



## MELTON CITY COUNCIL

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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 13 November 2017 at 7.00pm.

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**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 to Council the CEO Review Special Committee assessment of the Chief Executive Officer's performance for the year ended 30 June 2017.	
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**1. OPENING PRAYER AND RECONCILIATION STATEMENT**

The Chairperson will read the opening prayer and reconciliation statement.

**Prayer**

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

**Reconciliation Statement**

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

**2. APOLOGIES AND LEAVE OF ABSENCE**

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

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

Pursuant to 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 16 October 2017 and Special Meeting of Council held on 2 November 2017 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**

- 16 October 2017 Record of Assembly of Councillors
- 23 October 2017 Record of Assembly of Councillors
- 30 October 2017 Record of Assembly of Councillors
- 8 November 2017 Record of Assembly of Councillors

**RECOMMENDATION:**

That the Record of Assembly of Councillors dated 16 October, 23 October, 30 October and 8 November 2017 attached to this Agenda be received and noted.

**LIST OF APPENDICES**

1. 16 October 2017 Record of Assembly of Councillors
2. 23 October 2017 Record of Assembly of Councillors
3. 30 October 2017 Record of Assembly of Councillors
4. 8 November 2017 Record of Assembly of Councillors



**8. CORRESPONDENCE INWARD**

Nil.

**9. PETITIONS AND JOINT LETTERS**

A petition, addressed to Melton Council and containing 434 signatures, has been received requesting Thrice Lane, Kurumjang to be reopened to through traffic.

The prayer of the petition reads as follows:

*The humble petition of we, the undersigned residents/ratepayers of Melton in the State of Victoria, sheweth that we urgently request that Melton Council immediately re-open to through traffic Thrice Lane, KURUNJANG.*

*The re-opening of Thrice Lane will provide a second access point which is vital to ensure traffic can access the Kurunjang area, especially given concerns related to fire and safety. The area has around 1,064 homes, three schools and shops and growing and ALL residents are currently dependent on ONLY one access road, Kurunjang Drive. This situation is totally unsatisfactory and potentially puts at risk many lives.*

*Your petitioners therefore pray that Melton Council re-open Thrice Lane, as a matter of urgency, at the earliest possible time. And your petitioners, as in duty bound, will ever pray.*

**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 AUTHORISING THE AFFIXING OF THE COMMON SEAL OF COUNCIL

Author: Dominique Roberts - 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 13 November 2017.

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#### 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 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**

1. Authorising and Affixing the Common Seal - dated 13 November 2017

## 12.2 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

**Author: Tracy Spiteri - Governance Coordinator**  
**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. note the minutes of Advisory Committee meetings at **Appendix 1, 2 and 3**
2. adopt recommendations arising within the Minutes.

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### 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 2017 were adopted by Council at the Ordinary Meeting held 21 November 2016.

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
5 October 2017	Disability Advisory Committee Meeting Minutes	Appendix 1
12 October 2017	Early Years Partnership Committee Meeting Minutes	Appendix 2
19 October 2017	Policy Review Panel Meeting Minutes	Appendix 3

### 3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2017-2021 Council and Wellbeing 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

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. Disability Advisory Committee Meeting Minutes - dated 5 October 2017
2. Early Years Partnership Committee Meeting Minutes - dated 12 October 2017
3. Policy Review Panel Meeting Minutes - dated 19 October 2017

## **12.3 COUNCILLOR REPRESENTATION NOMINATIONS ADVISORY COMMITTEE MEETING MINUTES - 8 NOVEMBER 2017**

**Author: Tracy Spiteri - Governance Coordinator  
Presenter: Kel Tori - Chief Executive Officer**

### **PURPOSE OF REPORT**

To present the minutes of the Councillor Representation Nominations Advisory Committee (CRNAC) meeting held on Wednesday, 8 November 2017.

### **RECOMMENDATION:**

That Council:

1. note the minutes of the Councillor Representation Nominations Advisory Committee (CRNAC) meeting held on Wednesday, 8 November 2017
2. adopt the recommendations arising within the minutes.

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### **REPORT**

#### **1. Executive Summary**

The appointment of Councillors as representatives on external bodies and advisory committees plays an integral part in Councillors exercising their representation and advocacy responsibilities on behalf of the community.

It is an established practice to annually review the Councillor representation on Special Committees, Advisory Committees and other organisations. This process allows Councillors the opportunity to consider the committees and groups to which they are able to represent on behalf of Council for the forthcoming calendar year.

#### **2. Background/Issues**

At the Ordinary Meeting 8 September 2015, Council adopted the Terms of Reference (ToR) for the Councillor Representation Nominations Advisory Committee (CRNAC) which outlines the establishment, composition and operating procedures in the recommending of Councillor membership to committees (Council and other), boards, peak bodies and other decision making bodies for which a Councillor representative is required.

Apart from the meetings of the Council, there are a wide range of committees/organisations where the constituted membership includes representation from Council. Such representation plays an essential role in policy development, advocacy, planning and provision of a wide range of services directly relevant to the community and provides a framework for Council to receive community feedback and external advice.

There are basically two groups of committees that relate to Council:

- Advisory Committees of Council that consider issues and make recommendations to the full Council. The Committee's role is defined in its approved terms of reference.
- Special Committees of Council that have delegated power.

There are organisations external to Council that also include representation of Council by Councillors.

Councillors/Council Officers appointed to these groups/committees will have a responsibility to report to Council. These reports can be in writing or in the form of minutes of the meetings. In particular, where there are no Council Officers present/or minutes taken, items of significance from those meetings can be read into the minutes of the Council meeting via a short verbal report with a report in writing appended to the Council Minutes.

### **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 with innovation, transparency, accountability and sustainability.

*5.1 Deliberative engagement and effective communication with the community that informs planning and decision making*

### **4. Financial Considerations**

Costs associated with Councillor representation on Committees and external bodies are borne through normal budget estimates each financial year.

### **5. Consultation/Public Submissions**

The CRNAC is an Advisory Committee of Council that enables Councillors to nominate which committee and/or peak bodies or organisations they intend to be Councils representative on. Consequently, no public consultation is required.

### **6. Risk Analysis**

Advisory Committee minutes must be reported to Council and are restricted to the making of recommendations only for Council consideration, therefore there are no risks associated with this Advisory Committee.

### **7. Options**

The CRNAC is an Advisory Committee of Council, therefore Council has the discretion to accept, reject or vary the nominations as detailed in the Committee minutes and/or recommendations.

## **LIST OF APPENDICES**

1. Councillor Representation Nominations Advisory Committee Meeting Minutes - dated 8 November 2017

## 12.4 MUNICIPAL AUDIT COMMITTEE MINUTES - 25 OCTOBER 2017

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

### PURPOSE OF REPORT

To present to Council the minutes of the Municipal Audit Committee meeting held on Wednesday, 25 October 2017.

### RECOMMENDATION:

That Council:

1. Note the minutes of the Municipal Audit Committee meeting held on Wednesday, 25 October 2017 at **Appendix 1**.
  2. Adopt the recommendations arising within the minutes.
  3. Note the 1<sup>st</sup> Quarter Finance report to 30 September 2017 at **Appendix 2**.
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### REPORT

#### 1. Executive Summary

The minutes of the Audit Committee meeting held on 25 October 2017. Are appended to this report as **Appendix 1**. 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

It is a requirement within the Terms of Reference of the Municipal Audit Committee to meet and report on 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 and Wellbeing Plan Reference and Policy Reference

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

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

*5.4 An organisation that demonstrates excellence in local government leadership and customer and community service.*

#### 4. Financial Considerations

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



## **5. Consultation/Public Submissions**

The Municipal Audit Committee consists of Crs Carli and Hardy and three independent external members Mr Adam Roberts, Mr Alan Hall and Mr Robert Tommasini.

## **6. Risk Analysis**

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

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

## **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 Minutes - dated 25 October 2017
2. Quarterly Finance Report - dated 30 September 2017

## 12.5 RESPONSE TO NOTICE OF MOTION 478 - ASSESSING SUITABLE PEDESTRIAN CROSSING LOCATIONS, TAYLORS ROAD BETWEEN GOURLAY ROAD AND MUNICIPAL BOUNDARY WITH BRIMBANK CITY COUNCIL

Author: Jonathan Liston - Principal Planning Engineer

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

### PURPOSE OF REPORT

To respond to Notice of Motion 478 in relation to Council officer investigations regarding suitable pedestrian crossing locations on Taylors Road, between Council's municipal border with Brimbank City Council and Gourlay Road.

### RECOMMENDATION:

That Council:

1. Note the content of this report.
2. Refer the funding of the proposed traffic signals and pedestrian crossings to the Capital Works budget.

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### REPORT

#### 1. Executive Summary

At the Ordinary meeting of Council held on 1 May 2017, Council resolved to receive a report that would assess where suitable locations would be for pedestrian crossings on Taylors Road from Watervale Boulevard to Gourlay Road and what the indicative costs would be for Council.

Taylors Road accommodates a large volume of traffic travelling at high speeds, with limited infrastructure facilities provided to allow the safe movement of pedestrians across Taylors Road.

The Watervale Shopping Centre is located on the north east corner of Taylors Road and Calder Park Drive and includes multiple uses that all generate pedestrian movements from the nearby area. Furthermore, the bus route 418 operates along Taylors Road which generates a need for pedestrians to cross Taylors Road at each bus stop.

In order to meet the sustainable and active transport commitments outlined in Melton's Council and Wellbeing Plan and Integrated Transport Strategy, it is recommended that the following locations be considered for traffic signals and pedestrian crossings:

	Location	Suggested Treatment	Indicative Cost
Stage 1	Taylors Road roundabout with Calder Park Drive and Westwood Drive	Conversion of roundabout to signalised intersection	\$2,000,000 - \$2,500,000
	Taylors Road roundabout with Jacaranda Drive and Arbour Boulevard	Transverse line markings and warning signs on Taylors Road approaches	\$10,000

	Taylor's Road roundabout with Watervale Boulevard and Tenterfield Drive	Transverse line markings and warning signs on Taylor's Road approaches	\$10,000
	<b>Location</b>	<b>Suggested Treatment</b>	<b>Indicative Cost</b>
Stage 2	Taylor's Road, 70m east of Pacific Boulevard	Upgrade existing pedestrian refuge to pedestrian operated signals	\$200,000
	Taylor's Road, 70m east of The Entrance	Pedestrian refuge island and associated footpaths	\$75,000
	Taylor's Road, 100m west of Muscat Avenue	Pedestrian Operated Signals	\$200,000

Table 1: Suggested Location of Pedestrian Treatments.

## 2. Background/Issues

At its Ordinary Meeting of Council held on 1 May 2017, Council resolved via a Notice of Motion (478) that:

*'Council officers investigate where the suitable locations would be for pedestrian crossings on Taylor's Rd from Watervale Blvd to Gourlay Rd and provide a report to council with the findings and indicative costs.'*

### Existing Road Network

Taylor's Road is an arterial road, managed and maintained by Council and borders the suburbs of Taylor's Hill and Caroline Springs. The speed limit on the corridor between Watervale Boulevard and Gourlay Road is 60km/h and the road carries between 14,000-24,000 vehicles per day.

With high traffic volumes and vehicle speeds, the road corridor acts as a significant barrier to north-south pedestrian movements.

Between Watervale Boulevard and Conrad Terrace (immediately west of Calder Park Drive) the road consists of two traffic lanes in each direction separated by a raised median. Between Conrad Terrace and Gourlay Road, the road consists of one traffic lane in each direction, with no separation.

Dual-lane roundabouts are located at the major intersections of Gourlay Road, Calder Park Drive, Jacaranda Drive and Watervale Boulevard.

Two-way traffic volumes and speeds on Taylor's Road have been recorded at various locations by Council in March 2016, and are summarised below in Table 2:

Location	2014 Weekday Average	2016 Weekday Average	2016 85 <sup>th</sup> per centile Speed
Taylor's Road, east of Gourlay Road	13,020vpd	13,993vpd	62km/h
Taylor's Road, west of Calder Park Drive	14,269vpd	15,255vpd	63km/h
Taylor's Road, east of Calder Park Drive	21,796vpd	24,386vpd	55km/h

Table 2: Traffic Count Data.

### **Existing Pedestrian Network**

Pedestrian footpaths are located on both the north and south side of Taylors Road throughout the study corridor.

As well as pedestrian islands located on all roundabouts within the corridor, formal pedestrian crossing facilities are provided at the following locations:

- Pedestrian refuge island – 70m east of Pacific Boulevard; and
- Pedestrian operated signals – 250m east of Watervale Boulevard.

The distance between pedestrian crossing facilities is summarised in **Appendix 2**.

### **Surrounding Land Use**

Land use in the vicinity of the corridor is predominantly residential, apart from the Watervale Shopping Centre which is located north of Taylors Road, between Calder Park Drive and Jacaranda Drive. The shopping centre acts as the primary pedestrian generator in the area.

The shopping centre consists of a supermarket, medical centre and other small retail outlets. The Melton City Council Maternal and Child Health Centre is also located on Jacaranda Drive, approximately 120m north of Taylors Road.

More broadly, the Caroline Springs activity centre is located approximately 800m south of Taylors Road, which includes various commercial and employment opportunities, while Gilson College is located 300m east of Watervale Boulevard and generates a substantial volume of school pedestrian movements along (and across) Taylors Road.

### **Public Transport**

The 418 bus route (St Albans Station to Caroline Springs) operates along Taylors Road and runs every 12-15 minutes in each direction during the peak periods. In addition, the 462 bus route (Watergardens Station to Caroline Springs) operates along Tenterfield Drive and Watervale Boulevard approximately every hour in each direction.

### **Future Road Network**

The ultimate design and objective of Taylors Road includes its duplication and extension west towards Melton, as well as its adoption by VicRoads as a State arterial road. While Taylors Road is currently under the management of Council, given the future purpose of the road as a State arterial road under the care and management of VicRoads, VicRoads will be a key stakeholder in any changes to the road network to facilitate safer pedestrian crossing movements. It should be noted that the declaration of Taylors Road as a State arterial road is not expected to occur for many years.

### **Pedestrian Crossing Facilities**

Upgrades to pedestrian crossing facilities within the corridor are broadly informed by the Australian Standard *Manual of uniform traffic control devices – Pedestrian control and protection*. Further guidance on pedestrian crossing facilities is provided in the VicRoads document *Guidance for Planning Road Networks in Growth Areas*.

Pedestrian crossing facilities are recommended to be provided at least every 800m for primary arterial roads and every 400m for secondary arterial roads. Crossings should be no closer than 200m apart to ensure vehicle movements are not unduly disrupted.

Given the road geometry, traffic volumes and vehicle speeds along Taylors Road, zebra crossing facilities would not be a suitable intervention at any location along the road corridor in this instance.

Having consideration of the relevant standards and guidelines, along with the increasing traffic volumes along Taylors Road, the installation of controlled pedestrian crossings on Taylors Road would be appropriate.

