



# **MELTON CITY COUNCIL**

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

**22 July 2019**

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**THESE MINUTES CONTAIN REPORTS DEALT WITH AT A  
CLOSED MEETING OF COUNCIL**

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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 22 JULY 2019 AT 7.00PM

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

Mr K Tori, Chief Executive Officer  
Mr P Bean, General Manager Corporate Services  
Mr M Heaney, General Manager Community Services  
Mr L Shannon, General Manager Planning and Development  
Mr B Baggio, Manager Planning Services  
Ms LJ Mellan, Manager City Design, Strategy and Environment  
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 Turner read the opening prayer and reconciliation statement.

### **2. APOLOGIES AND LEAVE OF ABSENCE**

Nil.

### 3. CHANGES TO THE ORDER OF BUSINESS

**Procedural Motion**

Crs Ramsey/Carli.

1. 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.
2. That Item 12.4 'Planning Application PA 2018/6376/1 - Use and development of the land for the purpose of a transfer station comprising salvage and temporary storage of used or damaged motor vehicles and a reduction in the standard rate of car parking At 376-400 Leakes Road, Plumpton' be heard immediately before Item 12.1 'Advisory Committees Of Council - Aggregated Meeting Minutes'.

CARRIED

### 4. DEPUTATIONS

Nil.

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

Cr Mendes declared a conflicting personal interest pursuant to Section 79B of the Local Government Act 1989 in Item 12.4, 'Planning Application PA 2018/6376/1 - use and development of the land for the purpose of a transfer station comprising salvage and temporary storage of used or damaged motor vehicles and a reduction in the standard rate of car parking At 376-400 Leakes Road, Plumpton' and advised she will be moving that she be excused from consideration and voting on that matter when that item is presented to Council.

Mr Tori declared a Direct Conflict of Interest pursuant to Section 77B of the Local Government Act 1989 in Item 19.2, 'Annual Performance Review 2018/19 - Chief Executive'.

### 6. ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

**RECOMMENDATION:**

That the Minutes of the Ordinary Meeting of Council held on 24 June 2019 be confirmed as a true and correct record.

**Motion**

Crs Majdlik/Carli.

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**

- 24 June 2019 Record of Assembly of Councillors
- 1 July 2019 Record of Assembly of Councillors
- 15 July 2019 Record of Assembly of Councillors

**RECOMMENDATION:**

That the Record of Assembly of Councillors dated 24 June 2019 and 1 and 15 July 2019 attached to this Agenda be received and noted.

**Motion**

Crs Abboushi/Ramsey.

That the recommendation be adopted.

CARRIED

**LIST OF APPENDICES**

1. 24 June 2019 - Record of Assembly of Councillors
2. 1 July 2019 - Record of Assembly of Councillors
3. 15 July 2019 - Record of Assembly of Councillors



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

- The Hon Scott Morrison MP – Prime Minister – Acknowledging Council's letter of congratulations on the election of the coalition government

**RECOMMENDATION:**

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

**Motion**

Crs Ramsey/Kesic.

That the recommendation be adopted.

CARRIED

**LIST OF APPENDICES**

1. Correspondence Inwards - The Hon Scott Morrison MP - dated 4 July 2019

**9. PETITIONS AND JOINT LETTERS**

**9.1 3 – 13 McDONALD STREET MELTON SOUTH**

Cr Hardy tabled a petition from the residents of McDonald Street, Melton South and surrounding areas requesting 3 – 13 McDonald Street, Melton South remain as open space parkland in its entirety, for use by the community.

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

Nil.

**11. PUBLIC QUESTION TIME**

<b>Name</b>	<b>Question asked of Council</b>
Tom Stotten	Have council officers visited 3-13 McDonald Street Parkland to determine if residents are using the park. If they have visited, how often?
Tom Stotten	Is the sale of McDonald Street parkland a continuation of the Council's 2013 Parks Reserve Site Assessment Report?
Alan Fairweather	Before Hannah Watts Park was revamped, anyone using the barbeques had protection from the elements. Now there is none. Is Council trying to reduce usage or don't they or the designers realise that the wind does blow in Melton?
Alan Fairweather	How much longer is Melton City Council going to assist motorists breaking the road law by not stopping at the stop sign at Mobrey Crescent and pulling out in front of vehicles slowing for the speed hump installed in Kurunjang Drive?
Victor Mercieca	Re Planning Application No. 376-400 Leakes Road Plumpton Should this application be refused, can you please define the meaning of green wedge zone and how it affects the residents any differently from the other business in the area, eg quarry and Christmas tree farm, considering it is indoor?
Victor Mercieca	Should this application be refused can Council assist to locate a suitable site for this purpose within our shire as we have exhausted all options previously? This is a fundamental requirement for our operation to exist within our shire.

**Procedural Motion**

Crs Majdlik/Hardy.

That the recommendations as printed in Items 12.1, 12.2, 12.6, 12.9, 12.10, 12.11 and 12.14 be adopted en bloc.

CARRIED

**12. PRESENTATION OF STAFF REPORTS**

As per a previous Procedural Motion carried at this meeting, Item 12.4 has been moved to immediately before Item 12.1

**Procedural Motion**

Cr Mendes

That I be excused from the meeting while Item 12.4 is discussed and voted upon because of a conflicting personal interest, in reliance of Section 79B of the Local Government Act 1989, by reason that I know the applicant.

CARRIED

Cr Mendes left the Chamber at 7:17pm.

**12.4 PLANNING APPLICATION PA 2018/6376/1 - USE AND DEVELOPMENT OF THE LAND FOR THE PURPOSE OF A TRANSFER STATION COMPRISING SALVAGE AND TEMPORARY STORAGE OF USED OR DAMAGED MOTOR VEHICLES AND A REDUCTION IN THE STANDARD RATE OF CAR PARKING AT 376-400 LEAKES ROAD, PLUMPTON**

**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.

**Motion**

Crs Carli/Hardy.

That the recommendation be adopted.

CARRIED

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

**For:**

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

**Against:**

Nil

The Mayor declared the Motion CARRIED

## REPORT

### 1. Background

#### Executive Summary

Applicant:	ARG Planning Pty Ltd
Proposal:	Use and development of the land for the purpose of a transfer station comprising salvage and temporary storage of used or damaged motor vehicles and a reduction in the standard rate of car parking
Existing Land Use:	Existing single storey dwelling, outdoor storage of damage vehicles and shipping containers
Zone:	Green Wedge
Overlays:	Environmental Significance Overlay (ESO2) Heritage Overlay (HO201)
Number of Objections:	6 objections
Key Planning Issues:	Strategic justification Suitability of the use in this area
Recommendation:	Refuse Application

#### The Land and Surrounding Area

The subject site has an area of 40.47 hectares and is located on the western side of Leakes Road. Other features of the site are as follows:

- The site is irregular in shape.
- It contains an existing single storey dwelling located near the front of the site, sheds, dam and a number of damaged vehicles and shipping containers.
- The site abuts the Kororoit Creek to the west and the recycled water pipeline to the east.
- Mount Kororoit is located north of the site.

The surrounding area can generally be characterised by a mixture of rural living and farming activities. South east of the site is a quarry. Broad expansive rural landscapes and vistas exist across the area, more particularly viewed from the north. The openness of this landscape is emphasised by the relative flatness and by the current large lots sizes (generally over 40 hectares) and lack of development.

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

### Subject History

The subject site has been used for the storage of damaged vehicles and shipping containers since 2016 without planning approval. The shipping containers are used to screen the vehicles. Following an investigation by Council officers of the unlawful use, the property owner was advised on 10 May 2016 to lodge a planning application for consideration and did not act accordingly. A letter from Council dated 11 July 2018 further advised the property owner that the use of the land for storage is unlawful. This in turn resulted in the lodgment of a planning application for consideration on 15 October 2018.

### The Application

The application proposes the use and development of the land for the purpose of a transfer station comprising salvage and temporary storage of used or damaged motor vehicles and a reduction in the standard rate of car parking.

The proposed use and development is summarised as follows:

- The proposed use comprises the salvage of used or damaged motor vehicles and the associated temporary storage of the vehicles on the land for processing and organising before the transfer of the vehicles for use or disposal elsewhere.
- Construction of a shed with a concrete slab measuring 84m by 24m (2016m<sup>2</sup>) for the purposes to house the vehicles.
- Vehicles will be temporarily stored in the shed for 6 to 12 months before being transferred off-site.
- No more than 100 vehicles will be stored in the shed at one given time.
- Overall height of the shed is 7.5m.
- Reduction of car parking to zero.
- Two employees (tow truck drivers).
- No customers or visitors are proposed to visit the site.
- Use existing vehicle access point off Leakes Road.
- Hours of operation 8am to 6pm.
- Perimeter screening with 30 shipping containers to be painted in uniform grey finish.
- A 2.8m high internal woodland grey colorbond fence is proposed.
- Screening planting is proposed on the southern boundary.

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

### Planning Controls

Zone	(Clause 35.04 – Green Wedge Zone)	Permit required for use and development.
Overlay	(Clause 42.01 - Environmental Significance Overlay)	No permit is required.
	(Clause 43.01 - Heritage Overlay)	No permit is required.

Particular Provisions	(Clause 52.06 – Car Parking)	<p>A permit is required to reduce (including reduce to zero) the number of car parking spaces required.</p> <p>The car parking for industry is 2.9 car spaces per 100m<sup>2</sup> of net floor area. For a floor area of 2016m<sup>2</sup>, 58 car spaces are required.</p> <p>The application makes no provision for car parking.</p>
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A full assessment of the proposal against the relevant State and Local planning policies is included in **Appendix 3**.

**Is the land affected by a Restrictive Covenant?**

The land is not affected by a Restrictive Covenant.

**Is the land of Cultural Heritage Sensitivity?**

The land is considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*; however as the activity area is not located within an area of cultural heritage sensitivity, the proposal does not require a cultural heritage management plan.

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

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

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

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

## 3. Financial Considerations

No Council related financial considerations are involved with the application.

## 4. Consultation/Public Submissions

### Public notification of the application

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

The grounds of objection may be summarised as follows:

- Contamination of land and natural water systems which will impact on flora, fauna and agriculture.
- Use not appropriate for the zone.
- Unsightly site with outdoor storage of shipping containers and over 300 damaged vehicles.
- Bushfire hazard to human life, property and livestock due to fuel and oil leakages from damaged vehicles.
- Impact on the rural character.
- Noise from vehicles and machinery.
- Use of existing shed to dismantle vehicles.
- Operational hours of the proposed use.

- Impact on quality of life/rural amenity.
- Property devaluation.
- Risk of criminal activity associated with the use and security concerns.
- Safety impacts due to increase in traffic.
- Approval of the proposal will set a precedent for similar uses in the future.

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

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

The application was referred to Council's City Environment and Sustainability Unit for comment and advice. The application was also referred to Environmental Planning Authority (EPA) for comment and advice. A complete list of responses is included in **Appendix 5**.

Of particular note are EPA concerns relating to bushfire risk and contamination of land and water due to oil and fuel leaks from damaged vehicles stored in open air. EPA recommended storage of all damaged vehicles within a shed.

## **5. Issues**

### **Planning Assessment**

The Planning Policy Framework (PPF), Local Planning Policy Framework (LPPF) and Particular Provisions of the Melton Planning Scheme place a strong emphasis on protecting and avoiding the permanent loss of agricultural land, protecting the green wedge areas from inappropriate development, preserving the integrity of the non-urban character of the green wedge land and discouraging urban based uses in non-urban areas. The nesting of transfer station in the industry group of uses is a clear indicator that the transfer station is an urban rather than a non-urban use. The effect of allowing an urban use into a non-urban area undermines the intent of relevant policy to draw a clear and sustainable urban boundary.

The proposed use and development is contrary to the objectives of the zone and policy, in that it is inappropriately located, results in loss of agricultural land and would detract from the landscape character of the surrounding area.

The green wedge policy of the Melton Planning Scheme also directs Council to have regard to any relevant green wedge management plan. In this case it is the Western Plains North Green Wedge Management Plan (WPNGWMP). The WPNGWMP provides a framework to support sustainable land use, land management and development within the green wedge. It is a document that is helpful in resolving the competing strategic planning objectives within the Green Wedge and the implementation of relevant policy.

