



MELTON CITY COUNCIL

Notice is hereby given that the Meeting of the
Melton City Council
will be held via a videoconference
on 2 August 2021 at 7:00pm.

**THIS AGENDA CONTAINS REPORTS TO BE DEALT
WITH AT A CLOSED MEETING OF COUNCIL**

Kelvin Tori
CHIEF EXECUTIVE

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1. OPENING PRAYER AND RECONCILIATION STATEMENT

The Chairperson will read the opening prayer and reconciliation statement.

Prayer

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

Reconciliation Statement

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

2. APOLOGIES AND LEAVE OF ABSENCE

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

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

Pursuant to Part 6, Division 2 of the Local Government Act 2020 and Council’s Governance Rules any Councillor must declare any General Conflict of Interest or Material Conflict of Interest.

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

That the Minutes of the Meeting of Council held on 28 June 2021 be confirmed as a true and correct record.

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

- 28 June 2021 Summary of Informal Meetings of Councillors
- 5 July 2021 Summary of Informal Meetings of Councillors
- 12 July 2021 Summary of Informal Meetings of Councillors
- 19 July 2021 Summary of Informal Meetings of Councillors
- 26 July 2021 Summary of Informal Meetings of Councillors

RECOMMENDATION:

That the Summary of Informal Meetings of Councillors dated 28 June, 5, 12, 19 and 26 July 2021 attached to this Agenda be received and noted.

LIST OF APPENDICES

1. Summary of Informal Meeting of Councillors - dated 28 June 2021
2. Summary of Informal Meeting of Councillors - dated 5 July 2021
3. Summary of Informal Meeting of Councillors - dated 12 July 2021
4. Summary of Informal Meeting of Councillors - dated 19 July 2021
5. Summary of Informal Meeting of Councillors - dated 26 July 2021

8. CORRESPONDENCE INWARD

8.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR

- Fatima Mohamed – Acting Executive Director Metro North West, Department of Transport – Upgrade Bulmans/Clarkes Road and the Western Highway
- Fatima Mohamed – Acting Executive Director Metro North West, Department of Transport – Pedestrian crossing across Melton Highway at The Regency and landscaping works along Melton Highway

RECOMMENDATION:

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

LIST OF APPENDICES

1. Letter from Fatima Mohamed – Acting Executive Director Metro North West, Department of Transport – Upgrade Bulmans/Clarkes Road and the Western Highway - dated 29 June 2021
2. Letter from Fatima Mohamed - Acting Executive Director Metro North West, Department of Transport - Pedestrian crossing across Melton Highway at The Regency and landscaping works along Melton Highway - dated 29 June 2021

9. PETITIONS AND JOINT LETTERS

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

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

Nil.

11. PUBLIC QUESTION TIME

12. PRESENTATION OF STAFF REPORTS

12.1 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

Author: Rebecca Bartlett - Governance Officer
Presenter: Luke Shannon – Acting 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 meetings at **Appendix 1 - 4**
2. adopt recommendations arising within the Minutes.

REPORT

1. Executive Summary

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

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

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

2. Background/Issues

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

All advisory Committees are subject to their individual Terms of Reference. The membership varies depending upon the committee's specific role. Committee membership will generally comprise a Councillor(s), council staff and community representatives and may include key stakeholders, subject matter experts and/or community service providers and organisations.

Councillor representation on Advisory Committees is generally for one year and is reviewed annually. Advisory Committees for the 2020/21 municipal year were considered by the Councillor Representation Nominations Advisory Committee (CRNAC) when it met on Monday 23 November 2020.

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

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

Meeting Date	Advisory Committee	Attached
27 May 2021	Early Years Partnership	Appendix 1
3 June 2021	Disability Advisory Committee	Appendix 2
9 June 2021	Recreation and Leisure Advisory Committee	Appendix 3
30 June 2021	Intercultural Advisory Committee	Appendix 4

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

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

5. Consultation/Public Submissions

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

6. Risk Analysis

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

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

7. Options

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

LIST OF APPENDICES

1. Early Years Partnership Committee Meeting Minutes - dated 21 May 2021
2. Disability Advisory Committee Meeting Minutes - dated 3 June 2021
3. Recreation and Leisure Advisory Committee Meeting Minutes - dated 9 June 2021
4. Intercultural Advisory Committee Meeting Minutes - dated 30 June 2021

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

Author: Cheryl Santoro - Senior Administration Officer
Presenter: Luke Shannon – Acting Chief Executive Officer

PURPOSE OF REPORT

To present to Council the minutes of the Audit and Risk Committee special meeting held on Thursday 24 June 2021 ratified by email from all Committee members.

RECOMMENDATION:

That Council:

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

REPORT

1. Executive Summary

The minutes of the Audit and Risk Committee special meeting held on 24 June 2021 are appended to this report as **Appendix 1**. The special meeting was convened to consider the Ombudsman Report in relation to Melton City Council's engagement of IT company MK Datanet Pty Ltd and the actions staff have undertaken to address the findings in the report.

The minutes contain recommendations for the consideration of Council.

2. Background/Issues

A special meeting of the Audit and Risk Committee was convened on 24 June 2021 to consider the Ombudsman Report in relation to Melton City Council's engagement of IT company MK Datanet Pty Ltd and the actions staff have undertaken to address the findings in the report.

At the Council meeting held 28 June 2021, in considering the Minutes of this special meeting, the Council resolved as follows:

Motion

Crs Majdlik/Deeming

That Council:

1. *defer the unconfirmed minutes of the Audit & Risk Committee special meeting held on Thursday 24 June 2021 in Appendix 1 until such time when the minutes are ratified by the committee members;*
2. *officers provide detailed minutes of the Audit & Risk Committee for these and all future Audit & Risk Committee meetings, and that in future the minutes be ratified by the Audit & Risk Committee prior to them being brought to Council in a report for noting;*

3. *staff and/or Councillors consider obtaining external independent legal advice in relation to the Outcomes and Recommendations of the Ombudsmans Report as detailed in Appendix 1 in the unconfirmed Minutes of the Audit & Risk Committee held 24 June 2021; and*
4. *officers prepare a detailed response for the Ombudsman and the Minister for Local Government detailing all actions taken by Council.*

CARRIED

This report responds to the resolution above; in particular points 1. and 2. The Minutes attached to this report at **Appendix 1** have been ratified by the Committee members.

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

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

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

3. Council and Wellbeing Plan Reference and Policy Reference

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

5. A high performing organisation demonstrating leadership and advocacy: An organisation operating with innovation, transparency, accountability and sustainability
 - 5.4 *An organisation that demonstrates excellence in local government leadership and customer and community service.*

4. Financial Considerations

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

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

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

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

7. Options

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

LIST OF APPENDICES

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

12.3 DRAFT COUNCIL AND WELLBEING PLAN 2021-2025

Author: Bob Baker - Corporate Planning and Performance Coordinator
Presenter: Laura-Jo Mellan - Executive Manager Property and Projects

PURPOSE OF REPORT

To consider the draft Council and Wellbeing Plan 2021-2025.

RECOMMENDATION:

That Council:

1. Endorse the draft *Council and Wellbeing Plan 2021-2025* at **Appendix 1**.
2. Authorise the *draft Council and Wellbeing Plan 2021-2025* to be placed on public exhibition for 21 days.
3. Note the *City of Melton Health and Wellbeing Profile 2020* at **Appendix 2**.