A staged approach to the installation of suitable crossing facilities would be proposed as follows:

	<b>Location</b>	<b>Suggested Treatment and Benefit</b>	<b>Indicative Cost</b>
Stage 1	Taylor's Road roundabout with Calder Park Drive and Westwood Drive	Conversion of roundabout to signalised intersection: <ul style="list-style-type: none"> <li>• Improves N-S and E-W pedestrian movements</li> <li>• Improves traffic congestion</li> </ul>	\$2,000,000 - \$2,500,000
	Taylor's Road roundabout with Jacaranda Drive and Arbour Boulevard	Transverse line markings and warning signs on Taylor's Road approaches: <ul style="list-style-type: none"> <li>• Reduces vehicle speeds to improve pedestrian safety</li> </ul>	\$10,000
	Taylor's Road roundabout with Watervale Boulevard and Tenterfield Drive	Transverse line markings and warning signs on Taylor's Road approaches: <ul style="list-style-type: none"> <li>• Reduces vehicle speeds to improve pedestrian safety</li> </ul>	\$10,000
Stage 2	Taylor's Road, 70m east of Pacific Boulevard	Upgrade existing pedestrian refuge to pedestrian operated signals: <ul style="list-style-type: none"> <li>• Protects pedestrian movements</li> </ul>	\$200,000
	Taylor's Road, 70m east of The Entrance	Pedestrian refuge island and associated footpaths: <ul style="list-style-type: none"> <li>• Provides simpler crossing environment</li> </ul>	\$75,000
	Taylor's Road, 100m west of Muscat Avenue	Pedestrian Operated Signals: <ul style="list-style-type: none"> <li>• Protects pedestrian movements</li> </ul>	\$200,000

Table 3: Suggested Location of Pedestrian Treatments.

### Discussion

The existing traffic volumes on Taylor's Road, combined with impending changes to the road network linking to Taylor's Road (completion of Westwood Drive and the development of land in the Plumpton and Kororoit Precinct Structure Plans), will see traffic volumes continue to grow on Taylor's Road.

Increasing traffic volumes on Taylor's Road create a barrier to the north-south movement of pedestrians and cyclists across Taylor's Road. To create a connected and active community will require the installation of traffic signals and pedestrian crossings to provide pedestrians and cyclists with the ability to safely and efficiently cross Taylor's Road.

Furthermore, the future connection of Westwood Drive between Fydler Avenue and Harwood Court will result in a significant increase in traffic utilising the Palmers Road corridor between the Calder Freeway and the Deer Park Bypass. As a result, it is anticipated that, over time, east-west pedestrian movements across Calder Park Drive and Westwood Drive, at the intersection with Taylor's Road, will also become more challenging if pedestrian facilities are not improved.

The installation of traffic signals at the intersection of Calder Park Drive, Westwood Drive and Taylor's Road would provide a signalised pedestrian crossing for both North-South and East-West pedestrian movements. Furthermore, the future growth of traffic volumes at the intersection of Calder Park Drive, Taylor's Road and Westwood Drive is anticipated to exceed

the capacity of the existing roundabout and eventually requiring the signalisation of the intersection.

Under the *Council and Wellbeing Plan* and *Integrated Transport Strategy*, Council has committed itself to delivering a flexible, safe and health promoting transport network by creating safe, connected and convenient walking and cycling infrastructure. As such, there is an expectation from the Community that Council will invest in upgrading footpaths, pedestrian crossings and other walking and cycling infrastructure to meet their needs now and into the future.

The recommendations in this report will not only facilitate greater pedestrian movement for those wishing to cross Taylors Road, but will also facilitate improved east-west movements across Calder Park Drive and Westwood Drive, at the intersection of Taylors Road once Westwood Drive has been connected between Fydler Avenue and Harwood Court.

### **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

3.4 *A flexible, safe and health promoting transport network that enables people to move around.*

### **4. Financial Considerations**

Should Council determine that all or some of the pedestrian infrastructure recommendations be constructed, this work will have to be referred to Council's Capital Works Program and Budget process to determine when funding will be made available.

### **5. Consultation/Public Submissions**

Although Council manages and maintains Taylors Road, traffic signals and pedestrian operated signals are classified as a Major Traffic Control Device which requires VicRoads' authorisation in order to be installed. As such, Council will be required to consult with VicRoads and justify the use of traffic signals and pedestrian signals at the proposed locations.

As the road will ultimately become part of the State arterial network, VicRoads will be an important external stakeholder that will require to be consulted with.

### **6. Risk Analysis**

Option 1 – The risk associated with adopting the recommendations is pressure on the Capital Works budget.

Option 2 – The risk associated with not adopting the recommendations would potentially be:

- A reputational risk that Council is not providing safe facilities for pedestrians to cross Taylors Road.
- Community dissatisfaction that pedestrians cannot safely and conveniently move in a north-south direction across Taylors Road.

### **7. Options**

Option 1 – Adopt the recommendations as presented in this report and refer the traffic management projects to the Capital Works budget process.

Option 2 – Not adopt the recommendations.

**LIST OF APPENDICES**

1. Taylors Road - Existing Layout and Land Uses - undated
2. Taylors Road - Existing Pedestrian Crossing Facilities - undated
3. Taylors Road - Proposed Pedestrian Crossing Facilities - undated

## 12.6 RESPONSE OF NOTICE OF MOTION 502 - ASSESSMENT OF THE LEVEL OF FACILITY NECESSARY TO ENABLE MAJOR FESTIVALS AND EVENTS DURING 2018-2020 AT THE WILLOWS AND MORTON HOMESTEAD

Author: Heidi Taylor - Senior Events Officer  
 Presenter: Peter Bean - General Manager Corporate Services

### PURPOSE OF REPORT

To respond to Notice of Motion 502 by providing a detailed assessment of the capacity to host significant events/festivals at sites in the municipality.

### RECOMMENDATION:

That Council note the report and the assessment of facilities at The Willows, Morton Homestead and Caroline Springs Town Centre.

### REPORT

#### 1. Executive Summary

Notice of Motion (502) from Ordinary Meeting of Council held on 21 August 2017 stated:

*'That Council officers report to Council on their assessment of the level of facility necessary to enable major festivals and events to be successfully held during 2018-2020 at the Willows Homestead, Morton Homestead and suitable sites in Caroline Springs inclusive of the following elements; hard surfacing; in ground services (sewer, water, gas, electricity) permanent Landscaping features'*

The events team consider the below definitions in planning and delivering council events:

Definition	Capacity
Major event (i.e. Djerriwarrh Festival, Summersault)	>10,001
Medium event (Carols by Candlelight)	>1,001<10,000
Minor event (PopCulture programs, Australia Day)	<1,000

While both Willows Homestead and Morton Homestead sites have amenities suitable for community and Council events at the lower end of the minor category, additional infrastructure and facilities would be required (toilets, drinking water, shade, seating etc.) for events larger than 300 people.

The events team recommend that there is only one suitable site within Caroline Springs for major events, that being, Town Centre, Caroline Springs (which currently already hosts Summersault), with the space being large enough to construct/house the necessary temporary infrastructure to house 10,000 + people. Additional improvements to this site would further enhance the site's accessibility.

This is consistent with current operating practices for Council events held elsewhere within the municipality.



## 2. Background/Issues

### 2.1 The Willows Homestead and Morton Homestead

While both Willows Homestead and Morton Homestead sites have amenities suitable for community and Council events, additional infrastructure and facilities would be required. The basic requirements to host an event of up to 300 people is achievable without installing additional temporary infrastructure (i.e. toilets) or traffic management for both locations.

However, larger events will require the consideration of additional infrastructure such as additional toilets, drinking fountains, seating and shade (which is pursuant to the standard procedure and requirement of all event venues with the capacity to host above 500 people within the municipality). These costs should be absorbed in the operational budgets of the proposed event by the event owners.

The below table provides a side by side comparison of both sites cited with the Notice of Motion:

Assessment	Morton Homestead	The Willows
Maximum capacity	900 – 1,000 pax estimated.	700 pax estimated.
Accessibility	<p>Access to the event site is excellent, with two main driveways from Moreton Boulevard, and Calder Park Drive allowing easy access to the event site. Pedestrian access is enhanced by the additional pedestrian gates within the dry stone walls along Williams Lane and Lynette Court.</p> <p>The Homestead is easily accessible by public transport with a direct bus route stop approx. 20m from the entrance along Calder Park Drive. Bus Routes run from Watergardens Train Station to Caroline Springs Train Station hourly.</p> <p>During a significant event, residents in the immediate surrounds may experience some accessibility concerns in the case of Road Closures (if a TMP were adopted and roads closed for a certain amount of time). As is standard procedure with significant Community Events, a communications plan would be required to ensure residents were given ample notice of any disruptions.</p>	<p>Ingress/egress of the venue from main driveway is good.</p> <p>Public transport is approximately a 200m walk (High Street)</p> <p>During a significant event, the roads surrounding the venue would not require a Traffic Management Plan (TMP) – provided the event was limited to less than one thousand patrons who remained within boundaries of the event.</p>
Hard Surfacing	All access points are sealed (and internal driveways). Grounds for the most part are even and suitable for pedestrian traffic.	Car parks are uneven (gravel). These are directly in front and to the side of the venue. Internal access (driveway)

Assessment	Morton Homestead	The Willows
	<p>Approximately 60-70% of the area is grassed with the remaining area sealed (car parks etc.).</p>	<p>compacted material, unsealed with open side drains.</p> <p>The event site is predominately grassed (90%). Grounds are uneven (due largely to ongoing issues with rabbit holes).</p> <p>Considerations need to be made for grounds to be levelled out prior to an event (and rabbit holes filled the morning of to avoid any trips/rolled ankles etc.).</p>
Sewerage	<p>Facilities are connected to town's sewerage supply.</p> <p>There are two, unisex accessible bathrooms available in the Men Shed facility.</p> <p>There two female bathrooms, one male bathroom (with urinal) and a unisex accessible bathroom in the main homestead.</p> <p>The number of existing onsite toilets would be sufficient for an event of up to 300in capacity.</p>	<p>Facilities are connected to a separate sewerage tank.</p> <p>Two external toilet (women) and one external toilet (male). Connected to septic tank.</p>
Water Supply	<p>Three external water supplies suitable to connect drinking stations available.</p> <p>Water supplied also to the Homestead and Men's Shed.</p>	<p>One external water supply (near Wheel) – not suitable for drinking (pipes may be old?).</p> <p>Water supply in the cottage and in Men's Shed suitable for drinking.</p> <p>For a significant event, a water fountain (connected to own tank) would be required.</p>
Gas	No external gas supply.	No external gas supply.
Electricity	<p>There are two existing power outlets (outside of Homestead and Men's Shed) that would be available for event usage – these are 2 x 10AMP outlets. Significant power requirements (i.e. to run a main stage, lighting and audio) would require additional generators or similar be brought in.</p>	<p>Limited.</p> <p>The historical society has 2 x 10AMP outlets.</p> <p>There are 2 x power boxes within the garden beds (opposite the Cottage) which offer ample power for staging/AV.</p> <p>There is also power outlet near the BBQ area of the grounds (Rotunda)</p>
Parking	<p>There are provisions for up to sixty cars on site. With special exemption from Local Laws, any over flow of parking (up to an additional 100 cars) could be accommodated on the eastern and southern parcels of land adjacent to Moreton Blvd and Lynette Ct.</p>	<p>There are provisions for up to thirty cars in the car park adjacent to the venue (out the front).</p> <p>There is capacity for overflow of vehicles to be parked along Reserve Road and within the boundary of Melton Recreation Reserve</p>

Assessment	Morton Homestead	The Willows
	<p>Road side parking on the Homestead side of Moreton Blvd. remains an option. Approximately 30 - 40 cars. (For larger events, this would not be recommended due to the limited space that would be left available for emergency access/egress and the impact to accessibility for those residents living on Moreton Blvd.)</p> <p>An additional 150 parking spaces exist at the Taylor's Hill Youth Centre (approximately 350m down Calder Park Drive). The option to utilise the oval at this site for additional overflow is not recommendation due to the current condition of the oval.</p>	<p>(approximately 150m).</p>
Security	<p>The grounds are unable to be secured (locked) – as the ground remains open and accessible by pedestrians (drive way gates can limit vehicular access afterhours). Any equipment or infrastructure bumped in prior to the event will require asset protection from a security provider.</p>	<p>The grounds are secure (as they are fenced in with lockable gates). Due to the location of the venue in a remote/industrial area, asset protection from a security provider would be advised.</p>
Permanent Landscaping /Features	<p>Main Homestead – large enough to house a well-established Control Centre for a significant event. No additional infrastructure required. Adequate provisions for catering and cooling.</p> <p>Balcony of Homestead is a further suitable platform for staging and/or other activities with the gardens in front suitable for patrons</p>	<p>Adjacent building (Dunvegan Cottage) equipped to house suitable Control Centre for small to Medium event. Adequate provisions for catering/cooling.</p> <p>The Barn area is currently unfit to house any aspect of an event (safely). Internal infrastructure can be unstable. Historical significance of the barn also lends itself to being unsuitable for public access.</p> <p>Permanent rotunda with built in BBQ suitable for catering purposes.</p>

**2.2 Suitable Sites within Caroline Springs for Mayor Events and Festivals**

The only site within the eastern corridor that fulfils all requirements to host a major event is Town Centre, Caroline Springs (approximately 35,000m<sup>2</sup>). The impact of crowd density (the number of people per square meter) for a standing crowd and a moving crowd is important to understand for crowd safety. Safety standards indicate that between 2-3 people (maximum) per square meter is low to medium risk. Allowing up to 15000 m<sup>2</sup> for infrastructure, 20,000 m<sup>2</sup> is required to cater for a minimum of 10,000 patrons (5,000m<sup>2</sup> for patrons standing/moving room). For a festival of 30,000 patrons therefore, 30,000m<sup>2</sup> is required at minimum..

The assessment of which follows:

<b>Assessment</b>	<b>Town Centre, Caroline Springs</b>
Maximum capacity	Up to 40,000 pax
Accessibility	The site is nestled in the centre of Caroline Springs, accessible by car, foot and public transport. Mayor roads (Caroline Springs Blvd) run parallel.
Hard Surfacing	The grounds are solid turf, maintained throughout the year by the Cricket and Football clubs. Footpaths surround the perimeter allowing safe access for patrons.
Sewerage	Plumbing for sewerage dispersal is currently not available on site. For major events and festivals – it is recommend that hire facilities (toilets) be engaged to manage the sewerage as these facilities treat the raw sewerage on site before removing. Additional bathroom facilities are to be added in the redevelopment of the Recreation Centre and the Tennis Centre. Provided these were maintained throughout an event (with security etc.) – these could be a viable option to handle any overflow of patrons from the hired facilities.
Water Supply	Water supply to the site is good. Additional water access points are planned with the redevelopment. Currently, water access is available in both the north eastern and south eastern corners of oval 2. Water access on Oval one is available on the eastern side.
Gas	Gas available from the permanent structures (Cricket Club House) – east side of Oval 1.
Electricity	Electricity (three phase) planned to be included in the extension of the tennis courts. Currently no electrical facilities exist to plug into. Generators are required to power facilities. The events team (and Capital Works) have investigated the cost of providing electricity to the south-west corner of oval 2. To establish a permanent electrical switchboard, (which would power food vendors, main stage/audio/visual etc.), this would amount to an approximate \$10,000 investment from Council. (Note: addition power sources may be required dependent on the site layout and event requirements).
Parking	Parking facilities are good – with available parking in the Civic Centre/Library and a major car park facilities (CS Square) less than 150 meters away.
Security	The site is nestled in close proximity to residential housing. It an open site – with low pedestrian fencing and lockable gates (with removable bollards).
Permanent Landscaping /Features	The new stadium extension will provide additional infrastructure which may be utilised for event space (TBC). Drinking water fountains will also be provided, as will additional toilet/change room facilities and first aid/emergency response points. As the two ovals serve predominantly as competition ovals throughout the year, to build on the remaining parcel of land (toilet blocks etc.) would not be recommended. The site lends itself to a variety of possible uses in the event space – from music events to market stalls to food/night noodle markets. Adding additional structures to the oval would not be recommended.

