



MELTON CITY COUNCIL

Minutes of the Ordinary Meeting of the Melton City Council

2 March 2020

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MELTON CITY COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE
MELTON CITY COUNCIL
HELD IN THE BURNSIDE COMMUNITY HALL,
23 LEXINGTON DRIVE, BURNSIDE
ON 2 MARCH 2020 AT 7:00PM

Present: Cr L Carli (Mayor)
Cr S Abboushi (Deputy Mayor)
Cr K Hardy
Cr G Kesic
Cr K Majdlik
Cr S Ramsey
Cr Y Sebire
Cr B Turner

In Attendance: Mr K Tori, Chief Executive Officer
Mr P Bean, General Manager Corporate Services
Mr M Heaney, General Manager Community Services
Ms LJ Mellan, Acting General Manager Planning and Development
Mr B Baggio, Manager Planning Services
Ms K Barclay, Acting Manager City Design, Strategy and Environment
Mr S Rumoro, Manager Finance
Ms C Denyer, Manager Legal and Governance
Mr J Whitfield, Governance Coordinator
Ms E Haley, Communications Coordinator

1. OPENING PRAYER AND RECONCILIATION STATEMENT

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

2. APOLOGIES AND LEAVE OF ABSENCE

Cr M Mendes

3. CHANGES TO THE ORDER OF BUSINESS

Procedural Motion

Crs Ramsey/Abboushi.

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

CARRIED

The Mayor announced that Item 15.4, Notice of Motion 674 (Cr Kesic), will not be heard at this Ordinary Meeting of Council as it is a Rescission Motion and in accordance with the Council's Meeting Procedure Local Law 2013, a Rescission Motion cannot be considered at a meeting unless the number of Councillors in attendance at the meeting is at least equal to the number of Councillors in attendance when the resolution of Council was adopted.

This Rescission Motion will lay on the table and come back to the next Ordinary Council meeting.

It was noted that approximately 50 people were in the gallery at this point of the meeting and that Council apologised for any inconvenience in the deferment of consideration of Item 15.4.

4. DEPUTATIONS

Nil.

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

Nil.

6. ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on 3 February 2020 and Special Meeting of Council held on 17 February 2020 be confirmed as a true and correct record.

Motion

Crs Majdlik/Ramsey.

That the recommendation be adopted.

CARRIED

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

- 3 February 2020 Record of Assembly of Councillors
- 10 February 2020 Record of Assembly of Councillors
- 17 February 2020 Record of Assembly of Councillors
- 20 February 2020 Record of Assembly of Councillors
- 24 February 2020 Record of Assembly of Councillors

RECOMMENDATION:

That the Record of Assembly of Councillors dated 3, 10, 17, 20 and 24 February 2020 attached to this Agenda be received and noted.

Motion

Crs Majdlik/Kesic.

That the recommendation be adopted.

CARRIED

LIST OF APPENDICES

1. Record of Assembly of Councillors - dated 3 February 2020
2. Record of Assembly of Councillors - dated 10 February 2020
3. Record of Assembly of Councillors - dated 17 February 2020
4. Record of Assembly of Councillors - dated 20 February 2020
5. Record of Assembly of Councillors - dated 24 February 2020

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

- Graeme Emonson – Executive Director Local Government Victoria – Melton City Council's Advocacy Priorities.
- The Hon James Merlino MP – Deputy Premier, Minister for Education – Advocacy Priorities for the 2020-21 State Budget
- The Hon Gayle Tierney MP – Minister for Training and Skills and Minister for Higher Education – City of Melton's 2020-21 Victorian State Budget Submission.

RECOMMENDATION:

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

Motion

Crs Hardy/Abboushi.

That the recommendation be adopted.

CARRIED

LIST OF APPENDICES

1. Letter from Graeme Emonson - dated 30 January 2020
2. Letter from the Hon James Merlono MP - dated 10 February 2020
3. Letter from the Hon Gayle Tierney MP - dated 10 February 2020

9. PETITIONS AND JOINT LETTERS**9.1 PARKING TIME LIMIT – MELTON POST OFFICE AND VICINITY**

Cr Sebire tabled a petition from the Melton Post Office requesting that the parking time limit in the vicinity of the Post Office remain as two hours and not move to four hours as proposed.

The Petition contains 482 signatures.

9.2 ROAD SAFETY INFRASTRUCTURE ALONG LEXINGTON DRIVE, BURNSIDE

Cr Kesic tabled a petition requesting that Council install an additional two or more speed humps on Lexington Drive to increase safety around Burnside Community Centre and Burnside Primary School.

The Petition contains over 80 signatures.

9.3 PARKING TIME LIMITS - HIGH STREET, MELTON BETWEEN SMITH STREET AND PALMERSTON STREET

Cr Hardy tabled a petition on behalf of the Melton Dry Cleaners, Melton Lotto & TSG and their customers requesting more all day parking for the businesses on High Street, Melton between Smith Street and Palmerston Street behind High Street and short term parking on High Street for the customers.

The Petition contains over 300 signatures.

9.4 PERMIT APPLICATION No. DP2020/1/1 – 73 THE REGENCY, HILLSIDE

The Mayor, Cr Carli Turner tabled a petition from residents in Regency Estate objecting to Permit Application No. DP2020/1/1 – 73 The Regency, Hillside on a number of grounds.

The Petition contains 70 signatures.

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

Nil.

11. PUBLIC QUESTION TIME

Name	Question asked of Council
Cherie Ludlow	* Not in attendance.
Jak Yousif Toma	* Not in attendance.
Michelle Spiteri	<p><i>"In November 2019, council undertook traffic data counts of Troups Road South and Boundary Road.</i></p> <p><i>Since this time, I have made multiple requests, either by email or phone message for the results of these traffic counts and I still have not been notified of these figures.</i></p> <p><i>The sealing of Boundary Road from Hopkins Road through to Mount Cottrell Road has been frequently brought up by council to suggest that traffic on Troups Road South will reduce once this work has been completed.</i></p> <p><i>Remembering that there is no overpass at Mount Cottrell Road over the Western Highway and that the majority of traffic is servicing urban growth around Troups Road and avoiding traffic hotspots such as Hopkins Road, can council please elaborate on the traffic modelling and /or data collection that was completed to come to this conclusion and will the results of the last traffic count in Nov 2019 be shared ?"</i></p>
Michelle Spiteri	<p><i>"Given the increasing traffic volumes on Troups Road South and the dangers primarily associated with the unsealed surface and dust plumes created by vehicles, a reduction in the speed limit and NO OVERTAKING allowed along Troups Road South may minimize (not eliminate) the safety concerns many users of the road have.</i></p> <p><i>Will council commit to working with Vic Roads and the local residents on this matter so that drivers are made more aware of the need to slow down and not overtake when using Troups Road South ?</i></p> <p><i>NB. Substantial dash cam video evidence exists to substantiate these dusty and dangerous conditions."</i></p>
David O'Connor	* Not in attendance.

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

Procedural Motion

Crs Majdlik/Abboushi.

That the recommendations as printed in Items 12.1, 12.3 and 12.5 be adopted en bloc.

CARRIED

12. PRESENTATION OF STAFF REPORTS

12.1 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

Author: Rebecca Bartlett - Acting Governance Officer
Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

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

RECOMMENDATION:

That Council:

1. adopt the minutes of the Advisory Committee meeting at **Appendix 1 - 3**
2. adopt recommendations arising within the Minutes.

Motion

Crs Majdlik/Abboushi.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

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

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

2. Background/Issues

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

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

Councillor representation on Advisory Committees is generally for one year and is reviewed annually at the Statutory Meeting of Council. Councillor representation on current Council Committees and to other organisations for 2020 were adopted by Council at the Ordinary Meeting held 9 December 2019.

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

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

Meeting Date	Advisory Committee	Attached
30 January 2020	Early Years Partnership Committee	Appendix 1
11 February 2020	Arts and Culture Advisory Committee	Appendix 2
24 February 2020	Policy Review Panel	Appendix 3

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 30 January 2020
2. Arts and Culture Advisory Committee Meeting Minutes - dated 11 February 2020
3. Policy Review Panel Meeting Minutes - dated 24 February 2020

12.2 RESPONSE TO NOTICE OF MOTION 650 - POTENTIAL OPTIONS, COSTINGS AND BENEFITS OF A CARERS HUB IN THE CITY OF MELTON

Author: Anna Munro - Acting Coordinator Community Participation

Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To respond to Notice of Motion 650 (Cr Majdlik) carried at the 19 August 2019 Ordinary Meeting of Council.

RECOMMENDATION:

That:

1. Council proceed to develop a partnership with Carers Australia Vic to establish a Carers Hub (Neighbourhood House level) at 5 McKenzie Street, Melton for a 12 month trial period, subject to the formalisation of a licence agreement.
2. The staffing required to establish and operate the Carers Hub be provided and funded by Carers Australia Vic.
3. A further report be presented to Council, post the 12 month trial period.

Motion

Crs Majdlik/Ramsey.

That:

1. Council proceed to develop a partnership with Carers Australia Vic to establish a Carers Hub (Neighbourhood House level) at 5 McKenzie Street, Melton for a 12 month trial period, subject to the formalisation of a licence agreement.
2. The staffing required to establish and operate the Carers Hub be provided and funded by Carers Australia Vic.
3. A further report be presented to Council, post the 12 month trial period.
4. Carer Programs could be delivered throughout the municipality as per required.

CARRIED

REPORT

1. Executive Summary

At the 19 August 2019 Ordinary Meeting of Council, Council resolved via Notice of Motion 650 raised by Cr Majdlik:

That:

1. *the CEO, Mr Kelvin Tori, organise a briefing meeting for Councillors with Ms Stephanie Worsteling, General Manager Carer & Community Services at Carers Australia Victoria in relation to a potential Carers Hub being provided/located within the City of Melton; and*

2. *subsequently, a report be provided to an Ordinary Meeting of Council with potential options, costings and benefits of a Carers Hub to be provided/housed in the City of Melton.*

This report provides a response to Notice of Motion 650 and presents possible options, costings and benefits a Carers Hub would provide in the City of Melton.

2. Background/Issues

On 25 November 2019, Scott Walker, Chief Executive Officer, Carers Australia Vic attended a Council briefing to present on Carers Hub models and the opportunity to partner with the City of Melton. Carers Victoria are a peak body and a state wide voice for family carers, representing and providing support to carers in Victoria.

In 2015 it was determined that there was a need to provide additional supports for carers. The State Government in partnership with Bendigo Health, Sunraysia Carer Support group, Mildura Council and Carers Victoria developed a pilot program known as the Mildura Carer Blueprint. The Blueprint was developed by carers, service providers and Carers Victoria and provides the Sunraysia community with a five-year plan to enhance sustainable caring with the support of their community. A shop front was leased in Mildura in December 2017 and Carers Victoria coordinated the operations of the venue.

