



# MELTON CITY COUNCIL

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

**4 March 2019**

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**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 4 MARCH 2019 AT 7.00PM

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

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 Denyer, Manager Legal and Governance  
Ms D Roberts, Governance Officer  
Ms E Haley, Communications Coordinator

#### 1. OPENING PRAYER AND RECONCILIATION STATEMENT

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

#### 2. APOLOGIES AND LEAVE OF ABSENCE

Nil.

#### 3. CHANGES TO THE ORDER OF BUSINESS

##### Procedural Motion

Crs Ramsey/Majdlik.

That Item 13, 'Reports from Delegates Appointed to Other Bodies' and Item 14, 'Councillor Representation and Acknowledgements' be combined with Councillors having up to minutes and 3 the Mayor up to 5 minutes to give their reports.

CARRIED

#### 4. DEPUTATIONS

Nil.

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

Cr Ramsey Declared an Indirect Conflict of Interest pursuant to Section 78B of the *Local Government Act 1989* in Item 12.3, 'Melton Secondary College – Performing Arts Partnership Proposal.'

Mr Tori declared a Direct Conflict of Interest pursuant to Section 77B of the *Local Government Act 1989* in Items 19.2, '2019 UDIA VPELA US Study Tour' and Item 19.5, 'Annual Performance Review 2017/18 – Chief Executive'.

Mr Shannon declared a Direct Conflict of Interest pursuant to Section 77B of the *Local Government Act 1989* in Item 19.2, '2019 UDIA VPELA US Study Tour.'

## 6. ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on 4 February 2019 be confirmed as a true and correct record.

### Motion

Crs Majdlik/Ramsey.

That the recommendation be adopted.

CARRIED

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

- 4 February 2019 Record of Assembly of Councillors
- 11 February 2019 Record of Assembly of Councillors
- 18 February 2019 Record of Assembly of Councillors
- 25 February 2019 Record of Assembly of Councillors

**RECOMMENDATION:**

That the Record of Assembly of Councillors dated 4, 11, 18 and 25 February 2019 attached to this Agenda be received and noted.

**Motion**

Crs Abboushi/Hardy.

That the recommendation be adopted.

CARRIED

**LIST OF APPENDICES**

1. 4 February 2019 Record of Assembly of Councillors
2. 11 February 2019 Record of Assembly of Councillors
3. 18 February 2019 Record of Assembly of Councillors
4. 25 February 2019 Record of Assembly of Councillors



**8. CORRESPONDENCE INWARD****8.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR**

- Gayle Tierney MP - State Upper-House Member for Western Victoria – Submissions to the 2019/2020 State Budget.

**RECOMMENDATION:**

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

**Motion**

Crs Hardy/Abboushi.

That the recommendation be adopted.

CARRIED

**LIST OF APPENDICES**

1. Letter from Gayle Tierney MP - dated 11 February 2019

Cr De Santis left the Chamber at 7.05pm

Cr De Santis returned to the Chamber at 7.06pm

## 9. PETITIONS AND JOINT LETTERS

Nil.

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

Nil.

## 11. PUBLIC QUESTION TIME

Name	Question asked of Council
Shane Beech	*Not in attendance.
Shane Beech	*Not in attendance.
David O'Connor	In planning for the future of Diggers Rest, does Council feel the need to develop, in consultation with the residents and stakeholders of Diggers Rest, an "Issues and Opportunities" paper to help serve as a basis for future strategic development and economic planning?
David O'Connor	Would Council please provide feedback regarding the endorsed recommendations for Notice of Motion 534 (Cr Majdlik), in particular outcomes derived from the campaign with respect to the mandatory requirement to have all dogs on a leash when in a public place?
Oscar Gordon	*Not in attendance.
John Bentley	There is a motion 15.7 tonight which refers to a Women's Shed and making Raglan Cottage available to the Artists' Collective of Melton Inc. I am seeking clarification to know if men are excluded from the proposed arrangement of a Women's Shed as I am a member of the Artists Collective of Melton Inc.?

\* In accordance with Council's Meeting Procedure Local Law 2013, if a person who submitted a question is not present at the Council's Ordinary Meeting, their question is not read out or replied to at the meeting and a written response is provided.

**Procedural Motion**

Crs Majdlik/Ramsey.

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

CARRIED

## 12. PRESENTATION OF STAFF REPORTS

### 12.1 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

Author: Dominique Roberts - Governance Officer

Presenter: Kel Tori - Chief Executive Officer

#### PURPOSE OF REPORT

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

#### RECOMMENDATION:

That Council:

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

**Motion**

Crs Majdlik/Ramsey.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

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

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

## 2. Background/Issues

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

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

Councillor representation on Advisory Committees is generally for one year and is reviewed annually at the Statutory Meeting of Council. Councillor representation on current Council Committees and to other organisations for 2019 were adopted by Council at the Ordinary Meeting held 12 November 2018.

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
5 February 2019	Melton Transport Community Reference Group Advisory Committee	Appendix 1
6 February 2019	Intercultural Advisory Committee	Appendix 2
7 February 2019	Disability Advisory Committee	Appendix 3
7 February 2019	Reconciliation Advisory Committee	Appendix 4
20 February 2019	Policy Review Panel	Appendix 5

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

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

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

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

## 4. Financial Considerations

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

## 5. Consultation/Public Submissions

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

## **6. Risk Analysis**

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

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

## **7. Options**

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

### **LIST OF APPENDICES**

1. Melton Transport Community Reference Group Advisory Committee Meeting Minutes - dated 5 February 2019
2. Intercultural Advisory Committee Meeting Minutes - dated 6 February 2019
3. Disability Advisory Committee Meeting Minutes - dated 7 February 2019
4. Reconciliation Advisory Committee Meeting Minutes - dated 7 February 2019
5. Policy Review Panel Committee Meeting Minutes - dated 20 February 2019

## 12.2 RESPONSE TO NOTICES OF MOTION 529 & 543 - PERFORMING ARTS CENTRE

Author: Laura-Jo Mellan - Manager City Design, Strategy & Environment  
~~Presenter: Laura-Jo Mellan – Manager City Design, Strategy & Environment~~  
Presenter: Luke Shannon – General Manager Planning & Development

### PURPOSE OF REPORT

To provide a response to Notice of Motion 529 and Notice of Motion 543 which relate to the provision of a Performing Arts Centre within the municipality.

### RECOMMENDATION:

That Council:

1. Note the approach outlined in this report
2. Refer \$150,000 to the 2020/21 budget for consideration to undertake a Needs Assessment and Scoping Study for a Performing Arts Centre.

#### Motion

Crs Majdlik/Carli.

That the recommendation be adopted.

LOST

#### Motion

Crs Ramsey/Majdlik.

That Council:

1. Note the approach outlined in this report
2. Refer \$150,000 to the 2019/20 budget for adoption to undertake a Needs Assessment and Scoping Study for a Performing Arts Centre.

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

Council has considered two notices of motion, both of which relate to the commission of a Performing Arts Centre within the Municipality.

The report provides details regarding the methodology that should be applied in the event that Council wishes to pursue the issue. There are a number of steps that would need to be undertaken with the first critical step being a Needs Assessment and Scoping Study.

### 2. Background/Issues

The report provides a response to two Notices of Motion (NOM) that were subject to a resolution of Council in respect of a future Performing Arts Centre within the municipality

At the 13 November 2017 Ordinary Meeting of Council, Council considered NOM 529 (Cr Ramsey) and resolved

*'Council officers identify the appropriate site for a Performing Arts Centre and provide preliminary cost estimates to be referred to the 2018/2019 Council Budget and be included in Council's 10 year Capital Works Plan'.*

At the 26 March 2018 Ordinary meeting of Council, Council considered NOM 543 (Cr Majdlik) and resolved

*'Council officers provide a report for the preliminary/concept design work for a smaller performing arts centre or cultural centre/ theatrette similar to that of the Wyndham Cultural Centre on Synnot Street, Werribee, and for it being located in Caroline Springs (next to Caroline Springs Library) which was the original intended purpose of this particular site'.*

In response to Notice of Motion 529, there are currently two separate sites identified for a Performing Arts Centre. A 0.2 hectare site was identified as part of the masterplan for the Caroline Springs Town Centre adjacent to the existing Library (**Appendix 1**), which is referenced in Notice of Motion 543.