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

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives

*1.3 Equitable, inclusive and accessible community and health infrastructure and services.*

### **4. Financial Considerations**

Nil for the development of this report.

### **5. Consultation/Public Submissions**

No consultation was undertaken for the development of this report.

### **6. Risk Analysis**

Not applicable for the development of this report, broader event risk is most appropriately defined and managed on a case-by-case basis dependent on use.

### **7. Options**

Not applicable.

### **LIST OF APPENDICES**

1. Site Maps - undated

## 12.7 TRANSFER OF LAND - PART 9-13 GARRETTY ROAD, CAROLINE SPRINGS

Author: Tracy Spiteri - Governance Coordinator  
Presenter: Christine Denyer - Manager Legal and Governance

### PURPOSE OF REPORT

To present to Council a request to transfer part of a Council Reserve at 9-13 Garretty Road, Caroline Springs to an adjoining landowner.

### RECOMMENDATION:

That Council:

1. Note the Officer's report
2. Advertise and invite submissions pursuant to section 189 and section 223 of the *Local Government Act 1989* ('the Act') its intention to transfer an area of 4.05 sqm (0.15m x 27m) of a Council reserve located at 9-13 Garretty Road, Caroline Springs to the adjoining landowner for nil consideration
3. Receive any submission and conduct a hearing in relation to any submitters that wish to be heard on the matter, pursuant to section 223 of the Act
4. Officers prepare a further report to Council following close of the submission period.

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## REPORT

### 1. Executive Summary

In early 2012, Council was advised by the Owner of a newly built dwelling at 46 Commercial Road, Caroline Springs ('the Owner') that it had been constructed over the property boundary and is encroaching on a reserve owned by Council. The total area of the encroachment is 4.05 sqm.

A report was presented to Council pursuant to which it resolved to transfer the land to the Owner for nil consideration. Actions to undertake the transfer were not finalised.

A recent review of the file has identified potential breaches of the *Local Government Act 1989* ('the Act') if officers were to complete the transfer of the land under the existing resolution.

This report outlines the statutory processes that must be undertaken pursuant to the Act in order to transfer the land to the Owner in order to rectify the title boundary anomaly caused by the encroachment.

### 2. Background/Issues

In early 2012, Council was advised by the Owner of a newly built dwelling at 46 Commercial Road, Caroline Springs that it had been constructed over the property boundary and is encroaching on a reserve owned by Council.

Council were further alerted to the anomaly when an application was received from the Owner for a planning permit to subdivide Council land for the purpose of transferring a portion of the reserve to the Owner.

The reserve in question, 9-13 Garretty Road, Caroline Springs is a reserve for open space that was titled and transferred to Council by Lend Lease on 23 December 2011. Construction of the adjoining dwelling at 46 Commercial Road commenced in March 2011. An occupancy permit was issued to the landowner also on the 23 December 2011.

A title re-establishment survey was undertaken and a planning permit request to subdivide the land was received by Council 20 March 2012, seeking a two lot subdivision to create a Lot A and remove the reserve status. The resulting Lot A would then be transferred to the adjoining landowner for consolidation into their existing land title, thus bringing the dwelling within the title boundary.

A report was presented to the Ordinary meeting of Council held 26 July 2012 (**Appendix 1**). Council resolved to transfer that part of the land that was on Council's reserve to the Owner for nil consideration.

The transfer has not been effected yet and a recent review of the file has found that two requirements of the *Local Government Act* 1989 have not been met. The two requirements are the requirement to obtain a valuation of the land and also the requirement to advertise and take submissions on the proposal to transfer. The report of 26 July 2012 did not set out or consider these requirements and the report stated that the land had no value.

The application to subdivide the land was approved on 11 September 2012 and a draft deed (in lieu of a contract and section 32 statement) evidencing the transfer was drawn up by the Owner's solicitors.

No further action was taken in relation to the subdivision and transfer of land. Attempts were made during 2013 and 2014 with the Owner's solicitors to complete the transfer to no avail.

The matter was enlivened by a call from the Owner's solicitors and, given the lapse of time involved, a full review of the file was then conducted. It was at this time that the shortfalls in the earlier report were discovered and were advised to the Owner's solicitors.

A valuation of the land has now been obtained. The land valuation was received on 5 October 2017 and determined a market value of the subject land at \$500 ex GST (**Appendix 2**).

The transfer is a sensible solution to a mistake made by the Owner/Owner's builder.

Given that a previously constituted Council has resolved to transfer the land for nil consideration there may be legal implications if this Council does not proceed to advertise its intention to transfer the land and consider any submissions received and any submitters wishing to be heard in person.

Officers will then prepare a further report seeking a decision from Council as to the appropriate action.

Whilst the proposed transfer is being advertised for 28 days, the Owner's solicitors will seek the recertification of the subdivision plan (which has expired due to the lapse of time).

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

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

2. A thriving and resilient natural environment: A City that preserves and enhances its natural environment for future generations

*2.4 A City growing and developing sustainably.*

### **4. Financial Considerations**

The fact that the house at 46 Commercial Road, Caroline Springs has been built on Council's reserve is the Owner's (or the Owner's builder's) mistake. Accordingly, the owner

has agreed to be responsible for all legal costs and/or administrative costs associated with the proposed transfer.

That said, as Council's initial report was flawed, and has thus caused undue delay and unanticipated costs (insofar as the Owner was previously advised) Council had paid for the cost of the short form valuation (\$500). Further costs of approximately \$300 plus GST will also be incurred should Council resolve to advertise its intention to transfer the land. These costs can be absorbed into the current Legal & Governance budget.

Insofar as the cost of the land, whilst the valuation is noted at \$500, Council can nevertheless resolve to transfer the land at no cost, particularly in light of the fact that it resolved to do so on 26 July 2012.

## **5. Consultation/Public Submissions**

Should Council so resolve, a public notice will be prepared and published in a newspaper generally circulating in the municipality inviting submissions in relation to the proposed transfer and advising any persons that wish to be heard to so advise.

Should any submitters wish to be heard in relation to the matter, Council will need to conduct hearings in accordance with section 223 of the Act.

## **6. Risk Analysis**

If officers proceeded to transfer the land in accordance with the previous Council resolution of 26 July 2012, the transfer would breach the provisions of the Act.

To remove the risk of breaching the Act this report has been prepared to address the outstanding requirements of the Act, that is, the valuation and the public notice.

The risks associated with not proceeding with the transfer at all are twofold. First, the potential liability associated with the construction of that part of the dwelling on Council's reserve and secondly, potential legal action by the Owner on the basis of the earlier resolution by which Council agreed to the transfer (albeit likely ultra vires the Act).

## **7. Options**

Council has the option to:

1. Adopt the recommendation as set out.
2. Adopt the recommendation as set out but transfer the land for the valuation amount of \$500.00

## **LIST OF APPENDICES**

1. Council Minutes - Request for subdivision of 9-13 Garretty Road, Caroline Springs - dated 26 July 2012
2. Valuation Report - Opteon Solutions - Part 9-13 Garretty Road, Caroline Springs - dated 6 October 2017



## 12.8 2017-18 COUNCIL AND WELLBEING ANNUAL ACTION PLAN FIRST QUARTER PROGRESS REPORT

Author: **Bob Baker - Corporate Planning and Performance Coordinator**

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

### PURPOSE OF REPORT

To provide the first quarter update on the progressive achievement of the 2017-18 Council and Wellbeing Annual Action Plan.

### RECOMMENDATION:

That Council receive and note the 2017-18 Council and Wellbeing Annual Action Plan First Quarter Progress Report (1 July – 30 September 2017) as presented at **Appendix 1**.

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### REPORT

#### 1. Executive Summary

The 2017-2021 Council and Wellbeing Plan is prepared in accordance with the *Local Government Act* 1989. The Plan is reviewed on an annual basis to adapt to the evolving needs of our growing community.

Each year, Council produces an Annual Action Plan identifying the activities and initiatives that Council will work towards achieving, which respond to the strategic outcomes and strategies identified in the Council and Wellbeing Plan. This is aligned with the Council's annual budget development process.

The progressive achievement of the Annual Action Plan is reported at the conclusion of each quarter of the financial year, with a final summary provided at the conclusion of each financial year, through the production of Council's Annual Report.

**Appendix 1** provides detail on activity for the first quarter (1 July - 30 September 2017), in the progressive achievement of the 2017-18 Council and Wellbeing Annual Action Plan.

#### 2. Background/Issues

The Council and Wellbeing Plan is Council's primary vision and strategic planning document that establishes the direction Council has committed to for its term of office (4 years). The Council and Wellbeing Plan contains objectives, strategies and performance indicators.

Each year Council provides a range of services, activities and initiatives for the community. These key strategic activities and new initiatives are included in the development of an Annual Action Plan.

The 2017-18 Council and Wellbeing Annual Action Plan provides 153 actions that Council has committed to deliver. Council provides the community with quarterly progress reports that support Council's commitment in providing transparency, through public access to relevant information, decision making and strategic documents.

**Appendix 1** provides a detailed summary on the status of each action in the 2017-18 Council and Wellbeing Annual Action Plan, inclusive of the period from 1 July-30 September 2017.

The following table provides summary of progress against actions.

Status	Description	Number of actions
Achieved	The Action is completed.	3
On track	The action is on track and expected to be completed by the current timeline	150
Not On Track	The Action has been delayed impacting on the current timeline. An explanation and any remedial action and revised due date, where appropriate, is provided in the 'progress comments' column	0
Postponed	The Action has been deferred for the financial year. An explanation is provided in the 'progress comments' column	0
<b>Total</b>		<b>153</b>

Key achievements this quarter include:

- Completed the Abey Road bridge construction to provide a vital link between Melton South and the Toolern Growth area
- Implementation of the Project Management Framework has been completed

Upon Council receipt of this update, the Progress Report will be published on Council's website.

### 3. Council and Wellbeing Plan Reference and Policy Reference

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

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

### 4. Financial Considerations

Initiatives and activities delivered from the Action Plan are contained within the Council approved 2017-18 Budget.

### 5. Consultation/Public Submissions

The 2017-2021 Council and Wellbeing planning process involved extensive consultation with stakeholders including the community, Council staff, government agencies, community organisations and private industry. This process resulted in the publication of the 2017-2021 Melton City Council and Wellbeing Plan. The 2017-18 Council and Wellbeing Annual Action Plan is prepared from internal consultation of Council management.

### 6. Risk Analysis

Nil

### 7. Options

Nil

## LIST OF APPENDICES

1. 2017-18 Council and Wellbeing Annual Action Plan First Quarter Progress Report

## **12.9 MELTON: A CITY FOR ALL PEOPLE 2017-2021**

**Author: Tony Ball - Acting Coordinator Community Capacity**  
**Presenter: Maurie Heaney - General Manager Community Services**

### **PURPOSE OF REPORT**

To present to Council the Melton: A City for All People 2017-2021 strategy for consideration and endorsement.

### **RECOMMENDATION:**

That Councils adopt the Melton: A City for All People 2017-2021 strategy, as presented at **Appendix 1**.

---

## **REPORT**

### **1. Executive Summary**

Melton: A City for All People 2017-2021 presents a strategy for children, youth, older people and people with a disability. It represents a 'whole of life' comprehensive plan that reflects the aspirations of Council and the community.

Inclusive community participation is key to sustaining a strong and vibrant community, and ensuring that people of all ages and abilities are welcome and connected. Local governments know and understand their communities much better than any other level of government. Through strategic planning processes council engage with their community to understand their needs and wants, enabling them to deliver a range of economic, environmental and social outcomes across diverse areas including land use planning, infrastructure development, community partnerships and service provision.

This report is presented to Council for endorsement.

### **2. Background/Issues**

The Melton: A City for All People 2017-2021 has been informed by extensive consultation with the community, partner agencies, Council officers and Councillors. In addition, a review and analysis of relevant research and data was completed.

The consultation and research process was designed and led by Council. Community members, partner agencies and Council officers were invited to share their desired outcomes for children, youth, older people and people with a disability and the development of five key themes that they would like to see achieved for the City of Melton. The consultation methodology offered multiple avenues for engagement including a survey through schools, community programs, festivals and events and online platforms.

The result is the Melton: A City for All People 2017-2021 document that considers strategic issues and opportunities, detailing Council's direction and how it will be achieved over the next four years.

It supports and builds upon Council's Vision, and represents a key strategic document in the realisation of the Council and Wellbeing Plan 2017-21.

Achievement of this plan will be delivered through the following themes, each containing an

objective and strategies and performance indicators:

- Theme 1: Being inclusive
- Theme 2: Being connected
- Theme 3: Being happy and healthy
- Theme 4: Being all you can be
- Theme 5: Being heard

Furthermore an annual action plan will be developed for each of the four years. The action plan will identify specific actions undertaken over that year across the four cohorts represented in Melton: A City for All People 2017 - 2021. This action plan will be presented to Council for its consideration at the start of each year and will drive the activities needed to achieve the objectives and strategies.

### **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 implementation of this plan forms part of Council's existing budget commitment and will align with the annual budget process each year.

### **5. Consultation/Public Submissions**

The consultation undertaken for the Council and Wellbeing Plan forms the core with further internal and external consultations undertaken with service providers, Council Advisory Group members, our partner agencies and State Departments. Council has used primary and secondary public data sources to assist in the construction of the document.

### **6. Risk Analysis**

Endorsement of Melton, A City for All, 2017-2021 will ensure effective planning and compliance with relevant legislation whilst setting the key themes for service planning and delivery over the 2017-2021 period.

### **7. Options**

Nil

## **LIST OF APPENDICES**

1. Melton: A City for All People - dated 2017 - 2021

## 12.10 ANNUAL REPORT 2016-2017

Author: Bob Baker - Corporate Planning and Performance Coordinator

Presenter: Peter Bean - General Manager Corporate Services

### PURPOSE OF REPORT

To present the Melton City Council Annual Report 2016-2017, pursuant to Section 134 of the *Local Government Act 1989*.

### RECOMMENDATION:

That Council adopt the Annual Report 2016-2017 as presented at **Appendix 2**.

---

## REPORT

### 1. Executive Summary

Council is required to consider the Annual Report at a meeting of the Council following it being submitted to the Minister and Public Notice being given.

The Annual Report has been available for inspection, and is appended to this report (**Appendix 2**).

### 2. Background/Issues

Section 131 of the *Local Government Act 1989*, ('the Act') requires Council to prepare an Annual Report in respect of each financial year, and specifies that the report must contain:

- a report of Council's operations during the year,
- audited financial statements for the financial year
- audited performance statement for the financial year

The Annual Report must be submitted to the Minister for Local Government by 30 September, and Council achieved compliance with this requirement by producing a 'desktop' version of the report. Council has produced a limited number of printed copies in addition to an electronic version that is available from Council's website. Where hard copies are requested Council will provide these as requested.

Section 134 of the Act requires that Council consider the Annual Report at a meeting of the Council that is open to the public.

### 3. Council and Wellbeing Plan Reference and Policy Reference

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

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

*5.4 An organisation that demonstrates excellence in local government and leadership and customer and community service.*

#### **4. Financial Considerations**

Preparation of the Annual Report is provided for in Council's recurrent expenditure Budget.

