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| ColourLogoRGB.jpg  **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 17 September 2013 at 7.00pm.**  THIS AGENDA CONTAINS REPORTS TO BE DEALT  WITH AT A CLOSED MEETING OF COUNCIL |
| **Kelvin Tori**  **CHIEF EXECUTIVE** |

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| **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:  1. 5 pm on the day of the Ordinary Meeting if questions are submitted into the receptacle designated for public questions outside the Council Chamber; 2. 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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**19. Close of Business 38**

**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, 78 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**

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| **Recommendation:**  That the Minutes of the Ordinary Meeting of Council held on 27 August 2013 be confirmed as a true and correct record. |

**7. Correspondence Inward**

Nil.

**8. Petitions and Joint Letters**

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

**9. Resumption of Debate or Other Business Carried over from a Previous Meeting**

At the 23 July 2013 Council Meeting, Council adopted new or varied terms of reference for four (4) Advisory Committees of Council, as a result of which each require Councillor(s) to be appointed to the respective committees. These are:

1. Reconcilation Advisory Committee
   * + One (1) Councillor
2. Heritage Advisory Committee
   * + - Committee TOR provide for two (2) Councillors. Cr Dunn is a continuing member, therefore one (1) additional Councillor appointment is required.
3. Arts and Culture Advisory Committee
   * + - Two (2) Councillors, one (1) of which is to be appointed Committee Chairperson.
4. Leisure Advisory Committee
   * + - Two (2) Councillors, one (1) of which is to be appointed Committee Chairperson.

The Mayor will call for nominations to fill the above vacancies.

**10. Public Question Time**

**11. Presentation of Staff Reports**

**11.1** **Authorising of Affixing The Common Seal of Council**

**Author: Christie Shields- Governance Officer**

**Presenter: Peter Bean- General Manager Corporate Services**

**Purpose of Report**

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| For Council to adopt the schedule of documents **(Appendix 1)** requiring the Common Seal of Council. |

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| **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 17 September 2013 and appended to this report **(Appendix 1)**. |

**Report**

**1. Executive Summary**

Documents requiring the Common Seal of Council to be affixed are detailed in (**Appendix 1)**.

**2. Background/Issues**

Use of the Council Seal is required where Council as a body corporate is required to acquit a document or agreement for the purpose of performing its functions and exercising its powers.

The Local Government Act 1989 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; and

(b) Be kept at the Council office; and

(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 authorized officers who have the authority to sign every document to which the common seal is affixed.

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

The Melton City Council 2013-2017 Council Plan references:

*2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability*

*2.6 Ensure timely compliance with statutory and regulatory obligations.*

**4. Financial Considerations**

There are no financial considerations 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**

|  |  |
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| 1. | Schedule for Authorising of Affixing The Common Seal |

**11.2** **Djerriwarrh Festival Committee Minutes 2 September 2013**

**Author: Heidi Taylor- Senior Events Officer**

**Presenter: Peter Bean- General Manager Corporate Services**

**Purpose of Report**

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| Presentation of the unconfirmed minutes of Djerriwarrh Festival Advisory Committee meeting held on Monday, 2 September 2013. |

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| **Recommendation:**  That:-  1. The unconfirmed minutes of Djerriwarrh Festival Advisory Committee Meeting of 2 September 2013 to be noted.  2. Council adopt the recommendation of the Committee as detailed in the unconfirmed minutes appended to this report. |

**Report**

**1. Executive Summary**

The Djerriwarrh Festival Advisory Committee met on 2 September 2013 and resolved on key issues for Council’s consideration.

**2. Background/Issues**

The Djerriwarrh Festival Advisory Committee is a key community committee dedicated to the planning and delivery of the annual Djerriwarrh Festival.

The appointment of the committee supports the ongoing planning and preparation of this signature event and encourages a diverse program of opportunities that will achieve maximum community participation.

The Terms of Reference includes membership of the Djerriwarrh Festival Advisory Committee at a maximum of fourteen community members plus one Councillor Representative and one Council staff member.

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

The Melton City Council 2013-2017 Council Plan references:

*3. Diverse, Confident and Inclusive Communities: A culturally rich, active, safe and connected City*

*3.2. Build resilient people and communities through opportunities to participate in community life.*

*3.3. Develop an environment that supports imagination, creative expression and engagement in cultural experiences.*

*3.5. Build an inclusive community that embraces and values cultural diversity and celebrates our collective heritage.*

*3.6. Create a safer community through building a sense of belonging and community pride.*

**4. Financial Considerations**

Operational costs for the Djerriwarrh Festival are referred annually to Council’s recurrent budget.

**5. Consultation/Public Submissions**

The Djerriwarrh Festival Advisory Committee is an Advisory Committee of Council and where public consultation and or submissions are identified as being appropriate the Committee would recommend an appropriate consultation process to Council for endorsement.

**6. Risk Analysis**

Maintaining up to date policies within an organisational framework assists Council in controlling risk.

**7. Options**

Djerriwarrh Festival Advisory Committee is an Advisory Committee of Council and Council therefore has the discretion to accept/reject or amend its recommendations as Council deems appropriate.