Council officers further engaged with Scott Walker, Chief Executive Officer, Carers Australia Vic on 5 February 2020 to discuss the following key points:

- Carers Australia Vic has been successful in a grant with the State Government to set up approximately 405 Carers Hubs using existing Neighbourhood Houses across Local Government in Victoria
- Carers Australia Vic will provide and fund a resource (to be determined).
- It is ultimately Councils decision in regards to how Council wishes to proceed with the establishment of a Carers Hub in the City of Melton
 - *Option 1:* Neighbourhood House level.
 - *Option 2:* Super hub. This model would operate five (5) days a week with a range of organisations working from the hub throughout the week.

Whichever the preference, Council would be required to provide a space or a facility.

A review of the existing Council facilities that could accommodate for a Carers Hub have been identified as follows:

- 5 McKenzie Street, Melton
- Morton Homestead, 7 Morton Blvd, Taylors Hill
- Fraser Rise Community Centre, 46 City Vista Court, Fraser Rise

In determining the above facility options, the following factors were taken into consideration:

- Current Council service delivery
- Density of existing Carer Support Groups in the municipality
- Proximity to public transport
- Accessibility
- Easy access to service providers and services
- Suitability of space requirements e.g. brochures, information, private space for counselling when required etc
- Available space provision

The establishment of a Carers Hub would provide Carers in the City of Melton with a range of opportunities that would benefit the community. These include but are not limited to:

- information provision
- collaboration and event coordination
- training and support for carers
- a place to meet, interact and feel safe
- personal assistance with NDIS and My Aged Care
- service provider referrals
- peer support
- counselling services
- respite service coordination

The table below provides the three (3) locations as identified above and the benefits that they each present.

Facility	Benefits
RECOMMENDED 5 McKenzie Street, Melton	Front of house reception established Larger spaces and availability Identified a higher density of Carer Support Groups in close vicinity Close proximity to public transport A transit lounge for the provision of information Complimentary services
Morton Homestead, 7 Morton Blvd, Taylors Hill	Smaller spaces and limited availability Identified a lower density of Carer Support Groups in close vicinity. Close proximity to public transport A foyer area for the provision of information Complimentary services
Fraser Rise Community Centre, 46 City Vista Court, Fraser Rise	Front of house reception established Larger spaces, although heavily utilised by community groups and functions Identified a lower density of Carer Support Groups in close vicinity. Close proximity to public transport A foyer area for the provision of information Limited complimentary services

Officers and Carers Australia Vic recommend the 5 McKenzie Street, Melton facility as the most suitable location for the establishment of a Carers Hub as the facility can cater for all services as outlined in this report and offers the greatest level of benefits for the City of Melton Carers community. Furthermore, Carers Australia Vic's preference is to establish a Carers Hub at a location that is not too close in proximity of existing Neighbourhood Houses

as a result of the recent grant attained by Carers Australia Vic, which will see the establishment of small Carer friendly hub's in each Local Government area.

The Carers Hub at the Neighbourhood House level will operate from the 5 McKenzie Street, Melton facility, with a review and an evaluation process to be conducted following the 12 month trial period. The 12 month trial period would take effect once Carers Australia Vic finalise a licence agreement with Council and commence service delivery.

3. Council and Wellbeing Plan Reference and Policy Reference

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives
1.3 Equitable, inclusive and accessible community and health infrastructure and services.

4. Financial Considerations

Carers Australia Vic will provide and fund a resource requirement (to be determined). Early conversations with Scott Walker, Chief Executive Officer, Carers Australia Vic indicates a two days per week model may be feasible.

5. Consultation/Public Submissions

Scott Walker, Chief Executive Officer presented at the Council briefing on 25 November 2019 and officers further engaged with Carers Australia Vic on 5 February 2020.

Further consultation will need to take place with Carers Australia Vic to identify requirements in establishing a Carers Hub and the necessary licence agreements

6. Risk Analysis

N/A.

7. Options

Council has the option to:

1. Endorse the Officers recommendations as presented in this report.
2. Not proceed with the recommendations as presented.

LIST OF APPENDICES

Nil

12.3 RESPONSE TO PETITION FOR LITTLE BLIND CREEK RESERVE (BLACK KNIGHT WAY RESERVE)

Author: Adrian Cope - Senior Open Space Planner

Presenter: Kate Barclay – Acting Manager City Design Strategy & Environment

PURPOSE OF REPORT

To respond to the petition tabled at the Ordinary Meeting of Council 3 February 2020 relating to the development of Little Blind Creek Reserve.

RECOMMENDATION:

That Council:

1. Note that the design and development of Black Knight Way Reserve is included in the 2021/22 Parks Development Program which will be considered by Council.
2. Refer the design and development of Little Blind Creek Linear Reserve to the 2021/22 capital works program
3. That Council write to the Lead Petitioner advising them of the decision.

Motion

Crs Majdlik/Abboushi.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The petition, signed by 56 people, was presented to Council at the Ordinary Meeting of Council 3 February 2020 referring to Little Blind Creek Reserve. As there is no asset on Council Asset Management System of this name, clarity was sought from the Lead Petitioner to determine what reserve the petition was referring to. The Lead Petitioner confirmed that the petition referred to Black Knight Way Reserve and Little Blind Creek Linear Reserve (Refer **Appendix 1**).

The reserves currently have limited development and were established in a period where minimal infrastructure was provided and development was expected to occur over time. An assessment of the reserves subject of the petition and investigation of previous documents relating to the reserves and surrounding residential developments has been undertaken. An assessment has determined that the embellishment and upgrade of Black Knight Way Reserve and Little Blind Creek Linear Reserve is warranted.

Black Knight Way reserve forms part of the subdivision and planning permit for Thoroughbred Estate. Developer Contributions were required under the Planning Permit to contribute funds towards the provision of community / social infrastructure directly required to

meet the needs of population growth from residential subdivision of the subject land. A Section 173 Agreement for the land was required under the Planning Permit.

Developer Contributions have been collected by Council. These funds have been expended on various community and social infrastructure with a remaining balance of approximately \$848,000 held in a reserve account in accordance with the requirements of the Planning Permit.

2. Background/Issues

This report is in response to a petition, signed by 56 people, tabled at the Ordinary Meeting of Council 3 February 2020 which states:

*Objective: Petition to develop Little Blind Creek Reserve Kurunjang (cr Rain Lover Drive, Delaray Court) like that of **Big Park** on Archer Drive.*

As the petition refers to the development of Little Blind Creek Reserve and there is no reserve of this name on Council's Asset system, clarification was sought from the lead petitioner in regards to the intended site and the intent of the petition.

The lead petitioner advised that the reference to Little Blind Creek Reserve was actually Black Knight Way Reserve, Kurunjang and the development refers to a similar level of embellishment to that in Archer Drive Reserve (Big Park), Kurunjang as well as the fencing of the east side of Little Blind Creek Linear Reserve (**Appendix 1**).

Black Knight Way Reserve is a 2.083 hectare reserve (RES1 Plan of Subdivision 524973L) bounded by Dalray Crescent, Black Knight Way and Rain Lover Drive and was created as a result of the development of the Thoroughbred Park estate. Little Blind Creek Linear Reserve is a series of properties that front Rain Lover Drive and The Embankment, Kurunjang. Council's asset management system classifies Black Knight Way Reserve as a local standard reserve.

Council's Open Space Plan 2016 defines that a local reserve is *intended to offer residents complementary open space to their backyards. They are likely to attract users from a small catchment area (about 400m radius) and generally cater for short visits by small groups.*

The Open Space Plan describes local passive open space as *providing a range of passive recreation activities in a predominantly informal setting. The sites can also contribute to the amenity and environmental values of the City.* Linear open space is described as *long and narrow interconnected open space that can contain natural creek lines and associated riparian vegetation. Linear reserves can also play an important secondary role providing cycle and pedestrian pathways, and values consistent with other open space categories.*

Both Black Knight Way Reserve and Little Blind Creek Linear Reserve were assessed as part of the *Parks and Reserve Site Assessment Report*, which was presented to the Ordinary Meeting of Council on 17 December 2013. The report provided a five year priority program of development across the municipality and neither Black Knight Way Reserve nor Little Blind Creek Linear Reserve were prioritised for inclusion in this program. The assessment of these reserves is attached as **Appendix 1**.

During 2019/20, local reserves across the municipality have been reassessed in a review of the 2013 report. This review has taken into account additional criteria in an effort to provide a more robust assessment. The criteria include consideration of the Socio- Economic Index for Areas (SEIFA) Index for the suburb and the number of residents that the open space provides a service to as well as the proximity of other areas of open space. In the case of Black Knight Way Reserve, the dependency of this reserve rates at 9 out of 10 as this has a catchment of 460 dwellings (1,390 residents) rather than the 330 dwellings (1,000 residents) identified in the Open Space Plan 2016.

This review, whilst not having been presented to Council, demonstrates that Black Knight Way Reserve has a high level of importance to the surrounding community and therefore

should provide recreational and social opportunities. As a consequence of this assessment, the site has been identified for design and development in the 2021/22 Parks Development Program as part of the three year capital works program. The 2021/22 capital work program will be considered by Council during the relevant budget period.

The development of the Thoroughbred Park estate has resulted in the generation of Development Contributions which are required for *the provision of community/social infrastructure directly required for the needs of population growth from residential subdivision of the subject land*.

Further, documentation from the Town Planning Services Coordinator to the Developer of the Thoroughbred Park estate, dated 14 January 2003, states that the Planning Permit requires the landscaping of reserves, which consists of levelling, grassing and nominal tree planting. Based on this documentation and associated permits and agreements, it is reasonable to expect that the further embellishment of open space would be undertaken over time by Council.

Developer Contributions have been collected by Council in accordance with the Planning Permit. These funds have been expended on various community and social infrastructure as per the agreement. However a balance of \$848,125.09 is held in a reserve account in accordance with the requirements of the Planning Permit.

Council's City Design team have developed a high level concept plan to determine the potential for improvements to be accommodated on the Black Knight Way reserve. There is adequate space available to install a range of facilities in the reserve including play, shelter, paths, furniture, and planting. As part of the *Parks Development Program* this concept plan has been developed to inform the three year capital works program and it is considered that the development contributions remaining for Thoroughbred Park would be sufficient to fund the development of the 2.083 hectare Black Knight Way to a local reserve level.

As noted above, the Black Knight Way reserve is included in the 2021/22 Parks Development Program but it could be brought forward to the 2020/21 capital works program utilising the developer contributions at no net cost to Council.

Little Blind Creek Linear Reserve is located adjacent to the former developments of Thoroughbred Park, Maree Court and Victoria Grove estates. It appears that the linear reserve was in Council ownership at the time of the Thoroughbred Park development and therefore did not form part of the planning permit. The linear reserve provides a drainage asset that services the surrounding areas.

In addition to the drainage function, like many of the linear reserves in the municipality, there is a trail function providing active recreational opportunities for the community. In this case there are clear connections from the Kurunjang to the Melton Shopping and Business District as well as opportunities to connect to the Kurunjang schools and Kurunjang Recreation Reserve.

The *Parks Development Program* does not include any works to Little Blind Creek Linear Reserve or the formalisation of the path on the eastern side of the linear reserve. The formalisation of this eastern path is not included in the *Paths Program* that sits in the capital works program. Therefore, additional budget allocation will be required to facilitate any works to Little Blind Creek Reserve and this could be referred to 2021/22 budget for consideration.

