



MELTON CITY COUNCIL

**Minutes of the Ordinary Meeting of the
Melton City Council**

11 November 2019

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MELTON CITY COUNCIL

MINUTES OF THE ORDINARY MEETING
OF THE MELTON CITY COUNCIL
HELD IN THE BURNSIDE COMMUNITY HALL,
23 LEXINGTON DRIVE, BURNSIDE
ON 11 NOVEMBER 2019 AT 7.00PM

Present: Cr L Carli (Mayor)
Cr S Abboushi (Deputy Mayor)
Cr K Hardy
Cr G Kesic
Cr M Mendes
Cr S Ramsey

Mr K Tori, Chief Executive Officer
Mr P Bean, General Manager Corporate Services
Mr M Wilson, Acting General Manager Community Services
Ms LJ Mellan, Acting General Manager Planning and Development
Ms C Denyer, Manager Legal and Governance
Mr J Whitfield, Governance Coordinator
Ms E Haley, Communications Coordinator

1. OPENING PRAYER AND RECONCILIATION STATEMENT

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

The Mayor requested the meeting remain upstanding to observe a minutes silence for Remembrance Day in order to pay respect to those who made the ultimate sacrifice.

The Mayor also asked the meeting to think about the local fire fighters who have travelled to New South Wales to help fight the fires in that state and to pray for their safe return.

2. APOLOGIES AND LEAVE OF ABSENCE

Cr K Majdlik, Cr Y Sebire and Cr B Turner.

3. CHANGES TO THE ORDER OF BUSINESS

Procedural Motion

Crs Ramsey/Kesic.

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

CARRIED

4. DEPUTATIONS

Nil.

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

Mr Tori declared a Direct Conflict of Interest pursuant to Section 77B of the Local Government Act 1989 in Item 12.8, 'Chief Executive Officer Review Committee Structure'.

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

That the Minutes of the Ordinary Meeting of Council held on 14 October 2019 and Special Meeting of Council held on 31 October 2019 be confirmed as a true and correct record.

Motion

Crs Ramsey/Abboushi.

That the recommendation be adopted.

CARRIED

7. RECORD OF ASSEMBLY OF COUNCILLORS

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

- 14 October 2019 Record of Assembly of Councillors
- 21 October 2019 Record of Assembly of Councillors
- 28 October 2019 Record of Assembly of Councillors
- 6 November 2019 Record of Assembly of Councillors

RECOMMENDATION:

That the Record of Assembly of Councillors dated 14, 21 and 28 October and 6 November 2019 attached to this Agenda be received and noted.

Motion

Crs Hardy/Abboushi.

That the recommendation be adopted.

CARRIED

LIST OF APPENDICES

1. Record of Assembly of Councillors - dated 14 October 2019
2. Record of Assembly of Councillors - dated 21 October 2019
3. Record of Assembly of Councillors - dated 28 October 2019
4. Record of Assembly of Councillors - dated 6 November 2019

8. CORRESPONDENCE INWARD

Nil.

9. PETITIONS AND JOINT LETTERS

Nil.

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

Nil.

Cr Ramsey left the Chamber at 7:14pm.

Cr Ramsey returned to the Chamber at 7:16pm.

11. PUBLIC QUESTION TIME

Name	Question asked of Council
David O'Connor	<p><i>“At some stage in our lives, many of us will experience bullying, whether at school, the workplace or even social settings. Bullying is primarily defined as a person or group of people repeatedly and intentionally using words or actions to cause distress and/or harm to another person’s well-being. According to my research, the Federal and State Governments’ are investing heavily in the fight against bullying.</i></p> <p><i>What is the position of Council with regard to bullying, in particular workplace and cyber-bullying and what programs or support, if any are available to employees and residents dealing with bullying behaviour?”</i></p>
David O'Connor	<p><i>“I make reference to the traffic signals at the location of Ferris Road and the Western Highway.</i></p> <p><i>For the purpose of public record, the current operational sequence provides a green arrow for right turn vehicles to enter the highway from Ferris Road. However, on many occasions, heavy transport approaching the intersection from the opposite direction (High Street bound) fail to stop and continue to through the intersection.</i></p> <p><i>Does Council have the capacity to investigate and report back on these observations or does this concern need to be addressed directly with VicRoads?”</i></p>

Braidy Kean	<i>“Can council please outline the costs paid to legal service providers over the last financial period for prosecution of local laws?”</i>
Braidy Kean	<i>“What is the cost per day for the housing of seized dogs?”</i>
Nyomi Bloom	<p><i>“Does the Melton City Council adhere to the RSPCA's guidelines for humane housing of animals in their pound?”</i></p> <ol style="list-style-type: none"> <i>1. Freedom from hunger and thirst: by ready access to fresh water and a diet to maintain full health and vigour.</i> <i>2. Freedom from discomfort: by providing an appropriate environment including shelter and a comfortable resting area.</i> <i>3. Freedom from pain, injury or disease: by prevention through rapid diagnosis and treatment.</i> <i>4. Freedom to express normal behaviour: by providing sufficient space, proper facilities and company of the animal's own kind.</i> <i>5. Freedom from fear and distress: by ensuring conditions and treatment which avoid mental suffering.”</i>
Michelle Spiteri	<p><i>“In response to a question regarding a significant increase in traffic volumes at council's meeting dated October 14, I was informed that council intends to seal Boundary Road from Hopkins through to Mount Cottrell Road in a joint venture with the City of Wyndham. It was stated that once done this will reduce traffic travelling along Troups Road South, however, this will not be the case as much of the traffic is heading towards the city.</i></p> <p><i>There is no overpass at Mount Cottrell Road to access city bound lanes of the Western Highway and traffic coming from the estates to the south will continue to use this as a thoroughfare. Similarly, traffic coming from Melton are unable to cross the highway at Mount Cottrell Road, meaning that they will need to cross at Leakes Road.</i></p> <p><i>How can council justify the upgrading of Boundary Road to Mount Cottrell Road as a reason to reduce traffic on Troups Road South given all of the above ?”</i></p>
Michelle Spiteri	<p><i>“According to Melton Council's Overview of Intervention Levels and Response Times spreadsheet (appendix to the Road Management Plan) and prior correspondence from the City Of Melton itself, Troups Road South is to be graded every 4 - 8 weeks and more often when required. Despite numerous calls to council about the pothole ridden state of the road or unsafe dust plumes created by heavy articulated vehicles using this road, parts of the road have not been graded or maintained for over 3 months now.</i></p> <p><i>Will council commit to a rigorous and consistent maintenance program for Troups Road South in order to uphold the integrity and safety of this road that was never designed to attract the about of traffic it is receiving ?</i></p>

	<i>NB Video evidence can be supplied of the road condition in both the wet and dry over the past 3 weeks to support these comments."</i>
Ana Gidari	<i>"As a regular traveller along Hopkins Road, I have often been forced to travel along Troups Road South to avoid heavy congestion, traffic hotspots or accidents that have occurred. I am aware that there is to be a realignment along Greigs Road to Hopkins Road in the future. Is this to be done before or after Troups Road South is sealed ? If before, then it will create extreme pressure on Troups Road South as drivers will be forced to use this road as the only alternative."</i>

Procedural Motion

Crs Ramsey/Abboushi.