There is also a larger site identified in the Metropolitan Activity Centre at Cobblebank identified in the Toolern Precinct Structure Plan and adopted Toolern Urban Design Framework and is approximately 2.2 hectares (**Appendix 2**).

NOM 529 seeks a preliminary cost estimate for a Performing Arts Centre and that it be included be in the 10-year Capital Works Plan and Notice of Motion 543 requested that officers provide a report for preliminary/concept design work for a smaller performing arts centre.

Performing Arts Centre vary in scale and offer across the state and dependent on the needs of the communities they service. Before officers can determine preliminary costs or undertake preliminary/concept design which could be referred to the Capital Work Program a needs assessment to understand the size of the facility and the amenities it should contained to service the community and therefore determine the appropriate site or sites for the facility should be undertaken. This study could also include consideration of opportunities to partner with other organisations to deliver the facility and shared use.

Following completion of the Needs Assessment and Scoping Study it is recommend that the following approach to the design and delivery of any future facility be undertaken:

- **Stage 2: Business Case** to determine the model of operation for the facility
- **Stage 3: Concept Design** to explore design options for the facility, undertake initial cost analysis on preferred option(s) and determine option to be taken forward into detail design.

- **Stage 4: Detailed Design** to undertake the detailed design and costs for the facility and prepare tender documents
- **Stage 5: Project Delivery**

Each stage of the project outlined above would require budget allocation which can be more accurately determined following the completion of **Stage 1: Needs Assessment & Scoping Study**.

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

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

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

### **4. Financial Considerations**

Should Council decide to proceed with a Needs Assessment & Scoping Study funds would have to be allocated in a future budget to undertake the works. There are also financial considerations associated with the design and delivery of the Performing Arts Centre which would be subject to future budget deliberations and capital works planning.

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

There was no consultation undertaking in the preparation of this report.

A consultation approach outlining how Council officers would engagement with relevant stakeholders would be included as part of any future feasibility works that would be undertaken to inform the scale and function of the future Performing Arts Centre.

### **6. Risk Analysis**

There is a risk that the design facility would not meet the needs of the community should Council choose to allocated funds for the preliminary/concept design for a Performing Arts Centre prior to undertaking the Needs Assessment & Scoping Study.

### **7. Options**

Council has the option to:

1. Note the approach outlined in this Report
2. Refer consideration of \$150,000 to undertake a Needs Assessment & Scoping Study for a Performing Arts Centre in the 2020/21 budget.

### **LIST OF APPENDICES**

1. Caroline Springs Town Centre Master Plan - dated February 2009
2. Toolern West - Structure and Urban Form - dated 2012



Cr Ramsey declared she has an Indirect Conflict of Interest in Item 12.3 pursuant to Section 78B of the *Local Government Act 1989* and left the Chamber at 7.20pm.

### **12.3 MELTON SECONDARY COLLEGE - PERFORMING ARTS PARTNERSHIP PROPOSAL**

**Author: Laura-Jo Mellan - Manager City Design, Strategy & Environment**  
**Presenter: ~~Laura-Jo Mellan - Manager City Design, Strategy & Environment~~**  
**Presenter: Luke Shannon - General Manager Planning & Development**

#### **PURPOSE OF REPORT**

To consider a proposal from Melton Secondary College for Council to partner for a future Performing Arts facility.

#### **RECOMMENDATION:**

That Council:

1. Do not pursue the proposal presented by Melton Secondary College at this time (**Appendix 1**)
2. Include the proposed facility as part of the future Needs Assessment and Scoping Study for future Performing Arts Centre in the municipality.

#### **Motion**

Crs Hardy/Mendes.

That the recommendation be adopted.

CARRIED

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## **REPORT**

### **1. Executive Summary**

Council received correspondence on 8 February 2019 from Melton Secondary College on a proposal to partner with the College for the development of a Performing Arts Centre at the Secondary College site in the Melton township.

Performing Arts facilities vary in scale and are dependent on the needs of the communities they service based on need, demographic and population. It is therefore considered that a needs assessment to understand the scope, the size of the facility and the amenities required be undertaken prior to Council making any determination in respect of the delivery of an performing arts centre.

It is considered that entering into an agreement with Melton Secondary College to deliver a Performing Arts Centre space, is at this stage premature until such time as strategic work be finalised.

## 2. Background/Issues

Council has received recent correspondence from the principal of Melton Secondary College in relation to a possible partnering opportunity for a Performing Arts facility at the school (**Appendix 1**).

This school has undergone some major redevelopment and in the Masterplan, it is proposed that the college has identified the need for a new performing arts space. The facility that typically would be provided would have classroom and staff areas and a presentation space with a seating capacity of 25-50 students. The indication itemised in the correspondence from the principal estimates that such a facility would be in the vicinity of approximately \$3M. Additional funding in the vicinity of \$2.5M would allow the inclusion of an expanded auditorium seating 200 - 300 plus, that would allow for some community activation and performing spaces for such things as events.

The principal of Melton Secondary College, Mr David Reynolds has sought Council's interest in the proposal and is keen to progress discussions in the future if Council has a desire to do so.

Council should note that there are currently two separate sites identified for a Performing Arts Centre within the municipality, one of which is at Caroline Springs, adjacent to the Civic Centre and the other being at Cobblebank in the Metropolitan Activity Centre. Performing Arts facilities vary in scale and are dependent on the needs of the communities they service based on need, demographic and population. It is therefore considered that a needs assessment to understand the scope, the size of the facility and the amenities should be undertaken prior to any determination of Council. This assessment could also include consideration of opportunities to partner with other organisations, including schools to deliver the facility and potential shared use arrangements that may be required at the same time.

It is considered that entering into an agreement with Melton Secondary College to deliver a Performing Arts Centre space, is at this stage premature until such time as strategic work be finalised.

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

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

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

## 4. Financial Considerations

There are no financial considerations associated with the recommendation of this report at this time.

Should Council choose to support the proposal of Melton Secondary College and proceed to work in partnership on this project, there will be a capital funding requirement to contribute to this project. An indication from the Melton Secondary College and their architects is this is in the vicinity of \$2.5M dollars but there has been no firm estimates undertaken at this time. These costs are an indication only.

## 5. Consultation/Public Submissions

There has been a meeting with the principal of Melton Secondary College with Mr Maurie Heaney and Mr Kel Tori late in 2018 and the school council President, Mr Chris Pappas to discuss this proposal. It was at this time that officers made the school aware that we would bring this to Council's attention at the appropriate time.

## 6. Risk Analysis

There would be a risk to Council to initiate progressing this facility earlier rather than completing the Needs Assessment and Scoping Study.

## 7. Options

Council has the option to:

1. Include the proposal as part of the future Needs Assessment & Scoping Study for a future Performing Arts Centre and not pursue the proposal presented by Melton Secondary College at this time (**Appendix 1**)
2. Pursue the proposal presented by Melton Secondary College.

## LIST OF APPENDICES

1. Melton Secondary College PAC Proposal - dated 8 February 2019

Cr Carli left the Chamber at 7.24pm.

Cr Ramsey returned to the Chamber at 7.25pm.

## 12.4 RESPONSE TO NOTICE OF MOTION 582 (CR KESIC) - MANAGEMENT AND MONITORING OF VEHICLE ACCESS AND PARKING IN MAJOR PARKS, GARDENS AND PUBLIC CAR PARKS.

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

### PURPOSE OF REPORT

To respond to Notice of Motion 582 (Cr Kesic) - Management and monitoring of vehicle access and parking in major parks, gardens and Public Car Parks.

### RECOMMENDATION:

That Council note the report.

#### Motion

Crs Majdlik/Ramsey.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

This report responds to Notice of Motion 582 regarding management and monitoring of vehicle access and parking in major parks, gardens and public car parks.

The genesis of the Notice of Motion relating to a number of specific operational matters in the Caroline Springs area. These have all been specifically addressed as detailed within the report. The report also provides a high level overview of Council's activities in relation in administering the Local Law and Road Rules.

