



# MELTON CITY COUNCIL

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

**27 May 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 27 MAY 2019 AT 7.00PM

**Present:** Cr B Turner (Mayor)  
Cr K Hardy  
Cr G Kesic  
Cr K Majdlik  
Cr M Mendes  
Cr S Ramsey

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 and Development  
Mr B Baggio, Manager Planning Services  
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

Cr L Carli (Deputy Mayor)  
Cr S Abboushi

#### 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**

Nil.

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

**RECOMMENDATION:**

That the Minutes of the Ordinary Meeting of Council held on 29 April 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**

- 29 April 2019 Record of Assembly of Councillors
- 6 May 2019 Record of Assembly of Councillors
- 13 May 2019 Record of Assembly of Councillors
- 20 May 2019 Record of Assembly of Councillors

**RECOMMENDATION:**

That the Record of Assembly of Councillors dated 29 April and 6, 13 and 20 May 2019 attached to this Agenda be received and noted.

**Motion**

Crs Majdlik/Ramsey.

That the recommendation be adopted.

CARRIED

**LIST OF APPENDICES**

1. 29 April 2019, Record of Assembly of Councillors
2. 6 May 2019, Record of Assembly of Councillors
3. 13 May 2019, Record of Assembly of Councillors
4. 20 May 2019, Record of Assembly of Councillors



## 8. CORRESPONDENCE INWARD

### 8.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR

- Jaclyn Symes MP – Minister for Agriculture – Request to list the Common Myna as an Established Pest Animal
- Oliver Holm – General Manager South East Infrastructure Investment – City of Melton’s infrastructure priorities including the Western Highway
- Jeroen Weimar – Chief Executive Officer for Public Transport Victoria – Diggers rest Station – Toilet Facilities.

#### RECOMMENDATION:

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

#### Motion

Crs Majdlik/Ramsey.

That the recommendation be adopted.

CARRIED

#### LIST OF APPENDICES

1. Correspondence Inwards - Jaclyn Symes MP - dated 1 May 2019
2. Correspondence Inwards - Oliver Holm - dated 3 May 2019
3. Correspondence Inwards - Jeroen Weimar - dated 14 May 2019

**9. PETITIONS AND JOINT LETTERS**

Nil.

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

### 10.1 RESPONSE TO NOTICE OF MOTION 621 (CR KESIC) - CONTRACT WITH THE CIVIC GROUP FOR THE MELTON HOSPITAL ADVOCACY PROJECT

Author: Sean McManus - Manager Engagement & Advocacy  
Presenter: Peter Bean – Acting Chief Executive Officer

#### PURPOSE OF REPORT

To provide a response to Notice of Motion 621 considered at the 4 March 2019 Council Meeting.

#### RECOMMENDATION:

That Council note the report.

#### Motion

Cr Majdlik.

That the recommendation be adopted.

LAPSED for want of a Seconder

#### Motion

Crs Kesic/Hardy.

That the contract with The Civic Group be fulfilled and finalised.

The Mayor declared the Motion LOST on the casting vote of the Mayor

#### Motion

Crs Majdlik/Mendes.

That the recommendation be adopted.

The Mayor declared the Motion CARRIED on the casting vote of the Mayor

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

#### For:

Crs Majdlik, Mendes and Turner

#### Against:

Crs Hardy, Kesic and Ramsey

The Mayor declared the Motion CARRIED on the casting vote of the Mayor

## REPORT

### 1. Executive Summary

Council adopted at the Ordinary Meeting held on 4 March 2019, Notice of Motion 621 (Cr Kesic):

*That Council officers provide a report in relation to the contract with The Civic Group for the Melton Hospital Advocacy Project, detailing the following:*

- *Expenditure to date under the contract*
- *Current status of the contract and the advocacy program*
- *Any outstanding actions or deliverables under the contract*
- *Anticipated completion date of the contract.*

A total authorised budget of \$350,000 was approved by Council for the Build Melton Hospital campaign in December 2017. A three-year fee for service contract was awarded to The Civic Group in March 2018. A total of \$259,479.70 has been expended against the authorised \$350,000 budget. A total of \$207,800.19 has been paid to The Civic Group under the three-year contract with a significant component of this covering research costs and an evidence base to inform the campaign. This leaves a balance of \$90,520.30 remaining under the authorised \$350,000 budget and there are no current commitments for service. The contract with The Civic Group is a fee for service contract meaning there is no obligation for any further commitments. While there are no current commitments, the contract remains open providing flexibility to procure specialist services should they be required.

The Build Melton Hospital Campaign was launched 100 days from the election and achieved overwhelming community support with 21,370 people supporting the campaign. The campaign helped achieve commitments from the Victorian Greens and Labor parties.

The current Andrews Labor government has committed \$2.3 million to develop a business case for the hospital. Council is now actively engaging with the Victorian Government to ensure planning for the hospital commence as soon as possible, that land be acquired for the hospital and that construction commence by July 2022.

### 2. Background/Issues

Council formally resolved to tender for the development of an advocacy campaign for the establishment of a major public hospital within the City of Melton at the Ordinary Meeting of Council held on 17 December 2017, authorising expenditure up to \$350,000. To ensure best value, Council invited public tenders on Saturday 17 February 2018 with the submission period closing Monday 5 March 2018.

Council awarded a three-year contract to The Civic Group at its Council Meeting on 26 March 2018, which provided for a fee for service contract that could be scaled according to need and achievement of campaign milestones, successes and any political outcomes.

The contract was primarily established to focus effort to advocate for a new public hospital in Melton in the lead up to the November 2018 Victorian election.

The campaign had the following objectives:

- In the lead up to the 2018 State election, secure a commitment from all major parties to fund a business case for the Melton Hospital
- That the elected State Government commit to commencing construction of the Melton Hospital by July 2022.

The Civic Group was engaged to:

- develop a campaign strategy
- undertake research to establish an evidence base for a hospital in Melton and inform the strategy
- assist with development of campaign creative and materials
- provide ongoing campaign strategy support.

A public facing campaign was launched 100 days out from the November 2018 State Election which involved community engagement activity, a dedicated website, media and social media, advertising and government relations. Through postcards and emails, the campaign achieved more than 21,300 people supporting the need for a public hospital in Melton, which culminated with public commitments from the Greens and Labor parties for a business case.

The Andrews Labor government was re-elected and made the following election commitments:

- \$2.3 million to begin planning and complete a business case for a new hospital at Toolern
- Intention to acquire land through the Growth Areas Infrastructure Contribution Fund.

To date, a total of \$259,479.70 has been expended against the authorised \$350,000 budget. A total of \$207,800.19 has been paid to The Civic Group under the contract with a significant component of this covering research costs. This leaves \$90,520.30 remaining under the authorised \$350,000 budget and there are no current commitments.

Following the November 2018 election, Council's advocacy effort has been to focus on actively engaging the newly elected Victorian Government, given a commitment to a business case has been made. With this approach, the contract with The Civic Group reached a natural pause in December 2018. The three-year contract with The Civic Group is due to expire on 27 March 2021, however there is an option for two one year extensions. While the contract is still current, The Civic Group are not currently engaged to undertake any work. Under the contract the The Civic Group is to provide a quote for any work that is required by Council in accordance with the schedule of rates set out in the contract. This provides Council with the flexibility to engage the contractor if and when required.

There is no set financial commitment for the contractor nor is Council obliged to provide a minimum number of requests for quotes. Given there is no further obligation, it is considered practical to maintain the existing contract should Council wish procure further specialist services, avoiding the need to undertake another formal procurement process. The need to undertake further campaign activity will be dependent on continued review and assessment of the progression of the Melton Hospital outcomes with the new Victorian Government.

Advocacy for the hospital campaign continues with the following actions:

- A budget submission to the 2019/2020 State Government has been lodged, requesting that:
  - the \$2.3 million be allocated in the 2019/20 State budget so that the planning work can commence immediately
  - the State Government commit to purchase land for the new hospital in Cobblebank
  - that construction for a new Melton Public Hospital commence by July 2022.
- The Mayor has met with newly elected Member for Melton, Steve McGhie MP to request the planning funding be made available in the 2019/20 State Budget and that planning commence immediately

- Council is actively engaged with the Victorian Health and Human Services Building Authority, the responsible agency for planning and building hospitals, to lobby for the timely delivery of the planning work
- The Mayor has written a letter to the new Minister for Health, Jenny Mikakos with a meeting scheduled in late May to discuss the Melton Hospital.
- The Melton Hospital was also included in Council's submission to the 2019/20 Federal Budget.

Following the outcomes of the 2019/2020 State Budget and the meeting with the Minister for Health, the next advocacy phase for the Melton Hospital will be determined and Councillors will be kept informed.

### **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**

A total of \$259,479.70 has been expended against the authorised \$350,000 budget. A total of \$207,800.19 has been paid to The Civic Group under the contract. With no current commitments for the Build Melton Hospital campaign, the remaining \$90,520.30 will remain in the Engagement and Advocacy budget pending any further agreed actions.

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

Not applicable.

### **6. Risk Analysis**

Not applicable.

### **7. Options**

Not applicable.

## **LIST OF APPENDICES**

Nil

**11. PUBLIC QUESTION TIME**

<b>Name</b>	<b>Question asked of Council</b>
Henry Prygiel	Now that the 2018 Melbourne Airport Master Plan has been approved by the Federal Minister for Infrastructure, Transport and Regional Development, what is Council's position on aligning the existing Melbourne Airport Environs Overlay Schedule 1 and 2 with the new ANEF (Australian Noise Exposure Forecast) set out in the 2018 Master Plan and will Melton City Council Planning Department initiate this realignment with the Victorian Planning Authority?
David O'Connor	Would Council please provide cost estimates to undertake additional consultation with residents and stakeholders in Diggers Rest regarding the newly established Off-Leash Dog Park?
David O'Connor	<p>It's understood that the residential sub-division in Diggers Rest known as "Alexander Park" is yet to be titled.</p> <p>In accordance with the approved Precinct Structure Plan, it's further understood that a roundabout is proposed to be built at Vineyard and License Road.</p> <p>Would Council please provide an update with respect to the current status of the roundabout and confirm the relationship if any to the development of the Alexander Park Estate and its reliance on the roundabout within the planning process?</p>
Mark	<p>With the parking at the back of the shops full between 5.30pm and 8.30 pm, where would our customers park if the car park is closed?</p> <p>We will lose our customers because it would not be convenient for our customers to park across the street at Coles where there are other food retailers.</p> <p>So why would they cross the road to come to us when there are shops closer to them?</p>
Mark	<p>We are a family business and without a car park for our customers how will we pay our bills?</p> <p>Once the car park is done and the new shops are built can you tell me who would park on a two story car park to order some chips when they can park across the road and walk strait into KFC and not have to walk a flight of stairs?</p> <p>Just think about the decision you will be making because it will be affecting a lot of small business run by families.</p>

## 12. PRESENTATION OF STAFF REPORTS

### Procedural Motion

Crs Majdlik/Hardy.