REPORT

1. Executive Summary

The draft Council and Wellbeing Plan 2021-2025 (the Plan) has been prepared in accordance with the *Local Government Act 2020* ('the Act') and *Public Health and Wellbeing Act 2008*. The Municipal Public Health and Wellbeing Plan (MPHWP) has again been integrated into the Council Plan. By doing this, Council recognises the need for a high-level approach to addressing health outcomes and preventing ill health and acknowledges that every area of the organisation can make an impact on community health and wellbeing.

The draft Plan has been informed by extensive engagement with community, partner agencies, Council officers and Councillors, as well as a review and analysis of relevant research and data.

The vision – *A vibrant, safe and liveable City accessible to all*, will be achieved through the implementation of six themes:

- One: A safe City that is socially and culturally connected
- Two: A vibrant and healthy natural and built environment
- Three: A fast growing, innovative and well-planned City
- Four: A City that promotes greater education and employment
- Five: A community that is actively engaged in the City
- Six: A high performing organisation that demonstrates civic leadership and organisational excellence.

Each theme has several objectives, strategic indicators, and strategies. Annual Action Plans will be developed to implement the Plan, with regular progress reported to Council.

Legislatively Council is not required to place the Plan on public exhibition, however in keeping with Council's Community Engagement Policy and its commitment to deliberative engagement, should Council adopt the report recommendations, the draft Plan will be placed on public exhibition for 21 days.

The final Council and Wellbeing Plan 2021-2025 will be presented at the Council Meeting on 27 September 2021 for Council's consideration.

2. Background/Issues

The draft Council and Wellbeing Plan 2021-2025 (the Plan) (**Appendix 1**), has been prepared in accordance with the Local Government Act 2020 ('the Act') and Public Health and Wellbeing Act 2008. The Municipal Public Health and Wellbeing Plan (MPHWP) has again been integrated into the Council Plan. By doing this, Council recognises the need for a high-level approach to addressing health outcomes and preventing ill health and acknowledges that every area of the organisation can make an impact on community health and wellbeing.

Legislative Requirements

Section 89(1) of the Local Government Act 2020 requires Council to undertake the preparation of its Council Plan and other strategic plans in accordance with the strategic planning principles set out in Section 89(2):

- (a) an integrated approach to planning, monitoring and performance reporting is to be adopted;
- (b) strategic planning must address the Community Vision;
- (c) strategic planning must take into account the resources needed for effective implementation;
- (d) strategic planning must identify and address the risks to effective implementation;
- (e) strategic planning must provide for ongoing monitoring of progress and regular reviews to identify and address changing circumstances.

Section 90 sets out the elements that must be included in the Council Plan:

- (1) A Council must prepare and adopt a Council Plan for a period of at least the next 4 financial years after a general election in accordance with its deliberative engagement practices.
- (2) A Council Plan must include the following—
 - (a) the strategic direction of the Council;
 - (b) strategic objectives for achieving the strategic direction;
 - (c) strategies for achieving the objectives for a period of at least the next 4 financial years;
 - (d) strategic indicators for monitoring the achievement of the objectives;
 - (e) a description of the Council's initiatives and priorities for services, infrastructure and amenity;
 - (f) any other matters prescribed by the regulations.
- (3) A Council must develop or review the Council Plan in accordance with its deliberative engagement practices and adopt the Council Plan by 31 October in the year following a general election.

- (4) The Council Plan adopted under subsection (3) has effect from 1 July in the year following a general election.

Under the *Public Health and Wellbeing Act 2008*, every Council is required to develop a Municipal Public Health and Wellbeing Plan (MPHWP). MPHWPs must be developed every four years, aligning with the timing of new Council Plans.

Under Section 26 of the *Public Health and Wellbeing Act 2008*, a MPHWP must:

- a. include an examination of data about health status and health determinants in the municipal district
- b. identify goals and strategies based on available evidence for creating a local community in which people can achieve maximum health and wellbeing
- c. provide for the involvement of people in the local community in the development, implementation and evaluation of the public health and wellbeing plan;
- d. specify how the Council will work in partnership with the Department and other agencies undertaking public health initiatives, projects and programs to accomplish the goals and strategies identified in the public health and wellbeing plan
- e. be consistent with –
 - the Council Plan prepared under sections 89 and 90 of the Act 2020
 - the municipal strategic statement prepared under section 12A of the Planning and Environment Act 1987.

Inclusion of the MPHWP into the Council Plan is permitted under Section 27 of the *Public Health and Wellbeing Act 2008*. Council has integrated the MPHWP into its Council Plan and by doing this aims to:

- recognise that all areas of Council have an impact on the health and wellbeing of the community
- ensure a whole of Council and community approach to promoting and protecting community wellbeing
- align strategic planning, objectives and indicators.

The draft City of Melton Health and Wellbeing Profile (**Appendix 2**) addressed the requirements of s26(a) of the *Public Health and Wellbeing Act 2008*.

The draft Council and Wellbeing Plan 2021-2025 has been prepared in accordance with the *Local Government Act 2020* and the *Public Health and Wellbeing Act 2008*.

Development of the draft Council and Wellbeing Plan 2021-2025

Section 90 (3) of the *Local Government Act 2020* requires councils to develop or review the Plan in accordance with its deliberative engagement practices. The Plan has been informed by extensive consultation with the community, partner agencies, Council officers and Councillors. Council, for the first time, engaged a community panel to provide input into the development of the Plan. In addition, a review and analysis of relevant research and data was completed to inform the Plan.

The consultation and research process was designed and led by Council in accordance with the requirements of the *Local Government Act 2020* and Council's adopted Community Engagement Policy.

During 2020 and 2021 people with a connection to the City were invited to identify opportunities and issues within the City that they would like to see Council focus on over the next four years. The impact of the COVID-19 pandemic meant the usual face-to-face

opportunities for engagement could not be realised for this Plan. However, the consultation offered multiple avenues for engagement including surveys, focus groups, workshops, and various activities and opportunities online.

The result is a draft Council and Wellbeing Plan 2021-2025 that details Council's strategic direction for the next four years.

The Plan includes a new vision, which aspires to create *A vibrant, safe and liveable City accessible to all*.

This vision is underpinned by six themes, each containing several objectives, strategies, and performance indicators:

- One: A safe City that is socially and culturally connected
- Two: A vibrant and healthy natural and built environment
- Three: A fast growing, innovative and well-planned City
- Four: A City that promotes greater education and employment
- Five: A community that is actively engaged in the City
- Six: A high performing organisation that demonstrates civic leadership and organisational excellence

The requirements of the MPHWP have been integrated throughout the document demonstrated by:

- The inclusion of a wellbeing commitment – reinforcing Council's commitment to promoting and protecting the wellbeing of its community
- Health and wellbeing icons – indicating objectives, strategies and strategic indicators that have a strong health and wellbeing focus
- Basing the themes on the Environments for Health framework – acknowledging the need for mutually reinforcing social, natural, physical and economic environments.

Implementation and Monitoring

The Council and Wellbeing Plan will be implemented through Annual Action Plans and reviewed annually to ensure it continues to reflect the needs of our community. The progressive implementation of the Plan is reported in Council's Annual Report.

Alignment with key strategic documents

The development of the draft Council and Wellbeing Plan 2021-2025 was informed by the development of Melton City 2041 – The City We Create in accordance with s89(2)(c) of the *Local Government Act 2020*.

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 implementation of the Council and Wellbeing Plan 2021-2025 will be subject to annual budgets. The Plan will be reviewed annually and aligned with the Annual Action Plan, Budget, and Capital Works Program.

5. Consultation/Public Submissions

The consultation and research process was designed and led by Council in accordance with the requirements of the *Local Government Act 2020*.

The development of the Plan complies with Council's adopted Community Engagement Policy. It has been informed by extensive consultation with the community, partner agencies, Council officers and Councillors.