### 2. Background/Issues

On 11 December 2018, an on-site meeting at Cascada Place Caroline Springs was conducted by Cr Kesic and Council's Manager Compliance, Phil Lovelace. The below table lists the issues and actions to address them.

Issue	Action
A missing bollard which gave vehicle access to the reserve.	Operation Centre staff replaced missing bollard.
Illegally parked vehicles on sections of the reserve.	Compliance staff sent advisory letters to all residents in Cascada Place regarding parking requirements and future patrols; and

Issue	Action
	Patrols have been undertaken and parking infringement notices issued.
A missing Telstra pit lid.	Telstra have been notified of missing pit lid.
Vehicles parking too close to the Esplanade/Cascada Place intersection.	"No Stopping" signs have been ordered and will be installed. Patrols have been conducted to ensure compliance with the statutory no parking zone of 10 metres from an intersection.
Oversized trucks being parked on local roads after hours.	Area has been included in City Amenity and Compliance after-hours patrol schedule.

In general, Council's City Amenity and Compliance Officers patrol the municipality to ensure motorists are complying the parking restrictions in accordance with the Road Safety Road Rules 2009 and Council's General Local Law 2015.

A number of parking restrictions require a prescriptive parking sign to be installed in the restrictive area to inform drivers of parking restrictions, these include No Stopping, No Parking and timed parking areas. All signs must be installed in accordance with the Road Safety Road Rules 2009.

The majority of parking requirements are considered statutory which places the expectation on drivers to be aware of parking requirements. These type of restrictions include parking on a nature strip or reserve, within 10 metres of an intersection, opposite double white lines etc. Drivers must obey all parking restrictions or risk receiving an infringement notice.

Access to parks and reserves is prevented by the installation of physical barriers including gates and bollards. In general, these areas do not have crossovers leading to them unless a barrier is installed to stop vehicle access.

Council Officers conduct proactive patrols of the municipality to ensure parking restrictions are complied with. Officers also respond to requests from the public regarding illegally parked vehicles. Officers respond to complaints by patrolling the subject area, sending advisory letters to neighbouring properties followed by a warning notice period. If this process fails to achieve compliance, infringement notices are issued to offending vehicles.

Large commercial car parks are currently being monitored manually by Officers marking parked vehicles then returning after the nominated time period to ensure compliance. Engineers also conduct random audits of car parking areas to establish vehicle movement and appropriate time restrictions. New technology has the ability to remove this manual process and increase efficiency of current resources. This new technology, which includes in-ground parking sensors and/or number plate recognition systems, is being assessed by Council Officers.

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

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

3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way
  - 3.4 *A flexible, safe and health promoting transport network that enables people to move around.*

**4. Financial Considerations**

8,924 parking infringement notices were issued in the 2017/18 financial year which generated \$1,100,000.

**5. Consultation/Public Submissions**

Not required.

**6. Risk Analysis**

The recommendation does not increase the risk to Council.

**7. Options**

That Council note this report and continue with the standard practices that are currently in place in relation to this matter.

**LIST OF APPENDICES**

Nil

Cr Carli returned to the Chamber at 7.28pm.

## 12.5 RESPONSE TO NOTICE OF MOTION 606 (CR DE SANTIS) - PREVENTING FAMILY VIOLENCE CONFERENCE/FORUM

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

### PURPOSE OF REPORT

To respond to Notice of Motion 606 (Cr De Santis) and provide a brief report in relation to Council hosting an annual conference/forum around the prevention of family violence.

### RECOMMENDATION:

That Council note the report.

#### Motion

Crs De Santis/Kesic.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

At the Ordinary Meeting of Council held on 4 February 2019 Council resolved via Notice of Motion 606 that:

*'Council Officers provide a brief report at the next Ordinary Meeting of Council outlining the hosting of an annual conference or forum to provide an opportunity for other councils and service providers to attend and discuss matters around the prevention of family violence.'*

*'Council refer this matter to the 2019/20 budget discussions and consider allocating approximately \$30,000 to \$35,000 in 2019/20 budget deliberations.'*

Council could consider hosting a forum on behalf of Melbourne's west to bring together other councils and service providers to collectively address the prevention of violence against women. A strategic approach would be to host the forum in partnership with the western region Preventing Violence Together partnership which includes Women's Health West, all western region councils and community health services. High profile guest speakers from Our Watch, VicHealth, Respect Victoria and Family Safety Victoria could be invited to present.

Officers propose that the forum could occur in April-May 2020 to allow sufficient time to plan the forum through a genuine partnership approach.

### 2. Background/Issues

Council has demonstrated its commitment to preventing family violence through the establishment of the City of Melton Preventing Family Violence Advisory Committee and Equality and Respect 2030.

The forum would:

- build and strengthen partnerships for the prevention of violence against women and promotion of gender equity.
- work together with family violence intervention and response services to promote a safe, just and equitable community.

A key local partnership for Council is Preventing Violence Together which is the regional partnership and strategy that guides the primary prevention of violence against women across Melbourne's west, led by Women's Health West. It is recommended to host the forum in partnership with Preventing Violence Together to demonstrate regional commitment to this issue and secure buy-in and commitment from a broad range of organisations.

Key networks that may have an interest in attending the forum might be the City of Melton Preventing Family Violence Advisory Committee, the Melton Family Violence Network, the Western Integrated Family Violence Committee and the Municipal Association of Victoria's Prevention of Violence against Women Network.

One issue for Council to consider is that the planning and implementation of the forum would be a significant amount of work for Council Officers, and as a result, sufficient lead time is needed to ensure an effective event is achieved.

It is the recommendation of officers that the forum be held during April-May 2020. This period is less saturated with public events and it enables the issue of family violence prevention to have the exposure that the forum aims to provide.

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

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

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

### **4. Financial Considerations**

\$30,000 - \$35,000 is the financial implementation as per Notice of Motion 606.

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

Should Council endorse the forum, officers recommend that consultation with members of the western region Preventing Violence Together partnership, led by Women's Health West, is held to ensure that the conference/forum meets the needs of other councils and service providers.

### **6. Risk Analysis**

There are currently no risks identified.

### **7. Options**

Nil.

## **LIST OF APPENDICES**

Nil



## 12.6 RESPONSE TO NOTICE OF MOTION 607 (CR RAMSEY) - AN UPDATE ON THE ADVOCACY TO HAVE TRAFFIC SIGNALS INSTALLED AT THREE STATE-MANAGED INTERSECTIONS

Author: Jonathan Liston - Principal Planning Engineer

Presenter: Luke Shannon - General Manager Planning & Development

### PURPOSE OF REPORT

To respond to Notice of Motion 607 (Cr Ramsey) that Council officers provide a report updating Council on the advocacy to have traffic signals installed at the following State-managed intersections:

1. Leakes Road and Melton Highway
2. Coburns Road and High Street
3. Norton Drive and High Street.

### RECOMMENDATION:

That Council note the content of this report and continue with its advocacy efforts to support VicRoads installing signals at each intersection.

### Motion

Crs Ramsey/Mendes.

That Council:

1. note the content of this report and continue with its advocacy efforts to support VicRoads installing signals at each intersection.
2. write to newly elected or re-elected Local Members in State Government urging them that these intersections are a priority.

CARRIED

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## REPORT

### 1. Executive Summary

At the Ordinary Meeting of Council held on 4 February 2019, the following Notice of Motion 607 (Cr Ramsey) was resolved:

*'That Council officers provide a report with an update on our advocacy to get traffic lights at the following three locations:*

1. *Leakes Road and Melton Highway*
2. *Coburns Road and High Street; and*
3. *Norton Drive and High Street.'*

All three intersections are identified in Council's advocacy campaign for outer suburban arterial road upgrades.

The intersections have been explicitly identified in Council's Pre-Budget Submission for the 2019/20 State Budget as intersections requiring urgent investment by the State due to ongoing safety concerns.

The intersections of Coburns Road/High Street and Norton Drive/High Street have been submitted for construction funding consideration in the 2019/20 State Budget.

Innovative solutions to resolving safety concerns at the intersection of Leakes Road/Melton Highway are being considered and designs are anticipated to be submitted for construction funding in the 2020/21 State Budget.

