



# MELTON CITY COUNCIL

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

**24 June 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 COUNCIL CHAMBER, CIVIC CENTRE, 232 HIGH STREET, MELTON ON 24 JUNE 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 T Watson, Acting General Manager Community Services  
Mr L Shannon, General Manager Planning and Development  
Mr S Rumoro, Manager Finance  
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/Hardy.

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

CARRIED

**4. DEPUTATIONS**

Nil.

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

Cr Abboushi declared that he intended to move a Procedural Motion to be excused from the Chamber prior to Item 12.11 'Melbourne Regional Landfill – VCAT Review' of this Agenda by reason of a conflicting personal interest.

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

That the Minutes of the Ordinary Meeting of Council held on 27 May 2019 be confirmed as a true and correct record.

**Motion**

Crs Majdlik/Ramsey.

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**

- 27 May 2019 Record of Assembly of Councillors
- 3 June 2019 Record of Assembly of Councillors
- 11 June 2019 Record of Assembly of Councillors
- 17 June 2019 Record of Assembly of Councillors

**RECOMMENDATION:**

That the Record of Assembly of Councillors dated 27 May 2019, and 3, 11 & 17 June 2019 attached to this Agenda be received and noted.

**Motion**

Crs Abboushi/Ramsey.

That the recommendation be adopted.

CARRIED

**LIST OF APPENDICES**

1. 27 May 2019 - Record of Assembly of Councillors
2. 3 June 2019 Record of Assembly of Councillors
3. 11 June 2019 Record of Assembly of Councillors
4. 17 June 2019 Record of Assembly of Councillors



RECORD OF ASSEMBLY OF COUNCILLORS

Section 80A(1) of the Local Government Act 1989

ASSEMBLY DETAILS:			
<b>Meeting Name:</b>	Briefing of Councillors		
<b>Meeting Date:</b>	27 May 2019	<b>Time:</b>	6.15 pm
<b>Councillors present:</b>	Cr B Turner (Mayor) Cr K Hardy Cr G Kesic Cr K Majdlik Cr M Mendes Cr S Ramsey		
<b>Officers present:</b>	Mr P Bean Mr S Rumoro Mr T Watson Mr L Stokes  Mr B Baggio Ms C Denyer Mr J Whitfield Ms E Haley	Acting Chief Executive Officer Acting General Manager Corporate Services Acting General Manager Community Services Acting General Manager Planning & Development Manager Planning Services Manager Legal & Governance Governance Coordinator Communications Coordinator	
<b>Guests</b>	Nil		
<b>Apologies:</b>	Cr L Carli (Deputy Mayor) Cr S Abboushi Mr K Tori                      Chief Executive Officer Mr L Shannon                General Manager Planning & Development Mr M Heaney                General Manager Community Services		
<b>Matters discussed:</b>	1. 27 May 2019 Ordinary Meeting of Council a. Agenda discussion		
CONFLICT OF INTEREST DISCLOSURES:			
<b>Were there any conflict of interest disclosures by Councillors?</b>			No
<b>Matter No.</b>	<b>Councillor making disclosure</b>	<b>Councillor left meeting</b>	
REPORT PRODUCED BY:			
<b>Officer name:</b>	Christine Denyer	<b>Date:</b>	28 May 2019





RECORD OF ASSEMBLY OF COUNCILLORS

Section 80A(1) of the Local Government Act 1989

ASSEMBLY DETAILS:		
<b>Meeting Name:</b>	Briefing of Councillors	
<b>Meeting Date:</b>	3 June 2019	<b>Time:</b> 6.15 pm
<b>Councillors present:</b>	Cr B Turner (Mayor) Cr L Carli (Deputy Mayor) Cr K Hardy Cr G Kesic Cr M Mendes Cr S Ramsey	
<b>Officers present:</b>	Mr P Bean, Acting Chief Executive Officer Mr S Rumoro, Acting General Manager Corporate Services Mr T Watson, Acting General Manager Community Services Mr L Stokes, Acting General Manager Planning & Development Mr S McManus, Manager Engagement & Advocacy Ms S Romaszko, Manager Engineering Services Mr S Ryan, Coordinator Asset Management Ms H Taylor, Coordinator Events & Culture	
<b>Guests</b>	Ashay Prabhu - Co-Founder and Director of Assetic Pty Ltd	
<b>Apologies</b>	Cr S Abboushi Cr K Majdlik Mr K Tori, Chief Executive Officer Mr M Heaney, General Manager Community Services Mr L Shannon, General Manager Planning & Development	
<b>Matters discussed:</b>	<ol style="list-style-type: none"> <li>1. Review/Update of Asset Management Strategy</li> <li>2. L2P – Learner Driver Mentor Program</li> <li>3. Caroline Springs Event</li> <li>4. Advanced Waste Processing Briefing</li> <li>5. Councillor Discussion                             <ol style="list-style-type: none"> <li>a) Mayor and Chief Executive Weekly Meeting</li> <li>b) Upcoming VLGA Board election</li> <li>c) Road Surface issue Bulmans Road and paving issue at Melton Library</li> <li>d) Indented Parking Bays at Englewood Court Hillside</li> </ol> </li> </ol>	
CONFLICT OF INTEREST DISCLOSURES:		
<b>Were there any conflict of interest disclosures by Councillors?</b>	No	
<b>Matter No.</b>	<b>Councillor making disclosure</b>	<b>Councillor left meeting</b>
REPORT PRODUCED BY:		
<b>Officer name:</b>	Sam Rumoro	<b>Date:</b> 6 June 2019

Record of Assembly of Councillors



RECORD OF ASSEMBLY OF COUNCILLORS

Section 80A(1) of the Local Government Act 1989

ASSEMBLY DETAILS:		
<b>Meeting Name:</b>	Briefing of Councillors	
<b>Meeting Date:</b>	11 June 2019	<b>Time:</b> 6.15 pm
<b>Councillors present:</b>	Cr B Turner (Mayor) Cr L Carli (Deputy Mayor) Cr S Abboushi Cr K Hardy Cr K Majdlik Cr M Mendes	
<b>Officers present:</b>	Mr K Tori, Chief Executive Officer Mr P Bean, General Manager Corporate Services Mr L Shannon, General Manager Planning & Development Mr T Watson, Acting General Manager Community Services Ms L Mellan, Manager City Design Strategy & Environment Mr S McManus, Manager Engagement & Advocacy Mr M Wilson, Manager Community Development Mr B Marshall, Coordinator Economic Development and Tourism Ms S Annells, Coordinator Health and Building Ms D Vandermeij, Community Funding & Project Officer Ms R Mitchell, Senior Community Engagement Officer	
<b>Guests</b>	Nil	
<b>Apologies</b>	Cr G Kesic Cr S Ramsey Mr M Heaney, General Manager Community Services	
<b>Matters discussed:</b>	<ol style="list-style-type: none"> <li>1. Community Grants Procedure and Policy Briefing</li> <li>2. Community Engagement Framework</li> <li>3. Better Approvals Project Briefing</li> <li>4. Reflections from USA Study Tour</li> <li>5. Councillor Discussion</li> </ol>	
CONFLICT OF INTEREST DISCLOSURES:		
<b>Were there any conflict of interest disclosures by Councillors?</b>	No	
<b>Matter No.</b>	<b>Councillor making disclosure</b>	<b>Councillor left meeting</b>
REPORT PRODUCED BY:		
<b>Officer name:</b>	Peter Bean	<b>Date:</b> 13 June 2019



RECORD OF ASSEMBLY OF COUNCILLORS

Section 80A(1) of the Local Government Act 1989

ASSEMBLY DETAILS:		
<b>Meeting Name:</b>	Briefing of Councillors	
<b>Meeting Date:</b>	17 June 2019	<b>Time:</b> 6.15 pm
<b>Councillors present:</b>	Cr L Carli (Deputy Mayor) Cr G Kesic Cr K Majdlik Cr M Mendes Cr S Ramsey Cr Y Sebire	
<b>Officers present:</b>	Mr K Tori, Chief Executive Officer Mr L Shannon, General Manager Planning & Development Mr T Watson, Acting General Manager Community Services Ms L Mellan, Manager City Design Strategy & Environment Ms S Romaszko, Manager Engineering Services Mr S Rumoro, Manager Finance	
<b>Guests</b>	<b>Rail Projects Victoria</b> Paul Price Scott Lundgren Megan Cusack	
<b>Apologies</b>	Cr B Turner (Mayor) Cr S Abboushi Cr K Hardy Mr P Bean, General Manager Corporate Services Mr M Heaney, General Manager Community Services	
<b>Matters discussed:</b>	<ol style="list-style-type: none"> <li>1. Rail Projects Victoria</li> <li>2. Ordinary Council Agenda – 24 June 2019</li> <li>3. Councillor discussion                             <ol style="list-style-type: none"> <li>a) Mayor and Chief Executive Weekly Meeting</li> </ol> </li> </ol>	
CONFLICT OF INTEREST DISCLOSURES:		
<b>Were there any conflict of interest disclosures by Councillors?</b>	No	
<b>Matter No.</b>	<b>Councillor making disclosure</b>	<b>Councillor left meeting</b>
REPORT PRODUCED BY:		
<b>Officer name:</b>	Luke Shannon	<b>Date:</b> 19 June 2019

**8. CORRESPONDENCE INWARD**

Nil.