Council, for the first time, engaged a community panel to provide input into the development of the Plan through a deliberative engagement process. From February to April 2021, 40 community members, who were representative of the City of Melton, were selected to be members of the City of Melton community panel.

This deliberative engagement process saw panellists consider the question: *What are our aspirations for the growing City of Melton in 2041 and how should we prioritise and resource in order to get there?*

The panel's contribution to the Plan was to prioritise which of the draft strategies they thought were the most important for Council to address over the next four years. Their recommendation informed the final selection of strategies

In addition, during 2020 and 2021 people with a connection to the City were invited to identify opportunities and issues within the City that they would like to see Council focus on over the next four years. The impact of the COVID-19 pandemic meant the usual face-to-face opportunities for engagement could not be realised for this Plan. However, the consultation offered multiple avenues for engagement including surveys, focus groups, workshops, and various activities and opportunities online.

Legislatively Council is not required to place the Plan on public exhibition, however in keeping with Council's Community Engagement Policy and its commitment to deliberative engagement, the draft Plan will be placed on public exhibition for 21 days.

Pending Council adoption of this report, the draft Plan will be made available for viewing on Council's website and at Council Civic Centre's and Libraries from 3 August 2021 until 5.00pm, 24 August 2021.

Any submissions to the draft Plan will be considered prior to the finalisation of the 2021-2025 Council and Wellbeing Plan.

6. Risk Analysis

Approval for the draft Council and Wellbeing Plan 2021-2025 to be placed on public exhibition will ensure public transparency in alignment with the community engagement principles of the *Local Government Act 2020*.

Should Council choose not to put the Plan out for public exhibition it may impact Councils ability to meet the 31 October deadline for the adoption of the new Council Plan as defined by the *Local Government Act 2020*.

7. Options

Council has the option to:

1. To endorse the draft Council and Wellbeing Plan 2021-2025 and authorise the plan to be placed on public exhibition.
2. Not endorse the draft Council and Wellbeing Plan.

LIST OF APPENDICES

1. Draft Council and Wellbeing Plan 2021-2025
2. City of Melton Health and Wellbeing Profile 2020

12.4 MELTON CITY COUNCIL'S PUBLIC SUBMISSION FOR ELECTORAL BOUNDARIES REDISTRIBUTION

Author: Pauline Hobbs - Advocacy Officer
Presenter: Peter Bean - General Manager Corporate Services

PURPOSE OF REPORT

To outline the submission to the Electoral Boundaries Commission as part of the 2021-2022 Victorian State Boundaries Redivision.

RECOMMENDATION:

That Council note the submission.

REPORT

1. Executive Summary

The 2021-2022 Victorian Electoral Boundaries are being reviewed as part of a regular process to consider movement in population to ensure there is an even distribution of voters in each electorate. The Electoral Boundaries Commission released the proposed State electoral boundaries for public comment. The final round of public submissions closed at 5pm on 30 July 2021.

Given the growth in the City of Melton, there are some proposed boundary changes (refer attached submission):

1. The Melton Highway from Plumton Road through to Kororoit Creek is proposed to be located within the Sydenham electorate.
2. The Melton electorate is the most impacted with the removal of Bacchus Marsh out of the electorate boundary.
3. There are no proposed changes to the upper house boundaries that affect the City of Melton LGA region.

Council officers reviewed the proposed changes in consultation with Councillors and a number of recommended changes to the proposed State electorate boundaries are proposed which form the basis of a submission to the Electoral Boundaries Commission. These recommendations are based on achieving a better strategic alignment for electoral divisions within the municipality. It will also achieve a consolidated and more geographically centred State representation by recommending the removal of Melton municipal areas from these electorates with significant rural populations. The full submission is attached with key recommendations outlined below.

2. Background/Issues

Melton - Lower House District

Current Sitting Member: Steve McGhie, ALP

The Melton electorate largely takes in the Melton Township, Eynesbury and Bacchus Marsh.

The proposed changes by the Electoral Boundaries Commission remove the Bacchus Marsh area from the electorate which is considered beneficial with the local Member now having a greater focus on the Melton area.

The area of Toolern Vale within the Melton municipality currently resides within the Macedon electorate boundary. However, Toolern Vale is the only geographical district in the City of Melton currently under the Macedon electorate. Incorporating Toolern Vale into the Melton electorate is considered a better alignment of the electorate given the Melton electorate is now largely a metropolitan electorate and Macedon District a rural one. Importantly, the MacPherson Park sporting precinct is currently within the Macedon District boundary. This is a significant sporting precinct with strong alignment and connection to the Melton community, used primarily by sporting groups in the Melton catchment. It would therefore better align within the Melton electorate and ensure advocacy and funding submissions are directed through the local member whose constituents make the greatest use of this precinct. This change is recommended as part of Council's submission.

The proposed expansion of the Sydenham electorate to Kororoit Creek will provide improved clarity in our advocacy efforts for the upgrade to the Melton Highway as the area to Leakes Road is the portion of the highway needing immediate government attention and has had a business case developed in support of the duplication. This change is supported.

Western Metropolitan– Upper House District

Current sitting Members:

Western Metropolitan Electorate – Upper House

- Cesar Melhem, ALP
- Bernie Finn, Liberal Party
- Ingrid Stitt, ALP
- Kaushaliya Vaghela, ALP
- Catherine Cumming, Independent

Western Victoria – Upper House

- Jaala Pulford, ALP
- Beverley McArthur, Liberal Party
- Gayle Tierney, ALP
- Stuart Grimley, Derryn Hinch's Justice Party
- Andy Meddick, Animal Justice Party

The existing Western Metropolitan electoral boundary ends at Mount Cottrell Road in Rockbank in a significant urban growth corridor of the municipality. However, parts of the municipality including the Melton Township and the Cobblebank Metropolitan Activity Centre fall within the Western Region electorate. Western Region is a significant rural electorate covering an area of 79,438 square kilometres of largely rural districts. The electorate stretches west from Melton to the South Australian border and north to regional areas including Donald, Horsham and Warracknabeal.

The Melton township represents a minor geographical component and the only metropolitan part of this vast rural electorate. The Melton township is part of a large urban growth corridor with significant connections to metropolitan Melbourne and would be better aligned within the Western Metropolitan electorate. Given Melton's urbanisation, it is considered appropriate to realign this area away from an electorate that is for all intent and purposes rural in nature. Council is therefore proposing that the boundary for the Western Metropolitan Region be extended to the boundary of the City of Melton Local Government Area being the Long Forest Nature Conservation Reserve and Toolern Vale.

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

Nil.

5. Consultation/Public Submissions

Public comments on the proposed boundaries were open until 5 pm Friday 30 July 2021. Council supported the promotion of the opportunity for the community to have their say. Under section 10A of the *Electoral Boundaries Commission Act 1982*, there is a requirement for the proposed boundaries to be exhibited at the municipal office of every municipal council. While the community was encouraged to view the changes online, hard copies of the report were made available for public viewing at the Melton Civic Centre and Caroline Springs Library. Given the opportunity for public submissions there has been no additional consultation with the recommendations outlined above.

6. Risk Analysis

There are no risks with the recommendations above at this time.

7. Options

1. Note and formally endorse the submission.

LIST OF APPENDICES

1. Melton City Council Public submission for electoral boundaries redistribution - undated

12.5 UPDATE ON VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL DECISIONS

Author: Bob Baggio - Manager Planning Services
Presenter: Bob Baggio - Manager Planning Services

PURPOSE OF REPORT

To provide Council with a summary of Victorian Civil and Administrative Tribunal (VCAT) decisions relating to planning permit applications received from January 2020.