## 2. Background/Issues

### Road Management and Responsibilities

Under the Road Management Act 2004, both Melton Highway and High Street (between Coburns Road and Melton Highway) are declared arterial roads that are managed and maintained by VicRoads on behalf of the State Government.

All intersections located along declared arterial roads are the responsibility of the State Government to ensure that they provide for the safe movement of all modes of transport. Council's role in improving safety at these intersections is therefore limited to advocacy efforts and supporting the State in the design process where necessary.

### Council Advocacy Campaign

As part of its advocacy campaign for outer suburban arterial roads, Council is requesting the following:

- *Duplication of Melton Highway, including upgrade of the Leakes Road intersection;*
- *High Street and Coburns Road, Melton – upgrade the intersection with traffic signals; and*
- *High Street and Norton Drive, Melton – upgrade the intersection with traffic signals.*

### Pre-Budget Submission

The intersections in question have been explicitly identified in Council's Pre-Budget Submission for the 2019/20 State Budget as intersections that require urgent investment by the State due to ongoing safety concerns:

#### Leakes Road & Melton Highway

*Funding is requested by the State Government to urgently address safety concerns at the intersection of Melton Highway and Leakes Road. The intersection consistently ranks as one of the most dangerous in the municipality and Council requests that signals be constructed to control traffic movement as a matter of urgency.*

#### High Street & Coburns Road, Melton

*The existing roundabout of High Street and Coburns Road is heavily congested during peak times and acts as a barrier to movement for pedestrians and cyclists in the areas. Funding is requested to convert the roundabout to a signalised intersection.*

#### High Street & Norton Drive, Melton

*The intersection of High Street and Norton Drive is a consistent safety concern to Council, with Norton Drive being the primary entry to the Melton Industrial Estate. Funding is requested to construct signals at the intersection so vehicle movements are safely controlled."*

Furthermore, Council officers meet regularly with representatives from VicRoads and the Department of Transport to discuss priorities on the arterial road network. All three intersections are consistently raised as concerns to Council and the community.

**Project Status Update**

The following section of the report provides a status update from VicRoads regarding each of the three intersections raised within this Notice of Motion.

**Melton Highway and Leakes Road**

From discussions with VicRoads it is understood that they are continuing to investigate solutions to address safety and congestion at this intersection. Given the alignment of the intersection and the complexities in installing signals, VicRoads are considering alternative, innovative solutions that have not been used in Victoria before.

This requires additional checks to be undertaken, including consultation with Melton City Council, that mean a design was not able to be considered for construction funding in the 2019/20 State Budget.

It is understood that VicRoads are anticipating submitting a design solution for construction funding in the 2020/21 State Budget.

**High Street and Coburns Road**

VicRoads have prepared functional plans to replace the existing roundabout with a signal controlled intersection, including pedestrian crossings on all four arms of the intersection.

Council's Traffic & Transport Engineering team has reviewed the plans and provided feedback on the proposals.

VicRoads has confirmed that the design will be submitted to the State Government for construction funding consideration in the 2019/20 State Budget. Construction of the signals will be subject to this being adopted within the budget.

**High Street and Norton Drive**

VicRoads have prepared functional plans to install signals at the intersection which was unsuccessfully submitted for funding consideration in the 2018/19 State Budget.

In August 2018, Council wrote to the State Government expressing its ongoing concerns around safety for the intersection and requesting it be prioritised for funding in future budgets.

VicRoads has confirmed that the design will be submitted to the State Government for construction funding consideration in the 2019/20 State Budget. Construction of the signals will be subject to this being adopted within the budget.

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

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

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

*3.4 A flexible, safe and health promoting transport network that enables people to move around.*

**4. Financial Considerations**

Not applicable.

**5. Consultation/Public Submissions**

Not applicable.

## **6. Risk Analysis**

It is important to note that while Council does not directly control the funding allocation for upgrading of the State arterial road network, it can still play a productive role in supporting investment through appropriate advocacy efforts and collaboration through the design and construction process.

Furthermore, there is an expectation from our community that Council supports the upgrade of the State arterial road network through appropriate means.

While the risk to road safety on High Street and Melton Highway are the responsibility of the State Government, there is a reputational risk to Council if it fails to appropriately advocate for improvements that is considered in the best interest of its community.

## **7. Options**

Option 1 – Council note the content of this report and continue with its advocacy efforts to support VicRoads installing signals at each intersection identified within this Notice of Motion.

Option 2 – Council considers the funding of these projects within the Capital Works Program.

## **LIST OF APPENDICES**

Nil

## 12.7 RESPONSE TO NOTICE OF MOTION 609 (CR ABBOUSHI) - OPTIONS TO CONSTRUCT A PEDESTRIAN CROSSING AT THE NEW BURNSIDE PRIMARY SCHOOL

**Author: Kerry Walton - Coordinator Traffic and Transport**  
**Presenter: Luke Shannon - General Manager Planning & Development**

### PURPOSE OF REPORT

To respond to Notice of Motion 609 (Cr Abboushi) for Council Officers to explore options to construct a supervised pedestrian crossing at the new Burnside Primary School as soon as reasonably practicable, and report to Council by the March 2019 Ordinary Meeting of Council.

### RECOMMENDATION:

1. That Council manage and maintain a raised zebra crossing (wombat crossing) following the completion of works by the Modeina Estate developer.
2. That Council officers continue to monitor the crossing and if warranted into the future, further consider the conversion of a raised wombat crossing to a raised supervised school crossing.

### Motion

Crs Abboushi/Kesic.

That Council construct a supervised pedestrian crossing on a raised platform where it will be supervised during the school morning and afternoon peak hours. This is to include addition of additional signage, flags and line markings.

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

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## REPORT

### 1. Executive Summary

Burnside Primary school is a new government primary school located adjacent the Burnside Community Centre in Burnside. The school commenced in Term 1 of 2019 with approximately 100 students.

Council officers have been liaising with the school Principal regarding pedestrian crossing facilities with Council recently installing a zebra crossing (line marking) which provides a safe crossing point where pedestrians would have right of way.

Council officers have negotiated with the developer of the Modeina Estate who have confirmed that they will construct a raised wombat crossing during the school holiday between Term 1 and 2. This will provide a further safety element to the crossing by further reducing traffic speeds.

Council officers have reviewed the site environment and consider that the current zebra style pedestrian crossing is appropriate and presents no significant safety risks. Council will continue to monitor the area and if a significant safety risk arises then we can assess if a supervisor on site would mitigate those risks and if so, the wombat crossing can be converted into a raised school crossing and Council can proceed with recruitment process of hiring a supervisor.

## 2. Background/Issues

Burnside Primary school is a new government primary school located adjacent the Burnside Community Centre in Burnside. The school commenced in Term 1 of 2019 with approximately 100 students. The school fronts a local road that comprises indented parking on both sides of the road.

In late 2018, the Principal of the Burnside Primary school contacted Council requesting for a school crossing. The provision of a school crossing is often a long process in order to design and construct the crossing facility and then recruit and train a supervisor which can take 3-4 months to achieve. Council officers liaised with the school Principal regarding an interim solution that involved installation of a zebra crossing that would cater for both school pedestrians and those outside of school hours.

Council officers have been in discussions with the developer of the Modeina Estate who have agreed to construct a permanent raised wombat crossing as result of their development. The provision of a raised pavement will add a further safety element to the crossing by further reducing traffic speeds. The developer has advised that the raised wombat crossing can be delivered during the Term 1 school holidays. Please refer to **Appendix 1** for the locations of the current interim treatment and the proposed ultimate treatment.

It should also be noted that in order to be eligible for VicRoads subsidy for a school crossing supervisor there are certain warrants to be met. The following formula is provided by Vicroads to determine the eligibility for subsidy;

- A minimum of 20 children are required to cross the road.
- A minimum of 100 vehicles in the hour are required to travel the road,

The two values are then multiplied together and if the product exceeds 5,000 then the crossing meets the subsidy warrants. Some examples are provided below

No. of Vehicles per hour (A)	No. of Pedestrians per hour (B)	Product (A x B)	Outcome for subsidy
150	35	5,250	Yes
75	65	4,850	No

Where subsidies are not met and it is considered the site requires a supervisor to reduce a safety risk then Council bears all costs of employment of the supervisor.