#### **5. Consultation/Public Submissions**

Public notice was given Tuesday, 24 October in the Star Weekly Local Newspaper, in accordance with Section 134 of the Act (**Appendix 1**), that the Melton City Council 2016-2017 Annual Report will be discussed at this meeting of Council.

Copies of the Melton City Council 2016-2017 Annual Report were made available at the Melton Civic Centre, Melton Library and Learning Hub and Caroline Springs/Library Civic Centre for public inspection in accordance with Sections 131 and 134 of the Act.

#### **6. Risk Analysis**

Not applicable.

#### **7. Options**

Council has a statutory obligation to consider the Annual Report at a formal meeting of Council.

#### **LIST OF APPENDICES**

1. 2016-2017 Annual Report Public Notice - undated
2. Annual Report - dated 2016-2017

## 12.11 NATIONAL DISABILITY INSURANCE SCHEME

**Author: Coral Crameri - Manager Community Care**  
**Presenter: Maurie Heaney - General Manager Community Services**

### PURPOSE OF REPORT

To provide Council an update on the National Disability Insurance Scheme (NDIS) and consider Council's position on registering as a service provider under the NDIS.

### RECOMMENDATION:

That Council:

1. not register to become a service provider under National Disability Insurance Scheme (NDIS) and advise the Department of Health and Human Services (DHHS) of the decision.
  2. continue to play a support role to residents that are transitioning to NDIS.
  3. write to clients advising them of Council's decision.
- 

### REPORT

#### 1. Executive Summary

Melton City Council has a history in delivering a range of services to support people with disabilities and these services are delivered as part of a funding agreement with Victorian State Government.

The NDIS is scheduled to commence roll-out in the Brimbank/ Melton area from October 2018 with full implementation of the scheme by June 2019. The NDIS significantly changes the way in which disability services are both funded and delivered in the future.

This report provides a brief overview of NDIS and recommendations presented to Council for consideration.

#### 2. Background/Issues

The former Home and Community Care (HACC) program is being progressively replaced by new programs:

- The NDIS for eligible people with a disability aged under 65 years or under 50 years for Aboriginal or Torres Strait Islander people
- The Home and Community Care Program for Younger People (HACC-PYP) for people under 65 years of age or under 50 years for Aboriginal and Torres Strait Islander people who are ineligible for NDIS

The NDIS roll out represents the largest social reform in disability service in Australia. In 2012, the Commonwealth Government introduced changes to the disability sector to create a national consistent approach to the delivery of services for people with a disability.

The NDIS will deliver services to more than 100,000 people in Victoria, with an estimated expenditure of more than \$5 billion. The NDIS is much larger and very different from the current system. The roll out of NDIS has commenced in Victoria and is scheduled for the

Brimbank/Melton area in October 2018. NDIS will provide people with a disability to exercise choice and control and have access to a full range of services and supports.

The key elements of changes embedded in NDIS are a focus on whole of life cost, a move to consumer choice, the creation of a national market and driven by the increasing of funding.

The key changes therefore will be:

- a rebalancing provision from Government/Non Profit to Private Providers
- the replacement of Government managed regional catchment with a national market
- a move from Government mandated service standards to consumer/client choice
- creation of new function and cost associated with marketing, individualising and coordination of services
- the restructure of the current not for profit provider system

This represents significant challenge for Council as NDIS is likely to generate a rebalance of provision from the not for profit and Government sector to the private sector. Service models will change over time with the focus on a whole of life cost. Larger service providers are emerging and will be able to provide specific services outside the traditional services that Council has historically received funding to provide. The NDIS will have a profound impact on the scale and viability of many disability service providers including Council's own direct services.

The NDIS Market Position Statement for Victoria indicates that the Brimbank/Melton area will have an increase in expenditure of \$250M in 2019 to an estimated \$350M in 2020. This will be mirrored by an increase in the number of full time employees from 950 to 2,850. This represents significant growth in jobs for the Brimbank/Melton area and is expected to have one of the highest increased demand. The market projections also indicates that the Brimbank/ Melton area will experience the largest growth in the number of participants. The number of current participants is 3,700 with an expected growth to 7,100, representing a 92 per cent growth rate in clients.

To provide certainty to current and potential future clients it is important that Council considers how it responds to the NDIS roll out.

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

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

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

### **4. Financial Considerations**

Council currently subsidises services it provides that will be part of the NDIS. In line with competition policy requirements, full cost will need to be charged which will result in little or no demand for service through Council.

DHHS Services funding reduction will be implemented by the DHHS to ensure the HACC-PYP providers have sufficient funds to continue delivering services to all existing clients and who are not eligible for NDIS. Also, when a HACC-PYP client become an eligible NDIS participant, their existing services continue to be funded by DHHS for an in kind period of 6 months, rather than paid for by the NDIS.

DHHS estimates indicate funding for Melton City Council will reduce from \$1,090,182 (2017-18) to \$373,182 (2020-21).



## 5. Consultation/Public Submissions

In the lead up to the NDIS in the Brimbank/Melton area, Council officers will be working closely with the National Disability Services (NDS), representatives from National Disability Insurance Agency, DHHS, residents and their carers.

NDS will, with the support of Council hold local information sessions forums, commencing in February 2018. The sessions are aimed at providing detailed information for potential recipients and their cares as they transition in the NDIS model.

Council's Community Care service unit will prepare and implement a Communication and Engagement Plan to ensure all residents receive clear and concise information and to raise awareness of the NDIS roll out in the Brimbank/Melton area.

## 6. Risk Analysis

Council is at considerable risk for the following reasons:

- Council is not a specialist disability service provider.
- Council inability to deliver services at the rates required under NDIS.
- A significant investment to set up systems and processes to become an NDIS provider.
- Significant financial implications delivering under National Disability Insurance Agencies 'lean pricing' model.
- There are reputable registered NDIS providers in our community.
- Client choice will result in little or no demand for Council services.

## 7. Options

1. Council endorse the Officer's recommendations as presented.
2. Council may choose to register as an NDIS provider.

## LIST OF APPENDICES

Nil

## 12.12 VLGA LOCAL GOVERNMENT WOMEN'S CHARTER

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

### PURPOSE OF REPORT

Council to consider participating in the Women's Charter 21 – Preventing Violence Against Women.

### RECOMMENDATION:

That Council advise the Victorian Local Governance Association of its interest in participating in the Women's Charter 21 – Preventing Violence Against Women campaign.

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## REPORT

### 1. Executive Summary

The Victorian Local Governance Association (VLGA) through the Women's Charter 21 project is looking to collaborate with Local Governments throughout Victoria to assist Councillors to activate their commitments pertaining to the principles of the Local Government Women's Charter.

Council resolved at its Ordinary Meetings held on 13 October 2011 and 23 July 2013 its commitment to Victorian Local Government Women's Charter including the endorsement of an annual action plan. The Women's Charter 21 project is a 12 month program, supported by State Government funding, that is focusing on reactivating the charter and to support individual Councils to develop action plans that address issues at a local level.

Women's Charter 21 has been established to actively work with Councils to introduce Councillor Charter advocates and local plans that substantiate the objectives of the Women's Charter encompassing gender equity, diversity and active civic participation by women to intercept key drivers in prevention and violence against women. This symbolic project is subsidised under the Community Partnerships for Primary Prevention (CPPP) program and influences the prevention of violence against women which is supportive of the CPPP program and recommendations from the Royal Commission.

### 2. Background/Issues

All member Councils of the Victorian Local Governance Association have been written to inviting them to participate in a 12 month project focusing on the Local Government Women's Charter. The charter is in its 21<sup>st</sup> year of existence and has been adopted by 69 out of the 79 Victorian Councils.

The VLGA has received funding from the DHHS Community Primary Prevention Partnerships (CPPP) program to work with Councils to reactivate the charter in the Local Government area. The project has been called Women's Charter 21. The three main principles of the charter are:-

- Gender equity
- Diversity and active civic participation by women
- Tackle key drivers of violence against women.

Promoting women's independence and decision making fundamentally challenges gender stereotypes and norms. This highlights why the Women's Charter is so important and the underlying reason why Council can play a key role in advancing the principles of the Charter, not only to Melton Council but also to the community. It is seen as an exciting development for all Councils to strengthen their mandate for what they already do to promote gender equality, an opportunity to do more across the ten key actions that are set out in the Victorian Agenda Equity Strategy. The VLGA in partnership with the MAV have been active in pursuing the outcome of gender equity through the Victorian Local Government Women's Charter. In two recent elections being in 2012 and 2016 the community achieved record increases in gender equity across the State. Just over 38 per cent of all Councils are now women but there is more work to be done if this is to increase. It should be noted that women did not stand in almost one in five local electorates. 13 Councils only have one woman elected, so while the diversity of candidates in elected women is growing, it still needs to be further increased.

Attached at **Appendix 1** is the Victorian Local Government Women's Charter and an analysis of participation of women in Victorian Local Governments as at December 2016.

It is proposed a staff member be appointed as the contact for this project.

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

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

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

*5.4 An organisation that demonstrates excellence in local government leadership and customer and community service.*

### **4. Financial Considerations**

There are no financial commitments in Council participating in this program.

### **5. Consultation/Public Submissions**

No consultation was undertaken in the preparation of this report.

### **6. Risk Analysis**

There are deemed to be no risks associated with Council participating in the development of the Women's Charter 21 project.

### **7. Options**

Whilst it is recommended that Council participate in the project Council could determine not to participate and rely on the outcome of the industry in developing and activating actions on this to further enhance the creation of local plans to support the objectives of the Women's Charter.

## **LIST OF APPENDICES**

1. Victorian Local Government Women's Charter - undated

## 12.13 PLANNING APPLICATION PA PA2017/5552 - USE AND DEVELOPMENT OF THE LAND FOR THE PURPOSE OF A 24 HOUR, SEVEN DAY PER WEEK, TRIPLE STOREY MEDICAL CENTRE WITH ASSOCIATED LANDSCAPING AND A REDUCTION IN CAR PARKING AT 162 - 166 COBURNS ROAD AND 46 CARINA DRIVE, MELTON

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 Refuse to Grant a Permit subject to the grounds outlined in **Appendix 6** of this report.

---

## REPORT

### 1. Background

#### Executive Summary

Applicant:	Leonard Lawrence Architects
Proposal:	Medical centre
Existing Land Use:	Three dwellings and a medical centre
Zone:	General Residential
Overlays:	Nil
Number of Objections:	Eight
Key Planning Issues:	Zoning and policy context Neighbourhood character Off-site amenity impacts Car parking and traffic Objectors concerns
Recommendation:	Refuse application

#### The Land and Surrounding Area

The subject site is comprised of four allotments with a total area of 2,335m<sup>2</sup> and is located on the north – eastern corner of Coburns Road and Carina Drive in Melton. Other features of the site are as follows:

- The site is irregular in shape.

- It contains three existing single storey dwellings and a single storey medical centre with seven car spaces. The existing medical centre is on the land at 166 Coburns Road, Melton.
- The three single storey dwellings will be demolished and the single storey medical centre will be retained.
- An existing drainage and sewerage easement adjoins the rear boundary of 162,164 and 166 Coburns Road and the southern boundary of 166 Coburns Road.

The surrounding area can be characterised as predominantly residential. To the west is Melton Secondary College and approximately 300 metres south west of the site is the Woodgrove Shopping Centre.

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

### **Planning History**

A planning permit was issued on 15 January 2016 for use of an existing dwelling as a medical centre and associated buildings and works, car parking, landscaping and a reduction in car parking for the property at 166 Coburns Road which constitutes part of the subject site. The medical centre operates from 7am to 9pm, Monday to Saturday and 8am to 7pm on Sunday. No more than two medical practitioners may be present on the premises at any one given time.

### **The Application**

The application proposes the use and development of a medical centre with associated landscaping and a reduction in car parking.

The proposed use and development is summarised as follows:

- The existing three dwellings will be demolished and replaced by a three storey building above a basement.
- 20 consulting rooms, two conference/training rooms, radiology, dental and cosmetic services and a pharmacy, being limited to patients of the medical centre. The pharmacy is to be ancillary to the medical centre.
- The medical centre will operate 24 hours a day, seven days a week.
- The building is to be constructed from brick and colorbond cladding.
- The existing single storey medical centre will be retained. The medical centre currently has seven car spaces which will be reduced to five car spaces to create an accessway for this proposal.
- A basement car park with 18 staff car spaces plus 24 car spaces at the ground floor.
- The maximum number of staff on site at any one time will be 12 doctors, two nurses, one practice manager/receptionist, six receptionists, one pathologist, one dentist and two radiologists.
- A total of five bicycle rails have been provided within the front setback and the basement car park area.
- Vehicle entry to the site is from Coburns Road and exit from the site is via Carina Drive South.
- Removal of one street tree located in the Carina Drive South road reserve to allow creation of a crossover.
- Business identification signage is proposed on the west elevation.
- A reduction in car parking by 16 car spaces.

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

**Planning Controls**

Zone	(Clause 32.08 – General Residential Zone)	A permit is required for use and development of a medical centre.
Particular Provisions	(Clause 52.05 – Advertising Signs)	A permit is required to erect business identification signage.
	(Clause 52.06 – Car Parking)	A permit is required to reduce (including reduce to zero) the number of car parking spaces required. The car parking rate of a medical centre is 5 car spaces to the first person providing health services plus 3 car spaces to every other person providing health services. The application makes provision for 42 car spaces. 56 car spaces are required.
	(Clause 52.07 – Loading and unloading of vehicles)	A permit may be granted to reduce or waive these requirements if either the land area is insufficient or adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.

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 eight objections were received.

The grounds of objection may be summarised as follows:

- Traffic congestion and off-street impacts.

- Safety impacts due to increase in traffic volume.
- Loss of privacy.
- Building height and visual bulk.
- Overshadowing and loss of natural daylight.
- Noise associated with operation of the medical centre and use of the ground floor car park.
- An additional medical centre is not required in the area considering the number of existing medical centres within the site's vicinity.
- Risk of criminal activity associated with the use and development.
- Car fumes from the proposed car park area will pose health issues.
- Excavation works will cause structural damage on adjoining dwellings.
- Property devaluation.
- Infrastructure impacts.
- Light pollution from car headlights.

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

#### **Referral of the application**

The application was referred to Council's Engineering Services, Traffic Unit and City Design for comment and advice. The application was also referred to Western Water. A complete list of responses is included in **Appendix 5**.

Of particular note are the comments from Council's Urban Designers who suggest the overall building height of the development be reduced from 10.3m to 9m and the development is not compliant with the Garden Suburban Character 1 (GS1) requirements under House Rules.

## **5. Issues**

### **Planning Assessment**

#### **Is this non-residential use appropriately located**

Non-residential uses are permitted within the General Residential Zone but must be in appropriate locations and where the use serves local community needs. Notwithstanding that no information accompanied the application to demonstrate whether there is community need. A medical centre is a use that serves a local community need. That being said, it is considered that the use is not appropriately located as it will transform the residential area into a quasi – commercial area and result in loss of residential amenity due to the intensity of the use, in terms of staff levels, patron numbers, hours of operation and demand of on-street car parking. These concerns have also been expressed by residents. Given the intensity of the use and development it should be located in a commercial area to prevent the potential 'ribboning' of non-residential uses along Coburns Road.