That the recommendations as printed in Items 12.1, 12.2, 12.4 and 12.5 be adopted en bloc.

CARRIED

12. PRESENTATION OF STAFF REPORTS

12.1 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

Author: Rebecca Bartlett - Acting Governance Officer

Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

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

RECOMMENDATION:

That Council:

1. adopt the minutes of the Advisory Committee meeting at **Appendix 1 - 6**
2. adopt recommendations arising within the Minutes.

Motion

Crs Ramsey/Abboushi.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

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

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

2. Background/Issues

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

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

Councillor representation on Advisory Committees is generally for one year and is reviewed annually at the Statutory Meeting of Council. Councillor representation on current Council Committees and to other organisations for 2019 were adopted by Council at the Ordinary Meeting held 12 November 2018.

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
17 September 2019	Arts and Culture Advisory Committee	Appendix 1
19 September 2019	Community Learning Board	Appendix 2
1 October 2019	Melton Transport Community Reference Group	Appendix 3
3 October 2019	Disability Advisory Committee	Appendix 4
10 October 2019	Early Years Partnership Committee	Appendix 5
10 October 2019	Heritage Advisory Committee	Appendix 6

3. Council and Wellbeing Plan Reference and Policy Reference

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

5. A high performing organisation demonstrating leadership and advocacy: An organisation operating with innovation, transparency, accountability and sustainability
 - 5.3 *Effective civic leadership, advocacy, partnerships and good governance.*

4. Financial Considerations

Advisory Committees are not responsible for operational expenditure and cannot direct Council officers to act without the consent of Council. Operational expenses and administrative actions arising from an Advisory Committee meeting are accommodated within Council's recurrent budgets, unless otherwise requested within the minutes of the meeting and detailed in a recommendation to Council for consideration.

5. Consultation/Public Submissions

Advisory Committees are one method of Council consulting and communicating with the community. Such a Committee may be established to provide strategic level input into a broad area of Council operations, such as community safety or arts and culture. An Advisory Committee may also be established for a specific time-limited project, such as a review of a Local Law.

6. Risk Analysis

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

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

7. Options

Advisory Committees are a Committee of Council, therefore Council has the discretion to accept, reject, amend or seek further information on any of the Committee minutes and/or recommendations.

LIST OF APPENDICES

1. Arts and Culture Advisory Committee Meeting Minutes - dated 17 September 2019
2. Community Learning Board Meeting Minutes - dated 19 September 2019
3. Melton Transport Community Reference Group Meeting Minutes - dated 1 October 2019
4. Disability Advisory Committee Meeting Minutes - dated 3 October 2019
5. Early Years Partnership Committee Meeting Minutes - dated 10 October 2019
6. Heritage Advisory Committee Meeting Minutes - dated 10 October 2019

12.2 DOG OFF LEAD PARK - RESPONSE TO NOTICE OF MOTION 638

Author: Adrian Cope - Open Space Planning Coordinator
Presenter: Laura-Jo Mellan – Acting General Manager Planning & Development

PURPOSE OF REPORT

To respond to Notice of Motion 638 and the Petition for a dog off lead area in the Cobblebank area dated 18 September 2019.

RECOMMENDATION:

That;

- 1) Council Officers engage with Developers in the Cobblebank area to develop a dog off-lead park in a suitable park in the future stages of the development
- 2) Council consider the allocation of funds in the 2020/21 Council Budget for the development of guidelines for the provision of dog off-lead areas/parks, determining the level of embellishment and a funding program is developed and referred to the Capital Works Program for consideration.

Motion

Crs Ramsey/Abboushi.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

This report is in response to the Notice of Motion 638 (Cr Mendes) which states:

“That officers report to Council on possible locations and indicative costs for the establishment of an off-leash dog park in the Atherstone Estate, Cobblebank.”

and a petition (Confidential **Appendix 2**) tabled at the Ordinary Meeting of Council on 14 October 2019 (dated 18 September 2019).

Analysis of open space in the Cobblebank area shows that there are no existing area of suitable size or shape that would facilitate an off-lead dog park. The areas that were considered include the undeveloped areas of the Bridge Road Recreation Reserve as well as existing passive reserves and drainage reserves. These locations did not have sufficient space available or have been identified for use for other activities. However discussions have been had with the developer of Atherstone and there may be an opportunity to provide a dog off-lead park in one of the future reserves in the development.

There are currently no Council standards for the provision of infrastructure relating to the location or development of off lead parks in the City of Melton. The development of such areas has been delivered on an ad hoc basis with the first two commencing in 2011 at Navan Park and Boronia Drive Reserve. Fraser Street Reserve and Diggers Rest Recreation Reserve have been subsequently developed with off-lead areas. Eynesbury Recreation

Reserve has been identified as another site for an off lead area and Council Officers have worked with the developer at Aintree to identify a site for an off lead area in response to resident enquiries. This site is currently under construction and funded by the developer. During the development the Kororoit, Plumpton and Mt Atkinson Precinct Structure Plans PSPs, the importance of dog off-lead areas was identified as recreational opportunities to be considered during the planning of the precincts.

The issue of dog off-lead parks is broader than the Notice of Motion and the petition and as such planning for appropriate sites is considered as opportunities arise.