The above calculation is only a measure for Government subsidy and does not consider the road environment and/ or risks to pedestrians. Councils Traffic Engineers have inspected the site and assessed the risks of the area to determine the type of crossing required. It is noted

that the school fronts a local road that services the local community and as such does not convey traffic from the wider network through this location. Traffic that is in this location are either residents that reside in the estate or those attending the community centre and school. As such, those motorists are well aware of the school being present and expect pedestrians to be present in the morning and afternoon school peak times.

The traffic speeds are also considered low due to the road design which also provides clear sightlines for motorists to see the pedestrian crossing facility and conversely for pedestrians to see approaching vehicles. Observations of many school crossings indicate that often the pedestrians are crossing the road with their end destination being a parked vehicle and as such an adult is typically present when crossing the road.

Like all pedestrian crossings in the Municipality, Council does monitor pedestrian traffic as well as the road environment and in the event that a significant safety concern is identified we can review the risk and if it is determined that a supervisor would mitigate risks then the crossing can be augmented accordingly to include the necessary infrastructure at minimal cost to Council.

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

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

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

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

### **4. Financial Considerations**

The cost of each option is as follows:

- Option 1: Nil. The raised zebra crossing (wombat crossing) will be constructed by the developer of the Modeina Estate.
- Option 2: Council to construct a raised school crossing at an approximate cost of \$8,000. For a supervised crossing, it would cost Council annually \$8,000 (if it meets VicRoads subsidy requirements) or \$14,000 (if it doesn't meet VicRoads subsidy). This is based on the 2018/19 financial year rates.

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

Not applicable.

### **6. Risk Analysis**

Each option proposed creates potential risks as follows:

- Option 1: The developer delaying the work.
- Option 2: A raised school crossing is only supervised during the school hours. Outside the school hours, pedestrians have to give way to vehicles as vehicles have priority.

### **7. Options**

The following options are provided:

- Option 1: Council to manage and maintain a raised zebra style pedestrian crossing (wombat crossing) upon the completion of the developer constructing the raised zebra crossing (wombat crossing).

- Option 2: Council to construct a supervised pedestrian crossing on a raised platform where it will be supervised during the school morning and afternoon peak hours. This involves the addition of additional signage, flags and line markings.

## **LIST OF APPENDICES**

1. Interim and Ultimate pedestrian crossing facilities - dated 19 February 2019



## 12.8 PLANNING APPLICATION PA 2018/6057/1 - RESIDENTIAL SUBDIVISION AND REMOVAL OF NATIVE VEGETATION AT 193-295 BROOKLYN ROAD, BROOKFIELD

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

### PURPOSE OF REPORT

To consider and determine the above planning application.

### RECOMMENDATION:

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

#### Motion

Crs Hardy/Ramsey.

That Council:

1. issue a Notice of Decision to Grant a Permit subject to the conditions outlined in **Appendix 6** of this report.
2. write to the developer drawing to their attention the specific requirements under Condition 29 as detailed in the Permit.

CARRIED

## REPORT

### 1. Background

#### Executive Summary

Applicant:	Currie and Brown (Australia) Pty Ltd
Proposal:	Residential Subdivision and removal of native vegetation
Existing Land Use:	Vacant
Zone:	General Residential Zone (Schedule 1) Commercial 1 Zone (part) Public Park and Recreation Zone (part)
Overlays:	Development Plan Overlay (Schedule 18) Environmental Significance Overlay (Schedule 2)
Number of Objections:	Twelve
Key Planning Issues:	Subdivision design and density Capacity of Clarkes Road to accommodate additional traffic Interface treatments to public open space
Recommendation:	Approve Application

**The Land and Surrounding Area**

The subject site has an area of 115.1 hectares and is located on the south west corner of Brooklyn Road and Clarkes Road in Brookfield. Other features of the site are as follows:

- The site is irregular in shape, generally flat (with the exception of a gorge traversing the centre of the site and vacant except for established native vegetation and a rectangular shaped parcel of land on the eastern side of Clarkes Road that is owned by Council and occupied as a Community Centre with associated car parking and landscaping.
- A 1.5 metre wide powerline easement is located in the north east corner of the site.

The surrounding area can be characterised as established residential development to the north and east comprising single and double storey attached and detached brick and cement rendered dwellings with concrete tiled roofing along with vacant residential land and public open space reserves as part of the Botanica Springs (Zone A and B) and Riverina Estates. The Melton Reservoir/Werribee River adjoins the southern boundary of the site while land further south is zoned Green Wedge and is characterised by larger rural allotments used for rural residential purposes and associated agricultural/farming purposes. The adjoining land to the west is currently vacant and is located within the Urban Growth Zone. A precinct structure plan has not been prepared for this land.

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

**The Application**

The application proposes the residential subdivision of the subject land and removal of associated native vegetation.

The proposal is summarised as follows:

- The subdivision comprises 791 lots across ten stages ranging from 400 square metres to 900 square metres with an average lot size of 454 square metres.
- The north east corner of the site comprises a future Neighbourhood Activity Centre site (5.37 hectares), a future medium density housing site (2.56 hectares) and a future State Government School site (3.54 hectares) adjacent to the existing Community Centre.
- An internal road network comprising a 32 metre wide north-west boulevard connector road, a 25 metre wide standard connector road and 13.5-16 metre wide roads (access streets) within the proposed subdivision.
- Active Open space totalling an area 9.94 hectares including a parcel of 8.45 hectares to accommodate sporting ovals and tennis courts.
- Passive open space totalling 1.93 hectares comprising a number of parcels scattered throughout the subdivision.
- A linear reserve (central corridor) running north-south through the centre of the site connecting to the existing Public Park and Recreation Zone at the southern end of the subject land.
- Removal of native vegetation comprising a total area of 1.828 hectares in the form of scattered trees in accordance with the Metropolitan Strategic Assessment (MSA) and Biodiversity Conservation Strategy (BCS).

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

**Planning Controls**

Zone	(Clause 32.08 – General Residential Zone) (Clause 34.01 – Commercial 1 Zone) (Clause 36.02 – Public Park and Recreation Zone)	Permit required to subdivide land
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Overlays	(Clause 43.04 – Development Plan Overlay (Schedule 18))	<p>Before deciding on any application the responsible authority must consider:</p> <ul style="list-style-type: none"> <li>• The purposes of the zone; and</li> <li>• Any approved development plan.</li> </ul> <p>The responsible authority may grant a permit for use or development prior to the approval of a development plan provided that the responsible authority is satisfied that the use or development will not prejudice the preparation of a development plan or the purpose of the Municipal Strategic Statement and relevant policies.</p> <p>The overlay applies only to the portion of the subject site located in the Commercial 1 Zone which is nominated as a future Neighbourhood Activity Centre as part of the proposed subdivision and will be subject to a separate development plan and planning permit application.</p> <p>Therefore, the proposal will not prejudice the preparation of a development plan or the purpose of Council's Municipal Strategic Statement and any relevant policies under the Planning Policy Framework of the Melton Planning Scheme.</p>
	(Clause 42.01 – Environmental Significance Overlay)	A permit is required to subdivide land and to remove, destroy or lop vegetation.
Particular Provisions	(Clause 52.01 – Public Open Space)	<p>An application to subdivide land must make a contribution to Council for public open space in an amount specified in the schedule to this clause.</p> <p>As no amount is specified in the schedule to this clause, a public open space contribution equivalent to 5 per cent of the value of the land must be provided in the form of open space, a cash contribution or a combination of both.</p>
	(Clause 52.17 – Native Vegetation)	<p>Permit required to destroy, lop or remove native vegetation.</p> <p>Offset requirements are to be made in the form of habitat compensation fees in accordance with the Biodiversity Conservation Strategy (BCS)</p>

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

**Clause 56 – ResCode**

Under the requirements of the zone, the subdivision of land must meet the requirements of Clause 56 of the Planning Scheme. Clause 56 requires that a subdivision:

- must meet all of the objectives
- should meet all the standards.

