



MELTON CITY COUNCIL

Notice is hereby given that the Meeting of the
Melton City Council will be held Via
videoconference on 7 February 2022 at 7:00pm.

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

Roslyn Wai
CHIEF EXECUTIVE

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- To seek Council's approval for the award of Contract No. 22/015 for *Provision of Sanitary and Hygiene Services commencing 1 July 2022 to 30 June 2025 with an option for a further term of 2 years at Council's discretion.*
- 17.3 CONTRACT NO. 22/031 - PROVISION OF ADVANCED WASTE PROCESSING 254**
- To summarise the outcomes of the Landfill Services tender evaluation (alternate offer for advanced waste processing) and for Council to consider the recommended contract 22-031 for the Provision of Advanced Waste Processing.
- 17.4 CONTRACT 21/066 - MACPHERSON PARK CARPARK UPGRADE 277**
- To seek Council's approval for the award of Contract No. 21/066 MacPherson Park Car Park for 4000 m2 pavement reconstruction and carpark sealing with drainage upgrade, public lighting, landscaping, and 800 m access road rehabilitation and sealing.
- 18. CLOSE OF BUSINESS 283**

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 13 December 2021 and Unscheduled Meeting of Council held on 20 December 2021 be confirmed as a true and correct record.

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

- 13 December 2021 Summary of Informal Meeting of Councillors
- 13 December 2021 Summary of Informal Meeting of Councillors
- 31 January 2022 Summary of Informal Meeting of Councillors

RECOMMENDATION:

That the Summary of Informal Meetings of Councillors dated 13 December 2021, 13 December 2021 and 31 January 2022 attached to this Agenda be received and noted.

LIST OF APPENDICES

1. Summary of Informal Meeting of Councillors - 31 January 2022
2. Summary of Informal Meeting of Councillors- 13 December 2021
3. Summary of Informal Meeting of Councillors- 13 December 2021

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

- The Hon Shaun Leane MP – Minister for Local Government, Minister for Suburban Development and Minister for Veterans – Local Government Culture Project

RECOMMENDATION:

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

LIST OF APPENDICES

1. Correspondence Inwards - The Hon Shaun Leane MP - Minister for Local Government, Minister for Suburban Development and Minister for Veterans - Local Government Culture Project - dated 17 December 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 PLANNING APPLICATION PA 2021/7628/1 - USE OF AN EXISTING BUILDING FOR THE PURPOSE OF A RESTRICTED PLACE OF ASSEMBLY, WITH ASSOCIATED CAR PARKING AT 8 DAINTREE RETREAT, CAROLINE SPRINGS

Author: Cam Luong - Senior Development Planner
 Presenter: Steve Finlay - Coordinator Statutory Planning

PURPOSE OF REPORT

To consider and determine the planning application.

RECOMMENDATION:

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

REPORT

1. Background

Executive Summary

Applicant:	Ratio Consultants
Proposal:	Use of an existing building for the purpose of a Restricted Place of Assembly, with associated car parking
Existing Land Use:	Existing single-storey dwelling
Zone:	General Residential Zone (Schedule 1)
Overlays:	None
Number of Objections:	24
Key Planning Issues:	Suitability of the use in an established residential area Traffic safety Insufficient on-site car parking
Recommendation:	Refusal of application

The Land and Surrounding Area

The subject site has an area of 1771.67 m² and is located at 8 Daintree Retreat, Caroline Springs. Other features of the site are as follows:

- The site is irregular in shape and located at end of a T-head court.
- It contains an existing single storey dwelling.
- It appears that crushed rock has already been laid in the front and rear yards of the subject land.

The site has rear and side abuttal to the Western Freeway reserve and Clarke Road, however, does not have access to these road reserves.

The surrounding area is characterised as an established residential area, which was developed in the early 2000s. The surrounding area is typified by large allotments, that are occupied by a single dwelling. Housing stock within the immediate locality generally comprises of single and double-storey brick veneer and rendered dwellings with hipped roof forms. The subdivision pattern has a 'Garden Court' character, which is characterised by curvilinear streets with cul-de-sacs and courts. This type of layout is designed to eliminate 'rat runs', provide low speed, and low volume traffic environments within the courts. A negative consequence of this type of layout has been the poor connectivity of the street system for bus routes and walking.

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

The Application

The application proposes to use the existing building for a restricted place of assembly, with associated car parking.

The proposal is summarised as follows:

- The Restricted Place of Assembly will service the Hazara Solidarity Community of Western Melbourne Inc. The Hazaras are a Persian-speaking ethnic group native to, and primarily residing in, the mountainous region of Hazarajat, in central Afghanistan.
- The Restricted Place of Assembly will provide programs and events such as language classes and community events.
- The operating hours of the proposal are:
 - Gatherings or meetings:
 - Monday, Wednesday & Thursday (11:00AM-2:00PM and 6:00PM-8:00PM);
 - Language school:
 - Saturday and Sunday (9:00AM – 3:00PM).
- A maximum of 30 students will be on the site at any one time. Students are to be dropped off only, with parents encouraged to leave the premises during language school.
- A maximum of 30 people will be on the site for the gatherings or meetings.
- No building and works are proposed.
- Nine car parking spaces (including one disabled car parking space) would be provided within the subject land.

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

Planning Controls

Zone	(Clause 32.08 – General Residential Zone)	A permit is required to use the land for a Restricted Place of Assembly.
Overlays		None
Particular Provisions	(Clause 52.06 – Car Parking)	0.3 car spaces are required per patron. 30 patrons are proposed equating to nine car spaces. A total of nine car parking spaces are shown on the plans supplied by the applicant.

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

Is the land affected by a Restrictive Covenant?

The land is not affected by a restrictive covenant. The restrictive covenant that applies to the land expired on 1 January 2022.

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 2021-2025 Council and Wellbeing Plan references:

3. A fast growing, innovative and well-planned City

3.3 A City with accessible infrastructure that meets the needs of all.

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 24 objections were received.

The grounds of objection may be summarised as follows:

- The proposed use is inappropriate for the residential area.
- Increased traffic in the court and on local access streets will increase the likelihood of accidents and compromise pedestrian safety.
- There is no guarantee that at any one time the numbers at the site will not exceed the maximum required by any permit restriction. It is highly unlikely that additional attendees would be turned away.
- There is no guarantee that music will not be played at the premises.
- Overflow car parking into local streets.

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 advice, who outlined that from a traffic perspective, the following is relevant:

- There is no opportunity for parking across the site's frontage (external to the site).
- The site has poor access to public transport and community services.
- The design with some spaces behind a secure garage is not ideal.

In summary, the site is not considered to be "a well serviced location" nor a suitable location for the proposal.

5. Issues**Planning Assessment**

Fundamentally, the site is considered poorly located to accommodate a use which has potential to regularly accommodate a significant number of people and resultant traffic and car

parking. As previously mentioned, access to the site is from a local street, with the site being located at the end of a T-head court.

Tonia Komesaroff outlined the following: *In the absence of specific policy, I have relied upon Ms Cincotta's cases, to elicit policy generally applied by other municipalities in low density residential or in residential 1 zones.*

42. In *Islamic Education and Welfare Association of Dandenong v Casey CC* what was important to the Tribunal was that the use should be on a main road in order to cause minimal loss of amenity, privacy and convenience to nearby residents. The Tribunal spoke of the site's many locational advantages as follows:

It has a main road abuttal, is centrally located for the community it will serve, is at the edge of an urban area and is separated from most of the objectors' properties by the floodplain and Belgrave-Hallam Road. The site is also large enough to provide substantial landscape buffers.