2. Background/Issues

Council currently has four dog off lead areas within the municipality. The areas vary significantly in both size and standard. The off-lead areas are located at:

- Navan Park, Centenary Avenue, Harkness. 4,300 square meters constructed 2011, cost \$45,800
- Boronia Drive Reserve, Boronia Drive, Hillside. 3,900 square meters constructed 2011.
- Fraser Street Reserve, Fraser Street, Melton South. 2,000 square meters, constructed 2016/17, cost \$26,200 (estimate as larger park redevelopment).
- Diggers Rest Recreation Reserve, Plumpton Road. Diggers Rest. 1,800 square meters constructed 2018/19.

The sites have been developed in response to community demand with Navan Park and Boronia Drive Reserve resulting from a Council Report at the Ordinary Meeting of Council on 1 March 2010 (**Appendix 1**). This report was to consider an on-line petition tabled at the Ordinary Council Meeting of 8 February 2010 regarding the introduction of dog off-lead areas within the municipality. The March 2010 report includes the Dogs in Open Space (Off Lead) Strategy. This strategy was prepared in 2006 but was not formerly adopted by Council.

Given that Council requires dogs to be on a lead in public areas, it is recognised that the provision of areas where dogs can socialise with other dogs, not bother non-dog owners, and get to run around is important. As is noted in the preamble of the petition of 18 September 2019, the social and recreational benefits to the community that are associated with dog ownership are well recognised and this has also been acknowledged in the adopted *Melton Open Space Plan 2016*.

In the absence of a Dog Off-lead Strategy good open space facility planning practice is currently being used to inform the development of the dog off-lead areas. This includes consideration being given to;

- Relative location to other dog off-lead parks;
- Available area for a dog off-lead park;
- Other uses in the locations such as picnic facilities, children's play, car parking;
- Proximity of walking trails;
- Distance from sensitive uses such as conservation and biodiversity areas.
- Ability to accommodate a variety of experiences for dogs and their handlers including shade, agility equipment, and drinking water.

These considerations have enabled officers to consider other proposals in the normal course of assessing new park designs proposed by the land development sector.

To this end a new dog off-lead park has been proposed by the developers of the Woodlea Estate in their stage 20 reserve in response to community requests. The particular reserve is a local park that will include the usual local park amenity including play equipment, picnic facilities, seating etc. Given the number of local parks in the area, the proximity of the active

open space and the location of other infrastructure in the reserve it was considered appropriate to allow this to occur.

In addition officers have been advised by other developers that they are considering installing dog off-lead areas as well. The considerations outlined above will be used to assess any applications of this nature.

The development of a strategic document would assist in determining future locations across the municipality and service levels of dog off-lead areas as well as guiding decision making and informing the Capital Works budget process.

In response to Notice of Motion 638 an assessment was undertaken of all existing open space in the Cobblebank area. There are a number of reserves including Bridge Road Recreation Reserve, Broughton Avenue Reserve, Duloe Rise Reserve, Diamond Parade Drainage Reserve and the Cobblebank linear reserve that were assessed. These sites did not provide sufficient space to provide an off lead dog park, or those areas that did, such as Bridge Road Recreation Reserve have been identified for the provision of infrastructure such as an AFL oval, traffic school and hockey pitch.

Given these constraints it was considered appropriate to discuss this matter with the developers of Atherstone. During this discussion it was identified that a number of reserves will be built on the next stages of development and one of them may be able to accommodate a dog-off lead park. The considerations identified earlier in this report will be used to assess the suitability of the upcoming parks in the development in the absence of an adopted Dog-off leash Plan.

Should the above option not be found to be suitable another possible location is in the open space area identified in the Toolern PSP Community Hub 7 which is located to the east of Ferris Road and south of the Town Centre. This area has a 7.9 hectare area of active recreation which is co-located with a 2.62 hectare passive reserve. The result is a 10.5 hectare reserve which will provide a range of passive and active recreational opportunities.

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
 - 1.5 *Environments that enable and encourage positive public health and wellbeing outcomes.*

4. Financial Considerations

The cost of delivering appropriate facilities is estimated to be in the range of \$125,000 to \$150,000 which includes the provision of Kikuyu turf to increase the longevity of the turf surfaces substantially and does not include land costs.

5. Consultation/Public Submissions

Whilst there has not been any community consultation in regards to the provision of dog off-lead areas, there have been numerous requests received by Council in relation to the provision and upgrade of off-lead areas throughout the municipality.

The off lead areas at Navan Park and Boronia Drive Reserve are high demand areas and the surface condition of the sites has deteriorated significantly since the construction. There has been a number of requests received for the upgrade of these facilities in terms of further infrastructure and repairs to the surfaces. This would indicate a high demand for the service and the need for further off-lead parks being developed.

This report also provides a response to the petition for a dog off lead area in the Cobblebank area dated 18 September 2019 and is therefore considered a public submission in relation to this matter.

6. Risk Analysis

The need for further dog off-lead areas is well documented given the requests that have been received for the provision of new facilities as well as the upgrading of existing infrastructure.

Taking no action will most likely see an ad hoc approach to the provision of these facilities throughout the municipality, whilst the development of a strategic plan in the form of guidelines will see a systematic analysis of the demand for dog off lead parks and programmed approach for delivery as appropriate open space becomes available.

The development of a site in the future residential area will most likely require some form of access and result in higher capital costs and only be available for a short period of time prior to the development occurring. The likelihood is that there may be demand for further infrastructure including road access and parking facilities.

7. Options

That Council has the option to:

1. Take no action until such time as a suitable area of public open space becomes available in the Cobblebank area and negotiate with the relevant developer of that open space to include a dog off-lead park in the reserve.
2. Look for an alternative reserve in Council ownership that has the capacity to accommodate a dog off-lead park.
3. Develop a strategic document in the form of Guidelines for Dog Off Lead Parks in the City of Melton for the purpose of identifying the standard of infrastructure and locations across the municipality.
4. Not proceed with the development of a strategy document.

LIST OF APPENDICES

1. Dogs In Open Space Council Report - dated 1 March 2010
2. Petition to fenced Dog Park - dated 18 September 2019 - **CONFIDENTIAL**
Designated as confidential by the Chief Executive Officer pursuant to Section 77(2)(c) and Section 89(2)(h) of the *Local Government Act 1989*.

12.3 GAMBLING HARM PREVENTION AND REDUCTION POLICY

Author: Michelle Venne-Rowe - Social Planning Officer
Presenter: Matthew Wilson - Acting General Manager Community Services

PURPOSE OF REPORT

To seek Council's endorsement of the new Gambling Harm Prevention and Reduction Policy, and revoke the previous Responsible Gambling Policy 2014.