In the WPNGWMP, the subject land sits within Precinct 3 - Leakes Road – Holden Road, where discretionary uses are not supported to avoid future conflict with agricultural activities. Discretionary uses (such as churches or schools) within Precinct 3 can only be considered on sites abutting the Melton Highway. The subject site does not abut the Melton Highway, as such the proposal should not be supported. The WPNGWMP identifies that the area displays an open, rural character that is to be retained. The proposal includes a built form that would detract from the area's open character.

It is noteworthy that Precinct 3 - Leakes Road – Holden Road, is a key area for agriculture as such should be protected from the intrusion of urban related uses considering the opportunities presented by recycled water available in the area. The proposal is an urban intrusion into non-urban land, agricultural area and an area designed for an open rural landscape. It is contrary to the policies relating to the protection of agricultural rural land, retention of rural land for rural use, and against the rural landscape character.

Whilst the applicant seeks approval for use and development of a transfer station, it is considered that the description of the proposal in the submitted town planning report suggests that it is more likely to be used as store. A transfer station is defined in the Melton



Planning Scheme as, land used to collect, consolidate, temporarily store, sort or recover refuse or used materials before transfer for disposal or use elsewhere. A store is defined in the Melton Planning Scheme as land used to store goods, machinery, or vehicles.

It is considered that there is an argument that the proposed use is more appropriately categorized as a store rather than a transfer station, which would render the use prohibited on the site based on the zoning of the land. Additionally the storage of shipping containers in the Green Wedge zone is prohibited.

Given the nature of the proposal, provision of fewer car parking spaces onsite would be supported. However reducing car parking to zero is not supported as it is practically possible to provide car parking spaces within the site to support the use.

Whilst the proposal avoids loss of native vegetation through the preparation of a conservation management plan and addresses EPA concerns relating to contamination by proposing storage of all damaged vehicles in a shed with a concrete slab, overall it is considered that the proposal is broadly inconsistent with relevant policy.

## 6. Options

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

## 7. Conclusion

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

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

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

## LIST OF APPENDICES

1. Locality Plan - dated 28 June 2019
2. Plans for the Proposal - dated 19 September 2018 and 18 February 2019
3. Assessment against Planning Scheme - undated
4. Response to Objections - undated
5. Referral Comments - undated
6. Grounds of Refusal - undated

## 12.1 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

Author: Emily Ciantar - Acting Governance Officer

Presenter: Kel Tori - Chief Executive Officer

### PURPOSE OF REPORT

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

### RECOMMENDATION:

That Council:

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

### Motion

Crs Majdlik/Hardy.

That the recommendation be adopted.

CARRIED

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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 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
4 June 2019	Melton Transport Community Reference Group	Appendix 1
4 June 2019	Road2Zero Steering Committee	Appendix 2
4 June 2019	Youth Advisory Council Committee	Appendix 3
14 June 2019	Preventing Family Violence Advisory Committee	Appendix 4
20 June 2019	Early Years Partnership Committee	Appendix 5
20 June 2019	Arts and Culture 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. Melton Transport Community Reference Group Meeting Minutes - dated 4 June 2019
2. Road2Zero Steering Committee Meeting Minutes - dated 4 June 2019
3. Youth Advisory Council Committee Meeting Minutes - dated 4 June 2019
4. Preventing Family Violence Advisory Committee Meeting Minutes - dated 14 June 2019
5. Early Years Partnership Committee Meeting Minutes - dated 20 June 2019
6. Arts and Culture Advisory Committee Meeting Minutes - dated 20 June 2019

## 12.2 MUNICIPAL AUDIT COMMITTEE MEETING - 26 JUNE 2019

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 26 June 2019.

### RECOMMENDATION:

That Council:

1. Note the minutes of the Municipal Audit Committee meeting held on Wednesday 26 June 2019 at **Appendix 1**.
2. Adopt the recommendations arising within the minutes.
3. Note the 2018/2019 Finance Report - 11 Months Ended 31 May 2019 at **Appendix 2**.
4. Adopt the Audit Committee Charter at **Appendix 3**.

### Motion

Crs Majdlik/Hardy.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

The minutes of the Audit Committee meeting held on 26 June 2019 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 Turner and Hardy and three independent external members, Mr Robert Tommasini, Mr Farshan Mansoor and Ms Celeste Gregory.

#### **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. Municipal Audit Committee Minutes - dated 26 June 2019
2. Monthly Finance Report as at 31 May 2019
3. Audit Committee Terms of Reference - dated 26 June 2019

Cr Mendes returned to the Chamber at 7:28pm.

Cr Carli left the Chamber at 7:28pm.

### **12.3 RESPONSE TO PETITION - REQUEST FOR TRAFFIC SIGNALS AT THE INTERSECTION OF WESTWOOD DRIVE AND NICOL AVENUE, BURNSIDE**

**Author: Tom Lay - Traffic Engineer**

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

#### **PURPOSE OF REPORT**

To respond to the petition received at the Ordinary Meeting of Council on Monday 29 April 2019 requesting that Council install traffic signals at the intersection of Westwood Drive and Nicol Avenue in Burnside.

#### **RECOMMENDATION:**

That Council:

1. Restricts the right turn movements out of Nicol Avenue to provide a safer intersection for motorists to exit Nicol Avenue.
2. Maintains the current right turn movements into Nicol Avenue from Westwood Drive.

#### **Motion**

Crs Majdlik/Abboushi.

That Council officers:

1. provide a further report to Council outlining the costs and potential installation of temporary traffic lights in this area.
2. provide this report (Item 12.3) and the resolution in full to the petitioner.
3. organise a briefing with management and residents of the Burnside Retirement Village with a representative from VicRoads to discuss the plans for the ultimate triplification of Westwood Drive.
4. Write to the Member for Kororoit, The Hon. Marlene Kairouz MP to petition her to work with the residents of the Burnside Retirement Village as well as VicRoads to install traffic lights at this particular stretch of road for the future plans of the future triplification of this road.

CARRIED

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#### **REPORT**

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

At the Ordinary Meeting of Council on Monday 29 April 2019, a petition was tabled requesting that Council install traffic signals at the intersection of Westwood Drive and Nicol Avenue.

Council engaged an independent traffic consultant to conduct an intersection analysis which includes reviewing the intersection functionality and identifying safety improvements.

VicRoads' Palmers Road Corridor Study identifies that the intersection of Westwood Drive and Nicol Avenue will ultimately be left in/left out and therefore would not be warranted for traffic signals.

Until such time that Westwood Drive is duplicated, the recent intersection analysis study recommends that Council restricts the right turn movements out of Nicol Avenue and maintains the current right turn movements into Nicol Avenue from Westwood Drive.

## 2. Background/Issues

Westwood Drive forms part of VicRoads' Palmers Road Corridor Study that in the future will ultimately be a six lane arterial road connecting the Western Freeway to the Calder Freeway. The intersection of Westwood Drive and Nicol Avenue will ultimately be a left in/left out only.

Westwood Drive is currently a collector road consisting of one traffic lane in each direction. Nicol Avenue is a local cul-de-sac and is the only access to the Burnside Retirement Village and the Arcare Burnside Aged Care Facility. The intersection of Westwood Drive and Nicol Avenue is currently a T-intersection, with both the northern and southern approaches on Westwood Drive having dedicated turning lanes into Nicol Avenue.

Council has recently constructed the Westwood Drive Bridge over the Kororoit Creek forming a critical infrastructure link between Burnside and Burnside Heights. Construction commenced in January 2018 and was completed and open to traffic in December 2018. Following the opening of the Westwood Drive Bridge, residents at the Burnside Retirement Village and the Arcare Burnside Aged Care Facility raised concerns associated with the right movements out of Nicol Avenue onto Westwood Drive.

Subsequent to this, at the Ordinary Meeting of Council on Monday 29 April 2019, a petition was tabled requesting that Council install traffic signals at the intersection of Westwood Drive and Nicol Avenue.

### Traffic Volume

Following the opening of the bridge, Council collected traffic data which indicates that the traffic volume on Westwood Drive in the vicinity of Nicol Avenue has marginally increased as follows:

- The AM peak hour traffic volume has increased by 37 vehicles per hour. This equates to less than one additional vehicle per minute.
- The PM peak hour traffic volume has increased by 137 vehicles per hour. This equates to approximately two additional vehicles per minute.

### Intersection Analysis

Council engaged an independent traffic consultant to conduct an intersection analysis which includes reviewing the intersection functionality and identify safety improvements. The survey was conducted on Friday 29th March 2019 between 7.00am to 7.00pm and Saturday 30th March, between 10.00am to 2.00pm. This represents the peak times of both a weekday and weekend.

Based on the intersection analysis, the study identifies that the existing access arrangement between Westwood Drive and Nicol Avenue is acceptable to provide all turning movements in and out of Nicol Avenue, and that there are sufficient gaps between traffic streams along Westwood Drive to accommodate all turning movements. It is however, noted that the delays for right turn movements out of Nicol Avenue are considerable.

VicRoads' Palmers Road Corridor Study identifies that the intersection of Westwood Drive and Nicol Avenue will ultimately be left in/left out and therefore would not be warranted for traffic signals. Until such time that Westwood Drive is duplicated, the study recommends that Council



restricts the right turn movements out of Nicol Avenue and still maintains the current right turn movements into Nicol Avenue from Westwood Drive.

Restricting the right turn and only allowing left turn movements out of Nicol Avenue will provide a safer intersection for motorists to exit Nicol Avenue. Motorists that are required to travel southbound towards the Western Highway can do so by either turning left at Westwood Drive and then left at Kelly Avenue, circulating back to Western Highway via Chisolm Drive, or do a U-turn at the Rockbank Middle Road roundabout. These respectively represent a detour of 2.3km and 2.1km, equating to additional travel times of approximately 3 minutes. However, the detour travel time will also remove the delays associated with waiting to turn right out of Nicol Avenue, hence reducing the overall net delay. The alternative routes are shown **Appendix 1**.

In the ultimate scenario where Westwood Drive is duplicated and the right turn movements into Nicol Avenue are also restricted, drivers will be required to travel further south to do a U-turn at the intersection of Landy Court/ Burnside Shopping Centre entrance. This alternative route is shown in **Appendix 2**.

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

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

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

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

### **4. Financial Considerations**

Option 1 is estimated to cost approximately \$6,000 to restrict right turn movements out of Nicol Avenue.

Option 2 is estimated to cost approximately \$20,000 to restrict both right turn movements in and out of Nicol Avenue.

Option 3 is estimated to cost approximately \$800,000 to install traffic signals.

There is no financial cost associated with option 4.

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

This report has been prepared in receipt of a petition that was tabled at the Ordinary Meeting of Council on Monday 29 April 2019.

Previous to the receipt of the petition Council officers have liaised with the Burnside Retirement Village Manager to discuss the safety concerns raised by the village residents which led to the commissioning of the intersection analysis report.

### **6. Risk Analysis**

Option 1 - Some motorists may still continue to turn right out of Nicol Avenue. To mitigate this risk, amendments to the intersection will occur to prevent this from occurring.

Option 2 - Given that there is currently a dedicated right turn lane for motorists to turn right into Nicol Avenue from Westwood Drive and the analysis indicates that the delays are typically quite low, residents of the Burnside Retirement Village and the Arcare Burnside Aged Care Facility may not support restricting the right turn into Nicol Avenue prior to the Westwood Drive duplication.

Option 3 – The Palmers Road Corridor Study does not identify this intersection requiring traffic signals therefore should traffic signals be installed they will be removed at the time Westwood Drive is duplicated. It should be noted that when Westwood Drive is duplication the intersection will operate as a left in/ left out arrangement.

Option 4 - Like any other T-intersection, there are risks associated with turning movements, in particular the right turn movements out onto a major collector road such as Westwood Drive. However, given that the delays for right turn movements out of Nicol Avenue are considerable, motorists may potentially start to accept unsafe gaps between traffic streams along Westwood Drive which increases the likelihood of potential crashes.

## **7. Options**

Option 1 - Restricting right turn movements out of Nicol Avenue however, maintain the right turn movements into Nicol Avenue from Westwood Drive.

Option 2 - Implement the ultimate solution of restricting both right turn movements in and out of Nicol Avenue. Therefore, access into Nicol Avenue will be a left in/left out only. This aligns with the ultimate access arrangement as identified in VicRoads' Palmers Road Corridor Study.

Option 3 – Install traffic signals to the current intersection layout.

Option 4 - No changes to the current access arrangements and maintaining all turning movements in and out of Nicol Avenue.