**List of Attachments**

|  |  |
| --- | --- |
| 1. | Djerriwarrh Festival Advisory Committee Minutes |

**11.3** **Policy Review Panel Meeting Minutes 29 August 2013**

**Author: Liz Pace- Executive Assistant**

**Presenter: Peter Bean- General Manager Corporate Services**

**Purpose of Report**

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| This report presents to Council Minutes of the Policy Review Panel meeting held on 29 August 2013 for adoption of the Committees recommendations. |

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| **Recommendation:**  That :-  1. The unconfirmed minutes of the Policy Review Panel Meeting of 29 August 2013 be noted.  2. Council adopt the recommendations of the Committee as detailed in the Minutes appended to this report. |

**Report**

**1. Executive Summary**

The Policy Review Panel considered:

- Rating Strategy Reference Group Terms of Reference

**2. Background/Issues**

Council established a “Policy Review Panel” to review existing Council policy and formulate new policies in new areas identified by Council as requiring appropriate policy consideration.

The panel is an Advisory Committee which meets monthly and presents its recommendations to the Council for adoption. A copy of the Minutes of the meeting held on 4 July 2013 is attached as **Appendix 1** to this report.

The policies as proposed largely reflect what was the pre-existing practice in relation to these matters and therefore are not viewed as containing any major issues for Council.

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

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability

*2.3 Facilitate community engagement in planning and decision making*

**4. Financial Considerations**

There are no financial implications associated with the recommendations of the Committee as contained in the Minutes.

**5. Consultation/Public Submissions**

The Policy Review Panel is an Advisory Committee of Council and where public consultation and or submissions are identified as being appropriate the Committee would recommend an appropriate consultation process to Council for endorsement.

**6. Risk Analysis**

Maintaining up to date policies within an organisational framework assists Council in controlling risk.

**7. Options**

Policy Review Panel is an Advisory Committee of Council and Council therefore has the discretion to accept/reject or amend its recommendations as Council deems appropriate.

**List of Appendices**

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| 1. | 29 August 2013 Policy Review Panel Minutes |
| 2. | Rating Strategy Reference Group Terms of Reference |

**11.4** **Municipal Audit Committee**

**Author: Cheryl Santoro- Senior Administration Officer**

**Presenter: Peter Bean- General Manager Corporate Services**

**Purpose of Report**

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| To advise Council of the minutes of the Municipal Audit Committee meeting held on 23 August 2013 and recommends actions arising from the minutes. |

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| **Recommendation:**  1. That the unconfirmed minutes of the Municipal Audit Committee of 23 August 2013 be noted **(Appendix 1)**; and  2. Council endorse the recommended actions, excluding Recommendation 1 which was already actioned at the August Ordinary Meeting of Council. |

**Report**

**1. Executive Summary**

The unconfirmed minutes of the Audit Committee meeting held on 23 August 2013 are appended to this report as **Appendix 1**. The Committee considered various issues in relation to risk, financial management and governance and the minutes contain recommendations for the consideration of Council.

**2. Background/Issues**

It is a requirement within the Terms of Reference of the Municipal Audit Committee to meet and report its decisions and recommendations to the Council for consideration.

Issues discussed and recommendations made by the Committee are noted in the minutes for action by both individuals and Council.

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

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability

*2.1 Build community trust through socially responsible governance for long term sustainability*

**4. Financial Considerations**

A provision has been provided in this year’s budget for the remuneration on a fee per meeting basis for independent member of the Committee, with an optional additional amount paid to the Chairperson.

**5. Consultation/Public Submissions**

The Municipal Audit Committee consists of Councillor Majdlik, Councillor Ramsey and three independent external audit members Mr Alan Hall as Chairperson, Mr Mark Holloway and Mr Adam Roberts.

**6. Risk Analysis**

N/A

**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**

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| 1. | Audit Committee Minutes |

**11.5** **Culturally and Linguistically Diverse Advisory Committee Meeting Minutes 21 August 2013**

**Author: Adamu Tefera- Intercultural Development Officer**

**Presenter: Adam Boyle- Acting General Manager Community Services**

**Purpose of Report**

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| To present the minutes of the Culturally and Linguistically Diverse Advisory Committee (CALDAC) meeting held on 21 August 2013. |  |

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| **Recommendation:**  That the unconfirmed minutes of the CALDAC Meeting of 21 August 2013 are noted as attached at **Appendix 1.** |

**Report**

**1. Executive Summary**

Council established the CALDAC in 2008 to work together with communities to support the City of Melton to be inclusive of all people, valuing and acknowledging the contribution of cultural diversity and the role of Culturally and Linguistically Diverse (CALD) communities within the City.

Membership of the Committee is drawn from key stakeholders and representatives of the City of Melton’s CALD communities. Committee members have an interest in developing partnership responses to local CALD priorities. The 21 August 2013 meeting of CALDAC was the first meeting for 2013-2015 members, with minutes attached at **Appendix 1** of this report for Council awareness.

**2. Background/Issues**

The CALDAC meets quarterly to consider matters relating to CALD communities, cultural issues and settlement within the City.

The purpose of the Committee is to advise Council on issues and barriers that affect people with diverse backgrounds living, working and/or learning in the City of Melton. The Committee raises advocacy issues for Council to consider on behalf of the community and assists to promote the benefits of cultural diversity within the City of Melton and region.

