



MELTON CITY COUNCIL

Notice is hereby given that the Ordinary Meeting of the Melton City Council will be held in the Council Chamber, Civic Centre, 232 High Street, Melton on 3 February 2020 at 7:00pm.

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

Kelvin Tori
CHIEF EXECUTIVE

Visitors to the Gallery please note:

Proceedings at Council meetings are controlled by the Chairperson. The Chairperson is empowered to enforce the provision of Council's Local Law, which includes the following aspects:

- **Silence** must be maintained by members of the public in the gallery at all times. A visitor to the gallery must not interject or take part in the debate that occurs in the Chamber.
- Members of the public in the gallery must not operate **recording equipment** at a Council or Special Committee Meeting without the prior written consent of Council.
- **Question time** is available at every Ordinary Meeting to enable members of the public to address questions to Council. All questions must be received by the Chief Executive Officer or other person nominated for this purpose no later than:
 - i) 5 pm on the day of the Ordinary Meeting if questions are submitted into the receptacle designated for public questions outside the Council Chamber
 - ii) 5pm on the day of the Ordinary Meeting if questions are submitted by electronic medium as per Council website directions.

A person must not submit more than two (2) individual questions at a meeting, inclusive of all parts and variants as interpreted by the Chairperson or other person authorised for this purpose by the Chairperson. The person directing the question must be present in the gallery at the time the question is to be dealt with for it to be valid.

- It is an offence for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave the meeting when requested by the Chairperson to do so.
Penalty: 20 Penalty Units
- It is an offence for any person to fail to obey a direction of the Chairperson relating to the conduct of the meeting and the maintenance of order.
Penalty: 20 Penalty Units

A penalty unit for a Local Law made under Part 5 of the *Local Government Act 1989* is \$100 in accordance with s110(2) of the *Sentencing Act 1991*.

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To present the recommendations for the allocation of funds within The Club Caroline Springs Grants for 2019/20.

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To seek Council endorsement to appoint three (3) applicants to the Arts and Culture Advisory Committee for a two year term during 2020 and 2021.

19.5 REAPPOINTMENT OF THE CHIEF EXECUTIVE OFFICER 577

To confirm Councils intention to reappoint Kelvin Tori to the position of Chief Executive Officer of Melton City Council when his current contract of employment expires on 11 May 2020.

20. CLOSE OF BUSINESS 586

1. OPENING PRAYER AND RECONCILIATION STATEMENT

The Chairperson will read the opening prayer and reconciliation statement.

Prayer

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

Reconciliation Statement

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

2. APOLOGIES AND LEAVE OF ABSENCE

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

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

Pursuant to Section 77A, 77B, 78A, 78B, 78C, 78D, 78E and 79 of the Local Government Act 1989, any Councillor must declare any direct or indirect interest, and any conflict of interest, in any items contained within the Notice Paper.

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

That the Minutes of the Ordinary Meeting of Council held on 9 December 2019 and Special Meeting of Council held on 16 December 2019 be confirmed as a true and correct record.

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

- 9 December 2019 Record of Assembly of Councillors
- 16 December 2019 Record of Assembly of Councillors - Bi-monthly Grants Assessment Panel
- 28 January 2020 Record of Assembly of Councillors

RECOMMENDATION:

That the Record of Assembly of Councillors dated 9 and 16 December 2019 and 28 January 2020 attached to this Agenda be received and noted.

LIST OF APPENDICES

1. Record of Assembly of Councillors - dated 9 December 2019
2. Record of Assembly of Councillors - Bi-Monthly Grants Assessment Panel - dated 16 December 2019
3. Record of Assembly of Councillors - dated 28 January 2020

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

- The Hon Jaala Pulford MP – Minister for Roads, Minister for Road Safety and the TAC and Minister for Fishing and Boating – Diggers Rest-Coimadai Road, Toolern Vale.
- The Hon Jaala Pulford MP – Minister for Roads, Minister for Road Safety and the TAC and Minister for Fishing and Boating – Westwood Drive, Burnside
- The Hon Adem Somyurek MP – Minister for Local Government and Minister for Small Business – Funding for the Municipal Emergency Resourcing Program (MERP).
- The Hon Jaala Pulford MP – Minister for Roads, Minister for Road Safety and the TAC and Minister for Fishing and Boating – Intersection at Melton Highway and Leakes Road in Plumpton.
- The Hon Adem Somyurek MP – Minister for Local Government and Minister for Small Business – 2019-2020 Growing Suburbs Fund

RECOMMENDATION:

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

LIST OF APPENDICES

1. Letter from the Hon Jaala Pulford MP - dated 18 December 2019
2. Letter from the Hon Jaala Pulford MP - dated 19 December 2019
3. Letter from The Hon Adem Somyurek MP - dated 19 December 2019
4. Letter from the Hon Jaala Pulford MP - dated 24 December 2019
5. Letter from the Hon Adem Somyurek MP - dated 9 January 2020

9. PETITIONS AND JOINT LETTERS

A Petition has been received from residents of Kurunjang requesting that Council develop Little Blind Creek Reserve on the corner of Rain Lover Drive and Delaray Court, Kurunjang.

The Petition contains 56 signatures and requests the Reserve be developed like that of Big Park on Archer Drive.

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

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

Nil.

11. PUBLIC QUESTION TIME

12. PRESENTATION OF STAFF REPORTS

12.1 AUTHORISATION OF AFFIXING THE COMMON SEAL OF COUNCIL

Author: Rebecca Bartlett - Acting Governance Officer

Presenter: Kel Tori – Chief Executive Officer

PURPOSE OF REPORT

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

RECOMMENDATION:

That the Council Seal be affixed to the documentation as detailed in the Schedule for Authorising of Affixing of the Common Seal of Melton City Council dated 3 February 2020.

REPORT

1. Executive Summary

Documents requiring the Common Seal to be affixed are detailed in **Appendix 1**.

2. Background/Issues

Use of the Council Seal is required where Council, as a body corporate, executes a document.

The *Local Government Act 1989* (s.5(2) and (3)) prescribes that a Council must have a common seal, and that the common seal must –

- a. bear the name of the Council (which name may refer to the inhabitants of the municipal district) and any other word, letter, sign or device the Council determines should be included
- b. be kept at the Council office
- c. be used in accordance with the local laws of the Council.

Council's Meeting Procedure Local Law (2013) prescribes the use of Council's Common Seal and the authorised officers who must be present and sign every document to which the common seal is affixed.

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

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

5. Consultation/Public Submissions

Not applicable

6. Risk Analysis

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

7. Options

Not applicable

LIST OF APPENDICES

1. Authorising and Affixing of the Common Seal of Council - dated 3 February 2020

12.2 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 meetings at **Appendix 1 - 8**
 2. adopt recommendations arising within the Minutes.
-

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
31 October 2019	Preventing Family Violence Advisory Committee	Appendix 1
20 November 2019	Intercultural Advisory Committee	Appendix 2
21 November 2019	Road2Zero Steering Committee	Appendix 3
28 November 2019	Early Years Partnership Committee	Appendix 4
3 December 2019	Melton Transport Community Reference Group	Appendix 5
5 December 2019	Disability Advisory Committee	Appendix 6
5 December 2019	Heritage Advisory Committee	Appendix 7
18 December 2019	Community Safety Advisory Committee	Appendix 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

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. Preventing Family Violence Advisory Committee Meeting Minutes - dated 31 October 2019
2. Intercultural Advisory Committee Meeting Minutes - dated 20 November 2019
3. Road2Zero Steering Committee Meeting Minutes - dated 21 November 2019
4. Early Years Partnership Committee Meeting Minutes - dated 28 November 2019
5. Melton Transport Community Reference Group Committee Meeting Minutes - dated 3 December 2019
6. Disability Advisory Committee Meeting Minutes - dated 5 December 2019
7. Heritage Advisory Committee Meeting Minutes - dated 5 December 2019
8. Community Safety Advisory Committee Meeting Minutes - dated 18 December 2019

12.3 AUDIT COMMITTEE MEETING MINUTES - 11 DECEMBER 2019

Author: Cheryl Santoro - Senior Administration Officer
Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

To present to Council the minutes of the Audit Committee meeting held on Wednesday 11 December 2019.

RECOMMENDATION:

That Council:

1. Note the minutes of the Audit Committee meeting held on Wednesday 11 December 2019 at **Appendix 1**.
 2. Adopt the recommendations arising within the minutes.
 3. Note the 2019/20 Finance Report Ending 31 October 2019 at **Appendix 2**.
-

REPORT

1. Executive Summary

The minutes of the Audit Committee meeting held on 11 December 2019 are appended to this report as **Appendix 1** (without attachments). The Committee considered various issues in relation to financial management and governance and the minutes contain recommendations for the consideration of Council.

2. Background/Issues

The Audit Committee is an independent advisory committee appointed by Council pursuant to Section 139 of the *Local Government Act 1989* ('the Act').

The primary objective of the Audit Committee is to assist Council to fulfil its corporate governance responsibilities through the effective conduct of its responsibilities for accounting and financial reporting practices, management of risk, maintaining a reliable system of internal controls, operation of good governance and facilitating sound organisational ethics.

The Audit Committee makes recommendations to Council for its consideration. These recommendations are set out in the minutes attached at **Appendix 1** (without attachments).

The Act also stipulates that at least every 3 months a statement comparing the budgeted revenue and expenditure for the financial year against the actual revenue and expenditure to date is presented to the Council. That report, for the 4 months ending 31 October 2019, is at **Appendix 2**. In future a quarterly financial report will be separately reported to Council.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

The budget contains a provision for the remuneration of the independent members of the Audit Committee on a fee per meeting basis, with an additional amount paid to the Chairperson.

5. Consultation/Public Submissions

The Audit Committee consists of the Mayor, Cr Carli and Cr Hardy and three independent external members Mr Robert Tommasini, Mr Farshan Mansoor and Ms Celeste Gregory.

6. Risk Analysis

Bound by the conflict of interest provisions contained within the Act, with a mandatory responsibility to report to Council and restricted to making recommendations for Council consideration, any risks attached to Audit Committee itself are substantially mitigated.

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

7. Options

The Audit Committee is an Advisory Committee of Council, and Council therefore has the discretion to accept, reject or amend its recommendations.

LIST OF APPENDICES

1. Audit Committee Meeting Minutes - dated 11 December 2019
2. 2019/20 Finance Report - 4 months ended 31 October 2019

12.4 LEADWEST COMMITTEE MEETING MINUTES - 9 OCTOBER 2019

Author: John Whitfield - Governance Coordinator
Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

To present the unconfirmed minutes of LeadWest Committee meeting held 9 October 2019.

RECOMMENDATION:

That the unconfirmed minutes of the LeadWest Committee meeting held 9 October 2019 be received and noted.

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 has delegated powers, duties or functions of Council.

The LeadWest Committee is a special committee of Council under section 86 of the Act. This committee was established on 27 May 2019 and became operative on 1 July 2019.

The purpose of the LeadWest Committee is to oversee the preparation and implementation of the LeadWest Strategic Plan and identified sub projects as adopted and agreed by member Councils.

As a special committee, it has delegated powers and functions in an Instrument of Delegation and Schedule and has Terms of Reference that govern its operations, meeting and reporting arrangements.

It is recommended that the unconfirmed or draft minutes of the inaugural meeting of the LeadWest Committee attached as **Appendix 1** to this report be received and noted by the Council.

2. Background/Issues

At its Ordinary Meeting held 27 May 2019 the Council established the LeadWest Committee as a Special Committee of the Council. At that meeting the Council adopted an Instrument of Delegation and Schedule and Terms of Reference for this committee.

Also at that meeting the Council appointed the members of the special committee. Melton City Council's initial representatives were Cr Ken Hardy and Mr Kelvin Tori, the Chief Executive Officer with Cr Sophie Ramsey as a Proxy representative.

At its Ordinary Meeting on 9 December 2019 and as part of the Council's annual review of committee representatives, Council resolved that Cr Sophie Ramsey and Mr Kelvin Tori, the Chief Executive Officer be its representatives to the LeadWest Committee with Cr Ken Hardy as a Proxy representative.

The inaugural meeting of the LeadWest Committee was held on 9 October 2019 at Brimbank City Council and the minutes are attached for Council's information at **Appendix 1**.

Rather than waiting for the LeadWest Committee to confirm the minutes of its previous meeting at the next committee meeting, the unconfirmed or draft minutes of each committee meeting will be reported to Council when they become available.

The LeadWest Committee next meets in February 2020. The minutes of this meeting will show the confirmation of the 9 October 2019 meeting minutes, with or without amendment, and will be reported to Council when they become available.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

The formation of the LeadWest Committee and adoption of a new Strategic Plan for LeadWest is designed to provide a cost effective funding model for each member Council and more focused outcome driven approach which is aligned to agreed regional priorities.

Funds will be allocated by the Committee within Council's approved budget for the development of the new Strategic Plan.

The ongoing budget for the LeadWest Committee will include two components. Firstly, to deliver the projects in the four year implementation plan, recommendations will be made to member Councils for consideration in each Council's annual budgeting process. Secondly, a payment of a base contribution to apply equally to all Councils.

5. Consultation/Public Submissions

The LeadWest Committee will provide a mechanism for a regional approach to advocacy and the delivery of a ten-year Strategic Plan. The Strategic Plan will be underpinned by a rolling four-year implementation plan which will be delivered by teams from across the six Councils implementing specific projects. This Plan will be prepared following extensive consultation including a focus on engaging Councillors from the member Councils.

Special committee meetings are open to the public and the meeting dates, times and venues for the LeadWest Committee will be advertised as required by section 89 of the Act.

Like Council meetings, a special committee can be closed to members of the public if the meeting is discussing any of the following—

- (a) personnel matters;
- (b) the personal hardship of any resident or ratepayer;
- (c) industrial matters;
- (d) contractual matters;
- (e) proposed developments;
- (f) legal advice;
- (g) matters affecting the security of Council property;
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;

- (i) a resolution to close the meeting to members of the public.

6. Risk Analysis

Nil.

7. Options

As the LeadWest Committee is a special committee of Council with powers and functions as set out in its Instrument of Delegation and Schedule, the Recommendation is that the unconfirmed minutes of the LeadWest Committee meeting held 9 October 2019 be received and noted.

LIST OF APPENDICES

1. LeadWest Committee Meeting Minutes (unconfirmed) - dated 9 October 2019

12.5 HERITAGE ADVISORY COMMITTEE - APPOINTMENT OF COMMUNITY MEMBERS

Author: Georgina Borg - Strategic Planner

Presenter: Laura-Jo Mellan - Manager City Design, Strategy & Environment

PURPOSE OF REPORT

To consider the appointment of two community representatives to the Heritage Advisory Committee.

RECOMMENDATION:

That Council approve the appointment of two community representatives, Carolyn MacGavin and Alan Perry, to the Heritage Advisory Committee.

REPORT

1. Executive Summary

The City of Melton Heritage Advisory Committee (the Committee) promotes local heritage initiatives, assesses applications for the City of Melton Heritage Assistance Fund and the City of Melton Heritage Awards and drives programs that encourage an appreciation of heritage in the City of Melton.

Two community representative positions on the Committee are currently vacant, both for a two year term. The two vacancies were advertised from the 12 November to 13 December 2019 and two applications were received.

Both applications were assessed on 17 December 2019 by three independent staff members who do not have a conflict of interest with any of the applicants.

