



## **MELTON CITY COUNCIL**

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**Notice is hereby given that a Meeting of the  
Melton City Council  
will be held via a videoconference  
on 12 October 2020 at 7:00pm.**

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**Kelvin Tori  
CHIEF EXECUTIVE**

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**TABLE OF CONTENTS**

<b>1.</b>	<b>OPENING PRAYER AND RECONCILIATION STATEMENT</b>	<b>3</b>
<b>2.</b>	<b>APOLOGIES AND LEAVE OF ABSENCE</b>	<b>3</b>
<b>3.</b>	<b>CHANGE TO THE ORDER OF BUSINESS</b>	<b>3</b>
<b>4.</b>	<b>DEPUTATIONS</b>	<b>3</b>
<b>5.</b>	<b>DECLARATION OF ANY PECUNIARY INTEREST, OTHER INTEREST OR CONFLICT OF INTEREST OF ANY COUNCILLOR</b>	<b>3</b>
<b>6.</b>	<b>ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS</b>	<b>3</b>
<b>7.</b>	<b>RECORD OF ASSEMBLY OF COUNCILLORS</b>	<b>4</b>
7.1	RECORD OF ASSEMBLY OF COUNCILLORS IN ACCORDANCE WITH SECTION 80A(1) OF THE LOCAL GOVERNMENT ACT 1989	4
<b>8.</b>	<b>CORRESPONDENCE INWARD</b>	<b>7</b>
<b>9.</b>	<b>PETITIONS AND JOINT LETTERS</b>	<b>7</b>
<b>10.</b>	<b>RESUMPTION OF DEBATE OR OTHER BUSINESS CARRIED OVER FROM A PREVIOUS MEETING</b>	<b>7</b>
<b>11.</b>	<b>PUBLIC QUESTION TIME</b>	<b>7</b>
<b>12.</b>	<b>PRESENTATION OF STAFF REPORTS</b>	<b>8</b>
12.1	ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES To present the aggregated minutes of Advisory Committee meetings yet to be considered by Council.	8
12.2	MELTON CITY COUNCIL ANNUAL REPORT 2019 - 2020 To present the Melton City Council Annual Report 2019-2020, pursuant to Section 134 of the <i>Local Government Act</i> 1989.	19

<b>12.3</b>	<b>ELECTED COUNCILLOR COMMITMENTS - REVISED COUNCIL MEETING DATES</b>	<b>234</b>
	To advise Councillors of the need to change the meeting for election of the Mayor (and if determined, Deputy Mayor) present to Council two options for the proposed date of this meeting and other associated matters.	
<b>13.</b>	<b>REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES AND COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS</b>	<b>250</b>
<b>13.1</b>	<b>ADDRESS BY MAYOR AND COUNCILLORS</b>	<b>250</b>
<b>13.2</b>	<b>PRESENTATION TO OUTGOING MAYOR</b>	<b>250</b>
<b>13.3</b>	<b>PRESENTATION TO OUTGOING DEPUTY MAYOR</b>	<b>250</b>
<b>14.</b>	<b>NOTICES OF MOTION</b>	<b>250</b>
<b>15.</b>	<b>COUNCILLOR'S QUESTIONS WITHOUT NOTICE</b>	<b>250</b>
<b>16.</b>	<b>URGENT BUSINESS</b>	<b>250</b>
<b>17.</b>	<b>CONFIDENTIAL BUSINESS</b>	<b>251</b>
<b>18.</b>	<b>CLOSE OF BUSINESS</b>	<b>251</b>

**1. OPENING PRAYER AND RECONCILIATION STATEMENT**

The Chairperson will read the opening prayer and reconciliation statement.

**Prayer**

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

**Reconciliation Statement**

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

**2. APOLOGIES AND LEAVE OF ABSENCE**

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

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

Pursuant to Section 77A, 77B, 78A, 78B, 78C, 78D, 78E and 79 of the Local Government Act 1989, any Councillor must declare any direct or indirect interest, and any conflict of interest, in any items contained within the Notice Paper.

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

That the Minutes of the Meetings of Council held on 14 September 2020 and 21 September 2020 be confirmed as a true and correct record.

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

- 14 September 2020 Record of Assembly of Councillors
- 5 October 2020 Record of Assembly of Councillors

**RECOMMENDATION:**

That the Record of Assembly of Councillors dated 14 September and 5 October 2020 attached to this Agenda be received and noted.

**LIST OF APPENDICES**

1. Record of Assembly of Councillors - dated 14 September 2020
2. Record of Assembly of Councillors - dated 5 October 2020

**8. CORRESPONDENCE INWARD**

Nil.

