



MELTON CITY COUNCIL

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

29 May 2017

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

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MELTON CITY COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE MELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC CENTRE, 232 HIGH STREET, MELTON ON 29 MAY 2017 AT 7.00PM

Present: Cr S Ramsey (Mayor)
Cr B Turner (Deputy Mayor)
Cr S Abboushi
Cr L Carli
Cr M De Santis (arrived 7.38pm)
Cr K Hardy
Cr G Kesic
Cr K Majdlik
Cr M Mendes

Mr K Tori, Chief Executive Officer
Mr P Bean, General Manager Corporate Services
Mr M Heaney, General Manager Community Services
Mr L Shannon, General Manager Planning and Development
Mr B Baggio, Manager Planning Services
Ms C Crameri, Manager Community Care
Ms C Denyer, Manager Legal and Governance
Ms T Spiteri, Governance Coordinator
Ms E Haley, Communications Coordinator
Mr J Lees – IT Support Officer

1. OPENING PRAYER AND RECONCILIATION STATEMENT

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

Procedural Motion

Crs Hardy/Majdlik.

That standing orders be suspended at 7.01pm to acknowledge the attendance of Cr Emilia Serjova from the City of Whittlesea, and to present former Councillor Myles Bentley a letter under Seal of Council.

CARRIED

Procedural Motion

Crs Majdlik/Hardy.

That standing orders be resumed 7.06pm.

CARRIED

2. APOLOGIES AND LEAVE OF ABSENCE

The Mayor noted that Cr De Santis hoped to arrive later in the meeting and if not would be an apology.

3. CHANGES TO THE ORDER OF BUSINESS

Nil.

4. DEPUTATIONS

Nil.

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

Cr Turner declared an indirect conflict of interest in Item 19.2 by reason of close association, the details of which were provided to the CEO in writing prior to the meeting.

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

That the Minutes of the Ordinary Meeting of Council held on 1 May 2017 and Special Meeting of Council held on 15 May 2017 be confirmed as a true and correct record.

Motion

Crs Majdlik/Carli.

That the recommendation be adopted.

CARRIED

7. RECORD OF ASSEMBLY OF COUNCILLORS

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

- 1 May 2017 Record of Assembly of Councillors
- 8 May 2017 Record of Assembly of Councillors
- 15 May 2017 Record of Assembly of Councillors
- 22 May 2017 Record of Assembly of Councillors

RECOMMENDATION:

That the Record of Assembly of Councillors dated 1 May, 8 May, 15 May and 22 May 2017 attached to this Agenda be received and noted.

Motion

Crs Majdlik/Carli.

That the recommendation be adopted.

CARRIED

LIST OF APPENDICES

1. 1 May 2017 Record of Assembly of Councillors
2. 8 May 2017 Record of Assembly of Councillors
3. 15 May 2017 Record of Assembly of Councillors
4. 22 May 2017 Record of Assembly of Councillors

8. CORRESPONDENCE INWARD

8.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR

- The Hon Angus Taylor – Assistant Minister for Cities and Digital Transformation – Smart Cities Plan
- Judith Graley MP – Member for Narre Warren South – Correspondence to the Hon James Merlino MP, Minister for Education (enclosure from The Hon James Merlino MP)
- Mary-Anne Thomas MP – State Member for Macedon – National Partnership Agreement for Universal Access to Early Childhood Education beyond 2017
- Gayle Tierney MP – Member for Western Victoria – National Partnership Agreement for Universal Access to Early Childhood Education beyond 2017
- The Hon Jacinta Allan MP – Minister for Major Projects and Public Transport – Commuter car parking at Caroline Springs railway station
- Colleen Hartland MLC – Member for Western Metropolitan Region – Continuation of Universal Access to Early Childhood Education
- Don Nardella MLA – Member for Melton – Intersection of High Street and Coburns Road, Melton
- Judith Graley MP – Member for Narre Warren South – Correspondence to the Hon James Merlino MP, Minister for Education (enclosures from The Hon James Merlino MP and The Hon Gayle Tierney MP for The Hon James Merlino MP)
- The Hon Jacinta Allan MP - Minister for Major Projects and Public Transport – New Railway Station for Toolern Metropolitan Activity Centre
- The Hon Jacinta Allen MP - Minister for Major Projects and Public Transport – Extension of bus services in the City of Melton

RECOMMENDATION:

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

Motion

Crs Majdlik/Carli.

That the recommendation be adopted.

CARRIED

LIST OF APPENDICES

1. Correspondence Inward - The Hon Angus Taylor MP - dated 18 April 2017
2. Correspondence Inward - Judith Graley MP - dated 21 April 2017
3. Correspondence Inward - Mary-Anne Thomas MP - dated 24 April 2017
4. Correspondence Inward - Gayle Tierney MP - dated 24 April 2017
5. Correspondence Inward - The Hon Jacinta Allan MP - dated 24 April 2017
6. Correspondence Inward - Colleen Hartland MLC - dated 1 May 2017

7. Correspondence Inward - Don Nardella MLA - dated 8 May 2017
8. Correspondence Inward - Judith Graley MP - dated 8 May 2017
9. Correspondence Inward - The Hon Jacinta Allan MP - dated 16 May 2017
10. Correspondence Inward - The Hon Jacinta Allen MP - dated 16 May 2017

9. PETITIONS AND JOINT LETTERS

Cr Hardy presented a petition addressed to The Hon The Speaker and Members of the Legislative Assembly in Parliament, with 99 signatures requesting a noise attenuation wall be erected for residences located along the Western Highway boundary, and the design and installation of a pedestrian walkway located between Coburns Road and Bulmans Road, Melton.

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

Nil.

11. PUBLIC QUESTION TIME

Cr Turner left the Chamber at 7:16pm.

Cr Turner returned to the Chamber at 7:17pm.

Cr Carli left the Chamber at 7:18pm.

Cr Carli returned to the Chamber at 7:24pm.

Name	Question asked of Council
Robert Nielsen	Who is responsible for cleaning up of graffiti on the freeway sound panels?
Robert Nielson	What media used for the advertising of items for public review and participation?
David O'Connor	What is the proposed bus route of the 483 service at the completion of the road closure of Welcome Road?
David O'Connor	The breakdown of services that can be incorporated and sustained by the current and future Diggers Rest Recreational Reserve.
Jason Ryan	Consideration of a shared pathway along the Werribee River as a joint venture with Wyndham City Council and the Victorian Government.
Jason Ryan	Use of land at the corner of Rushworth Avenue and St Arnaud Road, Eynesbury as a skate park for the youth of Eynesbury.

Procedural Motion

Crs Majdlik/Hardy.

That the recommendations as printed in Items 12.1, 12.3, 12.6, 12.12 and 12.13 be adopted in block.

CARRIED

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

Author: Dominique Roberts - Governance Officer

Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

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

RECOMMENDATION:

That the Council Seal be affixed to the documentation as detailed in the Schedule for Authorising of Affixing of the Common Seal of Melton City Council dated 29 May 2017.

Motion

Crs Majdlik/Hardy.

That the recommendation be adopted.

CARRIED

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 authorized officers who must be present and sign every document to which the common seal is affixed.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

4. Financial Considerations

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

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

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

7. Options

Not applicable.

LIST OF APPENDICES

1. Schedule for Authorising of Affixing the Common Seal - dated 29 May 2017

Cr Kesic left the Chamber at 7:30pm.

Cr Kesic returned to the Chamber at 7:33pm.

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 and 4**
2. adopt recommendations arising within the Minutes.

Motion

Crs Majdlik/Carli.

That Council:

1. note the minutes of Advisory Committee meetings at **Appendix 1, 2, 3 and 4**
2. adopt recommendations arising within the Minutes.
3. authorise the mayor and/or Chief Executive Officer to make contact with Woodgrove Shopping Centre in an endeavour to progress the matter outlined in **Appendix 2** Heritage Advisory Committee Minutes of 20 April 2017, Section 4, dot point 1.

CARRIED

REPORT

1. Executive Summary

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

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

2. Background/Issues

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

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

Councillor representation on Advisory Committees is generally for one year and is reviewed annually at the Statutory Meeting of Council. Councillor representation on current Council Committees and to other organisations for 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
28 March 2017	Leisure Advisory Committee Meeting Minutes	Appendix 1
20 April 2017	Heritage Advisory Committee Meeting Minutes	Appendix 2
27 April 2017	Early Years Partnership Committee Meeting Minutes	Appendix 3
27 April 2017	Community Learning Board Meeting Minutes	Appendix 4

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

2.3 Facilitate community engagement in planning and decision making

4. Financial Considerations

Advisory 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. Leisure Advisory Committee Meeting Minutes - dated 28 March 2017
2. Heritage Advisory Committee Meeting Minutes - dated 20 April 2017
3. Early Years Partnership Committee Meeting Minutes - dated 27 April 2017
4. Community Learning Board Meeting Minutes - dated 27 April 2017

12.3 MUNICIPAL AUDIT COMMITTEE MINUTES - 26 APRIL 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, 26 April 2017.

RECOMMENDATION:

That Council:

1. note the minutes of the Municipal Audit Committee meeting held on Wednesday 26 April 2017
2. adopt the recommendations arising within the minutes.

Motion

Crs Majdlik/Hardy.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The minutes of the Audit Committee meeting held on 26 April 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 for consideration.

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

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

4. Financial Considerations

A provision has been provided in this year's budget for the remuneration on a fee per meeting basis for independent 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. Audit Committee Minutes - dated 26 April 2017
2. 2016/2017 Finance Report - 9 months ended 31 March 2017

Cr De Santis arrived and joined the meeting at 7.38pm.

12.4 RESPONSE TO NOTICE OF MOTIONS 458 AND 469

Author: Troy Scoble - Manager Recreation & Youth
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To provide Council with a response to Notice of Motion 458 and 469 endorsed at the Ordinary Meeting held on 6 March 2017 and 3 April 2017.

RECOMMENDATION:

That Council:

1. Note the report and the comments related to Notice of Motion 458 and continue to liaise with the CALD Committee and the African Communities Working Group (once established) to enhance these services and communication overall.
2. Officers review the current program hours and allocate within existing resources additional outreach services on Saturday evenings, whilst continuing to strengthen relationships with our local agencies and health providers on the best way forward to provide services to young people.

Motion

Crs Abboushi/De Santis.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

At the Ordinary meeting of Council of **6 March 2017, Notice of Motion 458** was tabled:

“That Council write to the Hon Lisa Neville MP, Minister for Police to gain her commitment around exactly how many new officers will be deployed in the City of Melton including Caroline Springs Station and Melton Police Station.

Furthermore, given the escalating level of antisocial behaviour in our community, that the Minister review its position on the opening hours of Caroline Springs Station in order to give our community greater access to local Police.

That Officers prepare a report in relation to resourcing a youth outreach team for Council’s public events where it is likely to attract large numbers of young people. The report should include specific consideration of the team being made up of workers/community leaders who are representative of the cultural cross-section of our community”.

At the Ordinary meeting of Council of **3 April 2017, Notice of Motion 469** was tabled:

“That Council provide a report assessing the need for increased youth outreach support services targeting identified locations and times of day where young people congregate in public spaces. The report is to make recommendations about how

Council may achieve an improved outcome for young people at risk of disengagement”.

2. Background/Issues

Council has a dedicated Youth Services team which is situated in the Melton Township and Taylors Hill.

Council has supported and invested in the Youth Services team across two Youth Centres specifically to assist young people and provide opportunities for them to meet. Young people have the opportunity to access youth services programs, have discussions with professional youth services staff and agencies if appropriate.

The Youth Services structure has approximately \$1.8m in staff allocations to provide a number of programs right across the municipality. This EFT is also supported by a number of casual support staff which assists where necessary for backfill opportunities or events etc.

Notice of Motion 458

The Youth Services structure has a dedicated outreach service for young people. The program (6801) supports young people between the ages of 12 to 25 who live, work, study or recreate in the City of Melton. The outreach team provides case management and referrals for young people if required.

The dedicated outreach team (6801) currently have two full time staff and a number of casual staff, which support the program when required.

It should be noted that Youth Services staff and the outreach team are available at Council's major events. Officers noting the intent of the Notice of Motion will engage more with the CALD Committee and the newly established African Communities Working Group to determine what the best way is to seek representatives/leaders to work with the team for the benefit of improved community engagement and outcomes.

In providing some of these services and events, Council's Youth Services team is very heavily engaged with the Police, protective services officers, school partners and external support agencies.