...

But as each one of the above cases emphasises, location on a main RDZ1, RDZ2 or at least a collector road is a critical attribute to minimise disruption to residents of local residential streets. Buckle Road and Cameron Court are internal local roads.

49. The subject site sits 120 metres into the Toolern Downs estate. The entire estate, which is large with four access roads off the highway, has been designed to prevent thoroughfares and to create sole-purpose trips. Here one must make a conscious effort to enter the Estate, and having entered, one must turn around and come out the same way one entered, there being no through roads through the estate and back onto the highway. The 0.6 ha -1.0 ha lot sizes ensure a high degree of separation and visual and acoustic privacy. All in all one obtains a sense of an isolated hamlet or enclave

50. Until now, the only purpose for entering the estate is for residential purposes or home occupation which is part and parcel of residential living or an adjunct to a dwelling. There is no other non-residential activity occurring in the entire estate making this proposal the first intrusion of non-residential activity.

51. The level of infrastructure is a rudimentary: absence of reticulated sewer, absence of kerb and channel, absence of footpaths, no through roads, no convenient access to public transport, no 'main road' frontage, no street lighting all of which would otherwise be conducive to more intensive activities such as place of assembly.

But even if the use were limited to Reverend McKenzie's proposal, open to members as well as non-members of that Church on weekdays, week nights and weekends, it will introduce into a tucked away residential community a level of activity not otherwise experienced or anticipated and often during hours when they currently experience the opposite.

- *"on a main road in order to cause minimal loss of amenity, privacy and convenience to nearby residents."*
- *"on a main RDZ1, RDZ2 or at least a collector road is a critical attribute to minimise disruption to residents of local residential streets."*

Furthermore, she highlighted that non-residential should not be in:

- *areas with "...no convenient access to public transport, no 'main road' frontage, no street lighting all of which would otherwise be conducive to more intensive activities such as place of assembly."*
- *"...tucked away residential community a level of activity not otherwise experienced or anticipated and often during hours when they currently experience the opposite."*

While the planning scheme does enable some non-residential type uses to be located in residential areas, this has to be balanced against the intensity of the use and potential amenity effects on surrounding residents. Further, based on the principles outlined in the above VCAT case, the proposal is not considered to be an appropriate due to the lack of direct access to a higher order roads and its potential impact on the residential amenity of neighbouring residents.

6. Options

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

7. Conclusion

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

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

Therefore, it is recommended that the application be refused as outlined in **Appendix 5**.

LIST OF APPENDICES

1. Appendix 1 - Locality Plan
2. Appendix 2 - Plans of the proposal
3. Appendix 3 - Assessment against State and Local Policies
4. Appendix 4 - Response to Objections
5. Appendix 5 - Grounds of Refusal

12.2 PLANNING APPLICATION PA 2021/7533/1 - DEVELOPMENT OF LAND FOR THREE DOUBLE-STOREY DWELLINGS AT 15 CROMWELL CLOSE, MELTON SOUTH

Author: Cam Luong - Senior Development Planner
 Presenter: Steve Finlay - Coordinator Statutory Planning

PURPOSE OF REPORT

To consider and determine the planning application.

RECOMMENDATION:

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

REPORT

1. Background

Executive Summary

Applicant:	MS Design Living
Proposal:	Three double-storey dwellings
Existing Land Use:	Existing single-storey dwelling
Zone:	General Residential Zone (Schedule 1)
Overlays:	None
Number of Objections:	Six
Key Planning Issues:	Respect for Neighbourhood Character
Recommendation:	Refusal of application

The Land and Surrounding Area

The subject site has an area of 800m² and is located at the north western corner of Cromwell Close. Other features of the site are as follows:

- The site is irregular in shape.
- It contains an existing single storey dwelling.

The surrounding area can be characterised as an established residential area with housing stock constructed in the early 2000s. The area generally displays a mixture of single and double storey housing stock with brick construction. Allotment sizes are generous with lots sizes being between 600 and 900m². The subject land is near the Maplewood Estate.

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

The Application

The application proposes the development of land for three double-storey dwellings.

The proposed development is summarised as follows:

- The existing dwelling is to be demolished and replaced with the proposed dwellings.
- All the dwellings will be detached.
- All the dwellings are designed to address Cromwell Close.
- No common property is proposed.
- Each dwelling contains three bedrooms and provided with two car parking spaces each.
- The dwellings have a contemporary design with a range of external wall materials including brick, cladding, and render, with pitched tiled roofing.

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

Planning Controls

Zone	(Clause 32.08 – General Residential Zone)	Permit required to construct two or more dwellings on a lot.
Overlays		None.
Particular Provisions	(Clause 52.06 – Car Parking)	Two car spaces are required for each dwelling.

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 1 (GS1) character area. The essential components of the GS1 which need to be maintained into the future are:

- ample visual separation between dwellings
- majority of the front setback used as permeable garden landscape
- front gardens are visible from the street, forming part of the street landscape

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 canopy trees in the front and rear garden area
- minimising interruption of nature strips by driveways, so that regularly-spaced street tree avenues can be planted or retained.

Redevelopment of dwellings will occur in ways that maintain some characteristics of typical Garden Suburban style dwellings in the area, such as:

- garages and carports occupy a minor proportion of the dwelling frontage, and are recessively sited
- the visual dominance of the roof structure.

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 2021-2025 Council and Wellbeing Plan references:

3. A fast growing, innovative and well-planned City

3.3 A City with accessible infrastructure that meets the needs of all.

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:

- Inconsistent with neighbourhood character.
- Traffic, congestion, and car parking issues.
- Loss of residential amenity in the court.
- Impact on residential amenity during construction.
- The proposal would set an unwanted precedent.
- Increase noise.
- Devaluation of property.
- Loss of natural light to adjoining properties.

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

Referral of the application

The application was referred to a number of Council Departments for comment and advice. A complete list of responses is included in **Appendix 5**.

It is noteworthy that Council's City Design team provided the following comments:

"...the development fails to comply with key elements of GS1 character areas; providing inadequate spacing between each dwelling, establishing a built form which does not respond to the existing dwellings and introducing an increased number of crossovers - which disrupt the adjacent verge and further diminish the visual amenity of the streetscape."

5. Issues

Planning Assessment

Neighbourhood character

The surrounding area can be characterised as an established residential area with housing stock constructed in the early 2000s. The area generally displays a mixture of single storey housing stock of brick construction, with large back yards and moderately planted front setbacks. There are only a handful of double-storey dwellings within the immediate surrounding area. Allotment sizes are generous with lots sizes being between 600 and 900m².

The subject land is located near the Maplewood Estate. The Subdivision Masterplan for the Maplewood Estate (approved under PA2010/2834/2) indicates that there is a total of 676 lots, which would range between 304 and 948m² and have an average lot size of 462m². Just over 300 lots have been titled at this point. The Maplewood Estate is generally characterised by single-storey brick veneer dwellings with tiled roofing. There are a handful of double-storey dwellings that are scattered throughout the estate. There are several unit developments with the Maplewood Estate.