Based on the assessment of the applications, it is recommended that Council approve the appointment of two community representatives, Carolyn MacGavin and Alan Perry, to the Committee.

2. Background/Issues

The City of Melton Heritage Advisory Committee promotes local heritage initiatives, assesses applications for the City of Melton Heritage Assistance Fund and the City of Melton Heritage Awards and drives programs that encourage an appreciation of heritage in the City of Melton.

Under the Terms of Reference, the Committee has the following responsibilities:

- Consider applications to the City of Melton Heritage Assistance Fund and make recommendations on applications to Council.
- Promote, select and advise Council on nominations to the City of Melton Heritage Awards.
- Act as a promotion and coordinating body for heritage in the community, including providing advice on marketing and promotion of the values of heritage and heritage related tourism in the City of Melton.

- Provide advice to Council on the documentation, interpretation, management and conservation of history and heritage in the City of Melton.
- Make recommendations to Council about further work required to document and protect Melton's heritage.
- Provide recommendations for the nomination of places to local, state or national heritage registers.
- Advocate in a professional manner on behalf of the community and celebrate the community history and heritage within the City of Melton.
- Assist Council in sourcing external funding or sponsorship opportunities to further heritage conservation, promotion, management and education.

Applications

Two community representative positions on the Committee are currently vacant, both for a two year term. The two vacancies were advertised from 12 November to 13 December 2019 and two applications were received.

Both applications received were from recent members, Carolyn MacGavin and Alan Perry whose terms ended on 31 December 2019.

Both applications were assessed on 17 December 2019 by three independent staff members who do not have a conflict of interest with any of the applicants.

The independent assessment concluded Carolyn MacGavin and Alan Perry to be suitable candidates to fill the two vacant positions based on the applications submitted.

It is therefore recommended that Council approve the appointment of two community representatives, Carolyn MacGavin and Alan Perry to the Committee.

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

There are no financial considerations associated with the two Committee positions.

5. Consultation/Public Submissions

Two vacancies were advertised from 12 November to 13 December 2019. This included an advertisement published in the *Melton and Moorabool* and *Brimbank and North West Star Weekly* Newspapers on 12 November 2019.

The advertisement sought applications for two vacant positions on the Committee for two year terms. The two vacant positions were also advertised on Council's website and social media pages.

6. Risk Analysis

It is considered that the Heritage Advisory Committee is of limited risk to Council as the Committee has an advisory capacity only and therefore can make recommendations that Council can choose not to adopt.

7. Options

Council can choose to either:

1. Approve the appointment of two community representatives to the Heritage Advisory Committee.
2. Not appoint the two recommended representatives to the Heritage Advisory Committee which would result in two vacant positions.

LIST OF APPENDICES

Nil

12.6 RESPONSE TO NOTICE OF MOTION 654 - INVESTIGATE ADDITIONAL PARKING OPPORTUNITIES IN GLITTER ROAD, DIGGERS REST

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

PURPOSE OF REPORT

To respond to the Notice of Motion 654 (Cr Carli) for Council officers to prepare a report with costings and options for additional parking opportunities in front of and around the Diggers Rest Supermarket on Glitter Road

RECOMMENDATION:

That Council:

1. notes sufficient car parking provision is provided in Glitter Road to support the local supermarket and the costs associated with providing additional car parking spaces; and
2. officers undertake enforcement of illegal car parking in the vicinity of the supermarket.

REPORT

1. Executive Summary

This report responds to Notice of Motion 654 (Cr Carli) requesting Council officers to prepare a report with costings and options for additional parking opportunities in front of and around Diggers Rest Supermarket on Glitter Road.

Council officers have previously surveyed the parking demand associated with the supermarket with results indicating that more than sufficient car parking provision is provided in Glitter Road to cater for the business now and into the future.

2. Background/Issues

This report responds to Notice of Motion 654 (Cr Carli) requesting Council officers to prepare a report with costings and options for additional parking opportunities in front of and around Diggers Rest Supermarket on Glitter Road.

Council officers investigated additional parking in Glitter Road in response to a Public Question submitted on 16 October 2017 seeking the following:

“What future strategies are Council likely to implement to address this issue, especially safe pedestrian access, right of way access for delivery vehicles and additional parking facilities for staff and patrons?”

Council Officers engaged an independent traffic survey consultant to survey the car parking demand for the shop. Surveys were undertaken on a Friday between 5pm and 8pm and on Saturday between 10am and 2 pm. These times are considered to be representative of peak patronage to the shop. It is noted the survey was of the 15 indented car parking spaces.

The results of the survey are presented in the tables below:

Table 1: Friday 9 February 2018 results

Section	Supply	Parking Occupancy							
		5:00 PM	5:30 PM	6:00 PM	6:30 PM	7:00 PM	7:30 PM	8:00 PM	Max.
Front of shop #22-26	5	4	2	5	0	1	1	1	3
Front of Norm Raven Reserve	10	0	1	2	5	2	2	2	2
Totals	15	4	3	7	5	3	3	3	5
Available Spaces		11	12	8	10	12	12	12	10

Table 2: Saturday 10 February 2018 results:

Section	Supply	Parking Occupancy									
		10:00 AM	10:30 AM	11:00 AM	11:30 AM	12:00 PM	12:30 PM	1:00 PM	1:30 PM	2:00 PM	Max.
Front of shop #22-26	5	1	3	2	3	2	1	1	2	3	3
Front of Norm Raven Reserve	10	1	0	2	1	1	0	1	1	2	2
Totals	15	2	3	4	4	3	1	2	3	5	5
Available Spaces		13	12	11	11	12	14	13	12	10	10

The results indicated on Friday that of the 15 car spaces available a maximum of 7 were occupied at 6 pm. On Saturday of the 15 spaces available no more than 5 spaces were occupied. Based on the survey data, there was more than ample car parking provision for the shop.

Previous inspections conducted on 28 August 2019 indicated that of the existing 5 car spaces adjacent the shop only 3 spaces were occupied. Of the 10 car spaces adjacent the reserve only 2 cars were occupied and a further 3 cars were parked on the nature strip between Welcome Road and the shop. In total, of the 26 car spaces available, only 8 spaces were occupied.

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

Option 1 has no financial impacts

Option 2. The financial consideration for this option is as follows:

- a) Constructed with asphalt (to match existing) is approximately \$46,000 (equivalent to \$11,500 per car space net gain)
- b) Constructed with concrete is approximately \$18,450 (equivalent to \$4,600 per car space net gain)

Option 3. The financial cost is approximately \$9,500.

5. Consultation/Public Submissions

Council officers liaised with the shop operator via phone on 19 September 2019 which revealed the main concern they have is with vehicles parking all day within the existing car spaces in front of the shop. They requested Council to install a 2 hour car parking restriction to address the issue. Council officers considered the 2 hour restriction was appropriate and has since been implemented. The shop owner advised sufficient parking spaces are provided and did not request additional spaces.

Furthermore, Council officers liaised with the residents of number 15 Glitter Road opposite the shop in person at their property on 3 December 2019 and via phone on 6 December 2019. The residents revealed that parking on their nature strip was predominantly done by customers of the shop and was done as a convenient option rather than a lack of available parking for the shop. They also noted that once the new shopping precinct located on Banks Drive, west of Vineyard Road was developed, traffic around the Glitter Road shop will most likely decrease. The residents informed Council officers that if any works were to be carried out they would prefer indented parking bays as a first choice, followed by 90 degree parking. They did not support landscaping in the nature strip if they would be required to maintain it.

The residents advised that enforcement action could be undertaken where vehicles are illegally parking in the nature strip in an effort to prevent reoccurrence of this behavior.

6. Risk Analysis

The risk with Option 1 is negligible as there is more than sufficient car parking spaces within the vicinity for the shop to cater for current and future demands.

The risk with Option 2 is the car parking spaces will need to have parking restrictions applied to ensure they are reserved for shop patrons. It is council officer's experience that residents tend to claim indented car parking for their own use when located within the nature strip to which they manage and maintain. There is a risk that those residents do not support the car spaces on their nature strip.

Also, with Council constructing additional car spaces for a private commercial enterprise could lead to the expectation for Council to fund and construct additional car parks for private businesses.

Option 3, the risk is that this option does not have a net gain of car spaces.

7. Options

Option 1 – Maintain the existing car parking arrangements in Glitter Road, Diggers Rest (Plan showing existing car parking is in **Appendix 1**) and undertake enforcement of illegal car parking.

Option 2 – Construct 6 90 degree car parking spaces on the east side of Glitter Road (Plan showing this option is in **Appendix 2**)

Option 3 – Construct 2 indented parallel Car parking spaces in Glitter Road (Plan showing this option is in **Appendix 3**).

LIST OF APPENDICES

1. Existing car parking provision - undated
2. 90 degree car parking option - undated
3. Parallel car parking option - undated

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

Author: Aaron Biscan - Recreation Development Coordinator
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To respond to Notice of Motion 658 (Cr Abboushi) to provide further costings on the redevelopment of the Brookside Pavilion at the Brookside Recreation Reserve.

RECOMMENDATION:

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.

REPORT

1. Executive Summary

At the Ordinary Meeting of Council dated 14 October 2019, Council resolved via Notice of Motion 658 raised by Councillor Abboushi:

That Council officers provide further costings on the redevelopment of Brookside Pavilion to include a larger meeting room two additional change rooms as per Football Federation (FV) guidelines, and an additional storage space.

This report provides further costings on the redevelopment of the pavilion at Brookside Recreation Reserve and explores issues associated with these improvements. This report presents an option to better accommodate the needs of the tenant club and other community sporting clubs in the eastern corridor.

2. Background/Issues

At the Ordinary meeting of Council dated 4 February 2019, Council resolved to refer the future redevelopment of the Brookside Recreation Reserve Pavilion to the 2019/2020 budget deliberations. The scope of the project was to provide a pavilion that would service the two sportsgrounds at Brookside Recreation Reserve, provide change rooms that meet Football Victoria compliance requirements and a larger social community space.

Council adopted the 2019/2020 budget with a funding commitment of \$450,000 to undertake the design process and commence construction of the pavilion redevelopment consistent with the option presented in the Council report. The pavilion redevelopment was planned to be delivered across the 2019/20 and 2020/21 financial years at a total estimated cost of \$1.4 million. Council submitted an application to the 2019 Growing Suburbs Fund (GSF) for an \$850,000 contribution towards the delivery of this project and this application has been successful.

At the time of the Council report being presented and the budget being adopted, the Westside Strikers Football Club were very supportive of the project and its key deliverables. In recent months, the Westside Strikers Football Club has made a 2020/21 community budget submission to expand the scope of the project.

It should be noted that to increase the scope of the project to include 2 additional change facilities, increased social space and storage options, this would increase Council's commitment from \$1.4m to \$2.3m (an additional \$900,000). An assessment of the capacity of Brookside Recreation Reserve to accommodate an increased scope has been undertaken, it is the Officers view that the reserve is at its current capacity.

Soccer Opportunities

Council recently commenced the development of the City of Melton Soccer Strategy which in draft has identified an opportunity to investigate establishing a dedicated 3 pitch soccer facility at Taylors Hill Recreation Reserve. Unlike Brookside Recreation Reserve significant amendments to the layout of Taylors Hill Recreation Reserve are not required to establish a 3 pitch soccer facility at the reserve.

The community centre situated at Taylors Hill Recreation Reserve has some capacity to cater for soccer but would require an additional social space, new kitchen and 2 additional change amenities to be constructed. The option to develop Taylors Hill Recreation Reserve is attached in **Appendix 1**. Further consultation would occur with the club during a design phase.

An engagement process was undertaken with the existing user groups of Taylors Hill Recreation Reserve on the development option and proposal to relocate Westside Strikers Football Club from Brookside Recreation Reserve to Taylors Hill Recreation Reserve was undertaken. It was found that all clubs currently using Taylors Hill Recreation Reserve could be accommodated at other venues. It was also found that most clubs would be major beneficiaries of the proposal by being provided with greater access to active open space including Brookside Recreation Reserve and Boronia Drive Recreation Reserve to support their ongoing growth and development.

The **Westside Strikers Football Club** supported the proposal as Taylors Hill Recreation Reserve has the capacity to meet all of its long term facility requirements.

The **Hillside Football Netball Club** were relocating to the Boronia Recreation Reserve as a result of the recent completion of the sportsground lighting project. They are supportive of this proposal however advocate for increased infrastructure to support their operations at that reserve.

The **Springhills Soccer Club** were supportive of the proposal verbally understanding they will gain greater access to dedicated soccer facilities, however have not confirmed in writing at this point.

The **Sydenham Hillside Cricket Club (SHCC)** object to the proposal as it may require the removal of one of the two cricket wickets. The club would still be able to be accommodated with 3 cricket facilities as per current allocation however have concerns about playing across three venues as opposed to two on match day. Training can be accommodated as per current arrangements.

Under this proposal at the Taylors Hill Recreation Reserve all clubs will gain additional hours of use although subject to the annual ground allocation program which is administered by officers.

This report proposes that Council continue with the redevelopment of Brookside Recreation Reserve Pavilion and proceed with the enhancements of the Taylors Hill Recreation Reserve and Community Pavilion. This approach will enable Council to maximise the use of both venues and address current facility issues within the existing budget available.

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

Council currently has forecast funding of \$1.4m to redevelop the Brookside Recreation Reserve pavilion across the 2019/20 and 2020/21 financial years. Council now has been informed on the success of an \$850,000 Growing Suburbs Grant related to the Brookside Pavilion. This will now see Council having to invest \$550,000 rather than the original \$1.4m.

It is proposed Council do not expand the scope of the Brookside Recreation Reserve pavilion project over and above its current scope that was presented to Council in February 2019.

It is proposed that Council provide funding to \$300,000 to commence design works for the project immediately at Taylors Hill Recreation Reserve with an allocation of \$2m to be provided for construction works and ground renovation.

There is an opportunity to explore government grants related to this facility to support funding this development. Some of these grant schemes require applications by mid-March 2020 which is why officers require a commitment of Council toward this project.

5. Consultation/Public Submissions

To investigate the proposed option of redevelopment of the Taylors Hill Recreation Reserve and relocation of the Westside Strikers Football Club permanently from Brookside Recreation Reserve to Taylors Hill Recreation Reserve, Council Officers have met, discussed and written to each of the tenant clubs that presently have access to Taylors Hill Recreation Reserve.

On Thursday 5 December 2019, Council Officers met with representatives of the Westside Strikers Football Club to discuss the proposal to establish a 3 pitch soccer facility at Taylors Hill Recreation Reserve and for the club to permanently relocate from Brookside Recreation Reserve to this venue.

The Westside Strikers Football Club confirmed if they remain at Brookside Recreation Reserve they would require access to a 3 pitch soccer facility which triggers requirement for additional 2 change rooms on site, expanded social space and storage solutions. The Westside Strikers Football Club have agreed that the proposal for Taylors Hill Recreation Reserve provides not only them, but the broader sporting community better access to facilities in the eastern corridor. The club currently has around 451 participants and has forecasted further growth, the club views the relocation to improved facilities at Taylors Hill Recreation Reserve as an opportunity to support their growth initiatives providing greater access to sporting facilities. A written response has been provided outlining their support for the proposal.