Other initiatives include the submission of a number of grants within State Government that will also assist with providing services to young people such as:

- ***Vic Health Local Government Active Arts Grant - \$85,000 (successful).***
This will assist Sudanese youth through youth led music and dance based workshops (in a school setting), incorporating peer mentoring, and bringing together Sudanese and non-Sudanese students.
- ***Department of Justice Grant - \$200,000 (awaiting outcome).***
This grant will respond to community concerns about the perceived escalation of crime and disengagement of young people in the City of Melton. This will be in partnership with Victoria Police.
- ***Building Better Regions Fund (Community Investments Stream) - \$100,000 (awaiting outcome).***
This project will build leadership, capacity and connectedness of up to 25 young people from the local African community at risk of social isolation and associated challenging behaviours.

Notice of Motion 469

The existing outreach services provided by the Youth team (6801) and times of engagement is detailed below:

- **Tuesday 4.00 pm – 7.00 pm**

The service provides supports to the Library team to engage with young people that are attending the library.

- **Thursday 3.00 pm – 7.00 pm**

The outreach team access Woodgrove Shopping Centre and the soon to be Caroline Springs Square Shopping Centre in partnership with Victoria Police and community groups.

- **Friday 6.00 pm – 11.00 pm**

6801 targets outreach at various identified hot spots in the community, including commercial spaces and at times, areas identified by local Police.

The balance of staff time from the 6801 team and the model that is in place is spent engaging proactively with the schools and undertaking intensive case management of at risk young people which have been identified by the team or referred to the service by Victoria Police, schools or other external agencies.

In reviewing these times and having a balance, officers will include operational hours of the outreach team (6801) to include Saturday evenings, specifically around hot spots within the municipality as stated above in the report in consultation with Victoria Police and other agencies. This would be most likely be from approximately 6.00 pm to 11.00 pm. At the same time, officers will work on how the staff would be more visible to community members and most importantly young people when active.

Council should also note the work on the advocacy that has been occurring to attract additional services to support young people in our municipality. These initiatives such as the new Melton Health and Community Services facility that is to be completed by the end of 2017, which will see a number of health providers co-located in the building which will specifically work with youth services and most importantly provide services for young people.

Officers are also exploring the opportunity for programs to be offered to young people and the best way forward within the next six months.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

3.5 Build an inclusive community that embraces and values cultural diversity and celebrates our collective heritage

4. Financial Considerations

Nil.

5. Consultation/Public Submissions

Officers will continue to engage with the CALD Committee and the sub-group of the African Communities Working Group on the best way forward to integrate our support for events.

6. Risk Analysis

N/A.

7. Options

Nil.

LIST OF APPENDICES

Nil

12.5 RESPONSE TO NOTICE OF MOTION 465 - LIVE STREAMING OF COUNCIL MEETINGS

**Author: Tracy Spiteri - Governance Coordinator and
Christine Denyer - Manager Legal and Governance
Presenter: Christine Denyer - Manager Legal and Governance**

PURPOSE OF REPORT

To respond to Notice of Motion 465 in relation to live streaming of Council meetings.

RECOMMENDATION:

That Council:

1. Approve in principle live streaming of Ordinary meetings of Council with implementation to occur when Burnside Children's and Community Centre duplicate Council meeting facility is operational.
2. Conduct such live streaming via a dedicated YouTube channel as its streaming platform (as described in Option 2 of this report).
3. Develop a detailed policy and procedure on live streaming of Council Meetings.

Motion

Crs De Santis/Carli.

That the recommendation be adopted.

LOST

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

For:

Crs Abboushi, Carli, De Santis and Majdlik.

Against:

Crs Hardy, Kesic, Mendes, Ramsey and Turner.

The Mayor declared the Motion LOST

REPORT

1. Executive Summary

At the Ordinary meeting held on 6 March 2017, Council resolved to receive a report investigating the funding of the installation of CCT cameras in the Council Chamber for use during Ordinary meetings, for security and live streaming of the meeting to residents.

Council officers have undertaken a desktop review of the 79 other Councils across Victoria to determine if and how they live stream their Ordinary meetings. This report provides Council with the results of the review and further information as to the estimated costings that will be associated with the various forms of live streaming of meetings.

2. Background/Issues

At the Ordinary meeting held 6 March 2017 Council resolved that officers:

1. *prepare a report regarding funding the installation of CCT cameras in the Council Chamber for use during Ordinary meetings of Council for:*
 - a. *security, and*
 - b. *the live streaming of the meeting to residents*
2. *conduct a review of other Councils as to how they stream Council meetings to their residents.*

This report focuses on the live streaming of Council meetings in accordance with parts 1b. and 2 of the resolution. Should cameras be used for live streaming, footage can be provided to the police for the investigation of a crime, pursuant to part 1a. of the resolution.

Definitions

- Streaming (webcasting) is the process of delivering multimedia content via the internet, in audio and/or video format from a single content source to multiple listeners/viewers.
- Streamed content may be delivered by two methods:
 1. Live, via the internet to the viewing platform, while a meeting or event is happening. Live streamed content does not require downloading and saving and is available once only, ie. at the time of the meeting or event.
 2. On demand - whereby content is accessible from the internet for viewing later, such that content can be downloaded and viewed after the meeting or event has concluded.

The Notice of Motion which was the catalyst for this report referred to live streaming. Accordingly, this report will focus on live streaming however, to the extent that the content would also be available on or via Council's website *after* the meeting, the report will also consider on-demand streaming.

Current Practice and Perceived Advantages

Council currently records its Ordinary meetings via the written minutes, available within four business days on Council's website, and via an audio recording which is uploaded to the website within one business day of the meeting.

The minutes provide an accurate record of all resolutions made at a Council meeting, however they don't reflect the level of detailed discussion and debate that Councillors engage in prior to coming to a decision.

The audio recording goes a long way to provide the detailed discussion and debate however the recording is not live and it is sometimes difficult to ascertain precisely who is speaking.

Streaming the visual recording will allow the viewer to see the discussion in its entirety including body language.

Streaming the meeting *live* will enable the public to view the meeting, in real time, from any remote location where internet access is available.

Live streaming meetings is also an avenue to potentially increasing public participation in Council meetings.

In its report, *Investigation into the transparency of local government decision making* (December 2016), the Victorian Ombudsman said, amongst other things, that live streaming of meetings is one of a number of factors that impact upon accessibility and transparency of decision making in open meetings (p20). At the time of its report, 10 of the 79 Councils indicated to the Ombudsman that they were live streaming meetings (p29).

Benchmarking – All Victorian Councils

Council Officers conducted a desktop research of all 79 Victorian Councils. A copy of Officer’s findings is attached at **Appendix 1**. The document shows that of the 79 Victorian Councils:

- 13 are currently live streaming;
- 14 are currently uploading audio only (all of which we believe are not live recordings)

Benchmarking – Use of Live Streaming

Known Council’s in Victoria currently live streaming Council meetings include:

<ul style="list-style-type: none"> • Alpine Shire Council • Bayside City Council • Campaspe Shire Council • Darebin City Council • Greater Dandenong City Council – since 2003 • Greater Shepparton City Council – since 2016 • Indigo Shire Council 	<ul style="list-style-type: none"> • Kingston City Council – since 2013 • Monash City Council • Moreland City Council – since 2014 • Wangaratta Rural City Council • Wellington Shire Council – since 2003 • Wyndham City Council – since 2017
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Benchmarking – Audience Size

Attached at **Appendix 2** are statistics sourced from Dandenong, Kingston and Darebin City Councils.

Other Relevant Considerations

It is also worth noting that Council is in the process of moving to electronic agendas, which it is currently trialing.

There is also a motion to be considered at this meeting in relation to a review of the *Meeting Procedure Local Law 2013*.

In the Author’s view it would be better to delay live streaming until these two major changes have been imbedded.

Live Streaming OPTIONS:

The following options are all based on a fixed location in the Council Chamber and would ideally integrate with the existing audio sound system.

The following options are largely based upon research undertaken by Maroondah City Council. With its permission the author has used parts of a report that was previously presented to a meeting of the Maroondah City Council.

Option 1 – Self-Managed Solution externally hosted

Provided by an Australian company with an expertise in Local Government webcasting solutions. It requires initial set up costs for hardware, software and other equipment and ongoing costs for live streaming services, streaming set up and archive storage.

Victorian Councils who have adopted this model include Bayside, Campaspe, Darebin, Greater Dandenong, Kingston, Monash and Wellington, whose meeting recordings are published via links on their respective Council website (refer links below).

Council	Website Link
Bayside	http://stream.bayside.vic.gov.au/
Campaspe	http://webcast.campaspe.vic.gov.au/archive/video17-0418.php

Council	Website Link
Darebin	http://www.darebin.vic.gov.au/Your-Council/How-council-works/Meeting-Agendas-and-Minutes
Greater Dandenong	http://www.greaterdandenong.com/section/25839/council-meetings-live
Kingston	http://stream.kingston.vic.gov.au/
Monash	http://webcast.monash.vic.gov.au/
Wellington	http://www.wellington.vic.gov.au/Home

The following 2 service providers have been engaged by these Councils:

InterStream – Bayside, Campaspe, Monash, Kingston and Wellington plus Children’s Court of Victoria, nine NSW Councils and two Queensland Councils

apStream – Greater Dandenong, Darebin, plus two NSW Councils

Interstream is a Local Government Procurement Approved Contractor in NSW, and the only service provider to live stream in a high definition (HD) format, offering an enhanced picture and sound quality. If viewers experience ‘blips and pauses’ while watching the live stream, there is the facility to select a medium or low bandwidth option.

InterStream’s pricing model is a set cost per month, which includes the creation of an indexed/bookmarked archive (regardless of the number of meetings streamed and the number of archives retained). The pricing model of apStream is structured on a ‘per meeting basis’ and doesn’t include creation of an indexed/bookmarked archive.

Advantages (based upon the Interstream model only)

- short set up time – 2 to 3 weeks to select and purchase equipment
- risk reduction – tried and tested solution
- broadcast quality HD cameras
- set cost of approximately \$1,260 per month* regardless of the number of meetings held per month, which also provides the opportunity to stream other meetings, should Council be so inclined, or any other public forum held in the Council Chamber eg. declaration of the poll after an election, section 223 meetings etc
- full control over data content, which is hosted on contractor’s server
- potential to display ‘live minutes’ or ‘powerpoint’ in a 4-way split screen
- provision for viewers to email a questions/comments during the meeting
- archive available within 48hrs, with data storage residing within Australia
- provision for indexing/bookmarking of archived meetings to provide ease of navigation for viewers of agenda items considered during meetings
- free editing of archive after meetings if necessary, in the event of objectionable language or acts of an individual, which may have been recorded.

Disadvantages

- estimated set up costs – hardware (three HD cameras, streaming box and control tablets) \$16,000* per venue
- ongoing costs – approximately \$1,260 per month (regardless as to the number of meetings)*
- it is a fixed solution that is set up permanently in one location.

* *Indicative costs (ex GST) provided by ‘InterStream’.*

Option 2 – Self-Managed ‘in-house’ Solution, using either:

- a dedicated YouTube channel as streaming platform, or
- a dedicated YouTube channel, via Facebook Live, as streaming platform.

YouTube is a free live streaming service very familiar to users and is capable of streaming to all mobile and hand held devices.

Alpine, Indigo, Moreland, Wyndham and Rural City of Wangaratta Councils are streaming meetings directly on their YouTube channels, following which the recordings are published, via links on the Council’s website.

Council	Website Link
Alpine	http://www.alpineshire.vic.gov.au/Page/Page.aspx?Page_Id=62 https://www.youtube.com/channel/UCdETJrRa0gkE4uBbNULu9NQ
Indigo	http://www.indigoshire.vic.gov.au/Your_Council/Council_meetings/Council_Meeting_Live_Streaming
Moreland	http://www.moreland.vic.gov.au/about-us/your-council/council-and-committee-meetings/live-streaming/
Wangaratta	https://www.youtube.com/channel/UC4ayxaP8dLlx9uj-eD2qq-g
Wyndham	https://www.youtube.com/watch?v=oynSFs6h6mA&feature=youtu.be&t=21m30s

Greater Shepparton is live streaming on its Facebook page for Ordinary and Special Council meetings, after which the recordings links are published on the Council’s website (refer link below).

<http://greatershepparton.com.au/council/governance/council-meetings#section-live-streaming-of-council-meetings>

Note: Wangaratta is using three x iPads and Shepparton is using one x iPhone 6 (with a fisheye lens) and an app to record and stream to YouTube.