## **LIST OF APPENDICES**

1. Restricting right turn movements out of Nicol Avenue (left out only) - Propose alternative route - undated
2. Restricting right turn movements into Nicol Avenue - Propose alternative route - undated

Pursuant to an earlier resolution, Item 12.4 - 'Planning Application PA 2018/6376/1 - use and development of the land for the purpose of a transfer station comprising salvage and temporary storage of used or damaged motor vehicles and a reduction in the standard rate of car parking At 376-400 Leakes Road, Plumpton' has been moved to immediately before Item 12.1.

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

Cr Ramsey left the Chamber at 7:36pm.

**12.5 PLANNING APPLICATION PA 2019/6451 - USE AND DEVELOPMENT OF THE LAND FOR THE PURPOSE OF A TELECOMMUNICATIONS FACILITY COMPRISING A 45 METRE HIGH SLIMLINE MONOPOLE WITH ASSOCIATED PANEL ANTENNAE AND EQUIPMENT SHELTER AT 17 COLLINS ROAD, MELTON**

**Author: Shane Trenergy - Development Planner  
Presenter: Bob Baggio - Manager Planning Services**

**PURPOSE OF REPORT**

To consider and determine the above planning application.

**RECOMMENDATION:**

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

**Motion**

Crs Majdlik/Hardy.

That the recommendation be adopted.

CARRIED

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

**For:**

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

**Against:**

Cr Abboushi

The Mayor declared the Motion CARRIED

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

Applicant:	Stilmark Holdings Pty Ltd
Proposal:	Use and development of the land for the purpose of a telecommunications facility comprising a 45 metre high slimline monopole with associated panel antennae and equipment shelter
Existing Land Use:	Automotive repairs and servicing
Zone:	Industrial 1
Overlays:	Not applicable
Number of Objections:	One
Key Planning Issues:	Visual amenity Clustering of telecommunications facilities Compliance with the Code of Practice for Telecommunications Facilities in Victoria 2004 Compliance with Council's Communications Infrastructure Policy Framework
Recommendation:	Approve application

**The Land and Surrounding Area**

The subject site has an area of 4,008m<sup>2</sup> and is located on the southern side of Collins Road and on the eastern side of Industrial Drive in Melton. Other features of the site are as follows:

- The site is regular in shape and flat in nature.
- It is used for automotive repairs and servicing and has large shed-type buildings constructed along most of the southern boundary and part of the eastern boundary.
- The site is generally open, with a row of trees along part of the Collins Road frontage.
- The primary entrance to the property is via Industrial Drive.

The surrounding area can be characterised as a substantially developed industrial precinct dominated by warehousing, logistics businesses and light industrial uses including manufacturing and service industries.

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

**The Application**

The application proposes the use and development of the land for the purpose of a telecommunications facility comprising a 45 metre high slimline monopole with associated panel antennae and equipment shelter.

The proposed monopole will be owned by Stilmark Holdings Pty Ltd, with Vodafone Hutchinson Australia responsible for the installation of the antennas, feeders and new equipment shelter. The facility will improve access to the full suite of services from the Vodafone network, including improved voice call quality, high speed broadband internet access, video calling and other data services.

The new facility is required to improve the level of service Vodafone is seeking, with the additional antenna height and structural capacity required to allow for future flexibility in equipment levels, including that needed for 5G services.

The facility will be located towards the south-eastern corner of the site and between two buildings. The equipment shelter will be mostly screened from the northern, southern and eastern frontages and is mainly seen from the western (Industrial Drive) frontage.

Nine remote radio units and three panel antennas, each with a length of 2.6 metres, will be mounted to a new headframe on the top of the 45 metre high monopole.

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

### Planning Controls

Planning Policies	19.03-4S – Telecommunications	The proposal complies with the relevant Planning Policies.
Local Planning Policies	21.11 – Infrastructure	The proposal complies with the relevant Local Planning Policies.
Zone	Clause 33.01 – Industrial 1 Zone	A permit is required for the use and development of a telecommunications facility.
Overlays	N/A	Not applicable.
Particular Provisions	Clause 52.19 – Telecommunications Facility	The proposal is generally consistent with the purpose of this clause and the principles set out in <i>A Code of Practice for Telecommunications Facilities in Victoria, July 2004</i> .

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 2018*.

## 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 public notification. Properties generally within 500 metres of the subject land were notified, with two notices placed on the property (one facing Collins Road and one facing Industrial Drive). The notification was satisfactorily completed and one objection was received.

The grounds of objection may be summarised as follows:

- Lack of justification as to why a new facility is required.
- The existing facility at 6 Production Road, Melton, is capable of accommodating future equipment installations.
- There is no meaningful improvement in the overall network coverage based on the Independent RF Analysis.
- The proposal is not supported by policy, particularly with regards to co-location.

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

### Referral of the application

The application was not referred to any Council departments.

## 5. Issues

### Planning Assessment

The Code of Practice for Telecommunications Facilities in Victoria (2004) outlines four basic principles which should be applied when assessing the merits of the proposal. These four principles are:

- A telecommunications facility should be sited to minimise visual impact.
- Telecommunications facilities should be co-located wherever practical.
- Health standards for exposure to radio emissions will be met.
- Disturbance and risk relating to siting and construction should be minimised.

The proposal is consistent with the above principles and requirements of the Code of Practice for Telecommunications Facilities in Victoria (2004).

On 18 December 2017, Council adopted the Communications Infrastructure Policy Framework. The Framework is currently a reference document under Clause 21.11-3 of the Melton Planning Scheme. The Framework is consistent with the Code of Practice mentioned above.

An analysis of possible co-location opportunities within approximately 500 metres of the site was provided. The existing facility at 6 Production Road, Melton, is the closest telecommunications facility, approximately 180 metres east from the proposed facility. The proposal would see two telecommunication facilities (monopoles) within proximity of each other, potentially impacting on the visual amenity of the area.

Council previously refused an application (PA2017/5584) for a 35 metre high telecommunications tower at 1646-1656 Melton Highway, Plumpton. The refusal was based on the applicant not properly investigating and considering co-location opportunities with existing nearby towers, particularly as there was a 25 metre high Telstra telecommunications tower on the land and a proposed NBN tower located approximately 54 metres to the north. The applicant appealed Council's decision to VCAT, with the Tribunal setting aside Council's decision and directing a permit to be issued in *NBN Co Limited v Melton SC* [2018] VCAT 827.

The Tribunal considered the opportunity of co-location and if the tower will be visually dominant and to the detriment of the area. In its decision of the telecommunications tower at 1646-1656 Melton Highway, the Tribunal found it was not practical to co-locate and the tower would not be visually dominant, but rather a part of the broad plains landscaping on the fringe of metropolitan Melbourne.

In the analysis of co-location, an upgrade to the existing facility does not facilitate the network capacity and coverage Vodafone is seeking. The estimated cost of upgrading the existing facility in comparison to the construction of a new facility was also a determining factor, with the establishment costs and the ongoing costs, particularly over a 20 year period, substantially lower with the new facility. In this instance, co-location is not considered practical. However, the applicant has indicated there is provision in the future for other carriers to co-locate to this proposed facility.

Although the proposed facility is located within 180 metres of the existing facility, it is considered the amenity of the area will not be adversely impacted, particularly as the proposal is located within the centre of an industrial area. Under Council's adopted Communications Infrastructure Policy, the preferred hierarchy of land uses when siting communications infrastructure (from preferred to least preferred) is industrial, commercial, rural and finally residential. The proposal is located within a zone and area that is preferred under the Communications Infrastructure Policy.

The two other telecommunication facilities are located over 550 metres away, with a 45 metre high Optus tower at 4-6 Grant Court, Melton, and a 30 metre high Telstra tower at 28 Gateway Drive, Melton. Co-location is not practical for both these towers due to their distances from the area Vodafone is targeting to improve services and the likelihood Vodafone's equipment will be located beneath the equipment operated by Optus and Telstra, resulting in reduced coverage and diminished improvements.

The proposed facility will be located between two buildings towards the south-eastern corner of the site and near the eastern property boundary, effectively screening the equipment from the northern frontage along Collins Road and the southern frontage. The building on the adjoining property at 13 Production Road will also screen the equipment associated with the telecommunications facility from the eastern frontage. The equipment will mainly be seen from the western frontage along Industrial Drive and is unlikely to cause any detriment to visual amenity.

The proposal is considered to be generally consistent with the principles as outlined in the Code of Practice and with Council's Communications Infrastructure Policy.

## 6. Options

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

## 7. Conclusion

The application has been assessed against the 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 complies with the relevant requirements of the Planning Scheme.

Therefore, it is recommended that the application be approved as outlined in **Appendix 5**.

**LIST OF APPENDICES**

1. Locality Plan - dated 1 July 2019
2. Plans for the proposal - dated 15 May 2018
3. Assessment against relevant planning controls - undated
4. Response to objections - undated
5. Conditions on planning permit - undated



## 12.6 LOCAL GOVERNMENT POWER PURCHASE AGREEMENT

**Author: Kellie Mills - Sustainability Officer**  
**Presenter: Laura-Jo Mellan - Manager City Design, Strategy & Environment**

### PURPOSE OF REPORT

To consider the proposal to participate in a tender process to procure renewable energy through a Local Government Power Purchase Agreement which will commence at the end of the current energy contract in 2020.

### RECOMMENDATION:

That Council:

1. Commit 100% of Melton City Council's electricity load to the Power Purchase Agreement Tender process;
2. Commit to the tender outcome on the basis that the cost impact over the life of the contract is no more than Business as Usual based on the modelled mid-renewable scenario for 100% renewable; and
3. Delegate authority to the Chief Executive Officer to finalise and execute the retail supply agreement contract(s), on behalf of Melton City Council, subject the satisfaction of Recommendation 2.

### Motion

Crs Majdlik/Hardy.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

Through the adopted *Environment Plan 2017-2027*, Council has committed to net-zero greenhouse gas emission reduction target by 2040 that is unlikely to be met by onsite solar and energy efficiency measures alone, even when all cost-effective opportunities are realised.

Melton City Council currently procures electricity via Municipal Association of Victoria (MAV) bulk procurement contracts. These contracts supply Melton City Council's electricity from fossil fuel sources (coal) and expire 30 December 2020.

Melton City Council has the opportunity to collaborate with a number of other Victorian Councils to procure electricity from a renewable energy source via a Power Purchase Agreement (PPA) thereby removing any greenhouse gas emissions from our consumption of electricity which will make a significant contribution to the reduction target. Currently 54 Victorian Councils have expressed an interest to participate in this new Power Purchase Agreement following the expiry of their existing electricity contracts.

A detailed business case has been prepared to provide the evidence base and economic modelling for the renewable energy PPA specific to Local Government. A summary of this

business case is contained at **Appendix 1**. The Business case modelling demonstrates that under the most likely price scenario, Melton City Council can save on electricity costs with 100% renewable electricity when compared to projected costs of a Business as Usual (BAU) approach to purchasing electricity.

In addition to the greenhouse gas emission reduction, the proposed PPA has the additional benefit over the life of the contract (7-10 years) by providing price security in a volatile energy market which will result in financial savings for Council. A PPA is also likely to decrease the administration burden of 2-3 year contract renewals which is the current practice. Collaborating on a renewable PPA which is being developed specifically for local government, also captures economies of scale and implementation efficiencies.

## 2. Background/Issues

Melton City Council, through its Environment Plan 2017-2027, committed to a 20% reduction in greenhouse gas emissions (baseline of 2015-2016) by 2020-2021 and net-zero emissions by 2040.

To date, Council's primary approach for achieving reductions in greenhouse gas emissions has been through energy efficiency measures such as building upgrades and street lighting changeovers. Council will continue to investigate viability for localised renewable energy generation such as rooftop solar power, and complete further energy efficiency measures. However to achieve net-zero emissions the remaining electricity requirements will need to be met by a "decarbonised" grid sourced electricity supply.

Melton City Council currently procures electricity via Municipal Association of Victoria (MAV) bulk procurement contracts. These contracts supply Melton City Council's electricity from fossil fuel sources (coal) and expire 30 December 2020. In addition to the greenhouse gas emissions we generate using fossil fuel sources, under this current contract, Melton City Council has been exposed to the volatility in the Australian electricity market having seen a 35-40% price increase in the most recent electricity contracts.