RECOMMENDATION:

That the report be noted.

REPORT

1. Executive Summary

Council is the responsible authority for assessing and determining the majority of planning permit applications received within the municipality. Most of these planning applications are determined at council officer level, however some planning applications particularly where objections have been received, are reported to and determined by council.

The Victorian Civil and Administrative Tribunal (VCAT) is the body responsible for the review of decisions made by councils on planning permit applications. VCAT's decision is generally final, however in a small number of cases its decision can be appealed to the Supreme Court where it is considered that there has been an error in law. VCAT's decisions are based on strictly planning merits that often don't align with community sentiment or opinion on a particular development.

Most of the planning applications which are subject to VCAT review in this municipality relate to applications which have been refused by council. It is important for council to periodically review these VCAT decisions to determine whether they warrant further strategic planning work to better align local planning policies with broader strategic objectives.

2. Background/Issues

There have been 20 appeals lodged against Council decisions from January 2020 to date, which is significantly less than various inner metropolitan Councils which have seen over 100 appeals lodged in a single year. Notwithstanding, in that period, the majority of VCAT cases involving Melton City Council largely related to planning proposals for redevelopment of sites within our established residential areas.

A summary of decisions has been outlined below that includes commentary relating to any synergies or obvious patterns emerging. Further to this, officer recommendations have been noted with consideration to strategies for limiting matters being taken to VCAT and opportunities to achieve favourable outcomes that result in applications not referred to VCAT.

Following is a summary of VCAT decisions during 2020 and 2021:

Address of site:	222 Clarkes Road, Brookfield
Proposal:	Child Care Centre
Council decision:	<p>Council resolved at its meeting on 17 August 2020 to refuse the application (against the officer recommendation). A total of 26 objections were received to the application.</p> <p>Council's main concerns related to potential impact on the established residential area resulting from increased traffic and congestion along Clarkes Road and insufficient on-site car parking for the proposal, which may result in overflow parking in Clarkes Road.</p>
VCAT decision:	<p>On 16 June 2021, the Tribunal ordered Council's decision be set aside and directed that a planning permit be issued for the proposed use and development.</p> <p>The Tribunal did not provide any written reasons for the decision, however, did provide oral reasons on the day of the hearing. The reasons are summarised as follows:</p> <ul style="list-style-type: none"> • The location is acceptable and satisfies the needs of the community. • The site is accessible and within walking distance to the local bus stop. • The proposal will result in negligible traffic impacts and any traffic impacts to and from the site will be manageable owing, in part, to the corner location and the fact that most traffic will be heading north as opposed to south. Access to and from the site from Clarkes Road is preferred over Brooklyn Road. • As regards to amenity impacts, the main playground area is located away from the sensitive residential interfaces, and the landscaping and overall built form is well set out.

Address of site:	376-400 Leakes Road, Plumpton
Proposal:	Farm Outbuilding / Shed
Council decision:	<p>Council resolved at its meeting on 2 April 2020 to refuse the application (against the officer recommendation). Two objections were received to the application.</p> <p>Council main concerns were that there was no demonstrable need for the shed as the owner is currently not residing on the property and the land does not appear to be used for agricultural purposes.</p>
VCAT decision:	<p>On 6 May 2021, the Tribunal ordered that Council's decision be set aside and directed that a planning permit be issued for the proposed buildings and works.</p> <p>The Tribunal found that the construction of a shed to house collector vehicles was acceptable and ancillary to the use of the land for a dwelling rather than a store as argued by Council. However, the Tribunal did acknowledge concerns raised by Council and the objectors in relation to the height and size of the shed and required that its height and size be reduced so that it is less obtrusive in the surrounding landscape. This has been addressed as a condition of the permit.</p>

Address of site:	122 High Street Melton
Proposal:	Electronic Major Promotion Sign
Council decision:	Council under delegation refused the application on 18 August 2020, as it was considered to be inconsistent with Council's Advertising Sign Design Policy and Guidelines which discourages major promotion signs in gateway locations or on open sites where they will be a visually dominant element in the landscape and detract from the visual amenity of the road.
VCAT decision:	<p>On 3 May 2021, the Tribunal affirmed Council's decision and directed that no planning permit be issued for the proposed sign.</p> <p>The Tribunal found that the proposed sign would result in a negative outcome on the subject land and immediate surrounds in terms of its size and structure. The sign would also have a negative impact on the character and appearance of the existing landscape setting in relation to the adjoining Ryans Creek linear open space and drainage reserve.</p>

Address of site:	30 Toolern Street, Melton South
Proposal:	Eight double storey dwellings
Council decision:	Council resolved to refuse this application (against the officer recommendation) at its meeting on 3 February 2020. The grounds of refusal related to the scale and intensity of the proposal being inconsistent with the neighbourhood character of the area in terms of the lack of separation between buildings and overall visual bulk. There were also concerns about overlooking into neighbouring properties.
VCAT decision:	<p>On 27 April 2021, the Tribunal ordered that Council's decision be set aside and directed that a planning permit be issued for the proposed development.</p> <p>The Tribunal found that the proposal complements and respects the established and emerging neighbourhood character of the area, is not an overdevelopment of the site and provides a reasonable and balanced response to the existing and emerging neighbourhood character of the area. It indicated that the site is appropriately located for infill residential development given its zoning, larger land size (1,564sqm), proximity to public transport including rail and bus services, public open spaces, and community infrastructure. It also placed weight on the location of the proposed development within the Residential Growth Zone, noting that this zone also applies to the surrounding area which anticipates a higher density and scale of residential development in this area.</p>

Address of site:	73 The Regency, Hillside
Proposal:	Two community care units
Council decision:	Council resolved at its meeting on 25 May 2020 to refuse the proposal (against the officer recommendation). Council's main concerns were that the location of the site is at odds with policy for community care facilities as it was remote from an activity centre, public transport and community facilities.

Council also considered that the proposal was out of character with the surrounding area and did not satisfactorily address the objectives and standards of ResCode. Council's view was that there was no proper justification for the two units on a single lot with a markedly different design to the surrounding dwellings.

VCAT decision: On 15 February 2021, the Tribunal ordered that Council's decision be set aside and directed that the development plan be approved and a planning permit be issued for the proposal.

The Tribunal found that the proposal complemented and respected the established and preferred neighbourhood character of the area, provides appropriate housing diversity and choice and is well located in relation to existing public open space, shops, schools, public transport and other community facilities and infrastructure. It also considered that the residents of the units will have a satisfactory level of access to public transport and services which is consistent with other residents who live in this neighbourhood. This includes a bus service that provides connection to Watergardens and the Hillside Activity Centre that is located 1.5 kilometres from the subject site.

Address of site: 1-7 Reserve Road, Melton

Proposal: Business identification sign

Council decision: On 2 December 2019, Council under delegation issued a planning permit which allowed the erection and display of a business identification sign on the subject land. Condition 1 of the permit required amended plans to be submitted requiring two of the signs to be deleted from the plans while Condition 2 required the promotion signs currently displayed without planning approval on the adjoining land to be removed within 30 days of the issue of the permit.

VCAT decision: The applicant lodged an appeal against these conditions.

On 8 September 2020, the Tribunal affirmed Council's decision and directed that no changes be made to conditions on the planning permit. The Tribunal commented that the planning scheme strongly discourages the display of promotion signs unless located on the same site as the business operates.

The Tribunal also commented that the pole sign reads as a standalone sign which is at odds with the existing signs within the area which overwhelmingly have a direct relationship with the land that they are located on. The separation of the proposed sign from the childcare centre is at odds with this pattern and appears discordant within the streetscape.