Advantages

- cost effective software and archives free
- easy to use for the viewer and accessible on mobile and hand held devices
- has wide application, with there being no need for viewers to have Facebook Profile to see live stream.

Disadvantages

- data content is in a public domain over which Council has no control
- no provision for indexing/bookmarking of archived meetings, thereby making it more difficult for viewers to navigate agenda items considered at meetings during playback after the meeting
- Facebook Live app requires booking time for each individual event
- any editing of archive after meetings (if necessary) in the event of objectionable language or acts of an individual inadvertently recorded, must be undertaken by Council employees.

Option 3 – Fully Outsourced Solution

Professional providers of ‘ad-hoc’ services.

This solution based on a cost per meeting is estimated at \$2,200 ex GST per meeting.

Advantages

- no set-up cost and immediate start
- fully operated and staffed by Service Provider.

Disadvantages

- expensive (cost per meeting – estimate over 12 month period)
 - 12 Council Meetings – \$26,400 ex GST
- time limit on event – estimated at 4 hours
- lack of flexibility to accommodate special meetings, s223 hearings etc.
- additional cost incurred for additional recordings such as Special Meetings or public forums held in the Council Chamber.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

2.3 Facilitate community engagement in planning and decision making

4. Financial Considerations**Option 1 – Self-Managed Solution externally hosted****A. InterStream**

- Currently providing a service to Bayside, Campaspe, Monash, Kingston and Wellington plus Children's Court of Victoria, nine NSW Councils and two Queensland Councils.
- Full HD streaming, which offers an enhanced picture and sound, with linked bookmarked archive embedded in a page on Council's web site.
- \$16,000 per site estimated set-up cost for purchase and installation of three advanced HD 4K cameras and control tablet, plus installation of other associated hardware including a streaming box (which remains the property of service provider), that will integrate with an existing audio system in Council Chamber.
- Ongoing costs are approximately \$1,260 per month (three years fixed) which includes creation of an indexed/bookmarked archive (regardless of the number of meetings streamed and the number of archives retained).

Interstream		
Live Streaming set up (based on 12 meetings pa)	Initial costings/ per annum cost	Estimated cost over 3 years
Cameras, installation, hardware etc	\$16,000 per site	\$32,000
Ongoing costs*	\$15,120	\$45,360
Total for 3 years		\$77,360

**Not including Council staff costs*

B. apStream

- Currently providing a service to Greater Dandenong, Darebin plus two NSW Councils.
- Live streaming in standard definition (SD) only.
- \$16,000 per site estimated set-up cost for purchase and installation of three advanced HD 4K cameras
- \$1,700 estimated for a PC used for encoding stream.
- \$700 to \$1,500 estimated for audio/video card to enable input from cameras and audio.
- Ongoing costs are structured on a 'per meeting basis' and doesn't include creation of an indexed/bookmarked archive. Costings are:
 - setup per meeting - \$75
 - live streaming service fee - \$315
 - archive access and storage approximately:
 - \$65 per archive per month (1-5 archives)
 - \$55 per archive per month (6-10 archives)
 - \$45 per archive per month (11-15 archives)
 - \$30 per archive per month (16-20 archives)
 - \$20 per archive per month (21+ archives)

apStream		
Live Streaming set up (based on 12 meetings pa)	Initial costings/ per annum cost	Estimated cost over 3 years
Cameras, installation, hardware etc	\$16,000 per site	\$32,000
Other hardware costs (PC & audio/video card)	\$3,200 per site	\$6,400
Cost per annum (set up and live stream fee)	\$4,680	\$14,040.00
Archive access & storage costs*	Scaled costs	Est between \$1,740 - \$3,040
	Total for 3 years	up to \$55,480

**Not including Council staff costs*

Option 2 – Self-Managed 'in-house' Solution, using a dedicated YouTube channel as streaming platform

- \$16,000 per site estimated set-up cost for purchase and installation of three advanced HD 4K cameras.
- Estimated cost of \$3,000 for a dedicated PC for encoding stream and audio/video card to enable input from cameras and audio.
- \$250 per annum for software 'Switcher App' which controls switching between cameras, records and uploads video to YouTube.
- Internal staff resourcing costs associated with setting up streaming for each meeting, attendance at meetings and uploading to YouTube.

YouTube		
Live Streaming set up (based on 12 meetings pa)	Initial costings/ per annum cost	Estimated cost over 3 years
Cameras, installation, hardware etc	\$16,000 per site	\$32,000
Other hardware costs (PC & audio/video card)	\$3,000 per site	\$6,000
Cost per annum (set up and live stream fee)*	\$250	\$750.00
	Total for 3 years	\$38,750

**Not including Council staff costs*

Option 3 – Fully Outsourced Solution

- Professional providers of 'ad-hoc' services, who would provide all resourcing and equipment. This solution is based on a cost per event, estimated at \$2,200 ex GST.
- Estimated annual costs is approximately \$26,400 based upon the 12 Council meetings, but not inclusive of Special Meetings or other meetings/public forums.
- Not considered a long term cost effective solution.

Professional Service provider		
Live Streaming set up (based on 12 meetings pa)	Initial costings/ per annum cost	Estimated cost over 3 years
Resourcing and Equipment*	\$26,400	\$79,200

**Not including Council staff costs*

5. Consultation/Public Submissions

Whilst there has been no public consultation that has contributed to this report, if a form of live streaming is established, it is envisaged that a communications plan would be developed to ensure that the community is aware of both the live streaming and the archived recordings (should Council resolve that these be adopted practices moving forward).

6. Risk Analysis

Public Council meetings are an open forum of statements, questions, and answers very much like State and Federal Parliament. Whereas Parliamentary Privilege exists in State and Federal Government, it does not exist in Local Government. Immunity under the law is one aspect of 'parliamentary privilege'. The principal immunity is the immunity from civil or criminal action of members of the houses and others taking part in parliamentary proceedings. It allows freedom of speech in Parliament and ensures that a person cannot be sued or prosecuted for what they say or do in the course of parliamentary proceedings.

When negative statements occur during a meeting that is not recorded, the potential for damage is generally confined to the audience in attendance. This audience may be increased if there is live streaming. Furthermore, when a recording of a meeting is published the audience is potentially far greater, increasing the likelihood and/or severity of potential liability.

Whilst a Council may not be liable for any defamatory comments made by an individual at a meeting, it may, however, be liable if it publishes that material; albeit inadvertently.

In February 2015, the MAV issued guidelines (refer **Appendix 3**) to:

- Clarify the MAV Insurance Liability Mutual Insurance (LMI) scheme's position regarding public liability insurance coverage for webcasting and audio recordings to cover Council's liability for inadvertently webcasting a deliberate, malicious, defamatory comment. However, the Councillor or Officer knowingly making a deliberate, malicious statement would not be covered.
- Identify some of the risks associated with webcasting and/or audio recordings including:
 - Defamation
 - Infringement of copyright
 - Breach of privacy/disclosure of personal information
 - Publishing of offensive material
 - Offensive behaviour on basis of race, colour or national or ethnic origin
 - Vilification or inciting hatred.
- Provide risk management recommendations to assist Councils in making an informed decision when considering whether/how to record and publish their Council meetings online.

Policy and Procedure to Mitigate

If live streaming is adopted, it is recommended that a detailed policy and procedure be adopted to provide technical guidance for managing a webcast and processes for reducing the associated risks, which includes:

- Placement of signage at the entrance to the Council Chamber advising that the meeting is being recorded and that the gallery will not be visible during the recording, only Councillors and Council employees.
- The meeting Chair (or Council Officer nominated by the Chair) making a statement to the gallery at the commencement of each meeting to ensure all attendees are aware that the meeting is being recorded.
- A similar statement being included in the meeting agenda.
- Posting a disclaimer on Council's web site to address any potential defamation and privacy concerns.

The meeting Chair or Chief Executive Officer also having the ability at any time during a meeting to direct that a live stream and/or recording be terminated.

7. Options

Council has the option to:

1. Endorse the Officer's recommendation as presented
2. Not endorse the recommendation presented for live streaming and:
 - a. continue to upload audio recordings of each meeting to Councils website for public access
 - b. install new cameras (or redeploy existing cameras) linked to the current security camera system within the Civic centre to include Council Chambers for security surveillance.

3. Proceed to live stream Council meetings from the Council Chamber, Melton Civic Centre and hold all meetings at this location until the Burnside Children's and Community Centre is operational.
4. Maintain the status quo.

LIST OF APPENDICES

1. Benchmarking - All Victorian Councils - dated April 2017
2. Benchmarking - Audience Size - undated
3. MAV Insurance - Recording and Publishing of Council Meetings - dated February 2015

12.6 RESPONSE TO NOTICE OF MOTION 477 - INTERCULTURAL/MULTICULTURAL OFFICERS

Author: Jessica Trijsburg - Coordinator Community Capacity
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To provide a response to Notice of Motion 477 that was endorsed at the Ordinary Meeting of Council on 1 May 2017.

RECOMMENDATIONS:

That Council note that the Executive is currently considering an extra staffing EFT to support the delivery of priority actions in the Intercultural Plan which was endorsed by Council on 1 May 2017.

Motion

Crs Majdlik/Hardy.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

This report is to respond to Notice of Motion 477 which was endorsed at the Ordinary Meeting of Council on 1 May 2017 that read:

“That Council Officers provide a brief report regarding the need for more intercultural/multicultural officers/workers.”

Melton City Council has actively promoted and celebrated our community’s cultural diversity for many years and is continually striving to improve awareness and understanding of the economic, educational, social and cultural benefits of diversity, and to mitigate the effects of discrimination and cultural isolation.

At the Ordinary Meeting of Council on 1 May 2017, Council endorsed the Intercultural Plan for the term of 2017 – 2021. The Plan which was endorsed aligns with the principles of promoting social cohesion through intercultural practices. The Action Plan is providing a strategic and cohesive approach to achieving harmonious and inclusive communities. The recommendation is presented to Council for noting and consideration.

2. Background/Issues

In 2010, Council employed its first dedicated Intercultural Development Officer to lead and support the Intercultural Portfolio.

In 2016 the municipality has estimated population of 140,422 with an expected population to expand to capacity estimated in 2036 at 315,908 residents.

In recent years, our diversity has increased to include more than 30,000 migrants from over 130 nations. The municipality’s largest overseas-born population remains from the United

Kingdom, the fastest increasing overseas-born communities are from India, Philippines, New Zealand and Vietnam.

If the current rate of 28% of the community born outside Australia is maintained, by 2036 this will equate to over 88,000 residents.

Increased diversity through migration globally has raised anxieties about the emergence of divided communities with little sense of connection between settled groups and newcomers. This reminds us of the need to increase our focus on bridge-building initiatives to promote social inclusion between disconnected groups locally within the municipality. As indicated earlier in the report, Council has endorsed a Culturally And Linguistically Diverse Advisory Committee (CALDAC) has already been effective in operating in this space for several years, however additional activities included in this Plan are required in order to ensure all members of our community feel welcome and safe.

Current (EFT) in the portfolio equates to one staff member which has been in place now for approximately seven years. As the Intercultural Plan has been endorsed by Council at the Ordinary Meeting on 1 May 2017, it's a priority of the Executive to resource the staff accordingly to deliver the actions within the Plan.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

3.5 Build an inclusive community that embraces and values cultural diversity and celebrates our collective heritage

4. Financial Considerations

Council's work in the Intercultural field is described in the recently endorsed Intercultural Plan 2017-21. Several of the actions contained within the endorsed Plan are subject to the annual budget process and/or external funding. Officers are actively seeking grant opportunities as they are made available.

Executive is currently looking a resourcing opportunities within this team which will equate to one additional EFT.

5. Consultation/Public Submissions

Nil.

6. Risk Analysis

Nil.

7. Options

Council has the option to note the current and future scope of work in the Intercultural Development work area.

LIST OF APPENDICES

Nil

12.7 COUNCIL ANNUAL ACTION PLAN THIRD QUARTER PROGRESS REPORT

Author: Bob Baker - Corporate Planning and Performance Coordinator

Presenter: Peter Bean - General Manager Corporate Services

PURPOSE OF REPORT

To provide the third quarter update on the progressive achievement of the Council's 2016-17 Annual Action Plan.

RECOMMENDATION:

That Council receive and note the 2016-17 Annual Action Plan Third Quarter Progress Report (1 January – 31 March 2017) as presented at **Appendix 1**.