On Wednesday 12 December 2019, Council Officers met with representatives of the Spring Hills Football Club (SHFC) to discuss the proposal. Currently the SHFC are allocated 10 hours of usage of a soccer pitch at Taylors Hill Recreation Reserve and the proposal recommends relocating the clubs use of Taylors Hill Recreation Reserve to Brookside Recreation Reserve. The SHFC have verbally agreed that the proposal provides them with better access to facilities and addresses current conflicts related to the shared use of Taylors Hill Recreation Reserve. The club currently has around 383 participants and has forecasted further growth. The club views the proposal as an opportunity to supports their growth initiatives as there will be an opportunity for increased use of Brookside Recreation Reserve that is not available under their current arrangements at Taylors Hill Recreation Reserve. A written response has not been provided at this stage.

On Monday 6 January 2020, Council Officers met with representatives of the SHCC to discuss the proposal. The establishment of a 3 pitch soccer venue at Taylors Hill Recreation Reserve may require the removal of at least one cricket wicket in the future. The SHCC have 199 participants and access the Hillside Recreation Reserve as its home venue and currently utilise the two cricket wickets at Taylors Hill Recreation Reserve as their secondary venue on match days. Under the proposal the club would continue to have access to three ovals, however the clubs use of one oval on match days at Taylors Hill Recreation Reserve would be relocated to another venue in the eastern corridor. The SHCC has written to officers not supporting the proposal due to the logistics involved in operating matches on weekends across 3 venues as opposed to the current two. The club has concerns on the quality of facilities at other venues such as Boronia Drive Reserve and Brookside Rec Reserve as opposed to the Taylors Hill Recreation Reserve.

The Hillside Football Club (HFC) provided a response to the letter sent regarding the proposal. The HFC have previously had access to 19 hours of training usage on some open space at the Taylors Hill Rec Reserve. With the recent completion of the Boronia Drive Reserve lighting project, the club was already in the process to be relocated from Taylors Hill Recreation Reserve to Boronia Drive Reserve. The club has 467 participants, views Boronia Drive Reserve as its secondary venue and would like to continue to further advocate for improvements at this venue. It should be noted there is an opportunity for the club to also access Brookside Recreation Reserve as a result of the proposal for training and matches.

6. Risk Analysis

The Brookside Recreation Reserve is at maximum ground capacity and will not accommodate any future growth in soccer. Improvements to the community pavilion will benefit all tenant clubs that utilise this recreation reserve.

7. Options

Council has the options to:

1. Proceed with the current project as scoped planned and funded at the Brookside Recreation Reserve as per the report presented to Council in February 2019.
2. Allocate \$300,000 immediately to commence design works for the redevelopment of the Taylors Hill Recreation Reserve including ground improvements.
3. Provide an allocation of \$2m to commence construction works in the 20/21 financial year. This is a project estimate that will be further investigated on the completion of the design works and engagement with the clubs. Officers will continue to investigate capital grants related to this initiative.
4. To defer any development to Taylors Hill Recreation Reserve until the completed Soccer Strategy and Sports Demand Strategy is presented to Council.

LIST OF APPENDICES

1. Taylors Hill Recreation Reserve Concept Plan - undated

12.8 RESPONSE TO NOTICE OF MOTION 663 - CITY VISTA SPORTS PRECINCT (ORBIS AVENUE RESERVE)

Author: Adrian Cope - City Design Coordinator (Acting)
Presenter: Laura-Jo Mellan - Manager City Design, Strategy & Environment

PURPOSE OF REPORT

To provide a response to Notice of Motion 663 which relates to the City Vista Sports Precinct including the Orbis Avenue Reserve.

RECOMMENDATION:

That Council:

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 and refer any recommendations to the 10 year Capital Program as required.

REPORT

1. Executive Summary

This report provides an assessment of the requirements of 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 works required to complete the precinct has been assessed and have been determined to be:

- Upgrade of Orbis Avenue Reserve (City Vista Play Area) from a local standard reserve to a district standard reserve.
- Completion of the path network in accordance with the masterplan and Taylors Hill West Precinct Structure Plan and
- Development of the vacant open space between the east and west carparks into an appropriate recreation use.

In addition, the following work is required to determine the level of parking facilities required to service the precinct.

- Review of car parking facilities via a review of the Traffic Management Assessment of the precinct.

This report outlines the costs of the remaining works and provides options available to undertake these.

The Parks Development Program has identified the passive space as a high priority due to the development of the sportsground to the east and the Children's Services/Community Centre and the school to the north. The Playspace Strategy has identified this as requiring further development due to the limited infrastructure at the site and the need to provide a range of equipment to service all users at the reserve.

The further development of the precinct has been recommended due to the high demand resulting from the level of development and standard of sport being played at the reserve.

2. Background/Issues

This report provides a response to Notice of Motion 663 moved by Cr Majdlik at the Ordinary Meeting of Council on 9 December 2019. Council resolved the following:

'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 City Vista Precinct services a broad community in the Fraser Rise area and is identified as 46 City Vista Court, Fraser Rise. The precinct includes the passive space known as Orbis Avenue Reserve (City Vista Play Area), Fraser Rise Children's and Community Centre and the City Vista Sports Precinct. (Refer to **Appendix 1**)

These elements were identified in the Taylors Hill West Precinct Structure Plan (PSP) as being required. In addition to the sporting facilities, pavilion and car parking delivered in the City Vista Sports Precinct, the PSP identifies a shared path network which connects this site with the Stony Hill Creek Linear Reserve. This connection also provides connectivity to the Taylors Hill West Secondary School, thereby providing active transport opportunities for residents of the area.

City Vista Sports Precinct

The City Vista Sports Precinct is identified as a district level recreation facility within the Taylors Hill West PSP.

George Cross Soccer Club approached Council to utilise the future sportsground as a home base for a high level soccer team. As a consequence, the City Vista Sports Precinct Masterplan was reviewed in 2016 and is included as **Appendix 1** of this report. Council has entered into a lease agreement with the club for use and maintenance of components of the precinct.

The Sports Precinct currently comprises four soccer pitches, consisting of two artificial and two natural grass surfaces, sports pavilion, car parking, path connections and general landscaping and tree planting.

The masterplan for the precinct also identifies an area for multi-purpose courts and/or futsal courts, which are intended to complement the activities associated with a soccer facility. The demand for these facilities is yet to be confirmed and would require confirmation of the need prior to progressing with works to deliver them.

The masterplan for the precinct also identifies areas for a lawn bowls facility. However, a draft Lawn Bowls Strategy that was prepared determined that a new bowls facility is not required in this area due to the lack of participation and demand. The masterplan will be updated in due course to remove this facility and no further work is required.

In order to complete the works indicated in the masterplan for the precinct the following works are required:

- Path connections to the Stony Hill Creek Linear Reserve on the east of the site, including associated landscaping – estimated at \$195,000.
- Development of the multi-purpose/futsal area between the east and west carparks as identified on the revised masterplan (Refer to **Appendix 1**) subject to confirmation of demand – estimated at \$680,000.

Further to the above works it should be noted that the precinct is being very well used at this early stage. The sports precinct was designed for a Premier League team, however the facility is being used by an A League team, Western United, for training and ‘friendlies’. Anecdotal evidence has indicated that demand for parking is outstripping available supply. It is unknown at this stage if this is a temporary demand as a result of the changed use of the site or permanent demand associated with originally planned use of the facility.

The existing car parking supply is consistent with a traffic management report provided in the Planning Permit application. It is noted that the report indicates that there is a level of reliance on the ‘informal’ car parking spaces that exist in Orbis Avenue to meet the needs during peak periods. Given this, it is recommended to undertake a review of the traffic management assessment to determine if additional car parking would be required for the long term operation of the precinct.

Orbis Avenue Reserve (City Vista Playspace)

Orbis Avenue Reserve is a 0.85 hectare area of open space located at the corner of City Vista Court and Orbis Avenue, Fraser Rise within the City Vista Precinct (Refer **Appendix 1**). The reserve is identified as a local standard reserve within the PSP and provides the only passive space access for approximately 420 residential lots to the south and west.

The reserve is a regular shaped property which was developed in 2015 as part of the Aria Estate. The design and development of the park was deemed to be in accordance with the requirements of the PSP at the time.

As previously noted, the reserve is located in the City Vista Sports Precinct and is co-located with the Fraser Rise Children’s and Community Centre and has the Taylors Hill West Secondary School in close proximity. These community facilities and increased population in the surrounding area of the precinct have resulted in the demand for higher level of social and informal recreational infrastructure to be provided.

The Playspace Strategy, which is currently under preparation, recognises this and an audit of this reserve concludes that “*given its location this should be developed as a District Level playspace.*” (Refer **Appendix 2**).

As a result of the increased activity and population in the area, the upgrade of Orbis Avenue Reserve has been identified as a high priority in the review of the *Parks Development Program* which is currently being undertaken. This Parks Development Program was an outcome of the *Site Assessment of Parks and Reserves in the City of Melton – 2013* and was endorsed at the Ordinary Meeting of Council on 17 December 2013.

On this basis, the budget allocation for the Parks Development Program (PDP) that will be considered in the 2020/21 draft budget includes an allocation to upgrade the Orbis Avenue Reserve in the City Vista Sports Precinct. The preliminary cost assessment is **\$365,000** and includes provision of increased play elements and associated infrastructure. The Business Case for the Parks Development Program is attached as **Appendix 3**.

Timing of delivery and completion of the works

The timing of the works identified will vary depending on the complexity and readiness of the particular project. With the projects commencing in the 20/21 financial year should the budget be allocated, the timing of each component is expected as follows:

- Orbis Avenue Reserve
 - Design: 16 weeks
 - Tender: 6 weeks
 - Construction: 26 weeks
- Path Construction:
 - Design: 6 weeks
 - Tender: 6 weeks
 - Construction: 12 weeks

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

The Parks Development Program Business Case (refer page 19 of **Appendix 3**) identifies \$920,000 of works. The upgrade to Orbis Avenue Reserve has been estimated at \$365,000 within the PDP. Based on preliminary cost assessments, the anticipated cost of completing the remaining works in the City Vista Sports Precinct (including Orbis Avenue Reserve) are as follows:

Works	Preliminary Cost Assessment
Upgrade to Orbis Avenue Reserve	\$365,000
Completion of Path Network and associated landscape works	\$195,000
Multi-purpose/futsal courts x 2 (should these be determined to be the appropriate use for the space available)	\$680,000
Total	\$1,240,000

As noted in this report, the budget for the upgrade of Orbis Avenue Reserve has been included in the draft 2020/21 budget as part of the Parks Development Program. No further budget allocation has been provided in the 10 year Capital Works Program for the remaining works identified for the City Vista Sports Precinct.

Development Contributions have been provided for the construction of the sports precinct and these have been expended on the current work. All future works will be required to be fully funded by Council.

5. Consultation/Public Submissions

Consultation has been undertaken with key stakeholders during the development of the masterplan.

It is anticipated that approval of these projects and inclusion within the 2020/21 Capital Works Budget will see community consultation occur to seek feedback on the key elements, including Orbis Avenue Reserve (City Vista Play Area) and the multi-purpose area between the east and west carparks on the north of the site.

A preliminary design will be undertaken after a full assessment of the site and this will be presented to the community. This consultation will inform the final design of the projects.

6. Risk Analysis

The risks with this project are associated with community expectations and the available budget.

The expectations of the community have increased substantially over the past 5-10 years, especially given the infrastructure that has been installed by nearby Developers. The standard of development in both passive and active parks has created an environment where failure to meet reasonable expectations may be seen as not meeting the needs of the community.

7. Options

Council has the following options:

1. Support the Parks Development Program inclusion in the draft budget noting that it includes the upgrade Orbis Avenue Reserve (City Vista Play Area) and allocate additional funds to complete the paths and associated landscaping.

2. Not proceed with any works in the City Vista Sports Precinct including the Orbis Avenue Reserve (City Vista Play Area).
3. Undertake further investigations to determine the most appropriate use and preliminary costs for the vacant area of land within the City Vista Sports Precinct.

Undertake detailed analysis of car parking requirements through a review of the Traffic Management Assessment of the precinct.

LIST OF APPENDICES

1. Proposed Masterplan Option 2 - dated 8 May 2016
2. Draft Playspace Assessment - Orbis Ave Reserve - undated
3. Parks Development Program Business Case - dated 9 January 2020

12.9 PLANNING SCHEME AMENDMENT C218 - 1665A MOUNT COTTRELL ROAD, MOUNT COTTRELL

Author: Karl Sass - Strategic Planner

Presenter: Laura-Jo Mellan - Manager City Design, Strategy & Environment

PURPOSE OF REPORT

To consider the preparation and exhibition of Amendment C218 to the Melton Planning Scheme.

RECOMMENDATION:

That Council:

1. Seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C218 to the Melton Planning Scheme **Appendix 1**.
2. Apply for an exemption from all of the notice requirements of Section 19 of the *Planning and Environment Act 1987*, except for notification to landowners of affected sites and prescribed Ministers under Sections 19(1)(b) and 19(1)(c).
3. Upon receipt of authorisation, prepare and exhibit C218 to the Melton Planning Scheme in accordance with the *Planning and Environment Act 1987*.
4. Authorise the General Manager Planning and Development and Manager City Design, Strategy and Environment to negotiate and resolve any issues that are raised by submitters during the exhibition process prior to the amendment being reported back to Council for referral to a Planning Panel or adoption of the Amendment.

REPORT

1. Executive Summary

In 2015, Council adopted C138 including an Incorporated Document permitting a recycled water storage facility to be developed at 1665-1715 Mount Cottrell Road, Mount Cottrell. Amendment C138 also applied a Public Acquisition Overlay (PAO) to the required proportion of the land. Since that time, Western Water has identified the need to change the use of the proposed facility from storing Class A Recycled water to storing potable (drinkable) water.

Amendment C218 to the Melton Planning Scheme (**Appendix 1**) is proposing to make the following changes:

- Amend the title of the Incorporated Document (**Appendix 3**) and remove all references in the document to "Class A Recycled" and "recycled" water
- Extend the expiry dates in the Incorporated Document
- Remove a redundant Public Acquisition Overlay (PAO)
- Update the property address in the Incorporated Document to refer to 1665A Mount Cottrell Road, Mount Cottrell **Appendix 2**.
- Update the Melton Planning Scheme to replace the current document listed under Specific Sites and Exclusions (Clause 51.01) with a Specific Controls Overlay (SCO) (Clause 45.12).

The Amendment does not change the look or built outcome of the proposed development from the existing endorsed plans in the Incorporated Document. As a result, the Amendment is considered minor in nature and a 20(2) Amendment is proposed which involves limited notification requirements.

Amendment C218 (**Appendix 1**) is consistent with the Strategic Assessment Guidelines in relation to the State Planning Policy (SPP) and Victorian Planning Provisions (VPP), seeking to support economic growth and removing unnecessary or redundant planning controls.

2. Background/Issues

In September 2015 Amendment C138 was adopted by Council to allow the use and development of a recycled water storage facility at 1665-1715 Mount Cottrell Road, Mount Cottrell, via an Incorporated Document in the Melton Planning Scheme. Amendment C138 was subsequently gazetted into the Melton Planning Scheme on 3 March 2016. This Incorporated Document is known as the '*Mount Cottrell Class A Recycled Water Storage Facility*' March 2015, which principally consists of three 9.67 ML water storage tanks and associated works. This document exempts Western Water from requiring planning permits for development which is in accordance with the endorsed plans **Appendix 3**.