In addition, the promotion sign, together with the temporary banner sign result in visual clutter within the streetscape and gives a messy appearance in an otherwise orderly context.

Address of site: 232 Clarkes Road, Brookfield

Proposal: Child Care Centre

Council decision: Council resolved at its meeting on 3 February 2020 to support the Officer recommendation to issue a Notice of Decision to Grant a Planning Permit for the proposal. A total of 24 objections were received to the application. The grounds of objection related to insufficient car parking, increased traffic congestion, encroachment of

a non-residential use in a residential area, loss of property values and amenity (noise and mess).

VCAT decision:

On 20 August 2021, the Tribunal affirmed Council's decision and directed that a planning permit be issued for the proposal. The Tribunal found "that the site is suitable for the proposed use. While the review site is a mid-block location, it is a large vacant site, on the edge of the residential area, adjoining a road that is to be significantly upgraded in the future as growth occurs in the new estate opposite the review site. I note that there is a Council operated facility to the south of the review site on the opposite side of Clarkes Road."

Another point made in the decision, was that as the proposal was providing the number of on-site car parking spaces required by the planning scheme, the issue of car parking was not a matter which could be even considered by the Tribunal. It noted that car parking on-street currently occurs, and that if council was concerned about this, it could introduce its own parking restrictions.

Address of site:

53 Church Street, Melton

Proposal:

Four double storey dwellings

Council decision:

Council resolved at its meeting on 14 October 2019 to refuse the application (against the officer recommendation) on grounds relating to the scale and intensity of the development as out of character with the surrounding area, a minimal separation between buildings, overall built form causing visual bulk, and overdevelopment of the site. A total of 17 objections were received to the application.

VCAT decision:

On 15 October 2020 the Tribunal set aside Council's decision and directed the issue of a planning permit for the proposal. The Tribunal found that, in view of the zoning of the land being Residential Growth Zone and the imperative of promoting increased intensity of housing in this area of up to four storeys and a preference for apartment development, the proposed conventional four double storey dwellings where the first floors are recessed from the ground floors, is not an overdevelopment of the site. The site coverage, the provision of ground level secluded private open space, the first floor building massing of all dwellings recessed from their respective ground floor walls, and the buildings setbacks from side and rear boundaries meeting standard B17, are indications of a change that is consistent with the purpose of the zone and council's preferred character according to its character study.

It is interesting that the Tribunal indicated that if respecting the existing neighbourhood character, means that a development should be no larger than existing developments in Church Street, it would make nonsense of the zoning of the land and planning policies in increasing housing densities for sites adjacent to activity centres. To develop the land for more of the same, say three single storey dwellings on the land will be an opportunity lost for a site where the planning fundamentals are for a more intensive development.

Further the decision advises "that the proposal provides one car space for the two bedroom dwellings and two car spaces for the three bedroom dwellings. They meet the requirements of clause 52.06. The amount of car parking provided is thus not before me. If council is of the view that the clause 52.06 requirement is not adequate, I would expect council to do a traffic and parking study, and if the parking rate

in clause 52.06 is inadequate, amend the planning scheme to require a different rate.”

Address of site:	54 Unitt Street and 49 Church Street, Melton
Proposal:	Nine Dwellings and reduction of visitor car parking
Council decision:	Council resolved at its meeting on 3 February 2020 to refuse the application (against the officer recommendation) on grounds relating to neighbourhood character particularly the minimal separation between buildings, and that the removal of existing street trees and understorey along Lindsay Court is not an appropriate planning outcome. A total of 24 objections were received to the application.
VCAT decision:	<p>On 16 September 2020 the Tribunal set aside the Council’s decision and directed the issue of a planning permit.</p> <p>The Tribunal found that even though a proposal might have some flaws or defects or is otherwise imperfect, it does not mean or imply that it should be refused. Acceptable in planning terms means that there might be some aspects of the proposal that do not meet all relevant policies and provisions but that the proposal is still one which deserves approval. To require a proposal to essentially achieve perfection would render almost all development impossible and that is contrary to the objectives of planning in Victoria.</p> <p>At a maximum of two storeys, and in close proximity to the Melton Town Centre, the concept of double storey development in an area that is identified as being a substantial change area is an acceptable outcome. The double storey form is largely detached, acknowledging that some of the dwellings are semi-detached. Setbacks from the street and side boundaries are acceptable, meeting minimum clause 55 standards, noting the exception of dwellings 8 and 9.</p> <p>The Tribunal also considered that the existing on-street parking situation is not so saturated with on-street parking that one vehicle could not be accommodated or would cause any adverse impacts on the surrounding street network. On that basis, it found that the reduction of one visitor parking space is acceptable.</p>

Address of site:	16 Rosina Drive, Melton
Proposal:	Four double storey dwellings
Council decision:	Council resolved at its meeting on 3 February 2020 to refuse the application (against the officer recommendation) on grounds relating to neighbourhood character particularly the minimal separation between buildings. A total of 24 objections were received to the application.
VCAT decision:	<p>On 15 September 2020 the Tribunal set aside the Council’s decision and directed the issue of a planning permit.</p> <p>The Tribunal found that the proposal was an appropriate and reasonable medium density design for the site. In an area where development of up to four storeys in height is encouraged, this proposal takes a moderate step towards the future built form character encouraged by the Melton Planning Scheme, while incorporating a number of design elements that display a level of respect for the existing neighbourhood character. The character outcome is one that is entirely consistent with the guidance provided by the Melton Planning Scheme.</p>

The Tribunal also considered that the proposed development provides the level of car parking on site that is required under the Melton Planning Scheme. "As such, I cannot turn my mind as to whether additional car parking should be provided on site. To the extent that people associated with the future dwellings on the review site may choose to park on street, they have as much right to do so in a legal and safe manner as any of the existing residents in this neighbourhood." In relation to the potential traffic impacts, the proposed development, that comprises an additional three dwellings over that which already exists on the review site, will create in the order of 30 additional vehicle movements across a day, including 3 vehicle movements in a peak hour. This equates to one additional vehicle movement every 20 minutes at peak demand which is a very low level of additional traffic.

Officer Comments on recent VCAT decisions

- In the majority of cases, VCAT has set aside the council's decision where it has been contrary to the officer recommendation. It is worth noting in this respect that the Tribunal is required to be provided with a copy of the relevant officer report on the proposal.
- This highlights the fact that VCAT base their decisions on planning merit and are not swayed or influenced by objections where there is clear policy support for the proposal. It also highlights the tension Council faces between legislative obligations to make decisions on planning merit versus political expectations of affected members of the community to oppose development.
- The majority of applications which have been subject to VCAT review have been for medium density housing proposals generally on land zoned Residential Growth, and proposals broadly categorised as non-residential uses in residential areas such as child care centres and medical centres.
- In relation to medium density housing proposals particularly where the site is within the Residential Growth Zone, there is a clear policy mandate in the planning scheme to support higher density development and the consequent change in neighbourhood character.
- Equally it is a State Policy requirement to provide these zones around activity centres to the extent Council would be prevented by the Department of Environment, Land, Water & Environment (DELWP) if it wanted to wind these areas back.
- Where a proposal complies with the requirements for on-site car parking under the planning scheme, council has no legitimate basis to require additional car parking.
- Two storey dwellings even in an area characterised by single storey dwellings, is considered reasonable and appropriate, as the Tribunal routinely supports development that is one storey above the prevailing character.
- State policy actively encourages Child Care Centres and Medical Centres to be located in residential areas where they essentially serve a local function and are designed to be compatible with surrounding development.
- Where council has local policy/guidelines in place, such as its policy for outdoor advertising signs, it has a much stronger chance of success at VCAT for proposals which are contrary to that policy.