### Local Government Renewable Energy PPA Project

In November 2017, the Victorian Greenhouse Alliances, including the Western Alliance for Greenhouse Action (WAGA) of which Melton City Council is a member, formed an Energy Procurement Working Group to develop a renewable energy PPA for all Victorian Councils. This working group has been led by Darebin City Council and has:

- a) Developed a PPA project brief and risk register;
- b) Engaged with the energy sector to better understand market conditions and preferences in relation to the PPA model; and
- c) Engaged energy market experts (Energetics) to develop a business case to test the viability of the PPA model.

The aim is to develop a 100% renewable energy procurement option for Victorian councils in the form of a PPA that is available to participating Councils when their current electricity contracts expire from December 2020.

The buyers group engaged a specialist energy and carbon management consultancy, Energetics, to prepare a business case on the viability of a PPA for the 39 Councils who subscribed to the business case upfront. Melton City Council is one of 15 additional Councils who subscribed to the process after the release of the business case as we did not have the resources to commit to the development of the business case.

The business case modelled the electricity cost data against three different future electricity grid scenarios over a 7-10 year period:

- **Low-Renewable:** modelled a Business as Usual (BAU) approach which is a low renewable scenario.

- **Mid-Renewable:** modelled as a realistic mid-renewable scenario based on known policies and projects that are underway.
- **High-Renewable:** modelled a high renewable scenario that would require more advanced policies and significant projects to come online.

The electricity prices were also costed with the Large-scale Generation Certificates (LGCs) factored in with the 20% minimum currently required for compliance with the Australian Government Renewable Energy Target and the additional 80% required to claim 100% Renewable Energy. A summary of the Business Case is contained at **Appendix 1**.

The Business Case found that the Mid-renewable option was the most likely scenario and that this approach should form the basis of any tender proposal for a future PPA.

Based on the outcomes of the Business Case it has been determined to proceed to the market with a Local Government PPA tender. As part of this process, all Councils who agree to participate in the Local Government PPA, will need to commit to:

- Nominating at least 20% of their overall electricity volume (**refer Table 1**);
- 'Committed Volume Arrangement' whereby the nominated volume of energy in MWh is committed to the tender; and
- Accept the outcomes of the resulting request for tender, subject to all the project parameters being met including, that the cost impact over the life of the contract is no more than Business as Usual based on the modelled mid-renewable scenario for 100% renewable.

**Table 1: Current electricity volume - Annual Electricity Consumption 01/05/2018 to 01/05/2019**

	Number of accounts	Retailer	kWh/Yr	MWh/yr
Large Market	12	ERM	2,868,345	2868.3
Small Market	197	AGL	2,159,364	2,159.4
Street Lighting	4	ERM	7,641,972	7,641.9
Total	213		12,669,681	12,669.7

Electricity prices are known to be volatile and unpredictable. Wholesale prices are impacted by many factors including local weather, resource availability, constraints on plant and infrastructure and government policy. Melton City Council has been exposed to the volatility in the Australian electricity market having seen a 35-40% price increase in the most recent electricity contracts.

The Local Government PPA would provide Council with price certainty and a buffer against market trends. PPAs have been modelled to reduce the cost of electricity and provide 100% renewable energy at no extra cost (compared to BAU).

Based on the above and officers assessment of the Business Case, it is recommended that Melton City Council commit to the Local Government Power Purchase Agreement as set out in this report.

### 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

*2.2 A 'low-carbon city' well-adapted to changing climate conditions.*

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

The energy bills themselves are an existing operational cost which will continue regardless of the way which Council purchase power. It is however worth noting that the Business Case Participation in the Local Government PPA also requires a total financial contribution of \$35,000 over three stages:

1. \$10,000 - Development of the Business Case (completed).
2. \$10,000 - Tender Development and
3. \$15,000 - Tender Evaluation, Negotiation and Award

The above project costs will be expended from the recurring operational budget of City Design, Strategy & Environment unit.

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

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

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

Price methodology and acceptable limits established as risk mitigation to increased electricity costs; to only award a contract with a supplier(s) if the preferred tender meets the following price parameters;

The Net Present Cost\* impact over the life of the contract is no more that Business as Usual based on the mid-renewables Scenario whereby:

Business as Usual = Power costs + LGC compliance costs (20%) + Voluntary LGC costs (80%)

\*As per the methodology established in the Business Case Report.

#### **7. Options**

Council can choose not to proceed with the recommendations of this report.

The alternative option to being involved in the PPA is to continue with the current electricity procurement practice of 2-3 year fixed price contracts with an aggregator, such as the MAV or Procurement Australia. As the modelling suggests, this has the potential to expose Council to the wholesale price volatility. This option is therefore not recommended.

Another option to procure decarbonised electricity is to purchase accredited Greenpower via the current retailer at an additional cost. This would increase Council's current BAU costs and therefore is not recommended.

#### **LIST OF APPENDICES**

1. Executive Summary Business Case Report - LG PPA Project Final - dated 10 May 2019

Cr Ramsey returned to the Chamber at 7:38pm.

## 12.7 GROWING SUBURBS FUND - PROPOSED PROJECTS

**Author: Leigh Ryall - Strategic Portfolio Coordinator**

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

### PURPOSE OF REPORT

To outline the draft criteria for Growing Suburbs Fund and determine Council's priority projects for submission to the Fund.

### RECOMMENDATION:

That Council endorse the submission to the Growing Suburbs Fund (GSF) for the following projects in priority order:

1. Cobblebank Indoor Stadium - \$5,000,000 funding for a \$30,000,000 project
2. Brookside Community Pavilion - \$650,000 funding for a \$1,300,000 project
3. Melton Recycling Facility Stage 2 - \$3,000,000 funding for a \$7,250,000 project
4. Solar Panel Retro Fit Program - \$700,000 funding for a \$1,400,000 project
5. Eynesbury Station Early Learning Centre - \$900,000 funding for a \$4,300,000 project
6. Kurunjang Tennis Courts - \$300,000 funding for a \$710,000 project

### Motion

Crs Majdlik/Abboushi.

That Council endorse the submission to the Growing Suburbs Fund (GSF) for the following projects in priority order:

1. Cobblebank Indoor Stadium - \$5,000,000 funding for a \$30,000,000 project
2. Brookside Community Pavilion - \$650,000 funding for a \$1,300,000 project
3. Melton Recycling Facility Stage 2 - \$3,000,000 funding for a \$7,250,000 project
4. Solar Panel Retro Fit Program - \$700,000 funding for a \$1,400,000 project
5. Eynesbury Station Early Learning Centre - \$900,000 funding for a \$4,300,000 project
6. Kurunjang Tennis Courts - \$300,000 funding for a \$710,000 project

and that the park adjacent to the City Vista Pavilion and Sports Field in Fraser Rise be added to this list of projects for submission to the Growing Suburbs Fund (GSF) with this addition to be \$400,000 funding for a \$800,000 project.

LOST

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

### For:

Crs Abboushi, Carli, Kesic and Majdlik

**Against:**

Crs Hardy, Mendes, Ramsey, Sebire and Turner

The Mayor declared the Motion LOST

**Motion**

Crs Ramsey/Mendes.

That the recommendation be adopted.

CARRIED

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

The State Government launched the Interface Growth Fund (IGF) in July 2015 announcing a \$50M investment in the outer suburbs to support the delivery of critical local infrastructure needs for growing communities. The ten Councils referred to as the Interface Councils are eligible for the funding are Cardinia, Casey, Hume, Melton, Mitchell, Mornington Peninsula, Nillumbik, Whittlesea, Wyndham and Yarra Ranges.

In 2016 the Interface Growth Fund was renamed the Growing Suburbs Fund and each year the GSF has been a vital source of funding for growth Councils with \$250M allocated in total across the five rounds.

Council has been successful in obtaining \$23.8M across the four rounds and compared to all other Councils have the received funding for the most number of projects and have the best record in achieving the milestone commitments.

**Table 1: Melton City Council – Funding Received from IGF and GSF**

Program	Funding Obtained \$
Interface Growth Fund - 2015/2016	6,321,000
Growing Suburbs Fund - 2016/2017	4,384,900
Growing Suburbs Fund - 2017/2018	8,100,000
Growing Suburbs Fund - 2018/2019	4,995,000
	23,800,900

**2. Background/Issues**

Council has been successful in obtaining \$23.8M across the four rounds of funding and have delivered or are in the process of delivering the below projects.

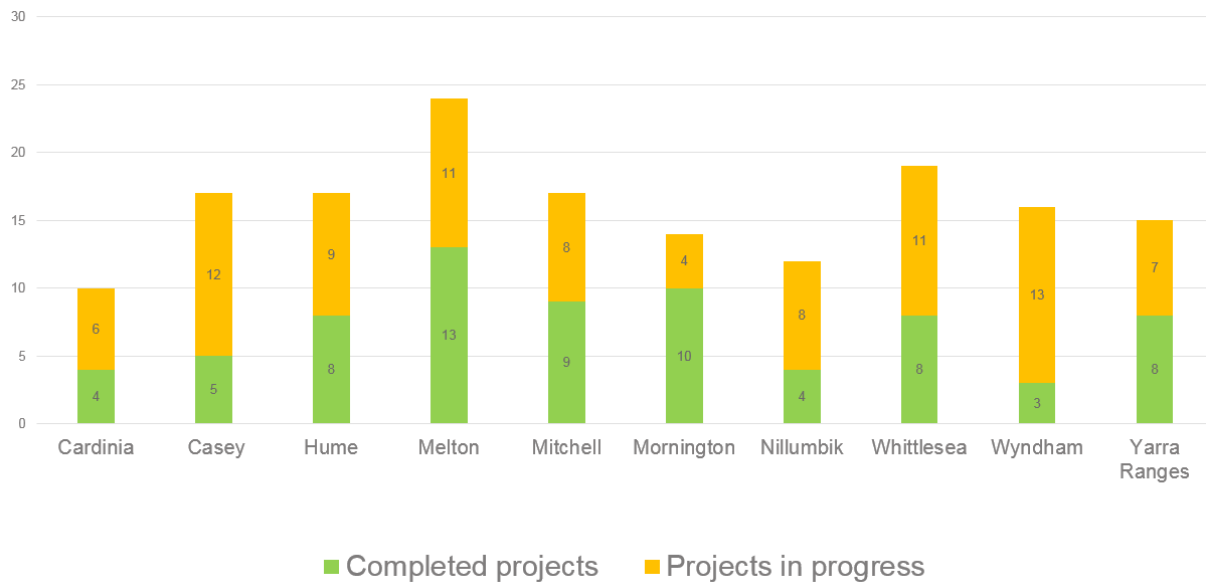
**Table 2: Projects Funded**

Program	Projects Delivered	Funding Obtained \$
IGF - 2015/2016	Pride of Melton	3,500,000
	Bridge Road Regional Play Space	750,000
	7 McKenzie Street	1,800,000
	Fraser Street	271,000
	<b>sub total</b>	<b>6,321,000</b>