Amendment C138 included the introduction of a Public Acquisition Overlay (PAO) to allow Western Water to acquire the required proportion of the site. Western Water have since acquired the required land which is a proportion of the original site. As a result, a new lot has been created known as 1665A Mount Cottrell Road, Mount Cottrell **Appendix 2**.

The site is located in a Green Wedge Zone (GWZ). There are currently three Overlays affecting the site:

- Significant Landscape Overlay (SLO) Schedule 1 applies to the eastern proportion of the site and relates to Mount Cottrell
- Heritage Overlay (HO200) applies to a small proportion of the western edge of the site relating to a drystone wall along Mount Cottrell Road
- Public Acquisition Overlay (PAO) Schedule 9 which is proposed to be removed as part of this Amendment

Incorporated Document Changes

Since the existing Incorporated Document was introduced into the Melton Planning Scheme in 2016, the intent for the water to be stored onsite has changed from storing Class A Recycled water to potable (drinkable) water. To address the issue, a request was made by Western Water to amend the Melton Planning Scheme to reflect the revised intent for the site. The Department of Environment, Land, Water and Planning (DELWP) has advised a Planning Scheme Amendment is required, due to the specific reference to "*Class A Recycled*" and "*Recycled*" water throughout the existing Incorporated Document.

The Amendment doesn't change the look or built form from the existing endorsed plans.

The existing Incorporated Document has numerous references to "Recycled" and "Class A Recycled" water. Amendment C218 will remove these references from the Incorporated Document **Appendix 3**. The title of the Incorporated Document will be changed to '*Mount Cottrell Water Storage Facility*'.

Due to the introduction of the Specific Controls Overlay to replace Clause 51.01 *Specific Sites and Exclusions*, the Incorporated Document will have corresponding changes to reference the updated clauses.

The existing Incorporated Document contains expiry dates which are based on the gazettal date of Amendment C138, being 3 March 2016. The expiry dates are triggered at three stages of development.

The existing expiry dates are:

- Development of the first tank is not started within four years of the gazettal (3 March 2020)
- The intended use (water storage) is not started within seven years of gazettal (3 March 2023)
- The development of the tanks is not completed within 30 years of the gazettal date (3 March 2046)

To avoid expiry, the existing expiry dates (located at 5.20 in the Incorporated Document) are proposed to be extended and reworded to reflect specific expiry dates. Amendment C218 will change the expiry dates in the Incorporated Document as follows **Appendix 3**:

The specific control will expire if any of the following circumstances applies:

- a) Development of the first tank is not started by 31 December 2024*
- b) The use allowed by the control is not started by 31 December 2027*
- c) The development of the tanks is not completed by 31 December 2050*

Removal of the Public Acquisition Overlay

Acquisition Overlay (PAO9) was introduced over the required land in 2016 as part of C138. This PAO nominates the Western Region Water Corporation to acquire the land for the purpose of a 'Recycled Water Storage Facility'.

Western Water has acquired the site for its intended purpose and the PAO is now redundant. As a result, Amendment C218 proposes to remove the PAO from the site and PAO9 from Clause 45.01 of the Melton Planning Scheme. This will require the removal of PAO9 from the Melton Planning Scheme Maps 12PAO and 13PAO.

This change is considered appropriate as it will remove a redundant control from the Melton Planning Scheme as required by the *Planning and Environment Act 1987*.

Introduction of the Specific Controls Overlay

The Specific Controls Overlay (SCO) was introduced into Victorian Planning Schemes with Amendment VC148. VC148 is part of a wider project by the State Government to modernise Victorian planning schemes known as the Planning Policy Framework. The SCO has the same function as Clause 51.01 *Specific Sites and Exclusions*, which enables specific controls (contained in an Incorporated Document) to override other requirements in the planning scheme. Introduction of the SCO is designed to improve transparency by replacing the list of site addresses in Clause 51.01 *Specific Sites and Exclusions* and Clause 51.03 with the SCO which can be mapped in the planning scheme. To encourage specific controls to be transitioned to the SCO, VC148 prevents further sites being introduced to Clause 51.01.

Due to being the first SCO in the Melton Planning Scheme, Amendment C218 (**Appendix 1**) will introduce Clause 45.12 Specific Controls Overlay to the Melton Planning Scheme. It will also add the updated 'Mount Cottrell Water Storage Facility' February 2020 Incorporated Document to the schedule of documents. In the circumstance that DELWP proceeds with an Amendment to add other sites to the list of SCO before gazettal of this Amendment, it will result in a minor change to the Schedule number of the SCO. This minor change does not impact the planning controls. Transitioning of an Incorporated Document from Clause 51.01 to the SCO does not change the content of the document or the uses or development permitted within the Incorporated Document. DELWP have commenced mapping to transfer the list of addresses at Clause 51.01 to the new Specific Controls Overlay, including this site.

However, the timing of an Amendment to introduce this site into the SCO is unknown. As a result, this Amendment C218 is likely to be the first SCO introduced into the Melton Planning Scheme.

The *Planning and Environment Act 1987* requires Council to update its planning scheme. Therefore transitioning this specific control from the *Specific Sites and Exclusions* to the SCO is considered appropriate.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

3.1 *A City that strategically plans for growth and development.*

4. Financial Considerations

Council officer time and resources are involved in the preparation of the amendment. The proponent is required to pay the fees associated with the amendment process.

5. Consultation/Public Submissions

Planning Scheme Amendments are subject an exhibition process in accordance with the *Planning and Environment Act 1987*.

A 20(2) Amendment (limited notice) is proposed, as there are no changes to the built form or look of the development from the existing endorsed plans which were fully exhibited as part of Amendment C138 in 2016. Full exhibition of C218 would duplicate this process and is not considered to be required. Notification as part of a 20(2) Amendment to the planning scheme normally includes direct notification to affected landowners and government agencies, prescribed Ministers, local newspapers and the Government Gazette. Prior to Council undertaking the amendment, the Department of Environment, Land, Water and Planning (DELWP) advised that limited public notice as part of the 20(2) is the most appropriate method of notification.

6. Risk Analysis

If Council resolves not to support the Amendment, it could hinder or delay the provision of water infrastructure to growing areas. In accordance with the *Planning and Environment Act 1987*, Council is required to update its planning scheme. If Council chooses not to seek authorisation to prepare Amendment C218, the planning scheme will continue to have redundant planning controls.

7. Options

Council can resolve to:

1. Seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C218 in accordance with the *Planning and Environment Act 1987*, apply for an exemption from notice requirements under section 19 and authorise the General Manager Planning and Development to negotiate and resolve any issues; or
2. Not proceed with the Amendment

LIST OF APPENDICES

1. Amendment documents - undated
2. Site map - undated
3. Incorporated document - dated February 2020

12.10 PLANNING APPLICATION PA 2018/6342/1 - USE AND DEVELOPMENT OF THE LAND FOR A CHILD CARE CENTRE WITH ASSOCIATED CAR PARKING AND LANDSCAPING AND ERECT AND DISPLAY BUSINESS IDENTIFICATION SIGNAGE AT 232 CLARKES ROAD BROOKFIELD

Author: Simon Temple - Acting Statutory Planning Coordinator
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.

REPORT

1. Background

Executive Summary

Applicant:	3 Corners Pty Ltd
Proposal:	Use and development of a Child Care Centre
Existing Land Use:	Vacant
Zone:	Neighbourhood Residential (Schedule 1)
Overlays:	Nil
Number of Objections:	24
Key Planning Issues:	Adequacy of on-site car parking Increased traffic/traffic congestion Location in a residential area Neighbourhood character
Recommendation:	Approve application

The Land and Surrounding Area

The subject site has an area of 1931m² and is located on the eastern side of Clarkes Road, Brookfield approximately 140 metres south of Brooklyn Road. Other features of the site are as follows:

- The site is rectangular in shape and is currently vacant.
- A 3 metre wide easement is located along the rear boundary of the land.

The surrounding area can be characterised as an established residential area consisting of contemporary single and double storey detached brick dwellings with concrete tiled and

colourbound clad roofing with associated garages and large colourbond clad outbuildings. The land directly opposite the site on the western side of Clarkes Road is currently vacant. However, Council has issued a planning permit (PA2018/6057) for a multi lot staged residential subdivision and associated removal of native vegetation on this land which will be known as Botanica Springs Zone C.

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

The Application

The application proposes the use and development of a Child Care Centre

The proposed use and development is summarised as follows:

- The proposed building will be single storey with a total floor area of 497 square metres and a maximum height of 5.2 metres. External materials, colours and finishes consist of brick with a rendered finish, timber cladding, aluminium framed doors and windows and colourbond clad roofing.
- The Child Care Centre consists of a foyer/waiting area, office, four play rooms (0-2 years to 3+ years) and an outdoor play area (630 square metres).
- The centre will accommodate a maximum of 90 children. Hours of operation are 6.30am to 6.30pm Monday to Friday.
- A total of 19 car spaces are provided on the subject land at the frontage to the site.
- Business identification signage in the form of a 2.4m x 1.5m x 2.5 metre high free standing sign within the front landscape setback and a 3.9m x 1.1 m high sign above the entry to the centre. The advertisement area of the signs will be 3.6 square metres and 4.2 square metres respectively. Both signs will be non-illuminated and advertise details (name and hours) of the proposed use.

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

Planning Controls

Zone	(Clause 32.09 – Neighbourhood Residential Zone)	A permit is required for use and development of land for a Child Care Centre
Overlays	Nil	Not applicable.
Particular Provisions	(Clause 52.05 – Signs)	A permit is required to erect and display business identification signage.
	(Clause 52.06 – Car Parking)	0.22 car spaces are required per child. 90 children are proposed equating to 19 car spaces The application makes provision for 19 car spaces.

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

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

Is the land of Cultural Heritage Sensitivity?

The land is considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2018*; however as it has been subject to significant ground disturbance the proposal does not require a cultural heritage management plan.

The applicant submitted a Cultural Heritage assessment prepared by a suitably qualified expert. The assessment concluded that the land had been subject to significant ground

disturbance resulting from recent residential subdivision that has occurred in the area and recommended that a Preliminary Aboriginal Test (PAT) be prepared. A PAT has been prepared and signed by Aboriginal Affairs Victoria which confirms that a Cultural Heritage Management Plan is not required to be prepared for the proposal.

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 24 objections were received.

The grounds of objection may be summarised as follows:

- Insufficient car parking
- Increased traffic/traffic congestion
- Inappropriate use in a residential area
- Loss of property value
- Noise and mess

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

Referral of the application

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

Of particular note are the comments from Council's Urban Designers who commented that car parking within the front setback should be avoided as it is not in keeping with the neighbourhood character of the area as outlined under Council's Housing Character and Assessment Guidelines. It is recommended that the car parking be located to the rear of the building with access from the existing vehicle crossover at the south-west corner of the site.

It should be noted that Council's Housing Character and Assessment Guidelines apply to residential use and development only and do not apply to non-residential land use and development such as Child Centres. Furthermore, the adjoining properties and surrounding area is characterised by a mix of landscaped front setbacks along with circular driveways and large concrete areas within the front setback. In addition, the car park for the recently completed Council owned and operated Child Care and Community Centre at 249 Clarkes Road Brookfield (approximately 150 metres south-west of the site) is located within the front setback.

Therefore, it is considered that the proposal is consistent with the neighbourhood character of the area and a redesign of the proposal is not warranted in this instance.

5. Issues

Planning Assessment

The proposed development is considered consistent with the relevant policies outlined under the Planning Policy Framework (PPF), the Local Planning Policy Framework (LPPF) including all relevant policies relating to child care centres and non-residential uses in residential areas and the purpose of the Neighbourhood Residential Zone.

The proposal will facilitate the appropriate use and development of land for a Child Care Centre in an established residential area which is consistent with the Neighbourhood Residential Zone, which encourages educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

In a recent VCAT decision (P2560 Shand vs Melton City Council) relating to the establishment of a child care centre in a residential area at 143 Brooklyn Road Brookfield, the Tribunal made the following comments:

“While the surrounding land use pattern is primarily residential in nature, that is not unusual within a residential zone. Nor does it prohibit the potential establishment of non-residential land uses which are of a nature that complement and integrate with a residential neighbourhood (paragraph 7)”.

“A child care centre provides a valuable community service and is a needed and necessary offering in today’s society. In most neighbourhoods, residentially zoned land will provide the most suitable land for the establishment of new childcare centres. It is evident for obvious reasons that industrial zoned land is not suitable for this type of land use. Often commercially zoned land is also not suitable, having regard to the size of available lots, and/or the economic reality of the pricing of land in those zones. For these reasons, it is likely that we, as a community, are going to continue to see the growth of childcare centres being established primarily on residentially zoned land (paragraph 10)”.

The proposal will make sufficient use of existing infrastructure and services including the existing road network (Clarks Road and Brooklyn Road) and will also be well located in relation to existing infrastructure and services and community services including public open space, public transport, shops, schools and other community facilities including the recently established Council owned and operated Child Care and Community Centre located approximately 150 metres to the south-west of the subject land.

It is also noted that Council has issued a planning permit (PA2018/6057) for the multi lot staged residential subdivision of the land directly opposite the subject site. This permit includes conditions requiring Clarks Road to be upgraded to a 24 metre wide road reserve with kerb and channel along with the provision of footpaths and a shared hike/bike path. Land has also been set aside along Brooklyn Road to increase the width of this road reserve to 25 metres. The plans also include the provision of an active open space reserve and the future provision of a Neighbourhood Activity Centre, School site and medium density housing site in the north-east corner of this land.

The siting, layout, setbacks, single storey height/scale and built form of the proposed development will respect and complement the established neighbourhood character of the area which is characterised by contemporary style single and double storey detached dwellings. The proposed building is setback 18.7 metres from the frontage to Clarks Road and will not visually dominate the existing residential streetscape. The design and external materials and finishes for the proposed building will be consistent with the established neighbourhood character of the area.

The location of the car park within the front setback is also consistent with the established neighbourhood character of the area where there is a mix of landscaped front setbacks along with circular shaped concrete driveways and large concrete areas within the front setback. A 3 metre wide landscape area is proposed along the front boundary of the site along with a

0.5 metre wide landscape area along the northern and southern boundaries. As outlined earlier in this report, the car park for the recently established Council owned and operated Child Care and Community Centre at 249 Clarkes Road Brookfield is also located within the front setback.

The proposed business identification signage generally satisfies the requirements under Clause 52.05 of the Melton Planning Scheme, the objectives and requirements of Council's Advertising Signs Policy and the objectives and standards of Council's Advertising Sign Guidelines (2017). Under Section 4.5 (Residential Areas) of the Guidelines, the number of signs to be displayed should not exceed one with a maximum advertisement area of 3 square metres and any freestanding sign should not have a height of more than 2 metres above ground level.

In this instance, a variation to the guidelines in terms of the number of signs to be displayed and the size of the signs is appropriate given that one sign will be displayed on the proposed building (above the main entry) while the other sign will be freestanding and located within the landscape area adjacent to the front boundary of the site. The signs will be consistent with the single storey built form and scale of the proposed building, however, the height of the freestanding sign can be reduced to comply with the guidelines and policy. This can be addressed as a condition should Council resolve to issue a Notice of Decision to Grant a Permit.

The grounds of objection are acknowledged, however, cannot be substantiated. The main concerns raised by the objectors relate to car parking, traffic, noise and establishment of the use in a predominantly residential area.