Turning to the request for vehicle exclusion fences raised through the Petition, a review of Council's GIS data and aerial imagery suggests that illegal access by vehicles is an issue. There is visual evidence of vehicle damage in aerial images of January 2013, November 2013, April 2015, October 2015, January 2016, October 2016, January 2017 and November 2017. Based on this evidence, the request for excluding vehicles from the reserve appears to be reasonable. The exclusion of vehicles along with embellishment of the reserve will most likely increase informal recreational activities and boost social connectedness with the

surrounding residents. These works would be included as part of any future development of the reserves.

Overall, based on the work undertaken to date, the development of both the reserves is warranted over the coming years. Their development and the benefits of improving these open spaces is consistent with the aims of the Council and Wellbeing Plan as well as the Open Space Plan goals.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

Development Contributions have been provided by the Developer of the Thoroughbred Park estate and the amount of \$848,125.09 is held within a Council reserve fund. The remaining developer contributions could be utilised to fund the upgrade of the reserve.

There is currently no budget allocated through any program in the three year capital works program for the upgrade of the Little Blind Creek Linear Reserve. This would require additional funding to be provided should it be referred to the capital works program for consideration within the next three years.

5. Consultation/Public Submissions

No consultation has been undertaken at this time.

Consultation will be undertaken with local residents to inform the detailed design as part of the delivery of any works at either reserve.

6. Risk Analysis

The risks associated with this are associated with the expectations of the community. The development of reserves in new estates across the municipality has seen a substantial increase in the standard of development.

Whilst Development Contributions have been provided by the Developer of the Thoroughbred Park estate, and are held in reserve, the increased community expectations may exceed the available funding. These expectation would have to be carefully managed during the design and delivery of the project to ensure it remains within budget.

The delivery of this project will be based on the approved budget and the project scope will be prioritised accordingly.

7. Options

Council has the option to:

- Not take any action and leave these reserves in an undeveloped state.
- Undertake development of the reserve in accordance with the *Parks Development Program* identified in the 2021/22 Capital Works Program and refer the Little Blind Creek Linear Reserve to the 2021/22 budget for consideration.

- Bring forward the development of Black Knight Way Reserve to the 2020/21 Parks Development Program utilising the developer contributions at no net cost to Council and refer the Little Blind Creek Linear Reserve to the 2021/22 budget for consideration.
- Bring forward the development of Black Knight Way Reserve to the 2020/21 Parks Development Program utilising the developer contributions at no net cost to Council and undertake no further works to Little Blind Creek Linear Reserve.

LIST OF APPENDICES

1. Reserve Assessments - dated 13 June 2013

12.4 RESPONSE TO PETITION - MELTON ROCKS

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

PURPOSE OF REPORT

To respond to the petition tabled at the Ordinary Meeting of Council held on 3 February 2020 by Melton Rocks requesting that Council review its decision to increase its hire costs for the Melton Community Hall for the group.

RECOMMENDATION:

That Council:

1. Note the report inclusive of actions taken by officers to resolve the matter.
2. Note the 30% fee reduction offered to the group.
3. Continue to work with the Melton Rocks with an intention to be an incorporated group.

Motion

Crs Turner/Ramsey.

That the recommendation be adopted.

CARRIED

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

For:

Crs Abboushi, Carli, Hardy, Kesic, Majdlik, Ramsey, Sebire and Turner

Against:

Nil

The Mayor declared the Motion CARRIED

REPORT

1. Executive Summary

At the 3 February 2020 Ordinary Meeting of Council a petition with approximately 160 signatures was tabled requesting that Council review its decision to increase its hire costs for the Melton Community Hall for this group.

The concerns raised in the petition have been investigated and subsequently officers have offered the user group an increased discount to the fee to hire the Melton Community Hall for their 2020 bookings.

2. Background/Issues

At the 3 February 2020 Ordinary Meeting of Council a petition with approximately 160 signatures was tabled requesting that Council review the hire fee offered to the user group for its 2020 bookings of the Melton Community Hall.

The petition followed communication with the group using the Melton Community Hall advising them of hire fees for their 2020 venue bookings. The group is unincorporated and therefore under Section 3 of Council's Community Facilities Access policy is classified as a commercial hirer. The fee offered to the group for their 2020 bookings of the Community Hall was the commercial rate a discount of 20%.

The 2020 fees for hiring the Melton Community Hall are in the following table.

Category	2019/2020 Fee
Community rate per hour before 5pm	\$53.50
Community rate per hour after 5pm	\$61.50
Commercial/Private rate per hour before 5pm	\$91.00
Commercial/Private rate per hour after 5pm	\$103.00

The 2020 fees have increased from 2018 - 2019 by 3.5%.

Applying the 20% discount to the Commercial/Private hourly rate meant that the group was offered a fee rate of \$72.80 per hour before 5pm and \$82.40 per hour after 5pm.

As a result of inquiries to Council officers and the subsequent petition to Council, officers have contacted the group and offered a discount rate of 30% which would make the new fee rate \$63.70 per hour before 5pm and \$72.10 per hour after 5pm. The group has considered the discounted rate offered and has declined the 30% reduction.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

4. Financial Considerations

The cost of applying the 30% discount rate to this group effectively provides an approximate \$30 per hour discount to their hire charges for use of the Community Hall, and brings the cost of their venue hire to within range of the Community rate charged to incorporated community groups.

5. Consultation/Public Submissions

This report is in response to a petition tabled at Council with approximately 160 signatures. Officers have had communications with representatives of the user group, and have been informed that the 30% reduction has been declined.

6. Risk Analysis

There is no risk identified in noting this report and the actions taken by officers to resolve this matter.

7. Options

Council has the option to:

1. Endorse the recommendation in this report, or
2. Require further action of this matter by officers.

LIST OF APPENDICES

Nil

12.5 FINANCE REPORT - PERIOD ENDED 31 DECEMBER 2019

Author: Sam Rumoro - Manager Finance

Presenter: Peter Bean - General Manager Corporate Services

PURPOSE OF REPORT

To present the 2019/2020 Finance Report for the 6 months ended 31 December 2019 (the Report).

RECOMMENDATION:

That the Council note the report.

Motion

Crs Majdlik/Abboushi.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

This monthly report compares 6 months ending 31 December 2019 YTD results with the profiled YTD approved budget for the same period.

2. Background/Issues

This Finance Report is being presented to Council to outline Council's financial position as at 31 December 2019. It is proposed that every three months a finance report will be presented to Council providing this level of information. Previously the Council finance report formed part of the minutes of the Municipal Audit Committee meeting. Section 138 of the Local Government Act specifies:

1. At least every 3 months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to the Council at a Council meeting which is open to the public.

Whilst compliance is achieved by presenting the report to the Audit Committee and then the minutes of that committee with the inclusion of the Finance report is presented to Council for its adoption, however it is considered appropriate that the Finance Report be presented separately. The 2019/2020 Finance Report for the 6 months ended 31 December 2019 was presented to Audit Committee at its meeting held on the 25 February 2020. At that meeting the Committee resolved that:

2. Council note that the Audit Committee reviewed the Report and that no further action is required.

Detailed analysis of the following financial information is outlined within this report:

The operating surplus for the December year to date (YTD) period was \$87.8 million. This compared with the profiled budgeted result of \$86.1 million resulted in a favourable variance of \$1.7 million. Overall expenditure was \$3.6 million favourable to budget due mainly to timing of administrative expenditure and a favourable variance in employee costs due to timing of filling vacancies. Revenue was unfavourable to budget by \$1.9 million due mainly to the Commonwealth Government bringing forward the payment of the 2019-20 financial assistance grants in June 2019.

The actual capital expenditure completed at the end of December was \$27.78m or 35.4% of the total Council capital expenditure forecast including carry forwards.

Council's total cash position at month end is \$239.2 million. This balance includes general and restricted investments representing carry forward expenditure, employee entitlements, and developer contributions received for future capital works. The working capital ratio for the YTD period is a healthy 1:6.8.

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

Council note the operating surplus/deficit for the December YTD period and other financial matters outlined in the attached report.

5. Consultation/Public Submissions

N/A.

6. Risk Analysis

Financial report provides transparency over the financial performance of Council and will ensure Council's continued compliance with the legislative requirements.

7. Options

The Council can:

1. Note the report as per the recommendation;
2. Request further information/clarification if deemed necessary.

LIST OF APPENDICES

1. 2019/2020 Finance Report - 6 months ended 31 December 2019

12.6 CITY VISTA SPORTS PRECINCT

Author: Adrian Cope - Senior Open Space Planner
Presenter: Kate Barclay – Acting Manager City Design Strategy & Environment

PURPOSE OF REPORT

To provide a report on the appropriate recreational use of the vacant land between the west and east car parks of the City Vista Sports Precinct.

RECOMMENDATION:

That Council:

1. Refer the detailed design of three multi-purpose courts to the 2020/2021 capital works program for consideration; and
2. Refer the construction of three multi-purpose courts to the 2021/2022 capital works program for consideration.

Motion

Crs Majdlik/Kesic.

That Council officers:

1. Further consult and engage with residents and relevant stakeholders to potentially explore and/or include an option of a fully constructed multi-purpose synthetic surface/facility at the site;
2. Refer an amount for the detailed design to the 2020/2021 capital works program for consideration; and
2. Refer the construction of the project to the 2021/2022 capital works program for Council's consideration.

CARRIED

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

For:

Crs Abboushi, Carli, Hardy, Kesic, Majdlik, Ramsey, Sebire and Turner

Against:

Nil

The Mayor declared the Motion CARRIED

REPORT

1. Executive Summary

This report is prepared in response to point three of a Resolution of Council at its Ordinary Meeting of 3 February 2020 being:

Undertake further investigation to determine and cost the most appropriate recreation use for the vacant area of land between the West and east carparks (refer Appendix 1) and provide a report back to the March Ordinary Council Meeting.

This resolution relates to a response to Notice of Motion 663 (Cr Majdlik) which states that Council Officers:

- *Prepare a report to be brought back to Council outlining all the outstanding elements to finalise and complete the City Vista precinct including the upgrade of the City Vista play area.*
- *Include in the report the costings for each element/area and include indication of timing for each of the elements to be completed (i.e. where they are on the Capital Works program list); and*
- *Also bring the report with all outstanding elements to the next Councillor Budget meeting for determination.*

The area between the east and west carparks in the City Vista Sports Precinct has been assessed and a range of options considered. The assessment included a review of the masterplan for the site (Refer **Appendix 1**), the Taylors Hill West Precinct Structure Plan and the Open Space Plan 2016.

Preliminary consultation has occurred with Springside West Secondary College and the Caroline Springs George Cross Football Club. Broader consultation is to occur with the community in regards to this proposal and the development of passive space in the southwest of the reserve, and the use and development of this space will be included in this consultation.

The recommended use of the site is for multi-purpose which complements the use of the broader recreation reserve. There is a requirement to undertake further works including surveys and consultation to prepare detailed designs and costings for the three courts prior to any budget being allocated for construction. It is therefore recommended that the detailed design for the project be referred to the 2020/21 budget with the construction referred to the 2021/22 budget for consideration.