The first meeting of the newly appointed CALDAC was held on 21 August 2013, which provided the opportunity for members to:

 Share information about the CALD community they represent; and

 Identify issues of importance within their communities and current activities occurring.

The Committee’s next meeting will focus on developing a work plan for the committee to identify and enable implementation of specific actions, including the opportunity to provide response to Council strategies and issues.

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

The Melton City Council 2013-2017 Council Plan references:

3. Diverse, Confident and Inclusive Communities: A culturally rich, active, safe and connected City

3.1 Build an inclusive community that embraces and values cultural diversity and celebrates our collective heritage.

**4. Financial Considerations**

Operational expense and initiatives extending from the CALDAC are accommodated within recurrent budgets.

**5. Consultation/Public Submissions**

The CALDAC is an Advisory Committee of Council, and where public consultation and/or submissions are identified as being appropriate, the Committee will recommend an appropriate consultation process to Council for endorsement.

**6. Risk Analysis**

The CALDAC ensures continued meaningful engagement and consultation with CALD communities and ensures relationships and resources are adequately aligned to address CALD community concerns and assist Council in mitigating possible risks.

**7. Options**

The CALDAC is an Advisory Committee of Council, therefore has the discretion to accept, reject or amend the Committee’s recommendations as deemed appropriate.

**List of Appendices**

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| 1. | CALDAC Meeting Minutes 21 August 2013 |

**11.6** **Early Years Partnership Meeting Minutes 22 August 2013**

**Author: Leigh Cruickshank- Coordinator Early Years Partnerships**

**Presenter: Adam Boyle- Acting General Manager Community Services**

**Purpose of Report**

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| To present the minutes of the Early Years Partnership meeting held on 22 August 2013. |

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| **Recommendation:**  That the unconfirmed minutes of the Early Years Partnership meeting of 22 August 2013 be noted as attached at **Appendix 1**. |

**Report**

**1. Executive Summary**

The Early Years Partnership Committee was established in 2011 to work collaboratively to monitor and evaluate the Municipal Early Years Plan 2010-2013. The Committee is also responsible to develop, implement, monitor and evaluate the Best Start Action Plan 2010-2013.

Committee membership is drawn from external partners who provide services to families and children within the City of Melton and community representatives. The Committee meets bimonthly, with minutes of the August 2013 meeting provided for Council awareness.

**2. Background/Issues**

The Early Years Partnership Committee is responsible to provide direction, involvement and advice to Council concerning the support, development and improvement of the health and wellbeing of children aged 0-12 years.

At the 22 August 2013 meeting, reports were tabled from both the Maternal and Child Health, and the Kindergarten Working Groups, which detailed updates on planning to increase attendance and/or participation within these services. Newly developed Terms of reference for these working groups were endorsed by the Partnership. An overview of the Annual Best Start report to the Department of Education and Early Childhood Development was also provided.

The Partnership was given a status update on the drafting process of the new 2014-2017 Municipal Early Years Plan (MEYP), which will be considered by Council later this calendar year. A presentation of the results of the Parent Carer Survey and the Children’s Consultation undertaken as part of the MEYP process was also presented. Council was recently a partner in the development of an “Engaging Children in Decision Making – guide to Consulting Children” document and an overview of this was provided to the Committee.

Minutes of the meeting are attached at **Appendix 1** of this report for Council’s review and awareness.

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

The Melton City Council 2013-2017 Council Plan references:

3. Diverse, Confident and Inclusive Communities: A culturally rich, active, safe and connected City

*3.1 Provide an accessible range of services for all including children, young people, families and older adults*

**4. Financial Considerations**

Operational expenses and initiatives extending from the Early Years Partnership are accommodated within recurrent budgets.

**5. Consultation/Public Submissions**

The Committee is comprised of 21 members representing a range of sectors including but not limited to State government, education, disability, health, family support and social development.

The Committee receive, respond and monitor identified community, industry and/or Council issues and opportunities in an inclusive and consultative approach.

**6. Risk Analysis**

Being regularly informed on Early Years Partnership activities assists Council in controlling any possible identified risk exposure.

**7. Options**

The Early Years Partnership is an Advisory Committee of Council, with Council discretion to accept or reject Committee recommendations as deemed appropriate.

**List of Appendices**

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| 1. | Early Years Partnership Meeting Minutes 22 August 2013 |

**11.7** **Melton Planning Scheme Amendment C140 - Site Specific Exclusion for Industrial and Retail uses at 2 - 50 Meskos Road, Rockbank**

**Author: Sophie Thompson- Strategic Planner**

**Presenter: Bob Baggio- Manager Planning**

**Purpose of Report**

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| To consider submissions received to Amendment C140 during the exhibition period. |

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| **Recommendation:**  That Council:  1. Requests the Minister for Planning to appoint a Panel under Section 153 of the *Planning and Environment Act 1987* to consider submissions to Amendment C140 to the Melton Planning Scheme.  2. Refer all submissions to Amendment C140 to the Panel, in accordance with Section 23(1) of the *Planning and Environment Act 1987*.  3. Make a submission to the Panel in support of Amendment C140, in accordance with changes to the amendment documents as outlined in the report.  4. Advise all submitters of its decision. |

**Report**

**1. Executive Summary**

The Amendment proposes to introduce a site specific control into the Planning Scheme which would allow a concrete batching plant to operate on the site, in conjunction with a new rock crushing facility (in place of an existing rock crushing facility) and a new garden supplies use.