The main issue is whether the proposal is an overdevelopment of the site and will adversely affect the established or preferred neighbourhood character of the surrounding area. The common indicators of overdevelopment include excessive site coverage, boundary to boundary development, minimal open space provision and visual bulk.

The site context is important in this situation as the expectations of those that reside in courts are different than those that choose to reside in through streets. The expectations are best described by Member Marsden in the reasoning for his decision in *J A Thompson Surveyors v Knox CC & Ors [1998] VCAT*:

“In most cases, persons purchasing property in a court do so in the expectation that they will obtain a higher level of amenity than those who reside in through streets. Courts, because of such factors as small population numbers, narrow street widths and the absence of through traffic, seem to offer a greater degree of tranquillity which is highly prized by residents. Often, as in this case, the allotment pattern itself militates against even modest increments in density.

These comments should not be construed as meaning that there should be no increased density in courts or culs-de-sac. What the Tribunal suggests however is that the amenity bar is set higher than, for example, in situations where streets are located in a normal grid pattern.”

The development of three double-storey dwellings will be uncharacteristic of the immediate surrounding area due to the minimal separation between dwellings and visual bulk presented by the dwellings when viewed from the street. The proposal is also viewed uncharacteristic of the broader surrounding area when taking into the account of the newer streets, neighbourhoods, and housing stock within the Maplewood Estate. Double-storey dwellings are found to be scattered throughout the surrounding area, rather than been clustered together in one location. The proposal would also result in a loss of amenity for existing residents due to the removal of a number of existing street trees, and the loss of on-street car parking.

The construction of three double-storey dwellings on the subject land is in contrast to the established character of the immediate surrounding area, which is characterised by ample visual separation between dwellings, permeable landscaped front setbacks, front gardens which form part of the street landscape, and minimal interruption of nature strips.

A proposal comprising of two double-storey dwellings would enable more generous separation between dwelling and help to reduce the visual bulk of the development.

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 does not comply with the relevant requirements of the Planning Scheme.

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

LIST OF APPENDICES

1. Locality Plan
2. Plans of Proposal
3. Assessment against State and Local Planning Policies
4. Response to objections
5. Referral comments
6. Grounds of Refusal

12.3 PLANNING APPLICATION PA 2021/7010 - DEVELOPMENT OF A THREE STOREY RESIDENTIAL APARTMENT BUILDING COMPRISING 18 DWELLINGS WITH ASSOCIATED CAR PARKING AND LANDSCAPING AT 6 TOOLERN STREET, MELTON SOUTH

**Author: Joseph Oyelowo - Development Planner
Presenter: Steve Finlay - Coordinator Statutory Planning**

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 5** of this report.

REPORT

1. Background

Executive Summary

Applicant:	Semtec Logistics Pty Ltd
Proposal:	Three-storey residential apartment building
Existing Land Use:	Existing single storey dwelling
Zone:	Residential Growth Zone (Schedule 1)
Overlays:	None
Number of Objections:	Seven
Key Planning Issues:	Consistency with planning zone provisions and policy Respect for neighbourhood character Impacts concerning the amenity of abutting and neighbouring properties Provision of internal amenity for future residents Adequacy of on-site car parking Traffic volumes Noise Property devaluation
Recommendation:	Approve application

The Land and Surrounding Area

The subject site has an area of 1,059m² and is located mid-block on the south side of Toolern Street in Melton South. Other features of the site are as follows:

- The land is square in shape and currently contains a single-storey dwelling.
- There is a 2.44 metre wide drainage and sewerage easement located on the eastern property boundary.
- The site has access to the arterial road network through Exford Road.
- Public transport is accessible via the Melton Railway Station and associated bus interchange located approximately 400 metres west of the site.
- Parks, reserves, schools, and shops (Melton South shopping centre) are all located within 500 metres from the site.
- The surrounding area is generally characterised by single-storey dwellings and multi-unit development in an established residential area.

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

The Application

The application proposes the development of a three-storey residential apartment building comprising 18 apartments with associated car parking and landscaping on the land. The original plans submitted for 22 apartments were modified to 18 apartments following discussions with council officers on design issues.

The proposed development is summarised as follows:

- The existing dwelling will be demolished.
- The provision of the following apartments:
 - Two, 2 bedroom apartments.
 - Four, 2 bedroom apartments (double-storey terrace style apartments) plus study.
 - 12, 1 bedroom apartments
- The built form is separated into two distinct elements (an eastern building and a western building) to reduce the visual bulk and better integrate the contemporary built form with the existing building on the land.
- A range of floor plans that offer affordable accommodation while maximising access to natural light, cross ventilation, and outlook opportunities.
- A total of 18 car parking spaces with 14 bicycle spaces and storage spaces are provided in the undercroft area to the rear of the site.
- A site coverage of 58% and permeability of 22%.
- A maximum building height of 10.3 metres.
- The two existing vehicle crossovers to the site are proposed to be removed and replaced with one double vehicle crossover located on the north-eastern property boundary.

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

Planning Controls

Zone	(Clause 32.07 – Residential Growth Zone)	Permit required to construct two or more dwellings on a lot.
Particular Provisions	(Clause 52.06 – Car Parking)	<p>One car parking space to each 1 or 2 bedroom dwelling.</p> <p>Two car spaces are required to each three or more bedroom dwelling (with studies or studios that are a separate rooms counted as bedrooms).</p> <p>The application makes provision for 18 car parking spaces, while technically 22 car spaces are required, representing a shortfall of four spaces.</p>

A full list of the relevant planning policies of the Melton Planning Scheme 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 of this clause that apply to this application.
- should meet all the standards of this clause that apply to this application.

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

The City of Melton Housing Diversity Strategy

In May 2014 Council adopted the Housing Diversity Strategy. The Strategy provides a 20-year plan that establishes the types of housing needed and the suitability of different residential locations to accommodate different rates of housing change. According to the Council's Housing Diversity Strategy detached housing is expected to remain the predominant housing type and main source of additional housing supply in General Residential Zoned areas.

The Melton Housing Diversity Strategy locates the site within the existing character area 7: Melton. The background report to Council's Housing Diversity Strategy provides the following character statement for the area.

- Streetscapes are relatively open with medium setbacks, wide verges and scattered vegetation both within the public and private realms.
- The building typology for this area is mixed, with a range of single-storey detached dwellings, with the occasional larger double-storey dwellings.
- The dominant building material is brick, with some rendered finishing to the newer developments including a range of influencing styles and detailing.
- There are scattered semi-detached and attached dwellings throughout the area.
- Larger clusters of unit style development exist in the southernmost pocket on the eastern edge.
- Landscaping in the public and private realm is scattered, including established canopy vegetation.
- Whilst there is some medium to high fencing located throughout the area, most properties have no front fencing.

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 Housing Character Assessment & Design Guidelines Table 4 (p.8) outline the characteristics of the City of Melton Garden Suburban Character type as follows:

- Established, informal gardens with native and exotic plants and/or lawns.
- Dwellings are sited to the street with 6-8 metres front setback, 2-3 metres side setback on one side and 1-2 metres on the other side.
- Car parking structure behind or in line with the dwelling with one crossover for vehicle access.
- Site coverage is between 30-40 per cent.
- Building forms are detached single-storey and double-storey dwellings with low pitched roofs. Single and double-storey units detached or attached infill.
- The external brickwork of buildings consists of brown and shades of red with some orange tones. Tiled roofs with a mix of colours including red, brown or black.
- A mixture of no fences to low or transparent fencing of picket, brick or metal.
- No street trees or intermittent exotic or native street trees (some established and some establishing).