2. Background/Issues

This report is prepared in response to a Resolution of Council at its Ordinary Meeting of 3 February 2020. The resolution was in response to Notice of Motion 663 (Cr Majdlik) which states that Council officers:

- *Prepare a report to be brought back to Council outlining all the outstanding elements to finalise and complete the City Vista precinct including the upgrade of the City Vista play area.*
- *Include in the report the costings for each element/area and include indication of timing for each of the elements to be completed (i.e. where they are on the Capital Works program list); and*
- *Also bring the report with all outstanding elements to the next Councillor Budget meeting for determination.*

Officer prepared a report in response to Notice of Motion 663 (Cr Majdlik), which was presented to Council at the Ordinary Meeting 3 February 2020. At this meeting Council resolved to:

1. *Note this report particularly the inclusion of the upgrade to Orbis Avenue Reserve as a project within the Parks Development Program which is to be considered in the draft 2020/21 budget; and*

2. *Refer the completion of the path network to the 2020/21 capital works program for consideration.*
3. *Undertake further investigation to determine and cost the most appropriate recreation use for the vacant area of land between the West and east carparks (refer Appendix 1) and provide a report back to the March Ordinary Council Meeting.*
4. *Undertake a review of car parking needs at the site through a review of the Traffic Management Assessment of the precinct.*
5. *Review the masterplan and undertake further consultation to the park and vacant areas.*
6. *Have Item numbers 3. and 4. above considered at the 2020/21 Budget deliberations.*

This report provides a response to point three above which required a report to be presented back to Council.

The masterplan for the sports precinct was developed in 2016, identifying two areas between the two car parks (**Appendix 1**). The first area of 60 x 33 metres was identified as a series of four multi-purpose courts and the second area of 45 x 25 metres was identified for a futsal court. The total area available between the two car parks was proposed to be approximately 100 x 55 metres.

The subsequent development of the car parks during the construction of the sports facility has seen the available area reduced to 48 x 55 metres.

A review of the Taylors Hill Precinct Structure Plan (PSP) does not provide any guidance on the development or use of the space. The Open Space Plan identifies a need to provide for informal / unstructured recreational opportunities.

Analysis of the area for formal activities such as futsal, basketball and netball has been undertaken to inform the recommendations of this report. The area required for a competition standard futsal court is a length of 38-42 metres and a width of 18-22 metres. The available space would allow two courts at the maximum dimensions. It is noted that the area for a basketball court is substantially smaller at 28 metres x 15 metres and netball is 30.5 metres x 15.25 metres.

Space for formal / structured activities such as football (soccer), futsal, basketball and netball are already adequately provided at specific venues including the adjacent football (soccer) venue and the nearby Caroline Springs Indoor Recreation Centre which is used for futsal, basketball and netball.

The provision of dedicated futsal, basketball or netball courts limits the usage by larger numbers of users. It is considered that the development of the site into three multi-purpose courts that could accommodate futsal and basketball goals or six smaller courts (12m x 20m) allows for use by multiple groups for either futsal or basketball and results in the available space being used more effectively.

The purpose of a multi-purpose court is to provide a range of informal recreational opportunities and not necessarily to provide sporting facilities for any particular sport. The typical dimensions of the courts that have been provided in the municipality are 15 metres x 28 metres which is in line with the dimensions of a basketball court.

The provision of multi-purpose courts is needed in larger reserves and have been delivered in areas such as the Archer Drive Reserve in Kurunjang, and the Aintree Recreation Reserve in Aintree.

Preliminary consultation with both the Caroline Springs George Cross Football Club and Springside West Secondary College was met with a positive response in regards to the potential development of this area into multi-purpose courts. Noting that the courts will be a Council facility and are not part of any lease or joint use agreement with the Football Club or Secondary College respectively.

The options available given the space constraints are to install six fenced multi-purpose courts of 12 m x 20 m or three fenced multi-purpose courts of 15 m x 28 m. Officers preferred option is for three larger multi-purpose courts.

There is a requirement to undertake further works including surveys and consultation to prepare detailed designs and costings for the three courts prior to any budget being allocated for construction. It is therefore recommended that the detailed design for the project be referred to the 2020/21 budget with the construction referred to the 2021/22 budget for consideration.

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

3.3 Public spaces that are vibrant and engaging places for all.

4. Financial Considerations

The estimate for the development of the site into a six court facility is \$668,000. This comprises \$103,000 per unit (court) plus associated landscaping and seating. The estimate for this project to deliver 3 multi-purpose courts is \$623,000 comprising \$191,000 per unit (court) plus associated seating and landscaping is \$623,000.

This is an estimate only based on a desktop assessment and limited consultation. As noted above, it is recommended that the detailed design and costing of the three multi-courts be referred to the 2020/21 budget. Following completion of this work, officers would be in a position to provide Council with accurate costs for the construction of the courts, which could be referred to the 2021/22 budget for delivery.

5. Consultation/Public Submissions

Consultation was undertaken at the time of development of the masterplan for the sports precinct.

Further consultation on the courts could be undertaken in conjunction with the development of the passive space at the southwest section of the precinct (Orbis Avenue Reserve) subject to budget approval.

6. Risk Analysis

There is a risk in referring the construction of the courts to the 2020/21 budget on the basis of this report as the cost estimates are based on a high level consideration of the site and therefore may not be sufficient to fully deliver the project. To mitigate this risk, it is recommended that the project to split over two financial years with the detailed design referred to the 2020/21 budget for consideration and the construction of the facility to the 2021/22 budget for consideration.

The risks associated with this proposal are associated with the ongoing use and maintenance of the site. This risk is mitigated by an audit program that is undertaken with recreational assets.

7. Options

Council has the option to:

1. Leave the area undeveloped.

2. Refer the detailed design of three 15 m x 28 m multi-purpose courts to the 2020/21 capital works program and the construction of the courts to the 2021/22.
3. Refer the detailed design six 12 m x 20 m multi-purpose courts to the 2020/21 capital works program and the construction of the courts to the 2021/22.
4. Refer the construction of three 15 m x 28 m multi-purpose courts to the 2020/21 capital works program.
5. Refer the construction six 12 m x 20 m multi-purpose courts to the 2020/21 capital works program.

LIST OF APPENDICES

1. City Vista Sports Precinct: Option 2 - dated 8 May 2016

Cr Kesic left the Chamber at 7:47pm.

Cr Kesic returned to the Chamber at 7:49pm.

12.7 PLANNING APPLICATION PA 2019/6826 - USE OF AN EXISTING BUILDING FOR THE PURPOSES OF A PLACE OF ASSEMBLY AT 5/85-91 HIGH STREET, MELTON

Author: Sav Koletas - Statutory Planner

Presenter: Bob Baggio - Manager Planning Services

PURPOSE OF REPORT

To consider and determine the above planning application.

RECOMMENDATION:

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

Motion

Crs Abboushi/Majdlik.

That Council resolve to issue a Notice of Decision to Grant a Planning Permit subject to the following conditions:

1. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. The use may operate only between the hours of:
 - (a) Monday to Friday: 5:30pm to 9:00pm.
 - (b) Sundays: 10:30am to 12:30pm and 2:30pm to 5:30pm.These hours must not be modified without the prior written consent of the Responsible Authority.
3. The number of people on the premises at any one time must not exceed 50 without the further written consent of the Responsible Authority.
4. All pedestrian access to building shall be designed and constructed to comply with the Disability Discrimination Act 1992.
5. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
6. Unless no planning permit is required under Clause 52.05-8 (Category 2) of the Melton Planning Scheme, no advertising signs shall be constructed or displayed without a further planning permit.
7. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

8. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.
9. The use hereby approved must not unreasonably affect the amenity of the area, including through the:
 - (a) Transport of materials, goods or commodities to or from the land.
 - (b) Appearance of any building, works or materials.
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - (d) Presence of vermin.
 - (e) Hours of operation.
10. The use of the land for the purpose of a Place of Assembly must cease within two years from the date of this permit without the written consent of the Responsible Authority.

Notes**Building**

- The building must comply with the Building Regulations and the Building Code of Australia.

LOST

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

For:

Crs Abboushi, Kesic and Majdlik

Against:

Crs Carli, Hardy, Ramsey, Sebire and Turner

The Mayor declared the Motion LOST

Motion

Crs Ramsey/Hardy.

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

CARRIED

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

For:

Crs Carli, Hardy, Ramsey, Sebire and Turner

Against:

Crs Abboushi, Kesic and Majdlik

The Mayor declared the Motion CARRIED

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

Applicant:	Kingdom Life Ministries Int.
Proposal:	Place of Assembly
Existing Land Use:	Vacant Warehouse
Zone:	Industrial 1 Zone
Overlays:	N/A
Number of Objections:	Nine
Key Planning Issues:	<ul style="list-style-type: none"> • Suitability of the use • Traffic safety and access • Car Parking • Amenity of surrounding land uses
Recommendation:	Refuse the application

The Land and Surrounding Area

The subject land is described as Lot 5 on SP 32932Q, Warehouse 5 of 85-91 High Street, Melton. The subject land comprises of approximately 208sqm and contains an existing warehouse as part of a larger eight-warehouse development on the parent lot. Warehouse 5 is situated to the rear of the parent lot and is accessed by the common property (driveway).

The subject land is located within the Melton Industrial Park, on the southern side of High Street and features direct access to the wider arterial network, public transport services and is within proximity of the Melton Town Centre and associated commercial and residential precincts. The subject land is accessed directly via Norton Drive, which exists as a service lane to High Street.

Please refer to **Appendix 1** and **2** for a locality plan and the layout plan respectively.

The Application

The current application proposes to use the subject land for the purpose of a Place of Assembly, and the cover letter submitted with the application included the following details:

Purpose:	The premises will be used as a church and community building.
Patron Numbers:	A maximum of 50 people including staff.
Hours of Operation:	Weekdays: 5:30pm to 9:00pm. Sundays: 10:30am to 12:30pm and 2:30pm to 5:30pm.
Car Parking:	The parent lot includes 28 individual car parking spaces, no dispensation is sought.
Other Details:	<p>The applicant has stated that consent has been granted by adjacent tenants and landowners to use their allocated car parking spaces outside of standard business hours.</p> <p>Approximately 30 adults and 15 children will utilise the premises at any one time.</p> <p>Adequate seating and associated furniture is provided and will not cause detriment to the amenity of patrons.</p>

Documents submitted to support the proposal included the following:

- Covering Letter – dated 29 October 2019.

The use currently operates as a Place of Assembly in accordance with the aforementioned proposal details. This application seeks to legitimise the use.

A Request for Further Information was sent to the applicant on 29 November 2019, requesting a copy of a layout plan and photographs illustrating the proposed layout of the use. The following were submitted on 13 December 2019.

- Layout plan of the proposed use internal to the premises.
- Photographs of the proposed use internal to the premises.

Planning Controls

The land subject to this planning application is located within the Industrial 1 Zone under the jurisdiction of the Melton Planning Scheme, and is not subject to any schedule variations or planning overlay controls.