Council resolved to exhibit Amendment C140 to the Melton Planning Scheme at its meeting on 5 March 2013. The amendment was exhibited from 13 June to 15 July 2013. 25 submissions were received, 22 of which objected to the amendment.

It is recommended that Council seek appointment by the Minister for Planning of a Planning Panel to consider submissions received to the amendment.

**2. Background/Issues**

**The Land and Surrounding Area**

The subject land has an area of 51.73 hectares and is bounded by the Western Freeway, Meskos Road and the Melbourne-Ballarat Rail line (refer **Appendix 1** for Locality Plans).

The site currently contains an existing nursery and a temporary rock crushing facility. The rock crushing use is currently screened by existing earth bunds which are visible from Greigs Road.

The surrounding area consists of properties of various sizes located within the Urban Growth Boundary. The future development of these properties will be subject to the preparation of a Precinct Structure Plan. Refer **Appendix 2** for location of surrounding dwellings.

**The Amendment**

It is proposed to amend the Melton Planning Scheme to exclude the site from the requirements of the Urban Growth Zone (UGZ) and allow industrial/retail uses, which would otherwise be prohibited.

The proponent, Aurora Construction Materials (ACM), also proposes to introduce an Incorporated Document into the Planning Scheme which would allow a concrete batching plant to operate on the site, in conjunction with a new rock crushing facility (in place of an existing rock crushing facility) and a new garden supplies use.

The proposed uses will be confined to the eastern portion of the site accessed from Meskos Road (refer Concept Layout Plan **Appendix 3**).

The proposed operation will manufacture and supply construction materials to development areas in the City of Melton and surrounding growth areas. ACM claims that its concrete batching plants are modelled on sustainable practices and are streamlined and enclosed plants, unlike many of those traditionally developed in Melbourne’s industrial areas. The plant itself is to incorporate best environmental practice, with key measures to include:

 All stormwater captured on site and reused in the concrete and crushing operations.

 All incoming rock is from construction sites.

 All concrete slurry waste is captured and reused.

 A wheel wash is provided for trucks exiting the site.

 A permanent water cart will be on site under the dust management plan to control site dust.

It is anticipated that the uses will need to operate at the site for up to 25 years consistent with the development timeframe for the growth corridor.

The concrete batching plant will comprise:

 Car parking;

 Administration building;

 Batching plant compound;

 Wheel wash facility;

 Sand and aggregate stockpiles;

 Silos;

 Rock crusher; and

 Bund walls.

The proposal will also provide local building materials for the development of the growth areas within the City of Melton. The proposed uses will also provide local employment opportunities. The proponent has advised that the proposal will create 50 new jobs. 30 of which will be onsite roles including site supervisors, leading hands, plant operators, administration and machine operators. The other 20 jobs will be for delivery truck drivers.

As detailed in the previous report to Council, the proponent has provided a number of reports which assess the possible impacts of the proposed uses and ways to reduce the impact of these uses on the surrounding area.

Recommendations resulting from these reports (and others to be prepared as conditions of the Incorporated Document) have been, or will be incorporated into the design, development and operation of the proposed uses.

Further, Council officers have liaised with the proponent in an endeavour to ensure that documentation supporting the amendment, the design of the facilities and ongoing management of the uses will operate in accordance with best practice design and operation requirements. A number of changes were made to the submitted information, and additional information was required to be provided to Council to both ensure Council had a good appreciation of what the facility will look like and how it will be managed effectively. Key outcomes have included:

 An addendum to the Noise Assessment to address some inconsistencies within the original report.

 A revision to the Flora and Fauna Report to address the native vegetation grassland reserve (adjacent to the site) which is of State Significance and assess impacts the facility could have on this grassland.

 An extension of the bund wall which currently bounds the rock crushing facility. This extension was required to both better protect the adjoining grassland reserve and better screen the facility from the south.

 More detailed concept layout plans and elevations, to gain a better appreciation of how the facility will look and operate.

 A revised Landscape Plan - including an extension of the bund wall as detailed above.

 Further clarification of the proposed operation, including information about on-site processes, the types of materials to be crushed, proposed output of the facility, justification for the proposed operating hours of operation and economic justification for the facility (in terms of benefits for the community).

 Changes to the Incorporated Document to include a number of additional conditions and alterations to some conditions. These provide for better management of the site, improved amenity outcomes and improvements to the appearance of the proposed development.

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

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City

*1.1 Strategically plan for a well designed and built City*

*1.3 Generate an innovative local economy that stimulates opportunities for investment, business and training.*

**4. Financial Considerations**

The applicant will bear the cost of the planning panel.

**5. Consultation/Public Submissions**

The Amendment was placed on public exhibition from 13 June to 15 July 2013. It appeared in both the Melton Leader and the Melton and Moorabool Weekly on the 11 June 2013, and was in the Government Gazette on 13 June 2013. It was also advertised on Council’s website.