RECOMMENDATION:

That Council:

1. adopt the Gambling Harm Prevention and Reduction Policy (**Appendix 1**); and
2. note the table of submissions (**Appendix 2**).

Motion

Crs Ramsey/Abboushi.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

This report reintroduces Council's new Gambling Harm Prevention and Reduction Policy 2019 (the Policy), for Council consideration. The new Policy follows on from the previous Responsible Gambling Policy and the Gaming Machine Planning Policy Project and subsequent Planning Scheme Amendment C182. The Policy aligns with current public health promotion and harm prevention practice and reflects this Councils' policy directions in this area.

The draft policy was endorsed by Council on 19 August 2019, subject to a 21 day exhibition period, and a further report returned to Council for consideration.

2. Background/Issues

Council's Responsible Gambling Policy was adopted on 1 October 2014. It outlined Council's commitments in relation to addressing harms associated with all gambling products and activities over which Council has influence.

Substantial progress has been made in relation to understanding gambling harms and approaches to reducing them since the adoption of the Responsible Gambling Policy in 2014.

Early in 2019, Planning Scheme Amendment C182 was adopted by Council, which improved policy direction in the Melton Planning Scheme, enabling a more comprehensive assessment of gaming related planning applications. This amendment which proposed the incorporation

of a local planning policy at Clause 22.13 and to update the schedule to clause 52.28 to the Melton Planning Scheme, paved the way for the review of the 2014 Council Policy.

With planning related considerations now included in the Melton Planning Scheme, the review of the Responsible Gambling Policy was to reframe Council's commitment to reduce harms from gambling, as articulated in Strategy 1.5.1 of the Council and Wellbeing Plan.

This new draft policy reflects this Council's strong commitment to reducing harms from gambling, in line with community expectations and supporting the implementation of Planning Policy Amendment.

A key recommendation from the Planning Policy Amendment Project was to strengthen Council's position on Electronic Gaming Machines (EGMs), by developing a Reference Document to be included in the Melton Planning Scheme. The City of Melton Electronic Gaming Machine Planning Policy Reference Document was adopted by Council on 24 July 2017. This 2017 Reference Document was based on the following principles:

- a. *Gaming venues and EGMs should be accessible to the extent that they are available but not convenient.*
- b. *Growth Areas – The availability of EGM's and gaming venues should be managed to reflect population growth and distribution.*
- c. *Exposure to opportunities to gamble should be managed to safeguard the health and wellbeing of communities at an elevated risk of gambling related harms.*
- d. *Venues should be designed and operated to maximise their potential community benefits. Gambling venues should provide genuine community benefit.*

It was noted that as a planning scheme policy could only deal with issues such as siting, design and location, additional considerations in relation to harm reduction approaches the Council might wish to pursue, would need to be addressed by a revised Council Policy on Gambling Harm Prevention and Reduction.

Notice of Motion 615 (Cr Ramsey), directed particular aspects for inclusion in the new Gambling Harm Prevention and Reduction Policy:

'Given that the Council has extensively reviewed its Gaming Policy in recent years, that a minor review of Council's Gaming Policy be undertaken by officers and a report brought back to Council within the next 3 months with the review to consider no further poker machines in Council buildings and a tighter scrutiny on the hours of operation of gaming venues'.

Both policy aspects of this direction have been incorporated in the new policy, in addition to guidance on factors associated with the location and accessibility of gambling products, and assessment of net community benefit. The new Gambling Harm Prevention and Reduction Policy delivers an updated policy and represents the Council's current commitment to reducing harms from gambling.

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
 - 1.5 *Environments that enable and encourage positive public health and wellbeing outcomes.*

4. Financial Considerations

Council officer time and resources involved in the research and development of a new Policy were incorporated in the 2018/19 and 2019/20 operational budgets.

5. Consultation/Public Submissions

At the direction of Council, the draft policy was placed on public exhibition for a period of 21 days, with notice given to the existing gambling operators, industry groups, government agencies, surrounding Councils and community organisations.

The table of submissions (**Appendix 2**) is included for Council consideration, with content of the submissions considered in the associated Officer recommendations.

6. Risk Analysis

The new Policy is in line with current health promotion and harm prevention practice and replaces the Responsible Gambling Policy 2014.

7. Options

N/A

LIST OF APPENDICES

1. Gambling Harm Prevention and Reduction Policy - dated 25 July 2019
2. Table of Submissions - Gambling Harm Prevention and Reduction Policy - undated

12.4 MELTON: A CITY FOR ALL PEOPLE 2017-2021 ACTION PLAN REPORT

Author: Coral Crameri - Manager Community Care
Presenter: Matthew Wilson - Acting General Manager Community Services

PURPOSE OF REPORT

To present to Council the Melton: A City for All People 2017 - 2021 Year Two Action Plan Report and the Year Three Action Plan for endorsement.

RECOMMENDATION:

That Council receive and:

- Note the Year Two Action Plan Report, as presented at **Appendix 1**.
- Endorse the Year Three Action Plan, as presented at **Appendix 2**.

Motion

Crs Ramsey/Abboushi.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

At the 13 November 2017 Ordinary Meeting of Council the Melton: A City for all People 2017 - 2021 was endorsed. The document provides a strategy for early years (children), youth, older people and people with a disability. It represents a 'whole of life' comprehensive strategy that reflects the aspirations of Council and the community.

A key requirement of the strategy is the development of an annual action plan which is presented to Council annually.

Recommendations are presented to Council for consideration.

2. Background/Issues

The Melton: A City for All People 2017 - 2021 strategy was informed by extensive consultation with the community, partner agencies, Council officers and Councillors.

The annual Action Plan identifies a series of measureable actions under each of the five key themes:

- 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

In Year One, the Melton: A City for All People Year One Action Plan 93 actions were identified of which 87 were delivered and six (6) actions were postponed and carried over to Year Two.

In Year Two, the Action Plan identified 73 actions. **Appendix 1** provides a detailed summary on the status of each action, inclusive of the reporting period from 1 October 2018 to 30 September 2019.