The essential component of the GS2 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.
- Garages and carports occupy a minor proportion 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.

The preferred housing type for the City of Melton's GS2 areas are:

- Multiple dwellings on a lot including dual occupancy, villa units and duplex (only appropriate where a pair of dwellings present as a single house from the street).
- An apartment surrounded by landscaping is encouraged. It will be best to provide apartments on abnormally large lots and consolidated lots.

The proposed apartment building is considered to be respectful of the preferred neighbourhood character of the area as outlined in the City of Melton Housing Diversity Strategy and Council's Housing Character Assessment and Design Guidelines.

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 2021-2025 Council and Wellbeing Plan references:

3. A fast growing, innovative and well-planned City

3.3 A City with accessible infrastructure that meets the needs of all.

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 seven objections were received.

The grounds of objection may be summarised as follows:

- The proposed apartment building does not respect the character of the area.
- Overlooking.
- Increased noise.
- Insufficient car parking.
- Increased traffic.
- Property devaluation.

A response to the objections is provided in **Section 5**.

Referral of the application

The application was referred to several Council Departments for comment and advice. The application was also required to be referred to Greater Western Water, who did not offer any objection to the proposal.

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

5. Issues

Planning Assessment

A recommendation to support the proposal is based on an assessment against the requirements of the Melton Planning Scheme, adopted Council Strategies and Guidelines, and consideration of written objections received.

Is the proposal's response consistent with planning zone provisions and policy?

The policy framework outlined in the Melton Planning Scheme together with the site's inclusion in the RGZ1, lend support for residential development on this site at an increased density than what has traditionally occurred in the past. The provision of an apartment-style accommodation will contribute to dwelling diversity in this location. The proposal is supported by policies that promote urban consolidation and housing diversity in favourable locations like the subject land close to a wide variety of established services and facilities and including train and bus services within easy walking distance. The integration of land use and transport systems as outlined in Clause 18.01-1S of the Melton Planning Scheme is an important part of planning policy as this facilitates a reduction in the distances people must travel to access jobs and services. The integrated transport policy promotes sustainable development including the more efficient use of existing infrastructure and land. In principle, this site is therefore highly suitable for a more intense level of residential development.

Will the development represent an acceptable neighbourhood character response?

The objectors submitted that the proposal fails to achieve a height and scale that is in keeping with the character of the area. They argued that the apartment building occupies too much of the site and would overwhelm and overpower its surroundings. Whilst the form of the development proposed may generally be different to the building stock in the neighbourhood, it is noteworthy that respecting neighbourhood character does not mean replicating what exists. If that was the case, there would be virtually no change to the types of dwellings that exist in an area. The planning scheme does not prohibit alternative built forms to the existing built form. The Municipal Strategic Statement (MSS) at Clause 21.02-2.3 of the Melton Planning Scheme seeks to identify and protect the preferred neighbourhood character of residential areas. A related strategy is to support new development that respects and responds to the preferred neighbourhood character of the existing areas. A further strategy is to support new development that is innovative, accessible and site responsive. The MSS addresses the built environment at Clause 21.07 of the Melton Planning Scheme. The objective of Clause 21.07-1.3 is to protect the preferred neighbourhood character in established residential areas of the municipality. Related strategies include maintaining residential streetscape quality and character, requiring new development to make a positive contribution to residential streetscape quality and character and ensuring new development is consistent with the preferred character of each area outlined in the Melton Housing Character Assessment and Design Guidelines: Character Statements and Guidelines, September 2015.

In addition, Clause 22.12 of the Melton Planning Scheme, requires that when assessing a proposal, it is policy to ensure that new development does not impact adversely on areas of recognised neighbourhood character. The statement of preferred character outlined in the Housing Character Assessment and Design Guidelines recognises that sites within the Residential Growth Zone or within a substantial change area will accommodate new development with a more compact setting but with space for canopy trees and other vegetation. The proposed development achieves this. It is considered that the proposed development presents a design outcome that is respectful of the preferred neighbourhood character for the following reasons:

1. The proposed apartment building is consistent with the preferred housing type for the City of Melton's Garden Suburban 2 areas.
2. The proposed built form is broken up into two primary blocks of apartments separated by an open circulation area to reduce the visual bulk and increase built form articulation.
3. The provision of four double-storey terrace style apartments allowing for a consistent street frontage to Toolern Street being maintained.
4. The proposal has a front setback more than the minimum requirement and greater than those on the adjoining lots facing Toolern Street. The front setback area provides adequate scope for landscaping appropriate with the landscape objectives sought for the GS2 area, including the use of permeable surfaces, planting multiple canopy trees, under-planting with shrubs and ground-covers in the front yard.
5. A landscape strip of 0.8 metre is provided between the driveway and the eastern property boundary.
6. The proposal incorporates walls on boundaries on the western property boundary and these walls are setback 3 metres from the front building façade.
7. All the proposed car parking areas are located at the rear of the site.
8. The proposed building has a maximum height of 10.3 metres which is substantially below the requirements of the RGZ.
9. The height of the development is graduated to allow for a softened transition between the proposal and the existing single-storey built form on the abutting lots, with the upper level built form recessed from the side and rear boundaries.

10. The proposed front fence has a height of 0.9 metre.
11. The proposed development incorporates a restrained material palette that will be in keeping with the surrounding context, emphasising rendered concrete, dark stained weatherboard and perforated metal balustrade.
12. The proposed building achieves an environmentally sustainable design that retains the existing built form on the site and maximises access to natural light, passive heating and cooling, and cross ventilation opportunities through the orientation of apartments.
13. The windows and balconies located at the front and rear of the dwellings will contribute to natural cross ventilation. Water and energy efficient fixtures and fittings are proposed for all the dwellings.
14. The depth of most of the balconies at levels 1 and 2 more than 2 metres will contribute to the contrast of the building's facades creating visual interest and articulation.
15. The upper-most level is recessed from the levels below and is expressed as part of the roof form in a contrasting material and colour.

The proposal complies with the outcome being pursued by planning policy in the Melton Planning Scheme concerning respecting the preferred neighbourhood.

Are the impacts on the amenity of adjoining properties acceptable?

The proposal complies with the standards concerning off-site amenity impacts.

Side and rear setbacks

The proposed development complies with Standard B17 at Clause 55.04-1 of the Melton Planning Scheme. The height of the development is graduated to allow for a softened transition between the proposal and the existing single-storey built form on the abutting lots. The visual impact of the apartment building when viewed from neighbouring habitable room windows and secluded private open space are minimised as the development have recessed upper floor levels and are appropriately setback from the side and rear boundaries. It is considered that an acceptable level of visual bulk and mass will be presented to adjoining properties as adequate setbacks are provided for the proposed development from each property boundary. Therefore, limiting the impact on the amenity of the habitable room windows and secluded private open space of existing dwellings located to the western, southern and eastern property boundary.

Daylight to existing habitable room windows

The building will not be sited opposite any north-facing windows. The separation between the building and the habitable room windows of the neighbouring dwellings is sufficient to meet Standard B19 at Clause 55.04-3 of the Melton Planning Scheme. There are habitable rooms located on the eastern boundary of No. 4 Toolern Street and the western boundary of No. 8 Toolern Street. In all cases, these windows are set back from the boundary by at least 2 metres and have a light court of greater than 3 square metres. The top floor level of the apartment building will not be visible from within these rooms and will not, therefore, affect their outlook.