Pursuant to Clause 33.01-1 (*Industrial 1 Zone – Table of Uses*), a planning permit is required to use the land for the purpose of a Place of Assembly.

Aboriginal Cultural Heritage Sensitivity

The subject land is not within an area of Cultural Heritage Sensitivity, therefore the preparation of a Cultural Heritage Management Plan was not required.

Certificate of Title

The Certificate of Title (Volume 10958 / Folio 467) does not indicate the presence of any restrictive covenants, Section 173 Agreements or other encumbrances.

Planning Policy Framework

Zone	Industrial 1 Zone
Planning Policy Framework	11.02-1S. Supply of Urban Land 17.03-1S. Industrial Land Supply
Local Planning Policy Framework	21.09. Economic Development
Overlays	N/A
Particular Provisions	52.06. Car Parking
General Provisions	N/A

Planning Assessment

A recommendation to refuse the application is based on an assessment against the requirements of the Melton Planning Scheme and consideration of written objections.

Planning Policy

Council has in recent years experienced an increase in the number of non-industrial uses wanting to operate in industrial areas. These include uses such as places of worship, dance schools, gymnasiums and the like.

Often these uses can be appropriate where located on a lot which is large enough to accommodate the use and development, including providing opportunities for further expansion. In some cases, however, particularly where the use is located in the tenancy of a multi-tenanted site, conflict can result with existing industrial uses.

Further from a local planning policy perspective, the Planning Scheme requires that Council:

“Avoid non-industrial uses on industrial land that will compromise the viability of the area for industrial use”.

A full assessment of the proposal against the Planning Scheme can be seen in **Appendix 3**.

2. Council and Wellbeing Plan Reference and Policy Reference

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

1. A Proud, Inclusive and Safe Community:

1.2.1. *Promote a sense of safety in all settings and among all people.*

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 completed in accordance with the statutory requirements and nine objections were received.

The relevant grounds of objection can be summarised as follows:

- Suitability of the land for a Place of Assembly within an active Industrial area with adjacent businesses including mechanical garages, an adult sex product store and uses with dangerous machinery such as welding and fabricating.
- Excessive number of patrons attending the premises (up to 200 patrons at times).
- Unsupervised children roaming into nearby workplaces, causing safety concerns and risks.
- Concerns about inadequate car parking provision and traffic concerns with the overflow of vehicles contained within the parent lot at times of operation.
- Impact on the amenity of the area by excessive noise, rubbish and people contained within the immediate area.
- Concerns about insurance and financial cover accidental damages occur to unsupervised children, or to vehicles parked in the common property due to existing businesses operating in the area.

No response was provided by the applicant to address these concerns.

See **Appendix 4** for a complete list of responses.

Referral of the application

The application was referred to the following internal departments for commentary:

- Engineering Services Department – no objections received.
- Traffic and Transport Services Department – no objections received.

5. Issues

The primary issue highlighted within this application is the suitability of the proposed use within an existing Industrial complex. It is considered that the proposed Place of Assembly is not consistent with the relevant requirements of the Melton Planning Scheme with regard to Industrial zoning and land use, and this is reinforced by several key concerns raised by neighbouring land owners and occupiers submitted within their objections.

It is clear that there is conflicting information in comparing the description of the proposal submitted by the applicant, and the information submitted by objectors. Firstly, the applicant has stated that average patron numbers are approximately 45 people, with some minor variance, whereby 15 of these patrons are children. Several objections include details that the actual patron number is far exceeding this amount, with up to 200 patrons attending the premises on some occasions. Similarly, the applicant has stated that arrangements have been made with adjacent tenancies to use their allocated car parking spaces during busy periods, however the objector's comments state that this is not the case, and no efforts have been made by the applicant in this regard.

As stated in Appendix 4, every objector has raised a concern of children roaming around the subject land unsupervised, and these children have found their way inside tenancies with hazardous operations such as mechanical works and engineering, as well as onto High Street. It is considered that an industrial complex is no place for children to be roaming unsupervised and it could lead to potential safety risks, public liability risks and operational health and safety enforcement.

It is considered that the Place of Assembly proposed on the subject land should not be approved, as it would result in an adverse land use with several potential risks to health, safety and also would lead to further conflict between adjacent industries.

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, Clause 52.06 and 65 of the Melton Planning Scheme.

It is considered that the proposal does not comply with the relevant requirements of the Planning Scheme and would result in material detriment to the existing context of the immediate area.

Therefore, it is recommended that the application is refused subject to the grounds stated in **Appendix 5**.

LIST OF APPENDICES

1. Locality Plan - dated 2 February 2020
2. Internal Layout Plan - undated
3. Assessment against the Planning Scheme - undated
4. Response to Objections - undated
5. Grounds of Refusal - undated

The Mayor, Cr Carli, vacated the Chair at 8:19pm.

The Deputy Mayor, Cr Abboushi took the Chair.

12.8 PLANNING APPLICATION PA 2019/6648 - USE OF THE LAND FOR THE PURPOSE OF A FUNCTION CENTRE AND GROUP ACCOMMODATION AT 2389 DIGGERS REST-COIMADAI ROAD, TOOLERN VALE

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

PURPOSE OF REPORT

To consider and determine the above planning application.

RECOMMENDATION:

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

Motion

Crs Carli/Ramsey.

That Council issue a Notice of Refusal to Grant a Permit on the following grounds:

1. The proposal is inconsistent with the purpose of the Green Wedge Zone, which seeks to encourage the use and development of land for sustainable land management practices.
2. The proposal has not demonstrated that the function centre and group accommodation will be used in conjunction with agriculture as required by Clause 64.02 of the Melton Planning Scheme via an essential association between the two uses and a genuine, close and continuing functional relationship in its operation with the agricultural use.
3. The proposed uses has potential to detrimentally affect the amenity of surrounding residents by increased traffic and noise which is inconsistent with a rural environment.
4. The proposed uses are considered inappropriate due to the presence of large numbers of people in an area which is susceptible to bush fire.

CARRIED

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

For:

Crs Abboushi, Carli, Majdlik, Ramsey, Sebire and Turner

Against:

Crs Hardy and Kesic

The Mayor declared the Motion **CARRIED**

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

Applicant:	Tomkinson Group
Proposal:	Function Centre and Group Accommodation
Existing Land Use:	Equine related business
Zone:	Part Green Wedge and Part Rural Conservation
Overlays:	Bushfire Management Heritage Overlay (Schedule 19) Environmental Significance (Schedules 1 and 2)
Number of Objections/Support:	Nine submissions in total <ul style="list-style-type: none"> • Seven objections • Two submissions in support
Key Planning Issues:	<ul style="list-style-type: none"> • Characterisation of the proposed uses • Strategic support • Car parking • Unreasonable amenity impacts including increased traffic, noise from the proposed use and vehicle noise • Vehicle access and movements • Consistency with the Western Plains North Green Wedge Management Plan • Environmental considerations • Bushfire management
Recommendation:	Approve the application

The Land and Surrounding Area

The subject land is a significant land parcel of 278.6 hectares which is located on the south side of Diggers Rest-Coimadai Road in Toolern Vale. The land holding is known as Cornwall Park an historically significant rural property dating back to the late 1890's, essentially emerging from the breakup of large pastoral land which occurred at that time.

The property includes a large homestead built in 1897 before its late - 20th century conversion into a Horse Stud. It also contains a range of other buildings (including a number of dwellings) and structures associated with the previous stud farm and training complex uses. Currently the land is used for a range of uses, including horse agistment, and uses which are unauthorised, such as glamping and function centre.

The Djerriwarrh Creek forms the western boundary of the property and contains significant remnant woodland and riparian vegetation. The remainder of the property is largely cleared of vegetation, although scattered trees (mix of native and non-native) can be found throughout the property around the buildings on - site, and along drainage lines (such as around dams and fence lines).

The property access is via the existing crossovers addressing the Diggers Rest - Coimadai Road. The land has access to reticulated water, power and telecommunications, as well as a recycled water pipeline (Sunbury Melton Recycled Water Scheme).

The land to the north, east and south of the subject land includes a mix of Green Wedge Zone (to the east and south), Rural conservation Zone (to the north and along Djerriwarrh Creek) and Farming Zone (to the west) in the Shire of Moorabool.

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

Planning History

Following is a list of planning permits that have been issued by Council in recent years:

Permit Number	Permit Allows	Date issued
PA2015/4891	Seven lot staged subdivision	21 November 2017
PA2018/6211	Earthworks involving regrading and placement of clean fill on the land	21 March 2019
PA2018/6434	Building and Works to a building affected by a Heritage Overlay control	25 February 2019
PA2019/6601	Use and development of the land for the purpose of a market	13 August 2019

A number of other permits have been issued relating to previous uses, however these uses have since ceased and any existing use rights have also been extinguished.

It is worth noting that the portion of the land that the proposed uses will be carried out is the northern part of Lot 7 that form part of Planning Permit PA2015/4891.

Refer to **Appendix 2** for the subdivision plan approved under Planning Permit PA2015/4891 and schedule of existing buildings on the land.

The Application

The application essentially seeks to legitimise the use of a large building on the site as a function centre and to use most of the existing dwellings for group accommodation.

The proposed uses will be carried out on the northern part of proposed Lot 7. Lot 7 is 76.81 hectares in size, irregularly shaped and contains most of the existing buildings.

The proposal is in two parts:

- To use Building 13 for the purpose of a function centre. Proposed events and functions are likely to include but not limited to public and private events, horse auctions, weddings, community meetings, birthday parties, workshops, and trade shows; and
- To use six buildings namely Building 3, 5, 6, 7, 17 and 19 for the purpose of group accommodation for the accommodation of visitors associated with the function centre and equine use of the land.

The total number of patrons attending any events or functions will not exceed 150 persons at any one time. The hours of operation for the proposed function centre will be 9am to 11pm (Monday - Sunday).

No work is required to any of the buildings as part of this application.

The maximum length of stay is difficult to determine. It may be for two nights for a wedding event associated with the function centre, or potentially longer associated with the equine use of the property i.e. trainer coming to work specifically with a particular horse. External cleaning services will be used after the guests have checked out from their respective accommodation, i.e. sheets will be changed, dwellings cleaned etc.

The submitted plans show indicative areas that can be used for car parking along the main accessway and in proximity to the function centre. It should be noted that in any event, significant areas are available for overflow car parking.

A Bushfire Emergency Management Plan will be prepared for the operation of the activities on the subject site in response to bushfire risks. The management plan will assess the risk

on High, Very High, Extreme and Code Red fire danger days and provide appropriate recommendations.

Refer to **Appendix 3** for plans of the proposal

Planning Controls

Zone	Clause 35.04-1 – Green Wedge Zone	Permit required for a function centre.
	Clause 35.06-1- Rural Conservation Zone	Permit required for a group accommodation.
Overlays	Clause 42.01 – Environmental Significance Overlay Schedule 1	No permit is required as the proposed use will be carried out in the existing buildings on the land.
	Clause 44.06 – Bushfire Management Overlay	No permit is required as the proposed use will be carried out in the existing buildings on the land.
Particular Provisions	Clause 52.06 – Car Parking	Place of assembly - 0.3 to each patron permitted. Group accommodation use of the land is not specified in Table 1 of Clause 52.06-5. In accordance with Clause 52.06-6 the car parking spaces provided for the group accommodation component of this application must be to the satisfaction of the Responsible Authority.