Medium Density Housing

It is common not just within this municipality, but across Melbourne, for tension to exist between the development of higher density residential housing and existing residents who seek to retain the 'status quo'.

In Melton City Council's case, many of the abovementioned VCAT decisions demonstrates that this is the case in areas within the Residential Growth Zone. As Council would recall, this zone was introduced a number of years ago as part of the suite of new residential zones introduced by State Government. The zone generally applies to residential areas which are considered to be suitable for higher density development or redevelopment, given their proximity to existing activity centres, public transport, and community facilities.

The zone generally applies to areas within the Melton township surrounding the Melton Town Centre, Woodgrove Shopping Centre and Melton South Activity Centre. The main issue seems to be that Redevelopment proposals are interspersed within areas of existing housing stock, creating concern with some existing residents that the character of the area will be compromised. The concerns of residents is understandable, particularly with the degree of change the planning scheme actively supports.

It is important to note that support for higher density is State policy direction and any action by Council to undertake strategic work that seeks to lower densities or development intensity in and around activity centres will be opposed by the Department of Environment, Land, Water and Planning (DELWP). The rationale for supporting higher densities in and around activity centres such as the Melton Town Centre does have planning merit and leads to improving the resilience and vibrancy of activity centres. This can lead to increasing service businesses, retail, hospitality and renewal of activity centres.

This highlights a paradox where the community want to have access to a vibrant and well serviced activity centre but want to oppose the development activity that is essential to improving the activity centre. Perhaps this is a communication opportunity that can be held with the community as part of the Melton Revitalisation Plan.

Non-residential uses in residential areas

With rapid urban development and rising population, there is increased interest in providing non-residential uses such as child care centres, medical centres and the like. Generally speaking, these uses are considered to be appropriate in a residential area where they essentially serve a local function and are designed to fit in with other development in the area.

Issues can arise relating to concerns including neighbourhood character, intensity of development, car parking and access arrangements. It is noted that at the present time, Council's Planning Scheme does not include local policy controls relating to these types of uses.

Further strategic work

The Local Planning Policy Framework in Council's Planning Scheme, identifies that the following strategic work will need to be undertaken by Council:

- Updating the existing structure plans for the High Street Town Centre (2007) and Woodgrove Structure Plan (2006) focusing on the opportunity for mixed use development (i.e. including residential within commercial areas).

Work has commenced on the High Street Town Centre/Revitalisation project with the assistance of funding from the State Government's Suburban Revitalisation Program. The broader strategy is due to be completed in 2022 and will be supported by a number of visible improvement actions that will be delivered later this year. There are no plans to update the Woodgrove Structure Plan in the near future.

- Preparation of the Melton South Structure Plan

Council commenced work on this in 2018 and placed the project on hold due to complexities associated with Department of Transport's design work for the Western

Rail Plan. Until this work is progressed by the Department of Transport there is too much uncertainty to allow the structure plan to deliver any achievable outcomes.

- Investigating the implications of increasing residential densities on the provision of community facilities such as schools, open space and recreation facilities and on the provision of engineering infrastructure such as roads, drainage and power.

Council's Community Planning team has commenced work on the review of community facilities in established areas, and has found that there is an adequate amount of community facilities in areas identified for residential growth. The report has however cautioned that many of the facilities are outdated and will need to be upgraded to cater for growth. These facilities are identified in the Community Infrastructure Plan.

- Developing built form and/or urban design guidelines as input to the Residential Growth Zone schedule and/or Development Plan Overlay for land bounded by Barries Road, Station Street, Henry Street and Palmerston Road in Melton.

This work will be undertaken as part of the Melton Town Centre Revitalisation project and is unlikely to achieve support from DELWP to reduce the scope for more intense residential development.

- Developing a policy for non-residential uses within residential areas to protect residential amenity from incompatible non-residential uses.

No work has commenced on this, and due to the need to prioritise Precinct Structure Plan work there are no plans to complete this work in the current City Strategy work program.

- Developing an affordable housing policy in consultation with the Department of Human Services, housing associations and community housing providers.

Limited work has occurred on this project due to the need to prioritise Precinct Structure Plan work there are no plans to complete this work in the current City Strategy work program.

- Investing in and improve public infrastructure, services and facilities that will contribute to established areas being places where people want to live, work and invest.

The Community Infrastructure Plan identifies upgrades needed to improve ageing community infrastructure in established areas. The outcomes of this plan feed into Council's long term capital works program, for funding consideration through the annual budget process.

- Developing a consolidated register of design principles to be used by Council staff and the development industry.

This will be delivered as part of the Design Excellence project over the next 12 months.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

3.1 A City that strategically plans for growth and development.

4. Financial Considerations

Where council overturns an officer recommendation relating to a planning proposal that ultimately ends up in VCAT, representation is usually sought from an external solicitor or barrister. In some cases, the solicitor will seek to also engage expert witnesses, such as an engineering or urban design consultant.

The cumulative cost of employing external representation is significant and does not include council officer time in engaging the solicitor, briefing and providing instructions, and assisting in the preparation of Council's case.

5. Consultation/Public Submissions

N/A

6. Risk Analysis

The main risks for council are as follows:

- Reputation – it is considered important that council is viewed as supporting planning strategies and policies in its planning scheme, rather than being predominantly influenced by resident objections. This is particularly relevant where those planning strategies and policies have been developed by council following significant consultation with the community. It also needs to be noted, that a VCAT hearing can take up to six months to be scheduled for hearing, which places an unfair burden on applicants where a proposal essentially complies with the requirements of the planning scheme.
- Resources – as previously outlined council's involvement in each VCAT hearing can be time consuming for officers, and an added cost for council is engaging external representation.

7. Options

N/A

LIST OF APPENDICES

Nil

12.6 PLANNING APPLICATION PA 2021/7461 - DEVELOPMENT OF THE LAND WITH A DOUBLE-STOREY DWELLING AT THE REAR OF AN EXISTING DWELLING AT 30 LAVARACK STREET, MELTON SOUTH

Author: Cam Luong - Development Planner
 Presenter: Bob Baggio - Manager Planning Services

PURPOSE OF REPORT

To consider a planning application for construction of a double-storey dwelling at the rear of an existing dwelling.

RECOMMENDATION:

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

REPORT

1. Background

Executive Summary

Applicant:	Sachdeva Architects
Proposal:	Second dwelling
Existing Land Use:	Existing single storey dwelling
Zone:	Residential Growth Zone (Schedule 1)
Overlays:	None
Number of Objections:	One
Key Planning Issues:	Respect for Neighbourhood Character Overlooking and Privacy Overshadowing
Recommendation:	Approve application

The Land and Surrounding Area

The subject site has an area of 696m² and is located on the east side of Lavarack Street in Melton South, midway between Northcott Street and Leggatt Street. Other features of the site are as follows:

- The site is regular in shape.
- It contains an existing single-storey dwelling located near the front of the site.
- An existing drainage and sewerage easement adjoins the rear boundary.

The surrounding area can be characterised as an established residential area that predominantly comprises of single-storey detached dwellings.

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

The Application

The application seeks approval for the development of a double-storey dwelling at the rear of an existing dwelling.