That the recommendations as printed in Items 12.1, 12.2, 12.3, 12.5 and 12.9 be adopted en bloc.

CARRIED

### 12.1 AUTHORISATION OF AFFIXING THE COMMON SEAL OF COUNCIL

Author: John Whitfield - Governance Coordinator

Presenter: Peter Bean – Acting 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 27 May 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. Schedule for Authorising of Affixing of the Common Seal of Melton City Council - dated 27 May 2019

## 12.2 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

Author: John Whitfield - Governance Coordinator  
Presenter: Peter Bean – Acting 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, 2 and 3**.
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
5 March 2019	Road2Zero Steering Committee	Appendix 1
18 March 2019	Community Safety Advisory Committee	Appendix 2
3 April 2019	Leisure Advisory Committee	Appendix 3

### 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. Road2Zero Steering Committee Meeting Minutes – dated 5 March 2019
2. Community Safety Advisory Committee Meeting Minutes – dated 18 March 2019
3. Leisure Advisory Committee Meeting Minutes – dated 3 April 2019

### 12.3 MUNICIPAL AUDIT COMMITTEE MEETING - 24 APRIL 2019

Author: Cheryl Santoro - Senior Administration Officer  
Presenter: Christine Denyer – Manager Legal and Governance

#### PURPOSE OF REPORT

To present to Council the minutes of the Municipal Audit Committee meeting held on Wednesday 24 April 2019.

#### RECOMMENDATION:

That Council:

1. Note the minutes of the Municipal Audit Committee meeting held on Wednesday 24 April 2019 at **Appendix 1**.
2. Adopt the recommendations arising within the minutes.
3. Note the 2018/2019 Finance Report - 9 Months Ended 31 March 2019 at **Appendix 2**.
4. Adopt the Strategic Internal Audit Plan 2019/2020 to 2021/2022 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 24 April 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 decision 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 24 April 2019
2. 2018/2019 Finance Report - 9 Months Ended 31 March 2019
3. Strategic Internal Audit Plan 2019/2020 to 2021/2022 - dated April 2019

## 12.4 FRIENDSHIP CITIES

**Author: Sean McManus - Manager Engagement & Advocacy**

**~~Presenter: Peter Bean – Acting Chief Executive Officer~~**

**Presenter: Sam Rumoro – Acting General Manager Corporate Services**

### PURPOSE OF REPORT

To provide advice to Council in response to a request to establish a Friendship City relationship.

### RECOMMENDATION:

That Council propose to the LeadWest group that an international relationship be explored based on the NORTH Link model.

#### Motion

Crs Hardy/Ramsey.

That Council:

1. undertake further investigations into an International relationship with a yet to be determined Friendship or Sister City relationship underpinned by meaningful and economic outcomes for the City of Melton; and
2. receive a further report back to Council for determination, outlining these economic outcomes and potential financial considerations to the City of Melton by way of a Friendship or Sister City International relationship.

CARRIED

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## REPORT

### 1. Executive Summary

Melton City Council has been approached to consider the establishment of a Friendship City Program with the City of Heze in China (**Appendix 1**). This follows a visit by representatives from the City of Heze in June 2017.

Melton Council does not have any existing Friendship or Sister City partnerships in place and has explored the establishment of such relationships over recent years, however a formal relationship has not been established.

This report provides an overview of Friendship and Sister City programs, and the key considerations for establishing any relationship and looks at other possible options to forge mutually beneficial international relationships as well as applying those considerations to the request from the City of Heze.

### 2. Background/Issues

Council has been approached to consider the establishment of a Friendship City relationship with the City of Heze, Shandong Province in China. In order for Council to consider the opportunity it needs to revisit the merits of establishing a formal relationship with an international city and the principles and options for how such a relationship can be

established that ultimately delivers long-term, meaningful and mutually beneficial outcomes for the Melton community.

Although the terms Sister City and Friendship City are often used interchangeably, the terms 'Sister City and 'Friendship City' have different meanings. Generally, Friendship Cities are less formal than Sister Cities. A Friendship City is often used as a first stage in the relationship, and after it is strengthened and the partners are sure they want a long-term relationship they will become Sister Cities. Sister Cities can be established with international cities as well as Australian Cities.

Melton City Council has previously considered establishing Sister City relationships. In 2002 Council considered establishing an agreement with the City of Baoji, China, following a trade and investment delegation in 2001.

On 23 July 2013, a Notice of Motion was tabled to explore the potential for Melton City Council to establish a Sister City program with a suitable municipality in China or another country, and the possible benefits this will provide to the Melton community.

At the Council Meeting on 12 November 2013, a Council Report responded to the Notice of Motion with Council resolving to continue to explore Sister City opportunities. No formal relationship has since been established.

According to Sister Cities Australia (February 2018) there are 267 identified city councils in Australia that have a Sister City affiliation either within Australia or overseas. There are 54 in Victoria. They are broad and long term and generally established to forge cultural, educational and commercial ties. Activities include civic, cultural and information exchanges, promoting tourism and economic development, student and sport exchanges, education partnerships and exchanging best practice case studies of a government and infrastructure nature. Sister Cities always involve local governments, supported by the community and business sector, and generally involve a high level of bureaucracy to establish and maintain.

While Australian councils have relationships with councils in 47 countries, five Countries (in order, Japan, China, USA, Italy and Timor-Leste) account for nearly 70% of the total number of current relationships. Japan and China alone constitute over 46% of relationships nationally, and this pattern is broadly reflected across almost all jurisdictions. This more than likely reflects the role of these two countries as key trading partners and the proactive role of organisations and individual local governments in both nations seeking relationships with Australian councils, as well as an increasing desire by Australian councils to establish economic ties.

### **About the City of Heze**

Heze is located in the southwest of Shandong Province in China. It is home to 8,287,693 inhabitants, primarily an agricultural city with its main trade being the Peony flower, forestry products, grain, cotton and livestock production. It is located some four hours south from Beijing by Bullet Train.

The Letter of Intent (**Appendix 1**) from the City of Heze outlines the principles which will underpin the Friendship City, which include:

- carrying out exchanges and cooperation such as economy, trade, science, technology, culture, education, sports, health and personnel to promote common prosperity and development
- joint efforts to hold investment promotion conferences, technical cooperation exchanges, trade fairs and business talks and negotiations.

### **Other Models**

Rather than establish international ties through a formal Friendship or Sister City relationship, there are other models that could prove beneficial with a reduced bureaucratic burden.



Melbourne's northern Councils (Banyule, Darebin, Hume, Mitchell, Moreland, Nillumbik, and Whittlesea), through their regional economic development body 'NORTH Link', have connected with the City of Chongqing in China. This is a relationship that was facilitated through Latrobe University whose internal arm, the Confucius Institute, leveraged an existing relationship with a Chinese University in Chongqing. NORTH Link has lead relationship development which has involved a number of inbound and outbound visits and trade shows with key education and economic stakeholders with the primary aim centered on economic and education outcomes. Councils have been involved in the initiative and a number of northern region food manufacturers have already secured export opportunities.

Council has the option of exploring strategic international relationships in partnership with western region councils or other regional bodies such as LeadWest or the West of Melbourne Economic Development Alliance.

Victoria University also have a Confucius Institute and approaches could be made to Victoria University on the potential to establish an international relationship underpinned by clearly articulated education and economic objectives.

### Summary

It is important to note that establishing any international relationship needs to be viewed as long term in nature in the investment of time and resources. Furthermore, meaningful outcomes are more-so realized over a long period of time, not in the short term, and are achieved by two strategically aligned cities building trust and creating opportunities derived from viable exchanges that take time to embed. Any relationship should also seek to deliver significant benefits to the Melton community beyond merely a cultural exchange.

Whatever the relationship model may be, the logical starting point to establish any international ties is to have clear objectives and desired outcomes scoped, aligned to the long term vision of Council. This will inform the partners that need to be involved in the relationship, potential partner cities and responsible council departments to lead and be involved.

Until council has undertaken a strategic review of the desired outcomes from such a relationship and evaluated such against potential suitable international cities, it is difficult to measure the benefits of establishing a Friendship City to Heze.

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

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives
  - 1.5 *Environments that enable and encourage positive public health and wellbeing outcomes.*
4. A strong local economy and lifelong learning City: A City rich in local employment and education opportunities
  - 4.1 *A diverse economy that fosters business growth, encourages new investment and leads and responds to change.*

## 4. Financial Considerations

Costs to establish a Friendship City or Sister City program depend on a variety of factors including:

- Level of staff time invested into establishing and maintaining the relationship
- Number of outbound and inbound delegations the relationship facilitates and the number of people involved in travel

- Number of official guests from the Sister City expected to visit as it is custom for the host city to cover costs associated with accommodation and official activities and receptions.

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

There are no consultation / public submission issues associated with this report.

## **6. Risk Analysis**

The major risk in establishing a Friendship or Sister City relationship or any international relationship is to Council's reputation. Such relationships can often be perceived as delivering little community and economic benefit. The time and resources required need to be evaluated against a benefits analysis to properly evaluate the viability of pursuing such a relationship. If not done well it could be portrayed in a negative way against Council.

## **7. Options**

- a) Proceed to establish Friendship City relationship with the City of Heze.
- b) Further investigate establishing a Friendship or Sister City Relationship with another city considered a high value prospect to deliver meaningful long term community and economic outcomes.
- c) Propose to the LeadWest group that an international relationship be explored based on the NORTH Link model underpinned by clear and viable economic and community objectives geared to delivering meaningful and long term outcomes for the Melton community.
- d) Not take any further action.

## **LIST OF APPENDICES**

1. Friendship City Proposal - dated 26 February 2019

## 12.5 2018 - 2019 COUNCIL AND WELLBEING ANNUAL ACTION PLAN THIRD QUARTER PROGRESS REPORT

Author: Bob Baker - Corporate Planning and Performance Coordinator  
Presenter: Peter Bean – Acting Chief Executive Officer

### PURPOSE OF REPORT

To provide the third quarter update on the progressive achievement of the Council's 2018-2019 Council and Wellbeing Annual Action Plan

### RECOMMENDATION:

That Council receive and note the 2018-2019 Council and Wellbeing Annual Action Plan Third Quarter Progress Report (1 January – 31 March 2019) as presented at **Appendix 1**.

### Motion

Crs Majdlik/Hardy

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

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

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

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

**Appendix 1** provides detail on activity for the third quarter (1 January - 31 March 2019), in the progressive achievement of the 2018-2019 Council and Wellbeing Annual Action Plan.