The number of car spaces provided on site for the proposed use and development complies with the standard car parking ratio (0.22 car spaces per child) under Clause 52.06 of the Melton Planning Scheme. The dimensions of the car spaces along with the aisle width between car spaces also complies with the requirements under Clause 52.06. The plans submitted as part of the application also show that access will be one way only with entry via the proposed vehicle crossover at the north-west corner of the site and exit via the existing vehicle crossover at the south-west corner of the site.

The application has been referred to Council's Traffic and Transport Department who have not raised any concerns in relation to car parking and advised that Clarkes Road is capable of accommodating the level of additional traffic likely to be generated by the proposal.

In relation to noise, a 2 metre high acoustic fence is proposed along the northern (adjacent to the outdoor play space) and eastern (rear) boundary of the site. It is recommended that this be extended to include the southern boundary of the site (no further forward than the front wall of the proposed building).

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 Planning Policy Framework, Local Planning Policy Framework, Zone/Overlay provisions and Clause 65 of the Melton Planning Scheme.

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

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

LIST OF APPENDICES

1. Locality Map - dated 16 January 2020
2. Development Plans - dated 29 August 2017
3. Assessment against Planning Scheme - undated
4. Response to Objections - undated
5. Referral Comments - undated
6. Notice of Decision to Grant a Permit Conditions - undated

12.11 PLANNING APPLICATION PA 2019/6452/1 - USE AND DEVELOPMENT OF A SERVICE STATION, CREATION OF ACCESS TO A ROAD IN A ROAD ZONE, CATEGORY 1 AND DISPLAY OF ADVERTISING SIGNS AT 1062 - 1066 LEAKES ROAD, GRANGEFIELDS

Author: Valentine Sedze - 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.

REPORT

1. Background

Executive Summary

Applicant:	Studio 35 Architecture P/L
Proposal:	Use and development of a Service Station
Existing Land Use:	Vacant
Zone:	Urban Growth (UGZ)
Overlays:	Nil
Number of Objections:	Eight objections Four submissions in support of proposal
Key Planning Issues:	Impact of proposal on the future preparation of the Precinct Structure Plan (PSP) Strategic justification Suitability of the use in the area Effects on the amenity of surrounding residents
Recommendation:	Approve application

The Land and Surrounding Area

The subject site has a total area of 3.825 hectares and is located on the north eastern side of the Leakes Road and Western Freeway interchange. The site is located on the eastern edge of the future Melton East Precinct Structure Plan area, and the western edge of the Rockbank North PSP area, where land has been developed with houses as part of the Woodlea Estate. Other features of the site are as follows:

- The site is irregular in shape.
- The site is comprised of two parcels intersected by Leakes Road, with one parcel located to the east with an area of 5700m² and the other parcel located on the north western side with an area of 3.23 hectares.
- The site has frontages to Leakes Road, the Western Freeway and the unconstructed Old Leakes road reserve to the east.
- It contains an existing dry stone wall on the eastern boundary.

The surrounding area east of the subject site can be characterised as residential. The immediate land to the north, west and south of the site is vacant.

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

The Application

The application proposes the use and development of a service station, creation of access to a road in a Road Zone, Category 1 and display of advertising plans on the parcel of land located on the eastern side of Leakes Road with an area of 5700m².

The proposed use and development is summarised as follows:

- 225m² convenience shop with an office, store rooms and a coffee bar including an outdoor seating area and playing area;
- Single storey building with a flat roof.
- Construction materials of the building include timber look cladding, alucobond cladding, painted render finish, rusted metal panels and glazing.
- 4 x fuel bowsers;
- 11 visitor car parking spaces and one staff car space;
- A total of 2 bicycles parking rails (4 bicycle parking spaces) are proposed.
- Hours of operation 6am to 10pm, seven days a week.
- Vehicle access to the site is proposed off Leakes Road;
- A range of Business identification and directional signs;
- Partial demolition of the dry stone wall on the eastern boundary and replace it with landscaping.

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

Planning Controls

Zone	(Clause 37.07 – Urban Growth Zone)	Permit required for use and development.
Particular Provisions	(Clause 52.06 – Car Parking)	The use of land for a service station requires car parking to be provided to the satisfaction of the Responsible Authority. The application makes provision for 12 car spaces.
	(Clause 52.05 – Advertising Signs)	A planning permit is required to construct illuminated signs, pylon signs and business identification signage if the total advertisement area of all signs to each premises exceed 8m ² .

	(Clause 52.29 – Land Adjacent to a Road Zone, Category 1)	This provision requires a planning permit to create or alter an access to a main road (Western Freeway) and requires referral to VicRoads.
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A full assessment of the proposal against the relevant State and Local planning policies is included in **Appendix 3**.

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

Is the land of Cultural Heritage Sensitivity?

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

2. Council and Wellbeing Plan Reference and Policy Reference

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

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

3.1 A City that strategically plans for growth and development.

3. Financial Considerations

No Council related financial considerations are involved with the application.

4. Consultation/Public Submissions

Public notification of the application

The application was subject to notification. The notification was satisfactorily completed and in total eight objections were received and four submissions in support of the proposal were received.

The grounds of objection may be summarised as follows:

- Inappropriate location for the proposal.
- Proximity of the development to residential dwellings.
- Amenity impacts including noise, health risks and effects of fumes to nearby residents.
- Issues of fuel safety.
- Potential light spill to residents on Riders Court and Ivy Lane east of the site.
- An additional service centre is not required considering that there are three service stations within the site's vicinity.
- Noise during construction.
- Traffic issues.
- Safety impacts due to increase in traffic volume.
- The slip lane that provides access to the site's northern entry vehicle access point will impact on the current proposal to convert the existing Leakes Road and Woodlea Boulevard roundabout into a left in – left out intersection.
- Loss of views.
- Increase in house and car insurance.

- Consider alternative proposals for the site such as a bus stop or a truck parking depot for rental services.
- Property devaluation.

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

Referral of the application

The application was referred to Council's Infrastructure Planning, Traffic and Transport, City Environment and Sustainability, Waste Services, City Design, City Strategy, Heritage Advisor and Landscape Development for comment and advice. The application was also referred to the Victorian Planning Authority (VPA) and VicRoads which is a determining referral authority in this case. A complete list of responses is included in **Appendix 5**.

5. Issues

Planning Assessment

Whilst the site is zoned Urban Growth (UGZ) and is located where a Precinct Structure Plan (PSP) does not apply, the zoning provisions does not discourage urban uses before a PSP is in place. The purpose of the UGZ amongst others is to ensure that, before a precinct structure plan is applied, the use and development of the land does not prejudice the future urban use and development of the land. The UGZ allows approval to be granted for use and development where no PSP applies if the outcome sought would not prejudice the future use and development of the land having regard to any PSP being prepared for the area, comments or directions of the referral authority and any relevant Growth Corridor Framework Plan. Given the proposal will be located on the eastern portion of the site, separated by Leakes Road from the main body of the future Melton East PSP, It is considered that the proposal will not prejudice the future planning of the Melton East PSP further to the west.

VPA considers that the proposal would not prejudice the future planning for Melton East PSP and has no objection to the proposal.

The Western Growth Corridor Plan identifies the subject land for residential use. The proposal is generally compatible with residential uses, as such there is no inconsistency between what is proposed and the strategic direction for the future use of land on the subject land. The site is appropriately located and suitable for the use given its adjacency to the freeway and arterial road.

The proposed use and development makes a positive design contribution to the streetscape consistent with the Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF). The built form of the development complements the character of the surrounding area through a high quality and contemporary design. For further activation of the developments primary façade, an additional fenestration treatment is required on the western wall of the office. The overall design and layout of the development is appropriate given the choice of materials, height and setbacks. The proposed landscaping is satisfactory subject to conditions as it will soften the development and improve the visual appearance of the site. An amended landscape plan will be required to show the proposed tree species on the unconstructed Old Leakes Road.

Objector's amenity concerns relating to hours of operation, noise and light spill due to the proximity of the development to residential properties are acknowledged. It is considered that the proposed use and development will not result in unreasonable offsite amenity impacts to the nearby residential properties given the orientation of the building with limited fenestration to the eastern residential interface, proposed landscaping on Old Leakes Road, hours of operation and the 45m setback of the development from the eastern residential interface. Amenity related conditions will form part of the permit to minimise off-site amenity impacts. Matters relating to business demand, potential health risks from fumes and storage of a flammable product go beyond what Council may consider under the permit triggers of this application.

For a service station provision of car parking under Clause 52.06 is to the satisfaction of the

Responsible Authority. The proposed car parking is considered satisfactory. Council's Traffic and Transport Unit has no objection to the proposal.

Residents' concerns relating to safety, access and traffic are acknowledged, however it is considered that the proposed location limits impacts and congestion in local residential streets where these types of uses are discouraged. It is further considered by VicRoads that the proposal will not impact on the operation of the road network and public safety subject to appropriate conditions.

The proposed signage is modest in size and is considered acceptable. The proposed signage is consistent with the decision guidelines of Clause 52.05 and relevant policy.

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 Planning Policy Framework, Local Planning Policy Framework, Zone provisions and Clause 65 of the Melton Planning Scheme.

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

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

LIST OF APPENDICES

1. Locality Plan - dated 7 January 2020
2. Plans for the Proposal - dated October 2018
3. Assessment against Planning Scheme - undated
4. Response to Objections - undated
5. Referral Comments - undated
6. Notice of Decision to Grant a Permit conditions - undated

12.12 PLANNING APPLICATION PA 2019/6515 - DEVELOPMENT OF THE LAND FOR THE PURPOSE OF TEN DOUBLE-STOREY DWELLINGS AT 54 UNITT STREET AND 49 CHURCH STREET, MELTON

Author: Cam Luong - 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.

REPORT

1. Background

Executive Summary

Applicant:	David Calleja & Associates
Proposal:	Ten double storey dwellings
Existing Land Use:	Existing single storey dwelling
Zone:	Residential Growth – Schedule 1
Overlays:	Nil
Number of Objections:	23
Key Planning Issues:	Strategic justification Respect for Neighbourhood Character Adequacy of on-site car parking Intensification of development
Recommendation:	Approve application

The Land and Surrounding Area

The subject site comprises of two allotments and has an area of 2,024 m². Other features of the site are as follows:

- The site is rectangular in shape.
- The land has a 20.12m northern frontage to Church Street, a 20.12m southern frontage to Unitt Street, and a 100.58m frontage to Lindsay Court.
- The lands' abuttal to Lindsay Court accommodates existing landscaping which was presumably planted by Council on the road reserve.
- It contains an existing single storey dwelling that fronts onto Unitt Street.

- An existing drainage and sewerage easement adjoins the rear boundary of 54 Unitt Street.

The surrounding area can be characterised as predominantly residential with single storey dwellings. The land is located on the periphery of the Melton Town Centre shopping strip located on High Street. There are numerous examples of medium density developments in the immediate area.

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

The Application

The application seek approval for the development of the land with ten dwellings.

The proposed development is summarised as follows:

- All the dwellings would be double-storey.
- The dwellings have a contemporary design with a range of external wall materials including brick and render, with colourbond roofing.
- Each of the dwellings will contain three bedrooms and would be provided with a single car garage. Another vehicle can be parked along the driveway in front of the garages.
- Dwellings 1 and 2 will front onto Church Street. The dwellings would be setback approximately 6 metres from the Church Street frontage. Dwellings 1 and 2 have a reverse living arrangement whereby the kitchen and living rooms are located on the first floor, and a balcony of at least 8 metres is provided.
- Dwellings 3, 4, 5, 6, 7, and 8 will front onto Lindsay Court. The dwellings would be setback approximately 3.28 metres from the Lindsay Court street frontage. Three new double crossovers are proposed along Lindsay Court to service these dwellings. The private open space of all the dwellings would be located adjacent to the eastern property boundary.
- The provision of new crossovers onto Lindsay Court, will require the removal of a number of existing trees and plants on the road reserve.
- Dwellings 9 and 10 will front onto Unitt Street. The dwellings would be setback approximately 6.15 metres from the Unitt Street frontage. The private open spaces areas are located to the east of Dwelling 9, and to the west of Dwelling 10.

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

Planning Controls

Zone	(Clause 32.07 – Residential Growth Zone)	Permit required to construct two or more dwellings on a lot.
Particular Provisions	(Clause 52.06 – Car Parking)	Two car spaces are required for each three bedroom dwelling and one car space for each two bedroom dwelling. One visitor car space is also required for every five dwellings.

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

Clause 55 – ResCode

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

- must meet all of the objectives

- should meet all the standards.

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

House Rules - Housing Character Assessment & Design Guidelines

The Housing Character Assessment & Design Guidelines were adopted at the Ordinary Meeting of Council on 13 October 2015. The site is located within the Garden Suburban 2 (GS2) character area. The essential components of the (GS2) which need to be maintained into the future are:

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

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

- providing for canopy a tree on the site.
- minimising interruption of nature strips by driveways, so that regularly-spaced street tree avenues can be planted or retained.

Built form intensity will be greatest close to commercial areas.

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

- Dual occupancy
- Villa units
- Duplex
- Apartment.

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

Is the land of Cultural Heritage Sensitivity?

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

2. Council and Wellbeing Plan Reference and Policy Reference

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

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

3.1 A City that strategically plans for growth and development.

3. Financial Considerations

No Council related financial considerations are involved with the application.

4. Consultation/Public Submissions

Public notification of the application

The application was subject to notification. The notification was satisfactorily completed and 23 objections were received.

The grounds of objection may be summarised as follows:

- Neighbourhood character.
- Double storey development.
- Overdevelopment.
- Insufficient car parking.
- Increase in traffic.
- Errors in plans and reports.
- Concerns relating to the removal of existing landscaping on Lindsay Court.
- Visual bulk.
- Front setback.
- Accessway width.
- Fencing.
- Overshadowing and poor solar access.
- Changing demographics.

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

Referral of the application

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

5. Issues

Planning Assessment

Strategic justification

The land is zoned as Residential Growth which is to provide housing at increased densities in buildings up to and including four storey in height. The Zone encourages a diversity of housing types in locations offering good access to services and transport including activity centres and town centres. The proposal meets the overarching objectives of the Planning Policy Framework and the Local Planning Policy Framework. It provides for urban consolidation in an area which has excellent access to local services and facilities and is a development that improves housing choice and accommodates future housing needs.

Neighbourhood character

Whilst the prevailing pattern of development in the area is predominantly characterised by single storey dwellings, double storey dwellings also exist within the surrounding area. Objectors are concerned that the proposed double storey dwellings are not in keeping with the existing neighbourhood character. The Housing Character Assessment and Design Guidelines (House Rules) adopted by Council on 13 October 2015 and gazetted into the Melton Planning Scheme as a reference document on 18 April 2019 provides guidance on the preferred outcomes for the neighbourhood character of the area. It states that buildings that exceed by more than one storey the predominant building height in the street and nearby properties should be avoided. However, the House Rules document does not preclude the possibility of introducing a double storey built form. Double storey development over time has become a more common aspect of Melbourne's built form. To quote from *Waylan Consulting Group v Moreland CC (P2000/14971)*, "Double storey dwellings are not two headed monsters. They are a normal housing type through the Melbourne metropolitan area."