Motion

Crs Majdlik/Carli.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

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

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

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

Appendix 1 provides detail on activity for the third quarter (1 January - 31 March 2017), inclusive of the first nine months of the financial year period (1 July 2016 - 31 March 2017), in the progressive achievement of the 2016-17 Annual Action Plan.

2. Background/Issues

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

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

The 2016-17 Annual Action Plan provides 149 actions that Council has committed to deliver. Council provides the community with quarterly progress reports that support Council's

commitment in providing transparency, through public access to relevant information, decision making and strategic documents.

Appendix 1 provides a detailed summary on the status of each action in the 2016-17 Annual Action Plan, inclusive of the period from 1 July 2016 -31 March 2017.

The following table provides summary of progress against actions.

Status	Description	Number of actions
Achieved	The Action is completed.	25
On track	The Action is progressing on target to be achieved within the timeline.	108
Not On Track	Work associated with the Action has been delayed impacting on the current timeframe. An explanation of the cause and remedial action is provided in the 'comments' column with the revised due date.	13
Postponed	The Action has been deferred for the financial year. An explanation is provided in the 'progress comments' column.	3
Total		149

Key achievements this quarter include:

- Delivered the 2017-18 Budget engagement sessions in February 2017
- Council endorsed the 20 year community vision “Melton City 2036 – The City We Imagine” on 3 April 2017
- Completed the redevelopment of the Aged Precinct including an extension on the east side to Smith Street
- Launched the “Implement the 1000 Books Before School” program in partnership with the State Library of Victoria on 15 February 2017.

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

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

4. Financial Considerations

Initiatives and activities delivered from the Action Plan are contained within the Council approved 2016-17 Budget.

5. Consultation/Public Submissions

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

Council Plan. The 2016-17 Council Annual Action Plan is prepared from internal consultation of Council management.

6. Risk Analysis

Nil

7. Options

Nil

LIST OF APPENDICES

1. 2016 - 2017 Council Annual Action Plan Third Quarter Progress Report - period 1 January - 31 March 2017

Cr Majdlik left the Chamber at 8:23pm.

Cr Majdlik returned to the Chamber at 8:26pm.

12.8 COMMUNITY GRANTS PROGRAM REVIEW

Author: Gavin Murphy - Community Funding Officer

Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To present to Council proposed changes to the Community Grants Program and seek Council endorsement to proceed with the new model.

RECOMMENDATION:

That:

1. Council note the correspondence received in **Appendix 2** and **Appendix 3** from Council's venue partners confirming their support for the proposed changes to the grants program.
2. The current Councillor representation on the Committees remain until the next Council Committee review process later in 2017.
3. Council endorse the proposed changes to the Community Grants Program as presented at **Appendix 1**.

Motion

Crs Mendes/Hardy.

That:

1. Council note the correspondence received in **Appendix 2** and **Appendix 3** from Council's venue partners confirming their support for the proposed changes to the grants program.
2. The current Councillor representation on the Committees remain until the next Council Committee review process later in 2017.
3. Council endorse the proposed changes to the Community Grants Program as presented at **Appendix 1**.
4. The Grants Funding Officer engage and assist schools that are experiencing difficulties in achieving grant applications to identify appropriate partner organisations.
5. Council review the Community Grants Program after 12 months.

CARRIED

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

For:

Crs Abboushi, Carli, De Santis, Hardy, Kesic, Majdlik, Mendes, Ramsey and Turner.

Against:

Nil.

The Mayor declared the Motion carried CARRIED

REPORT

1. Executive Summary

Council is committed to building resilient people and communities through opportunities to participate in community life. The proposed changes to the Community Grants Program support Council in achieving this commitment.

The review of the Community Grants Program proposes amendments to the delivery of the program that will improve access from a wider range of groups and clubs in the community.

The review has been conducted in consultation with stakeholders including community, Councillors, Council officers, community services, and venue partners.

Correspondence is received from venue partners, The Club Caroline Springs in **Appendix 2** and HRV/Tabcorp Park **Appendix 3**, confirming agreement to implement the proposed changes to the program.

Recommendations are presented to Council for consideration.

2. Background/Issues

The Community Grants Program was last reviewed in 2012. As a result, it was timely to examine the current program to determine where improvements could be made to increase access for the groups and clubs, and effectiveness in achieving Council's objectives and outcomes for the community.

The review identified that through the Community Grants Program, Council has administered an average of \$350,000 per annum through an average of 132 grants each year. This is a significant commitment to building the capacity of the community to deliver projects, programs and events for residents and the benefit of the wider City of Melton.

Council has agreements in place venue partners, The Club Caroline Springs and Harness Racing Victoria/Tabcorp Park, to administer the distribution of Community Benefit Funds contributed by those organisations. These agreements provide a partnership approach to ensuring that the funds are effective and supportive for community.

Overview of the Community Grants Program Review

The review of the Community Grants Program analysed a range of grants data and consultation outcomes with program stakeholders. Stakeholders involved in the consultation included Councillors, community, venue partners, officers, and community services.

The review outlines identified opportunities to:

- Improve predictability and consistency of the Community Grants Program;
- Increased opportunities for grantee capacity building and feedback;
- Greater synergy with Council's programs;
- Streamlined partnerships with Gaming Venues that Council has entered into partnership agreements with; and
- Improved marketing to promote program success and contribute to increased pride in the community.

More specifically the review addressed the following areas of the Grants Program:

- Program categories and schedule;
- Eligibility criteria;
- Assessment panel composition;

- Assessment criteria;
- Increased opportunities for grantee capacity building and provision of feedback; and
- Improved promotion of grantee successes.

Grants Program categories and schedule

The program categories were reviewed with the intent to strengthen consistency, increase capacity building support for applicants of all stages of group development, and build upon the strengths of current practice.

A new grant category titled 'Entry Level Grants' has been proposed to enable groups with demonstrated low capacity, or are new to the grant seeking process, to access the program to support implementation of small projects. This will assist in the development of their capacity as a group, and help facilitate their skills to engage with the wider community.

The schedule provides consistency across the 12 month period to ensure that community groups become familiar with the grants cycle, therefore maximising their capacity to develop effective projects and grant applications.

The proposed schedule includes two Semi-Annual Council funded grant rounds, and a Venue Partnership Agreement Grants Round where venue partner grants are processed concurrently. The review proposes to continue to provide responsive grants and individual resident achievement grants, but on a bi-monthly cycle.

The review proposes that grant categories and the maximum funds available through the Semi-Annual Council funded grants and the Venue Partnership Agreement Grants rounds will be made the same. These categories and funds available are:

- Community Project Grants (max \$10,000)
- Entry Level Grants (max \$2,000)

The grant categories and maximum funds available in the bi-monthly responsive grants are as follows:

- Responsive and New Group Establishment Grants (max \$2,500)
- Individual Resident Achievement Grants (max \$750)

Grant Eligibility Criteria (Program Guidelines)

Eligibility criteria are different to assessment criteria. The eligibility criteria determine if a proposed project is permitted to progress to the assessment stage. This process is overseen by the Community Funding Officer.

The eligibility criteria for the grants program was reviewed and minor changes have been recommended. These minor changes aim to align the guidelines for the Venue Partner Agreement Grants to the Council funded Semi-Annual Grants to make them consistent, and therefore eliminate potential confusion for applicants.

To facilitate the creation of the Entry-Level Grant category, a new eligibility criteria is proposed to enable groups with demonstrated low capacity to apply.

In addition to this, a new eligibility criteria has been added to ensure that groups seeking funding for events over \$1,000 are designed to include the broader community and not be exclusive to the membership of the applicant group.

Schools previously had a limited eligible to apply for a grant under the HRV/Tabcorp Park funded grant program, but this has been ceased under the aligned eligibility criteria. However, schools remain eligible as a partner with a community service provider where the community service provider is the applicant.

Under the proposed changes to the Resident Achievement Grants, individuals will be eligible for a maximum of one grant in every three years for residents. Previously individuals were eligible for two grants in five years.

In addition, following consultation with Council it was decided that applicants must demonstrate that at least 80% of project participants or beneficiaries are residents of the City of Melton.

Grant Assessment Panels

To strengthen consistency of the grant assessment process and outcomes, the review recommends formation of two grant assessment panels to oversee delivery of the proposed grants processes separately.

The proposed **Semi-Annual Grants Assessment Panel** includes representation of Councillors, community members, and Council officers. It is proposed that membership will consist of a Councillor and a community member from each Ward. Officers will be appointed and approved by a member of the Executive.

The **Gaming Venue Partnership Agreements Grants Assessment Panel** includes all members of the Semi-Annual Grants Assessment Panel as well as representatives from Gaming Venues that Council has agreements in place with. This will ensure the Panel has consistency and awareness of the Semi-Annual grants assessment process.

The **Bi-Monthly and Resident Achievement Grants Assessment Panel** includes representation of one Councillor per Ward, and Council officers appointed by a member of Executive.

The membership detail for the Semi-Annual Grants Assessment Panel, Gaming Venue Partnership Agreements Grants Assessment Panel and the Bi-Monthly and Resident Achievement Grants Assessment Panel are listed below:

Semi-Annual Grants Assessment Panel:

- Three Councillors (1 per ward)
** to be effective as from the next Council Committee review process later in 2017*
- Three community representatives (1 per ward)
- Two Council officers
- Council Manager (Chair)
- Community Funding Officer (administration support)

Gaming Venue Partnership Agreements Grants Assessment Panel:

- Three Councillors (1 per ward)
** to be effective as from the next Council Committee review process later in 2017*
- Three community representatives (1 per ward)
- Two Council officers
- Venue Partners representative (1 per partner organisation)
- Council Manager (Chair)
- Community Funding Officer (administration support)

Bi-Monthly Grants Assessment Panel:

- Three Councillors (1 per ward)
** to be effective as from the next Council Committee review process later in 2017*
- Three Council officers
- Coordinator Community Capacity (Chair)
- Community Funding Officer (administration support)

Grants Assessment Criteria

The review makes recommendations to strengthen grant assessment criteria to provide scope for panel members to more effectively assess an application in deeper detail and in alignment with Council objectives in the Council Plan.

The updated assessment criteria for the Semi-Annual Grants and Venue Partner Agreement Grants can be found in **Appendix 1**, with additions noted in bold. These criteria are for both the Community Project Grants and the Entry-Level Grants categories.

The proposed assessment criteria for the bi-monthly Responsive and New Group Establishment and the Individual Resident Achievement Grants are also presented in **Appendix 1**. All the criteria in these two categories are recommended for change in the review to make them more specific to each category.

Increased capacity building and grantee feedback

The review recommends improved coordination with the relevant Council units to provide more effective and targeted capacity building support for community and standardised advice to assessment panels. Unsuccessful applicants will be provided specific feedback to assist them to develop future projects and successful grant applications.

The review further recommends increased engagement with community during the implementation of grant funded projects and during project acquittal to strengthen grant reporting.

The recommended changes within the review will deliver the outcomes that Council aims to achieve when providing financial support to the community. **Appendix 1** outlines the proposed program, schedule and changes in more detail.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

3.2 Build resilient people and communities through opportunities to participate in community life

4. Financial Considerations

The program is funded by Council's existing community grants program budget.

5. Consultation/Public Submissions

The development of the Community Grants Program review was informed by an engagement program with Councillors, Executive, community members, over 30 Council officers and community service representatives.

6. Risk Analysis

The proposed changes to the Community Grants Program aims to address areas identified that needed improvement through the review. Not adopting the recommended changes involves the risk that the benefits identified will not be achieved.

7. Options

Council has the following options:

1. To endorse the recommendations as presented.
2. To not approve the grants review and for the process to remain in its current form.

LIST OF APPENDICES

1. Proposed Community Grants Program - undated
2. Correspondence from Tabcorp Park - dated 11 April 2017
3. Correspondence from The Club Caroline Springs/Collingwood Football Club - dated 10 April 2017

Cr Kesic left the Chamber at 8:42pm.

12.9 VICHEALTH ACTIVE ARTS GRANTS FUNDING SUBMISSION

Author: Liz Smith - Health Promotion and Planning Team Leader
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To provide Council with an update on a VicHealth Funding Application.

RECOMMENDATION:

That Council note the successful application and receipt of \$85,000 from VicHealth's Local Government Active Arts Grants 2017 to implement the 'Everyone Belongs – Active through the Arts' project.