The following table provides a summary of progress:

Status	Description	No. of Actions
Achieved	The Action is completed	70
Postponed	The Action has been deferred, altered or reallocated to a relevant department	3
Total		73

Major achievements include:

- The successful delivery of the Changing Places facility at Melton Waves.
- Attracting over 700 visitors and 69 exhibitors to the annual Care Melton Expo.
- Burnside Stage 2 development attracted six (6) seniors groups to the facility.
- Attracting 1,472 seniors to the 2018 Seniors Festival – participation three times higher than any previous year.
- Attracting the highest number of award nominations (17) and grant submissions (37) for the Melton Youth Awards and celebrating the awards presentations with over 90 people in attendance.
- Successful delivery of the inaugural Melton Youth Forum with over 42 agencies and 110 people in attendance.
- Addressing barriers to participation through a number of initiatives including grants, family violence prevention programs, forums and playgroup activation programs.
- Engagement with families through two Children’s Week events with over 500 attendees.

Year Three Action Plan

Following the completion of the Year Two Action Plan, the working group undertook a review of existing actions and conducted additional internal consultation to develop the Year Three Action Plan.

Melton: A City for All People 2017 - 2021 Year Three Action Plan identifies a series of measurable actions that apply to all cohorts or in some instances, department specific.

The Year Three Action Plan identifies 53 actions to deliver from 1 October 2019 to 30 September 2020.

The result is the Melton: A City for All People 2017 - 2021 Year Three Action Plan that provides clear measurable outcomes in response to the strategic issues identified in the five (5) themes contained in the strategy.

The Year Three Action Plan aligns to the Council and Wellbeing Plan 2017 - 2021.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

4. Financial Considerations

The implementation of the Year Three Annual Action Plan forms part of Council's existing operational budget commitment and is supported by both State and Federal Government Grants.

5. Consultation/Public Submissions

The consultation undertaken for the development of both the Year One, Two and Three Action Plans has been predominantly undertaken within the service units responsible for delivery of the plan. This has also been influenced by the Council and Wellbeing Plan, internal and external consultations undertaken with service providers, Council Advisory Group members, our partner agencies and State Departments.

6. Risk Analysis

Endorsement of Melton: A City for All People Year Three Action Plan will ensure effective planning and compliance with relevant legislation inclusive of annual reporting on the key outcomes in relation to the key themes for service planning and delivery over the 2017 - 2021 period.

7. Options

That Council endorse the recommendations as presented in this report.

LIST OF APPENDICES

1. Melton: A City for all people - Year two action plan
2. Melton: A City for all people - Year three action plan

12.5 2019-2020 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 Council's 2019-2020 Council and Wellbeing Annual Action Plan.

RECOMMENDATION:

That Council receive and note the 2019-2020 Council and Wellbeing Annual Action Plan First Quarter Progress Report (1 July – 30 September 2019) as presented at **Appendix 1**.

Motion

Crs Ramsey/Abboushi.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The 2017-2021 Melton City 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 2019), in the progressive achievement of the 2019-2020 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 2019-2020 Council and Wellbeing Annual Action Plan provides 134 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 2019-2020 Council and Wellbeing Annual Action Plan, inclusive of the period from 1 July-30 September 2019.

The following table provides summary of progress against actions.

Status	Description	Number of actions
Achieved	The Action is completed.	6
On track	The action is on track and expected to be completed by the current timeline	126
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	2
Postponed	The Action has been deferred for the financial year. An explanation is provided in the 'progress comments' column	0
Total		134

Key achievements this quarter include:

- The Western Bulldogs Leadership program was delivered with 12 young people graduating at a ceremony hosted by the Western Bulldogs at the Whitten Oval.
- Delivered the Annual Melton City Council Sports Awards recognising the contribution made by local sporting clubs and volunteers.
- Delivered the annual Business Excellence Awards on 30 August with a record number of applications and over 400 guests attending the ceremony.
- Implemented the Business Concierge service at the end of September. This service allows for small businesses to use a streamlined single application form for permits.

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 2019-20 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 2019-2020 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. 2019-2020 Council and Wellbeing Annual Action Plan First Quarter Progress Report
- dated 1 July 2019 to 30 September 2019

Cr Kesic left the Chamber at 7:21pm.

Cr Kesic returned to the Chamber at 7:25pm.

12.6 CONTRACT No. 20/009 - KURUNJANG RECREATION RESERVE, TENNIS COURT UPGRADE DESIGN AND CONSTRUCT

Author: Maria Mastos - Project Officer
Presenter: Matthew Wilson - Acting General Manager Community Services

PURPOSE OF REPORT

To seek Council's approval for the award of Contract No. 20/009 for the Design and Construction of the Kurunjang Recreation Reserve, Tennis Court.

RECOMMENDATION:

That Council:

1. Award Contract No. 20/009 - Kurunjang Recreation Reserve, Tennis Court Upgrade Design and Construct to A.S.Lodge Pty Ltd. for the sum of \$553,377.00 (excluding GST).
2. Delegate to the Chief Executive Officer the execution of all contract documents.

Motion

Crs Ramsey/Mendes.

That the recommendation be adopted.

CARRIED

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

For:

Crs Abboushi, Carli, Hardy, Kesic, Mendes and Ramsey

Against:

Nil

The Mayor declared the Motion CARRIED

REPORT

1. Executive Summary

This report seeks Council resolution for the award of Contract No. 20/009 for the Design and Construct of the Kurunjang Recreation Reserve, Tennis Court Upgrade.

Council has committed to the construction of four (4) of the tennis courts at Kurunjang Recreation Reserve.

These courts have reached their end of life and have extensive cracking and ponding. The scope of the works will involve the demolition of the existing four courts and the construction of four new concrete based courts. To ensure courts meet current standards for competition play and Tennis Australia, the scope will also include fencing, drainage and lighting.

The total project budget allocated to deliver the project is \$674,684.00.

Following the advertisement of the tender Contract No. 20/009 – Kurunjang Recreation Reserve, Tennis Court Upgrade Design and Construct, five (5) tender submissions were received. After an exhaustive tender evaluation process the recommended contractor is A.S.Lodge Pty Ltd.

A.S.Lodge Pty Ltd scored the highest in the tender evaluation and therefore are recommended for award for the lump sum of **\$553,377.00 (excl. GST)**.

The tender evaluation summary is provided in the **Confidential Appendix 1** attached to this report.

2. Background/Issues

A key element in infrastructure provision for the City of Melton is the maintenance of existing facilities to an acceptable standard so that sporting clubs, schools and communities can enjoy these fields of play.