### 2. Background/Issues

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

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

The 2018-2019 Council and Wellbeing Annual Action Plan provides 151 actions that Council has committed to deliver. Council provides the community with quarterly progress reports that support Council's commitment in providing transparency, through public access to relevant information, decision making and strategic documents.

**Appendix 1** provides a detailed summary on the status of each action in the 2018-2019 Council and Wellbeing Annual Action Plan, inclusive of the period from 1 July 2018 -31 March 2019.

The following table provides summary of progress against actions.

Status	Description	Number of actions
<b>Achieved</b>	The Action is completed.	23
<b>On track</b>	The action is on track and expected to be completed by the current timeline	119
<b>Not On Track</b>	The Action has been delayed impacting on the current timeline. An explanation and any remedial action and revised due date, where appropriate, is provided in the 'progress comments' column	6
<b>Postponed</b>	The Action has been deferred for the financial year. An explanation is provided in the 'progress comments' column	3
<b>Total</b>		<b>151</b>

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

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

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

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

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

### 4. Financial Considerations

Initiatives and activities delivered from the Action Plan are contained within the Council approved 2018-19 Budget.

### 5. Consultation/Public Submissions

The 2017-2021 Council and Wellbeing planning process involved extensive consultation with stakeholders including the community, Council staff, government agencies, community organisations and private industry. This process resulted in the publication of the 2017-2021 Melton City Council and Wellbeing Plan. The 2018-2019 Council and Wellbeing Annual Action Plan is prepared from internal consultation of Council management.

### 6. Risk Analysis

Nil

## **7. Options**

Nil

## **LIST OF APPENDICES**

1. 2018-2019 Council and Wellbeing Annual Action Plan - Third Quarter Progress Report

Cr Kesic left the Chamber at 8:00pm.

Cr Kesic returned to the Chamber at 8:02pm.

## **12.6 RESPONSE TO PETITION - PARKING WITHIN THE CRADLE ROAD SHOPPING PRECINCT, DIGGERS REST**

**Author: Tom Lay - Traffic Engineer**

**Presenter: Les Stokes – Acting General Manager Planning & Development**

### **PURPOSE OF REPORT**

To respond to the petition received at the Ordinary Meeting of Council on Monday 4 February 2019 requesting that Council urgently investigate the opportunity for additional parking within the Cradle Road Shopping Precinct in Diggers Rest.

### **RECOMMENDATION:**

That Council;

1. Acknowledge that the Cradle Road Shopping Precinct, together with the adjacent street network, provides a total of 88 on-street parking spaces to the shops. This exceeds the current demand for car parking and will cater for future parking demands associated with the Cradle Road Shopping Precinct.
2. Undertake minor improvement works to formally line mark the car spaces outside of the shops. This will ensure vehicles park appropriately and maintain the 8 car space provision, of which one bay is a disabled car space.

### **Motion**

Crs Mendes/Majdlik.

That the recommendation be adopted.

CARRIED

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## **REPORT**

### **1. Executive Summary**

At the Ordinary Meeting of Council on Monday 4 February 2019, a petition was tabled requesting that Council urgently investigate the opportunity for additional parking within the Cradle Road Shopping Precinct in Diggers Rest.

Council officers have subsequently carried out an investigation and has concluded that the existing parking supply within the precinct is sufficient to meet the current and future parking demands.

## 2. Background/Issues

Cradle Road, Diggers Rest is classified as a local access street that connects Stake Road to the north and License Road to the south. It currently carries approximately 331 vehicles per day.

The road is approximately 7 metres wide which allows for parking to occur on both sides of the road whilst allowing traffic to pass. Noting that when two vehicles park opposite each other and vehicles approach from opposing directions, one motorist is required to give way to the other. This occurs in numerous streets within Diggers Rest and metropolitan Melbourne and vehicles driven in a reasonable manner can safely undertake this manoeuvre.

Furthermore, when cars are parked on both sides of the street, experience indicates that lower vehicle speeds result.

At the Ordinary Meeting of Council in June 2015, a public question was tabled regarding the car parking provision adjacent to the Cradle Road precinct as a result of development. Planning Permits issued by Council in May 2014 for the construction of two shops within Cradle Road included a car parking provision of one on site car parking space, and reduction in car parking based on demonstration that car parking generated by the premises can be accommodated by the existing parking at the centre and the surrounding road network.

A small park of approximately 600 sqm is located directly abutting the shops to the north. This reserve provides passive open space adjacent to the precinct for the community to gather.

### Current Parking Provision

The Cradle Road Shopping Precinct comprises of a liquor shop, take away shop and three vacant shops. A total of 8 car parking spaces are currently provided directly outside the shops with short term parking restrictions. Long term parking for staff is available at the rear of this shopping precinct.

A further 80 on-street car spaces are located within the immediate Cradle Road Shopping Precinct; an approximate 1 minute walk.

In order to determine the current parking demand, Council commissioned a car parking survey of the car spaces to determine how many of the car spaces are being used by patrons of the businesses. The survey area can be found in **Appendix 1**.

The parking survey was undertaken on Friday 22 February 2019 from 5pm-8pm and on Saturday 23 February 2019 from 10am-2pm. These dates and times represent the peak activity for the current uses.

The survey results indicate that out of 8 car spaces directly outside the shops, the maximum parking occupancy was:

- 7 car spaces at 5:30pm on Friday and
- 5 car spaces on Saturday at 10:30am.

The survey also noted that staff were observed to occupy the car spaces directly in front of the shops, as opposed to at the rear of the shops.

The overall survey results indicate that out of the total of 88 parking spaces within the area, the maximum parking occupancy was:

- 18 car spaces at 6:15pm on Friday (or 20% of the current supply). This included residents and visitors parking in the street.
- 20 car spaces 12noon on Saturday (or 23% of the current supply). This included residents and visitors parking in the street.

The parking survey results can be found in **Appendix 2**.

Given the survey outcome, it is considered that there sufficient car parking available directly outside the shops and surrounding area to meet the current parking and future parking demand associated with the Cradle Road Shopping Precinct.

### **Additional Parking Options**

Options for additional car parking in the area are limited to the consideration of augmenting the park reserve adjacent the shops to a car park. We have reviewed this option however given the outcome of the survey that we have sufficient parking available, it is recommended that we do not decrease our open space provision within this area to build additional parking.

Furthermore, off street car parks can be detrimental to the surrounding amenity as it can promote loitering, litter and noise with vehicles and occupants using it as a “hang out” after shops have closed.

## **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**

A cost of approximately \$400 will be incurred to provide line marking of 8 parking bays adjacent to the shopping precinct. This cost can be accommodated within Council’s existing budget.

In the event Option 2 was adopted (provision of car parking within existing open space reserve), a budget of \$50,000 is likely to be required.

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

This report has been prepared following receipt of a petition that was tabled at the Ordinary Meeting of Council on Monday 4 February 2019.

## **6. Risk Analysis**

**Option 1** – The public / shop owners’ perception of inadequate parking in the area to meet the current and future demand associated with the Cradle Road Shopping Precinct.

**Option 2** – The reserve is a small area of open space that has a strong social demand and provides a screen to the residential properties from the hard structures of the shops. It is also a meeting point for the community. By converting it into a car park, it may increase the likelihood of unwanted activities such as loitering etc.

## **7. Options**

**Option 1** - Note that Cradle Road and the surrounding streets in the current configuration provides a total of 88 on-street parking spaces (less 1 minute walk) to the shops which exceeds the current demand for car parking and will cater for future parking demands associated with the Cradle Road Shopping Precinct.



Given this, it is proposed to formally line mark the car spaces directly adjacent to the shops to ensure vehicles park appropriately and maintain the 8 car spaces. This will include the provision of a disabled car space.

**Option 2** – Conversion of the open space (just north of the shops) into a car park comprising approximately 12 car spaces.

## **LIST OF APPENDICES**

1. Survey Area - dated 20 February 2019
2. Cradle Road Parking Occupancy Survey Results - dated 22 & 23 February 2019

## 12.7 PLANNING SCHEME AMENDMENT C211 - REZONING PART OF LAND AT PALM SPRINGS ROAD AND WESTERN HIGHWAY, RAVENHALL FROM URBAN FLOODWAY ZONE TO INDUSTRIAL 3 ZONE AND REMOVE THE LAND SUBJECT TO INUNDATION OVERLAY.

Author: Donald Lewis - Strategic Planner  
Presenter: Bob Baggio - Manager Planning Services

### PURPOSE OF REPORT

To consider the preparation and exhibition of Amendment C211 to the Melton Planning Scheme to remove the Urban Floodway Zone and rezone the land to Industrial 3 Zone and remove the Land Subject to Inundation Overlay.

### RECOMMENDATION:

That Council:

1. Seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C211 to the Melton Planning Scheme.
2. Apply for an exemption from all of the notice requirements of Section 19 of the *Planning and Environment Act 1987*, except for notifications to landowners of affected sites and prescribed Ministers under Sections 19(1)(b) and 19(1)(c).
3. Upon receipt of authorisation, prepare and exhibit C211 to the Melton Planning Scheme in accordance with the requirements of the *Planning and Environment Act 1987*.
4. Authorise the General Manager Planning and Development and Manager City Design, Strategy and Environment to negotiate and resolve any issues that are raised by submitters during the exhibition process prior to the amendment being reported back to Council for referral to a Planning Panel or adoption of the Amendment.

### Motion

Crs Majdlik/Kesic.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

Amendment C211 to the Melton Planning Scheme proposes to rezone a portion of land affecting the following addresses at 11, 57 and 91-167 Palm Springs Road, Ravenhall and 1127A, 1127B and 1201-1227 Western Highway, Ravenhall (**Appendix 1**) from Urban Floodway Zone (UFZ) to Industrial 3 Zone (IN3Z) and remove the Land Subject to Inundation Overlay (LSIO).

The amendment is required to remove redundant planning controls in relation to flooding and storm water management. The zone does not conform to any existing or proposed drainage infrastructure. Melbourne Water is the referral authority for both planning controls and have consented to Council undertaking the Amendment (**Appendix 2**)

Amendment C211 is consistent with the Strategic Assessment Guidelines in relation to the State Planning Policy (SPP) and Victorian Planning Provisions (VPP), seeking to support economic development and remove unnecessary or redundant planning controls.

## 2. Background/Issues

### Amendment C211

Amendment C211 to the Melton Planning Scheme proposes to rezone a portion of land affecting the following addresses at 11, 57 and 91-167 Palm Springs Road, Ravenhall and 1127A, 1127B and 1201-1227 Western Highway Ravenhall (**Appendix 1**) from Urban Floodway Zone (UFZ) to Industrial 3 Zone (IN3Z) and remove the Land Subject to Inundation Overlay (LSIO).