Motion

Crs Majdlik/Carli.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

Council has a strong commitment to improving health and wellbeing as well as increasing participation in the arts. This report details Council's success in receiving an \$85,000 grant from VicHealth through their Local Government Active Arts Grants 2017. The grant will be used to deliver the 'Everyone Belongs – Active through Arts' project which aims to improve physical activity and social cohesion through participatory arts. The project will primarily focus program initiatives with Sudanese Youth, people with a disability, and Indian women. It commences in June 2017 and concludes in July 2018.

The funding provides a 0.5EFT temporary Project Officer to deliver the project. The temporary position will operate within Council's Arts portfolio in the Library Services department. This will achieve the desired outcome of building the capacity and community development practices to the arts portfolio.

2. Background/Issues

In February 2017, Council was one of six local governments to be invited by VicHealth to apply for funding through their Local Government Active Arts Grants 2017. The targeted funding round seeks to address disadvantage, by boosting levels of social connection through arts and physical activity. Invitations to apply were based on the most recent VicHealth Indicators Survey, in particular rates of physical activity and levels of social cohesion.

Council has been successful in receiving an \$85,000 grant from VicHealth to implement the 'Everyone Belongs – Active through the Arts project'.

The purpose of the 'Everyone Belongs – Active through the Arts' project is to improve physical activity and social cohesion through participatory arts. The objectives of the project are to:

- Increase physical activity levels of participants
- Improve Sudanese youth engagement in schools and services
- Increase social connections for Indian women and reduce social isolation
- Build capacity of local activity providers to engage with people with a disability, and
- Influence Council strategies and plans and build staff capacity for future active arts initiatives.

Over the next 12 months, three groups within the City of Melton will be engaged through a mix of project strategies. These include:

- Sudanese youth through music and dance based workshops, incorporating peer mentoring, and bringing together Sudanese and non-Sudanese students
- People with a non-severe disability in adapted dance classes
- Indian women through Bollywood dance classes, increasing social connections with women not of Indian background.

The funding includes the employment of a 0.5 EFT Project Officer – (limited tenure). The project not only offers Council the opportunity to enhance health and wellbeing outcomes but to further its arts activation and development portfolio through Library Services.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

4. Community Health and Wellbeing: A City of people leading healthy and happy lives
4.3 Encourage our community to be physically active and healthy

4. Financial Considerations

Not applicable – funded project.

5. Consultation/Public Submissions

Consultation with project participants and partners will occur throughout the planning, implementation and evaluation phases of the project. The successes and learnings will be used to inform future projects and strategic documents.

The target groups in the project description were identified through continued community engagement within Council's Community Care, Community Planning, Recreation and Youth, and Library Services departments.

6. Risk Analysis

Failure to improve community health and wellbeing outcomes could increase the gap between higher and lower social economic groups, further disadvantaging existing vulnerable communities as well as posing financial risks to all levels of government related to addressing increasing disease burden.

Council is mitigating this risk through the development of strong partnerships with key health stakeholders as well as non-traditional health partners and through the delivery of health and wellbeing initiatives.

7. Options

Not applicable.

LIST OF APPENDICES

Nil

Cr Kesic returned to the Chamber at 8:45pm.

12.10 SUPPORT FOR INDIGO SHIRE COUNCIL FAMILY VIOLENCE INITIATIVE

Author: Matthew Wilson - Manager Community Planning
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To seek Council's endorsement to support the Indigo Shire Council (Mayor) to participate in a Family Violence Campaign.

RECOMMENDATION:

That Council:

1. Note the correspondence from Cr Jenny O'Connor, Mayor, Shire of Indigo, attached at **Appendix 1**.
2. Endorse the Mayor to participate in the Family Violence Campaign as requested by the Mayor of the Shire of Indigo.
3. Write to the Mayor of the Shire of Indigo expressing commitment to participate in the campaign.

Motion

Crs Majdlik/De Santis.

That the recommendation be adopted.

CARRIED

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

For:

Crs Abboushi, Carli, De Santis, Hardy, Kesic, Majdlik, Mendes, Ramsey and Turner.

Against:

Nil.

The Mayor declared the Motion CARRIED

REPORT

1. Executive Summary

On 7 May 2017, Council received email correspondence (**Appendix 1**) from Cr Jenny O'Connor, Mayor, Indigo Shire Council, expressing an invitation to participate in developing a local government lead campaign addressing family violence.

It is recommended that Council respond to the correspondence received from the Mayor of the Shire of Indigo, and express commitment to participate in the development of the campaign.

2. Background/Issues

Council has a strong commitment to addressing family violence in any form, both in the local context and in the broader society. Recently, Council endorsed the creating of a Family Violence Advisory Committee, and it also expressed its intent through several strategies in the draft Council Plan 2017-2021.

It is understood that the invitation has initially been sent to the 32 Victorian female Mayors seeking an expression of interest to form a working group to develop the campaign. The hope is that the female Mayors will collectively agree to develop the campaign, and that male Mayors and fellow Councilors both male and female will stand together with them. The ultimate goal of the campaign is to obtain “significant federal funding for a strategy that will bring about cultural change at every level of our society.”

What is being asked of Council is to indicate support and to participate in the development of the proposed campaign. This is likely to include involvement in a working party consisting of fellow Mayors.

It is noted in the correspondence that it is early in the process to develop the structure that will support the campaign. At this stage, the Mayor of Indigo Shire is seeking an indication of support for the concept, and a willingness to participate in the working party.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

3.6 Create a safer community through building a sense of belonging and community pride

4. Financial Considerations

There may be some travel and accommodation costs associated with participating with this campaign. This will be determined in the future.

5. Consultation/Public Submissions

Nil

6. Risk Analysis

There are no risks identified.

7. Options

Council has the option to:

1. endorse the recommendation
2. decline the invitation to participate in the development of the campaign.

LIST OF APPENDICES

1. Correspondence from Mayor, Shire of Indigo - dated 7 May 2017

12.11 PLANNING APPLICATION PA 2016/5138 - CONSTRUCT A 40 METRE HIGH TELECOMMUNICATIONS FACILITY AT 1200 - 1220 MOUNT COTTRELL ROAD, MELTON SOUTH

Author: Diana Au - Senior Major Developments Planner
Presenter: Bob Baggio - Manager Planning Services

PURPOSE OF REPORT

To consider and determine a planning application to construct a 40m high telecommunications facility for the NBN at 1200 - 1220 Mount Cottrell Road, Melton South.

RECOMMENDATION:

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

Motion

Crs Hardy/Kesic.

That the recommendation be adopted.

CARRIED

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

For:

Crs Abboushi, Carli, De Santis, Hardy, Kesic, Majdlik, Mendes, Ramsey and Turner.

Against:

Nil.

The Mayor declared the Motion CARRIED

REPORT

Consideration of this report was deferred at the 1 May 2017 Council meeting to enable further discussions with the applicants. These discussions took place at a Council Briefing conducted on 22 May, so the report is remitted for Council determination.

1. Background

Executive Summary

Applicant:	Visionstream Pty Ltd
Proposal:	40m telecommunications tower for the NBN
Existing Land Use:	Rural residential
Zone:	Urban Growth Zone - Schedule 3
Overlays:	Heritage Overlay - HO106 Development Contributions Plan Overlay - Schedule 3

Number of Objections:	Nil
Key Planning Issues:	Proximity to future residential development Consistency with the Toolern Precinct Structure Plan Appropriateness of site location Impact on amenity Appropriate infrastructure provision for residents
Recommendation:	Refuse application

The Land and Surrounding Area

The subject site has an area of 15 hectares and is located on the western side of Mount Cottrell Road. Other features of the site are as follows:

- The site is regular in shape.
- It is not subject to any restriction or Section 173 Agreement.
- The property contains an existing dwelling and ancillary outbuildings, located adjacent to the northern boundary.
- An area of significant native trees and vegetation is located on the western part of the land.

The surrounding area can be characterised as rural residential with generally flat topography. Mount Cottrell Road is an unformed road, with an avenue of native trees on either side of the road.

The land is within the Toolern Precinct Structure Plan area, close to where the southern boundary of the PSP adjoins the Strathulloh Estate. The adjoining property to the south-west has a planning permit for a 284 lot staged subdivision known as the Millstone Estate. The proposed subdivision will be developed over six stages, with a range of lots sizes proposed.

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

The Application

The application proposes to construct a 40m high telecommunications facility for the wireless national broadband network.

The proposed development is summarised as follows:

- The facility will be in a monopole design and is to be located near the western boundary of the land.
- It will be accompanied by the usual compound building and security fence.
- The applicants have recently advised that there is potential for Optus to collocate on the facility in future.
- It will be very similar to a recently constructed NBN facility in Ferris Road, Melton.

The applicants advise that NBN's proposed facility at 1200-1220 Mt Cottrell Road, Melton South is located just within the UGB because it needs to be centrally located to balance the broadband "traffic" on each of its antennas. This facility provides coverage to areas both within and outside of the UGB, extending in excess of 6km to the south towards Boundary Road, and in doing so it fills the gap between the UGB and Eynesbury. It extends 8kms to the east towards Hopkins Rd, and also provides some temporary coverage to areas within the UGB until NBN Fixed line is provided as a part of a New Development.

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

Planning Controls

Zone	Clause 37.07 – Urban Growth Zone Schedule 3	The applied zone for this site is the Rural Conservation. Under this zone a planning permit is required for a telecommunications facility.
Overlays	Clause 45.06 – Development Contributions Plan Overlay Schedule 3 Heritage Overlay Schedule 106	The proposed telecommunications facility does not attract any requirement to pay developer contributions. The subject site contains various sections of dry stone wall located to the western part of the site. It is understood that the proposal does not encroach into this area.
Particular Provisions	Clause 52.19 – Telecommunications Facilities	A permit is required to construct a building or construct or carry out works for a Telecommunications facility.

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 or a Section 173 Agreement.

Is the land of Cultural Heritage Sensitivity?

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

2. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth.

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

3. Financial Considerations

No Council related financial considerations are involved with the application.

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

The application was subject to notification under Section 52 (1) of the *Planning and Environment Act 1987*. The notification was satisfactorily completed in the form of letters being sent to adjoining property owners and occupiers, erecting a sign on site and a notice in the local newspaper. No objections were received.

Referral of the application

There are no statutory referrals required for the telecommunications facility.

This application was internally referred to Council's City Strategy and Environmental teams for review.

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

5. Issues

Planning Assessment

A recommendation to not support the proposal is based on an assessment against the requirements of the Melton Planning Scheme including the Toolern Precinct Structure Plan.

Under the PSP, that part of the land where the facility is to be located is designated as part of a larger conservation reserve essentially to protect the existing remnant native vegetation which exists in this area. Further, future residential development is proposed adjoining this reserve, accessed from a proposed secondary arterial road which will run near the northern boundary of the site. The applicants indicate that they have investigated alternative sites, including land within Surbiton Park, however these sites were not suitable from a coverage perspective.

While it is acknowledged that this facility is needed to service rural areas within the municipality which will not have access to broadband, it is simply considered that this is the wrong site from a planning perspective. Such a significant and visually dominant facility in a future conservation reserve in close proximity to future dwellings has the potential to detrimentally affect the amenity of future residents.

It is therefore considered that the proposed telecommunication facility does not constitute orderly planning and should be refused.

6. Options

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

7. Conclusion

The application has been assessed against the State Planning Policy Framework, Local Planning Policy Framework, Zone/Overlay provisions, the Toolern Precinct Structure Plan 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 5**.

LIST OF APPENDICES

1. Locality Plan - dated 10 April 2017
2. Proposed Plans - dated 17 March 2017
3. Assessment against Planning Scheme - General - undated
4. Summation of Referral Responses - undated
5. Grounds for Refusal - undated

12.12 PLANNING APPLICATION PA 2010/2878 - EXTENSION OF TIME TO A PERMIT FOR A TELECOMMUNICATION FACILITY AT 74 - 100 CENTENARY AVENUE, KURUNJANG (KURUNJANG PARK RECREATION RESERVE)

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

PURPOSE OF REPORT

To consider and determine a request for the extension of time to a permit for a telecommunication facility at 74 –100 Centenary Avenue, Kurunjang (Kurunjang Park Recreation Reserve).

RECOMMENDATION:

That Council extend the expiry date of the permit, such that the permit will now expire on 24 March 2019.

Motion

Crs Majdlik/Hardy.

That the recommendation be adopted.