**9. PETITIONS AND JOINT LETTERS**

The Chief Executive will table any petitions and/or joint letters received prior to this meeting.

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

Nil.

**11. PUBLIC QUESTION TIME**

## 12. PRESENTATION OF STAFF REPORTS

### 12.1 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

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

#### CARETAKER STATEMENT

The recommended decision is not a 'Major Policy Decision' or 'Inappropriate Decision' or 'Significant Decision' within the meaning of Council's Election Period Policy.

#### 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**
2. adopt recommendations arising within the Minutes.

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#### REPORT

##### 1. Executive Summary

Whilst not mentioned in the *Local Government Act 2020* (the 2020 Act), Council has the power to create Advisory Committees pursuant to its general power set out in section 10 of the 2020 Act.

All current Advisory Committees continue to validly exist and remain subject to their individual terms of reference and certain provisions within the *Local Government Act 1989*.

The minutes of the Advisory Committees attached to this report forms the written record of the assembly detailing matters considered and any conflicts of interest disclosed.

The minutes also serve as the advice/recommendations to Council for its consideration.

##### 2. Background/Issues

Advisory Committees are defined in section 3(1) of the 1989 Act. An Advisory Committee is a Committee established by Council to provide advice to it or its delegate. Advisory Committees are not defined in the 2020 Act however Council has the power to create such a Committees pursuant to its general power set out in section 10 of the 2020 Act.

Advisory Committees established under the 1989 Act continue until formally dissolved and remain subject to their individual Terms of Reference and, until 24 October 2020, certain

provisions within the 1989 Act. These provisions include those that relate to conflict of interest and assemblies of Councillors.

The role of any Advisory Committee, including the limits of power, are clearly defined in the Terms of Reference adopted by Council. The membership varies depending upon the Committee's 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. Councillor representation on current Council Committees and to other organisations for 2020 were adopted by Council at the Ordinary Meeting held 9 December 2019.

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 1989 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 conflicts of interest disclosed.

The minutes also serve as the advice/recommendations to Council.

Meeting Date	Advisory Committee	Attached
25 August 2020	Youth Advisory Council	Appendix 1
3 September 2020	Arts and Culture Advisory Committee	Appendix 2

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

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

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

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

### 4. Financial Considerations

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

### 5. Consultation/Public Submissions

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



## **6. Risk Analysis**

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

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

## **7. Options**

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

## **LIST OF APPENDICES**

1. Youth Advisory Council Meeting Minutes - dated 25 August 2020
2. Arts and Culture Advisory Committee Meeting Minutes - dated 3 September 2020

## 12.2 MELTON CITY COUNCIL ANNUAL REPORT 2019 - 2020

Author: Bob Baker - Corporate Planning and Performance Coordinator  
Presenter: Peter Bean - General Manager Corporate Services

### CARETAKER STATEMENT

The recommended decision is not a 'Major Policy Decision' or 'Inappropriate Decision' or 'Significant Decision' within the meaning of Council's Election Period Policy.

### PURPOSE OF REPORT

To present the Melton City Council Annual Report 2019-2020, pursuant to Section 134 of the *Local Government Act 1989*.

### RECOMMENDATION:

That Council note the Melton City Council Annual Report 2019-2020 as presented (**Appendix 1**).

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## REPORT

### 1. Executive Summary

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

The Annual Report has been available for inspection, and is appended to this report (**Appendix 1**).

### 2. Background/Issues

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

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

The Annual Report must be submitted to the Minister for Local Government by 30 September, and Council achieved compliance with this requirement by producing a designed version of the report. An electronic version is available from Council's website and Council has produced a small number of printed versions.

Section 134 of the Act requires that Council consider the Annual Report at a meeting of the Council that is open to the public. Requirements for the submission of the Annual Report to the Minister for Local Government was extended to 30 November and for Council to consider the report within 30 days of sending it to the Minister. Melton Council has been able to

deliver the Annual Report to the original legislated requirements. As such the Annual Report has been provided to the Minister by 30 September 2020.

Over the past three years, Melton's Annual Report has undergone some significant changes in its structure, format and content. Some of these changes were suggested via the submission of Melton's Annual Report to the Australasian Reporting Awards (ARA). In the first two years Melton received bronze medals and for the 2018-2019 Annual Report, received a silver medal.

In addition to receiving these medals, feedback from the ARA reviewers has contributed to the development of the 2019-2020 Annual Report to provide a much better flow of information, is easier to read and a document that Melton, both as a community and a Council, can be extremely proud of. It can also be a determinant in potential business investors deciding to locate themselves in the Melton municipality.