Overshadowing

Given the north-south orientation of the subject site, the proposed setbacks from the boundaries, the layout of the adjoining properties and the size and configuration of their secluded private open space areas, overshadowing will comply with Standard B21 at Clause 55.04-5 of the Melton Planning Scheme. The submitted overshadowing diagrams shows that more than 40 square metres of the secluded private open space of the property to the west, south and east of the subject land will receive more than five hours of sunlight between 9 am and 3 pm on 22 September. Noting that only a small portion of the secluded private open space of these dwellings are overshadowed between these hours.

The shadow diagrams also demonstrate that there is no impact before 2 pm on the existing solar panels on the rooftop of No. 8 Toolern Street. While there appears to be a degree of impact by 3 pm, the existing rooftop solar energy facility remains unimpacted by the proposed shadow for at least six hours per day which is considered more than reasonable, particularly in the context of Clause 55.04-5's overshadowing standards. It is therefore considered that the proposal does not present an unreasonable impact on the adjacent rooftop solar panel. In addition, the proposed development complies with the side and rear setbacks objective and standard of Clause 55.04-1 of the Melton Planning Scheme.

Overlooking

Overlooking is appropriately addressed in accordance with Standard B22 and Standard B23 at Clause 55.04-6 and Clause 52.04-7 of the Melton Planning Scheme, through the use of appropriate techniques including:

1. All windows with direct views into adjoining properties are to be fixed with opaque glass to 1.7 metres.
2. All balconies include balustrades to at least 1.5 metres, with fixed planters further restricting downward sightlines into adjoining properties.

Is an acceptable level of internal amenity provided?

The proposal complies with the standards concerning on-site amenity.

Internal amenity of smaller apartments

It is considered that the general layout of the dwellings, their room size, daylight access, dimensions and area of private open space will offer future residents acceptable levels of internal amenity.

The applicant provided an Indoor Environmental Quality report (19 August 2021) prepared by Makao Group Pty Ltd to demonstrate how the proposed development incorporates sustainable initiatives and meets the requirement of Clause 15.02 (Energy and Resource Efficiency) and Clause 21.07-2 (Environmentally Sustainable Design) of the Melton Planning Scheme. That report outlines how the proposed development incorporates a range of passive design initiatives to improve occupant comfort and complies with the best practice requirements under Sustainable Design Assessment in the Planning Process for Indoor Environmental Quality and Better Apartments Design Standards (Victoria).

The natural ventilation performance assessment of the proposed development concluded that 16 out of 18 of the apartment units (88%) will achieve effective cross ventilation. This result complies with the effective cross ventilation requirements of 40% as outlined in Standard B49 (Clause 55.07-15) of the Melton Planning Scheme.

The daylight performance assessment of the proposed development concluded that 17 out of 18 living areas (94%) and 18 out of 18 bedrooms (100%) will achieve a compliant daylight result. This result is in line with the daylight requirements as outlined in the Best Environment Sustainability Scorecard (BESS).

The Indoor Environmental Quality report concluded that:

1. Over 88% of the apartments will have effective natural ventilation.
2. Over 89% of the apartments in the development will receive a minimum of three hours of direct sunlight between 9 am and 3 pm in mid-winter.

The report also recommended the following initiatives into the design:

1. Shallow floor plates to habitable areas.
2. Provision of openable windows and sliding doors along the façade.
3. Light coloured internal paints.
4. Dual aspect facades.

These features will improve comfort and internal amenity for building occupants while minimising reliance on artificial lighting, and mechanical heating and cooling systems. Based on the above information, the development will provide an acceptable level of internal amenity for occupants.

Are the proposed bicycle, car parking and traffic changes appropriate?

Residents have expressed concern regarding insufficient car parking and increased traffic volumes because of the development. The proposed development is considered unlikely to impose vehicle movements that will exceed that which is common to residential traffic volumes. Council's Traffic Officers have not raised any concerns regarding increased vehicle traffic.

As the site is located within the Principal Public Transport Network Area, the Column B car parking rates of Clause 52.06-5 of the Melton Planning Scheme apply. On this basis, there is no visitor car parking requirement and the car parking requirement is calculated as one car parking space to each 1 or 2 bedroom dwelling. However, the four, 2 bedroom apartments (double-storey terrace style apartments) plus study will generate eight car parking spaces. The proposal, therefore, generates a statutory car parking rate of 22 car parking spaces. The proposal provides 18 car parking spaces for residents and therefore does not comply with the requirements under Clause 52.06-2 of the Melton Planning Scheme. There is a shortfall of four car parking spaces, and this shortfall can be addressed by requiring the studies to be removed as part of the permit conditions. Hence, there will be no need for on-street parking. According to Clause 52.34 of the Melton Planning Scheme, there is no statutory bicycle parking requirement, however, the proposal includes provision for 14 bicycle spaces.

Noise

Concerning noise, objectors are concerned about the increase in noise from future residents of the proposed development. Whilst noise issues can arise because of the development, the noise generated will be residential and not unreasonable in a residential area. Amenity related conditions will form part of the permit to minimise off-site amenity impacts from construction activities.

Property Devaluation

Residents have expressed concerns that approving this development will devalue their property. It is a long standing planning principle that this should not be considered by Council unless it can be substantiated, which is not the case here.

6. Options

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

7. Conclusion

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

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

Therefore, it is recommended that the application be approved as outlined in **Appendix 5**.

LIST OF APPENDICES

1. Locality Plan - dated 10 January 2022
2. Plans for the proposal - dated 24 August 2021
3. Relevant Planning Policy Provisions - undated
4. Referral Responses - undated
5. Proposed Conditions - dated 11 January 2022

12.4 PLANNING APPLICATION PA 2021/7593/1 - MULTI-LOT COMMERCIAL SUBDIVISION AT 59 & 61A GREIGS ROAD AND 161 HOPKINS ROAD, TRUGANINA

Author: Patrick Mora - Senior Major Developments Planner
Presenter: Steve Finlay - Coordinator Statutory Planning

PURPOSE OF REPORT

To consider the above planning application.

RECOMMENDATION:

That Council advise the Victorian and Civil and Administrative Tribunal (VCAT) that it supports the application subject to the inclusion of appropriate conditions as outlined in the report.

REPORT

1. Background

Executive Summary

Applicant:	Mt Atkinson Holdings Pty Ltd
Proposal:	Multi Lot Industrial / Commercial Subdivision and the Subdivision of Land Adjacent to a Road in a Road Zone Category 1.
Existing Land Use:	Vacant
Zone:	Urban Growth Zone (Schedule 9) Special Use Zone (Schedule 11)
Overlays:	Infrastructure Contributions Overlay (Schedule 3) Public Acquisition Overlay (Schedule 1)
Number of Objections:	None
Key Planning Issues:	<ul style="list-style-type: none"> Consistency with the Mount Atkinson and Tarneit Plains Precinct Structure Plan (MATP PSP) Consideration of Application in the absence of approved Urban Design Framework as specified in the MATP PSP. Delivery of road infrastructure as required under the MATP PSP
Recommendation:	Support proposal at scheduled Victorian Civil and Administrative Tribunal (VCAT) Review Hearings subject to conditions.