Condition of Existing Courts

Four of the six tennis courts at Kurunjang have reached the end of life (**Appendix 2**). While it has been possible to extend court life by undertaking annual remedial patching and filling, this treatment has only lasted approximately 3-5 years. It has also been costing Council in excess of \$70,000 each time this patching and filling treatment is required.

Three of the existing courts have an asphalt base which is shifting both horizontally and vertically causing extensive cracking and undulation of the acrylic surface to the point where significant depression of some areas on the courts pose risks and affect any playability on the courts. The fourth court also has shifted away from the adjoining court creating a tripping hazard due to the gaps and different levels between the two courts.

Preferred consultants from Tennis Victoria have audited the courts and recommended that a complete replacement of the four courts at Kurunjang was the only viable long term option.

Scope of Works

Full replacement of courts will require the footprint to be extended to ensure courts are "fit for purpose" minimising risk of injury by delivering even playing surfaces and also being compliant with Tennis Australia requirements. Further, to ensure courts meet current standards for competition play, all components including fencing, access and court drainage will be required as part of the construction process. A sports court lighting design for the tennis courts was funded by Council and undertaken in the 2017-18 financial year.

Council has approved \$674,684.00 in the 2019/2020 budget for the scope of works which is to include the full reconstruction of the four (4) courts and the installation of appropriate drainage, tree root protection measures, fencing and a tennis lighting system.

Design and Construct Tender Option

Due to the urgency of the works to be completed in time for the summer tennis season and also construction taking place during the warmer weather, Council elected to go out for submissions for a complete Design and Construct. Construction is to be completed by 27th March 2020. During the construction works any current bookings for the tennis courts will be relocated to other facilities.

Contract Evaluation and Timeframes

Contract No. 20/009 - Kurunjang Recreation Reserve, Tennis Court Upgrade Design and Construct was advertised on Saturday 14 September 2019 and the public tender closed on 14 October 2019.

The evaluation panel declared no conflict of interest in relation to this tender evaluation. The tender evaluation results are outlined in **Confidential Appendix 1**.

The project is scheduled for construction during February and March 2020.

3. Council 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 following table details the budget allocation available for this project in this financial year and the implications of accepting the recommended tender:

Funding Sources	Amount \$
City of Melton Approved Budget 2019/20	\$674,684.00
TOTAL	\$674,684.00

An application for a Growing Suburbs Fund has been submitted for the Kurunjang Tennis Court Upgrade Project for \$350,000. This will offset the project budget if successful. Council is committed to delivering the project irrespective of the outcome of the application.

The budget breakdown for the project is as follows:

Project Budget Allocation	Amount \$
Build Contract 20/009 – Kurunjang Recreation Reserve, Tennis Court Upgrade Design and Construct	\$553,377.00
Construction Contingency	\$110,675.40
TOTAL	\$664,052.40

5. Consultation/Public Submissions

A consultation meeting was held on Wednesday 31 July 2019 at the Kurunjang Recreation Reserve. Attendees included the Club President and Club Representative from Kurunjang Tennis Club as well as a Recreation Project Officer from Melton City Council. The project process was discussed as well as the scope of works (installation of 4 new courts (courts 3, 4, 5 and 6), LED lighting, fencing and remedial works for Courts 1 and 2) and timeframes for the works.

Council officers have been in regular contact with the club to communicate the project progress and report on achievements of agreed Milestones.

6. Risk Analysis

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

1. Engagement of a suitably qualified construction company:

- Advertised an open tender for the Design and Construction to companies via The Age and on the Tendersearch website.
 - 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.
2. Engagement of a financial capable construction company:
- The engagement of an independent and expert consultant to conduct a financial review of the short-listed companies.

7. Options

Council has the options to:

1. Adopt the Officers' recommendations as presented in this report.
2. Not adopt the recommendations.

LIST OF APPENDICES

1. Tender Evaluation Report Contract No. 20/009 - Kurunjang Tennis Upgrade - undated - **CONFIDENTIAL**
Designated as confidential by the Chief Executive Officer pursuant to Section 77(2)(c) and Section 89(2)(d) of the *Local Government Act 1989*.
2. Aerial showing 4 courts subject of the report (29 October 2019) - undated

Cr Ramsey left the Chamber at 7:29pm.

Cr Ramsey returned to the Chamber at 7:31pm.

12.7 CITIZENSHIP CEREMONY CHANGES

Author: John Whitfield - Governance Coordinator
Presenter: Christine Denyer - Manager Legal and Governance

PURPOSE OF REPORT

To update Council on a number of changes in planning for and delivery of citizenship ceremonies

RECOMMENDATION:

That Council:

1. note the significant increase in citizenship conferees in the Melton municipality over the last two years;
2. note the revised Australian Citizenship Ceremonies Code attached at **Appendix 1**; and
3. adopt the City of Melton Citizenship Ceremony Dress Code attached at **Appendix 2**.

Motion

Crs Abboushi/Kesicy.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

Over the last two years the number of City of Melton residents who have applied for and been granted Australian citizenship has significantly increased. This is both a consequence of the rapid growth of the City's population and also that the Melbourne and the Melton municipality are attractive places to live for residents born overseas.

Additionally this report informs the Council of a revised Australian Citizenship Ceremonies Code and some of its requirements including the requirement to adopt a Dress Code.

2. Background/Issues

Increase in citizenship conferees in the Melton municipality

The growth in City of Melton residents who have applied for and been granted Australian citizenship over the last two years has been staggering.

Fourteen citizenship ceremonies were conducted by the City of Melton in the 2018-2019 financial year conferring citizenship to 1,302 residents. This compares to 5 ceremonies in the 2017-18 financial year and 509 conferees.

In the 2019-2020 financial year 25 citizenship ceremonies are currently planned to cater for 2,480 conferees. This number is expected to increase to around 34 ceremonies as the clients on the waiting list supplied to Council by the Department of Home Affairs (DHA) continues to grow. As at 30 September 2019 there were over 1,000 approved clients on the waiting list.

The DHA prefers its clients to receive their citizenship at a ceremony within three months of being granted approval. The Council strives to be responsive to this and holds citizenship ceremonies on a regular basis.

Council seeks to arrange ceremonies on suitable dates with factors such as the availability of Mayor (the Presiding Officer) and the Melton Community Hall and to fit in with the other work commitments of the Governance team all at play.