Whilst the form of the development may generally be different to the immediate building stock, it is noteworthy that respecting neighbourhood character does not mean replicating what exists. If that was the case there would be virtually no change to the types of dwellings

that exist in an area. The Planning Scheme does not prohibit alternative built form to the existing built form provided it respects and complements the neighbourhood character of the area.

The Residential Growth Zone allows for buildings up to four storeys in height and a maximum height of 13.5 metres, whilst the General Residential Zone on the northern side of Church Street allows for buildings up to three storeys and a maximum building height of 11 metres. The maximum building height of the proposed dwellings is 7.96 metres and double storey, which is well within the maximum requirements of the Residential Growth Zone. Additionally, the Garden Suburban 2 area in House Rules states the maximum building height should be 13.5 metres, which the proposal complies with.

Objectors have raised concerns that the proposed setback from the street metres does not meet Standard B6 of ResCode and is therefore inconsistent with the neighbourhood character. It is acknowledged that there is a variation to the front setback under Standard B6, however overall the proposal complies with the objective. The proposed setbacks are considered adequate, particularly due to the large variations in setbacks throughout Church Street and Unitt Street. The street setback objective is *“to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.”* Increasing the front setbacks would not be an efficient use of the land, particularly based on its proximity to the Melton Town Centre. It is considered the proposed setback still respects the neighbourhood character and is an efficient use of the land.

An application for seven dwellings consisting of six double storey dwellings and one double storey dwelling (PA2017/5840) at 52-54 Church Street, Melton was previously refused by Council. The site is located on a corner block and has a frontage to both Church Street and Hewson Street. The refusal was based on an overdevelopment of the site, minimal separation between the dwellings, building form, visual bulk, not satisfactorily addressing the objectives and standards of ResCode and the lack of an on-site visitor car parking. The applicant lodged an appeal with VCAT, with VCAT affirming Council's decision in that no planning permit is granted (*Rigon v Melton CC [2019] VCAT 358 (P1279/2018)*). Although the proposals are approximately 50 metres away from each other, this current application being assessed (PA2019/6643) is located in the Residential Growth Zone compared to the application at 52-54 Church Street being located in the General Residential Zone.

In *Rigon v Melton CC [2019] VCAT 358* the Tribunal Member found the attached built form to Hewson Street creates a bulky built form that is at odds with the moderately scaled and simple dwellings that make up the neighbourhood, resulting in a dominating and intrusive building mass to the streetscape. The attached built form as part of that proposal extends for 36 metres at the ground floor and over 32 metres at the first floor across the 44 metre frontage to Hewson Street.

In comparison, the proposed dwellings would be arranged into five sets of duplex townhouses, which are physically separated on the ground floor. The dwellings fronting onto Lindsay Court would also benefit from a wide nature strip that varies in length. The wide nature strip along Church Street and Lindsay Court will also soften the built form of the proposal. The typology of the dwellings (townhouses in duplex arrangement) is considered appropriate in-term existing and preferred neighbourhood character area, and that it provides a suitable transition from established residential areas located in General Residential Zone to the north of Church Street, and the commercial areas located in Commercial 1 Zone to the south of Unitt Street.

Car parking and traffic

Provision of car parking for each dwelling complies with the requirements of Clause 52.06, however, no visitors' car parking spaces are provided. Clause 52.06 requires one visitors' car

parking space to be provided for every five dwellings. The proposal is required to provide two visitors' car parking spaces under this Clause.

The site has excellent access to public transport, with bus stops located on Unitt Street and the Wallace Square bus interchange 250 metres from the site. It is anticipated a greater percentage of trips can be undertaken via public transport, reducing the need for car parking.

Residents have expressed concerns regarding traffic congestion, off-street and safety impacts due to increase in traffic volumes as a result of the development. Council's Traffic Engineers are satisfied that the local road network can accommodate the anticipated increase in traffic that will be generated by the proposal.

The variation to the car parking requirements requested by the applicant is considered to be acceptable.

Street tree removal

Nine street trees would need to be removed allow for the construction of new crossovers for the proposed dwellings that front onto Lindsay Court. The applicant has provided an Arborist Report to justify the removal of the trees. The trees that would be removed as part of the proposal area either considered to be small and insignificant, a weed species, dead, collapsed, structural poor, and/or of poor health.

The removal of these street trees is considered to be acceptable.

Intensification of development

Numerous objectors have outlined they are not opposed to development, but rather the intensification of development that is being proposed. The objectors have raised that three single storey dwellings is a more reasonable proposal.

The scale of development proposed is considered transitional as the development needs to respond to the lower intensification of the General Residential Zone to the north of Church Street but also respond to the Residential Growth Zone and further to the Commercial 1 Zone on the opposite side of Unitt Street.

The proposal for ten double-storey dwellings shows a high level of compliance with the objectives of the Planning Policy Framework, Local Planning Policy Framework and House Rules and the intensification of development is justified for this site and its surrounding context.

6. Options

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

7. Conclusion

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

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

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

LIST OF APPENDICES

1. Locality Plan - dated 9 January 2020
2. Plans of the Proposal - dated 7 January 2019
3. Assessment against State and Local Policies - undated
4. Response to Objections - undated
5. Referral Comments - undated
6. Notice of Decision conditions - undated

12.13 PLANNING APPLICATION PA 2019/6623 - CREATION OF ROAD RESERVE AND CONSTRUCTION OF A ROAD AT 2 GREEN HILL ROAD, EYNESBURY

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

PURPOSE OF REPORT

To consider and determine the above planning application.

RECOMMENDATION:

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

REPORT

1. Background

Executive Summary

Applicant:	Roberts Day
Proposal:	Creation of a road reserve and construction of a road
Existing Land Use:	Construction haulage road
Zone:	Mixed Use
Overlays:	Incorporated Plan Development Plan Environmental Significance
Number of Submissions:	42 opposed and 39 support
Key Planning Issues:	Consistency with approved Development Plan Increased traffic and safety concerns Delivery of Mount Mary/Green Hill Road connection
Recommendation:	Approve application

The Land and Surrounding Area

This is a somewhat unusual application, in that it involves the creation and construction of a section of road in order for the developers of the Eynesbury Township to meet their statutory obligations.

By way of background, Council would be aware that the Township has been developing sporadically for about a decade. An approved Development Plan guides future uses and development, and a Section 173 Agreement controls the provision of road infrastructure and community facilities based on the achievement of lot triggers. At full development, the

Township is proposed to accommodate a total of 4,500 lots. However at this point in time, the number of lots created is just under 1,000 and has been hovering at this level for a number of years based on various factors.

Notwithstanding, there has been some recent progress with the current development of the active recreation reserve, and the imminent construction of the government primary school and early learning facility. In addition, new stages of development have been or soon to be permitted which will eventually trigger major road infrastructure, including Greenhills Road in the City of Melton (1250 lots) and Mount Mary Road in the City of Wyndham (1800 lots).

As it currently stands, Eynesbury Road is the only access road in and out of the Township. Traffic volumes on this road are already beyond its design capacity. The Development Plan identifies Greenhills Road as the main access road from the Melton side. Greenhills Road is currently constructed as a gravel haul road essentially from Exford Road to the boundary of the Township. According to the Development Plan, the alignment of Greenhills Road from this point deviates to the west of the Township, eventually linking up with Mount Mary Road.

The problem with this alignment is that it traverses land owned by another developer (Fucheng). This developer does not have planning approval to subdivide and develop their area – which occupies the north-western portion of the Township. Council at this stage has no indication as to likely timeframe for future development of this land. That therefore presents the developer of the remainder of the Township (Resimax) with the dilemma of providing a second access to meet its obligations under the agreement.

The proposed solution is the creation and construction of a section of road reserve which would extend Greenhills Road into existing St Arnaud Road and the proposed road traversing the future town centre.

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

The Application

The application seeks approval for the creation of a road reserve and the construction of a road.

The proposal is summarised as follows:

- The section of road is a temporary connection to ensure that obligations under Development Plan and relevant S173 Agreement can be met.
- The proposed road would provide a connection between the approved section of Haul/Green Hill Road (under PA2005/671) and Stage 11 of the Eynesbury Township.
- The road reserve and road to be constructed is approximately 357 metres in length.

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

Planning Controls

Zone	Clause 32.04 – Mixed Use Zone	A permit is required to subdivide the land. The land is to be set aside for a road reserve.
Overlays	Clause 42.01 – Environmental Significance Overlay (Schedule 4)	A permit is required to subdivide the land. The land is to be set aside for a road reserve.
	Clause 43.03 – Incorporated Plan Overlay (Schedule 1)	A permit be generally in accordance with the Incorporated Plan.

	(Clause 43.04 – Development Plan Overlay (Schedule 6))	A permit be generally in accordance with the approved Development Plan.
Particular Provisions	Clause 52.17 – Native Vegetation	A permit is required to remove native vegetation. The native vegetation on the subject land had previously removed and offset as part of the construction of the haulage road.

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

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

Is the land of Cultural Heritage Sensitivity?

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

2. Council and Wellbeing Plan Reference and Policy Reference

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

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

3.1 A City that strategically plans for growth and development.

3. Financial Considerations

No Council related financial considerations are involved with the application.

4. Consultation/Public Submissions

Public notification of the application

The proposal is exempt from the notice requirements and appeal rights of the *Planning and Environment Act 1987*, under Clause 43.04-3 of the Development Plan Overlay (Schedule 6). As part of Council's process, the application was placed on informal notification. The informal notification was satisfactorily completed and 81 submissions (42 opposed and 39 in-support) were received.

The grounds of objection may be summarised as follows:

- That the alignment is not consistent with the Development Plan.
- Increased Traffic and Safety Concerns.
- Concerns that St Arnaud Road will become the de facto connector road, particularly given present uncertainties about the timing of development on the Fucheng parcel.

The issues raised in the objections have been address in Section 5 of this Report.

Referral of the application

The application was referred to a number of Council Departments for comment and advice. A complete list of responses is included in **Appendix 4**.

5. Issues

Planning Assessment

Consistency with the Eynesbury Township Development Plan 2015

The provision of a second road connection to Exford Road is a requirement of the Development Plan. The Development Plan requires the developer of the Eynesbury Township to provide this second connection to Exford Road, prior to the release of Statement of Compliance of the 1250th residential allotment.

The Road Hierarchy Plan shows that when the Eynesbury Township is fully developed (when all 4,500 lots are developed) Green Hill Road/Mount Mary Road would be the major north-south road, which would carry up to 12,000 vehicle movements per day. The alignment of this road is similar to a bypass road, whereby it would allow traffic to bypass the future Eynesbury Town Centre.

The applicant has outlined that the road connection proposed as part of this application is temporary and follows the alignment of the existing haulage road, which is being used under existing agreements with the landowner (Fucheng). The construction of this temporary road is a necessity, given the requirements of the Development Plan and that the development of the bypass road is not required at this point in time (the Town Centre and future residential areas to the west of the Town Centre).

The temporary second road connection is the only viable option, given that the landowner Fucheng has not actively engaged Council to discuss the development of their landholdings within the last 12 months.

The applicant has provided a Traffic Report to demonstrate that the amount of traffic along neighbouring roads would be generally consistent with the volumes anticipated in the Road Hierarchy Plan contained within the Eynesbury Township Development Plan. No changes to the Development Plan are being considered as part of this application, and as such the ultimate alignment of Green Hill Road/Mount Mary Road remains unchanged.

The approval of this application would allow for the delivery of an essential road connection in an efficient, sensible and timely manner. The provision of second connection is vital, given, that currently the only road in and out of the Eynesbury Township is via Eynesbury Road.

The eventual removal of this temporary road connection would be addressed as condition on permit, which would require the applicant to enter into a S173 Agreement requiring the temporary road connection to be removed, when Stage 12 is completed.

Refer to **Appendix 5** for Road Hierarchy Plan.

Increased Traffic and Safety Concerns

Council's Engineering Services Department have reviewed the information provided by the applicant, and have not raised any issues in relation to safety nor increased traffic. Detailed Road design related issues would be addressed in the assessment of the Functional Layout Plan approved by Engineering Services.

The objectors have raised concerns in relation to increased traffic and traffic safety concerns along St Arnaud Road as a result of approving the application.

St Arnaud Road is designed and constructed with a capacity to accommodate 3,000 vehicle movements per a day. The Traffic Report (by Onemilegrid, dated 2 September 2019) provided by the applicant indicates that the design capacity is unlikely to be reached until Stage 6 is fully developed. At this point, the Traffic Report suggests that an interim connection (a section of road along within the Town Centre) between the western end of Stage 6 and the southern end of Stage 11 be constructed. The construction of this interim connection would assist in distributing the traffic away from St Arnaud Road. Council's Engineering Services Department have reviewed the information provided by the applicant,

and have not raised any issues in relation to safety nor increased traffic, and are generally agreeable to the analysis provided in the Traffic Report.

A traffic count can potentially be conducted after Stage 6 is completed to ensure that the amount of vehicles travelling along St Arnaud Road does not exceed its design capacity. At that point in time, Council may install traffic calming devices to deter people from travelling along St Arnaud Road.

Delivery of Mount Mary/Green Hill Road connection

A concern raised by residents of dwellings adjoining St Arnaud Road is that they would experience traffic volumes which exceed the capacity of this road as set out in the Development Plan. They are especially concerned that St Arnaud Road would become the de-facto north/south road through the Eynesbury Township, should Fucheng decide to delay the development of their landholdings indefinitely.

Council officers have been in discussions with the Resimax as part of on-going engagement with the developer to ensure that the delivery of the Eynesbury Township is well managed. As a part of these discussions Council officers have conveyed to the developer that Council would be unlikely to support the application for the construction of Mount Mary Road, unless the north-south road connection through the commercial core of the Eynesbury Town Centre was also delivered. This would reduce traffic volumes on St Arnaud Road.

This staged approach would not prejudice the delivery of Mount Mary/Green Hill Roads (in its ultimate alignment as depicted in the Development Plan), which traverses land owned by Fucheng. As explained earlier this developer does not have planning approval to subdivide and develop their area – which occupies the north-western portion of the Township. Council at this stage has no indication as to likely timeframe for future development of this land.

6. Options

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

7. Conclusion

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

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

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

LIST OF APPENDICES

1. Locality Plan - dated 7 January 2020
2. Plans of Proposal - dated 2 May 2019
3. Assessment of the proposal against State and Local policies - undated
4. Referral Comments - undated
5. Road Hierarchy Plan - dated 16 August 2012
6. Permit Conditions - undated

12.14 PLANNING APPLICATION PA 2019/6655 - DEVELOPMENT OF EIGHT DOUBLE-STOREY DWELLINGS ON THE LAND AT 30 TOOLERN STREET, MELTON SOUTH

Author: Cam Luong - 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.

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

Applicant:	Xpress Building Design Group
Proposal:	Eight double storey dwellings
Existing Land Use:	Existing single storey dwelling
Zone:	Residential Growth (Schedule 1)
Overlays:	Nil
Number of Objections:	Eleven
Key Planning Issues:	Strategic justification Adequacy of on-site car parking Respect for Neighbourhood Character Off-site amenity impacts Objector concerns
Recommendation:	Approve application

The Land and Surrounding Area

The subject site has an area of 1,564m² and is located on the southern side of Toolern Street. Other features of the site are as follows:

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

The surrounding area can be characterised as established residential housing, which predominantly comprises of single-storey brick veneer dwellings with tiled roofing. There is a significant number of properties within Toolern Street, which have been re-developed with

multiple dwellings, given, that the site is within walking distance of the Melton Train Station, established Primary and Secondary Schools, and Melton Station Square Shopping Centre.