The amendment is required to remove redundant planning controls in relation to flooding and storm water management. The zone does not conform to any existing or proposed drainage infrastructure. The respective planning controls were applied to the site before the translation of the new format planning schemes in 1999. Melbourne Water is the referral authority for both planning controls and have consented to Council undertaking the Amendment (**Appendix 2**)

The UFZ and LSIO cover an area of approximately 5.4 hectares within the total site area of 164 hectares. A formal request was made by Pro Urban planning consultants on behalf of the landowner to amend the Melton Planning Scheme and address the issue.

Melbourne Water has advised drainage for the development of the site will be provided via the existing Laverton Creek drainage system. As such, Melbourne Water have confirmed the current UFZ and LSIO are not relevant to the site and therefore consent to their removal from the Melton Planning Scheme through this amendment (**Appendix 2**).

Planning permit PA2013/4050 was issued for the site on 2 March, 2015 for a multi-lot staged subdivision, creation of reserves, removal of vegetation and removal of easements.

*Ministerial Direction No 11* requires amendments to be addressed against a number of guidelines. Every planning scheme amendment should maintain or develop the strategic intent of the Planning Scheme. This strategic assessment has been undertaken and it is considered that the amendment adequately addresses this requirement.

The amendment is required to remove redundant planning controls in relation to drainage and flooding. The amendment is supported by Melbourne Water as the referral authority for the UFZ and the LSIO. As an adjoining landholder, VicRoads have also supported the amendment.

Overall, the amendment is consistent with the Planning Policy Framework, and makes proper use of the Victorian Planning Provisions as the proposed amendment seeks to remove a redundant planning control in the *Melton Planning Scheme*.

## 3. Council and Well Being 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

Council officer time and resources are involved in the preparation of the amendment. The proponent is required to pay the statutory fees associated with the amendment process.

## 5. Consultation/Public Submissions

Planning scheme amendments are subject to an exhibition process in accordance with the *Planning and Environment Act 1987*. This normally includes direct notification to affected landholders and notification to government agencies, prescribed Ministers, local newspapers and the Government Gazette.

The amendment proposes to remove existing flooding controls affecting one part of the site. Prior to requesting Council to undertake the amendment, the Department of Environment, Land, Water and Planning (DELWP) advised the proponent that limited public notice (through 20(2) of the *Planning and Environment Act 1987*) would be the most appropriate method for the amendment.

It is proposed that exhibition of the amendment will involve notice to affected landholders, VicRoads and Melbourne Water (**Appendix 1**). No other adjoining landowners are affected by the amendment.

## 6. Risk analysis

In accordance with the *Planning and Environment Act 1987*, Council is required to update its planning scheme. If Council chooses not to seek authorisation to prepare Amendment C211, the planning scheme will continue to have redundant zone and overlay controls.

## 7. Options

Council can resolve to:

1. Seek authorisation to prepare and exhibit Planning Scheme Amendment C211 in accordance with the *Planning and Environment Act 1987*, apply for an exemption from notice requirements under section 19 and authorise the General Manager Planning and Development to negotiate and resolve any issues; or
2. Not proceed with the amendment.

## LIST OF APPENDICES

1. Site Plan - dated 2 May 2019
2. Letter of Support from Melbourne Water - dated 29 April 2019

**12.8 AMENDMENT TO DEVELOPMENT PLAN DP2008/12/7 TO FACILITATE CONSIDERATION OF A PLANNING APPLICATION FOR A TRIPLE STOREY DEVELOPMENT WITH SIX RETAIL SHOPS AND ASSOCIATED REDUCTION IN CAR PARKING AT 114B GOURLAY ROAD, CAROLINE SPRINGS**

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

**PURPOSE OF REPORT**

To consider and determine the above proposal.

**RECOMMENDATION:**

That Council approve the Amended Development Plan subject to the conditions outlined in **Appendix 6** and authorise the planning permit to be issued under delegation.

**Motion**

Crs Ramsey/Kesic.

That the recommendation be adopted.

CARRIED

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

**For:**

Crs Hardy, Kesic, Majdlik, Ramsey and Turner

**Against:**

Cr Mendes

The Mayor declared the Motion CARRIED

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**REPORT**

**1. Background**

**Executive Summary**

Applicant:	Robert Ugrinovski
Proposal:	Triple storey development with six retail premises and associated reduction in car parking
Existing Land Use:	Car park
Zone:	Commercial 1
Overlays:	Development Plan – Schedule 1
Number of Objections:	Seven including a signed petition

Key Planning Issues:	Provision and future availability of appropriate car parking for the existing retail premises
Recommendation:	Approve Proposal

### The Land and Surrounding Area

The subject site has an area of 1,404m<sup>2</sup> and is located on Hume Drive and Gourlay Road. Other features of the site are as follows:

- The site is irregular in shape.
- It contains an existing rear car park with 59 car spaces that service the adjoining North Lake shopping centre which contains 13 retail premises with a direct frontage to Gourlay Road. The single storey retail premises has a total floor area of 1,290m<sup>2</sup>.
- Left in and left out access from both Hume Drive and Gourlay Road is available to the centre.
- Access is via a shared common accessway located between the subject site and the existing centre.
- Airspace ownership rights exist above the retail premises and above part of the common property. Airspace rights start from a height of 4.8m from the ground level.

The surrounding area to the site is characterised by residential dwellings to the north, Taylors Hill Village shopping centre to the east, Springside College to the west and the grassland reserve both to the west and south. The Caroline Springs Major Activity Centre is located approximately 2km south of the site.

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

### Planning History

In 2009 a planning permit PA2008/2076 was issued for use and development of thirteen attached buildings for the purposes of retail premises, medical centre, office and associated car parking on the parent lot identified as 1219 Gourlay Road, Caroline Springs.

In 2010 a planning permit was granted for a 14 lot staged subdivision of the parent lot resulting in the creation of individual titles for the 13 retail tenancies, a separate title for the superlot with the car park and a shared common property accessway benefitting all lots.

The site is subject to a site specific development plan approved in 2012 that permits construction of a five storey building with 30 dwellings and associated car parking. A planning permit was granted in 2012 to allow use and development of the land for the purpose of a five storey building containing thirty dwellings with associated car parking on the subject site.

### The Application

The proposal seeks to amend the use on the Development Plan that allows construction of a five storey building with 30 dwellings and associated car parking to construction of a triple storey development with six retail premises and associated reduction in car parking. This would facilitate consideration of the concurrent planning permit application which is summarised as follows:

- Six retail premises on the ground floor with a total floor area of 922m<sup>2</sup>.
- The first and second floor will comprise a total of 67 car parking spaces for both the existing retail tenancies to the east facing Gourlay Road and the new retail premises on the ground floor.
- The development will result in the removal of 50 on-site car parking spaces and retention

of 9 car spaces.

- Overall the development will have a total 76 on-site car spaces.
- A reduction of one car space is sought.
- Part of the car park on the first and second floor of the triple storey development is cantilevered over the common shared accessway.
- External materials and finishes include largely glazing at the ground floor, rendered wall finish and perforated metal on the first and second floors to break up the mass of the building.
- The commercial shops are oriented north-west overlooking part of the conservation reserve towards Hume Drive.
- 12 on-site bicycle spaces are proposed.
- No alteration to existing access arrangements from both Hume Drive and Gourlay Road is proposed.

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

### Planning Controls

Zone	(Clause 34.01 – Commercial 1 Zone)	Separate planning approval will be required for the construction of the building and any works
Overlays	(Clause 43.04 – Development Plan Overlay (Schedule 1))	Any resultant use and development must be generally in accordance with an approved development plan. The existing development plan is therefore proposed to be amended to facilitate the issue of a planning permit for the proposed changes.
Particular Provisions	(Clause 52.06 – Car Parking)	The car parking rate for a retail shop is 3.5 car spaces to each 100m <sup>2</sup> of leasable floor area.

A full assessment of the proposal against the relevant State and Local planning policies is included in **Appendix 3**.

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

The land is affected by a Restrictive Covenant; however the proposal does not breach any conditions of the Covenant.

### Is the land of Cultural Heritage Sensitivity?

The land is not considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*.

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

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

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

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

### 3. Financial Considerations

No Council related financial considerations are involved with the application.

### 4. Consultation/Public Submissions

#### Public notification of the application

The application was subject to informal notification. The informal notification was satisfactorily completed and seven objections including a signed petition were received.

The grounds of objection may be summarised as follows:

- Provision and future availability of appropriate car parking for the existing retail premises.
- Encroachment of the development onto common property.
- Loss of on-site customer parking during the construction phase of the development.
- A reduced car parking rate has been applied to calculate car parking requirements.
- Commercial loss for existing retail shop owners.
- Collection of rubbish bins and accessibility for delivery trucks.
- Proposed development will negatively impact the structural integrity of the existing shops on Gourlay Road.
- Loss of views from 401 Hume Drive due to the triple storey development.
- Traffic congestion and increase in traffic noise.
- Safety impacts due to increase in traffic volume.
- Impact of car fumes on the adjoining grassland reserve.
- Littering.

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

#### Referral of the application

The application was referred to Council's Infrastructure Planning, City Design, Environment and Sustainability, Environmental Health and Traffic and Transport areas for comment and advice. A complete list of responses is included in **Appendix 5**.

Of particular note are the comments from Council's Urban Designers who have concerns with the durability of the proposed rendered finish and suggest use of a durable high quality finish such as alucobond or similar.

### 5. Issues

#### Planning Assessment

A recommendation to support the proposal is based on an assessment against the requirements of the Melton Planning Scheme and consideration of the written objections. The proposal is consistent with relevant policy and complements the mixed use nature of the locality.

There are a number of issues that have been raised in the submissions. The grounds are acknowledged. Of major concern is the provision and future availability of appropriate car parking for the existing 13 retail premises. The planning permit issued for these retail premises has its car parking located on the superlot where the triple storey development is proposed. Whilst the application makes provision for these car spaces to be accommodated in the new development, there is a concern that being on a separate lot, future accessibility



to this car park is not guaranteed in the future. It is therefore considered that if approval is to be granted, the applicant must enter into a Section 173 agreement with Council to allow access in perpetuity to the proposed car park to the existing 13 retail premises at North Lake Shopping Centre.

The application has been reviewed by Council's Traffic and Transport area who has raised no objection to the proposed reduction in car parking. The Traffic Report states that the proposed development plus North Lake Shopping Centre and Taylor Hills Village Shopping Centre are likely to promote multi-purpose trips for customers. The Traffic Report concludes that the development is likely to generate less parking demand than required as some customers will already be in the retail precinct. On this basis a reduction in the number of car parking is considered to be appropriate.

The applicant has airspace ownership rights above the existing single storey retail premises at North Lake shopping centre and above part of the common property. As such the proposed triple storey development can project over common property and the North Lake shopping centre buildings subject to a height clearance of at least 4.8m from the ground level being met.