**9. PETITIONS AND JOINT LETTERS**

**9.1 PETITION TO CLOSE OFF ALLEYWAY IN CARINA DRIVE MELTON DUE TO VANDALISM OF PROPERTY AND CARS**

**Motion**

Crs Ramsey/Hardy.

That the petition requesting Council to close off alleyway in Carina Drive Melton due to vandalism of property and cars be received.

CARRIED

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

Nil.

**11. PUBLIC QUESTION TIME**

Name	Question asked of Council
Tom Stotten	<p>Why has Council decided to rezone the open space at 3-13 McDonald Street as reported in the Star newspaper from open space to residential with the land to be sold to the State Government for Special Need Housing.</p> <p>This proposal contravenes the subdivision act 1988 under section 20 (1) of the Subdivision Act and also the exemption listed in clause 16.01-6s of the Melton Planning Scheme as this clause only refers to residential land and not on land to be used as public park.</p>
Tom Stotten	<p>The residents who will be affected by this proposed decision of the Council are in total agreement that this project should not be proceeded with in any shape or form. Therefore, could you please expand on Council's current and future position on this proposal?</p>
David O'Connor	<p>I make reference to the public notice published in the Melton &amp; Moorabool Star Weekly, May 14, 2019 regarding land situated at 3-13 McDonald Street, Melton South.</p> <p>The notice calls for submissions in response to a resolution of Council made at the ordinary meeting of April 29, 2019. It's understood that the resolution proposes to use the land for another purpose other than that for which it was originally acquired.</p> <p>Would Council please explain, how community members are able to make submissions in an informed capacity, when the options for the land were discussed in Council under confidential business?</p>
David O'Connor	<p>Melton City Council have confirmed that as part of the Bloomdale development, a shared path will connect from Houdini Drive to Eucalyptus Circuit which will link to the signalised crossing on Vineyard Road in Diggers Rest.</p> <p>In the interests of all residents, would Council please provide an update to the current status of the proposed pathway, together with an estimated time frame and completion date?</p>
Brad Baker	* Not in attendance.
Brad Baker	* Not in attendance.
Charlie Apap	<p>Does the Melton Council recognise and adhere to the Title Covenants set out by Delfin Lend Lease Ltd for Caroline Springs?</p>
Charlie Apap	<p>The aquatic plants growing within and around Lake Caroline and specifically at the waters edges, continue to be left overgrown, untidy and in need of immediate attention.</p> <p>Prior to Delfin Lend Lease Ltd handing over to Melton Council Delfin Lend Lease Ltd kept all plants and grasses in</p>

<b>Name</b>	<b>Question asked of Council</b>
	and around Lake Caroline in a trimmed neat and tidy condition with a regular maintenance schedule. My question is, has the Melton Council kept the same maintenance schedule as that of Delfin Lend Lease Ltd prior to the hand over? What is the schedule of maintenance and upkeep of the aquatic plants in and around Lake Caroline?

\* In accordance with Council's Meeting Procedure Local Law 2013, if a person who submitted a question is not present at the Council's Ordinary Meeting, their question is not read out or replied to at the meeting and a written response is provided.

**Procedural Motion**

Crs Majdlik/Carli.

That the recommendations as printed in Items 12.3 and 12.6 be adopted en bloc.

CARRIED

## 12. PRESENTATION OF STAFF REPORTS

### 12.1 COUNTBACK TO FILL EXTRAORDINARY VACANCY

Author: Kel Tori - Chief Executive Officer  
Presenter: Kel Tori – Chief Executive Officer

#### PURPOSE OF REPORT

To advise Council in relation to the process undertaken pursuant to Section 37A of the *Local Government Act* 1989 to fill by Countback the Extraordinary Vacancy resulting from the resignation of former Cr Melissa De Santis

#### RECOMMENDATION:

That Council:

1. note the report;
2. note that Affirmation of Office completed by Cr. Sebire in accordance with Section 63(2) of the *Local Government Act* 1989 is recorded in the Minutes of this Council Meeting at **Appendix 1**; and
3. note the Code of Conduct declaration made by Cr Sebire in accordance with Section 63(3) of the *Local Government Act* 1989 is recorded in the Minutes of this Council Meeting at **Appendix 2**.

#### Motion

Crs Ramsey/Kesic.

That Council:

1. note the report;
2. note that Affirmation of Office completed by Cr. Sebire in accordance with Section 63(2) of the *Local Government Act* 1989 is recorded in the Minutes of this Council Meeting at **Appendix 1**; and
3. note the Code of Conduct declaration made by Cr Sebire in accordance with Section 63(3) of the *Local Government Act* 1989 is recorded in the Minutes of this Council Meeting at **Appendix 2**.
4. thank former Cr De Santis for her service to Council from 2016 to 2019.

CARRIED

## REPORT

### 1. Executive Summary

An Extraordinary Vacancy occurred in the Coburn Ward of Council with the resignation of former Cr. Melissa De Santis on 9 May 2019.

The process for filling an Extraordinary Vacancy on Council is specified within the *Local Government Act 1989* ('the Act').

A Countback was undertaken by the Returning Officer, Ms Charmaine Morel, appointed by the Victorian Electoral Commission (VEC) for the purpose of filling the Extraordinary Vacancy. The Countback took place on 12 June 2019 at Melton Library and Learning Hub with the successful candidate being Ms Yvonne Sebire.

Shortly thereafter Ms Sebire accepted the position in writing and the Returning Officer therefore declared the result of the Countback at the VEC head office later that day at 2.00pm on 12 June 2019.

At 5.00pm on Friday 14 June 2019 Ms Sebire made the following declarations before me as Chief Executive Officer in accordance with Section 63(2)&(3) of the Act:

- the Affirmation of Office, a copy of which is at **Appendix 1**.
- a Declaration that she had read and will abide by the Melton City Council Councillor Code of Conduct 2017, a copy of which is at **Appendix 2**.

It is a requirement under the Act that the dated and signed Affirmation of Office be recorded in the minutes of the Council. This report fulfils that requirement.

### 2. Background/Issues

As Chief Executive Officer I received the written resignation of former Cr. Melissa De Santis on 9 May 2019, following which notification was given to the Minister for Local Government and the VEC as required under the Act. The VEC then commissioned Ms Charmaine Morel, a staff member at the VEC to fulfil the duties of Returning Officer for the purpose of the Countback to be conducted to fill the Extraordinary Vacancy caused by the resignation of former Cr. De Santis. The Returning Officer then gave Public Notice of the Countback to be held at the Melton Library and Learning Hub on Wednesday 12 June 2019.

At the conclusion of the Countback the Returning Officer advised that the successful candidate was Ms Yvonne Sebire and that she would advise Ms Sebire of the requirements in order to take up the position of Councillor.

Ms Sebire completed the declaration required which enabled the Returning Officer to proceed with the declaration of the Countback result, which was done at the VEC's head office at 2.00pm on Wednesday 12 June 2019.

Following the declaration of the Countback by the Returning Officer, Cr Sebire took the Affirmation of Office before myself, and the signed and dated Affirmation is appended to these minutes as **Appendix 1**. It is a requirement under the Act that the signed and dated Affirmation form part of the Minutes of Council.

Cr Sebire also made a declaration that she has read and will abide with the Melton City Council Code of Conduct 2017 before myself, and the signed and dated declaration is appended to these minutes as **Appendix 2**.