Planning Policies	Clause 11 – Settlement
	Clause 11.01-1R - Green Wedges – Metropolitan Melbourne
	Clause 11.01-1R - Settlement – Metropolitan Melbourne
	Clause 12.01-1S - Protection of Biodiversity
	Clause 12.01-2S - Native Vegetation Management
	Clause 13.02-1S - Bushfire Planning
	Clause 13.07-1S - Land Use Compatibility
	Clause 14.01-1S - Protection of Agricultural Land
	Clause 14.01-1R - Protection of Agricultural Land – Metropolitan Melbourne
	Clause 17.02-1S – Business
	Clause 17.07-1S – Facilitating Tourism
	Clause 18.02-4S - Car Parking
Local Planning Policies	Clause 21.02-3 - Non – Urban Land
	Clause 21.03-1.2 - Environment and Landscape Character
	Clause 21.05-1 - Agriculture

	Clause 21.09-1 – Economic Growth
	Clause 21.09-4 - Tourism
Zone	Clause 35.04 – Green Wedge Zone
	Clause 35.06 – Rural Conservation Zone
	Clause 36.01 – Public Use Zone 1 (Service & Utility)
Overlays	Clause 42.01 – Environmental Significance Overlay 1 and 2
	Clause 43.01 – Heritage Overlay (HO19)
	Clause 44.06 – Bushfire Management Overlay
Particular Provisions	Clause 51.02 - Metropolitan Green Wedge Land: Core Planning Provisions
	Clause 52.06 - Car Parking
	Clause 52.17 - Native Vegetation
	Clause 53.02 – Bushfire Planning
General Provisions	Clause 64.01 - Land Used For More Than One Use
	Clause 64.02 - Land Used In Conjunction With Another Use
	Clause 65 - Decision Guidelines
	Clause 71.03-2 - Section 2 uses

Refer to **Appendix 4** for relevant Planning Policy provisions

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

Is the land of Cultural Heritage Sensitivity?

The land is considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*. A cultural heritage management is not required as the proposed group accommodation is not a high impact activity and the activity area for the proposed function centre has been subject to significant ground disturbance.

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 a total of 9 submissions were received (seven objections and two submissions in support of the application).

The grounds of objection may be summarised as follows:

- Lack of clarity of the proposed uses.

- The proposed uses are not appropriate in rural areas.
- Unreasonable amenity impacts including increased traffic, noise from the proposed use and vehicle noise and light spill.
- Vehicle entry into the subject site from Cornwall Park Court.

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

Referral of the application

The application was referred to a number of Council Departments for comment and advice. The application was also required to be referred to VicRoads and the CFA. There was no objection to the proposal subject to the appropriate conditions being addressed.

A complete list of responses is included in **Appendix 5**.

5. Issues

Planning Assessment

Having considered the objections, applicable provisions and policies within the Melton Planning Scheme, and adopted Council's Strategies and Guidelines, the application subject to appropriate conditions warrants the granting of a permit.

In considering this application, it is considered that the main planning issues relates to:

- Characterisation of uses
- Strategic Support
- Are the proposed uses prohibited?
- Car Parking
- Unreasonable amenity impacts including increased traffic, noise from the proposed use and vehicle noise
- Vehicle access and movements\
- Is the proposal consistent with the adopted Western Plains North Green Wedge Management Plan?
- Environmental considerations
- Bushfire Management

Characterisation of uses

The residents has raised concerns about the lack of clarity of the proposed uses. What is being proposed is to use some of the existing buildings on the land associated with an equine business for the purpose of a group accommodation and function centre.

The use of the land for the purpose of a group accommodation will occur in six buildings located in the part of the land that is within the RCZ. Group accommodation is defined under Clause 73.03 as "land, in one ownership, containing a number of dwellings used to accommodate persons away from their normal place of residence." Each of the buildings will provide the necessary facilities to accommodate persons visiting Cornwall Park and the land is in one ownership. Therefore, the proposed group accommodation complies with the definition under Clause 73.03 of the Melton Planning Scheme. Having considered the definition of group accommodation it is evident that the buildings must only be used for temporary accommodation and not as a normal place of residence. Therefore, any permit issued must contain conditions that will ensure that the buildings must be for short term stay and not for permanent residence.

The use of Building 13 for the purpose of a function centre in the GWZ is limited to 150 patrons at any time. Function centre is defined as "land used, by arrangement, to cater for conferences, private functions, and in which food and drink may be served. It may include entertainment and dancing. This includes reception centre and included in the place of

assembly group.” It is considered that the events and activities proposed complies with the definition of a function centre under Clause 73.03 of the Melton Planning Scheme.

Strategic Support

Some of the objectors took issue with the proposal and whether it was appropriate in a rural area. The Melton Planning Scheme includes policy that seeks to recognize and protect rural land for its agriculture, environmental and landscape values. It also includes policy that encourages tourism uses including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities. Clause 21.09-4 includes strategies that seek to support small scale tourism uses in Toolern Vale Hills. The ability for Cornwall Park to be used as a function centre will enable the property to continue to contribute to the rural economy consequently, promoting tourism opportunities. The purpose of the group accommodation is to provide accommodation to people who would not otherwise get an opportunity to visit that section of Toolern Vale.

Furthermore, the land owner hopes that the proposed uses will facilitate an increase in equine visitors and the revival of Cornwall Park. The long standing agricultural related activities and equine uses across the rest of the property will continue. Therefore, it is considered that what is proposed in this application are uses that are compatible with the zoning of the land and the relevant policy within the scheme.

Are the proposed uses prohibited?

Some of the objectors contend that the existing use for agistment, proposed function centre and group accommodation are not related to agriculture and therefore, the proposed uses are prohibited. According to Clause 73.04-2 of the Melton Planning Scheme “land used to keep, breed, board or train horses are included in the term agriculture. Therefore the use of the land for agistment is related to agriculture.

The Melton Planning Scheme contains provisions that provides guidance as it relates to prohibited uses. Clause 51.02-2 provides that a function centre and group accommodation is prohibited unless certain conditions are met. The conditions includes that uses such as function centre and group accommodation must be ‘in conjunction with’ agriculture, natural systems, outdoor recreation facility, rural industry or winery. Furthermore, Clause 64.02 of the Melton Planning Scheme contains a provision regarding interpretation of provisions that require a use to be in ‘conjunction’ with another use. Clause 64.02 of the scheme provides that “If a provision of this scheme provides that a use of land must be used ‘in conjunction with’ another use of the land:

1. There must be an essential association between the two uses; and
2. The use must have a genuine, close and continuing functional relationship in its operation with the other use.”

Essential Association

The first test of Clause 64.02 requires there to be an essential association between the primary use (equine related business) and secondary uses (function centre and group accommodation) of the land. In *Jinalac Park Pty Ltd v Morington Peninsula SC* (2007) Victorian Civil and Administrative Tribunal, the Tribunal held that “the necessary association is not a literal one, but more a symbiotic one that requires a close and mutually benefitting association. The association may be broad in its nature and may be aesthetic, economic, practical, and environmental or the like.” Therefore, in this instance based on the information provided by the landowner Council Officers find that there will be the necessary association for the following main reasons:

- (a) The secondary uses will benefit from the aesthetic setting provided by the primary use as the patrons will be able to access the landscaped settings that will support the proposed uses.

- (b) The primary use will benefit economically from the secondary uses because it is very unlikely that the primary use could be commercially viable without the additional patrons of the secondary uses and this will offset the significant investment required to maintain the equine facilities.
- (c) Both the primary and secondary uses will benefit from shared land, facilities, management and staff.

Functional Relationship

It follows from above that a genuine and close functional relationship has been established from the consideration of the details of the proposed uses. From the additional information and documentation provided by the landowner, it is evident that to maintain the viability of Cornwall Park, the captured market afforded from the proposed secondary uses is necessary. To provide the necessary certainty of a continuing relationship it is recommended that any permit issued must contain conditions that the secondary uses must always continue to be used in association with the primary use of the land.

The second and last conditional requirement for a function centre under Clause 51.02-2 requires no more than 150 patrons may be present at any one time. The proposed function centre will take place in Building 13 with a maximum capacity of 150 patrons and thereby, complies with the conditional requirement under Clause 51.02-2 in terms of patron numbers. The last conditional requirement under Clause 51.02-2 requires that the group accommodation must be no more than 40 dwellings. The number of dwellings that is proposed to be used for the group accommodation is six dwellings and therefore, satisfies the required number of dwellings.

Given the above comments, it is considered that the proposed uses meets the conditional requirements of Clause 51.02-2 and therefore, are not prohibited.

Car Parking

In relation to the car parking provision, the proposal includes a combination of uses none of which are specifically listed in table 1 of Clause 52.06. In this instance the place of assembly rate will be relied upon for the function/events component. No rate is applied for the group accommodation use as there is none that can be relied upon. The number of car parking spaces required on-site for the function centre is 45 car parking spaces. No car parking plan was submitted as part of the application however, there is ample room within the land to cater for the car parking needs of the proposed uses. Council's Traffic and Transport Department has requested that an area must be set aside on the land for the car parking of vehicles. This car parking plans can be requested as a condition to any planning permit issued.

Unreasonable amenity impacts including increased traffic, noise from the proposed use and vehicle noise

Some of the objectors raised concerns that the proposal will create unacceptable amenity impacts. The likely impact of noise would be from music associated with events inside the function/events space and possible escape of such noise. Amplified noise can be controlled by incorporating a noise limiting system. Such a system is calibrated and artificially controls noise levels to set levels, which can be set to ensure compliance with SEPP N-2 (control of music noise from public premises), which is the relevant noise control from public places. It is recommended that if Council decides to grant a planning permit a condition will be included to require such a system to be used for all amplified music, along with other appropriate amenity conditions including that all functions and events must be held within the nominated building and approved areas on the land, limiting the size of the patron numbers for the function centre and hours of operation. Council's Traffic and Transport Department has assessed the application and has no objection to the proposal and has not raised any traffic or related issues that is fatal to this application.

Vehicle access and movements

Some of the objectors are concerned about vehicle access and movements along Cornwall Park Court. However, for the purpose of this application the vehicle access to the subject land is via the two existing crossovers addressing the Diggers Rest-Coimadai Road as shown in the submitted plans. In addition, VicRoads has recommended the following conditions be included if Council decides to issue the planning permit:

1. Access is limited to the sealed accessway on the approved plans to the satisfaction of the Responsible Authority and VicRoads.
2. Informal accessways from the sealed driveway to Diggers Rest-Coimadai requires treatment to avoid the use of these informal accessways, to the satisfaction of the Responsible Authority and VicRoads.

The conditions above will form part of any planning permit issued.

Is the proposal consistent with the adopted Western Plains North Green Wedge Management Plan?