#### **Neighbourhood character**

The Housing Character Assessment and Design Guidelines (House Rules) adopted by Council, October 2015 provides useful guidance on the preferred outcomes for the areas neighbourhood character and should be considered in this context, albeit that the proposal does not include residential uses. In House Rules, the subject site is located in the Garden Suburban (GS1) character area. GS1 areas are defined by a sense of spaciousness, ample visual separation between buildings, visible front gardens from the street with the majority of front setbacks used as permeable garden landscapes. The proposal does not represent an appropriate built form outcome having regard to the neighbourhood character, appearance,

scale, streetscape, House Rules and the context of surrounding properties mostly comprising single storey dwellings.

The applicant has notified Council in writing that if the building height is of concern, they would accept a condition on the permit if one is to issue which requires the building height to be reduced from 10.3m to 9m. Whilst City Design has recommended that the building height be reduced to 9m, it is still considered that at a height of 9m, the built form and scale would impose excessive visual bulk to adjoining properties, which is unacceptable and uncharacteristic of the neighbourhood.

Overall, the development fails to achieve a suitable response to the built form character of the neighbourhood and fails to reflect the character elements and features of nearby existing developments.

### **Car parking/bicycle spaces/loading and unloading bays**

For the proposed 18 medical practitioners a total of 56 car spaces are required to be provided on-site. The proposed medical centre provides 42 car spaces. It is also noted that car parking spaces for the existing medical centre will be reduced from 7 to 5 car spaces as a result of the proposed development. Both the existing and proposed medical centre will have a total of 47 car spaces hence a reduction in car parking by 16 car spaces is sought.

Council's Traffic and Transport Unit has reviewed the proposal and have raised concerns on the location of disabled car spaces, pedestrian accessibility, vehicle maneuverability, and reduction in car parking.

It is noted that the above concerns can be addressed as permit conditions if a permit is to issue.

Residents have expressed concern regarding traffic congestion and off-street impacts as a result of the use, safety impacts due to increase in traffic volume, the proximity of the site to Coburns Road and the ability for vehicles to safely enter and exit the site. Residents have further expressed concern that the proposal will exacerbate the existing traffic problems in the area. It is acknowledged that with the scale of the proposed use there will be an impact given the proposed one way arrangement and a reduction of 16 car spaces is sought. It is considered that the proposal will have adverse impacts on the surrounding road network. Provision of adequate car parking for staff and patients on-site is required to eliminate any demand for on-street car parking. In relation to safety impacts there is always the potential for an accident, even in the safest of situations.

The proposal makes provision for 7 bicycle parking spaces as required by Clause 52.34 of the Melton Planning Scheme.

The proposal does not include provision of loading/unloading bays as such a waiver of this requirement is sought. It is generally accepted that deliveries to medical centres are delivered by a van or car. Such vehicles would use on-site car spaces for short periods of time to drop off goods. For this reason, a waiver of this requirement is acceptable.

Concerns in relation to overshadowing have been raised by objectors. The submitted overshadowing diagrams show that there will be no overshadowing impacts on adjoining properties considering the orientation and siting of secluded private open space of the adjoining properties and the setbacks of the building from the adjoining properties.

Further concern by objectors has been raised regarding loss of privacy and use of security cameras at the proposed medical centre. Whilst ResCode is not applicable in this instance, it is noted that the location of secluded private open spaces and habitable room windows of adjoining dwellings are in excess of 9m from the building. As such, there are no overlooking opportunities. The security cameras at the medical centre would be restricted to the subject site if a permit is to issue.

Objectors are also concerned about the noise associated with the operation of the medical centre and use of the ground floor car park. Any noise generated by future occupants of the



building if a permit is to issue, would be normal to a residential setting and not considered unreasonable. In the applicant written response to the objectors concerns it is stated that car parking area will be separated from the adjacent residential property with an acoustic timber fence to reduce the level of noise from the car park area.

#### **Street tree**

Removal of the Street tree in Carina Drive South is not supported as it is contrary to Council's Tree Planting and Removal Policy. Council's Operations unit objects to the removal of the street tree.

#### **Signage**

The proposed signage is modest in size and is considered acceptable.

#### **Easements**

The car park ramp of the building will be constructed over an easement. Council's Engineering Unit has no concerns with car park ramp constructed over the easement subject to conditions. Further approval will be required from Western Water.

### **6. Options**

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

### **7. Conclusion**

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

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

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

### **LIST OF APPENDICES**

1. Locality Plan - dated 16 October 2017
2. Plans for the Proposal - undated
3. Assessment against Planning Scheme - undated
4. Response to Objections - undated
5. Referral Comments - undated
6. Notice of Refusal - undated

**12.14 PLANNING APPLICATION PA 2016/5459/1 - USE AND DEVELOPMENT OF THE LAND FOR A PLACE OF WORSHIP AND CARETAKERS RESIDENCE WITH ASSOCIATED CAR PARKING, BUSINESS IDENTIFICATION SIGNAGE AND REMOVAL OF NATIVE VEGETATION AT 167-177 FAULKNERS ROAD, MOUNT COTTRELL**

**Author: Simon Temple - Principal 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.

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**REPORT**

**1. Background**

**Executive Summary**

Applicant:	Contour Consultants on behalf of Minaj-UI-Quran
Proposal:	Place of Worship
Existing Land Use:	Existing single storey dwelling (currently used as a Place of Worship)
Zone:	Green Wedge Zone
Overlays:	Heritage Overlay (HO111)
Number of Objections:	Five
Key Planning Issues:	Appropriateness of the use in a Green Wedge Zone Heritage Amenity issues (noise, hours of operation, proximity to dwellings on adjoining/surrounding properties) Car parking Removal of native vegetation Council's Significant Landscape Strategy
Recommendation:	Approve Application

**The Land and Surrounding Area**

The subject site has an area of 14.39 hectares and is located on the western side of Faulkners Road in Mount Cottrell, between Greigs Road (north) and Riding Boundary Road (south).

Other features of the site are as follows:

- The site is L shaped, relatively flat and has a frontage to Faulkners Road of 100 metres increasing to 214.9 metres for the remainder of the subject land.
- The site contains an existing heritage listed single storey weatherboard dwelling known as Mount Cottrell Homestead that is currently used (without planning permission) as a Place of Worship and a Caretakers Residence. The dwelling is setback approximately 300 metres from the frontage to Faulkners Road.
- Two outbuildings (a former stables and machinery shed) are located to the rear of the existing dwelling.
- A gravel driveway extends from Faulkners Road to the existing dwelling along the northern side of the subject land.
- Access to the subject site is via Faulkners Road, a sealed two lane (one lane each way) road.

The surrounding area can be characterised as an existing rural residential area. The adjoining properties to the north, south and west contain single storey detached brick or weatherboard dwellings with concrete tiled or galvanised iron roofing and associated outbuildings in conjunction with the use of the land for rural residential purposes. Each dwelling has a significant front setback from Faulkners Road and Mount Cottrell Road respectively.

Land further north consists of the southern boundary of the Urban Growth Zone and will form part of the future Rockbank South Precinct Structure Plan which has yet to be prepared. Land to the east contains a single storey dwelling, while to the south-east is the Mount Cottrell Recreation Reserve which is currently in the process of being rehabilitated into a mostly conservation reserve.

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

### **The Application**

The application proposes the use and development of the land for the purposes of a Place of Worship (mosque) and Caretakers Residence with associated vehicle access, car parking and landscaping.

The proposed use and development is summarised as follows:

- Buildings and works (including retrospective permission for works undertaken by the previous owner of the land) internally to the existing dwelling including removal of walls, replacement of doors and removal of library and toilets (north-east corner).
- Conversion of the eastern portion of the existing dwelling to a Place of Worship comprising five prayer rooms and two unisex toilets. The Caretakers residence will occupy the western end of the existing dwelling and consist of two bedrooms, bathroom and kitchen.
- External works to the existing dwelling include the installation of hand railing along the verandah, installation of timber plinth boards to the sub-verandah, the construction of a disabled access ramp and associated hand railing, metal capping of the fascia.
- The Place of Worship will operate from 5am to 9pm (Monday to Sunday). A maximum of 40 people will be on site with the exception of Fridays between 12pm and 2pm where a maximum of 100 people will be on site.
- Four special religious events will be held throughout the year - 'Eid Fitr' which occurs 1 day a year from between 9 am to 3 pm (up to 500 people); 'Eid-Al Adha' which occurs 1 day a year from between 9 am to 3 pm (up to 500 people) and 'Eid Milad' which occurs 1 day a year from between 5 pm to 9pm (up to 500 people); and

a special event to celebrate the month of 'Ramadan', from between 5:30 pm to 8:30 pm (up to 70 people). The days and months when these events take place varies from year to year and is based around the Arabic calendar. The applicant has advised that portable tents and marquees will be set up around the existing dwelling and portable toilets will be brought onto the site during those special events where up to 500 people will be in attendance.

- An existing wastewater treatment system is located directly east of the existing dwelling and an effluent treatment area (780 square metres) will be provided further east in a vacant part of the subject land to treat effluent likely to be generated by the proposed use.
- A gravel car park comprising 30 car spaces (including two car spaces for people with disabilities) will be constructed directly north of the existing dwelling. The dimensions of the car spaces will be 5.4 metres long by 2.6 metres wide with an aisle width of 6.4 metres provided between car spaces.
- An overflow car parking area (capacity of 147 car spaces) is proposed to the north of the gravel car park.
- The existing gravel driveway will be widened to create two, 3 metre wide driveways (entry and exit respectively) separated by 1 metre wide landscape strip. A new 7 metre wide sealed vehicle crossover is proposed in the same location as the existing vehicle crossover and the first 10 metres of the new internal driveway will also be sealed.
- Removal of remnant native vegetation (0.537 hectares) in the form of Plains Grassland on the northern side of the subject land comprising 0.437 hectares to accommodate the proposed car park and widening of existing internal driveway and 0.100 hectares of native vegetation that has already been removed (without planning permission) from areas adjacent to the car park on the northern side of subject land.
- It is also proposed to erect and display three business identification signs associated with the proposal. Retrospective planning permission is sought for the two externally illuminated business identification signs located on the northern and eastern elevations of the existing residence. The dimensions of these signs are 0.3 metres (high) by 0.3 metres (wide) by 0.3 metres (deep) and 0.7 metres (high) by 0.7 metres (wide) by 0.1 metres (deep) respectively.
- The third sign will be free standing and setback 4 metres from the frontage to Faulkners Road. The dimensions of this sign are 3.2 metres (high) by 2.1 metres wide and consists of a white board supported by black powder coated steel posts.
- All signs contain a logo (red, white, green and black) and white letters on a black background displaying the name (Minaj-UI-Quran) of the Place of Worship.

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

### Planning Controls

Zone	(Clause 35.04 – Green Wedge Zone)	A permit is required to use and develop the land for a Place of Worship and Caretakers Residence.
Overlays	(Clause 43.01 – Heritage Overlay)	A permit is required to construct a building or carry out works including external alterations to an existing building.

Particular Provisions	(Clause 52.06 – Car Parking)	0.3 car spaces per person are required for a Place of Worship and 1 car space for the Caretakers Residence. A total of 151 car spaces being required for the proposal based on up to 500 people being on site. The application makes provision for 177 car spaces.
	(Clause 52.17 – Native Vegetation)	A permit is required to remove, lop or destroy native vegetation.

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 five objections (including one containing nine signatures) and one submission (Melton Model Aircraft Association) were received.

The grounds of objection may be summarised as follows:

- Increased traffic and noise resulting in an adverse impact on the amenity of the area.
- Faulkners Road is not capable of accommodating the level of traffic likely to be generated by the proposal.
- Hours of operation will exceed those specified in the application.
- The proposal will adversely impact on the rural character and lifestyle of the area.
- The proposal is inconsistent with the Green Wedge Zone.
- The proposal will adversely impact on the existing heritage building.
- Waste management and water supply insufficient for the proposed use, particularly during special events.

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

### **Referral of the application**

The application was referred to Council's Engineering (Infrastructure), Traffic, Environmental Services, City Strategy and Environmental Health Departments. The application was also referred to Council's Heritage Advisor. The application was also required to be referred to the Department of Environment, Land, Water and Planning (DELWP) who are a determining authority in relation to applications involving the removal of native vegetation. A complete list of responses is included in **Appendix 5**.

Council should note that Council's City Strategy area has raised concerns with the proposal which will be discussed later in this report.

## **5. Issues**

### **Planning Assessment**

This application seeks retrospective permission to use the existing dwelling on the land for the purposes of a Place of Worship (mosque) and a Caretakers Residence with associated car parking, business identification signage and removal of native vegetation and is in response to complaints received from local residents and subsequent enforcement action taken by Council Officers.

The application also seeks to legitimise internal and external works undertaken to the dwelling, existing business signage displayed on the dwelling and removal of native vegetation already undertaken on the land. It also seeks approval to construct works involving a car park to the northern side of the dwelling, widening the existing driveway, construction of a new vehicle crossover onto Faulkners Road and additional native vegetation removal associated with these works.

The proposal is considered to be generally consistent with the relevant State and local planning policies as well as the purpose and decision guidelines outlined under the Green Wedge Zone.

The use of the land and existing dwelling for a Place of Worship is appropriate as it will provide a social benefit to the local community. The subject land is not considered appropriate for agricultural or farming purposes due to its size and shape and it is noted that the majority of other properties adjacent to the site and in the immediate area are used for rural residential purposes.

The proposal is capable of being accommodated on the subject land and will not adversely impact on any environmental or landscape values of the land. A land capability assessment (LCA) report has been submitted as part of the application to demonstrate that waste water treatment from the use can be accommodated on the subject land.

The LCA report advises that an existing wastewater system is located on the subject land directly to the east of the existing dwelling. This system combined with a secondary sub-surface irrigation system with a minimum land application area of 780 square metres located to the east of the dwelling should be adequate to cater for the waste to be generated by the Place of Worship and Caretakers Residence during its day to day operations. The LCA report advises that temporary portable toilets will need to be installed for the special events held during the year where up to 500 people will be in attendance.

The subject land also has direct access onto Faulkners Road which is an existing two way (one lane each direction) sealed road (rural standard) and is located in proximity to land to the north which forms part of the Urban Growth Boundary and the future Rockbank South Precinct Structure Plan.

Council's City Strategy area has advised that the proposal is an inappropriate use of the subject land and is likely to set an undesirable precedent for the establishment of other discretionary land uses in green wedge areas. It has also raised concerns about the

capacity of the existing dwelling to accommodate people during special events and the capacity of the subject land to accommodate further expansion of the use.

City Strategy has also advised that there is no current policy relating to the future planning and management of green wedge areas in the southern portion of the municipality as the preparation of the Green Wedge South Management Plan (GWSP) has only recently commenced and therefore, is unable to provide any guidance on whether the proposed use is appropriate. However, this would change with the completion of the GWSMP in the future.

It is also noted that Amendment C173 to the Melton Planning Scheme is currently on public exhibition. The amendment seeks to incorporate the key features of the Significant Landscape Features Strategy (May 2016), extending the existing Significant Landscape Overlay affecting Mount Kororoit, Mount Atkinson and Mount Cottrell, introducing a new local planning policy with landscape management guidelines and updating the existing Environmental Significant Overlays (Schedules 1 and 2). The subject land is not currently covered by the Significant Landscape Overlay, however, the majority of the land is proposed to be covered by the overlay as part of this amendment.