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

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

The *Housing Character Assessment & Design Guidelines* as adopted at the Ordinary Meeting of Council on 13 October 2015. The site is located within the Compact Suburban 1 character area. The essential components of the CS1 character area which need to be maintained into the future are:

- Limited visual separation between dwellings
- Majority of the front setback used as permeable garden landscape
- Absence of front fencing

The preferred Character Statement requires that as change occurs, space will be provided for more tree planting, so these areas can become greener and leafier, by:

- Retaining sufficient space to grow a canopy tree in the front setback
- Minimising interruption of nature strips by driveways, so that regularly-spaced street tree avenues can be planted or retained.

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

The land is affected by multiple Section 173 Agreements registered on the Certificate of Title for the site. These are summarised as follows:

- Agreement P790982X (1990) – Rezoning of the land from Conversation A Zone to Corridor A Zone and the transfer of land along the southern boundary of the site described as a ‘Reserve for Municipal Purposes’ to Council and rezoning of this land to Proposed Public Open Space. This land has been rezoned to Public Park and Recreation Zone, however, it has yet to be transferred to Council’s ownership.
- Agreement AD579658M (2005) – Financial contributions (per lot) towards road and community infrastructure including the construction of Clarkes Road to an urban standard (pavement width of 8 metres) and construction of a roundabout at the intersection of Clarkes Road and Brooklyn Road prior to the issue of a Statement of Compliance for Stage 4 of the subdivision.
- Agreement AK805954R (2013) - The provision of at least 9 per cent of the land identified in the 1995 Section 173 Agreement as public open space that is free of inundation, is of appropriate size and configuration and will include one 8 hectare parcel of land to cater for active recreational needs. The agreement requires the owner to complete the development of the public open space reserve, provide adequate reticulated water, sewerage and other services to service the development of the land, provide roadworks and drainage to the satisfaction of Council, street tree planting, weed management plan, timeframe for the transfer of the Public Park and Recreation Zoned land to Council not more than 3 years from the date of this agreement and transfer of land for the Community Facility to Council.

The proposal does not contravene any of the requirements outlined under the above agreements. The majority of the obligations outlined under the above agreements have not been undertaken to date, however, are proposed to be undertaken as part of this planning application. The only exception is the Community Facility land which has been transferred to Council and developed for the purposes of a Community Centre.

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

The land is considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*; and an approved cultural heritage management plan (CHMP 10698) has been submitted with the planning application and approved by the RAP (Wurundjeri Tribe).

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

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

3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way.
  - 3.1 *A City that strategically plans for growth and development.*
    - 3.1.4 *Advocate and support development and availability of diverse and affordable housing options.*

**3. Financial Considerations**

No Council related financial considerations are involved with the application.

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

The application was subject to notification. The notification was satisfactorily completed and 12 objections were received. It should also be noted that Council received one submission in support of the proposal.

The grounds of objection may be summarised as follows: The grounds of objection may be summarised as follows:

- The proposal will create adverse traffic impacts along Clarkes Road
- Inconsistent with the neighbourhood character of the area
- Noise pollution
- Loss of privacy and views
- Environmental impacts from loss of green space
- Loss of property value.

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

A consultation meeting was held on 13 February 2019 to discuss the concerns raised by the objectors. The meeting was attended by six objectors, representatives of the applicant and officers from Council's Planning Services Department. The main issues discussed at the meeting related to the objectors concerns in relation to the additional traffic that will be generated by the proposed subdivision and the impact this will have on Clarkes Road, the current condition and speed limit along Clarkes Road and the timing for the upgrade of Clarkes Road as a result of the proposed subdivision. The applicant and Council agreed to explore opportunities to provide appropriate traffic calming measures as part of the upgrade of Clarkes Road should Council resolve to approve the proposed subdivision.

**Referral of the application**

The application was referred to a number of Council Departments for comment and advice. The application was also required to be referred to Country Fire Authority, Aboriginal Affairs Victoria, Department of Environment, Land, Water and Planning (DELWP), Downer, Powercor, Melbourne Water, Southern Rural Water, Transport for Victoria and Western Water who are all determining referral authorities in this case. A complete list of responses is

included in **Appendix 5**.

Of particular note is Council's Engineering (Infrastructure Planning and Traffic and Transport) area who raised concerns regarding the road reserve width of Brooklyn Road which should be increased from 25 metres to 34 metres as Brooklyn Road is likely to be a sub arterial road in the future. The plan will need to be amended to ensure that land is set aside along the northern boundary of the subject site to accommodate a future road reserve width of 34 metres for Brooklyn Road.

Council's Engineering (Infrastructure Planning) area also advised that land will also need to be set aside in the north-east corner of the site to accommodate the ultimate intersection treatment at Brooklyn Road and Clarkes Road as well as the intersection servicing the future Neighbourhood Activity Centre (NAC) site.

These matters can be addressed as a condition (amended plans) should Council resolve to approve the proposed subdivision.

The internal 32 metre wide connector road should also align with the Botanica Springs Boulevard intersection and convert to a signalised intersection once the Neighbourhood Activity Centre site is developed. The connector road west of the gorge is undesirable as it will create significant one way roads and no details have been provided in relation to how these one way roads intersect with this connector road.

Of particular note is Council's City Design area who initially raised concerns in relation to the layout of the subdivision and lots backing onto public open space, block lengths, only one vehicle access point to residential lots south of the active open space, relocation of the active open space so that it does not include areas that require significant earthworks to make it usable and preparation of a landscape masterplan for the subdivision.

## **5. Issues**

### **Planning Assessment**

The proposed subdivision is considered to be consistent with the State and Local Planning Policy Framework (including Council's Municipal Strategic Statement, Housing within the Established Residential Areas Policy and Housing Diversity Policy) and the purpose of the General Residential Zone in terms of providing housing diversity and choice and increasing residential densities in locations offering good access to services and transport.

The proposal is also generally consistent with the Botanica Springs – Melton South Local Structure Plan prepared by Watsons Pty Ltd (Date May 2005) approved by Council on 11 September 2006. Under this plan, the subject site is identified as Zone C. The layout of the proposed subdivision and location of the designated Neighbourhood Activity Centre site is generally in accordance with the approved plan. The only exceptions are the active open space area and tennis courts and future State Government School site which are now located on the south eastern side of the site along the Clarkes Road frontage of the subject land. However, it is considered that the location of the active open space is appropriate as it will be visible from Clarkes Road and in proximity to the existing Council Community Centre and the future Neighbourhood Activity Centre site and the future State Government School site.

The layout, orientation and size of lots proposed within the subdivision will enable a diversity of dwelling types (single dwellings and medium density housing) to be accommodated, will complement the established neighbourhood character of the area and provide a suitable interface with the established residential areas to the east through the provision of larger lots (600-900 square metres) scattered throughout the proposed subdivision.

The proposal is also consistent with Council's Housing Diversity Strategy, Housing in Established Residential Areas Policy, Housing Diversity Policy (Clause 22.12 of the Melton Planning Scheme) and the guidelines for the Compact Suburban 1 character area under Council's Housing Character Assessment and Design Guidelines. The proposal generally

satisfies the objectives and standards of Res Code under Clause 56 of the Melton Planning Scheme.

The proposed subdivision has incorporated the majority of the outstanding requirements outlined under the multiple Section 173 Agreements registered on the Certificate of Title for the subject land including the provision of an 8 hectare parcel of land for the purposes of active open space and increasing the width of the road reserve along Clarkes Road to 24 metres, which includes an 8 metre pavement width as outlined under the agreement.

A key issue raised by Council's Engineering (Infrastructure Planning and Traffic and Transport) area revolves around the ultimate road reserve width along Brooklyn Road and the provision of direct vehicle access to lots fronting this road. Council's Engineering area has advised that the road reserve width along Brooklyn Road adjacent to the subject site should be increased from 25 metres to 34 metres as it is likely to be a sub-arterial road in the future. Therefore, it does not support the provision of direct vehicle access to any lots fronting Brooklyn Road.

The initial concerns raised by Council's City Design area have generally been addressed by modifications to the layout of the subdivision and internal road network. City Design is also generally supportive of the Housing Design Guidelines prepared for the subdivision subject to some minor changes which can be requested as a condition should Council resolve to issue a Notice of Decision to Grant a Permit for the proposed subdivision.