The Western Plains North Green Wedge Management plan aims to achieve a balance between the protection of agricultural viability and environmental features and opportunities for other appropriate uses in the Green Wedge. The management plan acknowledges that land not used for broad acre farming is primarily used for grazing, or for equine related uses. The proposal is consistent with the aims and objectives of the Western Plains North Green Wedge Management plan in that the land is proposed to be used for a function centre and group accommodation associated with the equine use of the land. In addition, there will be a requirement as part of the planning permit condition to ensure the land is managed in a sustainable manner.

Environmental Consideration

The proposed uses will be associated with and in addition to the equine use of the land, utilising existing and established built form infrastructure. No additional works or construction are proposed with this application as such the uses will have no unreasonable impact on the site's natural environments, natural resources or biodiversity and will not hinder the agricultural use of the land.

Bushfire Management

The applicant has indicated in their application that a Bushfire Emergency Management Plan will be developed to limit activities on days with either an extreme or code red fire warning, and the potential for the public to be at risk will be limited. However, no actual details of the plans were provided. CFA has recommended that a comprehensive bushfire management plan be developed to address the objective of Clause 13.02-1S "to strengthen the resilience of settlements and communities to bushfire through risk based planning that prioritise the protection of life." The provision of this bushfire management plan can be requested as a condition to any planning permit issued.

Other issues

Building 19 is proposed to be used for group accommodation however, Council record shows that approval was granted for the purpose of a hay shed. Recent renovations and use of this building as a habitable building appears to have occurred unlawfully since the current land owner took possession of the land and enforcement investigations by Council Officers confirms this. Therefore, Council Officers are not in support of Building 19 being used for any form of accommodation unless a change of use permit is issued by a qualified Building Surveyor indicating that Building 19 complies with the Building Regulations.

6. Options

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

7. Conclusion

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

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

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

LIST OF APPENDICES

1. Locailty Plan - dated 7 Januray 2020
2. Subdivision plan (PA2015/4891) and schedule of existing buildings on the land - dated 3 January 2020
3. Plans for the proposal - undated
4. Relelvant Planning Policy Provisions - undated
5. Referral Responses - undated
6. Notice of decsision to grant a Planning Permit- Conditions - undated

The Deputy Mayor, Cr Abboushi vacated the Chair at 8:39pm.

The Mayor, Cr Carli, took the Chair.

12.9 CONTRACT No. 19/024 - MELTON TOWN CENTRE - RAISED CROSSING RECONSTRUCTION

Author: Daniel Speirs - Capital Projects Officer

Presenter: Laura-Jo Mellan – Acting General Manager Planning & Development

PURPOSE OF REPORT

To seek Council's approval for the award of Contract No. 19/024 for the Melton Town Centre – Raised Crossing Reconstruction.

RECOMMENDATION:

That Council:

1. Awards Contract No. 19/024 for Melton Town Centre – Raised Crossing Reconstruction submitted by Ace Landscaping Services Pty Ltd for the sum of \$320,007.28 (excl. GST).
2. Allocate an additional amount of \$105,000 to complete the works in the 2019/20 financial year.
3. Delegate to the Chief Executive Office the execution of all contract documents

Motion

Crs Majdlik/Ramsey.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

This report seeks Council resolution for the award of Contract No. 19/024 for Melton Town Centre – Raised Crossing Reconstruction.

The Melton Town Centre Stage 3 Streetscape Redevelopment Project, features a raised crossing located in front of the Melton Library & Learning Hub on McKenzie Street. The crossing is a key feature in the architectural make up of Stage 3, providing a material change to the road network to prioritise pedestrian movements in order to improve pedestrian safety.

Following the completion of the crossing in November 2017 the bluestone surface linking the public space and the Melton Library and Learning Hub has not performed to a satisfactory service level and needs to be replaced. As such Council is seeking to engage a suitably qualified contractor to design and re-construct the raised crossing with a concrete surface similar to stages 4 & 5.

The tender was publicly advertised on 3 August 2019 and closed on 2 September 2019 with one response received. The assessment panel is recommending that the contract be awarded to Ace Landscaping Services Pty Ltd for the sum of \$320,007.28 (excluding GST).

The tender evaluation summary is provided in the **Confidential Appendix** attached to this report.

2. Background/Issues

As part of the Melton Town Centre Stage 3 Streetscape Redevelopment Project, feature blue stone paving was installed on the raised crossing in front of the Melton Library & Learning Hub on McKenzie Street. The raised crossing is a key feature in the architectural make up of Stage 3, providing a material change to the road network to prioritise pedestrian movements in order to improve pedestrian safety.

The raised crossing has not performed to a satisfactory service level and requires ongoing maintenance to ensure that it is safe for both road users and pedestrians. An internal investigation has determined that the crossing cannot be adequately repaired and therefore needs to be replaced. In accordance with Council procurement policies Council has sought to engage a suitably qualified and experienced provider in the form of design and construction services to deliver a proven performance based raised crossing to withstand the current and future traffic conditions which maintains the aesthetics and function as per the original design intent.

The open tender for Contract 19/024 Melton Town Centre Stage 3 Raised Crossing Reconstruction was advertised on 3 August 2019 and closed on 2 September 2019. Four suitably qualified contractors advised they would be tendering for the works, however, out of the four only one contractor submitted a tender, Ace Landscaping Services Pty Ltd.

3. Council Plan Reference and Policy Reference

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

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

4. Financial Considerations

The 2019/20 budget components for the overall project are as follows:

2019/20 Budget	Amount (Excl. GST)
Melton City Council 2019/20 Budget	\$604,600.00
TOTAL	\$604,600.00

Table 1

The expected project expenditure components for the project are as follows:

2019/20 Project Expenditure	Amount (Excl. GST)
Current Contracts Melton Town Centre Stages 3, 4 & 5 Committed Costs	\$389,438.60
Reconstruction Costs Stage 3 Raised Crossing	\$320,007.28
TOTAL	\$709,445.88

Table 2

The 2019/20 budget in Table 1 doesn't fully allow for the estimated project expenditure breakdown as shown in Table 2. There is a budget shortfall of approximately \$105,000.

A financial assessment was undertaken by Corporate Scorecard and returned a satisfactory result.

5. Consultation/Public Submissions

Key stakeholders were consulted in order to determine the user requirements. Information collected through this consultation was used to develop the tender specifications.

Consultation on the overall masterplan for this project has taken place over the last four years and has included;

- Over 700 people provided feedback via an online survey, over 300 adults and 200 children voted on mood boards and 65 drawings provided.
- 300+ votes were provided on drawings at the opening of the Melton Library & Learning Hub. Over 700 people provided their comment on what they wanted.
- Disability Advisory Committee
- Multiple briefings to Council
- Multiple briefings and ongoing consultation sessions to affected retailers within the Melton Township
- The Taxi Association
- A Place Manager within the Economic Development team has been engaged to assist in the development of businesses and the business area, and be the point of contact prior to and during the construction phase.

6. Risk Analysis

The following measures have been put in place to reduce or eliminate the risk to Council for this project.

1. Engagement of a suitably qualified construction company:
 - Advertised an open tender to design and construction companies via The Age and on the Tendersearch website.
 - To assist in the selection of a construction company with suitable occupational health and safety work practices, Council requires construction companies to provide third party accreditation of their Occupational Health and Safety

Management System. Council also required the tenderers to provide evidence of public liability insurance and work cover.

- Conducted referee checks for the appointment of the construction company.
2. Engagement of a financially capable construction company:
 - The engagement of an independent and expert consultant to conduct a financial review.
 3. Development of risk management plans for the project.
 4. Supervision of construction works to be undertaken by Melton City Council.

7. Options

Council has the options to:

1. Adopt the Officers' recommendations as presented in this report.
2. Re-advertise the tender seeking further submissions.

LIST OF APPENDICES

1. Contract 19-024 - MTC Stage 3 Raised Crossing Reconstruction - undated -
CONFIDENTIAL

Designated as confidential by the Chief Executive Officer pursuant to Section 77(2)(c) and Section 89(2)(d) of the *Local Government Act 1989*.

12.10 CONTRACT NO. 20/035 - PROVISION OF TELECOMMUNICATIONS SERVICES AND HARDWARE

Author: Mark Domma - Information Services, Manager
Presenter: Peter Bean - General Manager Corporate Services

PURPOSE OF REPORT

To seek Council's approval to delegate the award of Contract No. 20/035 for Provision of Telecommunications Services and Hardware to the Chief Executive Officer to a successful bidder, or bidders, following a tender process which conforms to Section 186 of the *Local Government Act 1989*.

RECOMMENDATION:

That Council delegate the award and decision in relation to any further term, of Contract No. 20/035 for Provision of Telecommunications Services and Hardware to the Chief Executive Officer, subject to the following conditions;

- a. Officers request for quotes from the panel of appointed suppliers to the Contract No. 20/035 for Provision of Telecommunications Services and Hardware.
- b. Submission of an evaluation report to the Chief Executive Officer with a recommendation to award the contract to either a single, or multiple supplier(s).
- c. Authorise the Chief Executive Officer to execute the contract documentation.

Motion

Crs Abboushi/Hardy.

That Council officers:

1. Undertake a tender process utilising either or both of the following tender instruments for the procurement of Contract No. 20/035 - Provision of Telecommunications Services and Hardware:
 - a. The Municipal Association of Victoria (MAV) panel of suppliers for a wide range of telecommunication services and hardware; and
 - b. The Victorian State Government Telecommunications Purchasing and Management Strategy TPAMS 2020 panel for the provision of telecommunication services; and
2. Present a further report at the conclusion of the tender evaluation to an Ordinary Meeting of Council to award the contract to either a single, or multiple supplier(s).

CARRIED

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

For:

Crs Abboushi, Carli, Hardy, Kesic, Majdlik, Ramsey, Sebire and Turner

Against:

Nil

The Mayor declared the Motion **CARRIED**

REPORT

1. Executive Summary

Council's Telecommunications contracts with Telstra have either expired or will expire in the next 12 months. It is Council's intention to renew all contracts associated with the provision of Telecommunications Services and Hardware by submitting a formal Request for Tender via either (or both) of the following two instruments:

- a) the **Municipal Association of Victoria (MAV)**. This panel has been established to procure suitably qualified suppliers for the delivery of a wide range of telecommunication services and hardware covered under Contract Number NPN 1.18.
- b) the **Telecommunications Purchasing and Management Strategy (TPAMS)**. This is a whole of Victorian government closed panel contract providing telecommunication services under the auspices of contract TPAMS2025.

Both MAV and TPAMS represent benefits to council through:

- greater cost savings delivered by aggregating expenditure
- being able to ensure probity and minimal risk via a fair and transparent procurement process while complying with the Local Government Act 1989
- reduced council administration and tendering costs
- innovative technology tools that help simplify purchases
- professional development opportunities and capacity building
- the option of having contracts managed by that agency for the life of that contract

We will be analysing the two different contracts (NPN 1.18 and TPAMS2025) to determine which provides best value for money for council.