The existing heritage dwelling (Mount Cottrell Homestead) is covered by a Heritage Overlay (HO111) under the Melton Planning Scheme and is described as being of local heritage significance under Council's Heritage Study as a moderately intact early twentieth century farm complex comprising a Victorian styled house, stables, machinery shed, underground tank, and remnants of a shearing shed (concrete and brick sheep dip).

The application was referred to Council's Heritage Advisor who requested further information in relation to the unauthorised works carried out to the existing dwelling. The applicant has submitted amended plans detailing all works that have been undertaken to the existing dwelling, which are considered satisfactory.

An area of 0.537 hectares of native vegetation (including an area of 0.100 hectares that has already been removed) is proposed to be removed from the land to accommodate the proposed car park. The proposal satisfies the state planning policies relating to biodiversity and native vegetation management as the amount of vegetation to be removed is identified as a low risk pathway under these policies. The application has been referred to DELWP and Council's Environmental Services area who have no objections to the proposal subject to conditions.

A total of 30 car spaces are to be constructed on the land for the Place of Worship and Caretakers Residence with an overflow area comprising an additional 147 car spaces to be provided directly north of this car park to cater for people attending special events.

Based on the standard car parking requirements under Clause 52.06 of the Melton Planning Scheme for a Place of Worship (0.3 car spaces per person) and a Caretakers Residence (1 car space for a two bedroom dwelling), a minimum of 13 car spaces are required based on 40 people for the Place of Worship and a maximum of 151 car spaces are required based on a maximum of 500 people for the Place of Worship during the special events held on the land. The amount of car parking to be provided on the subject land for the proposal is adequate and satisfies the relevant requirements of the Melton Planning Scheme.

A traffic assessment report has been submitted to justify the amount of car parking provided on site for the proposed use, the amount of traffic likely to be generated by the proposal and detailing the works to be undertaken involving the widening of the existing gravel driveway and construction of a new vehicle crossover on Faulkners Road to replace the existing vehicle crossover.

The report has been assessed by Council's Traffic and Design Department who have no objections to the proposal subject to a condition requiring a traffic management plan to be prepared and approved by Council for all special events held on the land. This can be requested as a condition of the permit should Council resolve to approve the proposal.

The grounds of objection are acknowledged. The main issues concern noise, traffic, hours of operation, incompatibility with the Green Wedge Zone and impacts on the existing heritage building. The proposal is generally consistent with the purpose of the Green Wedge Zone, will not adversely affect the heritage significance of the existing dwelling and will enable an appropriate use of the existing heritage building.

The proposal is unlikely to cause any adverse amenity impacts on the amenity of adjoining and surrounding properties in relation to noise, traffic and hours of operation as the nearest dwellings in relation to the Place of Worship are located approximately 120 metres to the south and 200 metres to the north of the existing dwelling on the land.

The applicant has agreed to amend the commencement of time for the use from 5am to 7am in response to concerns raised by Council Officers. These hours of operation are reasonable and unlikely to cause any material detriment to the amenity of adjacent and surrounding properties and conditions will be included as part of any planning permit issued to ensure that the use operates in accordance with these hours and that any noise generated by the use (particularly during special events) is kept to a minimum.

Prior to the lodgment of the planning application, Council received complaints from local residents relating to the use operating from the subject land in terms of noise (loud music/megaphones) and the use operating to the early hours of the morning. However, Council should note that since the lodgment of the planning application, no further complaints have been received in relation to the operation of the use from the subject land.

## 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 24 October 2017
2. Development Plans - Planning Application PA2016-5459-1 - dated 18 April 2017
3. Assessment against Planning Scheme - Planning Application - PA2016-5459-1 - undated
4. Response to Objections - Planning Application PA2016-5459-1 - undated
5. Referral Comments - Planning Application PA2016-5459-1 - undated
6. Notice of Decision to Grant a Permit Conditions - Planning Application PA2016-5459-1 - undated



**12.15 AMENDMENT TO DEVELOPMENT PLAN DP2003/45/4 ASSOCIATED WITH THE SUGARGUM HOTEL TO FACILITATE CONSIDERATION OF A PLANNING APPLICATION FOR ALTERATIONS AND ADDITIONS TO THE HOTEL AND INSTALLATION OF AN ADDITIONAL 20 GAMING MACHINES AT 2 GOURLAY ROAD, HILLSIDE**

**Author: Valentine Sedze - Development Planner  
Presenter: Bob Baggio - Manager Planning Services**

**PURPOSE OF REPORT**

To consider and determine the above proposal.

**RECOMMENDATION:**

That Council:

1. Approve the Amended Development Plan subject to the changes outlined in **Appendix 5** and authorise the planning permit to be issued under delegation.
2. Request that the applicants enter into a legal agreement with Council for the provision and allocation of community contributions prior to the introduction of the additional electronic gaming machines.

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**REPORT**

**1. Background**

**Executive Summary**

Applicant:	Pegasus Leisure Group
Proposal:	Alterations and additions to Hotel
Existing Land Use:	Sugargum Tavern
Zone:	Neighbourhood Residential Zone
Overlays:	Development Plan Overly
Number of Objections:	Nil
Key Planning Issues:	Overall height of canopy to main entry Secondary entrance to building Landscaping Social and economic impacts of electronic gaming machines Increase in number of patrons and extension of the liquor licensed area
Recommendation:	Approve Proposal

### **The Land and Surrounding Area**

The subject site has an area of 1 hectare and is located on the corner of Gourlay Road and the Melton Highway in Hillside. Other features of the site are as follows:

- The site is irregular in shape.
- It contains a double storey Hotel (Sugargum Tavern) and a bottle shop with associated car parking totalling 166 car parking spaces.
- The hotel consists of a gaming lounge containing 50 machines, function rooms, kitchen, children's play area, administration office, TAB bar, public bar, bistro and an outdoor dining area.
- The bottle shop is detached from the hotel and provides a drive through service.
- The site contains a number of existing trees.
- Access from both Melton Highway and Gourlay Road.

The surrounding area can be characterised as predominantly residential. Adjoining the site to the south is a Child Care centre and immediately south east is a Country Fire Authority building. To the west, the site adjoins vacant land and a residential property. Further east of the site, across Gourlay Road is Parkwood Green Medical Centre and a mixed use commercial and residential development.

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

### **Planning History**

The existing Hotel is subject to a site-specific development plan approved in 2003. The Plan is reasonably detailed showing the building footprint, car parking areas, and access points. Therefore, any changes to these elements of the Plan will require an amended development plan to be approved by Council. It should be noted that no objections were received to this application.

It should also be noted that in 2013, the Victorian Commission for Gaming and Liquor Regulation approved an increase in the number of gaming machines from 50 to 70, however no planning permit was sought at the time, and the additional machines were not installed.

### **The Application**

Council approval is sought to amend the existing development plan to enable the issue of a planning permit for alterations and additions to the hotel, installation of an additional 20 gaming machines, amendment to the liquor licence, and removal of native vegetation.

The proposed amendments to the Development Plan essentially entail the changes to the hotel building envelope and increased car parking areas. This would facilitate consideration of the concurrent planning permit application which is summarised as follows:

- Increase the number of patrons allowed under the late night (general) licence from 350 to 412. The current maximum capacities under the liquor licence is as follows: external area adjacent the public bar (65 patrons), courtyard adjacent the gaming room (69 patrons) and outdoor dining area (144 patrons).
- Increase the floor area where liquor is allowed to be consumed or supplied under the late night (general) licence from 1185m<sup>2</sup> to 1631m<sup>2</sup>.
- The trading hours for consumption on and off the licensed premises are not proposed to be changed.
- An additional 140m<sup>2</sup> of internal floor space to the hotel to accommodate the additional 62 patrons.
- Increase the number of Electronic Gaming Machines (EGMs) from 50 to 70. The gaming lounge floor space will be increased from 145m<sup>2</sup> to 259m<sup>2</sup>. The additional

114m<sup>2</sup> is part of the internal floor space increase. The proponent's Social and Economic Impact Assessment (SEIA) estimates that the additional EGMs will increase net expenditure within the City of Melton by \$2,703,132 in the first 12 months.

- Construction of an outdoor area consisting of a covered deck, dining area and smoking deck with a total floor area of 285m<sup>2</sup>.
- The total increase in floor space both internal and external is 425m<sup>2</sup>.
- External façade alterations and additions to the building to enhance visual interest through the use of a broad palette of materials and colours which include exposed face brick, compressed fibre cement panel, metal wall cladding and translucent danpalon cladding in shades of blue, green and opal. The additions include a new main entry to the building consisting of a canopy with an overall height of 9m fronting the car parking area.
- Internal rearrangement of the hotel floor space to allow patrons ease of access to all parts of the venue. This includes relocation of the kids play area to the existing covered dining area with the family bistro adjacent to the new kids play area, relocation of the gaming lounge and bar area, construction of a premium dining area and a new bar area to be known as 'The Social'.
- Additional toilets to be located to the south of the proposed premium dining area.
- Reconfiguration of the existing car parking layout and the minor addition to the hotel will reduce the existing car spaces to 160 however an extension to the car park will create 34 additional car parking spaces.
- Removal of eight existing trees to allow extension of the car park area and the hotel building.

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

### Planning Controls

Zone	(Clause 32.09 – Neighbourhood Residential Zone)	Separate planning approval will be required for the construction of the building and any works.
Overlays	(Clause 43.04 – Development Plan Overlay (Schedule 1))	Any resultant use and development must be generally in accordance with an approved development plan. The existing development plan is therefore proposed to be amended to facilitate the issue of a planning permit for the proposed changes.
Particular Provisions	(Clause 52.06 – Car Parking)	The car parking rate for a hotel is 0.4 car spaces to each patron permitted.
	(Clause 52.27 Licensed Premises)	Separate planning approval will be required to increase the number of patrons and extend the redline area under the current licence.
	(Clause 52.28 Gaming)	Separate planning approval will be required to install or use a gaming machine.
	(Clause 52.29 Land adjacent to a Road Zone, Category 1)	Separate planning approval will be required to create or alter access onto a Road Zone, Category 1.

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 affected by Restrictive Covenants; however the proposal does not breach any conditions of the 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 informal notification. The notification was satisfactorily completed and no objections were received.

### **Referral of the application**

The application was referred to Council's Infrastructure Planning, City Design, City Strategy and Community Planning for comment and advice. The application was also required to be referred to Transport for Victoria and VicRoads which are determining referral authorities in this case. A complete list of responses is included in **Appendix 4**.

Of particular note are the comments from a number of internal Council areas which suggest provision of a secondary entrance to the family dining area to limit convenience and accessibility of the gaming room from the main entrance of the venue.

## **5. Issues**

### **Planning Assessment**

It is considered that the proposed amended Development Plan will allow the intensification of the established use to continue on the subject land, with expansion and refurbishment of the building, especially in terms of new building facades, new entry to building, minor addition and a functional internal space. The proposed façade treatments provide an appropriate degree of visual interest through use of varied materials and finishes, along with vertical and horizontal articulation elements to minimize the perception of visual bulk and enhance the building's appearance.

The provision of landscaping and pedestrian access ways within the car parking area will be required to be shown on the amended development plan, and given the wide road reserve of Melton Highway, a proposed zero setback to the Highway is considered appropriate. The proposal provides adequate additional onsite car parking. The additional 62 patrons only attract a requirement of 24 car parking spaces. Council's Traffic and Transport Unit has no objection to the proposal.

In the Ministerial direction of 15 August 2012, the City of Melton has a municipal limit (cap) of 659 gaming machine entitlements. Currently, 503 entitlements have been issued across seven (7) venues. These venues are also subject to a maximum entitlement of 105 EGM's per venue. Given that 503 entitlements have been issued to date, the City of Melton catchment is well under the current cap of 659. Sugar Gum Hotel currently operates fifty (50) EGMs, which is also well under the maximum entitlement for any single venue of 105. The Hotel will continue to remain under that limit if the application for the twenty (20) new EGMs is approved.

The following table outlines the expenditure across the existing venues operating within the municipality. <b>Venue</b>	<b>Suburb</b>	<b>Venue type</b>	<b>No. EGM's</b>	<b>Expenditure 2015/2016</b>	<b>Expenditure 2016/2017</b>
<b>West Water Hotel</b>	Caroline Springs	Hotel	90	\$11,553,280.02	\$12,429,526.98
<b>Golden Fleece Hotel</b>	Melton	Hotel	45	\$9,209,756.44	\$9,095,213.22
<b>Mac's Hotel</b>	Melton	Hotel	82	\$11,113,475.64	\$10,765,990.65
<b>Melton Country Club</b>	Melton	Club	90	\$5,747,188.77	\$5,688,281.10
<b>Sugar Gum Hotel</b>	Hillside	Hotel	50	\$8,665,266.70	\$8,477,385.85
<b>Tabcorp Park</b>	Melton	Club	80	\$7,129,494.22	\$7,319,424.75
<b>The Club</b>	Caroline Springs	Club	66	\$6,616,576.22	\$7,381,489.12
		<b>Total</b>	<b>503</b>	<b>\$60,035,038.01</b>	<b>\$61,157,311.67</b>

*Source: Victorian Commission for Gambling and Liquor Regulation (VCGLR) EGM Statistics.*

Applications for an increase in EGMs in an existing venue, or for the development of a new venue, must demonstrate that due consideration has been delivered to the local, economic and social benefit to the City of Melton. The main economic impacts of the proposal are estimated new expenditure on EGM gaming in the City Melton by \$2,703,132 annually, increase in competition between gaming venues in Melton, additional community contributions of \$42,500 per annum for the life of the entitlements to community groups, \$110,000 per annum in complementary expenditure due to a larger bistro and dining area, creation of additional 9.5 equivalent full time (EFT) positions and increased employment during the construction phase. Whilst the Sugar Gum Hotel, like many other hotels, already provides some support to local sporting and community groups, it is acknowledged that an annual \$42,500 payment would represent an increase in the hotel's community contribution. Overall, it is considered that the proposal will have a net positive economic impact on community well-being.

The major social impact arising from this proposal is the potential for an increase in problem gambling. It is considered that the problem emanating from this proposal will be limited as the Sugar Gum Hotel can appropriately be categorised as a destination venue and as such patrons are more likely to have to make a conscious decision to visit the venue. In this respect, the venue can be distinguished from those venues currently located within Melton's activity centre that are more likely to function as convenience venues, where an impulsive decision to gamble while engaged in day to day activities, is more likely to occur. Additionally, the social impact will be minimal considering the venue is located in Hillside that

is less disadvantaged either socially or economically relative to other suburbs within the municipality. The venue will also provide a full range of hotel facilities and services to patrons. Having regard to the various positive attributes of the proposal, its effect on problem gambling is likely to be negligible.

It is noted that some areas of Council suggest provision of a secondary entrance into the family dining area as the proposed main entrance will potentially require families to congregate and enter via areas associated with the gaming lounge creating an increased risk of exposure of young people to gambling. Given the hotel is a destination venue as described earlier in the report and there is no direct view into the gaming lounge from the main entry, the proposal is supported in its current form.

The application complies with the City of Melton Gambling policy which was adopted by Council on 21 October 2014. Its vision is to minimise the harm associated with gambling in the municipality through investing in health and community well-being as demonstrated through a SEIA Report, while recognising that EGMs are a legal recreational activity that forms part of a range of entertainment options available to the community.