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

## 6. Options

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

## 7. Conclusion

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

It is considered that the proposal generally complies with the relevant requirements of the Planning Scheme.

Therefore, it is recommended that the amended development plan application be approved as outlined in **Appendix 6**.

## LIST OF APPENDICES

1. Locality Plan - dated 9 May 2019
2. Plans for the Proposal - dated 15 May 2019
3. Assessment against Planning Scheme - undated
4. Response to objections - undated
5. Referral comments - undated
6. Approval of Amended Development Plan - undated

## 12.9 ENVIRONMENTAL ENHANCEMENT PROGRAM RESULTS 2018

Author: Ben Kroker - Senior Land Management Officer  
Presenter: Bob Baggio - Manager Planning Services

### PURPOSE OF REPORT

To inform Council of the results of the 2018 Environmental Enhancement Program.

### RECOMMENDATION:

That Council note:

1. the effort undertaken by 87% of eligible landowners in managing their land responsibly;
2. that 155 property owners (see **Appendix 1**) who have not complied with the requirements of the program will have their rebate withdrawn; and
3. that the General Manager of Planning and Development make the final decision on appeals by any of the property owners who have had their rebate withdrawn.

### Motion

Crs Majdlik/Hardy.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

The Environmental Enhancement Program (EEP) encourages eligible landowners to undertake specified works on their property that will improve the condition of the landscape within the municipality.

In 2018, 87% of the 1262 eligible properties met the requirements of the program, with 155 properties failing to comply. Of the 155 rebate withdrawals, 94 failed to return a Proposed Works Form and 61 failed to effectively or successfully complete approved works.

The program continues to be well received by landowners within the municipality. It is the key method for Council to engage with landowners on sustainable land management issues.

### 2. Background/Issues

Melton City Council's Environmental Enhancement Program (EEP) encourages eligible landowners to undertake specified works on their property that will improve the condition of the natural resources within the municipality. The EEP has been in effect since it was introduced in 1994 to provide a rebate on municipal rates. The EEP applies to properties within specified zones that are greater than two hectares in size and is operated on an "opt-out" basis, meaning that eligible landowners must participate to retain the rate rebate.

Council has an established annual program for delivery of the EEP. The Environmental Enhancement Program Guidelines detail the delivery of the program and landowner obligations (**Appendix 2**). The program is accounted for in Council's recurrent budget.

In February 2018, the Environmental Enhancement Program Guidelines and Proposed Works Form were sent to all eligible landowners (**Appendix 2 and 3**). Under the policy, each eligible landowner was required to submit a completed Proposed Works Form by 31 March 2018. This form outlines work that the landowner commits to undertake to address land management issues, with an emphasis on addressing the presence of environmental and agricultural weeds.

Landowners who did not return their forms by the end of March 2018 were sent up to two reminder letters. Received Proposed Works Forms were assessed by Council's Land Management Officer and written approval sent to landowners. Proposed Works Forms that could not be immediately approved (for example due to insufficient commitment to weed control) were amended prior to approval. Works were required to be complete by 30 September 2018.

On-site meetings with landowners and inspections of properties by Council's Land Management Officer occurred throughout the year. Landowners who successfully undertook agreed works were notified of their satisfactory compliance with the policy and retention of their rebate.

The overall compliance rate for 2018 was 87% of the 1262 eligible properties. The compliance rate over the life of the program has ranged between 87% and 98% with an average of 93%.

Of the 155 rebate withdrawals, 94 failed to return a Proposed Works Form and 61 failed to effectively or successfully complete approved works. Landowners who do not submit a Proposed Works Form essentially elect not to participate in the program and will have their rate rebate withdrawn (**Appendix 1 & 4**). As **Appendices 1 & 4** contain personal information as defined by the *Privacy and Data Protection Act 2014* in that they show landowner's addresses, they are treated as Confidential Appendices to this report.

The 61 property owners who either failed to undertake any work or undertook insufficient work to control extensive infestations of high priority weeds on their land. This compromises the weed management works undertaken by compliant landowners and other land managers including Council due to the resultant spread of seed from unmanaged weeds.

In accordance with the program guidelines, each landowner that fails to comply with the EEP is sent a letter from Council explaining that the rebate has been withdrawn, and have the value of the rebate added to their fourth rates instalment notice. In writing to each landowner they are given the opportunity to discuss the reasons for not meeting the requirements of the policy. These discussions may provide a better understanding of why they did not comply and an opportunity to work more closely with Council's Land Management Officers in future.

Also in accordance with the program guidelines, any appeal made in writing against the non-compliance decision and this appeal will be considered by a panel consisting of the Manager City Design, Strategy and Environment, the Coordinator City Environment and Sustainability and an independent senior officer. The recommendation from this panel will then be reported to the General Manager Planning and Development for final consideration.

### **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

2.3 *A City with healthy waterways, biodiversity and ecosystems.*

### **4. Financial Considerations**

The value of all rebates for eligible properties is \$1,900,000 (as per budget).

The value of rebates to be withdrawn is \$279,232.50. This figure comprises \$156,887.85 from property owners who did not participate and \$122,344.65 from landowners who failed to control weeds.

Depending on how many successful appeals are made, the value of withdrawn rebates may decrease.

## 5. Consultation/Public Submissions

The EEP is a long running and ongoing program. Eligible landowners are corresponded with by mail and telephone calls, face-to-face discussions on site and by email as required throughout the delivery of the program.

## 6. Risk Analysis

It is important for Council to administer the EEP fairly and effectively. Failure to effectively deliver the program will undermine rural land productivity, jeopardise public and private recreational facilities and diminish environmental values. This may result in the loss of environmental assets and the reputation of Council. It is therefore important that Council continues to administer the EEP fairly, effectively and according to the annual program timetable.

## 7. Options

NIL

## LIST OF APPENDICES

1. Environmental Enhancement Program 2018 Non Compliant Properties - undated - **CONFIDENTIAL**

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

2. Environmental Enhancement Program Guidelines 2018 - undated
3. Environmental Enhancement Program 2018 Proposed Work Form - undated
4. Environmental Enhancement Program Results Map - undated - **CONFIDENTIAL**

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

## 12.10 CONTRACT No. 19/045 - CONSTRUCTION OF DIGGERS REST KINDERGARTEN EXTENSION

Author: Jacqueline Stephenson - Capital Projects Officer  
Presenter: Troy Watson – Acting General Manager Community Services

### PURPOSE OF REPORT

To seek Council's approval for the award of Contract No. 19/045 for the Construction of the Digger Rest Kindergarten Extension commencing 28 May 2019.

### RECOMMENDATION:

That Council:

1. Awards Contract No. 19/045 for the Construction of Diggers Rest Kindergarten Extension to Q Construction Pty Ltd for the sum of \$902,040.29 (excl. GST)
2. Delegate to the Chief Executive Officer the execution of all contract documents.
3. Advise all Tenderers accordingly.

### Motion

Crs Mendes/Majdlik.

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. 19/045 for the Construction of the Diggers Rest Kindergarten Extension.

Council has committed to extending the existing kindergarten located in Diggers Rest. The project will deliver an additional children's room, additional outdoor play areas, upgraded staff and storage areas and additional amenities.

Council was successful in gaining \$350,000 in funding from the Victoria School Building Authority through the Children's Facilities Capital Program (CFCP) to contribute towards the Digger Rest Kindergarten Extension project. Council committed to providing the additional \$929,000 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.

### 2. Background/Issues

Melton City Council has committed to the extension of the existing kindergarten in the rapidly growing suburb of Diggers Rest.

To cater to the growing population in the Diggers Rest area, Council made an application in July 2018 to the Victorian School Building Authority through the Children's Facilities Capital Program (CFCP) for financial assistance in the extension of the existing kindergarten. The CFCP provides funding to build, expand and improve early year's infrastructure across Victoria. Their aim is to ensure local families can continue to access great local kindergartens. This funding is positioned to provide families a choice of flexible, accessible and affordable early childhood education services, including kindergarten programs delivered in a range of settings, alongside key services such as Maternal and Child Health, playgroup and other family services. Council was advised in September 2018 that it was successful in obtaining \$350,000 in funding, and a subsequent Agreement for the funding was signed.

The project has been allocated a total budget of \$1.329M. This is made up of \$979,000 from Melton City Council and \$350,000 from the CFCP (Victorian State Government).

Council has agreed under the CFCP to deliver the completed project by February 2020. A key Milestone of the project is the appointment of a building contractor by 28 May 2019.

This project will deliver an extension to the existing kindergarten, including:

- kindergarten room to cater for approximately 30 children per group x 2
- additional outdoor play space
- upgraded amenities
- staff offices
- upgraded entrance and securities systems

On 27 November 2018, Council engaged the architectural services of Brand Architects to undertake the design of the kindergarten extensions and to coordinate this design work with their appointed civil, structural and services consultants.

An Expression of Interest (EOI 19/045) 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, four 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 four shortlisted construction contractors on 11 April 2019 and closed on 10 May 2019.

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

All four tenders were considered non-conforming due to the incomplete sub-contractor statutory declaration but all were still considered and 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:

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 Diggers Rest Kindergarten Extension project has an overall budget of \$1,329,000 (excluding GST).

The project will be funded from the Melton City Council budget and the Victorian Government's Children's Facilities Capital Program.

<b>Budget</b>	<b>Amount \$</b>
City of Melton	\$979,000
Children's Facilities Capital Program	\$350,000
<b>Total</b>	<b>\$1,329,000</b>

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

<b>Forecasted expenditure</b>	<b>Amount \$</b>
Construction	\$902,040.29
Contingency	\$135,306.00
Consultants Fees	\$109,082.00
Authority Charges and Headworks	\$18,000.00
Furniture Fitting and Equipment	\$30,000.00
<b>Total</b>	<b>\$1,194,428.29</b>

The budget and estimated spend profile across the expenditure years is as follows:

<b>Expenditure year</b>	<b>Budget</b>	<b>Expenditure</b>	<b>Cumulative Expenditure</b>
2018-19	\$350,000.00	\$88,899.00	\$88,899.00
2019-20	\$979,000.00	\$1,105,529.29	\$1,194,428.29
<b>Total</b>	<b>\$1,329,000.00</b>	<b>\$1,194,428.29</b>	<b>\$1,194,428.29</b>

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 Children Services (kindergarten), Council's Community Planning directorate, relevant user groups, the kindergarten service provider 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 tender specifications.

Consultation with the kindergarten children and the families was held at Diggers Rest Kindergarten on 14 February 2019.

Council personnel have also been in regular contact with State Government to communicate project progress and to report on achievements of agreed Milestones. At this point in time a Sod Turning event to mark the commencement of construction and involving the Minister for Early Years is planned for after contract award.