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

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



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

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

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

The VEC were required to undertake the process of the Countback under the terms of the Contract with Victorian Electoral commission for the conduct of the 2016 General Election of Councillors. The cost of conducting the Countback procedures is estimated to be of the order of approximately \$2,700 including GST however the final accounts are yet to hand.

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

All Public Notices required under the Legislation were given by the Victorian Electoral Commission and the appointed Returning Officer.

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

The report is for Council Information and Statutory Compliance and there is no risk to Council associated with the matters being reported through this report.

#### **7. Options**

Not applicable

#### **LIST OF APPENDICES**

1. Affirmation of Office, Cr Yvonne Sebire - dated 14 June 2019
2. Councillor Code of Conduct Declaration, Cr Yvonne Sebire - dated 14 June 2019

## 12.2 COUNCILLOR REPRESENTATION ON COUNCIL COMMITTEES AND OTHER ORGANISATIONS

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

### PURPOSE OF REPORT

To consider Councillor delegates to Council committees and to other organisations for the balance of the 2018/19 representation period.

### RECOMMENDATION:

That Council:

1. appoint Cr Sebire to the following Council committees that comprise all Councillors:
  - Community Achievements Awards Assessment Panel
  - Councillor Representations Nominations Advisory Committee (CRNAC)
  - Military Commemoration Investment Advisory Committee (MCIAC)
  - Preventing Family Violence Advisory Committee
  - Public Hospital for Melton Advisory Committee
  - Section 223 Submissions Advisory Committee
  
2. appoint Cr Sebire to the following seven Council committees and two other organisations that former Cr De Santis was delegate to:
  - Council committee
    - CALD Advisory Committee
    - City of Melton Community Benefit Program – Grants Assessment Panel (HRV)
    - Melton Waves Reference Group
    - Melton Weir Development Advisory Group
    - Reconciliation Advisory Committee
    - The Willows Historical Park Advisory Committee
    - Youth Council
  - Other Organisations
    - Melton Indoor Recreation Centre
    - National Growth Areas Alliance (NGAA)

for the balance of the 2018/19 representation period:

#### Motion

Crs Majdlik/Ramsey.

That the recommendation be adopted.

**CARRIED**

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

The resignation of former Cr Melissa De Santis on 9 May 2019 has created a number of vacancies on Council committees and on other organisations to which the Council sends a representative.

Now that the Councillor vacancy has been filled by Cr Yvonne Sebire via a Countback process, Council needs to determine who will fill the committee and other organisation vacancies that were filled by former Cr DeSantis.

**2. Background/Issues**

The Councillor committees that former Cr De Santis sat on are listed below:

**Advisory Committees**

<b>Advisory Committees as a delegate</b>	<b>Other Councillor delegates</b>
<ul style="list-style-type: none"> <li>CALD Advisory Committee</li> </ul>	Cr Turner
<ul style="list-style-type: none"> <li>City of Melton Community Benefit Program – Grants Assessment Panel (HRV)</li> </ul>	Cr Hardy, Cr Ramsey, Cr Turner
<ul style="list-style-type: none"> <li>Melton Waves Reference Group</li> </ul>	Cr Hardy
<ul style="list-style-type: none"> <li>Melton Weir Development Advisory Group</li> </ul>	Cr Hardy
<ul style="list-style-type: none"> <li>Reconciliation Advisory Committee</li> </ul>	Cr Carli
<ul style="list-style-type: none"> <li>The Willows Historical Park Advisory Committee</li> </ul>	Cr Hardy, Cr Ramsey, Cr Turner
<ul style="list-style-type: none"> <li>Youth Council</li> </ul>	Cr Abboushi, Cr Turner

<b>Advisory Committees as a delegate – but with all other Councillors</b>
<ul style="list-style-type: none"> <li>Community Achievements Awards Assessment Panel</li> <li>Councillor Representations Nominations Advisory Committee (CRNAC)</li> <li>Military Commemoration Investment Advisory Committee (MCIAC)</li> <li>Preventing Family Violence Advisory Committee</li> <li>Public Hospital for Melton Advisory Committee</li> <li>Section 223 Submissions Advisory Committee</li> </ul>

<b>Other Organisations</b>	<b>Other Councillor delegates</b>
<ul style="list-style-type: none"> <li>Melton Indoor Recreation Centre</li> </ul>	Cr Ramsey
<ul style="list-style-type: none"> <li>National Growth Areas Alliance (NGAA)</li> </ul>	Cr Carli, Cr Turner (Substitute: Cr Kesic)

Council needs to determine who will fill the committee and other organisation vacancies that were previously filled by former Cr DeSantis.

For the six committees in the table above where former Cr De Santis was a delegate but with all other Councillors, then Cr Sebire will be appointed automatically to each committee.

For the seven other Council committees and the two external organisations listed above, determination needs to be made on who will fill each vacant position. The options to do this are set out in Section 7 below.

Councillors will note that appointments to fill these vacancies will carry through until the adoption of the Councillor Representations Nominations Advisory Committee (CRNAC) Meeting Minutes on 11 November 2019 when Council appoints its delegates for the following 12 month period.

### **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**

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

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

No public consultation is required.

### **6. Risk Analysis**

There are no risks associated with the appointment of Councillors to Council committees and external organisations.

Advisory Committee minutes must be reported to Council. As they have no delegated power, they are restricted to the making of recommendations for Council's consideration.

The extent of the power and functions that can be exercised by special committees is governed by their Instrument of Delegation.

Council adopts Terms of Reference for each of its committees to guide their role, composition and operation.

### **7. Options**

For the six committees in the table above where former Cr De Santis was a delegate but with all other Councillors, then Cr Sebire will be appointed automatically to each committee.

For the seven other Council committees and the two external organisations listed above, determination needs to be made on who will fill each vacant position. There appears to be three options.

#### **Option 1**

Each vacant position – 7 Council committees and 2 external organisations – to be filled by Cr Sebire.

**Option 2**

Each vacant position – 7 Council committees and 2 external organisations – to be filled by calling for nominations for each vacancy.

This option gives the opportunity for all Councillors to nominate for a vacant position with Cr Sebire able to be nominated or not nominated just like any other Councillor.

**Option 3**

Spill all positions on all Council committees and external organisations and call for fresh nominations from Councillors.

This would best be facilitated at a meeting of the Councillor Representations Nominations Advisory Committee (CRNAC).

**LIST OF APPENDICES**

Nil

## 12.3 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

Author: Rebecca Bartlett - Acting Governance Officer  
Presenter: Kel Tori - Chief Executive Officer

### PURPOSE OF REPORT

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

### RECOMMENDATION:

That Council:

1. adopt the minutes of the Advisory Committee meeting at **Appendix 1 - 9**
2. adopt recommendations arising within the Minutes.

### Motion

Crs Majdlik/Carli.

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
26 March 2019	Youth Advisory Council	Appendix 1
4 April 2019	Disability Advisory Committee	Appendix 2
2 May 2019	Early Years Partnership Committee	Appendix 3
10 May 2019	Preventing Family Violence Advisory Committee	Appendix 4
14 May 2019	Reconciliation Advisory Committee	Appendix 5
22 May 2019	Intercultural Advisory Committee	Appendix 6
23 May 2019	Heritage Advisory Committee	Appendix 7
6 June 2019	Disability Advisory	Appendix 8
12 June 2019	Policy Review Panel	Appendix 9

### 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. Youth Advisory Council Committee Meeting Minutes - dated 26 March 2019
2. Disability Advisory Committee Meeting Minutes - dated 4 April 2019
3. Early Years partnership Committee Meeting Minutes - dated 2 May 2019
4. Preventing Family Violence Advisory Committee Meeting Minutes - dated 10 May 2019
5. Reconciliation Advisory Committee Meeting Minutes - dated 14 May 2019
6. Intercultural Advisory Committee Meeting Minutes - dated 22 May 2019
7. Heritage Advisory Committee Meeting Minutes - dated 23 May 2019
8. Disability Advisory Committee Meeting Minutes - dated 6 June 2019
9. Policy Review Panel Meeting Minutes - dated 12 June 2019



## 12.4 MINUTES OF THE SECTION 223 SUBMISSIONS ADVISORY COMMITTEE HELD 21 MAY 2019, ADOPTION OF 2019/2020 BUDGET AND REVISED 2017-2021 COUNCIL AND WELLBEING PLAN

Author: Sam Rumoro - Manager Finance  
Presenter: Sam Rumoro - Manager Finance

### PURPOSE OF REPORT

To advise Council of the minutes of the Section 223 Submissions Advisory Committee Meeting held on 21 May 2019, on the 2019/2020 Budget and revised 2017-2021 Council and Wellbeing Plan.