It is not considered that the proposed increase in the red line plan or the increase in patrons would have a detrimental impact on the amenity of the surrounding area. The extension of the red line plan and increase in patron numbers will enhance the vibrancy and economic viability of the hotel. Given the proposal does not involve a new premises and the venue is not located where there is a cluster of licensed premises there will be no change to the cumulative impact on the amenity of the area. A cluster is defined as a concentration of licensed premises consisting of three or more licensed premises within a radius of 100 metres or 15 or more licences premises within a radius of 500 metres. Of concern is the inclusion of the kids play area and functions rooms in the red line area as it is contrary to the tenets of harm minimisation. As such the proposed licensed area must not include the kids play area and function area. This will be dealt with as a condition of permit if one is to issue.

Environmental Services has no concerns with the removal of the planted sugar gum trees that are native to South Australia and not to Victoria. Removal of the trees is therefore supported.

It is considered that the proposed amended Development Plan for the hotel responds to the requirements of Development Plan Overlay. It would facilitate the redevelopment of the land. Therefore, it is recommended that the amended Development Plan be approved.

## **6. Options**

Council can either support or not support the amended development plan application.

## **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 amended development plan application be approved as outlined in **Appendix 5**.

**LIST OF APPENDICES**

1. Locality Plan - dated 23 October 2017
2. Plans for the Proposal - undated
3. Assessment against Planning Scheme - undated
4. Referral Comments - undated
5. Approval of amended Development Plan - undated

## **12.16 CONTRACT AWARD - 18/003 BURNSIDE MULTIPURPOSE COMMUNITY CENTRE STAGE 2**

**Author: Alexander Godfrey - Capital Projects Officer**  
**Presenter: Luke Shannon - General Manager Planning & Development**

### **PURPOSE OF REPORT**

To seek Council's approval for the award of Contract No. 18/003 for the construction of Burnside Multipurpose Community Centre Stage 2.

### **RECOMMENDATION:**

That Council:

1. Receive and note the Tender Evaluation Report found in **Confidential Appendix 1** (separately circulated).
2. Award Contract No. 18/003 for the construction of Burnside Multipurpose Community Centre Stage 2 to 2 Construct Pty Ltd for the amount of \$2,190,593.00 (excluding GST).
3. Provide an allocation of \$417,311.65 in the 2018-19 budget to complete Burnside Multipurpose Community Centre Stage 2.
4. Delegate execution to the Chief Executive Officer in relation to all relevant contract documentation for the contract above.

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### **REPORT**

#### **1. Executive Summary**

The purpose of this report is to seek approval from Council to award Contract No. 18/003 for the Construction of Burnside Multipurpose Centre Stage 2.

Council has committed to further develop the Burnside Multipurpose Centre by extending the existing Burnside Community Centre. Burnside Community Centre Stage 1 opened in early 2016 with a focus to meet the rapidly growing demand for kindergarten, occasional care and maternal health services in the eastern corridor of Melton. Burnside Stage 2 will expand the existing Centre to meet the growing demand for large dedicated community space. The project will deliver 360m<sup>2</sup> of flexible, modular space to facilitate the service delivery of seniors' programs and other social support programs. As a flexible community space, the project will also deliver a fully-equipped venue suitable for holding Council meetings.

Council was successful in gaining \$1M in State Government funding through the Growing Suburbs Fund (GSF) to contribute towards extending the Burnside Multipurpose Community Centre. Council has committed to providing \$1.15M from the 2016/17 and 2017/18 budgets to meet the funding requirements of the GSF. In preparation, Council officers are, in accordance with Council procurement policies, seeking to engage a suitably qualified and experienced head contractor to undertake the construction works.

Council has an Agreement with State Government under the Growing Suburbs Fund to deliver the completed project by 31 August 2018. A key Milestone of the project is that a building contractor be appointed by 14 November 2017.

An Expression of Interest (EOI) was advertised on 5 August 2017 for the provision of head contractor services for the construction of the community centre extension project. The EOI



closed on 23 August with five companies submitting an Expression. Following the evaluation process, three companies were identified as having the capability and resources to undertake the project, and were invited to the Request for Tender phase.

The Construction Tender was advertised via Council's tender portal, TenderSearch, on 15 September 2017.

The successful contractor is required to commence on 1 December 2017. Completion of the project will be in August 2018, with construction expected to take 9 months.

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

## 2. Background/Issues

Melton City Council has committed to the provision of 33 square metres of quality dedicated community space for every 1,000 residents.

The combined population of Burnside and Burnside Heights will exert demand for 427 square metres of such space at peak, and there is currently 116 square metres of such space locally.

To cater for a growing demand for community centre space, Council made an application in July 2016 to the Victorian State Government for funding through the GSF for financial assistance in the development. The GSF provides a contribution towards meeting critical local infrastructure needs for communities in Melbourne's diverse and fast-growing outer suburbs. It is positioned to quickly respond to the pressures being experienced by interface communities by bringing forward local infrastructure projects that will make a big difference in the day-to-day lives of outer suburban families. Council was advised in December 2016 that it was successful in obtaining \$1M in funding, and a subsequent Agreement for the funding was signed.

A total project budget of \$2.15M, including the \$1M GSF, has been allocated by Council for the development.

Council has agreed under the GSF to deliver the completed project by 31 August 2018. A key Milestone of the project is the appointment of a building contractor by 14 November 2017.

On 3 February 2017, Council engaged the architectural services of Hede Architects to undertake the design of the community centre extension and to coordinate this design work with their appointed civil, structural and services consultants. Hede Architects had previously designed the existing Stage 1 component of the community centre.

This contract provided for:

- Approximately 300 to 340 square metres of flexible, multi-purpose community room space primarily for use by community seniors' organisations who lack a suitable space within the eastern corridor.
- A kitchen to service this community space.
- Amenities to service this community space.
- Quality bookable community space for play groups, meetings and activities such as dance, karate, etc.
- Landscaping of approximately 4,500 square metres of space, possibly including a Community Garden area.
- Additional car parking spaces (including space for bus parking and bus drop-off)

Detailed design and tender documentation for the above contract was released to the three shortlisted construction contractors on 15 September 2017 and closed on 13 October 2017.

A total of two tender submissions were received and assessed on the basis of the evaluation criteria described in the tender documents. Each tender submission quoted a fixed lump sum in excess of the approved project budget of \$2.15M. The funding shortfall can be attributed to the following factors:

- The original Quantity Surveyor construction cost estimate was completed in 2015 and this estimate was used to set the 2016/17 and 2017/18 budget for the project, as well as the GSF funding application.
- The project scope was revised in 2017 to include:
  - an increase in community space to cater for seniors' groups.
  - additional requirements to cater for the specific needs of seniors.
  - additional requirements to cater for Council meetings.

The pre-tender estimate of the project therefore increased from \$2,150,000.00 to \$2,313,225.30. The total budget required to complete the project after testing the market is \$2,567,311.65.

The major discrepancies between the pre-tender estimate and the total budget required are:

- Ventilation and air-conditioning system
- Electric light and power
- Civil works, including paving and car parking.

An additional \$417,311.65 is required to complete the project in accordance with the project documentation.

### 3. Council Plan Reference and Policy Reference

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

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

### 4. Financial Considerations

A previous financial assessment on the shortlisted contractor was undertaken by Corporate Scorecard and returned a 'Satisfactory' to 'Strong' result.

The Burnside Multipurpose Community Centre Stage 2 project requires an overall budget of \$2,567,311.65 (excluding GST)

The budget components for the project are as follows:

<b>Budget</b>	<b>Amount \$</b>
Construction – Building Works (this Contract)	\$2,190,593.00
5% Construction Contingency	\$109,529.65
Consultant Fess	\$114,689.00
Authority Fees including Building Permit	\$30,000.00
Furniture, Fittings and Equipment	\$70,000.00
Council Meeting AV System	\$52,500.00
<b>Budget</b>	<b>Amount \$</b>
<b>TOTAL</b>	<b>\$2,567,311.65</b>

The project will be funded from the 2016-17 and 2017-18 Capital Works Program and the State Government's Growing Suburbs Fund.

<b>Funding Body</b>	<b>Amount \$</b>
City of Melton	\$1,567,311.65
State Government – Growing Suburbs Fund	\$1,000,000.00
<b>TOTAL</b>	<b>\$2,567,311.65</b>

The spend profile estimate across the budgetary years is as follows:

<b>Expenditure Year</b>	<b>Amount \$</b>	<b>Budget \$</b>
2016-17	\$51,580.00	\$150,000.00
2017-18	\$2,098,420.00	\$2,000,000.00
2018-19	\$417,311.65	\$417,311.65.00
<b>TOTAL</b>	<b>\$2,567,311.65</b>	<b>\$2,567,311.65</b>

An additional \$417,311.65 is required to complete the project in accordance with the project documentation.

## 5. Consultation/Public Submissions

Proposed plans have been made available to local residents and the public as part of Council's planning process. This process closed on 31 July 2017 with no objections received. A communications plan will be completed which will involve consultation with key stakeholders including Children Services (kindergarten), Council's Community Planning directorate, relevant user groups such as seniors' groups, adjacent land owners and developers (Dennis Group) and local residents.

Council personnel have also been in regular contact with State Government to communicate project progress and to report on achievements of agreed Milestones. At this point in time a Sod Turning event to mark the commencement of construction and involving the local minister is planned for Friday 1 December 2017.

## 6. Risk Analysis

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

a. Engagement of a suitably qualified construction company:

- Advertised an open expression of interest to construction companies via The Age and on the Tendersearch website.
- Select tender to construction companies shortlisted through the open expression of interest process.
- Required companies tendering for the construction phase to comply with Council's occupational health and safety requirements.
- To assist in the selection of a construction company with suitable occupational health and safety work practices, Council requires construction companies invited to tender to provide third party accreditation of their Occupational Health and Safety Management System. Council also required the tenderers to provide evidence of public liability insurance and work cover.
- Conducted referee checks for the appointment of the construction company.

b. Engagement of a financially capable construction company:

- The engagement of an independent and expert consultant to conduct a financial review of the short-listed companies.

c. Development of risk management plans for the project.

d. Supervision of building works to be undertaken by Hede Architects.

## **7. Options**

Council has the options to:

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

## **LIST OF APPENDICES**

**CONFIDENTIAL Appendix** - separately circulated

## **12.17 CONTRACT EC8310-2018 - SUPPLY OF GAS & ELECTRICITY CONTRACTS AND ASSOCIATED SERVICES**

**Author: Les Stokes - Manager Operations**  
**Presenter: Laura-Jo Mellan – Acting General Manager Planning & Development**

### **PURPOSE OF REPORT**

To seek Council's delegation to the Chief Executive Officer the ability to award Contract EC8310-2018 for the Supply of Gas & Electricity Contracts and Associated Services.

### **RECOMMENDATION:**

That Council delegate the ability to the Chief Executive Officer to:

1. Award Contract EC8310-2018 for the Supply of Gas & Electricity Contracts and Associated Services up to a maximum value of \$2,280,000 (estimated from 2016/17 usage amounts).
2. Execute all relevant contract documentation.

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### **REPORT**

#### **1. Executive Summary**

Escalating energy tariff costs present a financial risk for Council. Despite the efforts that council is putting into reducing energy consumption, energy costs continue to rise due to the frequent and significant increases in energy tariffs (charges). As a result, finding ways to both manage these increases and accurately forecast them is important for council.

Council has in the past participated in a range of bulk energy purchases with other councils, managed by the Municipal Association of Victoria (MAV). This has led to significant savings for Council.

In December 2017 one of these current contracts (unmetered public lighting will expire and in a further 6 months (June 2018) the contracts for Gas & Electricity supply will also expire. The MAV has sought confirmation from councils about whether they wish to participate in a similar tender process.

This report seeks to delegate authority to the Chief Executive Officer to formally accept the gas and electricity supply tender based on the outcomes and recommendations from the Municipal Association of Victoria (MAV) Tender for Supply of Gas & Electricity Contracts and Associated Services (RFT No. EC8310-2018). This delegation is required as the time to respond to the tender evaluation is very time sensitive and will require a prompt response (1-2 days) that is impossible to time with Council's meeting regime, noting that Council would usually make formal decisions about contracts of this amount.

#### **2. Background/Issues**

In the 2016/17 financial year Council spent \$979,879 (ex GST) on electricity charges, \$46,245 (ex GST) on gas charges and \$887,369 (ex GST) on unmetered street lighting. These costs, though significant, were considerably less than the charges would have been had Council simply purchased power under the standard tariff. This is as a result of Council participating in a collective purchase process coordinated by the Municipal Association of

Victoria (MAV). This arrangement will expire at the end of December 2017 (unmetered street lighting) and at the end of June 2018 (Gas & Electricity).

In August 2017 the MAV approached Council to again offer a collaborative tender for the supply of gas and electricity for small and large tariff sites and unmetered street lighting. Given the tight timelines associated with entering into this procurement process, Council officers have accepted this offer from the MAV.

Due to the complexity of this form of procurement and the expert knowledge required, MAV have engaged the services of Trans-Tasman Energy Group (TTEG) to partner in the procurement process. This continues a relationship between the two parties that has existed since 2010 and has achieved over \$15 million in savings for the 29 councils (including the Melton City Council) that have participated in these tenders.

The MAV is again proposing to conduct another collective contract for councils to participate in for the supply of a range of services including large and small gas and electricity sites and unmetered street lighting. These contracts would be for a contract period of between 12 and 36 months.

MAV / TTEG believes this process will achieve significant benefits for participating councils, as retailers will provide competitive pricing based on the quantum and surety of supply that the MAV contract guarantees.

In the interest of getting the best possible outcome for councils, TTEG have been advised by retailers that the tender price may only be valid for 7 days following the close of tender. This minimises the risk to retailers and therefore achieves a better price for councils.

To meet the timelines associated with the tender, which is due to close on 16 November 2017 it is recommended that Council delegate authority to the Chief Executive Officer to formally accept the tenders based on the outcomes of the tender evaluation and recommendations. The MAV have advised that following assessment of the tenders they will require Council acceptance within 1-2 days of providing a recommendation.

Council participation in this procurement process is binding due to the nature of this tender being a committed volume contract.

As part of the tender process, TTEG's expertise will be used to provide additional "value add" services to councils, including:

- bill checking
- initial tariff reviews
- managing changing consumptions resulting from installation of energy efficient street lights in the process.

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

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

2. A thriving and resilient natural environment: A City that preserves and enhances its natural environment for future generations

*2.1 A resource efficient City*

### **4. Financial Considerations**

All expenditure under the contract will be in accordance with Council's adopted budget. Given the expiry of the existing contracts was known, Council Officers have ensured that there a contingency of 20 per cent in operational budgets was made to accommodate any increase in these utility supply costs. The total cost of these utility charges in the 2016/17

financial year was in excess of \$1.9M. The 2017/18 budget allocation is \$2,280,000, including the 20 per cent contingency.

## **5. Consultation/Public Submissions**

As the supply of this category is an internal service to Council, no public consultation has been undertaken.

## **6. Risk Analysis**

The existing supply arrangements and pricing remain valid until 31 December 2017, in the case of unmetered street lighting and 30 June 2018, in the case of Gas and Electricity. If the contract is not awarded prior, Council will incur a significant increase in energy expenditure as consumption will be charged at market rates.

## **7. Options**

Council has the option for re-tendering for supply of this category in isolation; however this would not provide 'best value' as Council's annual energy consumption levels in isolation does not present an attractive offer to the energy market.