## 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*.



## 12.11 LEADWEST COMMITTEE

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

### PURPOSE OF REPORT

To provide the background about the proposed change in the governance arrangements for LeadWest and to recommend that Council establish a new Special Committee under section 86 of the Local Government Act 1989 ('the Act'), known as the "LeadWest Committee".

### RECOMMENDATION:

That Council:

1. Establishes a Special Committee called LeadWest Committee (Special Committee) pursuant to section 86 of the *Local Government Act 1989*, commencing operation from 1 July 2019.
2. By Instrument of Delegation pursuant to section 86 of the Act, delegates to the Special Committee, the powers, duties and functions relevant to the LeadWest governance arrangements, in accordance with the Instrument of Delegation and Schedule in **Attachment 1**, effective from 1 July 2019.
3. Authorises the affixation of Council's common seal to the Instrument of Delegation.
4. Determines that the Instrument of Delegation will:
  - 4.1 come into force on 1 July 2019; and
  - 4.2 remain in force until Council determines to vary or revoke it.
5. Adopts the Terms of Reference for the Special Committee as detailed at **Attachment 2**.
6. Appoints as voting members of the Special Committee:
  - one Councillor and their proxy from each of the Cities of Brimbank, Hobsons Bay, Maribyrnong, Melton, Moonee Valley and Wyndham, as nominated by each of those Councils from time to time, provided that a proxy will only be entitled to vote in the absence of the relevant nominated Councillor;
  - the Chief Executive Officer from each of the Cities of Brimbank, Hobsons Bay, Maribyrnong, Melton, Moonee Valley and Wyndham, and the proxy nominated by each Chief Executive Officer from time to time, provided that a proxy will only be entitled to vote in the absence of the relevant Chief Executive Officer; and
  - an Independent Chairperson.
7. Appoint:
  - a Councillor delegate and a Councillor as proxy delegate;
  - Council's Chief Executive Officer and the proxy nominated by the Chief Executive Officer from time to time; and
  - Mr Jim Williamson, as the inaugural Independent Chairperson,to the Special Committee established by Council and by each of the Cities of Brimbank, Hobsons Bay, Maribyrnong, Melton and Moonee Valley.

8. Exempts all members of the Special Committee other than those nominated by Council as its representatives and the Independent Chairperson from having to submit a primary or an ordinary return.
9. Determines that the first Ordinary Meeting of the Special Committee will be held on the first scheduled meeting date of the Special Committee, held on or after 1 July 2019.
10. Requires all minutes be presented to Council on the progressive implementation of the Special Committee.

### Motion

Crs Hardy/Ramsey.

That Council:

1. Establishes a Special Committee called LeadWest Committee (Special Committee) pursuant to section 86 of the *Local Government Act 1989*, commencing operation from 1 July 2019.
2. By Instrument of Delegation pursuant to section 86 of the Act, delegates to the Special Committee, the powers, duties and functions relevant to the LeadWest governance arrangements, in accordance with the Instrument of Delegation and Schedule in **Attachment 1**, effective from 1 July 2019.
3. Authorises the affixation of Council's common seal to the Instrument of Delegation.
4. Determines that the Instrument of Delegation will:
  - 4.1 come into force on 1 July 2019; and
  - 4.2 remain in force until Council determines to vary or revoke it.
5. Adopts the Terms of Reference for the Special Committee as detailed at **Attachment 2**.
6. Appoints as voting members of the Special Committee:
  - one Councillor and their proxy from each of the Cities of Brimbank, Hobsons Bay, Maribyrnong, Melton, Moonee Valley and Wyndham, as nominated by each of those Councils from time to time, provided that a proxy will only be entitled to vote in the absence of the relevant nominated Councillor;
  - the Chief Executive Officer from each of the Cities of Brimbank, Hobsons Bay, Maribyrnong, Melton, Moonee Valley and Wyndham, and the proxy nominated by each Chief Executive Officer from time to time, provided that a proxy will only be entitled to vote in the absence of the relevant Chief Executive Officer; and
  - an Independent Chairperson.
7. Appoint:
  - Cr Hardy as Councillor delegate and Cr Ramsey as proxy delegate;
  - Council's Chief Executive Officer and the proxy nominated by the Chief Executive Officer from time to time; and
  - Mr Jim Williamson, as the inaugural Independent Chairperson, to the Special Committee established by Council and by each of the Cities of Brimbank, Hobsons Bay, Maribyrnong, Melton and Moonee Valley.
8. Exempts all members of the Special Committee other than those nominated by Council as its representatives and the Independent Chairperson from having to submit a primary or an ordinary return.

9. Determines that the first Ordinary Meeting of the Special Committee will be held on the first scheduled meeting date of the Special Committee, held on or after 1 July 2019.
10. Requires all minutes be presented to Council on the progressive implementation of the Special Committee.

CARRIED

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## REPORT

### 1. Executive Summary

This report deals with a proposal to transition LeadWest from a company to a Special Committee. In order to establish the LeadWest Committee under the Special Committee provisions, all six Councils are required to adopt an identical Instrument of Delegation and Terms of Reference. This effectively enables the Committee to meet as one.

The current objective of LeadWest is to remain the same under the new Special Committee arrangements and a new ten year strategic plan and a four year rolling implementation plan is to be prepared.

This report also recommends the appointments of the voting members to the Committee.

The officer recommendation in this report is designed to implement the necessary arrangements for the LeadWest Committee to be established. Each member Council must establish a Special Committee under section 86(3) of the *Local Government Act* 1989 ('the Act') which mirrors the delegations and terms of reference of the other members.

### 2. Background/Issues

LeadWest LTD (LeadWest) was established as a company in 2007 as a regional organisation for Melbourne's west. Since this time LeadWest has had a focus on advocacy for the region and has been a nonpartisan and not-for-profit, membership-based organisation.

The LeadWest Constitution provides that its objective is to foster and undertake actions that will support sustainable growth and development of the region having regard to:

- legislative requirements;
- available resources;
- existing initiatives and programmes;
- economic, social and environmental values; and
- respecting individual difference between communities.

The members of LeadWest has included all six local governments in Melbourne's west (Brimbank, Hobsons Bay, Melton, Maribyrnong, Moonee Valley and Wyndham) companies and other organisations with substantial operations or interests that are based in Melbourne's west.

In late 2018 following consideration of the organisation's priorities the LeadWest Board decided to commence a strategic review process. This process reconfirmed the importance of the continued focus on the existing objective of LeadWest but it was agreed that there was a need for a new governance model that would better provide the required structure for the organisation to fully achieve its objective going forward in a more cost effective and sustainable way.

Following detailed consideration, it was agreed in principle to transition LeadWest from a company to a Council-aided section 86 special committee structure, along the lines of the Inner Melbourne Action Plan model used by the cities of Melbourne, Yarra, Port Phillip, Stonnington and Maribyrnong.

The necessary processes to deregister LeadWest as a company has commenced and is expected to be finalised by 30 June 2019. Following this deregistration, the new LeadWest Committee can commence. The new Committees can be established prior to the deregistration process being finalised.

#### *Legislative requirements for Special Committees*

Under section 86 of the Act a Council may establish a Special Committee with authority to exercise certain Council powers. The process of delegating a power, duty or function must include a Council formally approving an Instrument of Delegation. Without a formal Instrument of Delegation, a Special Committee may not exercise any Council powers.

The Instrument of Delegation defines what authorities are given to the Committee including setting limits on the amounts of any contracts or expenditure that the committee may approve.

A Council may delegate most matters to a Special Committee however, it is prohibited from delegating the following powers:

- Declaring a rate or charge
- Borrowing money
- Entering into contracts for amounts exceeding the limit set in the Instrument of Delegation
- Incurring expenditure beyond the limit set in the Instrument of Delegation
- Any prescribed matter under the Act.

In addition, the Council cannot allow a Special Committee to delegate any of its responsibilities to others.

The Instrument of Delegation must be reviewed within twelve months of a general election and regular reviews are also recommended for probity reasons.

A Special Committee may include Councillors, Council staff or any other people as members. The membership is a matter for Council to decide. No appointment process is specified in the Act for the appointment of members.

The Council may appoint a chairperson for the committee or if it does not the members must appoint a Chairperson. Conduct of meetings must comply with the Act including the meeting being open to the public. Minutes of the meetings must be kept in accordance with the requirements in the Act.

The restrictions on decision making by a Council during the election period before an election as required by the Act apply to Special Committees.

The Act requires any member of a Committee with delegated powers to comply with the conflict of interest rules. Special Committee members must complete primary and ordinary interest returns although a Council may exempt non-Council member from this requirement. To this end it is proposed that Council exempts all members of the special committee who are not Councillors and officers from Council, except for the Independent Chairperson, from being required to submit a primary return or an ordinary return under section 81(2A) of the Act. This provision will reduce duplication and meet the audit requirements.

*LeadWest Committee*

It is proposed that the purpose of the new LeadWest Committee will be to oversee the preparation and implementation of the LeadWest Committee's Strategic Plan and identified sub projects as adopted and agreed by member Councils. As such the new Special Committee arrangements will, amongst other things, be a confirmation of the importance of regional partnerships and a demonstration of the advantages that such arrangements can bring to make real and lasting positive change for the western region of Melbourne.

One of the first tasks of the Committee will be to lead the development of a new ten year Strategic Plan and a four year rolling implementation plan. The proposed key areas of focus for the Strategic Plan are jobs and skills; transport infrastructure and connectivity; health and wellbeing; and continuing environmental rehabilitation and sustainable development. It is envisaged that the Plan will continue to emphasise the importance of building and maintaining strong partnerships with other levels of Government, the private sector, other regional bodies and stakeholders.

*Instrument of Delegation and Terms of Reference - LeadWest Committee*

A draft Instrument of Delegation and Terms of Reference has been prepared to enable the establishment of the LeadWest Committee as attached to this report.

The key items to note include:

- A feature of LeadWest since it was established in mid 2000s is the appointment of an Independent Chairperson. This is reflected in the decision to retain this position in the new section 86 Committee arrangements and by this position continuing to be a voting member. This role has several key purposes and is important in delivering the LeadWest agenda including:
  - Chairing the LeadWest Committee Meetings;
  - Lead the preparation of the LeadWest Strategic Plan;
  - Assist to establish and foster relationships and partnerships with State and Federal Governments, statutory authorities, local businesses, not for profit sector, regional boards and committees and other stakeholders;
  - Assist the Committee to establish sound governance practices; and
  - Provide leadership to the Committee.

The Terms of Reference provide for the Independent Chairperson to be appointed for a term of three years on conditions, including reimbursement of expense or remuneration, as the Committee determines. It is proposed that the Chairperson has a maximum two term appointment. Mr Jim Williamson was appointed as the Chair of LeadWest in 2018 and it is recommended that his appointment as the inaugural Independent Chairperson of the Special Committee be made.