In order to meet the increase demand for citizenship ceremonies, the Council has started to plan for two ceremonies in a day (2:00pm and 6:00pm) and ceremonies on consecutive days. This means that one hall setup can accommodate multiple ceremonies. Further refinements to arrangements may be necessary if demand continues to grow.

Revised Australian Citizenship Ceremonies Code

The revised Australian Citizenship Ceremonies Code (refer **Appendix 1**) was announced by the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, The Honourable David Coleman MP, on 20 September 2019.

For the most part, it is not dissimilar to the previous Code in place since 2011. Some of the more notable requirements of the revised Code are set out below:

Presiding Officer

Like its predecessor, the revised Code requires an authorised Presiding Officer conduct the citizenship ceremony. Their legal responsibilities involve:

- reading out the *Preamble for citizenship ceremonies*
- administering the pledge.

Additionally, the Presiding Officer:

- reads the Minister's message in the Minister's absence where no Federal parliamentary representative is present; and
- signs the pledge verification list.

An Instrument of Authorisation from the Minister for Immigration, Citizenship and Multicultural Affairs lists the Mayor, Deputy Mayor, the Chief Executive Officer and Council General Managers as those Council members and officers who can act as a Presiding Officer.

The Minister/Minister's Representative

Like the previous Code, part of the ceremony requires the reading of the Minister's Message. Melton City Council has had the practice of having the Deputy Mayor, when in attendance at a citizenship ceremony, read the Minister's Message. The revised Code on page 36 says:

The Minister will be given the opportunity to speak at the citizenship ceremony. The Minister is not required to read their own message verbatim, as they may wish to deliver a speech specific to the event.

If the Minister does not attend, the local Federal MP or Senator (if present) should read the Minister's message. This must be read in its entirety and without amendment.

When neither the Minister nor a federal representative attends, the Minister's message must be read by the presiding officer in its entirety and without amendment.

In adherence to the revised Code, the Presiding Officer should read Minister's Message at future citizenship ceremonies.

Other Notable Inclusions

Other notable sections of the Code include:

- Local government councils must hold a citizenship ceremony on 26 January as part of their Australia Day celebrations.
- An expectation that ceremony organisers schedule citizenship ceremonies on or near to Australian Citizenship Day (17 September).
- Citizenship ceremonies organisers should not schedule ceremonies on federal, or the relevant state or territory sitting days, unless impracticable.
- A Dress Code is to be set by individual councils.

City of Melton Citizenship Ceremony Dress Code

One of the new requirements of the revised Australian Citizenship Ceremonies Code is for Councils to adopt a Dress Code:

On page 25 of the Citizenship Ceremony Code it says:

The attire of attendees at Citizenship Ceremonies should reflect the significance of the occasion.

A Dress Code is to be set by individual councils.

Councils must provide a current copy of their Dress Code to the Department of Home Affairs.

In compliance with the revised Australian Citizenship Ceremony Code, a draft City of Melton Citizenship Ceremony Dress Code is attached to the report at **Appendix 2**. The draft is succinct and does not seek to be overly prescriptive.

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

The 2019-20 budget for the conduct of citizenship ceremonies is \$36,000. With the increase in the number of ceremonies planned for the remainder of this year, this budget will be under pressure. A greater number of ceremonies means increased expenses in the following areas:

- Catering costs
- Audio operations
- Gifts for conferees; native plant and commemorative gold coin
- Staff overtime
- Possible contractor set up and pack down costs

Council officers will continue to consider how to cater for the increase in the number of ceremonies it conducts in both logistical terms and in financial terms.

5. Consultation/Public Submissions

Nil

6. Risk Analysis

As outlined in Section 5 of the report, there is a financial risk in conducting many more citizenship ceremonies than it has in previous years, in that the current budget was predicated on a much lower number.

7. Options

That the officer recommendation be adopted.

LIST OF APPENDICES

1. Australian Citizenship Ceremonies Code - dated August 2019
2. Citizenship Ceremony Dress Code - dated 23 October 2019

Mr Tori declared a Direct Conflict of Interest in Item 12.8 pursuant to Section 77B of the *Local Government Act* 1989 and left the Chamber at 7:34pm.

Before presenting the report at Item 12.8, Ms Denyer declared to the meeting that she reports directly to the Chief Executive Officer, Mr Tori.

12.8 CHIEF EXECUTIVE OFFICER REVIEW COMMITTEE STRUCTURE

Author: John Whitfield - Governance Coordinator
Presenter: Christine Denyer - Manager Legal and Governance

PURPOSE OF REPORT

To review and determine an appropriate structure for a Chief Executive Officer Review Committee.

RECOMMENDATION:

That Council:

1. disband its Chief Executive Officer Review Special Committee;
2. establish a Chief Executive Officer Review Advisory Committee;
3. adopt the Chief Executive Officer Review Advisory Committee Terms of Reference as attached to this report at **Appendix 1**.

Motion

Crs Hardy/Mendes.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

Section 97A of the Act requires Council to review the performance of its Chief Executive Officer at least once per year.

In meeting these requirements, the Council established a Chief Executive Officer Review Special Committee on 26 May 2003. At this time the Council adopted an Instrument of Delegation outlining the powers of this special committee.

This report has been prepared at the request of Councillors in undertaking a review of the committee arrangements for the review of the remuneration, performance and appointment of its Chief Executive Officer.

Upon this review Council can resolve to continue with a *special committee* structure, delegating decision making power to a decided number of Councillors (who would then be formally chosen by resolution at the Ordinary Meeting of Council on 9 December 2019) or

resolve to form an *advisory committee*, with no decision making powers, which would provide advice to that Ordinary Meeting of Council. An advisory committee could be made up of some or all Councillors. Draft Terms of Reference for an advisory committee are attached at **Appendix 1**.

2. Background/Issues

The Council is required under Section 94 of the Local Government Act 1989 (the 'Act') to appoint a Chief Executive Officer. Under Section 95A of the Act the employment of the CEO is to be under a contract. The contract must specify performance criteria for the purpose of reviewing the CEO's performance.

Section 97A of the Act requires Council to review the performance of its Chief Executive Officer at least once per year.

This report has been prepared at the request of Councillors in undertaking a review of the committee arrangements for the review of the remuneration, performance and appointment of its Chief Executive Officer.

Current Arrangements – Special Committee

The review of the performance of the Chief Executive Officer is currently performed by the Chief Executive Officer Review Special Committee. This committee meets twice each year. Council established this special committee at its meeting held 26 May 2003 and adopted an associated Instrument of Delegation and Schedule.