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

The Application

The application seek approval for the development of the land with eight dwellings.

The proposed development is summarised as follows:

- All the dwellings would be double-storey.
- The dwellings have a contemporary design with a range of external wall materials including brick and render, with concrete tiled roofs.
- Dwelling 1 contains three bedrooms and would be provided with a two car garage.
- The remaining dwellings would contain two bedrooms and would be provided with a single car garage.
- All dwellings will be accessed from one shared crossover and driveway adjacent to the western boundary of the site.
- The private open space of all the dwellings would be located adjacent to the western property boundary.
- A visitor's car parking space has been provided on the site.
- A waste management plan (to allow for private waste collection) has been submitted with the application documentation.

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

Planning Controls

Zone	(Clause 32.07 – Residential Growth Zone)	Permit required to construct two or more dwellings on a lot.
Particular Provisions	(Clause 52.06 – Car Parking)	Two car spaces are required for each three bedroom dwelling and one car space for each two bedroom dwelling. One visitor car space is also required for every five dwellings.

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

Clause 55 – ResCode

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

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

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

House Rules - Housing Character Assessment & Design Guidelines

The Housing Character Assessment & Design Guidelines were adopted at the Ordinary Meeting of Council on 13 October 2015. The site is located within the Garden Suburban 2 (GS2) character area. The essential components of the (GS2) which need to be maintained into the future are:

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

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

- providing for canopy a tree on the site.
- minimising interruption of nature strips by driveways, so that regularly-spaced street tree avenues can be planted or retained.

Built form intensity will be greatest close to commercial areas.

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

- Dual occupancy
- Villa units
- Duplex
- Apartment.

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

Is the land of Cultural Heritage Sensitivity?

The land is considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*; and an approved cultural heritage management plan has been submitted with the planning application.

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 11 objections were received.

The grounds of objection may be summarised as follows:

- Inconsistency with the existing neighbourhood character.
- Increased noise.
- Local road network cannot accommodate additional traffic and car parking.
- Overlooking and overshadowing of adjoining properties.
- The proposal would impact on solar panels of the adjoining property owner.

- Existing fence is too low and needs to be replaced.

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

Referral of the application

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

5. Issues

Planning Assessment

Strategic Assessment

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

Neighbourhood Character

The aspects of neighbourhood character which are of particular note relate to detached single storey dwellings with single driveways on generous lots predominantly ranging to 1600m², the sense of spaciousness, the front setbacks range from 6.8m to 11.8m, low front fences or absence of front fences, separation between dwellings and “backyard scape” mainly comprising open space, vegetation and smaller outbuildings. The dwellings are predominantly constructed of brick veneer with gable or hipped roofs, clad in tiles. There are already a number of multi-unit developments within the immediate surrounding area.

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

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

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

Off-site amenity impacts

Objectors are concerned about the increase in noise from future residents and traffic generated by the proposed development. Whilst noise issues can arise as result of development, the noise generated will be residential in nature and not unreasonable in a residential area.

Car parking and Traffic

Provision of car parking for each dwelling complies with the requirement of Clause 52.06 of the Melton Planning Scheme.

The proposal provides one visitor car spaces as required by Clause 52.06 of the Melton Planning Scheme.

Residents have expressed concern regarding traffic congestion, off-street impacts and safety impacts due to increase in traffic volumes as result of the development. It is considered that the local road network can accommodate the anticipated increase in traffic that will be generated by the proposal

The concern of vehicles being parked on the street can potentially be resolved through the installation of parking signs to limit the hours vehicles can be parked, and enforcement of those signs.

Overlooking (Privacy) and Overshadowing

Issues in relation the overlooking and overshadowing are addressed in Standards B20, B21, B22, and B23 of Clause 55 (ResCode). The proposal has been assessed against and deemed to be to be consistent with the relevant standards.

It is noted that habitable room windows on the first floor of the proposed dwellings have either sill heights of 1700mm above the finished floor level or have fixed obscure glazing to a height a 1700mm above the finished floor level.

The shadow diagrams provided also indicated that overshadowing of adjoining properties would be minimal.

6. Options

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

7. Conclusion

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

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

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

LIST OF APPENDICES

1. Locality Plan - dated 7 January 2020
2. Plans of Proposal - dated 5 September 2019
3. Assessment against state and local planning policies - undated
4. Response to Objections - undated
5. Referral comments - undated
6. Notice of Decision Conditions - undated

12.15 PLANNING APPLICATION PA 2019/6737 - DEVELOPMENT OF FOUR DOUBLE-STOREY DWELLINGS ON THE LAND AT 16 ROSINA DRIVE, MELTON

Author: Cam Luong - 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 Refuse to Grant a Permit subject to the grounds outlined in **Appendix 6** of this report.

REPORT

1. Background

Executive Summary

Applicant:	Achieve Design Group
Proposal:	4 double storey dwellings
Existing Land Use:	Existing single storey dwelling
Zone:	Residential Growth (Schedule 1)
Overlays:	Nil
Number of Objections:	23
Key Planning Issues:	Previous VCAT decision Respect for Neighbourhood Character Strategic justification
Recommendation:	Refuse application

The Land and Surrounding Area

The subject site has an area of 629.46m² and is located on the south side of Rosina Drive in Melton. Other features of the site are as follows:

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

The surrounding area can be characterised as predominantly residential with single dwellings on each lot. The subject site is located approximately 450m east of Woodgrove Shopping Centre.

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

The Application

The application proposes the development of four double storey dwellings.

The proposed development is summarised as follows:

- The existing dwelling is to be demolished and replaced with the proposed dwellings which will be staggered down the site.
- Each dwelling contains two bedrooms and a single car garage.
- The dwellings have a contemporary design with a range of external wall materials including scyon matrix finish, brick and render, with concrete tiled roofs.
- All dwellings will be accessed from one shared crossover and driveway adjacent to the western boundary of the site.

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

Planning Controls

Zone	(Clause 32.07 – Residential Growth Zone)	Permit required to construct two or more dwellings on a lot.
Particular Provisions	(Clause 52.06 – Car Parking)	Two car spaces are required for each three bedroom dwelling and one car space for each two bedroom dwelling. A total of four spaces are required and provided.

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

Clause 55 – ResCode

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

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

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

House Rules - Housing Character Assessment & Design Guidelines

The Housing Character Assessment & Design Guidelines were adopted at the Ordinary Meeting of Council on 13 October 2015. The site is located within the Garden Suburban 2 (GS2) character area. The essential components of the (GS2) which need to be maintained into the future are:

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

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

- providing for a canopy tree on the site.

- minimising interruption of nature strips by driveways, so that regularly-spaced street tree avenues can be planted or retained.

Built form intensity will be greatest close to commercial areas.

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

- Dual occupancy
- Villa units
- Duplex
- Apartment.

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

Is the land of Cultural Heritage Sensitivity?

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

2. Council and Wellbeing Plan Reference and Policy Reference

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

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

3.1 A City that strategically plans for growth and development.

3. Financial Considerations

No Council related financial considerations are involved with the application.

4. Consultation/Public Submissions

Public notification of the application

The application was subject to notification. The notification was satisfactorily completed and 23 objections were received.

The grounds of objection may be summarised as follows:

- Overlooking.
- Loss of privacy.
- Loss of on-street car parking, and increase in parking demand and safety issues created with additional traffic.
- Local road network cannot accommodate additional traffic.
- Inconsistency with the existing neighbourhood character.
- Dwelling density/overdevelopment.
- Increased noise.
- Loss of daylight.
- Overshadowing.
- Litter during construction.
- Development will set a precedent.
- Property devaluation.
- Loss of security.
- Collection of waste bins.

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

Referral of the application

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

5. Issues

Planning Assessment

Previous VCAT decision

Council at its ordinary meeting on the 10 December 2018, refused Planning Permit Application PA2018/6320 proposing the development of four dwellings on the land. Council's concerns essentially related neighbourhood character, compliance with ResCode, and precedence. The applicant lodged an appeal against Council's decision at the Victorian Civil and Administrative Tribunal (VCAT). Council decision was ultimately upheld by the Tribunal. The Tribunal considered that the main failure of the design was in relation to visual bulk to the double storey walls of units 2, 3 and 4, when viewed from the south and the east. The concerns are summarised as follows:

"In this regard, my finding is that the particular design response here is fatally heavy-handed and clumsy, in terms of:

- *The extent of sheer double storey walls.*
- *The very visually imposing built form being intended to be situated very close to the relevant neighbouring dwellings."*

And further:

"Notably, the key problem here seems the extremely stark and unrelenting upper eastern facade for these two middle units which presents to the east. This very long continuous upper facade would sit off the eastern side boundary by a distance I regard as relatively close in the circumstances i.e. by 3.15 metres.

It is an extremely unimaginative and poor design response that in relation to the eastern upper facade of both of these proposed middle units, the bedroom 1 and bedroom 2 eastern upper walls would all simplistically line up in a row. That is, there would be minimal stepping-in of this long upper wall compared to the equivalent wall below, and no modulation at all with how these various upper bedroom east-facing external walls present to the No. 18 neighbouring property to the east. It would simply be the one extremely dominant long, east-facing upper wall.

On the other hand, I have real unresolved concerns about the fact that the proposed rear unit would involve a rear-facing (southern) sheer wall extending straight up from the living area, to the bedroom 1 above. This rear-facing double storey sheer wall would be set back only 1.978 metres from the rear boundary. Having such an extent of double storey sheer wall so close to the rear boundary in my view 'asking too much', in terms of the visual bulk impacts on the private open space of the rear neighbour. I would be less concerned about this situation if the rear neighbouring property had a larger back yard area, but the indications are that it has a fairly small north-facing rear courtyard."

It does not appear that the applicant has fully addressed the issues raised by Tribunal in its decision to refuse the application. The minor recesses incorporated into the current proposal could have been easily addressed by the Tribunal member by issuing a VCAT Order to grant a Planning Permit through the provision of amended plans. The Tribunal member had chosen to uphold Council's decision rather than set Council's decision aside, given, that the changes to the design need to be more substantial than mere recesses to the upper floors.

As part of the review of the current proposal Council officers had outlined to the applicant that the issue of visual bulk, was still apparent in the current proposal. In particular, Council officers

had formally conveyed the following design changes to the applicant to address the issue of visual bulk:

- *The ground floor of Unit 4 should be setback at least 3 metres, and the upper floor should be setback at least 4 metres from the southern boundary.*
- *The upper floor of Units 2 and 3 should be visually separated to reduce the extent of visual bulk. The separation between the dwellings should be at least 2 metres.*
- *The ground floor of some of the dwellings should also be visually separated to reduce the sense of visual bulk on adjoining properties (this could potentially occur between Units 3 and 4).*
- *Additional windows are incorporated in the southern elevation of Units 1 and 3; and additional windows are incorporated into the northern elevation of Units 2 and 4 to assist in articulating building and breaking up the visual bulk.*

The suggested design changes were not fully addressed by the applicant, and as such Council officers believe that the concerns raised by the Tribunal in-terms of visual bulk and the impact of the secluded private open space areas on the rear neighbour are still evident in the proposal.

Neighbourhood Character

The aspects of neighbourhood character in the surrounding area which are of particular note relate to detached single storey dwellings with single driveways on generous lots predominantly ranging from 400m² to 1000m², the sense of spaciousness, the generous landscaped front setbacks ranging from 6m to 9m, low front fences or absence of front fences, separation between dwellings and “backyard scape” mainly comprising open space, vegetation and smaller outbuildings. The dwellings are predominantly constructed of brick veneer with gable or hipped roofs, clad in tiles.

The Tribunal member in its decision to uphold Council’s refusal of the previous application stated that *“the question is not ‘whether change is coming’, but rather ‘how much built form change on the review site is reasonable’.*” The proposal is still very similar to the application that was previously considered by VCAT. The proposal has been modified by increasing the setback of the upper floor for Units 2 and 3 from the eastern property boundary, and increasing the ground floor setback and upper floor setback of Unit 4 from the southern property boundary.

Council officers believe that the issues of visual bulk previously considered by the VCAT has not been adequately addressed, given, that the extent of change appears to be quite minimal.

Strategic Assessment

The land is zoned Residential Growth (Schedule 1) and in principle, is appropriate for an intensification of residential development. The proposal meets the overarching objectives of housing policies within the Planning Scheme as it would provide for urban consolidation in an area which has good access to local services and facilities. State policy objectives also include encouraging development that improves housing choice and accommodates future housing needs. In terms of strategic location, the subject site is appropriately located for infill residential development given its size, zoning, proximity to public transport, shops, public open spaces and other community infrastructure and services.

The Tribunal in its decision acknowledged that the subject land is an appropriate area for intensification of residential development.

6. Options

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

7. Conclusion

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

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

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

LIST OF APPENDICES

1. Locality Plan - dated 7 January 2020
2. Plan of Proposal - dated 25 October 2019
3. Assessment against State and Local Planning Policies - undated
4. Response to objections - undated
5. Referral comments - undated
6. Grounds of Refusal - undated

12.16 PLANNING APPLICATION PA 2019/6818 - VARIATION TO A RESTRICTIVE COVENANT TO REMOVE A CLAUSE IN THE COVENANT TO ENABLE MORE THAN ONE DWELLING TO BE BUILT ON THE LAND AT 50 VALLEY VIEW GROVE, HARKNESS

Author: Cam Luong - 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 Refuse to Grant a Permit subject to the grounds outlined in **Appendix 3** of this report.

REPORT

1. Background

Executive Summary

Applicant:	JR Edwards Land Surveyors
Proposal:	Variation to a restrictive covenant to enable more than one dwelling to be built on the land
Existing Land Use:	Vacant land
Zone:	General Residential (Schedule 1)
Overlays:	Nil
Number of Objections:	13
Key Planning Issues:	Requirements of Section 60(2) of Planning and Environment Act 1987
Recommendation:	Refusal

The Land and Surrounding Area

The subject site has an area of 1,005m² and is a corner allotment with a north-eastern frontage to Princeton Avenue and a north-western frontage to Valley View Grove. Other features of the site are as follows:

- The site is irregular in shape.
- The land is currently vacant.
- An existing drainage and sewerage easement adjoins the front property boundary to Valley View Grove.

The surrounding area can be characterised as a new residential area with housing stock that was constructed within the last 10 years. The allotments within the immediate surrounding area are relatively large (all allotments appear to be over 1,000 m² in area). There does not appear to be any instances of multi-unit developments within the immediate surrounding area. This is likely to be a direct result of the covenants that have been applied by the developer of the Princeton Park Estate.

A Council linear open space reserve is located on the opposite side of Valley View Grove. Arnold Creek runs through the linear open space reserve.

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

The Application

The applicant seeks to vary the restrictive covenant (AC056277B) by removing Clause (i), which prohibits the construction of more than one dwelling on the land.

No plans have submitted with the application.

Planning Controls

Zone	(Clause 32.08 – General Residential Zone)	A permit is not triggered under the zone provisions.
Particular Provisions	(Clause 52.02 – Easements, Restrictions, and Reserves)	A permit is required before a person proceeds under Section 23 of the Subdivision Act 1988 to vary a restriction.

There are no State and Local planning policies that are relevant to the assessment of this application.

Is the land affected by a Restrictive Covenant?