### RECOMMENDATION:

That Council:

1. notes the minutes of the Section 223 Submissions Advisory Committee meeting held Tuesday, 21 May 2019.
2. adopts the recommendations contained within the minutes at **Appendix 1**.

### Motion

Crs Ramsey/Kesic.

That the recommendation be adopted.

CARRIED

Cr Ramsey 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

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## REPORT

### 1. Executive Summary

At the Ordinary Meeting of Council held on 1 April 2019, Council reviewed the 2019/2020 Proposed Budget, and resolved that:

- The proposed Budget will be placed on public display as required by the Local Government Act 1989 ('Act') and submissions will be received up until 1 May 2019.
- A 'Section 223 Submission Committee' of Council consider any submissions made in accordance with Section 223 of the Act and report these submissions to Council.

The Section 223 Submissions Advisory Committee met on 21 May 2019 to hear from the submitters and consider all submissions received.

A total of 35 submissions were received on the 2019/2020 proposed budget and 1 on the 2017-2021 Council and Wellbeing Plan. Of those submissions 24 were from the public and 12 were Councillor Initiatives.

The Minutes of the Section 223 Submissions Advisory Committee Meeting held on 21 May 2019 are attached at **Appendix 1**, the 2019/2020 Budget at **Appendix 2**, the Strategic Resource Plan 2019-2023 at **Appendix 3** and the revised 2017-2021 Council and Wellbeing Plan at **Appendix 4**.

## **2. Background/Issues**

The Proposed Budget for 2019/2020 was presented to Council at the Ordinary Meeting of the Council held on 1 April 2019. Council resolved that the proposed Budget be displayed for 28 days as required by the Act, inviting public submissions.

Council received a total of 35 submissions on the 2019/2020 Proposed Budget, primarily from organisations seeking an allocation of additional funding for Council facilities and programs.

The Section 223 Submissions Advisory Committee meeting was held on 21 May 2019 to consider the 35 submissions received on the Proposed Budget for 2019/2020 and also to consider the 1 submission on the 2017-2021 Council and Wellbeing Plan. The Committee reviewed the submissions received, of which 12 verbal presentations were made in support of their written submission and recommendations were prepared for consideration in response to every submission.

## **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**

Costs associated with advertising and exhibiting the 2019/2020 Proposed Municipal Budget and revised 2017-2021 Council and Wellbeing Plan have been provided for in the current budget.

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

Council, in accordance with section 223 of the Local Government Act 1989, invited submissions from the community, for consideration by Council on 21 May 2019 before adopting the 2019/2020 Proposed Municipal Budget and revised 2017-2021 Council and Wellbeing Plan.

The Section 223 Submissions Advisory Committee considered all submissions received on 21 May 2019 and present tonight recommendations in response to all submissions received before formally adopting the 2019/2020 Municipal Budget and revised 2017-2021 Council and Wellbeing Plan.

## **6. Risk Analysis**

Council's process of endorsing the 2019/2020 Proposed Budget and seeking public submissions is in accordance with the Local Government Act 1989 and poses no risk to Council.

## **7. Options**

It is a legislative requirement to have the 2019/2020 Budget adopted by 30 June 2019.

## **LIST OF APPENDICES**

1. Minutes of the Section 223 Submissions Advisory Committee Meeting - dated 21 May 2019
2. Municipal Budget 2019/20 - undated
3. Strategic Resource Plan 2019/20 to 2022/23 - undated
4. Council and Wellbeing Plan 2017-2021 - Revised June 2019

## **12.5 RESPONSE TO NOTICE OF MOTION 551 (CR RAMSEY) - EXPLORE THE POTENTIAL OF MULTI STOREY CAR PARKS IN THE MELTON TOWNSHIP AND CAROLINE SPRINGS.**

**Author: Tunc Ozlatif - Strategic Planner**

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

### **PURPOSE OF REPORT**

To provide a response to Notice of Motion 551 which relates to the potential provision of multi-storey car parks in the Melton Township and Caroline Springs Town Centre.

### **RECOMMENDATION:**

That Council note this report.

#### **Motion**

Crs Ramsey/Mendes.

That Council note this report and undertake a review of car parking requirements in Melton Town Centre and Caroline Springs Town Centre as part of the High Street Structure Plan project which is anticipated to commence in mid-2020.

CARRIED

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## **REPORT**

### **1. Executive Summary**

Council has considered Notice of Motion 551, which relates to the potential of multi-storey car parks and public private partnerships (PPP) in Melton Township and the Caroline Springs Town Centre.

The report provides details regarding the findings of a Melton Town Centre Car Parking Study (2019), and the evidence from that study which finds that a multi-storey car park is not required in Melton.

The report also finds that there has been no formal car parking study conducted in the Caroline Springs Town Centre and that it would be premature for Council to conduct a car parking study at this stage. Therefore there is no evidence that justifies any additional multi-storey car parks in the town centre.

It is recommended that Council note this report.

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

The report provides a response to a Notice of Motion (NOM) that was subject to a resolution of Council regarding the exploration for the potential of multi storey car parks in the Melton Township and Caroline Springs.

At the 26 March 2018 Ordinary Meeting of Council, Council considered NOM 551 (Cr Ramsey) and resolved:

*'That Council officers explore the options and bring back a report to Council of the potential of a multi storey car park in the Melton Township and Caroline Springs and to explore possible Public Private Partnership opportunities (PPPs), if they exist'.*

### **Melton Town Centre Car Parking Study 2019**

The last comprehensive parking management study review in the Melton Town Centre was in 2010 and since then there has been change in businesses, streetscape upgrades and ad hoc parking changes. This resulted in the need for Council to conduct a new parking review within the Melton Town Centre.

Since this NOM was tabled at the Ordinary Meeting of Council on 26 March 2018, Council officers have completed a Car Parking Study for the Melton Town Centre, from a survey conducted on Thursday 22 February 2018 and presented this to Council on 13 May 2019.

The survey examined car parking occupancy and duration of stay and only focused on public parking spaces. The survey identified that there is a total of 2,134 spaces within the Melton Town Centre area which is approximately within a 450m radius (5 minute walk). This figure includes 1,610 spaces on-street and 524 off-street spaces. The study area is generally bounded by O'Neill's Road, Unitt Street, Palmerston Street, Church Street, Raleigh Road, Nixon Street, Henry Street, Yuille Street and Station Road.

The study was conducted on Thursday 22 February 2018 between 9am and 5pm and excluded private car parks in the town centre area such as Aldi Supermarket and the Macs Hotel. The Study found that across all parking spaces which include very short term (<1 hour), short term (1-2 hours), medium term (3-4 hours), long term and disabled parking that the peak occupancy rate was 66%, which was recorded at 2pm.

The study identified that there was a higher demand for medium-term (3-4 hour) parking than there was parking spaces available. The Study recommended that Council review the parking restrictions and signage to ensure a range of parking restrictions cater for the wide range of businesses and land-uses within the town centre area. The need found from this study is for improved management of existing car parking spaces rather than the addition of extra car parking spaces. Council was briefed on the Car Parking Study on 13 May 2019 and it was resolved that Council would provide in-principle support for the proposed recommendations that came out from the associated report.

Although there are limitations from the Melton Town Centre Car Parking Study 2019 such as the time and date that the study was conducted and the fact that the report provided doesn't currently explore the potential of a multi-storey car park and therefore a PPP. The Study concluded that there is sufficient parking within the Melton Township as a whole to meet the current peak parking demands and that a multi-storey car park is not necessarily the solution towards addressing the existing demand versus parking spaces for the medium-term parking gaps as mentioned above.

Based on the above, it is considered that no further investigation needs to be undertaken and there is no evidence to suggest that a multi-story car park in the Melton Township is required.

### **Caroline Springs Town Centre**

There has been no formal car parking study or review completed for the Caroline Springs Town Centre, analysing the public car parking occupancy, demand and duration of stay.