## **LIST OF APPENDICES**

Nil

## **12.18 PROCUREMENT OF PRINTERS, PHOTOCOPIERS AND MULTIFUNCTION DEVICES**

**Author: Charles Obwana - Procurement Coordinator**  
**Presenter: Christine Denyer - Manager Legal and Governance**

### **PURPOSE OF REPORT**

To seek Council approval for the entry into short term stand-alone leases for photocopiers and multifunctional devices until the expiration of the current bulk lease for its existing fleet of devices (expiring in 2019).

### **RECOMMENDATION:**

That Council:

1. Enter into short term stand-alone lease contracts with Fuji Xerox Australia, as required, until the expiration of the bulk lease contract for its existing fleet in 2019 at which time a report will be brought back to Council.
2. Authorise the CEO to execute such short term stand-alone leases as required.

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## **REPORT**

### **1. Executive Summary**

Currently, all of Council's 46 printers, photocopiers and multifunctional devices (together referred to as MFDs) are sourced from Fuji Xerox Australia (FXA) pursuant to one lease contract which expires on 1 October 2019. These MFDs range in age from 2.6 years to 7.6 years old depending on when the MFD was added to the fleet.

Council will require more devices prior to the expiration of the current lease however in order to place Council in the best position to renegotiate the contract for the entire fleet, it is proposed that from now until the expiration of the current lease, that Council only enter into stand-alone short term leases with FXA under the auspice of a Procurement Australia tender contract No.1805/0835 for the Provision of Multifunctional Devices and Related Products & Services which commenced on 1 April 2016 and ends on 31 March 2018, with the option of one (1) x 12 month extension.

### **2. Background/Issues**

Currently, all of Councils printers, photocopiers and multifunctional devices (together referred to as MFDs) are sourced from Fuji Xerox Australia (FXA) pursuant to one bulk lease contract which expires on 1 October 2019.

Council will require more devices prior the expiration of the current lease however in order to place Council in the best position to renegotiate the contract for the entire fleet, it is proposed that from now until the expiration of the current lease, that Council only enter into 'stand-alone' short term leases with FXA under the auspice of a Procurement Australia tender Contract No. 1805/0835 for the Provision of Multifunctional Devices and Related Products & Services.

Procurement Australia (PA) is an entity which, amongst other things, conducts tenders in relation to goods and services that are used by Councils. This ensures that Councils comply



with their obligations pursuant to section 186 of the *Local Government Act 1989* ('the Act'). Procurement Australia takes a percentage of the value of goods/services from the contractor/supplier to Council in the form of a rebate.

Historically, individual Councils 'signed up' to be part of a tender run by Procurement Australia but in more recent years, following on from a Ministerial direction, Councils can simply 'access' the tender that Procurement Australia have run on behalf of Councils generally.

Notwithstanding Council does not actually run the tender, Council must still make a decision as to which of the contractors it will enter into a contract with.

The current contractual arrangements with FXA are pursuant to:

1. the tender-contract between Procurement Australia and FXA ('the First PA Contract') and
2. a lease contract between Council and FXA ('the FXA Contract') due to expire 01 October 2019.

The first PA contract was formed after Procurement Australia ran a tender on behalf of Council (and other Councils) offering a 3 year contract running from June 2011 to May 2014 with 2 x 1 year extensions.

Under the auspice of this tender, Council entered into a 5 year lease contract with FXA, on 14 December 2012 which commenced on 1 June 2013 and would thus have been due to expire on 1 June 2018. The value of that contract was \$1,582,980.00 for the term of the contract (\$79,149.00 per quarter or \$316,596 per year).

On 12 March 2015 that contract was renegotiated and a contract was entered for 4.5 years which commenced 1 April 2015. This contract is due to expire on 1 October 2019. The face value of the contract was \$81,246 per quarter or \$1,462,428.00 over the term.

Procurement Australia ran another tender, Contract No 1805/0835 for the Provision of Multifunctional Devices and Related Products & Services on 23 September 2015 and which closed on 14 October 2015. The term of this contract was for 3 years commencing 1 April 2016 to 31 March 2018, with the option of one (1) x 12 month extension.

The tender evaluation is at **Confidential Appendix 1** (separately circulated). As you will see, FXA did not score well. Notwithstanding this it is the Officer's view that FXA is the best contractor to source more devices from at the present time because of the fact that the entire current fleet of MFDs are sourced from FXA and are connected to the 'follow me' print system. This system allows for each staff member to print from any device simply by scanning his/her security card. Prints are saved against a staff member's name for 24 hours and released upon the scanning of the card. It is therefore recommended to continue to use FXA devices, allowing the use of 'follow me print' across the Council, until the expiration of the lease contract in 2019 at which time the entire fleet can be renegotiated.

### 3. Council 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
  - 5.2 *A flexible, innovative and creative organisation that responds to rapidly changing community and operating environments*

### 4. Financial Considerations

The leasing of MFDs is undertaken via an approved budget with committed allocations for the provision of the services referred to in this report. Council's 2017/18 allocation for

leasing of MFDs is \$520,000 and is inclusive of leasing, maintenance and copy costs associated with the devices.

A short term lease that was entered into today, running for the duration of the term of the bulk lease (24 months) would be at a cost of \$386.00 per month or approximately \$9,264.00 for the remaining duration of the lease.

## **5. Consultation/Public Submissions**

As the supply of this category is an internal service to Council, no public consultation has been undertaken.

## **6. Risk Analysis**

The existing supply arrangements and pricing remain valid until 01 October 2019. Individual MFDs leased by Council have differing lease end dates depending on the date that the MFD was added to the fleet. If Council were to continue with this arrangement, there is a risk that undertaking a complete refresh of the fleet will be more difficult due to the varying lease end dates associated with each MFD.

In order to renegotiate a complete refresh of the MFD fleet, it is proposed that from now until the expiration of the current lease, that Council only enter into 'stand-alone' short term leases with FXA under the contract.

## **7. Options**

Council has the options to:

1. Adopt the Officers' recommendations as presented in this report.
2. Council to conduct its own tender.

## **LIST OF APPENDICES**

**CONFIDENTIAL Appendix 1 - Separately Circulated**

## 12.19 PROVISION OF DEBT COLLECTION SERVICES

**Author: Catherine Nichols - Rates Coordinator**

**Presenter: Sam Rumoro - Manager Finance**

### PURPOSE OF REPORT

To seek Council's approval for the award of Contract No. 1911/0631 for Debt Collection Services via its agent Procurement Australia commencing 1 December 2017 to 30 November 2019 with an option for a further term of 2 x 1 Year Options at Council's discretion.

### RECOMMENDATION:

That Council awards Contract No. 1911/0631 for Debt Collection Services submitted by Midstate CreditCollect Pty Ltd via its agent Procurement Australia commencing 1 December 2017 for a period of 2 years with an option for a further term of 2 x 1 Year Options at Council's discretion.

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### REPORT

#### 1. Executive Summary

Council's contract for Debt Collection Services is due to expire on 30 November 2017 and a tender process has been conducted using Procurement Australia as the tendering agent. Procurement Australia called for tender submissions on behalf of 25 Councils and 4 other organisations. Procurement Australia evaluated the 14 submissions received and recommended 5 providers for Councils to consider.

#### 2. Background/Issues

Council's debt collection services are currently provided by Midstate Credit Collect Pty Ltd and it is due to expire on 30 November 2017. Procurement Australia invited tenders from suitably qualified organisations to form a panel of providers to supply and deliver a range of products to its members nationwide. This contract replaces 1511/1212 Debt Collection Services which expires on 30 November 2017.

Procurement Australia advertised the tender on 7 June 2017 on behalf of 25 Local Government agencies with submissions closing on 28 June 2017. Procurement Australia completed their evaluation of 14 submissions received.

The selection criteria & weightings used in the evaluation by Procurement Australia are attached in **Confidential Appendix 1** (separately circulated) . Weighting of 60% was used for non price related criteria including professional competence, financial viability, compliance and corporate social responsibility etc.

The weighted average scores of all submissions were provided to Council's that participated in the tender.

Midstate CreditCollect Pty Ltd (Midstate), the current service provider to Melton was ranked fourth in the overall ranking and was successful in being one of the recommended panel providers from the Procurement Australia tender.

The officers are satisfied with the past service provision of the recommended provider. They have been providing Debt Collection Services to Melton over the last 16 years and are familiar with local issues. Midstate are also the provider for Western Water who Council is

collaborating with on better addressing issues of hardship of residents within the municipality.

The current provider has been working closely with Council staff and have implemented a range of new initiatives which has improved collection rates over the past 12 months and customer experience. Midstate and Council are looking to refine processes further over the next 12 to 24 months to improve performance further.

After evaluation it is recommended that Midstate be engaged to provide Debt Collection Services to Melton City Council.

### **3. Council 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 will be minimal net cost to Council, as the majority of debt collection costs are legally recoverable from the debtors against whom recovery action is initiated.

### **5. Consultation/Public Submissions**

As the supply of this category is an internal service to Council, no public consultation has been undertaken.

### **6. Risk Analysis**

Council have taken the following measures to reduce the risk to Council in relation to the appointment of a reputable debt collection agent:

- Tenders were invited via advertisement in major Australian newspapers.
- The assessment was conducted by Procurement Australia and reviewed by Council Staff with technical expertise in debt collection.
- A key criterion for the assessment of the submissions on the contractor's expertise and experience.

### **7. Options**

Council has the options to:

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

## **LIST OF APPENDICES**

**CONFIDENTIAL Appendix** - separately circulated

**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 509 (CR MAJDLIK)****Councillor: Kathy Majdlik - Councillor**

Notice was given at the Ordinary Meeting of Council held on 18 September 2017 of my intention to move the following motion at the Ordinary Meeting of Council to be held on 18 September 2017.

At that meeting a procedural motion was put to defer this item to Ordinary Meeting of Council to be held on 13 November 2017.

**MOTION:**

That Council Officers provide a report to Council regarding the Caroline Springs Fountain at the front lake near Ballarat Road (Western Highway), and options to recommission its operation, including costs.

**OFFICER'S COMMENTS:**

The lake in the above mentioned reserve is an asset managed by Melbourne Water. As the fountain served no purpose to water quality, Melbourne Water ceased its operation. The fountain has not operated for more than 24 months. Discussions with Melbourne water indicate that there is no intention to recommission the fountain or a similar device in the foreseeable future, and have therefore left the option with Council to consider its ongoing operation.

Investigations by Council contractors have determined that the current pump is no longer serviceable and replacement would be required. The costs associated with its recommission would include supply and installation, regular maintenance and power costs. The operating costs of the fountain would be in the vicinity of \$20,000 per annum. The supply and installation of a new pump would range from \$18,000 - \$40,000, depending on the model selected.

To date Council Officers have formed a view that the operation of the fountain would be a costly exercise and there has been limited feedback from the community to suggest it is desired. It is Council Officer's view that better value could be achieved by investing in renewal of infrastructure surrounding the lake which Council is the responsible authority. Work has already commenced on this and is scheduled to continue over the coming months.

Should Council wish to consider this proposal a more detailed assessment of costs and benefits can be provided in a Council report.

**15.2 NOTICE OF MOTION 524 (CR KESIC)****Councillor: Goran Kesic - Councillor**

Notice was given at the Ordinary Meeting of Council held on 16 October 2017 of my intention to move the following motion at the Ordinary Meeting Council to be held on 13 November 2017.

**MOTION:**

That Council refer to the 2018/19 budget for a provision of a public toilet at Lake Caroline, and in the interim Council officers identify appropriate location options and indicative costings.

**OFFICER'S COMMENTS:**

Officers are currently investigating services such as sewer, power and water around the Lake Caroline area to determine the most suitable and appropriate location for a public amenity.

**15.3 NOTICE OF MOTION 525 (CR KESIC)****Councillor: Goran Kesic - Councillor**

Notice was given at the Ordinary Meeting of Council held on 16 October 2017 of my intention to move the following motion at the Ordinary Meeting Council to be held on 13 November 2017.

**MOTION:**

That Council:

1. install 'Dog off Lead' signs indicating fines and penalties, at the two waterways in Caroline Springs, being Lake Caroline and the Caroline Springs linear reserve (extending from Lake Caroline to Rockbank Middle Road)
2. install additional dog bag dispensers and rubbish bins at each of the locations.

**OFFICER'S COMMENTS:**

The two waterways being, Caroline Springs Lake Reserve and the linear reserve from Springlake Avenue to Rockbank Middle Road, have 43 entry points from the surrounding residential properties.

The proposed signage for these sites is in line with others signs throughout the municipality advising that dogs must be on leash and that penalties apply. The General Local Law provides for a fine of five penalty units for noncompliance, currently resulting in a fine of \$500.

The linear reserves identified in this notice of motion have approximately 3.4 kms of paths and the installation of bins and dog waste bag dispensers at an arbitrary distance of say, 1 km would result in 4 bins and disposal units. The provision of signage at 10 entry points throughout the reserves along with of supply and installation of bins and dog waste dispensers is in the vicinity of \$9,000.

The recurrent cost of maintenance and servicing of the signs, bins and dispenser units is estimated to be 2,500 per annum.



**15.4 NOTICE OF MOTION 526 (CR ABBOUSHI)****Councillor: Steve Abboushi - Councillor**

Notice was given at the Ordinary Meeting of Council held on 16 October 2017 of my intention to move the following motion at the Ordinary Meeting Council to be held on 13 November 2017.

**MOTION:**

That in all reports to Council for it to make a decision in relation to the award of a contract, the officer report (via the confidential attachment or in the contents of the report) indicate the following:

- what the criteria for 'Local Content' was weighted at
- whether or not 'Social Procurement' was included as a weighted criteria
- if so, the amount of weighting given to 'Social Procurement'
- whether or not the contract, via general or special conditions or within the specification, contains specific provisions in relation to Local Content and/or Social Procurement.

**OFFICER'S COMMENTS:**

If the motion is carried, the Council report's confidential attachment relating to 'contractual matters' will be amended to ensure that the information is contained in every report to Council of this nature.

**15.5 NOTICE OF MOTION 527 (CR TURNER)****Councillor: Bob Turner - Councillor**

Notice was given at the Ordinary Meeting of Council held on 16 October 2017 of my intention to move the following motion at the Ordinary Meeting Council to be held on 13 November 2017.

**MOTION:**

That all unbudgeted expenditure proposed via a notice of motion be referred to the next budget for consideration, unless such expenditure is of an urgent nature and is unanimously supported by all Councillors.

**OFFICER'S COMMENTS:**

Officers are supportive of motion. It will allow all initiatives and requests from Councillors and the community to be considered at the same time to enable a list of priorities to be created. It will also provide adequate opportunity to analyse and comment on any notice of motion involving unbudgeted expenditure.

**15.6 NOTICE OF MOTION 528 (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 Insert date

**MOTION:**

That Council refer to the 2018/19 budget, recurrent funding of \$35,000 per annum for Friends of Melton Botanic Gardens group, to enable their continued development and maintenance of the Botanic Gardens.

**15.7 NOTICE OF MOTION 529 (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 13 November 2017.

**MOTION:**

That Council officers identify the appropriate site for a Performing Arts Centre, and provide preliminary cost estimates to be included in Council's 10 year Capital Works Plan.

- 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 Municipal Audit Committee Meeting Minutes 25 October 2017 - Confidential Report**  
This report is confidential in accordance with s89(2)(f) as it relates to legal advice.
- 19.2 Annual Performance Review 2016/17 - Chief Executive**  
This report is confidential in accordance with s89(2)(d) as it relates to contractual matters.

**Recommended Procedural Motion**

That the meeting be opened to the public.

**20. CLOSE OF BUSINESS**