Exhibition of the amendment involved notice to land owners and occupiers (within a two kilometre radius of the site), prescribed Ministers and Government authorities.

25 submissions have been received: three from statutory authorities who do not object to the amendment and the balance from landowners/occupiers who all objected to the amendment.

Refer **Appendix 4** for details of submissions received and officers’ response to each submission.

Following consideration of all submissions provided to Council, officers have reviewed the proposal and information relating to the proposal to determine whether changes can be made to the Incorporated Document (or submitted documentation) to address some of the concerns raised.

Resulting from the assessment, Council officers have suggested a number of changes and additions to the Incorporated Document which have been made.

The Environment Protection Authority (EPA) has indicated support for the changes and is now satisfied that the Incorporated Document will address potential amenity impacts from the proposal. (Refer **Appendix 5** for Track Change version of revised Incorporated Document).

**Assessment of submissions**

*The proposed uses have potential to prejudice the preparation of the future Mt Atkinson PSP*

Under the provisions of the Urban Growth Zone, the development of land is generally required to be in accordance with an approved precinct structure plan (PSP) – or where one has yet to be approved to ensure that the proposal does not prejudice the preparation and implementation of a PSP.

In this case, the land is part of a future PSP for the Mt Atkinson area. The subject land is identified in the Growth Corridor Plan for future industrial use while the remainder of the precinct (south of the railway line) is earmarked for a mix of business, industrial and residential uses.

In relation to this site, it was felt that the proposal could proceed before the approval of the PSP for the following reasons:

- The land is proposed for future industrial use;

- It is separated from surrounding land by the Western Freeway, Melbourne-Ballarat railway line and the OMR reservation;

- There are unlikely to be future sensitive uses within the required buffers areas for the proposed use.

*The proposed uses have potential to cause unreasonable amenity impacts on surrounding residents*

Council officers are satisfied following a visit to a similar operation in Epping, that based on compliance with the proposed Incorporated Document and accompanying plans, the proposal will not cause unreasonable detriment to surrounding land owners.

The Incorporated Document contains requirements which address (amongst other things):

 Dust and noise management;

 Stormwater treatment;

 Hours of operation;

 Waste, environmental, construction and land management.

Some of the design elements which will also aid in reducing amenity issues include:

 Bund walls – to be used to screen the surrounding areas from noise and dust. These walls also act as a visual barrier.

 Landscaping and vegetation of bund walls – to provide further screening of the facility.

 Internalisation of Batching Plant – to reduce noise and limit dust.

*Whether the proposal is situated in an appropriate location (particularly relating to buffer distances in accordance with EPA Separation Distance Guidelines)*

Revised EPA Separation Distances Guidelines were adopted in April 2013. These Guidelines include a revised buffer distance for Concrete Batching from 300 metres (between the proposed activity area and residential uses) to 100 metres. It should be noted that there is no buffer distance for a rock crushing use.

On the basis of this revised buffer, no part of the future PSP area to the south of the railway line is affected by the buffer.

*Whether the facility will operate in accordance with the State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade (SEPP N-1)*

A number of design mechanisms have been applied to the proposed operation which will act as acoustic barriers for the proposed uses. These include:

 The use of screening (should the noise assessment consider that this is required in addition to the proposed bund) in order to achieve SEPP N-1.

 Maintain the perimeter bunding around the rock stockpile on the southern and western sides to a height nominally 3m above the general level of the rock stockpile. (On the other sides it does not need to be more than 2m above the general level of the stockpile).

 The use of broadband reverse alarms (set at lowest audible sound) to operate on site prior to 7am.

 Operation of the rock breaker at ground level, not on the elevated rock stockpile.

To ensure that noise requirements are met, detailed noise assessment is required to be administered both on the site and from surrounding areas to ensure that prior to the use commencing, the constructed facility will meet SEPP N-1 from the surrounding area in all types of operating scenarios.

Further to the above, the operator is required to complete a noise assessment every four years to ensure compliance with SEPP N-1 over time. This is particularly important to ensure any new equipment which is added to the site, will still enable the site to operate in accordance with SEPP N-1 requirements.

The EPA has indicated that it is satisfied that there are appropriate measures in place (particularly within the Incorporated Document), to appropriately mitigate any noise impacts resulting from the proposal.

*Whether all dust emitting from the proposed uses will be managed appropriately*

Similarly to noise requirements, design features such as the proposed bund wall and sealing of access roads, will assist in ensuring dust emitted from on-site uses is minimised and where relevant, retained on site.

The Incorporated Document requires that a dust management plan be prepared, to address a number of key issues, including a requirement for the site to minimise the dust output and ensure emissions are in accordance with the Australian Standard for dust management. Air quality monitoring is also required.

Again EPA has indicated that it is satisfied that there are appropriate measures in place (particularly within the Incorporated Document), to appropriately mitigate any dust impacts resulting from the proposal.

*Whether the proposal will cause visual impacts to surrounding areas*

The design of the building is industrial in nature, which is appropriate for the industrial zoning set out in the West Growth Corridor.

All stockpiles must be no more than 6 metres in height with markers required to be used to demonstrate this.

Landscaped bund walls will provide a green screen for all land to the south of the site.