The proposed development is summarised as follows:

- The existing single-storey dwelling would be retained, however, it would be modified into a two bedroom dwelling. A new single car garage would be constructed at the rear of the existing dwelling.
- The proposed dwelling will contain four bedrooms and is of a contemporary design with a range of external wall materials including brick and render, with concrete tiled roof. A double car garage would be provided for the proposed dwelling.
- The proposed dwelling will be accessed from a common driveway that is adjacent to the northern boundary of the site.

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

Planning Controls

Zone	(Clause 32.07 – Residential Growth Zone (Schedule 1))	Construct a dwelling if there is at least one dwelling existing on the lot.
Particular Provisions	(Clause 52.06 – Car Parking)	One car parking space is required for the existing dwelling and two car parking spaces are required for the proposed dwelling. The proposal complies with the car parking requirements.

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

Clause 55 – ResCode

Under the requirements of the zone, the development of two or more dwellings on a lot must meet the requirements of Clause 55 of the Planning Scheme. Clause 55 requires that a development:

- 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 Garden Suburban 2 (GS2) character area. The essential components of the Garden Suburban 2 (GS2) character area which need to be maintained into the future are:

- Front gardens are visible from the street, forming part of the street landscape.
- Front setback retained, and the majority of it used as permeable garden landscape.
- The impression of separation between buildings from the streetscape.
- Garage and carports occupy a minor portion of the dwelling frontage.

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:

- providing for a canopy tree on the site.
- minimising interruption of nature strips by driveways, so that regularly-spaced street tree avenues can be planted or retained.
- Built form intensity will be greatest close to commercial areas.

The preferred housing types of Melton's GS2 area are:

- Dual occupancy
- Villa units
- Duplex
- Apartment.

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

Is the land of Cultural Heritage Sensitivity?

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

2. Council and Wellbeing Plan Reference and Policy Reference

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

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

3.1 A City that strategically plans for growth and development.

3. Financial Considerations

No Council related financial considerations are involved with the application.

4. Consultation/Public Submissions

Public notification of the application

The application was subject to notification. The notification was satisfactorily completed and one objection was received.

The grounds of objection may be summarised as follows:

- The proposed double-storey dwelling is out of character
- Overlooking and overshadowing.

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

Referral of the application

The application was referred to Council's Engineering Services Department for comment and advice. No concerns were raised in relation to the proposal.

5. Issues

Planning Assessment

Strategic Assessment

The land is zoned Residential Growth and in principle, is apt for an intensification of residential development. The proposal meets the overarching objectives of housing policies within the PPF and LPPF as it would provide for urban consolidation in an area that has good access to local services and facilities. State policy objectives also encourages development that improves housing choice and accommodates future housing needs. In terms of strategic location, the subject site is appropriately located for infill residential development given its zoning, size, proximity to public transport, public open spaces and community infrastructure.

Neighbourhood Character

The subject land is in an established residential area that was developed in the late 1960s and 1970s. The immediate surrounding area is predominately characterised by single-storey detached dwellings. There are relatively few examples of medium density re-development within the immediate surrounding area.

It is recognized that the existing neighbourhood character will be subject to substantial change over time given the site is located within the Residential Growth Zone where a greater density of residential development is anticipated than other residential zones. The Residential Growth Zone allows provision of housing at increased densities in buildings up to and including four storeys.

The construction of a double-storey dwelling at the rear of single-storey existing dwelling on a lot of approximately 696 square metres is viewed as being a modest re-development proposal in the context of the Residential Growth Zone. The proposal is very common, and examples of double-storey dwellings being constructed at the rear of the existing dwellings (including single-storey dwellings) can be found throughout Metropolitan Melbourne.

The proposal generally complies with the guidelines for the Garden Suburban 2 (GS2) character area under Council's Housing Character Assessment and Design Guidelines and the ResCode requirements subject to conditions. The proposal will complement the emerging character as supported under the zone.

Objectors are concerned that the proposal will adversely affect neighbourhood character. It is considered that the scale of the development is appropriate within this strategic location, being the Residential Growth Zone, where increased density and change in residential character is supported by relevant policies of the Melton Planning Scheme.

Overshadowing and Overlooking (Privacy)

Issues in relation to overshadowing and overlooking are addressed in Standards B20, B21, B22, and B23 of Clause 55 (ResCode).

The proposal complies with Standard B20 and B21, given, that the adjoining properties have large backyards and the extent of overshadowing as a proportion of the backyards on the of the adjoining properties would be minimal. The extent of overshadowing on adjoining rear yards can be further reduced by requiring the first floor of the proposed dwelling to be increased to a minimum of 3 metres from southern and eastern property boundaries. This would also help to reduce the visual bulk of the proposed dwelling when viewed from the backyards of the adjoining properties.

The proposal does not comply with Standard B22 and B23, as the elevation plan indicates that the obscured glass windows on the first floor can be opened. This can easily be rectified by amending the plans to indicate that all habitable rooms on the first floor would be designed and manufactured with "Fixed Obscured Glass", which cannot be opened to a height of 1.7 metres above the finished floor level. This change would ensure that the proposal meets the standards.

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 5**.

LIST OF APPENDICES

1. Locality Plan - dated 7 July 2021
2. Plans of the Proposal - dated 6 May 2021
3. Assessment against State and Local planning policies - undated
4. Response to Objections - undated
5. Proposed Conditions - undated

12.7 PLANNING APPLICATION PA 2021/7489 - DEVELOPMENT OF THE LAND WITH A DOUBLE-STOREY DWELLING AT THE REAR OF AN EXISTING DWELLING AT 22 LAVARACK STREET, MELTON SOUTH

Author: Cam Luong - Development Planner
 Presenter: Bob Baggio - Manager Planning Services

PURPOSE OF REPORT

To consider a planning application for the development of a double-storey dwelling at the rear of an existing dwelling.

RECOMMENDATION:

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

REPORT

1. Background

Executive Summary

Applicant:	Sachdeva Architects
Proposal:	Second dwelling
Existing Land Use:	Existing single storey dwelling
Zone:	Residential Growth Zone (Schedule 1)
Overlays:	None
Number of Objections:	Six
Key Planning Issues:	Respect for Neighbourhood Character Overlooking and Privacy Overshadowing
Recommendation:	Approve application

The Land and Surrounding Area

The subject site has an area of 703m² and is located on Lavarack Street in Melton South, near its intersection with Northcott Street. Other features of the site are as follows:

- The site is regular in shape.
- It contains an existing single-storey dwelling located near the front of the site.
- An existing drainage and sewerage easement adjoins the rear boundary.

The surrounding area can be characterised as an established residential area that predominantly comprises of single-storey detached dwellings.

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

The Application

The application seeks approval for the development of a double-storey dwelling at the rear of an existing dwelling.

The proposed development is summarised as follows:

- The existing single-storey dwelling would be retained, however, it would be modified into a two bedroom dwelling. A new single car garage would be constructed at the rear of the existing dwelling.
- The proposed dwelling will contain four bedrooms and is of a contemporary design with a range of external wall materials including brick and render, with concrete tiled roof. A double car garage would be provided for the proposed dwelling.
- The proposed dwelling will be accessed from a common driveway that is adjacent to the northern boundary of the site.

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

Planning Controls

Zone	(Clause 32.07 – Residential Growth Zone (Schedule 1))	Construct a dwelling if there is at least one dwelling existing on the lot.
Particular Provisions	(Clause 52.06 – Car Parking)	One car parking space is required for the existing dwelling and two car parking spaces are required for the proposed dwelling. The proposal complies with the car parking requirements.