A special committee of Council has decision making abilities. It can exercise a power or perform a duty or function of the Council that has been delegated to it under any Act.

Section 86(3) of the Act says that:

“Except as provided in subsection (4), “a Council may by instrument of delegation delegate any of its functions, duties or powers under this or any other Act to a special committee”.

The limitations in Section 86(4) of the Act are:

- (a) this power of delegation;
- (b) to declare a rate or charge;
- (c) to borrow money;
- (d) to enter into contracts for an amount exceeding an amount previously determined by the Council;
- (e) to incur any expenditure exceeding an amount previously determined by the Council;
- (f) any prescribed power.

The current Chief Executive Officer Review Special Committee has four members; the Mayor and three Councillors. As a special committee it has the following powers and functions as set out in the Schedule to the Instrument of Delegation:

To exercise Council's function and powers to perform Council's duties in relation to the performance reviews of the Chief Executive Officer and for the purpose of:

1. determining any variation in the Chief Executive's total remuneration package;
2. determining any performance bonus; and
3. determining any variation to the Position Description and Performance Criteria

in accordance with the Contract of Employment between the Melton City Council and its Chief Executive Officer.

Alternative Structure – Advisory Committee

Council has an option to establish an advisory committee to consider matters relating to the employment of the Chief Executive Officer. That advisory committee could be made up of a selection of Councillors or all nine Councillors (noting that it would not be necessary for all nine to attend for the meeting to proceed – only that number of Councillors required to reach a quorum).

According to the Act an advisory committee means:

“any committee established by the Council, other than a special committee, that provides advice to—

- (a) the Council; or*
- (b) a special committee; or*
- (c) a member of Council staff who has been delegated a power, duty or function of the Council under section 98”*

An advisory committee does not have decision making power. It can make recommendations to the Council which the Council is free to adopt, abandon or amend.

Council will note that the Local Government Inspectorate has a preference for an advisory committee structure. In its report entitled *‘Protecting integrity: Leading the Way – Managing the employment cycle of a council CEO (February 2019)’*, it found that many respondents considered that the full Council needs to approve all employment matters relating to the CEO. On page 13 it says:

“Matters relating to the CEO recruitment and selection, contract/tenure/exit, performance evaluation and remuneration are some of the most important decisions a council can make and should be made by a resolution of the full council. It should not be delegated.”

Council’s advisory committees operate under adopted Terms of Reference. Committee Terms of Reference set out the composition and operating arrangements of a committee.

A draft Terms of Reference document for a Chief Executive Officer Review Advisory Committee comprising all nine Councillors is attached to this report at **Appendix 1** for Councillors consideration.

Under the draft Terms of Reference, the advisory committee has responsibility to provide advice and recommendations to Council on all matters related to the employment of the Chief Executive Officer (CEO) including but not limited to:

- Appointment of a suitably qualified Independent Facilitator
- Recruitment
- Selection
- Appointment/Reappointment
- Contractual Conditions offered and entered into by Council
- Having regard to any contract entered into between Council and the CEO,
 - Reviewing individual performance
 - Determining any variation in total remuneration package; and
 - Determining any variation to the Position Description and/or Performance Criteria

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

The Council currently uses an independent facilitator to assist Councillors that are members of the Special Committee. It is considered that this independent facilitator would continue to assist Council if it adopts an advisory committee structure. The draft Terms of Reference recommend that the independent facilitator be the Chair and minute taker of this committee.

5. Consultation/Public Submissions

Nil.

6. Risk Analysis

There is no perceived change in risk to Council by establishing a Chief Executive Officer Review Advisory Committee that comprises all nine Councillors as opposed to the current special committee arrangement.

7. Options

Council has the option to either:

1. Adopt the officer's recommendation with or without amendment to the draft Terms of Reference
2. Stay with the current Chief Executive Officer Review Special Committee structure; with or without amendment

with regard to matters related to the employment of the Chief Executive Officer.

LIST OF APPENDICES

1. Draft Terms of Reference - Chief Executive Officer Review Advisory Committee - undated

Mr Tori returned to the chamber at 7:39pm.

Cr Ramsey left the Chamber at 7:39pm.

Cr Ramsey returned to the Chamber at 7:41pm.

13. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES

Verbal reports were received from Crs Abboushi, Mendes, Ramsey, Hardy, Kesic and Carli.

14. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS

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

15. NOTICES OF MOTION**15.1 NOTICE OF MOTION 660 (CR ABBOUSHI)****Councillor: Steven Abboushi - Councillor****NOTICE:**

That due to increased traffic volumes on Troups Road South in Mount Cottrell, Council officers refer the road upgrade to the 2020/21 budget for funding consideration.

Motion

Crs Abboushi/Kesic.

That due to increased traffic volumes on Troups Road South in Mount Cottrell, Council officers refer the road upgrade to the 2020/21 budget for funding consideration.

CARRIED

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

For:

Crs Abboushi, Carli, Hardy, Kesic, Mendes and Ramsey

Against:

Nil

The Mayor declared the Motion CARRIED

16. COUNCILLOR'S QUESTIONS WITHOUT NOTICE**16.1 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Ramsey

How long will the works currently being undertaken on the railway crossing on Exford Road take to complete?

16.2 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Hardy

Does the Council have a remedial program in place to fix the damage to the handrail / guardrail on the Blackwood Drive bridge that occurred as a result of an incident?

16.3 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Mendes

Can I please have some information about the works that have been underway for several weeks on Arnolds Creek? The works look to comprise dredging the creek, tree planting and laying down of matting.

17. MOTIONS WITHOUT NOTICE**17.1 MOTIONS WITHOUT NOTICE**

Cr Ramsey

That the cost of the design for a community cultural centre with a performing arts component be referred to the 2020/21 budget for consideration.

17.2 MOTIONS WITHOUT NOTICE

Cr Carli

That Council Officers undertake an assessment of entrance treatments of established areas within the municipality, and bring a report to Council detailing the estate name, condition of entrance treatment, refurbishment required, approximate cost and assessed priority.

18. URGENT BUSINESS

Nil.

19. CONFIDENTIAL BUSINESS

Nil.

20. CLOSE OF BUSINESS

The meeting closed at 8:02pm.

Confirmed

Dated this

.....CHAIRPERSON