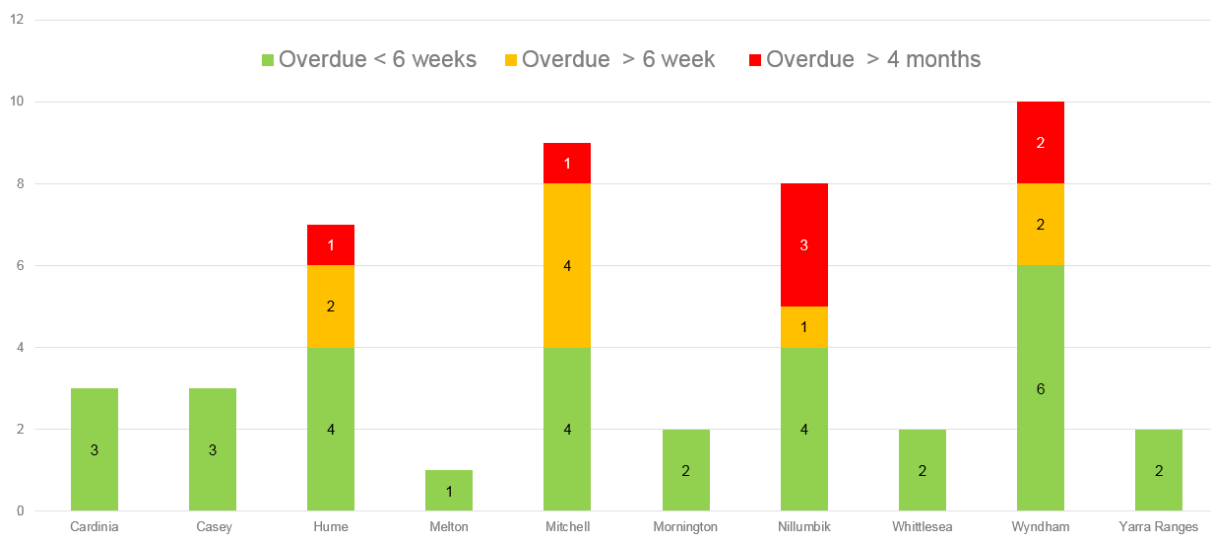
<b>Program</b>	<b>Projects Delivered</b>	<b>Funding Obtained \$</b>
GSF - 2016/2017	Caroline Springs Leisure Centre Extension	2,500,000
	Scout Adventure Activity Centre	500,000
	Melton Botanic Trail	190,900
	Kenswick Drive Reserve upgrade	194,000
	Burnside Children & Community Centre	1,000,000
	<b>sub total</b>	<b>4,384,900</b>
GSF - 2017/2018	Aintree Childrens & Community Centre	1,000,000
	Allenby Road Reserve upgrade	300,000
	Arnolds Creek Play Space	300,000
	Bill Cahill Reserve upgrade	300,000
	Fraser Rise Children's & Community Centre	1,600,000
	Hannah Watts Park upgrade	600,000
	MacPherson Park redevelopment	2,000,000
	Melton Central Community Centre	2,000,000
<b>sub total</b>	<b>8,100,000</b>	
GSF - 2018/2019	Eynesbury Recreation Reserve	2,075,000
	Caroline Springs Community Facility	1,055,000
	Morton Homestead Play Space	265,000
	Bloomsbury Drive Play Space	405,000
	Marlo Drive Play Space	440,000
	Stan Payne Reserve Play Space	400,000
	Arbour Boulevard Reserve Play Space	355,000
	<b>sub total</b>	<b>4,995,000</b>
	<b>TOTAL</b>	<b>23,800,900</b>

In comparison to each of the eligible Councils, Melton has received funding for the most number of projects and have the best record in achieving the milestone commitments. Please refer to Graph number 1 and Graph number 2.

**Graph 1: Total Number of Projects across all IGF and GSF**



**Graph 2: Milestone Completion across all IGF and GSF (as of June 2019)**



Officers have received a briefing on the draft guidelines and application process. A summary of the guidelines is outlined below.

**The draft conditions of the Growing Suburb Fund are:**

- The funding is intended to accelerate the delivery of critical community infrastructure
- Should complement other funding sources



- No limit to the number of projects that can be submitted
- Council resolution and a priority order is essential
- Program-wide target of \$1 leveraged funds to \$1 GSF has been set
- No council will receive more than 20% of the available funds

**The GSF continue to intend to fund a mix of projects that have a direct benefit to communities across the following services:**

- Community health and well-being
- Early education, learning and training
- Sport, recreation and leisure facilities (multi-use)
- Environmental and climate change resilience
- Placemaking, civic amenity and community connecting

**The draft assessment criteria are the same as previous years and are:**

- Why is the project required? (25%)
- Who will benefit and how? (25%)
- What will be delivered? (20%)
- How will the project be delivered? (20%)
- The extent of council and community support (10%)

There is a minor adjustment in the required time frames with 18 months instead of 10 months allowed between the date of the funding announcement and the required commencement of construction.

**Table 2: Application Process and Key Time Frames**

Action	Date
Applications open	Mid-August 2019
Applications close	Late September 2019
Meetings and Assessments	From October 2019
Announcements	From November 2019
Funding Agreements Executed	From December 2019
Construction Commencement	No later than June 2021
Construction Completion	Within 3 years of commencement

Officers have reviewed the draft funding guidelines and assessment criteria and assessed the 2019/2020 capitals work program to determine the projects that most closely address the funding requirements. The below projects are recommended and are proposed to be listed in the following priority order. Please note the maximum amount of funding available to any Council is \$10M.

We are seeking a meeting with the State Government officers who administer the GSF to brief them on the proposed projects and this is expected to occur in the four weeks.

Priority	Project Name	Request to GSF \$	Project Value \$
01.	Cobblebank Indoor Stadium	5,000,000	30,000,000
02.	Brookside Community Pavilion	650,000	1,300,000
03.	Melton Recycling Facility Stage 2	3,000,000	7,250,000
04.	Solar Panel Retro Fit Program	700,000	1,400,000
05.	Eynesbury Station Early Learning Centre	900,000	4,300,000
06.	Kurunjang Tennis Courts	300,000	710,000
	<b>Request to GSF</b>	<b>10,550,000</b>	
	<b>Project Value</b>		<b>43,960,000</b>

### 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 recommended projects are within Council's 2019/2020 financial year Capital Works Plan. Any funding obtained from the Growing Suburbs Fund will reduce the contribution required by Council for the project.

Eynesbury Station ELC, was originally costed at \$3M at the time of first Council endorsement 30 April 2018. It has now been indicated, the costing will be \$4.3M. Fixed tender pricing will not be confirmed this financial year. Children's Capital Grants are also being applied for to offset these costs.

### 5. Consultation/Public Submissions

Consultation has occurred and will continue to occur on each of the projects proposed to seek funding from the GSF.

### 6. Risk Analysis

Each of the recommended projects have a business case that includes an assessment of the risks involved in delivery the project and these will continue to be actively managed.

The increase in the time period between projects being announced and construction needing to commence from 10 month to 18 months will provide more time to address risks and prepare projects for delivery.

### 7. Options

That Council:

1. Endorse the priority order list contained within the recommendation
2. Endorse a revised priority order list from the recommended projects

3. Endorse alternative projects at Council's discretion
4. Not endorse any of the recommended priority order projects

**LIST OF APPENDICES**

Nil

## 12.8 EMERGENCY RELIEF SERVICE

**Author: Brendan Ball - Manager Families and Children**  
**Presenter: Maurie Heaney - General Manager Community Services**

### PURPOSE OF REPORT

To respond to Notice of Motion 613 (Cr Ramsey) and present to Council the Emergency Relief service provider.

### RECOMMENDATION:

That Council:

1. Note the report.
2. Liaise with CatholicCare in arranging a joint press release.

### Motion

Crs Ramsey/Abboushi.

That Council:

1. Note the report.
2. Liaise with CatholicCare in arranging a joint press release.
3. Send a copy of the press release to relevant community care organisations and Members of Parliament in the City of Melton.

CARRIED

## REPORT

### 1. Executive Summary

Council resolved by Notice of Motion 613 (Cr Ramsey) at the 4 February 2019 Ordinary Meeting of Council:

*'That Council allocate an additional \$5,000 per month for 'Emergency Relief' for a period of 3 months, and during this time Council officers use their best endeavors to ensure that providers funded by the Federal Government to deliver Emergency relief in the West establish in an accessible location in Melton.'*

This report addresses the resolution and outlines the service provider that will commence delivery of emergency relief services to the City of Melton.

### 2. Background/Issues

Council's agreement with Department of Social Services (DSS) to administer Commonwealth Government emergency relief grants ceased on 31 December 2018. Since that time, Council has been providing assistance to the community in the form of vouchers as well information, advice and referrals as appropriate.

Council officers have been engaging with DSS and community services organisations who have been awarded the DSS funding, to ensure delivery of Emergency Relief services to the City of Melton.

CatholicCare Victoria Tasmania are holders of a contract with DES to deliver emergency relief services in various locations across Victoria. As a result of engagement between Council officers and CatholicCare, a partnership pursuant to a funding agreement has been established between for a term of four years. This aligns with the term of the DSS funding agreement. As part of the agreement, CatholicCare deliver emergency relief services including meeting with clients with complex needs and providing support and assistance initially in the form of food vouchers, but this may expand to include other types of assistance.

As part of the agreement, CatholicCare will be based out of the Melton Civic Centre for two days per week for appointments with clients. This will be delivered by a CatholicCare employee whose position will be jointly funded by Council and CatholicCare as part of the agreement. Appointments will generally be in 30 minute allocations commencing at 9.30am to 4.00pm per day. CatholicCare will provide Council officers with service usage figures.

The agreement contract officially commenced on 1 July 2019, although the logistics are still being finalised and it is expected that the service will commence operation in August 2019.

### **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
  - 1.2 *A safe and equitable community.*

### **4. Financial Considerations**

Council is contributing \$16,000 per annum from the existing operating budget, which will go towards the employment of a CatholicCare staff member to deliver the service, along with an in kind contribution of office space at the Melton Civic Centre for two days per week.

CatholicCare will be providing an overall contribution of emergency relief assistance to the value of \$70,000 per financial year, together with a contribution towards the employment of a staff member to deliver the service. This will largely be distributed in the form of vouchers.

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

No public consultation has been undertaken in preparing this report.

### **6. Risk Analysis**

The cessation of funding directly to Council through the DSS agreement created a risk in the delivery of Emergency Relief services for the community. Partnering with an Emergency Relief provider this will minimise this risk to Council and the Community.

### **7. Options**

That Council note this report as outlined within the recommendation.

## **LIST OF APPENDICES**

Nil

## 12.9 CONTRACT No: 2103/0839 MULTI-FUNCTIONAL DEVICES AND RELATED PRODUCTS & SERVICES

**Author: Patrick Kariuki - IT Senior Support Officer**  
**Presenter: Peter Bean - General Manager Corporate Services**

### PURPOSE OF REPORT

To seek Council's approval for the award of the Procurement Australia Agency Contract No. 2103/0839 for Provision of Multi-Functional Devices and Related Products & Services commencing 1 October 2019 to 30 September 2022 with an option for a further term of 12 months at Council's discretion.

### RECOMMENDATION:

That Council:

1. Delegate the award of Contract No. 2103/0839 for Provision of Multi-Functional Devices and Related Products & Services to the Chief Executive Officer, subject to the following conditions;
  - a. Officers request for quotes from the panel of appointed suppliers to the Contract No. 2103/0839 for Provision of Multi-Functional Devices and Related Products & Services.
  - b. Submission of an evaluation report to the Chief Executive Officer with a recommendation to award the contract to a single supplier.
  - c. Authorise the Chief Executive Officer to execute the further option of 12 months (as and when required) subject to satisfactory contract performance.
  - d. Sign and seal the Contract documents.

### Motion

Crs Majdlik/Hardy.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

Procurement Australia, acting as the tendering agent for Victorian Councils and other members/groups has sought public tenders for the provision of multi-functional devices and related products & services. The standing offer contract is available for use at Council's discretion at any point throughout the duration of the contract by seeking quotations and commit purchase orders, under the resulting Procurement Australia standing offer contract with the successful contractors.

This report seeks Council resolution for the award of Contract No. 2103/0839 for Provision of Multi-Functional Devices and Related Products & Services.

The two categories for this contract are:

**Category 1: Multi-Functional Devices (Hardware & Software)**

This category seeks the supply, delivery and commissioning of a comprehensive range of multi-functional devices together with maintenance services and consumables. The range of devices sought are from basic, low volume desk top units to sophisticated, high volume units with customisable options for printing related and finishing requirements per client.

Tenderers were required to submit where applicable complete descriptive, cost and technical details of each item offered.

**Category 2: Managed Services**

This category invites Tenderers to demonstrate their capability, capacity and expertise in the operation and management of a managed print service. This can be either a service located within a client facility that supports the client's core operations or a remote service that is located external to the client's facility but has on site representation as and when needed.

Successful respondents to this category will be invited to submit detailed RFQs against client specific defined specifications at the time of need.

Financial details were not required for this category at the time of this tender due to the specific nature of each unique requirement.

Please note that print procurement services were excluded from this contract.

The Procurement Australia Tender Evaluation Report is provided in the **Confidential Appendix** attached to this report.

## 2. Background/Issues

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 No. 1805/0835 which expires on 1 October 2019. These MFDs range in age from 2.6 years to 7.7 years old depending on when the MFD was added to the fleet.

Contract No: 2103/0839 will provide both a managed service and multi-functional devices hardware and software together with maintenance services and consumables. The tender for this contract was advertised in The Sydney Morning Herald on Tuesday 5 February 2019 and The Herald Sun on Wednesday 6 February 2019 and closed at 3.00pm AEDT Wednesday 6 March 2019.

A total of 9 tenders were received and assessed on the basis of the evaluation criteria described in the tender documents.