There is existing on-street public car parking within the Caroline Springs Town Centre area and existing private parking available at the CS Square Shopping Centre. From Stages 1 and 2 of CS Square 876 car parking spaces were provided, in addition the recent Stage 3 development provided an additional 238 car parking spaces (total of 1114). There are also existing private multi-storey car parks on Caroline Springs Boulevard (Central Shopping Centre approx. 380 spaces) and WestWaters Hotel (326 spaces).

A Car Parking Study in the Caroline Springs Town Centre would be premature at this stage as the area is still developing with public and private car parking spaces evolving as

development occurs in the area. Council finds that there is no evidence of the need for any additional multi-storey car parks and therefore a PPP in the Caroline Springs Town Centre.

Should Council determine to proceed with further investigation in the future, this would require the preparation of a business case and feasibility study which would be premature in the Caroline Springs Town centre at this time.

Based on the above, it is considered that there is a lack of evidence for proceeding with any further studies at this time.

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

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

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

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

### **4. Financial Considerations**

There are no financial considerations associated with this report. If Council were to conduct a Car Parking Study in the Caroline Springs Town Centre there would be costs associated with that process. A Car Parking Study could be undertaken and the findings could demonstrate that there isn't a need for an additional multi-storey car park in the Caroline Springs Town Centre.

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

There was no consultation undertaken in the preparation of this report.

### **6. Risk Analysis**

There is no justification from the evidence found in the Car Parking Study for the Melton Town Centre that a multi-storey car parking is warranted. If a multi-storey car park was constructed in the Melton Town Centre the project would come at a significant cost to Council.

There is no evidence to suggest whether an additional multi-storey car park is or isn't required in the Caroline Springs Town Centre, so to propose the construction of one without justification is premature and would be costly.

There is a financial risk to Council associated with the costs of conducting a Car Parking Study that is premature and not applicable. In addition, the impact that a multi-storey car park that is not warranted may have on the reputation of Council is a risk.

### **7. Options**

Council has the option to:

- 1) Note the findings of this report
- 2) Consider allocating money in the 2020/21 budget to undertake a Car Parking Study for the Caroline Springs Town Centre.

**LIST OF APPENDICES**

1. Caroline Springs Town Centre Precinct Plan - dated 11 October 2017
2. Caroline Springs Town Centre Site Plan - dated 11 October 2017
3. Melton Town Centre Car Parking Study Restrictions - undated

## 12.6 COMMUNITY ENGAGEMENT FRAMEWORK

**Author: Robyn Mitchell - Senior Community Engagement Officer**  
**Presenter: Troy Watson – Acting General Manager Community Services**

### PURPOSE OF REPORT

To present the new Community Engagement Framework for Council endorsement.

### RECOMMENDATION:

That Council endorse the new Community Engagement Policy and Guidelines as presented in **Appendices 1 and 2.**

#### Motion

Crs Majdlik/Carli.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

The 2015 Community Engagement Policy and Guidelines are due to expire in June 2019. Under the *Local Government Act 1989*, Council is required to maintain a Community Engagement Policy and Guidelines that govern community engagement practice within local councils. The Victorian Auditor General's Office have also outlined their expectations of how Councils should engage their communities.

Further to the legislative obligation for these documents, Council is committed to best practice community engagement; therefore these documents reflect the evolution of practices in the field and feedback from the community about how they want to be engaged.

This report seeks Council endorsement of a new Community Engagement Policy and Guidelines that will ensure ongoing compliance and also enable richer engagement with the community on issues that matter.

### 2. Background/Issues

The existing Community Engagement Policy and Guidelines expire in June 2019. Under the *Local Government Act 1989* (the Act), Council is required to maintain a Community Engagement Policy and Guidelines that govern community engagement practice within local councils. Council is committed to best practice community engagement; therefore these documents reflect the evolution of practices in the field and feedback from the community about how they want to be engaged.

The *Local Government Act 1989* has been under review since 2016. The draft Act proposed a much stronger role for public participation and community engagement in local government; however, the draft Act has not yet been adopted. Consequently, the legislative context for these documents has not changed.



The new Community Engagement Policy and Guidelines have been drafted after an extensive community engagement process. In 2018, staff from across Council attended a series of engagement workshops to produce a set of recommendations to improve community engagement practice at Melton. They were also asked to develop a set of principles that would underpin Council's community engagement practice.

In 2018/19 the Melton community were also consulted to better understand their experience of engagement with Melton City Council. This was delivered across multiple engagement methods, with participants from all localities and age groups being represented.

The results from this engagement highlighted that community members wanted Council to provide multiple ways to participate, and to provide more information about how to get involved.

Feedback, data and recommendations from both sets of engagement have been incorporated into the new Community Engagement Policy and Guidelines. Both documents have been aligned with the new engagement principles that underpin engagement at Melton.

### **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**

All financial considerations associated with these documents are included in existing operational budgets

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

The new Community Engagement Policy and Guidelines have been drafted after an extensive community engagement process.

In 2018, 40 staff from across Council attended a series of three engagement workshops that were tasked with creating a set of recommendations to improve community engagement practice at Melton. They were also asked to develop a set of principles that would underpin Council's community engagement practice.

In 2018/19, the Melton community were consulted to better understand how they like to be engaged, what the barriers to them becoming more involved were, and how we might address some of those barriers. More than 500 people participated across multiple engagement methods, with participants from all localities and age groups being represented.

The engagement was conducted via an online survey and face-to-face engagement at local events and My City My Say listening posts. The events were:

- Djerriwarrh Festival
- Eynesbury Market
- Harmony Day at Taylors Hill
- Diggers Rest Multicultural Day

Survey results showed participation from all suburbs in the Melton municipality and in proportions that are broadly representative of the community.

The results from this engagement highlighted that community members wanted Council to provide multiple ways to participate, and to provide more information about how to get involved. The preferred methods for engagement were surveys, at local events and online engagement. The main reasons people cited for not being involved in community

engagement were work or family commitments; being too busy or a lack of time; and not knowing how to get involved.

Feedback, data and recommendations from both internal and external engagement have been incorporated into the new Community Engagement Policy and Guidelines.

## 6. Risk Analysis

There are no identified risks associated with endorsing the attached documents.

The risk associated with not endorsing the documents is that the expiry of the previous policy and guidelines means Council would not be compliant under the *Local Government Act*, nor the Victorian Auditor General's Office guidelines for community engagement.

## 7. Options

Council has the option to:

1. Endorse the new Community Engagement Policy and Guidelines as presented in **Appendix 1** and **Appendix 2**
2. Not endorse the new Community Engagement Policy and Guidelines.

## LIST OF APPENDICES

1. Draft Community Engagement Policy - dated 16 April 2019
2. Community Engagement Guidelines - dated 2019

## 12.7 CONTRACT No.19/040 - DEVELOPMENT OF MARLO DRIVE RESERVE

Author: Joel White - Graduate Engineer

Presenter: Luke Shannon - General Manager Planning & Development

### PURPOSE OF REPORT

To seek Council's approval for the award of Contract No. 19/040 for the construction of Marlo Drive Reserve commencing August 2019.

### RECOMMENDATION:

That Council:

1. Award Contract No. 19/040 for the construction of Marlo Drive Reserve to Ace Landscaping Contractors Pty Ltd for the lump sum of \$786,212.07 (excl. GST).
2. Delegate to the Chief Executive Officer the execution of all contract documents.

### Motion

Crs Ramsey/Mendes.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

This report seeks Council resolution for the award of Contract No. 19/040 for construction of Marlo Drive Reserve.

Council has committed to the development of Marlo Drive Reserve located in Harkness. The project will deliver new playground & exercise equipment, shelter with BBQ and picnic facilities, landscaping, half-court basketball, turfed area and footpaths (refer **Appendix 1** to view Concept / Master Plan for Marlo Drive Reserve).

The total project budget allocated to deliver the project is \$880,000. Council was successful in gaining \$440,000 in State Government funding from the Department of Environment, Land, Water, and Planning through the Growing Suburbs Fund (GSF) to contribute towards the project with the remaining funds coming from Developer Contributions and Council.

In preparation, Council officers are, in accordance with Council procurement policies, seeking to engage a suitably qualified and experienced head contractor to undertake the construction works.

Council has an Agreement with State Government under the GSF to deliver and have the project completed by 24 January 2020. A key Milestone of the project is that a landscaping contractor be appointed by 25 June 2019. The tender evaluation summary is provided in **Confidential Appendix 2** to this report.