The grounds of objection are acknowledged, however, it is considered that the concerns raised will be adequately addressed in accordance with the requirements outlined under the multiple Section 173 Agreements that are registered on the Certificate of Title for the subject land, can be adequately addressed through conditions should Council resolve to approve the proposed subdivision or are not relevant planning considerations and therefore, cannot be substantiated.

## 6. Options

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

## 7. Conclusion

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

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

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

## LIST OF APPENDICES

1. Locality Map - dated 11 January 2019
2. Subdivision Plans 193-295 Brooklyn Road Brookfield - dated 2 July 2018 and 26 July 2018
3. Assessment against Planning Scheme - undated
4. Response to Objections - undated
5. Referral Comments - undated
6. Notice of Decision to Grant a Permit Conditions - undated

## 12.9 LEASE - 54 PINNACLE CRESCENT, BROOKFIELD

Author: Maree Stellini - Legal Officer  
Presenter: Christine Denyer - Manager Legal and Governance

### PURPOSE OF REPORT

To update Council in relation to the property at 54 Pinnacle Crescent, Brookfield and advise Council of an opportunity to lease the site to the current disability provider.

### RECOMMENDATION:

That Council:

1. decide to commence the process to enter into a lease with AAA Nextt Group Pty Ltd in relation to the premises at 54 Pinnacle Crescent, Brookfield.
  - a) for an initial term of one (1) year with a further option of one (1) year
  - b) with a commencing rent of \$4,766.67 per month inclusive of GST.
2. place a public notice in a local newspaper of its intention.
3. bring a report back to Council to consider any submissions and make a final decision on the matter.

### Motion

Crs Majdlik/Ramsey.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

A report was presented at the Ordinary Meeting of Council on 5 March 2018, where Council resolved to sell 54 Pinnacle Crescent, Brookfield ('the Premises') to Wiltis Pty Ltd (trading as Autism Plus) ('the Purchaser') with settlement ultimately due on 30 November 2018.

Council Officers were notified on 6 August 2018 that Ernst and Young were appointed as Administrators of the service pursuant to section 102 of the *Disability Act 2006* effective from 10 April 2018. Under the administration of Ernst and Young the service continued as normal.

On 27 November 2018, Council was advised the purchaser did not have the funds to complete the sale of the Premises (and was also being placed into administration). The contract was subsequently terminated.

On 14 December 2018, Ernst and Young advised that AAA Nextt Group Pty Ltd ('Nextt') would be the ongoing service provider.

There are 5 adults with autism residing at the property full time. These residents could not be relocated easily as they have complex and high needs.

Nextt have expressed a desire to continue the service and have asked Council to consider a one (1) year lease of the Premises, with an option of a further one (1) year term,



commencing at the current rental with a CPI increase on the commencement of the further term.

If Council is minded to *consider* Nextt's request for a lease, then Council must decide to commence the process and then place a public notice in a local newspaper in accordance with section 190 and 223 of the *Local Government Act 1989* ("the Act"). Council must then consider any submissions received and conduct hearings for anyone that wishes to be heard before making a final decision.

## 2. Background/Issues

A report was presented to the Ordinary meeting of Council held on 3 February 2015 in respect of which it was resolved that Council enter into a lease with Autism Plus for a period of up to three (3) years with a commitment to sell the Premises (formerly known as Reg Geary House) to the Lessee/Purchaser at the end of the lease. The sale was subject to certain conditions precedent including obtaining planning approval and satisfaction of all statutory requirements set out in the Act.

After these conditions were met, Council ultimately resolved to sell the Premises on 5 March 2018 with settlement due (after and agreed extension) on 30 November 2018.

On 6 August 2018, Council was notified that Ernst and Young were appointed as Administrators of the service pursuant to section 102 of the *Disability Act 2006* effective from 10 April 2018. This appointment was not because of financial reasons and Council had every reason to believe that the purchaser company would still complete the purchase of the Premises.

Under administration of Ernst and Young the service continued as normal.

On 27 November 2018, Council was advised the purchaser did not have the funds to complete the purchase of the Premises and the contract was subsequently terminated.

The lease remained on foot, albeit on overhold.

On 14 December 2018, Ernst and Young advised that Nextt would be the ongoing service provider.

Nextt are a Disability and Mental Health Support Provider that started out 20 years ago as a small company providing in-home care. They specialise in supporting people with Autism, Intellectual Disability, Mental Health and other cognitive support needs. Their focus is on person-centred active support to assist each person to get more out of life.

Five adults with autism reside at the property full time. These residents could not be relocated easily as they have complex and high needs.

Nextt have proposed entering into a one (1) year lease of the Premises with a further one (1) year option, at the current market rental of \$4,766.67 per month inclusive of GST with a CPI increase on the commencement of the further term.

If Council is minded to consider Nextt's request for a lease and to thus commence the process, then Council must place a public notice in a local newspaper in accordance with sections 190 and 223 of the Act. If any submitters wish to be heard then hearing must be conducted. Council must then take those submissions (including any hearings) into account when making a final decision as to whether to enter into the lease.

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

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

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

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

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

The lease would yield income of \$4,766.67 per month inclusive of GST for the initial one (1) year term and a CPI increase would occur upon the commencement of any further term.

The cost of lease preparation may or may not be able to be borne by the tenant depending upon the applicability of the *Retail Leases Act 2006*.

The cost of advertisement is within Legal and Governance budget.

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

As mentioned above, If Council is minded to consider Nextt's request for a lease, then Council must place a public notice in a local newspaper in accordance with sections 190 and 223 of the Act. If any submitters wish to be heard then a hearing will be conducted. Council would then take those submissions (including any hearings) into account in making a final decision as to whether to enter into the lease.

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

If Council resolves not to proceed with advertising its intention to enter into a lease with Nextt, the service provider will ultimately have to vacate the premises with the 5 residents with complex and high needs having to find alternate accommodation.

Nextt have advised that they would need 1 year to relocate these type of high needs – complex clients.

#### **7. Options**

Council has the option to:

1. Adopt the recommendation as set out.
2. Decide not to commence the process of considering a lease to Nextt on the terms set out in this report.

#### **LIST OF APPENDICES**

Nil

Cr Hardy left the Chamber at 7.59pm.

Cr Hardy returned to the Chamber at 8.01pm.

Cr Kesic left the Chamber at 8.07pm.

Cr Kesic returned to the Chamber at 8.12pm.

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

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

#### **13.1 Motion**

Crs Majdlik/Kesic.

That Council send a letter of congratulations to Cr Coral Ross (Boroondara City Council) and Cr Josh Gilligan (Wyndham City Council) for their successful election to the Municipal Association of Victoria board.

CARRIED

#### **13.2 Motion**

Crs Ramsey/Carli.

That the Mayor, on the passing of Mr Michael Wright, formally write to Michael's wife Julie and his children Lauchlan and Kaitlyn and also to his parents, Karen and Ray Wright, and send flowers to both households in recognition of Michael's incredible volunteering history within the City of Melton.

CARRIED

### **14. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS**

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

Cr Ramsey left the Chamber at 8.17pm.

Cr Ramsey returned to the Chamber at 8.18pm.

**15. NOTICES OF MOTION****15.1 NOTICE OF MOTION 614 (CR ABBOUSHI)****Councillor: Steve Abboushi - Councillor****NOTICE:**

That Council formally subscribe to the 'Everybody's Home' alliance as a campaign partner and consider distributing a media release to all residents in the municipality discussing the key objectives of the campaign and how our residents can participate.

**Motion**

Crs Abboushi/Ramsey.

That Council formally subscribe to the 'Everybody's Home' alliance as a campaign support partner and consider distributing a media release to all residents in the municipality discussing the key objectives of the campaign and how our residents can participate.

CARRIED

**15.2 NOTICE OF MOTION 615 (CR RAMSEY)****Councillor: Sophie Ramsey - Councillor****NOTICE:**

Given that the Council has extensively reviewed its Gaming Policy in recent years, that a minor review of Council's Gaming Policy be undertaken by officers and a report brought back to Council within the next 3 months with the review to consider no further poker machines in Council buildings and a tighter scrutiny on the hours of operation of gaming venues.

**Motion**

Crs Ramsey/Mendes.