CARRIED

REPORT

1. Background

Executive Summary

Applicant:	Telstra Corporation Limited C/- Aurecon Australia Pty Ltd.
Proposal:	Request for an extension of time to a permit for a telecommunication facility
Existing Land Use:	Kurunjang Park Recreation Reserve
Zone:	Public Park and Recreation Zone
Overlays:	No
Number of Objections:	Nil (although there were two objections prior to the initial permit being issued)
Key Planning Issues:	State Planning Policy Length of time since permit initially issued Relevant Case Law
Recommendation:	Grant permit extension by two years

The Land and Surrounding Area

The subject site has an area of 3.8ha and is the Kurunjang Park Recreation Reserve located at 74 – 100 Centenary Avenue, Kurunjang. Other features of the site are as follows:

- The land is used for both active and passive recreation, and has a number of sport fields, practice nets, a coach's box, a club house and other community facilities. The reserve is the home of the Taylors Hill Cricket Club, West Melton Saints Cricket Club and Satellite City United Soccer Club.
- The land abuts Heathdale Christian College along the western boundary and Kurunjang Secondary College along the north eastern boundary. The broader area is typically characterised by residential land uses.
- Planning permit number PA2010/2878 was issued on 24 March 2011 and allows for the use and development of the land for the purpose of a telecommunications facility comprising a 28.8-metre high monopole (replacing an existing lighting pole) with associated antennae and an equipment shelter in accordance with plans endorsed under the permit.
- The proposed telecommunications facility is proposed to replace an existing light pole in the south-western corner of the senior oval at the Kurunjang Park Recreation Reserve.

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

The Application

The application proposes the consideration of a request to extend time on planning permit number PA2010/2878.

The proposal can be summarised as follows:

- The permit allows for the use and development of the land for the purpose of a 28.8-metre high monopole (replacing an existing lighting pole) with associated antennae and an equipment shelter. The permit was issued on 24 March 2011.
- The permit has been extended twice for a period of two years each, such that the permit would expire if the development is not commenced by 24 March 2017 and completed by 24 March 2019. The permit expired on 24 March 2017 by virtue of works not commencing.
- Given that the works associated with the telecommunication facility have not commenced prior to the 24 March 2017, and the permit has expired. The permit applicant has exercised their right to request an extension of time to the permit, in accordance with the requirements of Section 69 of the *Planning and Environment Act 1987*. Council has the capacity to extend the time on the permit if it so desires.
- Aurecon Australia Pty Ltd. acting on behalf of Telstra Corporation Limited has requested an extension of time to planning permit PA2010/2878 owing to unexpected delays in lease negotiations with Council, as the landowner of Kurunjang Park Recreation Reserve.

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

Planning Controls

Zone	(Clause 36.02 – Public Park and Recreation Zone)	Permit is required to use the land for a telecommunications facility.
Overlays	No	N/A
Particular Provisions	(Clause 52.19 – Telecommunications Facility)	Permit is required to construct a building or carry out works for a telecommunications facility.
<i>Planning and Environment Act</i>	Section 69	Before the permit expires, or within six months afterwards, the owner or occupier of land may ask

1987		the Responsible Authority to extend the permit. Given that the request to extend time was received by Council prior to the permit expiry date, the request has been submitted within the relevant statutory timeframe.
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A full assessment of the proposal against the relevant State and Local planning policies is included in **Appendix 3**.

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant or Section 173 Agreement.

Is the land of Cultural Heritage Sensitivity?

The land is not considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*, also the proposal constitutes an exempt activity which does not require a cultural heritage management plan.

Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth.

1.1 Strategically plan for a well designed and built City.

2. Financial Considerations

No Council related financial considerations are involved with the application.

3. Consultation/Public Submissions

Public notification of the application

When the application was first determined, and permit issued in 2011, it was extensively advertised at the time by sending 49 letters to adjoining landowners and occupiers, placing two signs on the land and placing a public notice in the local paper. There were two objections at the time including from the Kurunjang Secondary School. The objections were based upon health grounds, loss of value to properties and closeness to sensitive land uses. However, it was determined that the permit should be issued owing to compliance with relevant Australian Standards, and relevant planning policies.

The application was not subject to notification given that the proposal is for the extension of a pre-existing permit. In this instance Council undertook a process of informal public notification in relation to the extension of time. Council has received no submission to date.

Referral of the application

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

4. Issues

Planning Assessment

Criteria for extending the time of a permit

Section 69 of the *Planning and Environment Act 1987* enables the owner or occupier of the land to which a planning permit applies to apply for an extension of time prior to the permit expiring or within six months afterwards. By way of correspondence dated 20 February 2017,

Aurecon Australia Pty. Ltd. acting on behalf of Telstra Corporation has requested an extension of time to the permit. The request to extend the permit has been received within the relevant statutory timeframe, since it was received before the permit expiry date of 24 March 2017.

Information submitted in support of the extension of time request indicates that the permit has not been enacted and an extension of time is required owing to unexpected delays in lease negotiations with Council as the land owner of the Kurunjang Park Recreation Reserve. These lease negotiations are well advanced and will be the subject of a future Council Report.

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

In considering the request for the time extension to the permit, it is necessary for Council to act reasonably and to base its decision on any relevant matters.

Since the original date of the permit being issued, there have been no changes to the relevant planning controls or circumstances surrounding the subject land that would warrant the request being refused. The permit conditions applicable to the permit are also still as relevant today as they were when the permit was issued, and no additional conditions or modification to existing permit conditions would be needed.

The Supreme Court decision in *Kantor vs Murrumbidgee Shire* is the most comprehensive statement of matters to be taken into account as to whether or not to allow a request for an extension of time. The principles of this case law in respect to the treatment of an extension of time request are that the Responsible Authority:

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

- Consideration as to the probability that if a request to extend time were refused and a fresh application lodged, it would be granted. This factor would be particularly relevant where planning policy has remained unchanged and it is improbable that potential objectors to a fresh proposal will be able to raise any new considerations.

On the basis of the above tests, it is noted that:

- The reasons given justifying a delay in completing the telecommunications facility are sufficient to justify non-completion of the development. Lease negotiations with the telecommunications provider are well advanced and will be the subject of a separate report to Council.
- There have been no changes to State or Local Planning Policies, or other planning controls affecting the land, to the extent that if a fresh application were lodged it would be recommended to be approved.

Assessment against relevant Code of Practice

A Code of Practice for Telecommunications Facilities in Victoria is an incorporated document in planning schemes, whose purpose it is to:

...set out principles for the design, siting, construction and operation of a telecommunications facility which a responsible authority must consider when deciding on an application for planning permit.

Although it should be noted that this is not a new application as it is a request to extend the time on an existing permit, it is nevertheless instructive to assess the proposed facility against the principles articulated in the Code:

- ***A Telecommunications facility should be sited to minimise visual impact***

The proposed monopole is located on the western side of the sports fields, as far as practical from surrounding houses.

It is to be sited about 80 metres from Centenary Avenue and 14 metres from the western boundary abutting Heathdale Christian College. While the facility will be visible from surrounding urban areas, it is considered that no views to significant vistas or landscape features are unreasonably compromised.

- ***Telecommunications facilities should be co-located wherever possible***

The applicant indicated that there is no telecommunication facility within the area that the proposal can be collocated with.

It is generally acknowledged that Council reserves are becoming the main focus for new telecommunication facilities given that most existing development comprises residential areas, with the exception of the shopping / commercial areas. Council has previously supported these facilities in the larger open space reserves, where amenity issues to surrounding sensitive uses can be minimised.

- ***Health standards for exposure to radio emissions will be met***

The proposal will be designed and installed to satisfy the requirements contained with Radiation Protection Standard - Maximum Exposure Levels to Radiofrequency Fields - 3kHz to 300 GHz, Arpana, May 2002.

An EME report has been produced for the Telecommunications Facility which demonstrates compliance and is in accordance with this standard. The report shows that the highest level of EME will be at 125.69 metres away from the proposed telecommunication facility. At this distance from the site the level will be 0.28% of the standard.

On the EME issue, VCAT has previously found:

In this case, based on the material before me and the matters discussed above, it is therefore appropriate to strike out the objectors' grounds in this proceeding that raise issues about electromagnetic radiation and/or related public health concerns stemming

from the operation of the proposed facility. These grounds are not relevant to the planning assessment of a telecommunications facility where the ARPANSA standard will be met. Even if these grounds are at least arguably planning-related, they are misconceived and lacking in substance on the facts of this case given compliance with the ARPANSA standard.

Disturbance and risk relating to siting and construction should be minimised. Construction activity and site location should comply with State environmental protection policies and best practice environmental guidelines

The construction area and overall compound area of the facility will have minimal disturbance to the environmental characteristics of the site. The installation of the proposed facility can be undertaken at any time without affecting the use of the site or the surrounding area due to the accessibility of the site.

Construction of the facility will be carried out in accordance with relevant Occupational Health and Safety Guidelines. Construction of the facility is unlikely to cause any disruption to adjoining properties or public access areas.

5. Options

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

6. 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 and relevant case law.

Therefore, it is recommended that the application be approved and the permit extended for a further two year period.

LIST OF APPENDICES

1. Locality Plan - dated 15 May 2017
2. Current permit plan - dated 24 March 2011 and 21 November 2013
3. Policy assessment - undated

12.13 AMENDMENT C171 TO THE MELTON PLANNING SCHEME - RETAIL ACTIVITY CENTRES STRATEGY AMENDMENT PANEL REPORT

Author: Georgina Borg - Strategic Planner
Presenter: Laura-Jo Mellan - Manager City Design, Strategy & Environment

PURPOSE OF REPORT

To consider the recommendations of the Planning Panel on Amendment C171 to the Melton Planning Scheme.

RECOMMENDATION:

That Council:

1. Adopt Amendment C171 to the Melton Planning Scheme subject to the changes recommended in the Panel Report.
2. Submit the Amendment to the Minister for Planning for approval.

Motion

Crs Majdlik/Hardy.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

Amendment C171 seeks to amend the Melton Planning Scheme to implement the recommendations of the Melton Retail and Activity Centres Strategy, 2014 (the Strategy). The Strategy was adopted by Council at the Ordinary Meeting of 1 April 2014 (**Appendix 1**).

At its Ordinary Meeting on 10 November 2015, Council resolved to prepare and exhibit Amendment C171 to the Melton Planning Scheme to implement the recommendations of the Strategy (**Appendix 2**).

Following this resolution, Council Officers sought authorisation to commence the amendment from the Department of Environment, Land, Water and Planning (DELWP). Subsequently the draft amendment was publically exhibited during the period of 11 August 2016 – 8 September 2016 and 12 submissions were received.

At its Ordinary Meeting on 6 February 2017, Council resolved to request the Minister for Planning to establish an independent Planning Panel to consider unresolved submissions received in response to Amendment C171 in accordance with the *Planning and Environment Act 1987* (**Appendix 3 and 4**).

Subsequently, on 14 February 2017, Planning Panels Victoria appointed a one person Panel to hear and consider unresolved submissions. The Planning Panel conducted a Directions Hearing on Wednesday 1 March 2017, and considered the submissions at a Panel Hearing between 27 – 29 March 2017.

Council Officers received the Panel Report on 3 May 2017. The report was strongly in support of Amendment C171 and the Strategy, recommending only minor text changes to be made to the amendment (**Appendix 5**).

It is now recommended that Council adopt Amendment C171 to the Melton Planning Scheme subject to the minor changes recommended in the Panel Report.

2. Background/Issues

Melton Retail and Activity Centres Strategy

Council has a role in shaping development to deliver a network of retail and activity centres that individually and collectively meets the needs of our residents, businesses and institutions. In this context, Council commenced the preparation of the Strategy in 2013.

The Strategy is underpinned by strong economic, planning and urban design analysis and provides a robust policy framework to guide the future development of activity centres supporting long term integrated land use planning and the delivery of a hierarchy of retail and activity centres across the municipality.

The Strategy provides directions for Council in its planning for centres, a framework for the assessment of development proposals and support for retailing and activity centres throughout the municipality.

The preparation of the Strategy was identified as critical to informing the update of the Municipal Strategic Statement and relevant local policies in the 2012 Planning Scheme Review adopted at the Ordinary Council Meeting of 26 July 2012.

The Strategy was undertaken in four stages and included consultation with the community and stakeholders at key stages:

- Stage 1: Project Inception
- Stage 2: Preparation of the Background and Technical Report
- Stage 3: Preparation of the Draft Strategy
- Stage 4: Finalisation of the Strategy

The Strategy was adopted by Council at the Ordinary Meeting of 1 April 2014 (**Appendix 1**).

Authorisation of Amendment C171

Following Council's adoption of the Strategy at its Ordinary Meeting of 1 April 2014, Council was advised by DELWP to delay any proposed amendment to implement the Strategy due to the expected change to the format of the Planning Scheme that was due to be released by the State government at that time.