The land is affected by a Restrictive Covenant. The proposal is to vary the 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*; however the proposal constitutes an exempt activity which does not require a cultural heritage management plan.

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 13 objections was received.

The grounds of objection may be summarised as follows:

- The owner chose to buy the property, based on the understanding that the covenants will prevent multi-unit developments from proceeding within the immediate surrounding area.
- The development of multi-units on the subject land would change the character of the area.
- The removal of the covenant will reduce the value of the properties in the area.
- The removal of the covenant will increase traffic volumes and car parking demand.
- Increased noise emissions.
- Concerns relating to rental properties and perceptions of reduced public safety.
- The construction of multiple dwellings may have an impact on the solar panels of adjoining properties.

A response to the objections is provided in **Appendix 2**.

Referral of the application

The application was not referred to any other Council Department.

5. Issues

Planning Assessment

An assessment of the proposal against the decision guidelines at Clause 65 highlights that the proposal fails to satisfactorily address the matters set out in Section 60 of the *Planning and Environment Act 1987*. In particular, Section 60(2) of the Act states:

“The Responsible Authority must not grant a permit which allows the removal or variation of a restriction (within the meaning of the Subdivision Act 1988) unless it is satisfied that the owner of any land benefited by the restriction (other than an owner who, before or after the making of the application for the permit but not more than three months before its making, has consented in writing to the grant of the permit) will be unlikely to suffer:

- a) financial loss; or*
- b) loss of amenity; or*
- c) loss arising from change to the character of the neighbourhood; or of*
- d) any other material detriment as a consequence of the removal of variation of the restriction.”*

It is generally established through previous VCAT decisions that where objections are received from beneficiaries to the covenant, as is the situation here, that Council is essentially obliged to refuse the application. It is noted that the concerns raised in the objections, relates not directly to the variation of the covenant, but its potential to enable a future planning application for medium density housing to be considered by Council on the land.

It is also relevant that at this time, no proposal has been submitted to or discussed with Council relating to this redevelopment. Therefore no assessment can be made on the potential detrimental effects to surrounding land owners. The concerns and issues raised by the beneficiaries suggests that variation to the covenant may cause financial loss, loss arising from change to the character of the neighbourhood, loss of amenity through increased traffic, noise, and decreased sense of safety. The concerns and issues raised by the objectors are considered to be reasonable; therefore, the application should be refused.

6. Options

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

7. Conclusion

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

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

Therefore, it is recommended that the application be refused as outlined in **Appendix 3**.

LIST OF APPENDICES

1. Locality Plan - dated 7 January 2020
2. Response to Objections - undated
3. Notice of Refusal - undated

12.17 PROPOSED LEASE TO POWERCOR - 3 AVOCA STREET, EYNESBURY**Author: Maree Stellini - Legal Officer****Presenter: Christine Denyer - Manager Legal and Governance****PURPOSE OF REPORT**

For Council to make a decision in relation to offering Powercor Australia Ltd a lease for the purposes of an electrical substation at part of a Council Reserve located at 3 Avoca Street, Eynesbury

RECOMMENDATION:

That Council:

1. Decide to offer Powercor Australia Ltd a lease with a maximum term of 50 years at a peppercorn rent of \$1 payable on demand.
2. Authorise the CEO to execute the lease in the substantially in the same form as that set out at **Appendix 1**.

REPORT**1. Executive Summary**

The purpose of this report is for Council to consider Powercor Australia Ltd's (Powercor) request to enter into a lease for a period of 50 years for an area measuring 51.84sqm of a Council reserve at 3 Avoca Street, Eynesbury, located within the Eynesbury Recreation Reserve.

A report was presented at the Ordinary Meeting of Council on 9 December 2019, where it was resolved that Council bring back a report after publishing a public notice in the local newspaper and allowing 4 weeks for public submissions.

The public notice was placed in the Melton & Moorabool Star Weekly newspaper on 17 December 2019 and applications for public submissions closed on 21 January 2020. There were no public submissions received during the period that followed the notice.

The draft lease is attached and should Council resolve, can be executed in substantially the same form.

2. Background/Issues

On 9 December 2019 a report was presented at the Ordinary Meeting of Council to commence the process to offer a lease to Powercor for an area measuring 51.84sqm of Council reserve located at 3 Avoca Street, Eynesbury, located within the Eynesbury for a term of 50 years at a peppercorn rent of \$1 payable on demand.

The public notice was placed in the Melton & Moorabool Star Weekly newspaper on 17 December 2019 and applications for public submissions closed on 21 January 2020. There were no submissions received during the period that followed the notice.

Powercor has prepared the draft lease and it has been checked by Council officers. The draft lease is attached at **Appendix 1** and should Council resolve, can be executed in substantially the same form.

3. Council and Wellbeing Plan Reference and Policy Reference

The electrical substation and lease proposal is in accordance with the following strategies in the Council and Wellbeing Plan 2017-2021:

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

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

4. Financial Considerations

The proposal is for a peppercorn rent of \$1 payable on demand and thus financial considerations are not relevant here however please see further risk analysis below.

5. Consultation/Public Submissions

In accordance with Section 190 and 223 of the *Local Government Act* 1989, Council published a notice in the Melton & Moorabool Star Weekly newspaper on 17 December 2019 of its intention to enter into the proposed lease with Powercor and inviting any submissions.

Submissions closed on 21 January 2020 and no submissions were received in relation to the lease proposal.

6. Risk Analysis

If Council is not minded to enter into the lease with Powercor, this could potentially cause delay in the whole of the works currently being undertaken within the Eynesbury Recreation Reserve.

7. Options

Council has the option to:

1. Adopt the recommendation as set out; or
2. Refuse to lease the land to Powercor and request that infrastructure (if any) on the area of land be removed without further delay.

LIST OF APPENDICES

1. Draft lease to Powercor Australia Ltd 3 Avoca Street, Eynesbury - undated

12.18 PROPOSED LEASE TO WESTERN BACE

Author: Maree Stellini - Legal Officer

Presenter: Christine Denyer - Manager Legal and Governance

PURPOSE OF REPORT

For Council to decide whether to enter into a new lease with Western Bace Ltd for the premises known as 'Western Business Accelerator and Centre for Excellence' situated at 222 Ferris Road, Cobblebank commencing on 1 July 2020.

RECOMMENDATION:

That Council:

1. Decide to enter into a lease with Western BACE Ltd for the premises known as 'Western Business Accelerator and Centre for Excellence' situated at 222 Ferris Road, Cobblebank for a term of 10 years (including further terms) with a peppercorn rent of \$1 payable on demand and;
2. Authorise the CEO to execute a lease in substantially the same form as that attached at **Appendix 1**.

REPORT

1. Executive Summary

At the Ordinary Meeting of Council on 9 December 2019, Council resolved to commence the process of entering into a new lease with Western Bace Ltd (the Lessee) in respect of the premises known as 'Western Business Accelerator and Centre for Excellence' situated at 222 Ferris Road, Cobblebank.

A public notice was published in the Melton and Moorabool Star Weekly on 17 December 2019 setting out Council's intention with submissions closing at 5pm on 21 January 2020 with no submissions received.

It is therefore recommended that the lease be entered into in substantially the same form of that attached at **Appendix 1**.

2. Background/Issues

At the Ordinary Meeting of Council on 9 December 2019, Council resolved to commence the process to enter into a new lease with the Lessee in respect of 'Western Business Accelerator and Centre for Excellence' (the premises) situated on part of the land at 222 Ferris Road, Cobblebank.

This included placing a public notice in a local newspaper calling for submissions and for Officers to bring a report back to Council to consider any submissions and make a final decision on the matter.

The Lessee currently leases the premises and provides a range of support services for individuals and businesses including development and training opportunities. The existing lease is due to end on 30 June 2020 and has no further options.

The proposed new lease will commence on 1 July 2020 with an initial term of 5 years, one further term of 5 years (total 10 years) and peppercorn rental of \$1.00 payable on demand.

Pursuant to sections 190 and 223 of the *Local Government Act* 1989 ("the Act") a public notice was required to be published four (4) weeks prior to the lease being made outlining Council's intention to enter into a lease with the Lessee.

A public notice was advertised in the Melton and Moorabool Star Weekly newspaper on 17 December 2019 with submissions closing at 5pm on 21 January 2020.

No objections were received in the period that followed the notice.

Council officers obtained a market rental valuation from Charter Keck Cramer Valuers and is attached at **Appendix 2**.

With all statutory obligations therefore complete, Council must now make a decision as to the whether or not to enter into a new lease with the Lessee.

The proposed lease including sub lease is attached at **Appendix 1**. Should Council resolve to enter into a lease with the Lessee, the lease will be in substantially the same form of that attached and largely reflects the existing lease.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

A market rental valuation was obtained and is attached at **Appendix 2** which provides a rental assessment of \$450,000 per annum exclusive of GST.

The proposed rental is a peppercorn rent of \$1.00 payable on demand, as is the current rental in the existing lease.

5. Consultation/Public Submissions

Pursuant to section 190 and 223 of the Act, a public notice was required to be published for (4) weeks prior to the lease being made outlining Council's intention to enter into a lease with the Lessee.

A public notice was published in the Melton and Moorabool Star Weekly newspaper on 17 December 2019, with submissions closing at 5pm on 21 January 2020 with no objections received during the notice period.

6. Risk Analysis

Should Council resolve to not enter into a new lease, notice will be required to be served on the Lessee to vacate the premises by 30 June 2020.

Organisations and individuals that are currently utilising the premises by way of a sub lease or otherwise, will also need to vacate the premises and will be required to seek alternative options for office and training spaces which may be outside of the municipality.

7. Options

1. Adopt the recommendation as set out; or
2. Decide not to enter into a new lease on the terms set out in this report.

LIST OF APPENDICES

1. Proposed draft lease with attachments - undated
2. Rental Assessment - dated 20 November 2019

13. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES

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

14. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS

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

15. NOTICES OF MOTION

15.1 NOTICE OF MOTION 665 (CR ABBOUSHI)

Councillor: Steven Abboushi - Councillor

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 3 February 2020.

MOTION:

That Council officers investigate the option of installing temporary traffic lights and/or other traffic calming treatment at the intersection of Tenterfield Drive and Westwood Drive, Burnside Heights and report to Council as soon as possible.

OFFICER'S COMMENTS:

The options of installing temporary traffic lights and/or other traffic calming treatments has been established and reported to Council as part of the Council Report (dated 16 September 2019) responding to the petition to install traffic signals at the intersection of Westwood Drive and Nicol Avenue.

The cost to install traffic lights (temporary) is likely to be in the order of \$800,000.

The intersection has been assessed and deemed that the intersection is operating satisfactory noting some delays to right turn from Tenterfield Drive traffic are experienced. The analysis indicates that delays of up to 2 minutes can be experienced however this delay is commensurate with vehicles waiting at a red light at a signalised intersection. The provision of traffic signals at this intersection also introduces some delays to traffic on Westwood Drive.

Further options of other traffic calming treatments are limited to either a roundabout which could cost similar to traffic signals given extensive road pavement is required however this does introduce other road safety issues particularly with residents on the south east corner with potential for vehicles to "run off" the road and collide with the property. The provision of barriers to prevent property damage is likely to be unachievable given the extensive utility services located in the road reserve.

Similar to Nicol Ave and Westwood Drive the other possible treatment is to restrict the right turn movements from Tenterfield Drive which will force drivers to use the signalised intersection to the north. This option can also improve the operation of the pedestrian facility however is not likely to be supported by the wider community.

Furthermore, the following risks observed by providing traffic lights (temporary) or alternate treatments at this intersection are as follows:

1. The risk with Council providing funding for traffic signals at this intersection is it sets the expectation to the wider community to request traffic lights to be installed at all intersections (a total of 11 sites) along Westwood Drive to respond to issues similar to Tenterfield Drive:
2. Traffic signals could take up to 24 months to fund and install. Also it is expected that the declaration on Westwood Drive to a state arterial road would occur within the not too distant future.

3. The provision of traffic signals and/or a roundabout introduces traffic delays for traffic on Westwood Drive and increases the need to undertake capacity improvements involving duplication of Westwood Drive at significant cost.
4. Alternate intersection treatment such as a roundabout could delay the process of having the road declared an arterial road by the State Government as Council could be required to remove the intersection treatment prior to handing the road to the State Government.
5. The provision of a left in / left out treatment is unlikely to be supported by the wider community and may introduce illegal and unsafe traffic issues with motorist performing u-turns on Westwood Drive.

15.2 NOTICE OF MOTION 666 (CR ABBOUSHI)

Councillor: Steven Abboushi - Councillor

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 3 February 2020.

MOTION:

That Officers investigate the option of providing a free kerbside green waste service for all residential properties, confirming cost benefits, likely diversion rates from landfill and any other impacts.

OFFICER'S COMMENTS:

A report on this matter can be prepared by Council officers.

15.3 NOTICE OF MOTION 667 (CR CARLI)

Councillor: Lara Carli - Councillor

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 3 February 2020.

MOTION:

That Council donate \$20,000 to the Victorian Bushfire Appeal.

OFFICER'S COMMENTS:

Nil.

15.4 NOTICE OF MOTION 668 (CR ABBOUSHI)

Councillor: Steven Abboushi - Councillor

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 3 February 2020.

MOTION:

That Council officers investigate options and associated costs to install traffic calming devices along Earlington Blvd, Burnside and report to Council by the March ordinary meeting of Council.

OFFICER'S COMMENTS:

Council officers will prepare a report in accordance with the Notice of Motion above, for consideration at the March Ordinary Meeting of Council.

15.5 NOTICE OF MOTION 669 (CR ABBOUSHI)

Councillor: Steven Abboushi - Councillor

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 3 February 2020

MOTION:

That Council write to The Hon. Jaala Pulford, Minister for Roads requesting that the formal planning commence for the upgrade of the Western Highway corridor (from M80 to Harkness Road), including an interchange at the intersection of Mt Cottrell Road and Western Highway, and that construction works on the upgrade commence at the earliest opportunity.

OFFICER'S COMMENTS:

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

15.6 NOTICE OF MOTION 670 (CR RAMSEY)

Councillor: Sophie Ramsey - Councillor

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 3 February 2020

MOTION:

That Council host a reception for the Firefighters and Emergency Workers from the City of Melton to acknowledge their contribution in responding to the recent bushfire tragedies in NSW, Victoria, South Australia and Queensland.

OFFICER'S COMMENTS:

Nil.

- 16. COUNCILLOR'S QUESTIONS WITHOUT NOTICE**
- 17. MOTIONS WITHOUT NOTICE**
- 18. URGENT BUSINESS**

19. CONFIDENTIAL BUSINESS

Recommended Procedural Motion

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

- 19.1 Response to Notice of Motion 664 (Cr Majdlik) Aquatic Facility on Beattys Road**
(e) as it relates to proposed developments.
- 19.2 Recommendations of the Harness Racing Victoria/Tabcorp Park Grants Assessment Panel Meeting**
(h) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person.
- 19.3 Recommendations of The Club Caroline Springs Grants Assessment Panel Meeting**
(h) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person.
- 19.4 Arts and Culture Advisory Committee - Appointment of Community Members**
(h) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person.
- 19.5 Reappointment of the Chief Executive Officer**
(a) as it relates to personnel matters.

Recommended Procedural Motion

That the meeting be opened to the public.

20. CLOSE OF BUSINESS