Given that the Council has extensively reviewed its Gaming Policy in recent years, that a minor review of Council's Gaming Policy be undertaken by officers and a report brought back to Council within the next 3 months with the review to consider no further poker machines in Council buildings and a tighter scrutiny on the hours of operation of gaming venues.

CARRIED

**15.3 NOTICE OF MOTION 616 (CR RAMSEY)****Councillor: Sophie Ramsey - Councillor****NOTICE:**

That the following items be referred to the 2019/20 Budget:

- a performing arts centre in the township of Melton
- a 5 court basketball stadium
- roadwork proposals being traffic lights on the corner of Station and Brooklyn Roads and a pedestrian crossing from the Melton Railway to Melton South
- \$5 increase in the pensioner rebate.

**Motion**

Crs Ramsey/Hardy.

That the following items be referred to the 2019/20 Budget:

- a performing arts centre in the township of Melton
- a 5 court Highball stadium
- roadwork proposals being traffic lights on the corner of Station and Brooklyn Roads and a pedestrian crossing from the Melton Railway to Melton South
- \$5 increase in the pensioner rebate.

CARRIED

**15.4 NOTICE OF MOTION 617 (CR RAMSEY)**

**Councillor: Sophie Ramsey - Councillor**

**NOTICE:**

That Council write to the state government seeking to have the Indian Mynah bird declared a pest species.

**Motion**

Crs Ramsey/Majdlik.

That Council write to the state government seeking to have the Indian Mynah bird declared a pest species.

CARRIED

**15.5 NOTICE OF MOTION 618 (CR MENDES)****Councillor: Michelle Mendes - Councillor****NOTICE:**

That in response to a recent radio interview, Council write to Jeroen Weimar, the CEO for Public Transport Victoria (PTV) and request that PTV address without delay the community concerns regarding the upgraded DDA compliant toilets and waiting room facilities at the Diggers Rest Park-n-Ride railway station.

**Motion**

Crs Mendes/Carli.

That in response to a recent radio interview, Council write to Jeroen Weimar, the CEO for Public Transport Victoria (PTV) and request that PTV address without delay the community concerns regarding the upgraded DDA compliant toilets and waiting room facilities at the Diggers Rest Park-n-Ride railway station.

CARRIED



**15.6 NOTICE OF MOTION 619 (CR MENDES)****Councillor: Michelle Mendes - Councillor****NOTICE:**

That Council officers provide a report to the next Ordinary Meeting of Council detailing the number of disabled parking spaces in each suburb of the municipality, and the total number of disabled parking permits issued to residents of the municipality.

**Motion**

Crs Mendes/Ramsey.

That Council officers provide a report to the next Ordinary Meeting of Council detailing the number of disabled parking spaces in each suburb of the municipality, and the total number of disabled parking permits issued to residents of the municipality.

CARRIED

**15.7 NOTICE OF MOTION 620 (CR RAMSEY)****Councillor: Sophie Ramsey - Councillor****NOTICE:**

That:

1. As an interim measure Raglan cottage be made available to Artists' Collective of Melton Inc. as a women's shed and a makers space at a peppercorn rate until such time as a permanent dedicated women's shed is established in the City of Melton.
2. Arrangements be made for this use to co-exist with any current users.
3. An OH&S assessment of the building be undertaken and necessary works completed from the recurrent budget.
4. Officers identify an appropriate wall space within an existing civic building to be dedicated to local exhibitions, and
5. Council's Arts and Culture Advisory Committee consider the resources required to reinstate an annual Arts and Craft show, for recommendation to Council.

**Motion**

Crs Ramsey/Kesic.

That:

1. As an interim measure Raglan cottage be made available to Artists' Collective of Melton Inc. as an artist and makers space at a peppercorn rate until such time as a more permanent facility can be established within the City of Melton .i.e. a Woman's Shed or a Performing Arts and Cultural Centre.
2. Arrangements be made for this use to co-exist with any current users.
3. An OH&S assessment of the building be undertaken and necessary works completed from the recurrent budget.
4. Officers identify an appropriate wall space within an existing civic building to be dedicated to local exhibitions, and
5. Council's Arts and Culture Advisory Committee consider the resources required to reinstate an annual Arts and Craft show, for recommendation to Council.

CARRIED

**15.8 NOTICE OF MOTION 621 (CR KESIC)****Councillor: Goran Kesic - Councillor****NOTICE:**

That Council officers provide a report in relation to the contract with the Civic Group for the Melton Hospital Advocacy Project, detailing the following:

- Expenditure to date under the contract
- Current status of the contract and the advocacy program
- Any outstanding actions or deliverables under the contract
- Anticipated completion date of the contract.

**Motion**

Crs Kesic/Hardy.

That Council officers provide a report in relation to the contract with the Civic Group for the Melton Hospital Advocacy Project, detailing the following:

- Expenditure to date under the contract
- Current status of the contract and the advocacy program
- Any outstanding actions or deliverables under the contract
- Anticipated completion date of the contract.

**CARRIED**

**15.9 NOTICE OF MOTION 622 (CR KESIC)****Councillor: Goran Kesic - Councillor****NOTICE:**

That Council write to the Minister for Roads, Hon Jaala Pulford, requesting that the State Government obtain detailed costings for the duplication of Westwood Drive to enable the project to be funded in a future capital works program.

**Motion**

Crs Kesic/Majdlik.

That Council write to the Minister for Roads, The Hon. Jaala Pulford MP and State Member for Kororoit The Hon. Marlene Kairouz MP, requesting that the State Government obtain detailed costings for the duplication of Westwood Drive, and the estimated timeframe in which VicRoads will take ownership of the road.

CARRIED

**16. COUNCILLOR'S QUESTIONS WITHOUT NOTICE****16.1 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Majdlik

Is there any more information about when the public street lights on Westwood Drive will be in operation?

**16.2 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Mendes

Can I please have an update on the construction of Minns Road and when will it be completed?

**16.3 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr De Santis

Can I please be advised as to the status of the proposed traffic lights that will be set up in Melton South outside of the new Coles shopping centre?

**16.4 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Abboushi

Can I please have an update from the relevant officer in relation to progress on the handover of the Aintree sporting grounds and facilities?

**16.5 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Ramsey

The Hannah Watts Park site has been cordoned off for a number of months yet not a lot of development is happening there. Can we get a timeline in that regard?

**16.6 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Ramsey

With the exceedingly hot weather that we have been having, what processes have Council put in place for people who are living alone or are socially isolated in order to keep an eye on them and to make sure they are hydrated and kept cool?

**16.7 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Hardy

Last year I raised the issue of the right hand turn lane on Barries Road into Coburns Road. Can you please provide an update where that is with VicRoads?

**16.8 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Hardy

Can Council send a letter and flowers to Ken and Norma Higginbotham as they are both unwell?

**16.9 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Turner

Can I please get an update on the proposed bus terminal on High Street Melton adjacent to the Woodgrove Shopping Centre? Do we have any timelines as yet?

**17. MOTIONS WITHOUT NOTICE**

Cr Majdlik stated that she had a Motion Without Notice to raise and asked that it be dealt with in the Confidential Business section of the meeting as it was confidential in nature. The Mayor consented to this request.

**18. URGENT BUSINESS**

Nil.

## 19. CONFIDENTIAL BUSINESS

### Procedural Motion

Crs Majdlik/Ramsey.

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 Provision of Recycling Processing Services**  
(d) as it relates to contractual matters.
- 19.2 2019 UDIA VPELA US Study Tour**  
(a) as it relates to personnel matters.
- 19.3 City Visa Pavilion and Sports Field - Costings**  
(e) as it relates to proposed developments.
- 19.4 Melton Courthouse Cafe**  
(d) as it relates to contractual matters.
- 19.5 Annual Performance Review 2017/18 - Chief Executive**  
(a) as it relates to personnel matters.

and

A **Motion Without Notice** that is considered confidential because it would prejudice Council or any person (89(2)(h)).

CARRIED

**Recommended Procedural Motion**

That the meeting be opened to the public.

**20. CLOSE OF BUSINESS**

The meeting closed at 9.25pm.

Confirmed

Dated this

.....CHAIRPERSON