- It is proposed that each Council resolves to appoint a Councillor (and their proxy) and each CEO (and such proxy as nominated by the CEO) to the Committee as voting members. This will mean that there are thirteen voting members (including the Independent Chairperson) which will require a quorum of seven.
- It is proposed that stakeholders can, when needed, attend the Meetings of LeadWest Committee but will not be voting members.
- An Executive Officer will be appointed to undertake a Coordination/Project Management role and provide regular reports to the Committee.
- Protocols will be established to support the operations of the Committee including Meeting Procedures and media protocols.

### **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**

An aim of the transition to the Special Committee and adoption of a new Strategic Plan for LeadWest is to provide a cost effective funding model for each Council and more focused outcome driven approach which is aligned to agreed regional priorities.

It is estimated that approximately \$400,000 will be available to transfer, once all entitlements and funding commitments have been paid as part of the transition process, from the LeadWest company to the Special Committee. Funds will be allocated by the Committee from the carry forward budget for the development of the new Strategic Plan.

The ongoing budget for the LeadWest Committee will include two components. Firstly, to deliver the projects in the four year implementation plan, recommendations will be made to member Councils for consideration in each Council's annual budgeting process. Secondly, the base contribution for the first year is proposed to be a fee of \$40,000, to apply equally to all Councils. This fee will be reviewed by the LeadWest Committee on an annual basis.

Brimbank City Council has agreed in principle to provide corporate support services to the LeadWest Committee. These services will include to employ and provide office accommodation to the Executive Officer on behalf of the Committee and to be the holder of the Committee's funds. It is proposed that Brimbank City Council will seek reimbursement (at an agreed amount) from the Committee to recognise overheads incurred in supporting the Committee structure.

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

The LeadWest Committee will continue to provide a mechanism for a regional approach to advocacy and the delivery of a ten-year Strategic Plan. The Strategic Plan will be underpinned by a rolling four-year implementation plan which will be delivered by teams from across the six Councils implementing specific projects. This Plan will be prepared following extensive consultation including a focus on engaging Councillors from the member Councils.

### **6. Risk Analysis**

Nil

### **7. Options**

Nil

### **LIST OF APPENDICES**

1. LeadWest Committee Instrument of Delegation and Schedule - undated
2. LeadWest Committee Terms of Reference - dated 1 July 2019

## 12.12 LIVE STREAMING OF COUNCIL MEETINGS

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

### PURPOSE OF REPORT

To present to Council the results of community consultation regarding interest in watching a live stream of Council meetings.

### RECOMMENDATION:

That Council note the report.

#### Motion

Crs Majdlik/Hardy.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

At the Ordinary Meeting of Council held 10 December 2018 Council resolved to conduct community consultation regarding live streaming and receive a report back on the outcome of that consultation.

The 2019 Communications Survey was conducted as a door-to-door interview style survey of 804 households approached randomly from across the urban precincts of the City of Melton during the months of March and April 2019.

Included in the survey was the following question:

*“On a scale from 0 (very unlikely) to 10 (very likely), how likely would you be to watch a live stream of Council meetings or a Council app?”*

The average score for live streaming part of the question, based on this 0 to 10 scale, was 2.38. On the face of it, this low average score indicates that most of the community is unlikely to watch a live stream of a Council meeting.

That said, if you look at the percentage of people who said they were ‘very likely’ to watch a live stream of a Council meeting (11.2% gave a rating of 8 or more in the survey) then, in light of the overall population of Melton this would mean the number of people who are ‘very likely’ to watch a live stream of a Council meeting would be in the several thousands.

The question, “*How likely would you be to watch a live stream of Council meetings?*” was also posted to the ‘Join the Conversation’ page on Council’s website. In the period 8 April 2019 to 9 May 2019, 24 responses were received on the Join the Conversation webpage. The average score was 7.42.

## 2. Background/Issues

### Background

At the Ordinary Meeting of Council held 10 December 2018 the Council considered a report entitled 'Response to Notice of Motion 590 (Cr De Santis) - Live Streaming of Council Meetings'. The officer's Recommendation was not adopted by the Council and the following Motion was subsequently adopted:

*That Council:*

1. *Conduct community consultation regarding the live streaming of Council meetings.*
2. *Receive a report on the outcome of that community consultation in due course.*

The full copy of the Minutes of this report is attached as **Appendix 1**.

The report referred to above came about as a responses to the Prior to the following Notice of Motion on live streaming of Council meetings adopted on 12 November 2018.

*That Council support the live streaming of future Council meetings via internet and the installation of the appropriate visual and audio equipment required to successfully run this streaming.*

Earlier still, a detailed report on live streaming of Council meetings was presented to Council on 29 May 2017.

### Household Survey

The Council, in March and April 2019, conducted a Communications Survey to gauge the community's interest in a variety of communication methods and systems. While this survey sought feedback on a wide range of communication matters, it presented the perfect vehicle to action the Council resolution to, "Conduct community consultation regarding the live streaming of Council meetings".

The 2019 Communications Survey was conducted as a door-to-door interview style survey of 804 households approached randomly from across the urban precincts of the City of Melton during the months of March and April 2019. The results were weighted by precinct to ensure that each precinct within Melton contributed proportionally to the municipal result. The precinct weightings were conducted using the enumerated population figures from the Australian Bureau of Statistics – 2016 Census of Population and Housing.

A door-to-door survey approach provides a strong methodology in engaging effectively with the City of Melton community.

While the full results of this survey are still being reviewed and considered by staff, the results of the live streaming question are presented in this report.

The question asked in the 2019 Communications Survey was:

*"On a scale from 0 (very unlikely) to 10 (very likely), how likely would you be to watch a live stream of Council meetings or a Council app?"*

Separate scores were recorded for the live stream of Council meetings question and the use of a Council app question.

The average score for the watch a live stream of a Council meeting question, based on this 0 to 10 scale, was 2.38. On the face of it, this average score indicates that most of the community is unlikely to watch a live stream of a Council meeting.

The survey also presented the results of this question in a second way. Using a classification of:

- Very likely (Scores 8 to 10)



- Neutral to somewhat likely (Scores 5 to 7); and
- Unlikely (Scores 0 to 4)

to watch a live stream of a Council meeting, the results were:

Very likely	11.2%
Neutral to somewhat likely	14.7%
Unlikely	74.1%

Again, on the face of it, the results show a low interest in the community in watching a live stream of a Council meeting.

Another interpretation of these results however is possible. With 11.2% of the community 'very likely' to watch a live stream of a Council meeting and applied against a large adult population in the City of Melton, it could be argued that several thousand residents are interested in watching a live stream.

The page from the 2019 Communications Survey showing these results is attached at **Appendix 2**.

#### 'Join the Conversation' webpage

As well as the comprehensive 2019 Communication Survey, the question; "How likely would you be to watch a live stream of Council meetings?" was posted to the 'Join the Conversation' page on Council's website. Once again a scale of 0 to 10 was used with 0 being *very unlikely to watch* and 10 being *very likely to watch*.

In the period 8 April 2019 to 9 May 2019 24 responses were received on the Join the Conversation webpage. The average score was 7.42.

This second method of survey or consultation is not as statistically sound as the random sample method in the 2019 Communications Survey. For example, there are no restrictions on the number of times a community member may vote, or indeed, whether the respondent is a member of the Melton City community.

It can also be ventured that these 24 respondents are very interested in Council matters as they visited the 'Join the Conversion' page on the Council website and answered the survey question without any promotion, guidance or prompting by the Council.

This interest in Council affairs and a degree of IT capability could also explain a much higher result for these 24 respondents compared to the 804 random survey participants (7.42 versus 2.38).

### **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**

As the 2019 Communications Survey was already planned and budgeted for by the Council, there were no extra costs in collecting information from the community on watching a live stream of a Council meeting.

Similarly, there were no extra costs associated with the 'Join the Conversation' webpage post survey method.

## 5. Consultation/Public Submissions

The approach and methodology in gathering these results is fully outlined in the Background/Issues section of this report.

## 6. Risk Analysis

There was no risk to Council in this community consultation exercise.

## 7. Options

Council has the following Options:

- a) To adopt the Recommendation at the top of this report; ie. *That Council note the report*, or
- b) To resolve to implement live streaming of Council meetings by adopting the officer's Recommendation that was presented in the report to the 10 December 2018 Council meeting (refer **Appendix 1**). This option is set out below:

*That Council:*

- 1. *Develops (and in due course approves) a live streaming policy*
  - 2. *Engage Interstream to provide equipment and live streaming services at Melton Civic Centre and Burnside Community Centre*
  - 3. *Conducts a review of the live streaming (including usage) after 18 months and brings back a report to Council.*
- c) To resolve to implement live streaming of Council meetings by adopting one of the other 2 Options that were presented in the officer's report to the 10 December 2018 Council meeting. (refer Options 2 & 3 in the report at **Appendix 1**)

## LIST OF APPENDICES

- 1. Minutes of the Live Streaming of Council Meeting report to Council - dated 10 December 2018
- 2. Extract from the 2019 Communications Survey - undated

## 12.13 LEASE- 54 PINNACLE CRESCENT, BROOKFIELD

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

### PURPOSE OF REPORT

For Council to make a decision on entering into a lease with AAA Nextt Group Pty Ltd for the purposes of residential care and respite facility at 54 Pinnacle Crescent, Brookfield.

### RECOMMENDATION:

That Council:

1. Decide to enter into a lease with AAA Nextt Group Pty Ltd (Lessee) in relation to the premises at 54 Pinnacle Crescent, Brookfield for a term of two (2) years (including further terms) with a commencing rent of \$4,766.67 per month inclusive of GST.
2. Authorise the CEO to execute a lease in substantially the same form as that attached at **Appendix 1**.

#### Motion

Crs Hardy/Ramsey.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

At the Ordinary Meeting of Council on 4 March 2019, Council resolved to commence the process to enter into a lease with AAA Nextt Group Pty Ltd (the Lessee) for the premises at 54 Pinnacle Crescent, Brookfield which included placing a public notice in a local newspaper calling for submissions in relation to the proposed lease.

A public notice was published in the Melton and Moorabool Star Weekly on 12 March 2019 with submissions closing at 5pm on 9 April 2019.

No objections were received in the 28 day period that followed the notice.

It is therefore recommended that the lease be granted in substantially the same form of that attached at **Appendix 1**.

### 2. Background/Issues

At the Ordinary Meeting of Council on 4 March 2019, Council resolved to commence the process to enter into a lease with the Lessee for the premises at 54 Pinnacle Crescent, Brookfield. This included placing a public notice in a local newspaper calling for submissions and for Officers to bring a report back to Council to consider any submissions and make a final decision on the matter.