At the time of writing, the Municipal Association of Victoria NPN 1.18 Telecommunications Contract expires 30 April, 2022, with the option of extending for 2 x 36 month periods. The TPAMS2025 Telecommunications Contract expires 21st February, 2021. Government bodies who sign contracts under this agreement have the option of accepting terms of 5 years. Council will be looking to sign up for the maximum available term.

This report seeks Council resolution to ultimately delegate the award of Contract No. 20/035 for Provision of Telecommunications Services and Hardware to the Chief Executive Officer under the conditions outlined above.

2. Background/Issues

During the course of the previous 5 years, Council has held multiple contracts with Telstra for the Provision of Telecommunications Services and Hardware of which one has expired. The timing to renew all Telecommunications contracts is planned to streamline end dates and align all services into one single contract. It will also enable council to take advantage of aggregated purchasing with associated discounted rates.

3. Council and Wellbeing Plan Reference and Policy Reference

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

Council has a recurrent budget for this category of services. In the financial year 2018/19, Council spent a total of \$2,599,627.91 on Telecommunication Services and Hardware.

Logical projections will see a similar annual spend for the duration of the new contract:

Year	Telecommunications Budget
2020/21	\$2,500.000
2021/22	\$2,500.000
2022/23	\$2,500.000
2023/24	\$2,500.000
2024/25	\$2,500.000
TOTAL	\$12,500,000

5. Consultation/Public Submissions

Key internal stakeholders will be engaged via a series of workshops aimed at identifying where efficiencies can be gained, and which new and emerging telecommunications technologies and services may serve as a platform for business improvement and operational growth.

6. Risk Analysis

There is a considered procurement risk in allowing one of the existing telecommunications-related contracts to expire so that we may take the opportunity to consolidate all telecommunication related contracts into a single tender. This contract will create the necessary contract alignment.

The key project risks are cost variations and implementation delays which are often associated with poor requirements scoping, project controls and governance. In order to mitigate against such risks, Melton has engaged the services of a specialist, independent telecommunications company, *Dog and Bone Consulting*. *Dog and Bone Consulting* were selected as a vendor after a rigorous process which assiduously followed Council's Procurement Policy V6.0 dated 20 August 2019, which, in turn, complies with Section 186A of the LG Act.

Dog and Bone have been asked to work with Melton City Council collaboratively in establishing a clear understanding of the current telecommunications posture from which an RFQ process will be defined and undertaken.

- *Dog and Bone* will assist Council in negotiating new contracts which:
- are tailored specifically to the Council's current and future needs
- are flexible so as to allow take up of new technologies during the contract's duration
- offer measurable cost savings (compared with current contracts)
- place greater emphasis on the "service" side such that vendors and business partners are proactive and accountable
- clearly define Service Level Agreements and Key Performance Indicators and the impact of not meeting set targets
- are open to re-negotiation at pre-determined review and assessment dates

7. Options

Council has the option to:

1. Adopt the Officers' Recommendation as presented in this report.
2. Require a report to be brought back for Council to award the contract itself.

LIST OF APPENDICES

Nil.

Cr Kesic left the Chamber at 8:43pm.

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

13. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES

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

14. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS

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

15. NOTICES OF MOTION

15.1 NOTICE OF MOTION 671 (CR RAMSEY)

Councillor: Sophie Ramsey - Councillor

NOTICE:

That Council officers prepare a report to Council on the City of Melton's fire preparedness.

Motion

Crs Ramsey/Abboushi.

That Council officers prepare a report to Council on the City of Melton's fire preparedness.

CARRIED

15.2 NOTICE OF MOTION 672 (CR ABBOUSHI)**Councillor: Steven Abboushi - Councillor****NOTICE:**

That due to the escalating traffic safety issues on Troups Road South, Mt Cottrell that Council review and reduce the traffic speed along this road as soon as possible.

Motion

Crs Abboushi/Kesic.

That:

1. due to the escalating traffic safety issues on Troups Road South, Mt Cottrell, Council advocate to VicRoads to review and reduce the traffic speed along this road as soon as possible;
2. Council write to residents on this section of Troups Road to inform them of this Notice of Motion as well as the response from VicRoads.

CARRIED

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

For:

Crs Abboushi, Carli, Hardy, Kesic, Majdlik, Ramsey, Sebire and Turner

Against:

Nil

The Mayor declared the Motion **CARRIED**

15.3 NOTICE OF MOTION 673 (CR TURNER)**Councillor: Bob Turner - Councillor****NOTICE:**

That Council write to The Hon. Melissa Horne, Minister for Public Transport and Mr Stephen McGhie MP requesting:

1. Assistance in delivering a bus route from the Melton township to Eynesbury; and
2. The rerouting of the existing Melton South bus routes to include the Waterford Estate and other up and coming estates to the south of Melton.

Motion

Crs Turner/Hardy.

That Council write to The Hon. Melissa Horne, Minister for Public Transport and Mr Stephen McGhie MP requesting:

1. Assistance in delivering a bus route from the Melton township to Eynesbury; and
2. The rerouting of the existing Melton South bus routes to include the Waterford Estate and other up and coming estates to the south of Melton.

CARRIED

15.4 NOTICE OF MOTION 674 (CR KESIC)

Councillor: Goran Kesic - Councillor

NOTICE:

That Council formally rescind the resolution of Council adopted at the Ordinary Meeting of Council held 3 February 2020 in Staff Report 12.7- **Response to Notice of Motion 658 - Provide further costings on the redevelopment of the Brookside Pavilion and consider redevelopment of the Taylors Hill Recreation Reserve community pavilion and grounds**, recorded in the minutes of that meeting as:

Motion

Crs Abboushi/Carli

That Council:

1. Note the NoM 658 response.
2. Continue with its current planned works at the Brookside Recreation Reserve Pavilion up to \$1.4m.
3. Proceed with the development of Taylor Hill Recreation Reserve Community Pavilion to incorporate the requirements of soccer.
4. Allocate \$300,000 for design works to the current pavilion.
5. Allocate \$2m in the 20/21 budget year to commence construction works to the pavilion and ground renovation works.
6. Commit to retaining the two cricket pitches at Taylors Hill Recreational Reserve and align, where necessary, to accommodate three new soccer fields allowing cricket to continue to its current capacity on this site.
7. Facilitate a comprehensive consultation program with all user groups, the Westside Strikers Football Club, Sydenham Hillside Cricket Club, Hillside Football Club and Spring Hills Football Club, on the redevelopment of Taylors Hill Recreational Reserve.

CARRIE

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

For:

Crs Abboushi, Carli, Hardy, Kesic, Majdlik, Mendes, Ramsey, Sebire and Turner

Against:

Nil

Cr Turner declared the Motion CARRIE

As previously recorded in the Minutes at Item 3, the Rescission Motion at Item 15.4 will lay on the table and come back to the next Ordinary Council meeting.

15.5 NOTICE OF MOTION 675 (CR TURNER)**Councillor: Bob Turner - Councillor****NOTICE:**

That Council write to The Hon. Melissa Horne, Minister for Public Transport and Mr Stephen McGhie MP, requesting that improvements to Melton Train Station are undertaken including the provision of a footbridge to facilitate safe pedestrian movements between platforms, and additional car parking to cater for the growing population.

Motion

Crs Turner/Ramsey.

That Council write to The Hon. Melissa Horne, Minister for Public Transport and Mr Stephen McGhie MP, requesting that improvements to Melton Train Station are undertaken including the provision of a footbridge to facilitate safe pedestrian movements between platforms, including disability access, and additional car parking to cater for the growing population.

CARRIED

15.6 NOTICE OF MOTION 676 (CR TURNER)**Councillor: Bob Turner - Councillor****NOTICE:**

That Officers consider making space available for a social enterprise to operate a repair café at the Melton Recycling Facility or other appropriate venue within the municipality.

Motion

Crs Turner/Ramsey.

That Officers consider making space available for the operation of a repair café at the Melton Recycling Facility or other appropriate venue within the municipality.

CARRIED

15.7 NOTICE OF MOTION 677 (CR HARDY)**Councillor: Ken Hardy - Councillor****NOTICE:**

That Council write to the developer of the Botanica Springs estate, seeking an update on their plans to commence development on the land south of Brooklyn Road and requesting that they prioritise the upgrade and widening of Clarkes Road, so as to provide for greater capacity for this road to cater for traffic serving the local community, including the community centre and proposed child care centre.

Motion

Crs Hardy/Ramsey.

That Council write to the developer of the Botanica Springs estate, seeking an update on their plans to commence development on the land south of Brooklyn Road and requesting that they prioritise the upgrade and widening of Clarkes Road, so as to provide for greater capacity for this road to cater for traffic serving the local community, including the community centre and proposed child care centre.

CARRIED

15.8 NOTICE OF MOTION 678 (CR RAMSEY)**Councillor: Sophie Ramsey - Councillor****NOTICE:**

That officers provide a report detailing the history and current status of the “Build Melton Hospital Campaign”, including recommendations for the campaign going forward.

Motion

Crs Ramsey/Kesic.

That Council:

1. Officers provide a report detailing the history and current status of the “Build Melton Hospital Campaign”, including recommendations for the campaign going forward;
2. Receive an update from the State Government on the Melton Hospital project as part of this report; and
3. Receive details in this report outlining where the Build Melton Hospital Group have spent the \$10,000 contribution that it received from the Council.

CARRIED

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

For:

Crs Abboushi, Carli, Hardy, Kesic, Majdlik, Ramsey, Sebire and Turner

Against:

Nil

The Mayor declared the Motion CARRIED

15.9 NOTICE OF MOTION 679 (CR RAMSEY)**Councillor: Sophie Ramsey - Councillor****NOTICE:**

That officers consult with Greater Metropolitan Cemeteries Trust to obtain an update on anticipated commencement date of the proposed Regional Cemetery to be located in Harkness.

Motion

Crs Ramsey/Hardy.

That officers consult with Greater Metropolitan Cemeteries Trust to obtain an update on anticipated commencement date of the proposed Regional Cemetery to be located in Harkness.

CARRIED

16. COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Nil.

17. MOTIONS WITHOUT NOTICE**17.1 COUNCILLOR'S MOTIONS WITHOUT NOTICE**

Cr Abboushi

That officers investigate options to improve the road intersection of Neale Road and Hopkins Road, Deanside.

17.2 COUNCILLOR'S MOTIONS WITHOUT NOTICE

Cr Abboushi

That officers provide Council with future plans for Taylors Road, including intersections and triggers for construction of the road.

17.3 COUNCILLOR'S MOTIONS WITHOUT NOTICE

Cr Abboushi

That Council officers erect speed limit signs, where appropriate, along Sugargum Drive and Boronia Drive, Hillside.

17.4 COUNCILLOR'S MOTIONS WITHOUT NOTICE

Cr Majdlik

That Council officers provide costings for storage facilities for the City Vista sports grounds at Fraser Rise in consultation with the users of the facility and that it be considered for the 2020/2021 budget.

18. URGENT BUSINESS

Nil.

19. CONFIDENTIAL BUSINESS

Nil.

20. CLOSE OF BUSINESS

The meeting closed at 9:14pm.

Confirmed

Dated this

.....CHAIRPERSON