Ace Landscaping Contractors scored the highest in the tender evaluation and therefore are recommended for award for the lump sum of **\$786,212.07 (excl. GST)**.

## 2. Background/Issues

Melton City Council completed an investigation in 2016 which identified a list of priority sites where the development / upgrade of a park was required. The sites are evaluated based on the number of lots/population against current level of service. As Marlo Drive Reserve currently services 900 lots and has no park infrastructure it was deemed a high priority.

To help deliver infrastructure for the growing population in the Harkness area, Council made an application in July 2018 to the Victorian State Government for funding through the Growing Suburbs Fund (GSF) for financial assistance in the development of Marlo Drive Reserve. The GSF provides a contribution towards meeting critical local infrastructure needs for communities in Melbourne's diverse and fast-growing outer suburbs. It is positioned to quickly respond to the pressures being experienced by interface communities by bringing forward local infrastructure projects that will make a big difference in the day-to-day lives of outer suburban families.

Council was advised in October 2018 that it was successful in obtaining \$440,000 in funding, and subsequent an agreement for the funding was signed.

Council has agreed under the GSF to deliver the project by 24 January 2020.

A key Milestone of the project is the appointment of a landscape contractor by 25 June 2019.

Throughout the development of the Harkness area it was a requirement from Council to collect Open Space Contributions from the developer of Peppermint Grove Estate to develop areas like Marlo Drive Reserve. The amount of Developers Open Space Contributions collected for Marlo Drive Reserve is \$389,047. This has been allocated to the project budget.

Marlo Drive Reserve has been designed internally within Council. With the detailed design, specifications and tender documentation completed 2 May 2019.

An Expression of Interest for landscaping contractors to deliver the park was advertised in February 2019. The EOI closed on 13 March 2019. It was identified that six competent contractors were capable of undertaking the delivering of Marlo Drive Reserve, subsequently they were invited to provide a submission for tender on the 4 May 2019. The tender submission closed on the 27 May 2019.

A total of five conforming tender submission were received and assessed on the basis of the evaluation criteria described in the tender documents. Two tender submissions quoted a fixed lump sum below the approved construction project budget. Both tenders were shortlisted for an interview. Ace Landscaping Contractors scored the highest in the tender evaluation and therefore are recommended for award.

The evaluation panel declared no conflict of interest in relation to this tender evaluation. To see the results of the tender evaluation see **Confidential Appendix 2**.

Overall the award of this contract will involve the delivery of Marlo Reserve and will include the following:

- Site establishment, fencing, traffic and pedestrian management;
- Installation of playground equipment and nature play;
- The construction of half-court Basketball;
- Natural and artificial shade;
- Kick about space with multi-purpose goals;
- BBQ and picnic facilities;
- Park furniture (picnic tables / bench seats and drinking fountain);
- Landscaping;

- Concrete and gravel footpaths;
- Establishment and maintenance of soft landscaping

### 3. Council Plan Reference and Policy Reference

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

3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way
  - 3.1 *A City that strategically plans for growth and development*

### 4. Financial Considerations

The Development of Marlo Drive Reserve project requires an overall budget of \$880,000.00 (excluding GST).

The budget components for the project are as follows:

<b>Funding Sources</b>	<b>Amount \$</b>
Developer Open Space Contributions	\$389,047.00
Victorian Government – Growing Suburbs Fund	\$440,000.00
Melton City Council	\$50,953.00
<b>TOTAL</b>	<b>\$880,000.00</b>

The budget breakdown for the project is as follows:

<b>Project Budget Allocation</b>	<b>Amount \$</b>
Construction Cost - Marlo Drive Reserve	\$787,000.00
Construction Contingency (10%)	\$86,969.25
Planning Expenditure (ex. Tree Assessment, Geotech Report, QS Report)	\$6,030.75
<b>TOTAL</b>	<b>\$880,000.00</b>

### 5. Consultation/Public Submissions

A community consultation session was held at Marlo Drive Reserve, Harkness on Saturday 1 December 2018 and the local residents were in attendance. The proposed plans were on display and the community were welcomed to 'have their say'. Approximately 20 residents attended and provided positive feedback/input.

Council personnel have been in regular contact with State Government to communicate project progress and report on achievements of agreed Milestones.

### 6. Risk Analysis

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

1. Engagement of a suitably qualified construction company:
  - Advertised an open expression of interest to landscape companies via The Age and on the Tendersearch website

- Select tender to construction companies shortlisted through the open expression of interest process
  - Required companies tendering for the construction phase to comply with Council's occupational health and safety requirements.
  - To assist in the selection of a construction company with suitable occupational health and safety work practices, Council requires construction companies invited to tender to provide third party accreditation of their Occupational Health and Safety Management System. Council also required the tenderers to provide evidence of public liability insurance and work cover.
  - Conducted referee checks for the appointment of the construction company.
2. Engagement of a financial capable construction company:
- The engagement of an independent and expert consultant to conduct a financial review of the short-listed companies.

## 7. Options

Council has the options to:

1. Adopt the Officers' recommendations as presented in this report.
2. Re-advertise the tender seeking further submissions. This option would delay the project and require a variation to the milestone contained within the funding agreement.

## LIST OF APPENDICES

1. Concept Plan - Marlo Drive Reserve - undated
2. Tender Evaluation Panel Report - undated - **CONFIDENTIAL**

Designated as confidential by the Chief Executive Officer pursuant to Section 77(2)(c) and Section 89(2)(d) of the *Local Government Act 1989*.

## 12.8 CONTRACT No.19/048 - CONSTRUCTION OF THE MELTON CENTRAL COMMUNITY CENTRE

**Author: Wayne Hurst - Project Manager**  
**Presenter: Troy Watson – Acting General Manager Community Services**

### PURPOSE OF REPORT

To seek Council's approval for the award of Contract No.19/048 for the construction of the Melton Central Community Centre commencing July 2019.

### RECOMMENDATION:

That Council:

1. Awards Contract No. 19/048 for the construction of the Melton Central Community Centre to Alchemy Construct Pty Ltd for the sum of \$3,674,090.00 (excl. GST)
2. Delegate to the Chief Executive Officer the execution of all contract documents.

### Motion

Crs Hardy/Ramsey.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

This report seeks Council resolution for the award of Contract No. 19/048 for construction of the Melton Central Community Centre.

Council has committed to the demolition and rebuilding of the Melton Central Community Centre due to the building's age and condition, being of weatherboard construction, and its inability to service the required needs of service providers. The project will include eight flexible programmable training spaces, six interview rooms, training kitchen, and office space for tenants in delivering the services. In addition, there are improved foyer and external spaces for students to relax and mingle in.

Council was successful in gaining \$2,000,000 in funding from the Victorian Government's Growing Suburbs Fund 2017-19 to contribute towards the Melton Central Community Centre. Council committed to providing the additional \$2,685,000 over the 2018/19 and 2019/20 financial years. In preparation, Council officers are, in accordance with Council procurement policies, seeking to engage a suitably qualified and experienced head contractor to undertake the construction works.

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

Alchemy Construct Pty Ltd scored the highest in the tender evaluation and is therefore recommended for award for the sum of **\$3,674,090 (Ex GST)**.

## 2. Background/Issues

Melton City Council has committed to the redevelopment of the Melton Central Community Centre to better cater for the rapidly growing needs of the suburb of Melton.

The delivery of this project will involve the demolition of the existing building and preparation of the site for construction of the new building. This Centre will house Djerriwarrh Community and Education Services (DjCES) and will provide a range of new community services to the broader Melton municipality, in particular, there will be a focus on the provision of a range of services for our rapidly growing Culturally And Linguistically Diverse (CALD) communities.

The facility will include:

- Eight multipurpose, AV-equipped programmable spaces. Three of these can be converted into a single larger space and several will be available for use as classrooms and for community use
- Standard kitchen space large enough for small cooking demonstrations and classes and for use by community space hirers
- Open plan office space to accommodate up to 20 staff. This would house DjCES staff, service provider staff and other visiting service and program staff
- Six interview rooms for the provision of direct client services
- Staff collaboration space to promote inter-service collaboration
- Foyer and lounge space for community and students to relax and mingle
- Interfaith space for reflection and prayer
- Outdoor space to socialise, reflect or garden.

Council's Community Services Capacity and Attraction Framework identified the need to service our increasingly diverse community and provide necessary infrastructure, highlighting co-location opportunities. DjCES provide a range of training and community development initiatives from the existing building on the site and will be a key partner.