All tenders conformed to the requirements of the tender documentation and were evaluated.

No member of the Tender Evaluation Panel declared any conflict of interest in relation to this tender evaluation.

## 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

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

#### 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 2019/20 allocation for leasing of MFDs is \$500,000 and is inclusive of leasing, maintenance and copy costs associated with the devices.

#### 5. Consultation/Public Submissions

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

#### 6. Risk Analysis

The existing supply arrangements and pricing remain valid until 1 October 2019 after which Council risks incurring additional costs. In addition, Council needs to enter into a new contract in order to satisfy the requirements of s186 of the Act.

#### 7. Options

Council has the options to:

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

#### LIST OF APPENDICES

1. Procurement Australia Tender Evaluation Report - Contract No. 2103/0835 - dated 1 April 2019 to 31 March 2021.. - **CONFIDENTIAL**  
Designated as confidential by the Chief Executive Officer pursuant to Section 77(2)(c) and Section 89(2)(d) of the *Local Government Act 1989*.



## 12.10 AUSTRALIA DAY 2020 CELEBRATIONS - VENUE

**Author: Heidi Taylor - Events Coordinator**  
**Presenter: Peter Bean - General Manager Corporate Services**

### PURPOSE OF REPORT

To notify Council of the unsuitability of Moreton Homestead to host the Australia Day 2020 (and beyond) celebrations due to the planned upgrade of the site.

### RECOMMENDATION:

That Council:

1. Note the planned works on Moreton Homestead will prevent Australia Day 2020 celebrations being held at this location.
2. Note the planned works on Moreton Homestead will reduce the open space available to set up the infrastructure necessary to facilitate a civic event of more than 100 people, thus making it an unsuitable location for future Australia Day events.
3. Move the Australia Day celebrations back to The Willows Homestead for 2020 and beyond, until a suitable location in the eastern corridor is sourced.

### Motion

Crs Majdlik/Hardy.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

At the 24 July 2017 Ordinary Meeting of Council, Council resolved via Notice of Motion 496 raised by Councillor Ramsey:

*“That the Melton City Council Australia Day Celebration Event be held at The Willows, Melton in 2018 and 2019, and at Morton Homestead on Calder Park Drive, Taylors Hill in 2020”.*

Subsequently, a successful funding application was made by Council as part of the Growing Suburbs Fund to revitalize Moreton Homestead, with the view to improving the open space area and amenities, allowing greater, year round accessibility to the site.

The Master Concept Map (**Appendix 1**) provides an overview of the proposed works.

Australia Day 2020 falls within the planned construction timeline, and will therefore restrict access to the site, making it unsuitable to host Council’s Australia Day 2020 celebrations.

This reports aims to:

1. bring to Council’s attention the unsuitability of Moreton Homestead to host the Australia Day 2020 celebrations due to it being a construction site on 26 January 2020.

2. provide an overview of the planned revitalization of Moreton Homestead, including reassessment of the location as an event space following completion of works.
3. highlight Moreton Homestead's unsuitability to host large events that require temporary infrastructure such as staging, marquees etc. or with an expected attendance of more than 100 people.

## 2. Background/Issues

Melton City Council celebrates Australia Day each year, inducting up to 200 new citizens on the day, and providing a three hour family event (attracting 600+), at no charge to the public. The Willows (Melton) have historically hosted the Australia Day celebrations. In 2017, it was requested by Council that the eastern corridor be considered as a possible alternate location for the event. A significant assessment was then conducted by the Events team on suitable locations to host the event (in its present format). Moreton Homestead was considered the only location that was deemed appropriate, due to it not being utilised on Public Holidays, its location/accessibility, car parking facilities and existing amenities (electrical/water supply etc.).

Since this report went to Council, Moreton Homestead was included in the list of the Council's assets viewed as having greater utility for community usage and as such, was successful in securing Growing Suburbs Funding. The proposed revitalisation of the space includes the construction of children's play equipment, permanent picnic shelters and seating structures.

This funding application was granted with commitments to works to commence in August 2019 and be concluded by March 2020. These dates are in accordance with the state funding milestones listed in the funding agreement. Australia Day 2020 falls in the middle of the construction timeline. Due to these works restricting access to the public, Moreton Homestead will not be a viable option to host the Australia Day 2020 celebrations.

The future revitalization of the space will result in a significant reduction in the open space available to set up and host an Australia Day celebration (which attracts 600+ people over the morning). This reduced open space limits the versatility of the site, and of hosting an event (with significant temporary infrastructure – e.g. stage), with an attendance expectancy of 100 persons or more. As such, Moreton Homestead should be considered an unsuitable site for Council's Australia Day celebrations.

Council officers have not been successful in locating other suitable venues in the eastern corridor. Those spaces considered suitable are under the management of various sporting clubs – all of which are heavily used for training and competition in the month of January or they lack the essential infrastructure required for an event. To conduct an event on these spaces would cause considerable disruption to their schedules.

It is therefore recommended that Council acknowledge that Morton Homestead is not a viable location to conduct the Australia Day event beyond 2020 and that planning for the event is moved back to the Willows Homestead (Melton) until another suitable venue becomes available in the eastern corridor.

## 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**

There are no financial considerations in the preparation or actions of this report.

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

No consultation was undertaken in preparing this report.

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

The risks associated with not proceeding with the recommendations outlined in this report include:

1. Compliance risks, mainly in 2020 the event will be a “worksite” which will have significant impacts on risk management.
2. Operational risks, mainly, (when construction is complete), an event site that cannot sustain the number of participants the Australia Day event generally attracts (i.e. 600+).
3. Reputational risks, mainly, Council may be viewed by community as conducting a poorly planned and managed event due to the limitations in open space allowing to place the necessary infrastructure required.

Minimal risk has been identified with moving the Australia Day 2020 celebrations back to The Willows, as this event has never been held at Moreton Homestead. This event (in current format held at The Willows) is well received by Council and the community, thus, continuing to host the event at The Willows is considered low risk.

#### **7. Options**

1. Negotiate with a sporting club in the eastern corridor to have exclusive access to a reserve to host an event on that day (including the days prior and post event required for set up and pack down of infrastructure).
2. In future years, host the event at Moreton Homestead with significantly reduced numbers.

#### **LIST OF APPENDICES**

1. Moreton Homestead Reserve Concept Map - undated

## 12.11 MUNICIPAL ASSOCIATION OF VICTORIA - ANNUAL UPDATE

**Author: Sean McManus - Manager Engagement & Advocacy**  
**Presenter: Peter Bean - General Manager Corporate Services**

### PURPOSE OF REPORT

To inform Council of the 2018/19 achievements for the Municipal Association of Victoria.

### RECOMMENDATION:

That Council note the report.

#### Motion

Crs Majdlik/Hardy.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

The Municipal Association of Victoria (MAV) is the peak body for local government in Victoria. The MAV is a member based organisation with the established purpose to protect and promote the democratic status, autonomy and efficient carrying out of local government for the benefit of Victorian communities.

In 2018/19, the MAV's strategic work identified four key objectives:

1. Help councils achieve financial sustainability
2. Improve the reputation of local government
3. Increase sector productivity and efficiency
4. Increase innovation and collaboration

Melton City Council is a member of the MAV. The MAV has written to Council to provide detailed summaries of its achievements over the past 12 months. The report is attached (**Appendix 1**) for Council to formally note the achievements that Council's membership has supported.

### 2. Background/Issues

The MAV is a long standing industry representative body established in 1879. Key services include specialist policy advice and information, councillor development opportunities, insurance protection, worker's compensation scheme, sector development, governments support and collaborative procurement.

Members of the association influence and set strategic directions of the association, while the board defines the detail of policy and strategies, and monitors and evaluates its performance.

Some of the outcomes delivered by the MAV provide a benefit to the whole local government sector, while other services provide a direct benefit to individual councils who elect to participate.

The MAV provides a range of sector development opportunities through member programs, projects, awards, events and professional development activities. Core policy expertise includes: emergency management; environment; finance; governance; planning and building; public health; social and community services; transport and infrastructure and technology.

The MAV has written to Council to provide an overview of its performance against its four key strategic objectives for 2018/19. This report is attached (**Appendix 1**) and presents the MAV achievements for Council to formally note. Some of the key achievements include:

- Joint advocacy with the State Government to help secure \$440 million Federal funding for continuation of 15 hours kindergarten until the end of 2020.
- Provided evidence before the Royal Commission into Aged Care Quality and Safety around the need for future reform for community aged care.
- Conducted a federal advocacy campaign, *Fix Community Care*, which helped secure a further two years of block funding for the Commonwealth Home Support Program until 2022.
- Combined advocacy with the Australian Local Government Association helped achieve \$100 million extra road funding over five years through the Commonwealth Roads to Recovery program.
- Influenced government responses and solutions to the recycling crisis through advocacy, release of the *Rescue Our Recycling Action Plan* and a submission and appearance to the Parliamentary Inquiry.
- Hosted the MAV Technology Awards for Excellence to recognise outstanding council achievements
- Councillor Development training offered a range of one-day skills development workshops.
- Prepared a members brief on the Local Government Bill and undertook ongoing advocacy with the Government, Opposition, minor parties and independent MPs to secure reforms on high priority issues of concern to local government.
- Established a second energy-efficient street lighting hardware and installation service panel to support councils in the major roads lighting replacement programs.
- Established a panel of specialist legal services providers for councils to achieve value for money through a combined spend arrangement.
- MAV Procurement conducted eight tenders, established four new panels and re-established four panels, which all members have access to. All 78 members accessed one or more of the 38 active MAV Procurement panel contracts.
- Established a new Freight Policy Reference Group to inform national and state freight policy work including current reviews, regulations and freight policy roll out.
- Organised more than 100 conferences, workshops and professional development events attended by more than 7400 delegates.

### **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**

Financial commitment to the association is done in two ways:

1. Annual Membership - the 2019/20 MAV Membership fee is \$35,267.83, (excluding GST) which is included in Council's recurrent budget.
2. User pay structure for participation in training or dedicated campaigns where a Council elects to opt in.

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

No consultation was undertaken for the development of this report.

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

As the report is outlining achievements for 2018/19, there are no risks to be considered in the preparation of this report.

#### **7. Options**

Nil

#### **LIST OF APPENDICES**

1. MAV 2018/19 Achievements - undated

Cr Kesic left the Chamber at 8:04pm.

Cr Kesic returned to the Chamber at 8:07pm.

## 12.12 PUBLIC OPEN SPACE: 3-13 McDONALD STREET, MELTON SOUTH

**Author: Christine Denyer - Manager Legal and Governance**  
**Presenter: Christine Denyer - Manager Legal and Governance**

### PURPOSE OF REPORT

To advise Council on the written submissions received following public notice of proposed change of use for part of the land.

### RECOMMENDATION:

That Council:

1. Adopt the recommendation of the s223 Submissions Advisory Committee attached at **Appendix 2**;
2. make a final determination that part of 3-13 McDonald Street, Melton South (approximately 1/3 of the site) is not required by the Council for the purpose for which it was acquired; that is, Public Open Space;
3. confirm the status of remaining land at 3-13 McDonald Street, Melton South (approximately 2/3 of the site) as Public Open Space / Reserve;
4. commit to setting aside funds from the ultimate sale of the land referred to in 1. above to embellish the remaining land referred to in 2. above.

### Motion

Crs Abboushi/Mendes.

That the recommendation be adopted.

CARRIED

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

### For:

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

### Against:

Crs Hardy, Kesic and Ramsey

The Mayor declared the Motion CARRIED

## REPORT

### 1. Executive Summary

Following on from a resolution of Council made 29 April 2019 (in camera), the receipt of 13 written submissions and a meeting of the s223 Submissions Advisory Committee to receive oral submissions, Council is now required to consider all submissions and make a final decision on the matter.

The written submissions are summarised in this report and set out in full at **Appendix 1** and illustrated (in terms of the location of the submitters) at **Appendix 3**. The oral submissions were received by the s223 Submissions Advisory Committee the minutes of which are set out at **Appendix 2**.

The proposed change of use of 1/3 of the site at 3-13 McDonald Street, Melton South ("the 1/3 Land") is in accordance with section 192 of the *Local Government Act 1989*. This section exists specifically to address where Council has acquired the land for a particular purpose (as is the case here) to allow Council to use the land for another purpose. Council must now consider all submissions and make a final decision as to whether or not the 1/3 Land is *required by the Council for the purpose for which it was acquired*, taking into account those submissions.