Whilst Annual Reports are, by nature, very business oriented, the 2019-2020 Annual Report has attempted to make it more community oriented by the inclusion this year of a section called "Our Community". The Our Community section highlights:

- Melton's Citizen Awards
- Melton's Youth Awards
- Melton's Sportspersons Awards
- Melton's Business Awards
- A celebration of Melton's volunteers, and
- Information on Community Grants

Other selected highlights from the Annual Report:

*Theme 1 – a proud, inclusive and safe community*

Timbertop Children's and Community Centre has been licenced to operate Kindergarten and Long Day Care services; Fraser Rise has been licenced to operate Kindergarten and Occasional Care; and Melton conferred citizenship to 2,181 residents.

*Theme 2 – a thriving and resilient natural environment*

Continued to support local environment groups and schools by delivering a range of environmental programs and activities; completed the Environmentally Sustainable Design Guidelines; and continued to work with Outdoors Victoria to deliver the Nature Stewards Program which provides a training and education course focussed around the natural environment of the City of Melton.

*Theme 3 – a well-planned and built City*

The Cobblebank Metropolitan Activity Centre Urban Design Framework (previously named Toolern Town Centre Urban Design Framework) and the Toolern Employment Area Urban Design Framework were both adopted by Council; completed Stage 1 construction of the Eynesbury Active Open Space precinct; completed construction of the City Vista sports precinct; completed the service model for Property Services; and constructed a total of 135,829 metres this financial year.

*Theme 4 – a strong local economy and lifelong learning City*

The Business Concierge Service commenced in the last week of September 2019 and is available for the public to access; delivered the 'Street Eat' event in February in the Melton Town Centre; delivered the Djerriwarrh Festival & Carols by Candlelight event; the strategy, Creative Melton 2030: A Vision for Libraries and Arts and 2-year Action Plan were endorsed by Council; and successfully delivered a number of events and programs that were moved online as a result of Covid-19.

*Theme 5 – a high performing organisation demonstrating leadership and advocacy*

Council partnered with various local businesses, instructors and other Council departments to deliver nearly 200 online learning activities; completed and launched the updated Council advocacy booklet to State Government Ministers and Local Members.

**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**

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

**5. Consultation/Public Submissions**

Public notice was given Tuesday 22 September in the *Star Weekly* local newspaper, in accordance with Section 134 of the Act that the Melton City Council 2019-2020 Annual Report (**Appendix 1**), will be discussed at this meeting of Council.

In accordance with the restrictions in place as a result of Covid-19, copies of the Melton City Council 2019-2020 Annual Report were made available for inspection at the Melton Civic Centre by appointment during business hours, and online on Melton Council's website in accordance with Sections 131 and 134 of the Act.

**6. Risk Analysis**

Not applicable.

**7. Options**

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

**LIST OF APPENDICES**

1. Melton City Council Annual Report 2019-2020

## 12.3 ELECTED COUNCILLOR COMMITMENTS - REVISED COUNCIL MEETING DATES

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

### CARETAKER STATEMENT

The recommended decision is not a 'Major Policy Decision' or 'Inappropriate Decision' or 'Significant Decision' within the meaning of Council's Election Period Policy.

### PURPOSE OF REPORT

To advise Councillors of the need to change the meeting for election of the Mayor (and if determined, Deputy Mayor) and present to Council two options for the proposed date of this meeting and other associated matters.

### RECOMMENDATION:

That Council:

1. note the report including the Elected Councillor Commitments – Schedule of Indicative Dates – Plan A and Plan B at **Appendix 1 and 2**
2. change the meeting date for the election of the Mayor (and if determined, Deputy Mayor) and setting of the 2021 Meeting Schedule to Thursday 19 November 2020 via a videoconference to commence at 7.00pm; previously scheduled for Monday 16 November 2020; as set out in Plan A
3. delegate to the Chief Executive Officer the power to re-schedule the meeting to elect the Mayor (and if determined, Deputy Mayor) if the declaration of election results by the Victorian Electoral Commission does not allow reasonable time for this meeting to be held on Thursday 19 November 2020; and
4. delegate to the Chief Executive Officer the power to cancel, reschedule and call the November and December Council Meetings provided that at least one meeting is held prior to Christmas.

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## REPORT

### 1. Executive Summary

At its meeting held Monday 17 August 2020 the Council resolved to amend its Council Meeting Schedule as the Victorian Electoral Commission had announced that final date for declaration of the election was pushed back a week; to Friday 13 November 2020. That said, the schedule was, perhaps ambitiously, predicated on the basis that the poll would be declared on 9 November 2020.