Melton's CALD communities suffer from poor access to tailored services, leading to poorer outcomes in terms of employment, income, health, social isolation and discrimination. This proposal seeks to address service access through the provision of a facility and a range of co-located services and programs including settlement, family violence and health services; formal and informal lifelong learning; pathways to employment and community development programs.

Following success in gaining funding through the Growing Suburbs Fund, Council officers commenced the process of designing a new facility and working through a tender process for construction of a new Centre.

On 15 November 2017, Council engaged the architectural services of Brand Architects to undertake the design of the Melton Community Centre and to coordinate this design work with their appointed civil, structural and services consultants.

An Expression of Interest (EOI 19/048) for construction was advertised on 9 March 2019. The EOI closed on 25 March 2019 with fifteen commercial building contractors submitting an EOI. Following the evaluation process, eight contractors were identified as having the capability and resources to undertake the project and were subsequently invited to the Request for Tender phase.

Detailed design and tender documentation for the above contract was released to the eight shortlisted construction contractors on 11 April 2019 and closed on 10 May 2019.

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



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:

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 Melton Central Community Centre project has an overall budget of \$4,685,000 (excluding GST).

The project will be funded from the Melton City Council budget and the Victorian Government's Growing Suburbs Fund.

Funding Sources	Amount \$
City of Melton	\$2,685,000
Victorian Government Growing Suburbs Fund 2017-19	\$2,000,000
Total	\$4,685,000

Based on forecast expenditure the projects should be delivered on budget. The components for the project are as follows:

Forecasted expenditure	Amount \$
Demolition	\$45,470
Construction	\$3,674,090
Contingency	\$328,440
Consultants Fees	\$477,000
Authority Charges and Headworks	\$80,000
Furniture Fitting and Equipment	\$80,000
Total	\$4,685,000

A financial assessment was undertaken by Corporate Scorecard and returned a satisfactory result.

### 5. Consultation/Public Submissions

A Communications Plan outlining consultation with key stakeholders including Djerriwarrh Community and Education Services, Council's Children Services (kindergarten), Council's Maternal Health Department, Council's Community Planning service unit, relevant user groups, and local residents was developed. Key stakeholders were consulted in order to determine the user requirements. Information collected through this consultation was used to develop the building's design and specifications.

Council personnel have also been in regular contact with State Government to communicate project progress and to report on achievements of agreed milestones. A sod turning event to mark the commencement of construction and involving the Local State Minister is planned for early July, following demolition of the existing building.

## 6. Risk Analysis

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

### 1. Engagement of a suitably qualified construction company:

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

### 2. Engagement of a financially capable construction company:

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

### 3. Development of risk management plans for the project.

### 4. Supervision of construction works to be undertaken by the appointed architect Brand Architects.

## 7. Options

Council has the options to:

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

## LIST OF APPENDICES

1. Tender Evaluation Panel Report - undated - **CONFIDENTIAL**

Designated as confidential by the Chief Executive Officer pursuant to Section 77(2)(c) and Section 89(2)(d) of the *Local Government Act 1989*.

2. Melton Central Community Centre Plans - dated 24 April 2018

## 12.9 EXTENSION OF CONTRACT NO. 15/032 - PROVISION OF BANKING AND REVENUE COLLECTION SERVICES

Author: Natalie Marino - Coordinator Accounting Services

Presenter: Sam Rumoro - Manager Finance

### PURPOSE OF REPORT

To report to Council, in relation to the option for the extensions of contract 15/032, Provision of Banking and Revenue Collection Services until 30 June 2020.

### RECOMMENDATION:

That Council:

1. exercise the option available in the current banking and revenue collection services Contract 15/032 until 30 June 2020 and notify the contractor of Council's decision; and
2. seek a Ministerial Exemption on contract expiry for 15 months, until September 2021, to align the Council tender period with that of the State Government Banking and Financial Services contract in accordance with Section 186 (5)(c) of the Local Government Act 1989.

### Motion

Crs Majdlik/Ramsey.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

This report provides information in relation to Council's current contracts for Transactional Banking and Revenue Collection Services. The contract provides for an option to extend until 30 June 2020 at Council's discretion. Officer's recommendation is to exercise the option to extend the contract until 30 June 2020 to align the Council tender period with that of the State Government Banking and Financial Services contract. Council officers believe it will be prudent to test the market when pricing and the supplier are known with respect to the State Government contract.

Council will need to seek Ministerial exemption to allow this to occur. The State Government contract has a one year option to extend from 30 September 2020 which cannot be accommodated in Councils existing contract with Commonwealth Bank of Australia. As such in order to align end dates of the respective contracts a Ministerial Exemption will be sought.

## 2. Background/Issues

Council's contract for Transactional Banking and Revenue Collection Services provides for an option for a one year extension at Council's discretion.

The contract covers the provision of all transactional banking and revenue collection services including the services listed below:

Transactional Banking and Other Services

- Electronic Banking
- Collection Services (Bpay, online, direct debit)
- Payment Services (Payroll, suppliers)
- Corporate Purchase Cards
- Account Management
- Merchant Services

The contract requires Council to advise the contractor of its intention to extend the contract.

Council changed providers 4 years ago and the service from Commonwealth Bank of Australia (CBA) has been very good. CBA facilitated a smooth transition of transactional banking services from the National Australia Bank 4 years ago. Council's transactional banking services have operated seamlessly over the course of the contract. CBA has provided value adding advice on potential improvements in Councils processes which Council are implementing. CBA is assisting Council with its business transformation project in the Accounts Receivable area, this assistance has been both proactive and timely. Officers would like to keep existing provider for at least further 12 months, so officers can continue with the business transformation project and gain efficiencies from this project before testing the market again.

The State Government contract expires in 30 September 2020 with a 1 year extension, officers believe it will be prudent to test the market at that time when pricing and supplier are known with respect to that contract.

## 3. Council Plan Reference and Policy Reference

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

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

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

## 4. Financial Considerations

Extending the Provision of Transactional Banking and Revenue Services with Commonwealth Bank of Australia (CBA) the benefits to Council would be:

1. No transition costs in respect to Council moving to another provider.
2. Allow continued improvement of facilities to receive payments creating efficiencies and savings to Council.

## 5. Consultation/Public Submissions

No consultation was required in the preparation of this report.

## **6. Risk Analysis**

The schedule of fees and charges from the current contractor provides Council with competitive costs and provides Council with facilities to receive payments. Council officers believe the service is competitive with the marketplace in respect of service provision and cost. As such no major financial risk to Council is foreseen during the extended contract period.

## **7. Options**

Council could choose not to exercise the option of extension and to call for new tenders for the provision of transactional banking and revenue collection services.

## **LIST OF APPENDICES**

Nil

## 12.10 PUBLIC OPEN SPACE: 3-13 McDONALD STREET, MELTON SOUTH - HEARING PURSUANT TO S223

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

### PURPOSE OF REPORT

To advise Council on written submissions received following a public notice in relation to Council's proposed change of use for part of the land at 3-13 McDonald Street, Melton South.

### RECOMMENDATION:

That Council

1. convene a meeting of the Section 223 Submissions Advisory Committee at 7.30pm on Monday 1 July 2019 at the Melton Civic Centre (Council Chamber) to hear from the submitter who requested to be heard in person
2. receive a report from the Section 223 Submissions Advisory Committee on that hearing (by way of minutes or otherwise)
3. receive a report on the 13 written submissions at the same time.

### Motion

Crs Hardy/Ramsey.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

Following on from a resolution of Council made 29 April 2019 (in camera), Council placed a public notice in the *Melton and Moorabool Star Weekly* calling for submissions in relation to its proposal and asking any submitters to indicate if they wished to be heard in person.

The proposal is that there be a change of use of approximately 1/3 of the site at 3-13 McDonald Street, Melton South ("the 1/3 Land") 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.

A total of 13 written submissions were received with 1 submitter expressing a desire to be heard in person.

Council must therefore set a time and date to hear from the submitter in person.

## 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 (the Act). 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.

Section 192(b) of the Act states that a person has the right to make a submission on the use of land for another purpose via the provisions of section 223 of the Act. Section 223 sets out the requirements in relation to public notices. It states that if a person requests to be heard that the Council must, amongst other things, provide the person with an opportunity to be heard at either a Council meeting or a meeting of a committee determined by the Council. Council must also fix the day, time and place of the meeting. If a Committee is determined to hear the matter then the committee must provide a report to the Council.