A final Landscape Plan is required to be submitted to, and approved by the Responsible Authority, prior to the use commencing. This will ensure landscaping treatments provide an attractive outlook onto the site, particularly from the future Mt Atkinson PSP area.

*Concern that the existing rock crushing facility causes amenity issues and that these will be exacerbated by a larger operation*

The proposed rock crushing facility, while larger than that currently on the site, will be subject to compliance with relevant requirements of the Incorporated Document – which will ensure that any potential amenity issues will be minimised.

*Traffic – Increase in vehicle movements and increase in heavy vehicles*

No significant traffic issues have been identified. VicRoads are satisfied that the surrounding road network can support the extra traffic generated by this proposal, so long as access and egress is from Meskos Road only, and the direct access from the site onto Western Freeway is not used.

Submitters identified a concern with the maintenance of roads surrounding the site. The Incorporated Document now contains a condition which requires a Maintenance Plan for roads which may be affected by the additional vehicular activity from the proposed use and development.

*Operating Hours*

The proponent applied to operate during the following operating hours:

• 5.00am to 6.00pm Monday – Saturday\*

• 7.00am to 6.00pm Sundays and Public Holidays.

\*Noting that rock deliveries could not occur prior to 7am.

Council has since limited the proposed operating hours for Sundays and Public Holidays.

The proponent can only operate on a Sunday or Public Holiday if they have prior written permission from the Responsible Authority. It is expected that the operator will apply for these altered operating hours only on very rare occasions.

The reduction in operating hours was considered in response to concerns for noise related amenity impacts to surrounding dwellings, particularly on days when ambient noise resulting from traffic on the Western Freeway is limited (Sundays and Public Holidays).

This condition was amended even though the operation would have to have met SEPP N-1 on both Sundays and Public Holidays. The restriction better reflects the operating hours from the proponent’s existing facility in Epping.

*Flora and Fauna Values on Neighbouring Site*

A Flora and Fauna Assessment was commissioned for the site. On-site weed management procedures, the extension of the existing bund wall, and provision for landscaping of bund walls were all provided to ensure protection of the Native Vegetation Grassland (considered to be of State Significance) which applies to the site.

**6. Risk Analysis**

There are no risks for Council relating to the proposed amendment.

**7. Options**

Council can resolve to either:

 Request that the Minister for Planning convene an independent Panel to consider submissions received in response to Amendment C140, or

 Abandon the amendment.

It is recommended that Council seek the appointment by the Minister for Planning of a Planning Panel to consider the submissions received to the amendment.

**List of Appendices**

|  |  |
| --- | --- |
| 1. | Scheme Amendment C140 - Appendix 1 - Locality Plans |
| 2. | Scheme Amendment C140 - Appendix 2 - Distance to Surrounding Dwellings |
| 3. | Scheme Amendment C140 - Appendix 3 - Concept Layout Plan |
| 4. | Scheme Amendment C140 - Appendix 4 - Table of Submissions |
| 5. | Scheme Amendment C140 - Appendix 5 - Incorporated Document |

**11.8** **Investigation of Webcasting/Podcasting Ordinary Council Meetings**

**Author: Daniel Hogan- Customer Engagement Manager**

**Presenter: Peter Bean- General Manager Corporate Services**

**Purpose of Report**

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| To inform Council of the results of the investigation into webcasting or podcasting Ordinary Council Meetings, as directed by carried notice of Motion 353, and the consequent decision to podcast audio files on the Council website. |

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| **Recommendation:**  That Council;  1) Note the findings of the investigations and;  2) endorse the decision to podcast unedited audio of Ordinary Council Meetings on the Council website and;  3) endorse any future decision to podcast unedited video of Ordinary Council Meetings on the Council website. |

**Report**

**1. Executive Summary**

A Notice of Motion (353), “That Council investigate and implement either webcasting and/or podcasting of Council Meetings”, was carried at the Ordinary Meeting of Council of 5 February 2013.

A “Podcast” is a multimedia digital file made available on the Internet for downloading to a portable media player, computer or other digital device. A “Webcast” is a live video broadcast of an event transmitted across the Internet.

As directed, investigations revealed;

1) That capital and additional labour costs to Council to implement audio podcasting was nil, as the Council is already equipped with the required hardware, and the Council website is capable of hosting the appropriate file types.

2) That capital costs to Council to implement video podcasting totalled approximately $2,000, and labour costs of approximately $4,000 per year. This includes the purchase of a lens able to capture the field of view required, and the arrangement of an appropriate tripod and remote. The post-production work to combine audio and video recordings was calculated to cost approximately $4,000 per year. The Council website is capable of hosting video files with no additional investment.

3) (a) Entry level cost for low quality live webcasting is approximately $5,000 in equipment and $5,000 per year in labour.

(b) High quality solutions with multiple cameras and live editing would require approximately $20,000 in equipment, $15,000 in installation and commissioning, and a minimum of $5,000 a year in labour.

Consequently, considering the cost benefit and low levels of existing community demand for Ordinary Council Meeting audio CDs and written minutes, Council implemented the Podcasting of unedited audio of Ordinary Council Meetings on the Council website from Ordinary Council Meeting March 5, 2013.