All of the submissions that were received (both written and oral) object to the change of use of the 1/3 Land.

Various reasons are set out in the written submissions and provided at the oral hearings. Some of the matters raised are not relevant to the question. There are however three reasons that are relevant to the decision as follows:

- that the open space is required and used by the surrounding residents including children;
- that there is a perceived lack of open space in the area; and
- that the World Health Organisation has identified a link between green open space and health / open space has a link to health.

Also relevant is the fact that the remaining 2/3 of the site is not within this proposal to change the use and therefore will remain public open space / reserve.

If ultimately Council decides that the 1/3 Land is not required by it for public open space, then the next steps required for the community care accommodation envisaged by the DHHS would be: a two lot subdivision process; transfer of land process; a planning scheme amendment process and possibly a planning permit process. These further stages will be the subject of separate Council reports, if required. None of these steps can be taken unless and until Council decides that the 1/3 Land is not required for public open space.

### 2. Background/Issues

At the Ordinary Meeting of Council on 29 April 2019 (in camera) Council resolved, amongst other things, that part of the land at 3-13 McDonald Street, Melton South ("the 1/3 Land") is no longer required for the purpose of public open space and that it would therefore advertise its intention to use the land for community care accommodation rather than the purpose for which it was acquired and make a final decision upon consideration of all submissions.

The proposed change of use of the 1/3 Land is in accordance with section 192 of the *Local Government Act 1989*. This section exists specifically to address where Council has acquired the land for a particular purpose (as is the case here) to allow Council to use the land for another purpose. Council must now consider the written submissions and make a final



decision as to whether or not the 1/3 Land is *required by the Council for the purpose for which it was acquired*, taking into account the submissions.

An advertisement was placed in the *Melton & Moorabool Star Weekly* on 14 May 2019 calling for submissions and for anyone that wished to be heard in person to indicate this in his/her submission. Submissions were open until 5.00pm on Tuesday 11 June 2019 (the closing date). Council received 12 written submissions by the closing date and 1 submissions after the closing date but which was posted prior to the closing date.

Four submitters were also heard in person by the s223 Submissions Advisory Committee, the minutes of which are at **Appendix 2**.

The reserve is currently 7,561sqm in area. The 1/3 Land is approximately 2,900sqm of the entire site. The balance of the site ("the 2/3 Land") was not included in the April 2019 resolution or subsequent advertisement and therefore remains public open space.

If ultimately Council decides that the 1/3 Land is not required by it for public open space, then the next steps required for the community care accommodation envisaged by the DHHS would be: a two lot subdivision process; transfer of land process; a planning scheme amendment process and possibly a planning permit process. These further stages will be the subject of separate Council reports, if required. None of these steps can be taken unless and until Council decides that the 1/3 Land is not required for public open space.

### The Written Submissions

Council received 13 written submissions as follows, copies of which are attached at **Appendix 1** and illustrated (in terms of the location of the submitters) at **Appendix 3**:

	Name	Summary of Submission
1	B & B Osterman (resident of 45 years)	<ul style="list-style-type: none"> <li>• open space was funded by the original development;</li> <li>• open space was part of the reason that they purchased their house;</li> <li>• open space is required and used by the surrounding residents including children;</li> <li>• proposed change of use will cause extra traffic; and</li> <li>• proposed change of use may mean the loss of trees in the existing reserve.</li> </ul>
2	T & P Stotten (resident for 52 years)	<ul style="list-style-type: none"> <li>• open space was funded by the original development;</li> <li>• open space was part of the reason that they purchased their house;</li> <li>• open space is required and used by the surrounding residents including children;</li> <li>• proposed change of use will cause extra traffic;</li> <li>• proposed change of use will lessen their property value;</li> <li>• proposed change of use may bring 'undesirable tenants';</li> <li>• proposed building is unknown;</li> <li>• proposed building will not be within Council's control; and</li> <li>• other land is available.</li> </ul>

	<b>Name</b>	<b>Summary of Submission</b>
3	L & M Petrov (resident for 32 years)	<ul style="list-style-type: none"> <li>open space is required and used by the surrounding residents including children;</li> <li>proposed change of use will cause extra traffic; and</li> <li>other land is available.</li> </ul>
4	D Trodden	<ul style="list-style-type: none"> <li>open space was part of the reason that they purchased their house;</li> <li>open space is required and used by the surrounding residents including children;</li> <li>proposed change of use will lessen their property value;</li> <li>proposed change of use may bring extra noise;</li> <li>noise and traffic may result in stress which may affect his health;</li> <li>proposed residents are unknown; and</li> <li>proposed building is unknown.</li> </ul>
5	S Kothari	<ul style="list-style-type: none"> <li>proposed use does not comply with Melton Planning Scheme;</li> <li>proposed use is an contravention of Planning &amp; Environment Act 1987;</li> <li>proposed use is in contravention of the Subdivision Act 1988; and</li> <li>confidentiality required for community care accommodation has been compromised.</li> </ul>
6	N Keogh	<ul style="list-style-type: none"> <li>open space is required and used by the surrounding residents including children;</li> <li>World Health Organisation (WHO) has identified the importance of green space and its linkage to health;</li> <li>other land is available;</li> <li>other pre-existing dwellings are available;</li> <li>impact of proposed development is unknown; and</li> <li>proposed building is unknown.</li> </ul>
7	D & R Ferguson	<ul style="list-style-type: none"> <li>there are other similar facilities within a close proximity;</li> <li>other land is available;</li> <li>other pre-existing dwellings are available;</li> <li>impact of proposed development may compromise emergency services;</li> <li>open space is required and used by the surrounding residents including children;</li> <li>insufficient open space in the area; and</li> </ul>

	Name	Summary of Submission
		<ul style="list-style-type: none"> <li>The Hon. Lily D'Ambrosio, Minister for Energy, Environment and Climate Change, has quoted the importance of Victorians having access to open green space.</li> </ul>
8	J Loft (resident for 47 years)	<ul style="list-style-type: none"> <li>open space was funded by the original development;</li> <li>open space was part of the reason that they purchased their house;</li> <li>open space is required and used by the surrounding residents including children;</li> <li>proposed change of use will cause extra traffic; and</li> <li>proposed change of use may mean the loss of trees in the existing reserve.</li> </ul>
9	A Pacilli & M Morgan	<ul style="list-style-type: none"> <li>open space is required and used by the surrounding residents including children;</li> <li>proposed change of use will cause extra traffic;</li> <li>proposed change of use may mean the loss of trees in the existing reserve;</li> <li>proposed change of use may mean the loss of birdlife in the existing reserve;</li> <li>other land is available;</li> <li>proposed building is unknown; and</li> <li>proposed change of use will lessen their property value.</li> </ul>
10	B Herbert (resident for 28 years)	<ul style="list-style-type: none"> <li>proposed residents are unknown;</li> <li>proposed residents may create safety concerns;</li> <li>open space is required and used by the surrounding residents including children;</li> <li>proposed change of use will lessen her property value.</li> </ul>
11	B Golding	<ul style="list-style-type: none"> <li>land was acquired for open space;</li> <li>open space is required and used by the surrounding residents including children;</li> <li>proposed change of use may mean the loss of trees in the existing reserve;</li> <li>proposed change of use may mean the loss of birdlife in the existing reserve;</li> <li>proposed change of use will cause extra traffic;</li> <li>proposed residents are unknown;</li> <li>other land is available; and</li> <li>other land is closer to services.</li> </ul>

	Name	Summary of Submission
12	M Aldridge	<ul style="list-style-type: none"> <li>proposed change of use will cause extra traffic – traffic is already a safety problem;</li> <li>open space is required and used by the surrounding residents including children;</li> <li>proposed residents may create safety concerns;</li> <li>proposed change of use will lessen her property value;</li> <li>proposed change of use may mean the loss of trees in the existing reserve;</li> <li>open space was the reason she purchased her house;</li> <li>open space has a link to health; and</li> <li>all community care accommodation should be placed in the one area.</li> </ul>
13	Joan Burton (received after the close of submissions – but posted prior)	<ul style="list-style-type: none"> <li>community care accommodation not suitable;</li> <li>money should go towards a hospital for Melton.</li> </ul>

The Mayor, Cr Turner, the Deputy Mayor Cr Carli and Crs Hardy and Ramsey together with two officers, Christine Denyer and Matthew Milbourne also met with B. Osterman and T. Stotten on 4 June 2019. These residents outlined the matters raised in their written submissions. They also circulated an article from the *Herald Sun* (date unknown), 'Parks will soon be popping up all over' stating that pocket parks will be 'popping up' across the inner city in suburbs including Prahran, Richmond, Albert Park, Eltham and Bentleigh.

#### **Other Matters Relevant to this decision**

It is relevant to the question before the Council that the land immediately next to the 1/3 Land (the 2/3 Land) is and remains a reserve; for public open space.

#### **Analysis of the Relevant Matters**

Council must weigh up the 13 submissions from its residents, all of which objected to the land being used for another purpose.

Ultimately, within these 13 submissions, there are three matters which are relevant to the question of whether or not the 1/3 Land is *required by the Council for the purpose for which it was acquired*, that is, Public Open Space as follows:

- that the open space is required and used by the surrounding residents including children;
- that there is a perceived lack of open space in the area; and
- that the World Health Organisation have identified a link between green open space and health / open space has a link to health.

All of the other matters that were raised in the submissions are not strictly relevant to the question before the Council to be finally decided upon as a result of the public notice.

If it is accepted as a general proposition that *some* public open space is *required* in that area – the question then becomes whether *all* of the land at that site is required as public open space. The 2/3 Land is not proposed to be changed and would therefore remain Public Open Space vested in Council as a reserve.

The Melton Open Space Plan 2016-2026 (the Plan) sets out Council's approach to Open Space. According to the adopted standards of service, the current park is a local park. Local parks are typically 0.2-2Ha in size with 0.5 hectare being the preferred size, unless smaller is considered fit-for-purpose.

The Plan also contains an analysis of the amount of passive open space in the City of Melton. The Plan contains analysis which concludes that Melton Township has adequate provision of passive open space to meet the forecast population of the Melton Township.

There are three reserves in close proximity of the subject site and a 400 metre walkable catchment is measured, which is the accepted standard for access to a local park, there is significant overlap which demonstrates that local residents have a high level of accessibility to public open space. In addition, Toolern Creek Linear Reserve is in close proximity. It is considered that the further development of this linear reserve, in particular at Tamar Drive, would provide even greater levels of access and social and recreational opportunities.

In part due to the accessibility to alternative local parks and the undeveloped nature of the McDonald Street Reserve, *the Parks Reserve and Site Assessment Report (2013)*, which was adopted by Council, identified the entire reserve as a site that could be sold and was a potential location for social and/or community housing (subject to rezoning), with any proceeds of the sale used to upgrade the other local parks within the walkable catchment.

Notwithstanding the above, the current proposal would retain a park that is 0.46 hectares in area, which is an appropriate size for a local park. It also considered that creating a more regular shape for the McDonald Street Reserve would be a positive outcome as this will remove a section of the reserve that has negligible natural surveillance without compromising the function of the park as a local neighbourhood scale park.

The reserve is currently undeveloped and there is an opportunity to upgrade the remainder of the balance of the reserve.

#### **Other Matters**

It is noted, though it is not relevant to the question to be decided, that the embellishment of the 2/3 Land could be delivered utilising funds from the sale of part of the existing site to DHHS should Council ultimately decide to sell the land to DHHS after all of the processes described above.

Other concerns raised by residents regarding the zone of the land, subdivision, design of community care accommodation and traffic will be dealt with by later stages as aforementioned in the report.

### **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**

Financial considerations are not relevant to question of whether or not the 1/3 Land is required by the Council for the purpose for which it was acquired, that is, Public Open Space.

## 5. Consultation/Public Submissions

As required by the *Local Government Act 1989* and the resolution of Council made 29 April 2019, Council placed a public notice in the *Melton & Moorabool Star Weekly* on 14 May 2019.

A public notice was also placed on Council's website.

A total of 13 submissions were received and were outlined in the Background section of this report.

One person wished to be heard in person in relation to his/her submission. Accordingly Council convened a meeting of the s223 Submissions Advisory Committee on 1 July 2019 at 7.30pm in the Council Chamber. Subsequently other people wished to be heard and were all allowed to be heard. In the result the one submitter wishing to be heard for whom the meeting was called was unable to attend. Minutes of that meeting are attached at **Appendix 2**.