The Land and Surrounding Area

The subject site comprises of five irregularly shaped land parcels located west of Hopkins Road and south of Greigs Road in Truganina. The allotments are separated by the Grand Boulevard road reservation which traverses the site from east to west.

The land parcels are relatively flat comprising mostly of low lying pasture grasses.

To the north of Grand Boulevard are two allotments – the easternmost closest to Hopkins Road has an area of approximately 22.2 hectares and contains a remnant dam in the north-east corner of the site as well as a land sales office for the neighbouring Mt Atkinson Residential Estate along the western boundary, approximately 180m south of the Greigs Road frontage. The other site is a vacant rectangular shaped parcel of land with an area of approximately 6.6 hectares.

Three allotments comprise the remainder of the subject site south of Grand Boulevard. These sites are all vacant land parcels. The largest of these land parcels occupies the southern portion of the site and comprises an area of 27.8 hectares with a frontage onto Hopkins Road. A high tension power line traverses diagonally across the south-eastern corner of the site. The associated high tension powerline easement has a width of approximately 162.8m.

The remaining two sites are located directly south of Grand Boulevard. The easternmost allotment also fronts onto Hopkins Road and has an area of 19.3 hectares. The westernmost allotment will have an area of 10.7 hectares and will abut McKinley Drive along its western boundary.

In total, the subject site has a combined area of 86.7 hectares. A 20m wide gas transmission pipeline runs along the entire eastern boundary of the subject site.

The subject site is surrounded by a variety of different land use and developments. To the west of the site, and south of Grand Boulevard is the Mt Atkinson Residential Estate. This Estate is currently under development in accordance with approved staging sequencing. The stages abutting the common boundary with the subject site have been released and are currently in the final stages of dwelling construction on newly released residential allotments. The land immediately surrounding the subject site to the north, south and east are currently undeveloped land holdings earmarked for upcoming urban development. The land to the south of the site forms part of a designated industrial precinct forming part of the Mt Atkinson and Tarneit Plains Precinct Structure Plan (MATP PSP). The land to the north has been earmarked in the MATP PSP for commercial purposes which will leverage off the designated future Mt Atkinson Major Town Centre. The Melbourne to Ballarat railway corridor is located on the northern side of Greigs Road.

To the east of the site on the opposite side of Hopkins Road is a large tract of undeveloped land forming part of the wider Boral Quarry Precinct.

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

The Application

This application is being reported to council as the applicants have lodged an appeal to VCAT against failure to determine the application within the 60 day statutory time frame. Council will therefore need to reach a position of whether it supports the application or not and convey that decision to VCAT and the other parties prior to the scheduled hearings.

The application proposes a multi lot commercial subdivision of the subject land. The subdivision will involve a realignment of the title boundaries of the two allotments north of Grand Boulevard while to the south of this road, the subdivision will result in the creation of an additional allotment to the three presently located within this portion of the site.

The subdivision will consist of:

- Six allotments ranging in size from 8.7 hectares to 16.54 hectares.
- The lots north of Grand Boulevard will re-align the current boundary so as to make both allotments more functional and adaptable for future land use and development associated with Mt Atkinson Major Activity Centre. The boundary will align and respond more effectively with the four way intersection provided as part of the recent construction of Grand Boulevard between Hopkins Road and Clara Avenue.
- The allotments south of Grand Boulevard will be configured with interfaces to Grand Boulevard, Hopkins Road and McKinley Drive as well as the yet to be constructed Kirkpatrick Boulevard extension to Hopkins Road which will be delivered as part of the Mt Atkinson Residential Estate development.
- Lots 2 and 3 will be located along the eastern boundary fronting Hopkins Road with a side boundary to Grand Boulevard and Kirkpatrick Boulevard respectively. Lot 1 will extend from Grand Boulevard south towards Kirkpatrick Drive with a frontage onto McKinley Drive.
- Lot 4 occupies the southern portion of the site and will be bound by Hopkins Road to the east, Kirkpatrick Boulevard to its north and McKinley Drive to the west. A reconfigured and extended alignment of Connodale Avenue from the Mt Atkinson Residential Estate abutting the southern boundary of the land is also proposed. Details of this will be discussed in greater detail in the comments section of this report.
- A 26m wide Industrial Connector Street which runs through the site in a north-south alignment linking the Mt Atkinson Residential Estate with Kirkpatrick and Grand Boulevard intersections. The Connector Street is required as part of the MA&TP PSP, however, the application does not propose the delivery of this road.

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

Planning Controls

Zone	37.07-10 – Urban Growth Zone (Schedule 9) 37.01-3 – Special Use Zone (Schedule 11) 36.04 - Road Zone (Category 1)	A permit is required to subdivide land under both zones and all of the 'applied' zones.
Overlays	45.01-1 – Public Acquisition Overlay (Schedule 1) 45.11 – Infrastructure Contributions Overlay (Schedule 3)	A permit is required to subdivide land under the provisions of the Public Acquisition Overlay.
Particular Provisions	52.29 – Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road.	A permit is required to subdivide land adjacent to both a road in a Road Zone Category 1 and Land in a Public Acquisition Overlay for the purpose of acquisition for a Category 1 Road.

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

Is the land affected by a Restrictive Covenant?

The Certificates of Title submitted with the application indicate a restrictive covenant applicable to the land. Restrictive Covenant (Ref. No.: H432355) relates to the rights of operation, maintenance, modifications and inspection of the gas pipeline running along the eastern boundary of the site. The covenant places restrictions on those granted access over the gas pipeline easement relating to buildings and works (including drilling and excavation of pits, wells, foundations and pavements) to a depth greater than one foot as well as the planting of trees and shrubs within the easement. The covenant also provides for compensation and access rights and obligations to both parties over the gas pipeline easement.

The Certificates of Title submitted with the application also includes a restriction referenced on the Plan of Subdivisions for those allotments originally forming part of the site now containing stages within the Mt Atkinson Residential Estate. The restriction relates to the application of MCPs, SLHC and Design Guidelines on recently created residential allotments within this Estate. This restriction is no longer directly relevant to this site.

This application will not conflict with or breach the requirements of restrictive covenant (Ref. No.: H432355).

Is the land of Cultural Heritage Sensitivity?

The subject site is partially located within an area of Aboriginal Cultural Heritage Significance as established under the relevant provisions of the *Aboriginal Heritage Act 2006*. A mandatory Cultural Heritage Management Plan (CHMP) is required as prescribed under the relevant provisions of the *Aboriginal Heritage Act 2006*. CHMP Reference No.: 12712 was prepared by Biosis on 29 August 2017 for this site and the wider properties now forming part of the Mt Atkinson Residential Estate as well as the Melbourne Business Park further south of this site. The CHMP was approved by the Acting Director Heritage Services Aboriginal Victoria in consultation with the relevant Aboriginal parties on 31 August 2017.

The proposed amendment will not conflict with any artefact retention/salvage recommendations of the CHMP.

2. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2021-2025 Council and Wellbeing Plan references:

3. A fast growing, innovative and well-planned City

3.3 A City with accessible infrastructure that meets the needs of all.

3. Financial Considerations

No Council related financial considerations are involved with the application.

4. Consultation/Public Submissions

Public notification of the application

Under the relevant provisions of the Urban Growth Zone (Schedule 9), an application that is generally in accordance an approved Precinct Structure Plan is exempt from the public notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987*, unless the schedule to the clause states otherwise.