**2. Background/Issues**

A Notice of Motion (353) by Councillor Bob Turner, “That Council investigate and implement either webcasting and/or podcasting of Council Meetings” was carried at the Ordinary Meeting of Council of 5 February 2013, seconded by Cr. Sophie Ramsey.

Prior to this motion, Council audio recorded Ordinary Meetings of Council, and would burn the audio files to CD upon request. Monthly demand for CD recordings of Ordinary Council Meetings was typically less than three.

As directed by the motion, Council began podcasting unedited audio of Ordinary Council Meetings on the Council website. The Ordinary Council Meeting of March 5, 2013 was the first to have audio files uploaded for community download. Podcasts have since been made available for previous and subsequent meetings.

The selection of Audio Podcasts was made due to the low capital and labour costs to implement this initiative, as Council (and the Council Chamber) was already equipped with the necessary technology.

Investigations into the provision of Video Podcasts, using an existing Council video camera, showed the need to invest in a wide angle lens to capture the appropriate width of field, and the installation of a stationary tripod that would not be obscured by gallery members. Estimates to pursue this option are approximately $2,000 in capital costs, and a further $4,000 a year in post-production to match audio and video recording.

Given that the camera would have to be positioned some distance from the Councillors to include all three Chamber tables, there is significant concern over the quality or value of the video image that could be technically achieved. Multiple camera setups would add to the capital costs and post-production/editing costs significantly, at best tripling the capital costs to $6,000.

Additionally, investigation into “Webcasts”, a live video broadcast of an event transmitted across the Internet, showed that even entry level, low quality productions would have significant overheads, starting at $5,000 for equipment and $5,000 per year in operator costs. Mid to high quality webcasting solutions were costed at approximately $20,000 in equipment, $15,000 in installation and commissioning, and a minimum of $5,000 a year in operating costs.

Given the high cost of installation and low community demand, it was decided not to proceed with live webcasting nor video podcasting. Webcasting was previously explored by Council in April 2008 and November 2009, and not pursued for similar reasons.

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

The Melton City Council 2013-2017 Council Plan references:

*2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability.*

*2.2 Provide levels of service that balance community needs with organisational capacity.*

**4. Financial Considerations**

Nil.

**5. Consultation/Public Submissions**

Analyses of community demand for audio recordings of Ordinary Council Meetings, and public access of Ordinary Council Meeting Minutes uploaded to the Council website.

Consultation and quotations received from audio-visual recording & broadcasting equipment retailers.

**6. Risk Analysis**

There is no risk associated with the recommendations, nor any risk emerge as a consequence of implementation.

**7. Options**

Council may;

1) Move the recommendations to note the report and endorse the decisions; or

2) Move to note the report only.

**List of Appendices**

Nil

**12. REPORTS FROM DELEGATES APPOINTED BY COUNCIL TO OTHER BODIES**

**13. Councillor Representations and Acknowledgements**

**13.1** **Public Address by each Councillor**

**13.2** **Publ Record of Assembly of Councillors in accordance with Section 80A(1) of the Local Government Act 1989**

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| * 3 September 2013 Record of Assembly of Councillors * 10 September 2013 Record of Assembly of Councillors |

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| **Recommendation:**  That the Record of Assembly of Councillors attached to this Agenda dated 3 September and 10 September 2013 be received and noted. |

**List of Appendices**

|  |  |
| --- | --- |
| 1. | 3 September 2013 Record of Assembly of Councillors |
| 2. | 10 September 2013 Record of Assembly of Councillors |

**Record of Assembly of Councillors**

*Record in accordance with Section 80A(1) of the Local Government Act 1989*

Name of Meeting: Council Briefing

Date of Meeting: 3 September 2013

Attendees

|  |  |
| --- | --- |
| Councillors | Staff |
| Cr Bob Turner | Kelvin Tori, Chief Executive |
| Cr Broden Borg | Adam Boyle, Acting General Manager Community Services |
| Cr Renata Cugliari | Ian Stewart, Acting General Manager Corporate Services |
| Cr Nola Dunn | Luke Shannon, General Manager Planning & Development Services |
| Cr Sophie Ramsey | Peter O’Brien, Manager Organisational Development |
|  | Matthew Wilson, Manager Family, Youth and Housing |
|  | Sarah Edwards, Coordinator Social Planning & Strategy |
| Matter | |
| 1. Staff Cultural Survey Briefing | |
| 1. Whitten Project/Junior Youth Council Briefing | |
| 1. Municipal Public Health and Wellbeing Plan Briefing | |
| 1. Councillor Discussions | |
| 1. Rating Strategy | |

Conflict of Interest Disclosures

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| --- | --- | --- |
| Matter No: | Names of Councillors who disclosed conflicts of Interest | Did the Councillor leave the meeting? |
|  | Nil |  |

*(Note: Details of matters discussed at the meeting that have been designated confidential under Section 77 of The Local Government Act 1989 are described in a separate “confidential addendum” that will be reported to the next closed Council meeting).*