AAA Nextt Group Pty Ltd (the Lessee) are a disability and mental health support provider that specialise in supporting people with Autism, Intellectual Disability, Mental Health and other cognitive support needs.

There are currently five adults that currently reside at the premises on a full time basis as they have complex and high needs.

The proposed lease is for:

- an initial term of one (1) year due to commence on or before 1 July 2019 with a further term option of one (1) year;
- with a commencing rent of \$4,766.67 per month inclusive of GST; and
- CPI increase on the further one (1) year option (if exercised).

Pursuant to sections 190 and 223 of the *Local Government Act 1989* ("the Act") a public notice was required to be published four (4) weeks prior to the lease being made outlining Council's intention to enter into a lease with the Lessee.

A public notice was advertised in the Melton and Moorabool Star Weekly newspaper on 12 March 2019, with submissions closing at 5pm on 9 April 2019.

No objections were received in the 28 day notice period that followed the notice.

With all statutory obligations therefore complete, Council must now make a decision as to the whether or not to enter into a lease with the Lessee.

The proposed lease is attached at **Appendix 1**. Should Council resolve to enter into a lease with the Lessee, the lease will be in substantially the same form of that attached.

### **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 commencing rent of the proposed lease will see Council receive \$4,766.67 per month inclusive of GST for the initial one (1) year term. Should the Lessee exercise the further one (1) year option, the monthly rental will be increased by CPI.

Legal costs in respect of the lease preparation are estimated at \$2,750.

The lease is governed by the Retail Leases Act ('RLA') and therefore, pursuant to section 51 of the RLA, the legal costs associated with the lease preparation cannot be borne by the Lessee.

The legal costs associated with the lease preparation can be absorbed from within the recurrent Legal & Governance budget.

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

Pursuant to section 190 and 223 of the Act, a public notice was required to be published for (4) weeks prior to the lease being made outlining Council's intention to enter into a lease with the Lessee.

A public notice was advertised in the Melton and Moorabool Star Weekly newspaper on 12 March 2019, with submissions closing at 5pm on 9 April 2019 with no objections received following the 28 day notice period.

## **6. Risk Analysis**

Should Council resolve to not enter into a lease with the Lessee, the Lessee will have to vacate the premises and the five residents with complex and high needs will be required to seek alternate accommodation.

Council will also forego the income of \$4,766.67 per month inclusive of GST as well as the CPI increase per month should the Lessee exercise the further one (1) year option.

## **7. Options**

Council has the option to:

1. Adopt the recommendation as set out.
2. Decide not to enter into a lease.

## **LIST OF APPENDICES**

1. Draft Lease - 54 Pinnacle Crescent, Brookfield - undated

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

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

### PURPOSE OF REPORT

For Council to make a decision to transfer part of Council reserve located at 9-13 Garretty Road, Caroline Springs to the adjoining landowner at 46 Commercial Road, Caroline Springs.

### RECOMMENDATION:

That Council

1. decide to transfer part of a Council reserve located at 9-13 Garretty Road, Caroline Springs, being 4.05sqm, to the adjoining landowner for nil consideration; and
2. delegate authority to the CEO to execute any and all documentation in order to finalise the transfer.

### Motion

Crs Majdlik/Kesic.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

A report was presented to the Ordinary Meeting of Council on 13 November 2017 where Council resolved to place a public notice outlining its intentions to transfer part of a Council reserve located at 9-13 Garretty Road, Caroline Springs, being 4.05sqm, to the adjoining land owner of 46 Commercial Road, Caroline Springs ("the owners") for nil consideration.

A public notice was advertised in the Melton and Moorabool Star Weekly newspaper on 28 November 2017, outlining Council's intention to transfer the land at nil consideration. No objections were received following the 28 day notice period.

Council Officers were to provide a further report to Council following the 28 day notice period however, the owner was delayed in having the plan of subdivision re-certified.

The owner's legal representative confirmed in late 2018, that the plan of subdivision had been re-certified and was available to be lodged with Land Use Victoria.

Pursuant to sections 189 and 223 of the *Local Government Act* 1989 ("the Act") and also given the lapse in time since the first public notice, Officers thought it prudent to place a further public notice in relation to the proposed transfer.

A notice was published in the Melton and Moorabool Star Weekly on 8 April 2019. No objections were received following the 28 day notice period.

If Council is minded to transfer 4.05sqm of Council reserve to the adjoining landowner as per the recommendation above, Officers will make the necessary arrangements for the re-

certified plan of subdivision and for the appropriate legal documentation to be executed to and lodged with Land Victoria in order to finalise the transfer.

## 2. Background/Issues

A report was presented to the Ordinary Meeting of Council on 13 November 2017 where Council resolved to place a public notice outlining its intentions to transfer part of a Council reserve located at 9-13 Garretty Road, Caroline Springs, being 4.05sqm, to the adjoining land owner of 46 Commercial Road, Caroline Springs ("the owner") for nil consideration.

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

Council resolved at the Ordinary Meeting of Council on 26 July 2012 to transfer that part of the land on Council's reserve to the owner at nil consideration.

The transfer was not effected as a review of the file found that two requirements of the Act had not been met, these requirements being to obtain a valuation of the land and to advertise a public notice outlining the proposal allowing 28 days for submissions.

The application to subdivide the land was approved on 11 September 2012 and a draft deed (in lieu of contract and section 32 statement) evidencing the transfer was prepared by the adjoining owners' solicitors. The deed was never executed and no further action was taken in relation to the subdivision and transfer of land.

The matter was enlivened by a call from the owners' solicitor in 2017 and given the lapse in time a review of the file was undertaken, subsequently a report was presented at the Ordinary Meeting of Council on 13 November 2017 as outlined above.

A public notice was advertised in the Melton and Moorabool Star Weekly Newspaper on 28 November 2017, outlining Council's intentions to transfer the land at nil consideration. No objections were received following the 28 day notice period.

A plan of subdivision was prepared by the owners' surveyor to subdivide part of the reserve into two (2) lots, creating Lot A; being the area of 4.05sqm and removing the reserve status on Lot A.

In late 2018, the owners' solicitor confirmed that the plan of subdivision had been re-certified and was available to be lodged with Land Use Victoria.

Pursuant to sections 189 and 223 of the Act, a public notice is required to be published four (4) weeks prior to selling or exchanging the land. A valuation of the land is also required to be obtained no more than 6 months prior to the sale or exchange.

Given the lapse in time since the first public notice, Officers thought it prudent to place a further public notice in relation to the proposed transfer. A notice was published in the Melton and Moorabool Star Weekly on 8 April 2019. No objections were received following the 28 day notice period.

An updated valuation of the land has now been obtained. The land valuation was received on 14 May 2019 and determined a market value of the subject land at \$500 and is attached at (**Appendix 1**).

The transfer is a sensible solution and will allow for the property at 46 Commercial Road, Caroline Springs to have redrawn property boundaries.

Given that Council has resolved to transfer the land for nil consideration at the Ordinary Meeting of Council on 26 July 2012, there may be legal implications if this Council does not proceed to transfer.

Should Council resolve to transfer 4.05sqm of the Council reserve to the owners, Officers will arrange for the necessary documentation to be executed and lodged with Land Victoria in order to finalise the transfer.

### **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**

Given the house at 46 Commercial Road, Caroline Springs has been built partly on Council's reserve, it is the Owner's (or the Owner's builder's) mistake. Accordingly, the owner agreed to be responsible for all legal costs and/or administrative costs associated with the proposed transfer.

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

Two public notices in respect of the proposed transfer were published in the Melton and Moorabool Star Weekly newspaper. The first on 28 November 2017 with no objections received following the 28 day notice period.

Given a lapse in time, a further public notice was placed in the same publication on 8 April 2019. No objections were received following the 28 day notice period.

### **6. Risk Analysis**

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

### **7. Options**

Council has the option to:

1. Adopt the recommendation as set out.
2. Adopt the recommendation as set out but transfer the land for the valuation amount of \$500 rather than nil consideration.

### **LIST OF APPENDICES**

1. Valuation for Part 9-13 Garretty Road, Caroline Springs



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

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

**14. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS**

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

**15. NOTICES OF MOTION****15.1 NOTICE OF MOTION 633 (CR CARLI)****Councillor: Lara Carli - Councillor****NOTICE:**

That Council write to Public Transport Victoria (PTV) and ask it to immediately install a bus shelter at the bus stop between Carbine Court and Cornwall Park Court on the Diggers Rest-Coimadai Road in Toolern Vale.

**Motion**

Crs Mendes/Majdlik.

That Council write to Public Transport Victoria (PTV) and ask it to immediately install a bus shelter at the bus stop between Carbine Court and Cornwall Park Court on the Diggers Rest-Coimadai Road in Toolern Vale.

CARRIED

## 15.2 NOTICE OF MOTION 634

**NOTICE:**

That Council support more resources into the Melton City Council Interfaith area/space.

**Motion**

Crs Majdlik/Ramsey.

That Councillors receive a briefing on the current and future resources required in the Melton City Council's Interfaith area/space.

CARRIED

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

Cr Ramsey

Regarding the earlier report on the Environmental Enhancement Program Results 2018 where 155 property owners failed this program, can Councillors get some feedback on the strategies and incentives we have in place and that can be put in place in the future to deal with the property owners that don't meet Council's requirements so that our success percentages in this program go back to the high levels achieved in the past?

**17. MOTIONS WITHOUT NOTICE**

Nil.

**18. URGENT BUSINESS****Procedural Motion**

Crs Kesic/Ramsey.

That the matter of sending Council's congratulations to the Prime Minister of Australia, The Hon. Scott Morrison MP, on the re-election of the Liberal government, be considered by Council as Urgent Business as it is timely to send such a letter soon after the election date.

CARRIED

**Motion**

Crs Kesic/Ramsey.

That the Council write a letter to the Prime Minister of Australia, The Hon. Scott Morrison MP, congratulating him on the re-election of his Liberal government.

CARRIED

**Procedural Motion**

Crs Hardy/Majdlik.

That the matter of sending a letter to the Andrews state government thanking it for the commitment of \$2.3 million to the Melton Public Hospital, be considered by Council as Urgent Business as it is timely to send such a letter soon after the announcement of this funding in the Victorian State Budget.

CARRIED

**Motion**

Crs Hardy/Ramsey.

That the Council write to the Andrews state government thanking it for the \$2.3 million commitment to the Melton Public Hospital Program business case and that the Council looks forward to close negotiations and discussions going forward to make the hospital a reality for our community.

CARRIED

## 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 24 April 2019 - Confidential Report**  
(f) as it relates to legal advice.

CARRIED

**Procedural Motion**

Crs Majdlik/Ramsey.

That the meeting be opened to the public.

CARRIED

**20. CLOSE OF BUSINESS**

The meeting closed at 9:07pm.

Confirmed

Dated this

.....CHAIRPERSON