Sub-clause 5.0, Schedule 9 of the Urban Growth Zone outlines scenarios where these exemptions do not apply. These relate to land uses requiring a planning permit under an 'applied' General Residential or Residential Growth Zone. Applications for selected uses proposed on land within the nominated 'high pressure gas transmission pipeline measurement length' as shown in Plan 11 of the MA&TPPSP are also required to be placed on public notice.

Given that this is an application for subdivision only, the exemption from third party notice and review exemptions are applicable.

Referral of the application

The application was referred to a number of Council Departments and external Determining Authorities. A complete list of responses is included in **Appendix 4**.

5. Issues

Planning Assessment

The industrial/commercial subdivision proposed as part of this application is considered appropriate for the site and surrounding area and will generally comply with the relevant provisions of the Melton Planning Scheme and in particular, the MATP PSP.

Compliance with relevant Zoning Provisions

The relevant provisions of the Urban Growth Zone affecting the land allow for the grant of a permit to subdivide land (amongst other things) on land identified within the Mt Atkinson Major Town Centre Urban Design Framework or the Hopkins Road Business Precinct Urban Design Framework, as outlined in the MATP PSP, prior to these Urban Design Frameworks having been prepared and approved to the satisfaction of both Council and the Victorian Planning Authority (VPA).

The provisions also state that a permit may be granted to subdivide land (amongst other things) prior to the approval of an urban design framework, if in the opinion of Council as responsible authority, the permit is consistent with the requirements for the urban design framework and the permit implements the relevant objectives in the MATP PSP.

The VPA has provided written consent for the application to be assessed and considered by the responsible authority prior to the preparation of the UDFs for both the Mount Atkinson Major Town Centre or the Hopkins Road Precinct Commercial Areas.

The subdivision of the land to the north of Grand Boulevard is unlikely to prejudice the future delivery of the Mt Atkinson Major Activity Centre UDF. The application, in effect, proposes the realignment of the boundaries of two existing allotments so that they are more regular in shape and able to facilitate a future subdivision and development of the land. The subdivision will not prejudice and will facilitate the delivery of a future UDF for the site and the wider area encompassing the Mt Atkinson Major Activity Centre.

Council has received a UDF for the Hopkins Road Precinct Commercial Areas which is currently being reviewed but has yet to be approved by Council. The current subdivision layout is generally consistent with the UDF prepared to date but will require the following modifications to align with the negotiated outcomes of the latest draft UDF as well as the overriding PSP requirements:

- The up-front provision of the north south connector street between Kirkpatrick Boulevard and Grand Boulevard so that vehicular and pedestrian access can be delivered to the three central allotments. This will provide greater certainty to the future development of all three allotments while facilitating and enhancing further economic development opportunities beyond the delivery of this subdivision.
- The delivery of the section of connector road south of Kirkpatrick Boulevard and a revised Connodale Avenue alignment that encroaches into the southern portion of the proposed Lot 4 (see Attachment 5).
- The provision of a reconfigured and relocated open space reserve for OS25 to the south of Connodale Road and also partially encroaching into the southern portion of the proposed Lot 4 (See Attachment 5).

The scheduled VCAT hearings will require Council representatives to present all relevant parties with a list of proposed planning permit conditions which will form part of the discussions and deliberations at these hearing. The draft permit conditions are yet to be compiled and are required to be circulated 7 days prior to the scheduled hearing dates (24 February 2022 for Compulsory Conference and 16-18 May 2022 for a Major Cases Hearing). For the most part, these conditions will consist of standard conditions selected as relevant for this application.

The only non-standard items that would need to be covered by the draft permit conditions are those relating to the draft UDF variations outlined in the dot points above.

With respect to the first dot point, it is recommended that a condition be placed on the planning permit requiring the plans to show the section of connector street on the plan along with the inclusion of selected standard conditions governing the delivery of this road as part of this planning permit.

With respect to the latter two items, it is recommended that they be shown on the endorsed plan only and be delivered as part of a separate future subdivision or development of the proposed Lot 4 and managed by way of a section 173 Agreement condition required under this permit. The agreement could establish the need for these infrastructure items to be delivered and transferred to Council prior to either of the following occurring:

- The issue of statement of compliance for any further subdivision of proposed Lot 4; or
- Prior to the endorsement of any plans associated with an approved future land use or development proposal on the proposed Lot 4.

Subdivision Layout

The subdivision will provide the commercial and employment precinct of the MATP PSP, along with the wider City of Melton, with additional industrial and commercial land which will assist in providing vital employment opportunities for this emerging urban growth front.

The subdivision will provide six industrial/commercial 'super lots' ranging in size from 8.7 hectares to 16.54 hectares. The relatively large lot sizes will provide opportunities for further future subdivision and industrial/commercial development to occur – allowing for a diversity of development opportunities, while providing a subdivision layout that will respond positively to existing and emerging industrial estates further south, such as the Melbourne Business Park Estate. The subdivision proposal will also provide opportunities for future developments to respond and transition positively with respect to emerging residential neighbourhoods to the west of the site in the Mt Atkinson Estate. The subdivision layout and design will ensure that industrial uses and development can be suitably located to secure their long term viability given the site's proximity to this sensitive interface.

Infrastructure and Transport Matters

The site will be conveniently located to existing and proposed services and facilities that the development can leverage off. The site currently has excellent connection to the Western Freeway – being located approximately 650m south of this major arterials' interchange with Hopkins Road. The site is also directly south of the Melbourne to Ballarat railway corridor and a proposed railway station envisaged as part of the MATP PSP servicing the Mt Atkinson Major Activity Centre as well as the wider residential and employment precincts forming part of this PSP area.

Potential bus routes along Grand and Kirkpatrick Boulevards, Hopkins Road to the east as well as an extensive cycle path network will provide convenient links to and from the site connecting with the future Mt Atkinson Major Activity Centre and the future railway station. This will ensure that the employment precinct is accessible and interconnected to the rest of the MATP PSP area and the wider region.

As mentioned previously, the subdivision layout does not propose the delivery of any roads. This is despite the fact that the MATP PSP requires a north-south aligned Connector Street.

While it is considered that the entire length of the connector road is not necessary for the functioning of this subdivision, the central section – where the largest concentration of allotments is proposed – should be provided with this road.

The provision of this road up front will ensure equitable and up front pedestrian and vehicle access for all three allotments. Currently, this section of the road is located entirely within Proposed Lot 1 meaning that the future owner of this property will be wholly responsible for delivering a section of road that other allotments will also benefit from.

The up-front delivery of this connector street will also provide safe and convenient access to these central allotments. These allotments are prevented from direct access onto Hopkins Road and will have constrained access onto both Grand and Kirkpatrick Boulevard owing to the presence of central medians in these roads. The delivery of the connector road will also enable a level of separation of commercial and industrial traffic from residential streets to the west of the site – and in particular McKinley Drive.

The delivery of this section of the connector road will also provide certainty for the further subdivision and development of these allotments while also enhancing streamlined and unconstrained economic development opportunities for the subdivision.

6. Options

Council can either support the application and advise VCAT accordingly

or

Not support the proposal and advise VCAT accordingly.

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 supported by Council at the scheduled VCAT hearings.