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

Clause 55 – ResCode

Under the requirements of the zone, the development of two or more dwellings on a lot must meet the requirements of Clause 55 of the Planning Scheme. Clause 55 requires that a development:

- 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 Garden Suburban 2 (GS2) character area. The essential components of the Garden Suburban 2 (GS2) character area which need to be maintained into the future are:

- Front gardens are visible from the street, forming part of the street landscape.
- Front setback retained, and the majority of it used as permeable garden landscape.
- The impression of separation between buildings from the streetscape.
- Garage and carports occupy a minor portion of the dwelling frontage.

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:

- providing for a canopy tree on the site.

- minimising interruption of nature strips by driveways, so that regularly-spaced street tree avenues can be planted or retained.
- Built form intensity will be greatest close to commercial areas.

The preferred housing types of Melton's GS2 area are:

- Dual occupancy
- Villa units
- Duplex
- Apartment.

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

Is the land of Cultural Heritage Sensitivity?

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

2. Council and Wellbeing Plan Reference and Policy Reference

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

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

3.1 A City that strategically plans for growth and development.

3. Financial Considerations

No Council related financial considerations are involved with the application.

4. Consultation/Public Submissions

Public notification of the application

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

The grounds of objection may be summarised as follows:

- The proposed double-storey dwelling is out of character
- Overshadowing
- The proposal will set a precedent
- Property devaluation
- Overlooking
- Loss of privacy.

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

Referral of the application

The application was referred to Council's Engineering Services Department for comment and advice. No concerns were raised in relation to the proposal.

5. Issues

Planning Assessment Strategic Assessment

The land is zoned Residential Growth and in principle, is apt for an intensification of residential development. The proposal meets the overarching objectives of housing policies within the PPF and LPPF as it would provide for urban consolidation in an area that has good access to local services and facilities. State policy objectives also include encouraging development that improves housing choice and accommodates future housing needs. In terms of strategic location, the subject site is appropriately located for infill residential development given its zoning, size, proximity to public transport, public open spaces and community infrastructure.

Neighbourhood Character

The subject land is in an established residential area that was developed in the late 1960s and 1970s. The immediate surrounding area is predominately characterised by single-storey detached dwellings. There are relatively few examples of medium density re-development within the immediate surrounding area.

It is recognized that the existing neighbourhood character will be subject to substantial change over time given the site is located within the Residential Growth Zone where a greater density of residential development is anticipated than other residential zones. The Residential Growth Zone allows provision of housing at increased densities in buildings up to and including four storeys.

The construction of a double-storey dwelling at the rear of single-storey existing dwelling on a lot of approximately 703 square metres is viewed as being a modest re-development proposal in the context of the Residential Growth Zone. The proposal is very common, and examples of double-storey dwellings being constructed at the rear of the existing dwellings (including single-storey dwellings) can be found throughout Metropolitan Melbourne.

The proposal generally complies with the guidelines for the Garden Suburban 2 (GS2) character area under Council's Housing Character Assessment and Design Guidelines and the ResCode requirements subject to conditions. The proposal will complement the emerging character as supported under the zone.

Objectors are concerned that the proposal will adversely affect neighbourhood character. It is considered that the scale of the development is appropriate within this strategic location, being the Residential Growth Zone, where increased density and change in residential character is supported by relevant policies of the Melton Planning Scheme.

Overshadowing and Overlooking (Privacy)

Issues in relation to overshadowing and overlooking are addressed in Standards B20, B21, B22, and B23 of Clause 55 (ResCode).

The proposal complies with Standard B20 and B21, given, that the adjoining properties have large backyards and the extent of overshadowing as a proportion of the backyards on the of the adjoining properties would be minimal. The extent of overshadowing on adjoining rear yards can be further reduced by requiring the first floor of the proposed dwelling to be increased to a minimum of 3 metres from southern and eastern property boundaries. This would also help to reduce the visual bulk of the proposed dwelling when viewed from the backyards of the adjoining properties.

One of the objectors was concerned that the occupants of the proposed double-storey may install security cameras that will direct views into their backyards. Although this is an uncommon situation, a condition can potentially be placed on the planning permit to alleviate this concern.

The proposal does not comply with Standard B22 and B23, as the elevation plan indicates that the obscured glass windows on the first floor can be opened. This can easily be rectified by amending the plans to indicate that all habitable rooms on the first floor would be designed and manufactured with “Fixed Obscured Glass”, which cannot be opened to a height of 1.7 metres above the finished floor level. This change would ensure that the proposal meets the standards.

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 5**.

LIST OF APPENDICES

1. Locality Plan - dated 7 July 2021
2. Plans of Proposal - dated 10 May 2021
3. Assessment against State and Local Policies - undated
4. Response to Objections - undated
5. Proposed Conditions - undated

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

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

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

14. NOTICES OF MOTION**14.1 NOTICE OF MOTION 770 (CR ABBOUSHI)****Councillor: Steven Abboushi - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 2 August 2021.

MOTION:

That Council formally support the Victorian Equal Opportunity and Human Rights Commission's 'Reducing Racism and Human Rights' sessions through promoting and facilitating participation for interested Melton Councillors, staff and community networks.

OFFICER'S COMMENTS:

If this motion is endorsed, Officers will contact the Victorian Equal Opportunity and Human Rights Commission to plan delivery of the 'Reducing Racism and Human Rights' sessions to Melton councillors, staff, and community networks and promote these sessions.

14.2 NOTICE OF MOTION 771 (CR SHANNON)**Councillor: Julie Shannon - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 2 August 2021

MOTION:

That Council make representation to the responsible telecommunications providers servicing the Eynesbury area to advocate for improvements to the reliability of internet services currently experienced by Eynesbury residents

OFFICER'S COMMENTS:

If the motion is endorsed, Council officers will present Eynesbury resident quality of internet service concerns to the relevant telecommunication service providers and discuss whether the level of service provided is acceptable.

14.3 NOTICE OF MOTION 772 (CR TURNER)**Councillor: Bob Turner - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 2 August 2021

MOTION:

That Council write to Jacinta Allan, the Minister for Transport Infrastructure & Ben Carroll, Minister for Public Transport & Minister for Roads and Road Safety requesting an updated timeline for the works planned to remove the rail crossing on Coburns Road in Melton.

OFFICER'S COMMENTS:

A Notice of Motion was resolved at the Ordinary Council Meeting on 20 July 2020 requesting an update on the Coburns Road level crossing removal. Advice received from the office of Jacinta Allan MP indicated that while Coburns Road level crossing has not been prioritised for removal under the State Government's level crossing removal framework, our concerns were acknowledged and that the State do not rule out its possible removal into the future.

Council officers will prepare correspondence requesting reconsideration of this location for a future level crossing removal project.

14.4 NOTICE OF MOTION 773 (CR TURNER)**Councillor: Bob Turner - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 2 August 2021

MOTION:

That Council write to Ben Carroll, Minister for Public Transport & Minister for Roads and Road Safety requesting that priority be given to the Ferris Road interchange at the Western Highway including the provision of traffic lights on ramps to the north, to cater for increased traffic volumes that utilise this road corridor.

OFFICER'S COMMENTS:

Council officers will prepare correspondence in accordance with the Notice of Motion above.

15. COUNCILLOR'S QUESTIONS WITHOUT NOTICE

16. URGENT BUSINESS

17. CONFIDENTIAL BUSINESS

Recommended Procedural Motion

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

17.1 Memorandum of Understanding: Victoria University and Melton City Council

- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;

17.2 Alternative Waste Processing

- (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;

17.3 Hillside Recreation Reserve Pavilion Refurbishment Contract No. 21/049

- (g) private commercial information, being information provided by a business, commercial or financial undertaking that—
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

Recommended Procedural Motion

That the meeting be opened to the public.

18. CLOSE OF BUSINESS