The proposed change to the format of the Planning Scheme never eventuated and at its Ordinary Meeting on 10 November 2015, Council resolved to prepare and exhibit Amendment C171 to the Melton Planning Scheme to implement the recommendations of the Strategy (**Appendix 2**).

Following Council's resolution, Council Officers sought authorisation from DELWP to commence the amendment on 6 July 2016, which was granted.

Strategic Assessment of the Amendment

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

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

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

The amendment is consistent with the SPPF as follows:

- *Clause 11.01-1 (Victoria): Settlement Networks* seeks to promote the sustainable growth of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. Particularly, the Clause supports Melbourne's Metropolitan Activity Centres through a supporting network of major and neighbourhood activity centres of varying size, role and function. The Existing, Planned and Proposed Activity Centre Hierarchy (hierarchy of centres) as identified in Clause 21.05 of the amendment provides for a connected network of centres in the municipality that have differing uses and roles to meet existing and future community needs.
- *Clause 11.02-1 (Urban Growth): Supply of Urban Land* seeks to ensure that adequate land is available for a variety of uses (such as retail, office, business, community, entertainment, residential) to support future growth and meet forecast demand. The hierarchy of centres identified in Clause 21.05 of the amendment provides adequate land for the municipality for these land uses based on a detailed analysis that assessed future population growth and future retail and commercial demand for the municipality.
- *Clause 11.02 -3 (Planning for Growth Areas)* seeks to locate growth close to transport corridors and services. Particularly, it seeks to create a network of mixed use activity centres and provide for local employment opportunities. The hierarchy of centres as identified in Clause 21.05 of the amendment integrates with the existing and proposed transport network to provide residents access to goods and services and a range of local employment opportunities.
- *Clause 11.03-1 (Activity Centre Network)* seeks to build up activity centres as a focus for high quality development, activity and living for the whole community by developing a network of Activity Centres. The hierarchy of centres as identified in Clause 21.05 of the amendment provides for a connected network of centres in the municipality. The network comprises of centres that differ in size, role and function and through its provision of a mix of uses. It is a strategy of Clause 21.05 to provide convenient access to all centres for residents through pedestrian and cycling networks, road networks and public transport services.
- *Clause 11.03-2 (Activity Centre Planning)* seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community. The hierarchy of centres as identified in Clause 21.05 of the amendment provides certainty for preferred locations for investment. It also encourages a mix of commercial, retail and residential uses into identified existing, planned and proposed centres in the hierarchy.

The Toolern Metropolitan Activity Centre (MAC) is a larger order centre identified in the hierarchy that will provide significant new education, justice, community, administrative and health facilities that will attract users from large geographic areas. The MAC will be connected to the local and regional community via the Toolern railway station, road networks and pedestrian and cycling networks.

- *Clause 11.06-1 (Jobs and Investment)* seeks to create a city structure that drives productivity, attracts investment, supports innovation and creates jobs. Clause 21.05 of the amendment supports this through its hierarchy of centres, which provides certainty for investors and the community, employment close to home for residents whilst stimulating the local economy. The centres in the hierarchy are of various sizes, roles and functions with the largest being the Toolern Metropolitan Activity Centre. The MAC facilitates a mix of higher order services and will be well connected

locally and regionally via public transport (noting the Toolern Train Station), an integrated road network and pedestrian and cycling networks.

- *Clause 11.06-2 (Housing Choice)* seeks to provide housing close to jobs and services. Clause 21.05 of the amendment supports this through its hierarchy of centres, which supports residential land uses at a higher density. This enables housing for residents closer to services, jobs and public transport.
- *Clause 11.06-3 (Integrated Transport)* seeks to provide an integrated transport system connecting people to jobs and services, and goods to market. Clause 21.05 of the amendment supports this, particularly through the Toolern Metropolitan Activity Centre which facilitates high quality public transport access (via train station and transport interchange) to a job rich area. The MAC, in addition to other larger centres, will facilitate high density residential development to enable residents access to good public transport, road, pedestrian and cycling networks, jobs and services.
- *11.06-5 (Neighbourhoods)* seeks to create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs. Clause 21.05 supports this objective through its hierarchy of centres that provides centres of different sizes, roles and functions to ensure residents have convenient and close access to goods and services.
- *Clause 17.01 (Economic Development): Commercial* seeks to locate commercial development in existing or planned activity centres and discourages out of centre development. The amendment, specifically the strategies of Clause 21.05, encourages commercial and retail development into identified existing, planned and proposed centres in the hierarchy. Clause 22.06 supports the inclusion of commercial development into new centres, and also includes a policy to assess the introduction of new centres (not identified in the hierarchy) on a 'needs only basis.'
- *Clause 19.02 (Infrastructure)* encourages health, education, social and cultural facilities to integrate in appropriate activity centres to achieve co-location opportunities. Clause 21.05 in the amendment encourages a variety of uses in our centres to provide higher order essential services to residents such as health and education and recreational and entertainment services.

It should be noted that Amendment C171 proposed to update the LPPF to implement the recommendations of the adopted Strategy and reflect the objectives of the SPPF as outlined above.

Exhibition of Amendment C171

In consultation with DELWP, Amendment C171 was publicly exhibited during the period of 11 August 2016 – 8 September 2016 and 12 submissions were received through this process (**Appendix 3 and 4**).

Of these submissions, four were in support of the amendment and eight submissions raised concerns or were in objection to the amendment (**Appendix 4**).

Council Officers met with submitters seeking to resolve all submissions. In response to discussions with submitters, Clauses 21.05 and 22.06 were revised.

Two submissions were resolved through this process with six remaining unresolved.

Planning Panel

At its Ordinary Meeting on 6 February 2017, Council resolved to request the Minister for Planning to establish an independent Planning Panel to consider unresolved submissions received in response to Amendment C171 in accordance with the *Planning and Environment Act 1987* (**Appendix 4**). The 6 unresolved submissions were from the following parties:

- Citinova Development Managers
- Ranfurly Developments
- Geopac
- Mount Atkinson Holdings
- Avid Property Group
- Lend Lease

Subsequently, on 14 February 2017, Planning Panels Victoria appointed a one person Panel to hear and consider submissions received. The Planning Panel conducted a Directions Hearing on Wednesday 1 March 2017, and considered the submissions at a Panel Hearing between 27 – 29 March 2017.

In regards to the six unresolved submissions, the following parties were not heard at the Panel Hearing:

- Avid Property Group - Prior to the Directions Hearing, the submitter Avid wrote to Council Officers, outlining that their submission had been resolved and therefore would not be heard at the Directions Hearing or Panel Hearing.
- Geopac – Absent at the Directions Hearing, Geopac made no subsequent contact with Planning Panels Victoria, and therefore were not heard at the Panel Hearing.
- Citinova Development Managers - Following the Directions Hearing, Citinova Development Managers retracted their request to be heard at the Panel Hearing.

The following parties were heard at the Panel Hearing:

- Council
- Lend Lease
- Mount Atkinson Holdings
- Ranfurly Developments
- Coles Group

Coles Group, who submitted in support of the amendment, requested to be heard to support the Strategy and specifically the Toolern Metropolitan Activity Centre.

It is important to note that all 12 submissions were considered by the Planning Panel, whether the submitter was heard at the Panel Hearing or not.

Planning Panel Report

The Panel issued its report to Council Officers on 3 May 2017 (**Appendix 5**). The Panel Report was in support of Amendment C171 and the Strategy noting that the Panel was 'satisfied that the Strategy provides a sound basis for the amendment and generally supports the revisions (to the amendment) proposed by Council following its consideration of submissions.'

The Panel also 'commended Council for preparing the Strategy and Amendment (C) 171 and acknowledges the pro- active role it (Council Officers) took in understanding and resolving issues raised in submissions.'

The Panel recommends that Council adopt the amendment as exhibited, subject to the following:

1. Include Clauses 21.05 and 22.06 as shown at Appendices C and D in the Panel's Report. The changes include:
 - Remove word 'justification' at dot point 2 of 'Strategies' under Objective 1 of Clause 21.05.

- Change the word 'target' to 'guide' at the last dot point of both 'Activity Centres' and 'Neighbourhood Activity Centres' under Table 1 of Clause 21.05.
 - Add in 'Review and update the Toolern Town Centre Urban Design Framework Plan (2012)' under 'Further Strategic Work' of Clause 21.05.
2. Modify Figure 1 (City of Melton Existing, Planned and Proposed Activity Centre Hierarchy) in Clause 21.05 to apply the Bulky Goods Precinct designation to the Hopkins Road Business Precinct.

It is recommended that Council adopt Amendment C171 to the Melton Planning Scheme subject to the changes recommended by the Panel and detailed in Appendix 5.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

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

4. Financial Considerations

Council Officer time and resources are involved in the preparation, exhibition, the consideration of submissions and the adoption of the amendment.

Council has incurred costs associated with the Planning Panel, including legal representation, an expert witness and fees payable to Planning Panels Victoria to conduct the Directions Hearing and Panel Hearing.

Given the process is almost completed, the amendment will no longer add significantly to the resource and administrative costs of Council. The amendment will result in a small increase in the number of planning applications to Council but provides a clear and robust policy framework to consider all applications.

5. Consultation/Public Submissions

Public Exhibition

The amendment was on public exhibition from 11 August 2016 – 8 September 2016 and involved letters (giving notice) to affected land owners and occupiers and Government bodies and agencies who may have been materially affected by the amendment.

Letters were sent to affected land owners and occupiers in the following areas (noting that this amendment is retail focused):

- Commercial 1 and 2 Zones throughout the Municipality
- Industrial 1 Zone at the Melton Homemaker Precinct
- Comprehensive Development Zone at the Caroline Springs Town Centre
- Mixed Use Zone at the future town centre location at Eynesbury.

Letters were sent to the following Government bodies and agencies:

- Prescribed Ministers
- Victorian Planning Authority
- Surrounding Councils (Brimbank, Hume, Macedon, Moorabool and Wyndham).

Attached to all letters were the following copies of the draft amendment documentation:

- Draft Explanatory Report of Amendment C171
- Draft Clause 21.05 to the Melton Planning Scheme
- Draft Clause 22.06 to the Melton Planning Scheme

Notices were placed in the local newspaper the *Melton and Moorabool Star Weekly* and the *Government Gazette* and posted on DELWP's and Council's website.

Submissions

A total of 12 submissions were received in response to the amendment (**Appendix 3**).

Of these submissions four were in support of the amendment, and eight raised concerns or were in objection to the amendment.

Council Officers met with submitters seeking to resolve submissions. In response to discussions with submitters, Clause s21.05 and 22.06 were revised.

Two submissions were resolved through this process with six remaining unresolved.

At its Ordinary Meeting on 6 February 2017, Council resolved to request the Minister for Planning to establish an independent Planning Panel to consider unresolved submissions received in response to Amendment C171 in accordance with the *Planning and Environment Act 1987* (**Appendix 4**).

Following this, Council Officer discussions with submitters continued. By the time of the Panel Directions Hearing on 1 March 2017, a further one submission was resolved, therefore a total of four submissions were in support of the amendment, three were withdrawn and five had outstanding issues or objected to the amendment.

6. Risk Analysis

Should Council choose to abandon the amendment, it will result in a lack of strategic justification and clear direction for Council Officers to facilitate appropriate development and determine future planning permit applications for existing and future retail and activity centres. It will also undermine the policy direction of the Strategy that was adopted in 2014 and result in considerable abortive work.

7. Options

Council can resolve to either:

1. adopt Amendment C171 to the Melton Planning Scheme subject to the changes recommended in the Panel Report and submit to the Minister for Planning for approval
2. abandon Amendment C171 to the Melton Planning Scheme.

LIST OF APPENDICES

1. Pages from the Minutes of the Ordinary Meeting of Council - dated 1 April 2014
2. Pages from the Minutes of the Ordinary Meeting of Council - dated 10 November 2015
3. Locality Map - dated 31 November 2016
4. Pages from the Minutes of the Ordinary Meeting of Council - dated 6 February 2017
5. Panel Report, Melton Planning Scheme Amendment C171 - dated 3 May 2017

Cr Hardy left the Chamber at 9:10pm.

Cr Hardy returned to the Chamber at 9:11pm.

12.14 USE OF LAND FOR ANOTHER PURPOSE - 26 CRESTMONT DRIVE, MELTON SOUTH

Author: Christine Denyer - Manager Legal and Governance
Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

To bring to Council's attention the two written submissions received in relation to this matter, following on from Council's resolutions on 3 April 2017 and the public notice which appeared in the Star Weekly on 11 May 2017 containing a proposal to use the land for a Youth Community Care Unit.