## 6. Risk Analysis

There are no known risks associated with Council resolving that the 1/3 Land is not required by the Council for the purpose for which it was acquired, that is, Public Open Space.

If Council resolves that the 1/3 Land is required *by the Council for the purpose for which it was acquired*, that is, Public Open Space, then the land will continue to be a reserve. The DHHS, which have proposed this development to Council will have to look for other sites within and beyond the City of Melton.

## 7. Options

1. Decide that the land is not required by the Council for the purpose for which it was acquired; and
2. Decide that the land is required by the Council for the purpose for which it was acquired.

## LIST OF APPENDICES

1. Submissions 13 in total - dated 22 May 2019 - 13 June 2019
2. Minutes of s223 Submissions Advisory Committee - dated 1 July 2019
3. Map of Submitters - dated 9 July 2019

## 12.13 LEASE TO VICTORIA STATE EMERGENCY SERVICE (VICSES)

Author: Jaci Wagner - Property Officer  
Presenter: Christine Denyer - Manager Legal and Governance

### PURPOSE OF REPORT

To present to Council all relevant information to make a decision on entering into a lease with Victoria State Emergency Service (VICSES).

### RECOMMENDATION:

That Council:

1. Enter into a lease with VICSES to replace the expired licence agreement for part of the premises situated at 90-92 High Street, Melton for:
  - a) an initial term of ten (10) years with three (3) further term options of ten (10) years; and
  - b) a peppercorn rent of \$1 per annum plus GST payable on demand.
2. Authorise the CEO to execute the lease in substantially the same form as attached at **Appendix 1**.

### Motion

Crs Abboushi/Ramsey.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

Historically, VICSES and the Municipal Association of Victoria (MAV) had formed an agreement that the State and Victorian councils would fund a 50-50 funding split to cover the operational costs of VICSES units across Victoria.

In 2017, the State, MAV and VICSES reviewed the terms of the historical agreement and agreed that it be amended, to reflect a new funding model. On 20 December 2017, the State, MAV and VICSES entered into a Memorandum of Understanding (MOU).

The MOU provides that Councils that enter into a long term lease (40 years) with VICSES at a peppercorn rent, are not required to continue providing funding, and the State would be responsible for the funding and operational and maintenance costs of the relevant VICSES unit for the term of the lease.

Following on from the implementation of the MOU, VICSES and Council Officers have negotiated a proposed lease of one initial term of ten (10) years with three (3) further term options of ten (10) years each at a peppercorn rent of \$1 per annum plus GST payable on demand.

VICSES is a public body and section 191 of the *Local Government Act 1989* (the Act), provides that where Council transfers, exchanges or leases land to a public body, it may do so with or without consideration and without the need to advertise its intention and call for submissions, which are usually invoked by section 190 of the Act. In other words, in a lease to a public body, the advertising requirements do not apply.

Should Council resolve to enter into a lease with VICSES, the lease is proposed to be in substantially the same form of the draft lease attached at **Appendix 1** as agreed under the MOU.

## 2. Background/Issues

### VICSES Currently

VICSES is an organisation established pursuant to the *Victoria State Emergency Services Act 2005*. The services provided by VICSES are for a public purpose (rescue services and emergency support across the state by responding to floods, earthquakes, storms and their effects) and thus the entity meets the definition of a 'public body' set out in the *Local Government Act 1989* ('the Act').

Currently VICSES operate out of premises at part of 90-92 High Street, Melton pursuant to a licence agreement entered into between Council and the SES (as it then was) commencing 1 January 2000 at a peppercorn rent. That licence agreement is currently in overhold.

### MAV and VICSES agreement:

Historically, the relevant State department and each Victorian council provided equal funding to VICSES units in order to cover their operational costs.

In 2017, the Victorian government, MAV and VICSES reviewed the funding structure and reached an agreement that a new funding model should be implemented.

On 20 December 2017, the State, MAV and VICSES entered into a Memorandum of Understanding (MOU) for the purposes of reflecting the new funding structure whereby it was agreed that councils that entered into long term (40 years) leases with VICSES at a peppercorn rent, were not required to continue providing funding, as the State would be responsible for the funding, and operational and maintenance costs of the relevant VICSES unit for the term of the lease. Please see copy of MOU attached at **Appendix 2**.

### Proposed Lease

On 8 April 2019, Council Officers met with the Director of Corporate Services of VICSES, to discuss a long term lease proposal following on from the implementation of the MOU. The proposed terms of the lease negotiated by VICSES and Council Officers are as follows:

1. one initial term of ten (10) years;
2. three (3) further term options of ten (10) years; and
3. peppercorn rent of \$1 per annum plus GST payable on demand.

The proposed lease would replace the existing licence described above. It would be in line with the MOU and it would more accurately reflect the current tenancy in that it would grant VICSES exclusive possession of the premises.

Should Council resolve to enter into a lease with VICSES, the lease is proposed to be in substantially the same form as the draft lease attached at **Appendix 1**.

Moving forward, the State will be responsible for the funding of operational and maintenance costs of the relevant VICSES Units that are offered long-term leases (40 years) by the relevant local council.



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

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

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

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

### **4. Financial Considerations**

There are no financial considerations such as legal costs associated with the lease preparation as VICSES and MAV as part of the MOU, have prepared a standard lease. Council Officers have reviewed the lease and find all to be in order and is largely in line with Council's other leases.

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

Section 191 of the *Local Government Act 1989* (the Act), provides that where Council transfers, exchanges or leases land to a public body, it may do so with or without consideration and without the need to advertise its intention and call for submissions, which are usually invoked by section 190 of the Act. In other words, in a lease to a public body, the advertising requirements of s190 do not apply.

### **6. Risk Analysis**

Should resolve to not to enter into a lease with VICSES, the local VICSES unit currently operating from part 90-92 High Street, Melton would remain on overhold until the licence is determined.

### **7. Options**

Council has the option to:

1. Adopt the recommendation as set out.
2. Decide not to enter into a lease with VICSES and leave the licence in overhold.

### **LIST OF APPENDICES**

1. Draft lease to VICSES at part 90-92 High Street, Melton - undated.
2. Memorandum of Understanding for the support of VICSES Units - dated 20 December 2017.

## 12.14 AUTHORISING THE AFFIXING OF THE COMMON SEAL OF COUNCIL

Author: Emily Ciantar - Acting Governance Officer

Presenter: Kel Tori - Chief Executive Officer

### PURPOSE OF REPORT

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

### RECOMMENDATION:

That the Council Seal be affixed to the documentation as detailed in the Schedule for Authorising of Affixing of the Common Seal of Melton City Council dated 22 July 2019.

#### Motion

Crs Majdlik/Hardy.

That the recommendation be adopted.

CARRIED

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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 of Council - dated 22 July 2019

Cr Ramsey left the Chamber at 8:37pm.

Cr Ramsey returned to the Chamber at 8:41pm.

**13. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES**

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

**14. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS**

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

**15. NOTICES OF MOTION****15.1 NOTICE OF MOTION 636 (CR ABBOUSHI)****Councillor: Steve Abboushi - Councillor****NOTICE:**

That Council:

1. Undertake the preparation of functional layout plans for the provision of kerb and channel and footpaths within the Sugargum Estate to enable appropriate costings to be undertaken for these works.
2. Upon completion of the functional layout plans that Council officers undertake extensive consultation with the residents within the estate regarding the potential scope of works, costings and their willingness to contribute financially through a special charge.

**Motion**

Crs Abboushi/Kesic.

That Council:

1. Undertake the preparation of comprehensive functional layout plans for the provision of kerb and channel and footpaths within the Sugargum Estate to enable appropriate costings to be undertaken for these works.
2. Upon completion of the comprehensive functional layout plans that Council officers undertake extensive consultation with the residents within the estate regarding the potential scope of works, costings and their willingness to contribute financially through a special charge.

CARRIED

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

**For:**

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

**Against:**

Nil

The Mayor declared the Motion CARRIED

**15.2 NOTICE OF MOTION 637 (CR ABBOUSHI)****Councillor: Steve Abboushi - Councillor****NOTICE:**

That Council introduce a “food for fines” initiative for one month of every year whereby, Library members in the City of Melton are able to donate non-perishable items during a specified month at any library branch, with all donations going to a Melton food bank or not-for-profit organisation providing free food for our community. For each item donated, \$5 to be deducted off Library fines (if relevant).

**Motion**

Crs Abboushi/Majdlik.

That Council officers bring forward a report on an option for a “food for fines” initiative for one month of every year whereby, Library members in the City of Melton are able to donate non-perishable items during a specified month at any library branch, with all donations going to a Melton food bank or not-for-profit organisation providing free food for our community. For each item donated, \$5 to be deducted off Library fines (if relevant).

CARRIED

**15.3 NOTICE OF MOTION 638 (CR MENDES)**

**Councillor: Michelle Mendes - Councillor**

**NOTICE:**

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.

**Motion**

Crs Mendes/Kesic.

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.

CARRIED

**15.4 NOTICE OF MOTION 639 (CR CARLI)****Councillor: Lara Carli - Councillor****NOTICE:**

That Council immediately install safety bollards at the corner of 91 Loddon Drive and Calder Park drive in Taylors Hill.

**Motion**

Crs Carli/Kesic.

That Council officers please prepare a report to come to the next Ordinary Meeting of Council to be held on 19 August 2019 with the report to include:

1. a map of where services are located at the corner of 91 Loddon Drive and Calder Park drive in Taylors Hill.
2. other safety options, with costs included, that can be used in this location besides OMNI stop bollards.

CARRIED



**15.5 NOTICE OF MOTION 640 (CR MENDES)****Councillor: Michelle Mendes - Councillor****NOTICE:**

That Council write to VicRoads requesting a reduction in speed limit from 80km per hour to 60km per hour on the Diggers Rest-Coimadai Road, Toolern Vale; from the Gisborne-Melton Road to the east of Creamery Road.

**Motion**

Crs Mendes/Hardy.

That Council write to VicRoads requesting a reduction in speed limit from 80km per hour to 60km per hour on the Diggers Rest-Coimadai Road, Toolern Vale; from the Gisborne-Melton Road to the east of Creamery Road.

CARRIED

Cr Carli left the Chamber at 8:54pm.

Cr Carli returned to the Chamber at 8:57pm.

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

### **16.1 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Ramsey

Does the Council still have a current Noise Policy for when people play loud music in the evening; post 12:00am?

### **16.2 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Ramsey

Can I please get an update on the possible locations and the report to come to Council regarding a Performing Arts Centre?

### **16.3 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Ramsey

Can the Council please investigate some sort of wind break for the pavilion in Hannah Watts Park?

### **16.4 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Mendes

Can Council officers please update me on when the 'blue brick road' outside the Melton Library will be repaired?

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

Cr Abboushi

That Council officers prepare a report with suggested options to urgently address the ongoing congestion and safety concerns of the parking issues at Boronia Reserve, Hillside within the Sugargum Estate.

**17.2 MOTIONS WITHOUT NOTICE**

Cr Ramsey

That Council officers liaise with the L to P Group to assist them to identify funds so that they can acquire a replacement vehicle for their program.

**17.3 MOTIONS WITHOUT NOTICE**

Cr Ramsey

That Council officers identify and report to Council strategic land parcels within the municipality that can be noted for future acquisitions as the opportunities arise.

**17.4 MOTIONS WITHOUT NOTICE**

Cr Hardy

That Council officers prepare a report on potential future public housing sites in Melton.

**17.5 MOTIONS WITHOUT NOTICE**

Cr Mendes

That Council officers write to The Hon. James Merlino MP, Minister for Education, requesting an immediate review of the current school zone for Springside West Secondary College in consultation with the local community and local member of parliament, The Hon. Natalie Hutchins MP.

**18. URGENT BUSINESS**

Nil.

## 19. CONFIDENTIAL BUSINESS

### Procedural Motion

Crs Majdlik/Ramsey.

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 26 June 2019 - Confidential Report**  
(d) as it relates to contractual matters.
- 19.2 Annual Performance Review 2018/19 - Chief Executive**  
(a) as it relates to personnel matters.

CARRIED

**Motion**

Crs Majdlik/Ramsey.

That the meeting be opened to the public.

CARRIED

**20. CLOSE OF BUSINESS**

The meeting closed at 9:13pm.

Confirmed

Dated this

.....CHAIRPERSON