LIST OF APPENDICES

1. Appendix 1 - Locality Plan
2. Appendix 2 - Subdivision Concept Plan
3. Appendix 3 - Planning Controls
4. Appendix 4 - Referrals
5. Appendix 5 - Draft Connodale Road and OS25 Reconfiguration

12.5 ROAD DISCONTINUANCE FOR PART OF MURRAY ROAD, THORNHILL PARK

Author: Cole Sloan - Legal Officer
Presenter: Bradley Dosser - Manager Legal, Governance & Risk

PURPOSE OF REPORT

To make a final decision on the proposed road discontinuance for part of Murray Rd, Thornhill Park

RECOMMENDATION:

That Council:

- a) discontinue the Road comprising the land shown hatched on the plan at **Appendix 1** pursuant to Clause 3 of Schedule 10 of the *Local Government Act 1989*, on the basis that the Road parcel is not reasonably required for public use for the reasons set out in this report;
- b) publish a notice pursuant to Clause 3 of Schedule 10 of the 1989 LGA Act in the Victoria Government Gazette; and
- c) delegates authority to the Chief Executive Officer to execute any necessary documentation to give effect to the discontinuance.

REPORT

1. Executive Summary

Council has committed to delivering a new Community Hub comprising of a Community Centre and Kindergarten on the corner of Murray Rd and Tower St, as part of the Payne's Rd Precinct Structure Plan. The identified parcel of land which remains part of the road reserve is required for the construction of the Community Hub, the Road needs to be discontinued and a new title issued and consolidated with Council's adjoining land to enable Council to deliver the project.

At the Meeting of Council on 13 December 2021, Council resolved amongst other things to:

- a) remove the Road from Council's Register of Public Roads; and
- b) commence the statutory procedures to consider discontinuing the Roads and give notice pursuant to Section 115(4) of the *Local Government Act 2020*, and Council's Community Engagement Policy, of Council's intention to discontinue the Road and consolidate the land into the neighbouring lot at 121 Murray Rd, to facilitate Council's delivery of the Payne's Rd Community Hub in 2022.

A public notice was published in the Melton and Moorabool Star Weekly newspaper and on Council's website inviting submissions in relation to Council's intention to discontinue the Road with submissions closing at 5pm on 18 January 2022.

No submissions were received in response to the public notice and Council is now in a position to formally decide to discontinue the road.

2. Background/Issues

At the Meeting of Council on 13 December 2021, Council resolved to remove the Road from Council's Register of Public Roads on the basis that the Road is no longer reasonably required for general public use. Council also resolved to commence the process to discontinue the road which is required to consolidate the land into the neighbouring lot at 121 Murray Rd and facilitate Council's delivery of the Payne's Rd Community Hub.

It was proposed that Council discontinue the part of the road shown hatched on the plan (at Appendix 1), being part of the land contained in certificate of title volume 9829 folio 174 and on plan of subdivision (Road) LP204344V, comprising a total area of approximately 840 square metres, and known as part of Murray Road, Thornhill Park (the Road).

The section of road is no longer required due to the reconfiguration of the Thornhill Park Development.

Council has powers under section 17(4) of the *Road Management Act 2004* to remove roads from the Register if they are considered no longer reasonably required for public use.

In this instance, the Road:

- a) consisted of land allocated for the court head when Murray Rd was a cul-de-sac;
- b) the cul-de-sac was deconstructed when the road was upgraded to an urban connector road standard which now connects to Wiltshire Blvd;
- c) the part of Murray Rd to be discontinued was no longer required to provide vehicle access to property at 123 Murray Rd; and
- d) the land had been set aside for public use in the Payne's Rd Precinct Structure Plan (PSP) for the delivery of a community facilities.

In accordance with Section 115(4) of the *Local Government Act 2020*, and Council's Community Engagement Policy, a Public Notice was placed in the local newspaper and on Council's Website setting out Council's intention to discontinue the Road.

Submissions were open until 5pm on 18 January 2022. And no submissions were received in response to the public notice.

With all the necessary statutory processes undertaken, Council is now in a position to make a final decision as to whether or not to formally discontinue the Road.

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2021-2025 Council and Wellbeing Plan references:

5. A community that is actively engaged in the City

5.1 Deliberative engagement and communication with the community informs planning and decision making.

4. Financial Considerations

Council will bear its own costs as the proposal is for Council to retain the land following the road discontinuance. The associated expenses in advertising the public notice, and the fees for publication in the Government Gazette notice are included in the recurrent Legal, Governance & Risk budget. The surveyors cost in preparing the Gazette Plan have been included in the Capital Projects budget in connection with the delivery of the Payne's Rd Community Hub.

5. Consultation/Public Submissions

In accordance with Section 115(4) of the *Local Government Act 2020*, and Council's Community Engagement Policy, a Public Notice was placed in the local newspaper and on Council's Website setting out Council's intention to discontinue the Road.

Submissions were open until 5pm on 18 January 2022. No submissions were received in response to the public notice.

6. Risk Analysis

The discontinuance of the Road will facilitate Council's delivery of the Payne's Road Community Hub project and allow for key service delivery within the Thornhill Park Development. Council will bare its own costs. If the Road is not discontinued and the land not properly consolidated into the neighbouring lot owned by Council at 121 Murray Rd, this will impact Council's current plans to construct the community facilities in accordance with the design work that Council has already tendered.

7. Options

Council may:

1. Adopt the recommendation as set out; or
2. Decide not to discontinue the road and be required to redesign the Payne's Road Community Centre and suspend tendering for the construction works.

LIST OF APPENDICES

1. Gazettal Plan

12.6 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

Author: Bradley Dosser - Manager Legal, Governance & Risk
Presenter: Roslyn Wai - 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 - 6**.
 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. The composition of Advisory Committees for the 2020/21 municipal year was approved by Council at its Ordinary Meeting on 22 November 2021.

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
9 November 2021	Preventing Family Violence Advisory Committee	Appendix 1
24 November 2021	Intercultural Advisory Committee	Appendix 2
3 December 2021	Disability Advisory Committee	Appendix 3
7 December 2021	Safe City Advisory Committee	Appendix 4
7 December 2021	Reconciliation Advisory Committee	Appendix 5
25 January 2021	Youth Advisory Committee	Appendix 6

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2021-2025 Council and Wellbeing Plan references:

6. A high performing organisation that demonstrates civic leadership and organisational excellence

6.3 An organisation that demonstrates excellence in civic leadership and 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 being 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. Preventing Family Violence Advisory Committee Meeting Minutes - 9 November 2021
2. Intercultural Advisory Committee Meeting Minutes - 24 November 2021
3. Disability Advisory Committee Meeting Minutes - 3 December 2021
4. Safe City Advisory Committee Meeting Minutes - 7 December 2021
5. Reconciliation Advisory Committee Meeting Minutes - 7 December 2021
6. Youth Advisory Committee Meeting Minutes - 25 January 2022

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

Nil.

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 Appointment of Community Members to Semi-Annual and Club Caroline Springs Community Grants Assessment Panels

- (f) as it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

17.2 Contract No. 22/015 - Provision of Sanitary and Hygiene Services

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

17.3 Contract No. 22/031 - Provision of Advanced Waste Processing

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

17.4 Contract 21/066 - MacPherson Park Carpark Upgrade

- (g) as it relates to private commercial information, being information provided by a business, commercial or financial undertaking that—
 - (i) relates to trade secrets; or
 - (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