RECOMMENDATION:

That Council, having considered the two written submissions in relation to the proposed use:

1. determine to use the land for the establishment of a Youth Community Care Unit to be established and run by Hope Street
2. request Council Officers to prepare a report in relation to the vehicle traffic in Crestmont Drive, Melton South
3. write to Victoria Police at Melton bringing to its attention the alleged illegal activity mentioned in the written submissions appended to this report.

Crs Turner/De Santis.

That the recommendation be adopted.

CARRIED

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

For:

Crs Abboushi, Carli, De Santis, Hardy, Kesic, Majdlik, Mendes, Ramsey and Turner.

Against:

Nil.

The Mayor declared the Motion CARRIED

REPORT

1. Executive Summary

Having formally resolved that the land at 26 Crestmont Drive, Melton South is no longer required for public open space, Council proposed to use the land for emergency accommodation by way of a Youth Community Care Unit. A public notice of the proposal was placed in the Melton Star Weekly on 11 April 2017 and submissions were open for 28 days.

Two submissions were received, one of which was technically out of time. Neither submission contained a request to be heard in person. Nevertheless, Council invited the writers of both submissions to be heard in person, and gave them until 19 May 2017 to elect to be heard in person. No such election was communicated, and it is therefore assumed neither wishes to address Council.

Council must now consider the two written submissions and make a final decision as to the proposal.

The two main matters raised in the submissions are vehicular traffic and drug use. While traffic volumes may marginally increase as a result of the proposed use, engineering indicators are that the road network is capable of handling this.

2. Background/Issues

At the Ordinary meeting of Council held on 3 April 2017 Council resolved, amongst other things, to give public notice of its proposal to use the land located at 26 Crestmont Drive, Melton South for a use other than that for which it was acquired. The Land was acquired for public open space and Council proposes to use it for a Youth Community Care Unit.

The public notice setting out Council's intention appeared in the *Melton Star Weekly* published on 11 April 2017. As stated in the notice a person making a submission also has the right to be heard in person before the Council or a Committee established for this purpose. Submissions were open until 9 May 2017.

Two submissions were received. The first was dated 1 May 2017 and was received by Council on 5 May 2017. The second submission was undated and was received by Council, after the date for submissions, on 10 May 2017. Neither submission stated that the persons making the submission wished to be heard in person. Nevertheless, on Friday 12 May 2017 Council wrote to both submitters asking if either of them wished to be heard in person. In both cases, a letter was hand delivered to the address of the submitter, advising that if he/she wished to be heard in person, he/she should contact Council by 5pm on 19 May 2017. Neither submitter made contact with Council.

The two submissions were identical in text, save for the personal details of the submitters. A copy of the text, with personal information redacted, is attached at **Appendix 1**.

Council must now consider the two written submissions and make a final decision as to the proposed use.

The main concerns expressed in these two submissions are in relation to vehicle traffic and to drug use in the street, in particular (so it is alleged) by the occupants of a particular set of units in the street.

These two matters (vehicle traffic and drug use) would appear to be matters that can be addressed separately and in isolation of the proposed use.

Accordingly, these two matters can form the basis of further and separate actions/resolutions.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

4. Community Health and Wellbeing: A City of people leading healthy and happy lives
 - 4.4 Minimise social harms caused by gambling, tobacco, alcohol and other drugs

4. Financial Considerations

The cost of the public advertisement having been already met, there is no further financial considerations associated with the process of Council deciding to use the land for another purpose in accordance with section 192 of the *Local Government Act 1989*.

5. Consultation/Public Submissions

Public consultation was by way of public notice with the ability to make a submission and to be heard in person. As stated above, a public notice setting out Council's intention appeared in the *Melton Star Weekly* published on 11 April 2017. Submissions were open until 9 May 2017.

Neither of the two submission received expressed a desire to be heard in person. Nevertheless, on Friday 12 May 2017 Council wrote to both submitters asking if either of them wished to be heard in person. In both cases, a letter was hand delivered to the submitter, advising that if they wished to be heard in person, they should contact Council by 5pm on 19 May 2017. Neither submitter contacted Council to be heard in person.

6. Risk Analysis

As set out in the Council Report dated 3 April 2017, Council has committed to locating a suitable site for the facility. If the facility cannot be built at 26 Crestmont Drive, Melton South, there is a risk that another suitable location will not be found.

7. Options

Council has the option to retain the land for its original purpose and seek to identify a suitable alternate Council owned site.

LIST OF APPENDICES

1. Identical text of two written submissions received - dated 1 May 2017 and undated but received on 10 May 2017

Cr Turner left the Chamber at 9:14pm.

Cr Turner returned to the Chamber at 9:15pm.

13. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES

Verbal reports were received from Crs Turner, Mendes, De Santis, Carli, Hardy, Kesic, Majdlik and Ramsey.

Cr Abboushi left the Chamber at 9:25pm.

Cr Abboushi returned to the Chamber at 9:29pm.

14. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS

Crs Ramsey, Hardy, Turner, Kesic, Carli, Abboushi, Mendes, De Santis, Majdlik addressed the Chamber in respect to a variety of matters of significance.

Cr Turner also made the following presentations to the Mayor:

- Red Cross 'Thanks to the City of Melton' certificate for taking part in Red Cross Calling 2017.
- 2017 National Awards for Planning Excellence 'Commendation Award' in the category of Best Planning Ideas Large Project for the Melton Dry Stone Wall Study and Amendment.

Motion

Cr Majdlik/Ramsey

That Council write a letter to the Caroline Springs Lions Club under the Seal of Council, outlining Council's appreciation of its contribution to the community.

CARRIED

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

For:

Crs Abboushi, Carli, De Santis, Hardy, Kesic, Majdlik, Mendes, Ramsey and Turner.

Against:

Nil.

The Mayor declared the Motion CARRIED

15. NOTICES OF MOTION**15.1 NOTICE OF MOTION 479 (CR KESIC)****Councillor: Goran Kesic - Councillor****NOTICE:**

That Council officers identify potential alternate sites for the Caroline Springs RSL Memorial and report to Council on their assessment of those identified alternate sites.

Motion

Crs Kesic/Majdlik

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.

CARRIED

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

For:

Crs Abboushi, Carli, De Santis, Hardy, Kesic, Majdlik, Mendes, Ramsey and Turner.

Against:

Nil.

The Mayor declared the Motion CARRIED

15.2 NOTICE OF MOTION 480 (CR MAJDLIK)

Councillor: Kathy Majdlik - Councillor

NOTICE:

That Council considers reviewing the Local Law (2013) 'Meeting Procedure'.

Motion

Crs Majdlik/Abboushi.

That Council considers reviewing the Local Law (2013) 'Meeting Procedure'.

CARRIED

15.3 NOTICE OF MOTION 481 (CR MAJDLIK)**Councillor: Kathy Majdlik - Councillor****NOTICE:**

That Council officers provide Councillors with a briefing and subsequent report in relation to the Master Plan for the Burnside Heights Recreation Reserve pavilion and grounds, reviewing and updating in consultation with the main users any items that have not yet been completed, to ensure what is proposed in the Master Plan is still relevant and required in the current environment.

Motion

Crs Majdlik/Abboushi.

That Council Officers:

1. provide Councillors with a briefing and subsequent report in relation to the Master Plan for the Burnside Heights Recreation Reserve pavilion and grounds, reviewing and updating in consultation with the main users any items that have not yet been completed, to ensure what is proposed in the Master Plan is still relevant and required in the current environment
2. include in the report/briefing the costs associated in enabling the area that was originally proposed for a 'community youth activity node' into a basic and safe training area (in consultation with the Burnside Bear's President).

CARRIED

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

For:

Crs Abboushi, Carli, De Santis, Hardy, Kesic, Majdlik, Mendes, Ramsey and Turner.

Against:

Nil.

The Mayor declared the Motion CARRIED

15.4 NOTICE OF MOTION 482 (CR MENDES)**Councillor: Michelle Mendes - Councillor****NOTICE:**

That Council Officers provide a full report on the sealing of Tarletons Road detailing all specifications carried out and the details of the contractor that completed work on Tarletons Road.

Motion

Crs Mendes/Carli.

That Council Officers provide a full report on the sealing of Tarletons Road detailing all specifications carried out and the details of the contractor that completed work on Tarletons Road.

CARRIED

15.5 NOTICE OF MOTION 483 (CR MENDES)**Councillor: Michelle Mendes - Councillor****NOTICE:**

That Council Officers write to VicRoads requesting that the speed limit for Tarletons Road be reduced from 80km/h to 60km/h and that appropriate approvals be sought to reduce the truck load limit and that truck signage be installed reducing truck load limits.

Motion

Crs Mendes/Kesic.

That Council Officers write to VicRoads requesting that the speed limit for Tarletons Road be reduced from 80km/h to 50km/h and that appropriate approvals be sought to reduce the truck load limit and that truck signage be installed reducing truck load limits.

CARRIED

15.6 NOTICE OF MOTION 484 (CR ABBOUSHI)**Councillor: Steve Abboushi - Councillor****NOTICE:**

That Council write to relevant State and Federal Ministers, Victoria Police, and neighbouring Councils as appropriate, inviting participation in a round table discussion to develop targeted and coordinated responses to work with youth who are 'on the fringe' or at risk of disengaging. The focus of this initiative will be to urgently address community concerns about public safety within the municipality.

Motion

Crs Abboushi/De Santis.

That Council write to relevant State and Federal Ministers, Victoria Police, and neighbouring Councils as appropriate, inviting participation in a round table discussion to develop targeted and coordinated responses to work with youth who are 'on the fringe' or at risk of disengaging. The focus of this initiative will be to urgently address community concerns about public safety within the municipality.

CARRIED

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

For:

Crs Abboushi, Carli, De Santis, Hardy, Kesic, Majdlik, Mendes, Ramsey and Turner.

Against:

Nil.

The Mayor declared the Motion CARRIED

15.7 NOTICE OF MOTION 485 (CR KESIC)**Councillor: Goran Kesic - Councillor****NOTICE:**

That Council contribute up to \$10,000 towards site works required to allow installation of an electronic scoreboard at the Burnside Heights Recreation Reserve.

Motion

Crs Kesic/Mendes.

That Council contribute up to \$10,000 towards site works required to allow installation of an electronic scoreboard at the Burnside Heights Recreation Reserve.

CARRIED

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

For:

Crs Abboushi, Carli, De Santis, Hardy, Kesic, Majdlik, Mendes, Ramsey and Turner.

Against:

Nil.

The Mayor declared the Motion CARRIED

16. COUNCILLOR'S QUESTIONS WITHOUT NOTICE

16.1 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Turner.

Is there any plans for the Western Highway to increase the number of lanes from Rockbank through to Melton?

16.2 COUNCILLOR QUESTIONS WITHOUT NOTICE

Cr Turner.

What is happening with the road works occurring at Mt Cottrell Road along the Western Highway and the reduction in speed?

17. MOTIONS WITHOUT NOTICE

17.1 MOTION WITHOUT NOTICE

Cr Abboushi.

That Council 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.

17.2 MOTION WITHOUT NOTICE

Cr Abboushi.

That Council write to the Member for Gorton, the Hon Brendan O'Connor MP, thanking him for advocating for federal funding needed for the upgrade to the Western Highway between Caroline Springs and Melton.

17.3 MOTION WITHOUT NOTICE

Cr Ramsey.

That Council, in consultation with VORT (Victims of Road Trauma), the Roads to Zero 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'.

18. URGENT BUSINESS

Nil.

19. CONFIDENTIAL BUSINESS

Procedural Motion

Cr Majdlik/Hardy.

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

19.1 Municipal Audit Committee Meeting Minutes 26 April 2017 - Confidential Report

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

19.2 Minutes of Annual Grants Assessment Panel Meeting

This report is confidential in accordance with s89(2)(h) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person.

CARRIED

Cr Turner returned to the Chamber at 10:13pm.

Procedural Motion

Crs Turner/Majdlik

That the meeting be opened to the public.

CARRIED

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

For:

Crs Abboushi, Carli, De Santis, Hardy, Kesic, Majdlik, Mendes, Ramsey and Turner.

Against:

Nil.

The Mayor declared the Motion CARRIED

20. CLOSE OF BUSINESS

The meeting closed at 10.14pm.

Confirmed

Dated this

.....CHAIRPERSON