**Record of Assembly of Councillors**

*Record in accordance with Section 80A(1) of the Local Government Act 1989*

Name of Meeting: Council Briefing

Date of Meeting: 10 September 2013

Attendees

|  |  |
| --- | --- |
| Councillors | Staff |
| Cr Kathy Majdlik | Kelvin Tori, Chief Executive |
| Cr Bob Turner | Adam Boyle, Acting General Manager Community Services |
| Cr Nola Dunn | Peter Bean, General Manager Corporate Services |
| Cr Sophie Ramsey | Luke Shannon, General Manager Planning & Development Services |
|  | Bob Baggio, Manager Planning |
|  | Laura – Jo Mellan, Coordinator Strategic Planning |
|  | Sophie Thompson – Strategic Planner |
| Matter | |
| 1. Housing Diversity Strategy | |
| 1. Draft Agenda – Ordinary Meeting of Council | |
| 1. Mayoral meeting with sporting club | |
| 1. Request to Council to meet with residents | |
| 1. Video request of Council Meeting | |
| 1. Correspondence sent to DPCD | |
| 1. Social Media issue | |
| 1. Mayor and Chief Executive Weekly Meeting | |

Conflict of Interest Disclosures

|  |  |  |
| --- | --- | --- |
| Matter No: | Names of Councillors who disclosed conflicts of Interest | Did the Councillor leave the meeting? |
|  | Nil |  |

*(Note: Details of matters discussed at the meeting that have been designated confidential under Section 77 of The Local Government Act 1989 are described in a separate “confidential addendum” that will be reported to the next closed Council meeting).*

**14. Notices of Motion**

**14.1** **Notice of Motion 366 (Cr Majdlik) National Broadband Network**

**Councillor: Kathy Majdlik**

Notice was given at the Ordinary Meeting of Council held on 27 August 2013 of my intention to move the following motion at the Ordinary Meeting of Council to be held on 17 September 2013.

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| **Motion:**  That Council;  1) write to the Minister for the Australian Government Department of Broadband, Communications and the Digital Economy, the Hon Anthony Albanese MP, to advocate for the extension and prioritisation of the National Broadband Network to areas within the Melton City municipality currently suffering from substandard wired internet connection speed;  2) request that special attention be given to key areas within the municipality, such as Burnside and Caroline Springs, in which existing internet infrastructure is inadequate;  3) advocate for the establishment of minimum acceptable wired broadband speed to the premises (upload and download) from Internet Service Providers, and;  4) propose the establishment of a wireless connection subsidy or wireless cost reduction scheme for communities affected by substandard wired internet access. |

**1. Officer’s Comments**

Telecommunications, including internet connection, are a Federal Government responsibility. Councils do not have the authority, or indeed finances, to establish or improve internet access for communities in any meaningful way. Consequently, Councils role is essentially limited to advocacy, which this motion supports.

Internet connection, at a sufficiently high speed, is considered by many to be a basic infrastructure need, including a right of access for all Australians. Internet access by Australians is growing at an extraordinary rate, as is the volume of data being consumed, accessed for both work and social reasons.

As the motion alludes, currently, where you live dictates the availability, quality, cost and speed of internet connection. Common contemporary uses of the Internet could barely be imagined 15 years ago, and it is impossible to envisage the possibilities high speed broadband (100mbs and above) could present in the future. It is undesirable for certain communities to receive excellent broadband access and for other communities to receive substantially worse service as a consequence of their address.

The Federal Government has established the NBN Co. to roll out the national broadband network across Australia, scheduled nationally for completion by approximately 2023. Certain areas of Melton township have been identified for Stage 1 NBN rollout, and work has already begun. Declared NBN rollout is however currently restricted to relatively small area of the municipality.

**15. Councillor’s Questions Without Notice**

**16. Motions without Notice**

**17. Urgent BusinesS**

**18. Confidential Business**

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| --- |
| **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  **18.1 Contract 11/017 Operations of Melton Recycling Facility - Variation of Contract**  This report is confidential in accordance with s89(2)(d)as it relates to contractual matters**.**  **18.2 Property Development Advisory Committee (PDAC) Meeting 31**  This report is confidential in accordance with s89(2)(d)as it relates to contractual matters**.**  **18.3 Municipal Audit Committee Minutes Confidential Items**  This report is confidential in accordance with s89(2)(g)as it relates to matters relating to the security of Council property**.** |

**18.1** **Contract 11/017 Operations of Melton Recycling Facility - Variation of Contract**

**Author: Greg Wood- Manager Operations**

**Presenter: Luke Shannon- General Manager Planning and Development**

**Purpose of Report**

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| To inform Council of a proposed variation to contract 11/017 Operation of Melton Recycling Facility relating to the establishment of extended uniform year round operating hours. |

**18.2** **Property Development Advisory Committee (PDAC) Meeting 31**

**Author: Michael Tudball- Growth Areas Executive**

**Presenter: Luke Shannon- General Manager Planning and Development**

**Purpose of Report**

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| To consider the minutes of the Property Development Advisory Committee from 3 September 2013 (meeting number 31). |

**18.3** **Municipal Audit Committee Minutes Confidential Items**

**Author: Cheryl Santoro- Senior Administration Officer**

**Presenter: Peter Bean- General Manager Corporate Services**

**Purpose of Report**

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| This report advises Council of the “in-camera” minutes of the Municipal Audit Committee meeting held on 23 August 2013 and recommends actions arising from the minutes. |

**Procedural Motion**

That the meeting be opened to the public.

**19. Close of Business**