY)****Councillor: Sophie Ramsey - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 24 July 2017.

**MOTION:**

That Council formally rescind the following resolution of Council, adopted at the Ordinary Meeting of Council held on 6 March 2017 at item 15.11 'Notice of Motion 462 (Cr Carli)', being:

*Crs Carli/Majdlik*

*'That Council's 2018 Australia Day Celebration Event be held at the Morton Homestead on Calder Park Drive in Taylors Hill'.*

**OFFICER'S COMMENTS:**

Internal legal advice is that the motion referred to in the rescission notice has not been 'acted upon' and therefore a rescission of the motion is possible pursuant to the *Meeting Procedure Local Law 2013* ('the Meeting Procedure').

Whether a motion has been 'acted upon' is determined by reference to the Meeting Procedure, specifically to clauses 8.31 and 8.32 f), where the latter refers specifically to a rescission notification. This clause provides that, '[a] decision will be deemed to be acted upon once its details have been **formally communicated to persons affected by or reliant on the resolution ...**' [emphasis added]

Internal legal advice is that there is a lack of 'formal communication' and that the persons that have been informally made aware are not, 'persons affected by or reliant on the resolution' as this phrase is properly interpreted. This is based on the following:

- No formal communication as to the venue has occurred – no advertising and no announcement on Council's website or social media pages.
- Insofar as persons affected by or reliant on the resolution, there are no persons or groups that would meet the definition of this phrase properly interpreted.
- The notion of 'persons affected' is closely related to the notion of standing at common law. This usually means the person about which the decision is made or the owner of the property in relation to which a decision is made. It is not simply 'an emotional or intellectual concern' itself (*Australian Conservation Foundation (ACF) v Cth* (1980) HCA). Here there is no person or interest group that is sufficiently affected by or reliant on the resolution.
- The venue (and nearby Council carpark) has been 'booked' internally but that is of no consequence to any other person or group other than Council. If Council did not own the Morton Homestead venue, and the venue owner, having relied on the Australia Day booking, had turned down a lucrative booking, then that would be an example of a person who had relied on the decision of Council and/or was affected by the decision. That is not the case here.
- Some persons have been notified informally, including by email and phone. All but three of these are specific to the event, rather than specific to the venue. Three parties have been telephoned who are community groups local to the Moreton Homestead however no arrangements have been agreed or even discussed in any detail. The groups have simply expressed an interest.

**15.8 NOTICE OF MOTION 496 (CR RAMSEY)****Councillor: Sophie Ramsey - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 24 July 2017.

**MOTION:**

That the Melton City Council Australia Day Celebration Event be held at The Willows, Melton in 2018 and 2019, and at Morton Homestead on Calder Park Drive, Taylors Hill in 2020.

**OFFICER'S COMMENTS:**

Council resolved at its meeting held on 6 March 2017 to host the 2018 Australia Day Celebration at Morton Homestead. Whilst staff have undertaken preliminary evaluations of this matter no significant work has been done as to the securing of infrastructure and hosting of the event to date. As such, there are no impediments for the event to be held at the Willows during 2018 and 2019. Should this occur the format and operation will be similar to what has been organised in previous years. The current planning undertaken for it to be hosted at Morton Homestead can then be referred to when it is hosted there in 2020.

- 16. COUNCILLOR'S QUESTIONS WITHOUT NOTICE**
- 17. MOTIONS WITHOUT NOTICE**
- 18. URGENT BUSINESS**



**19. CONFIDENTIAL BUSINESS**

Nil.

**20. CLOSE OF BUSINESS**