Council has a Section 223 Submissions Advisory Committee for this purpose and it has been Council's practice in the past to have this Committee meet in order to hear from any submitters in person and provide a report to Council via minutes.

An advertisement in relation to this proposal was placed in the *Melton and Moorabool Star Weekly* on 14 May 2019 calling for submissions. The advertisement also called for anyone that wished to be heard in person to indicate this in his/her submission. A similar notice was also placed on Council's website.

Submissions were open until 5.00pm on Tuesday 11 June 2019 ('the closing date'). Council received 12 written submissions by the closing date. It also received 1 submission after the closing date however it was considered likely that this submission was posted prior to the closing date and was thus included.

One of those 13 submitters expressed a desire to be heard in person and thus the timing of the hearing must now be decided upon.

Once that hearing has taken place, at a further meeting of Council, it must consider both the oral and 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*.

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.

## 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

Nil.

## 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 and Moorabool Star Weekly* on 14 May 2019.

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

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

One person wished to be heard in person in relation to his/her submission. Council must therefore decide the date and time of that hearing in accordance with section 223 of the Act.

## 6. Risk Analysis

If Council were not to hold the required hearing, as requested, it would be in breach of the Act.

## 7. Options

1. Decide to convene the Section 223 Submissions Advisory Committee as per the officer recommendation at 7.30pm on 1 July at the Melton Civic Centre (Council Chamber);
2. Decide to convene the Section 223 Submissions Advisory Committee at another date and/or time and/or place;
3. Decide to hear from the submitter at the Ordinary Council meeting before consideration of the item, that is, before the final decision.

## LIST OF APPENDICES

Nil.



**Procedural Motion**

Cr Abboushi.

That I be excused from the Chamber while the following matter is discussed and decided upon in reliance of Section 79B of the *Local Government Act* 1989 by reason of a conflicting personal interest in circumstances where I have given evidence at a panel hearing in relation to the Melbourne Regional Landfill planning matter.

Cr Abboushi left the Chamber at 7:51pm.

CARRIED

**12.11 MELBOURNE REGIONAL LANDFILL - VCAT REVIEW**

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

**PURPOSE OF REPORT**

To advise Council on the outcome of its application to the Victorian Civil and Administrative Tribunal (VCAT) for a review of the decision by the Environment Protection Authority (EPA) to grant a Works Approval in respect of the Melbourne Regional Landfill at Ravenhall.

**RECOMMENDATION:**

That Council:

1. notes the report;
2. receive a further report and/or briefing in relation to any grounds of appeal that are found to exist once the decision has been reviewed in detail by its internal and external lawyers, noting that any review must be lodged with the Supreme Court within 28 days of the decision, that is by 15 July 2019.

**Motion**

Crs Majdlik/Kesic.

That the recommendation be adopted.

CARRIED

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

**For:**

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

**Against:**

Nil

The Mayor declared the Motion CARRIED

## REPORT

### 1. Executive Summary

On 11 April 2017 at a Special Meeting of the Council held specifically to consider the matter, Council resolved to apply to VCAT for a review of the decision by the Environment Protection Authority (EPA) to grant a works permit in respect of the Melbourne Regional Landfill.

The matter was heard on the following dates: 30-31 July, 1-2 August, 6-8 August, 13-16 August, 20-23 August, 3-7 September 2018.

At the conclusion of the hearing the VCAT reserved its decision.

Finally on Monday 17 June 2019 the VCAT handed down its decision (by email). The decision is attached at **Appendix 1** in full.

In the result, standing in the shoes of the original decision maker, the VCAT found that the works approval should be issued but with some amended and additional conditions in particular in relation to odour.

### 2. Background/Issues

On 11 April 2017 at a Special Meeting of the Council held specifically to consider the matter, the Council resolved to

*apply to VCAT for a review of the Environment Protection Authority's decision to grant a Works Permit, on any available grounds as set out in the legal advice or any further legal advice Council may receive.*

Further reports were received by Council in relation to the review of the works permit on 26 June 2017, 10 July 2017 and 21 August 2017 (all in camera).

Other aspects of the landfill matter generally (for example examining a possible avenue of judicial review) were also brought to Council on various other dates (also in camera).

These previous reports were heard, and matters decided, in camera because they contained legal advice. For the avoidance of doubt, this report does not contain any legal advice.

An application for review of this kind is a merits review, which means the VCAT stands in the shoes of the original decision maker (the EPA as the Relevant Authority) in assessing an application by Landfill Operations Pty Ltd (the Respondent in these review proceedings) and essentially makes the decision afresh.

By separate applications, the Applicants in the proceeding were: Melton City Council, Mount Atkinson Holdings Pty Ltd, Middle Hopkins Investments Pty Ltd, Brimbank City Council and Stop the Tip Inc.

The Metropolitan Waste and Resource Recovery Group were also joined as an interested party.

The matter was heard on the following dates: 30-31 July, 1-2 August, 6-8 August, 13-16 August, 20-23 August, 3-7 September 2018.

At the conclusion of the hearing the VCAT reserved its decision.

Finally on Monday 17 June 2019 at approximately 8.00am the VCAT handed down its decision by email. The decision is attached at **Appendix 1** in full.

Overall, the Tribunal found the proposal to be consistent with relevant aspects of the strategic policies governing landfill and found no strategic justification to reduce the approval insofar as scale or time frame.

The Tribunal was not persuaded that if the works were completed in accordance with the approval (with amended conditions) that it would result in an unreasonable adverse impact upon the interests of the Council (by its residents) or any other applicants.

The VCAT did make minor changes to the conditions, particularly in relation to odour.

The VCAT was satisfied that each of the applicants had standing.

In the result, standing in the shoes of the original decision maker, the VCAT found that the works approval should be issued but with some amended and additional conditions.

Council has 28 days within which to lodge an appeal to the Supreme Court of Victoria on a point of law.

### **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**

It is not clear yet whether any of the parties will make a separate application for costs in these proceedings. This is considered unlikely - though not unheard of.

Council's costs to date in this matter overall are as follows:

- works approval and permit panel hearing - \$109,269.00;
- consideration of judicial review - \$39,411.00
- merits review of works permit - \$117,000.00 (excluding expert witness fees).

Total: \$265,680.00 (excluding expert witness fees)

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

Not applicable.

### **6. Risk Analysis**

There are no risks inherent in the officer's recommendation to note the report and receive a further report and/or briefing on any avenues of appeal to the Supreme Court on a point of law.

### **7. Options**

A further option would be to urgently brief a suitable planning barrister (senior-junior or QC to provide an advice on any grounds of appeal). This option would be in the order of \$15,000 - \$25,000 for advice. To run an appeal to trial in the Supreme Court, including any costs order, should Council not be successful, would be in the order of \$200k.

**LIST OF APPENDICES**

1. Melton Council & Ors v Landfill Operations & EPA - dated 17 June 2019

Cr Abboushi returned to the Chamber at 7:56pm.

Cr Kesic left the Chamber at 8:05pm.

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

Cr Ramsey left the Chamber at 8:09pm.

Cr Ramsey returned to the Chamber at 8:11pm.

Cr Majdlik left the Chamber at 8:19pm.

Cr Majdlik returned to the Chamber at 8:21pm.

### **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 635 (CR CARLI)**

**Councillor: Lara Carli - Councillor**

**NOTICE:**

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

**Motion**

Crs Carli/Mendes.

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

CARRIED

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

Cr Majdlik

What is the process for dealing with naming or a name change for a Council building, park or reserve? Does it involve community consultation before it happens or can the Council simply change the name of a park etc.?

**16.2 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Majdlik

When will the Council be making a presentation of a certificate to former Cr De Santis; has a date been set?

**16.3 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Mendes

Is the Atherstone area going to get a traffic school for children; similar to the Essendon one?

**17. MOTIONS WITHOUT NOTICE**

Nil.

**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 Melton Waves Leisure Centre Service Delivery Plan 2019/20**

(d) as it relates to contractual matters.

CARRIED



**Procedural Motion**

Crs Majdlik/Carli.

That the meeting be opened to the public.

CARRIED

**20. CLOSE OF BUSINESS**

The meeting closed at 8:31pm.

Confirmed

Dated this

.....CHAIRPERSON