For two reasons this report recommends, (pursuant to Plan A at **Appendix 1**):

- a further change to the Council Meeting date for the election of the Mayor (and if determined, Deputy Mayor) and setting of the 2021 Meeting Schedule. The recommended new date for this meeting is Thursday 19 November 2020; and
- a delegation to the CEO to allow the CEO to reschedule this meeting and to reschedule, cancel and call the November and December Council meetings provided that at least one further Council meeting is scheduled to occur prior to Christmas.

The first reason is the likelihood of the declaration of the poll occurring later than expected.

The second reason is the expectation that the Council Meetings (and indeed induction training), at least for the time being, will continue to be held via a videoconference rather than being held in person. This necessitates the rollout of IT equipment and the training of Councillors in the use of that equipment prior to any meeting of the Council.

The alternative, Plan B, at **Appendix 2**, sees the date for the election of the Mayor as Monday 23 November 2020 with the November meeting cancelled and the December meeting brought forward.

## 2. Background/Issues

Council has received a letter from Mr Warwick Gately AM, the Electoral Commissioner advising of changes to the *Local Government (Electoral) Regulations 2020* (the Regulations), see **Appendix 3**. Changes to the Regulations allow the Commissioner to alter the last day of voting in certain circumstances. This means that the declaration of the poll may occur later than the current final date of Friday 13 November 2020 and, officers predict, almost certainly after 9 November 2020 (which was the date previously predicted by officers) This was the date mentioned in the indicative schedule of dates presented to Council on 17 August 2020.

Another factor affecting the schedule of dates is the likely continuation, at least for the time being, of Council meetings being held via a videoconference. This was not contemplated in the indicative schedule of dates presented to Council on 17 August 2020.

The *COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Bill 2020* is currently before the Victorian Parliament. This Bill seeks to extend the Prescribed Period during which videoconferencing can occur (ss 393 396 of *Local Government Act 2020*) from 1 November 2020 to 26 April 2021. These provisions give Council the *ability* to videoconference though an assessment should still be made of the relevant COVID19 implications at the time of each and every meeting. The Bill is expected to pass parliament within the next few weeks.

This means that the new Council will need to have IT capability prior to the meeting to elect the Mayor (and if determined, Deputy Mayor)

For these reasons, two new indicative schedule of dates have been prepared and are attached to this report. They are referred to as Plan A and Plan B and are at **Appendix 1** and **Appendix 2** respectively.

Further, a delegation to the CEO to alter the meeting dates is also recommended, in the event, pursuant to whichever date is resolved by Council, the current dates are unworkable. For example, if Council resolved upon Plan A but the declaration of the poll was made after 13 November 2020 or Council resolved upon Plan B but the declaration of the poll is not until 22 November 2020. The last date for a meeting to be held for the election of the Mayor, pursuant to the *Local Government Act 2020*, is 24 November 2020.

### Plan A - Key Features

- Based on declaration of election results on Friday 13 November 2020

- Council Meeting to elect the Mayor (and Deputy Mayor if so resolved) and set the 2021 Meeting Schedule - Thursday 19 November 2020 via a videoconference to commence at 7.00pm
- Council meeting – Monday 30 November 2020 via a videoconference to commence at 7.00pm
- Council meeting – Monday 21 December 2020 via a videoconference to commence at 7.00pm

Under Plan A there is sufficient time to hold two Council meetings as currently resolved by Council; albeit it is a very tight schedule. The first Council meeting takes place 11 days after the meeting to elect the Mayor.

#### Plan B – Key Features

- Based on declaration of election results by Friday 20 November 2020 at the latest
- Council Meeting to elect the Mayor (and Deputy Mayor if so resolved) and set the 2021 Meeting Schedule – Monday 23 November 2020 via a videoconference to commence at 7.00pm
- Council meeting for ordinary business currently scheduled for 30 November 2020 cannot go ahead.
- Council meeting – Monday 14 December 2020 via a videoconference to commence at 7.00pm (bringing the December meeting back to its original date)

Under Plan B there is only sufficient time to hold one Council meeting (apart from the meeting to elect the Mayor) after the election. Timeframes are still tight but there is a little more opportunity to prepare for the first Council meeting. The first Council meeting takes place 21 days after the meeting to elect the Mayor.

### **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**

No change to current financial aspects of Council meetings and new Councillor induction matters.

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

No public consultation is required.

### **6. Risk Analysis**

No change to current risks connected to Council meetings and new Councillor induction matters.

## 7. Options

That Council either:

1. Adopt the officer's recommendation pursuant to Plan A; or
2. Adopt the meeting dates pursuant to Plan B; or
3. Set alternative meeting dates as determined by Council.

### LIST OF APPENDICES

1. Plan A: Elected Councillor Commitments - Schedule of Indicative Dates
2. Plan B: Elected Councillor Commitments - Schedule of Indicative Dates
3. Letter from Warwick Gately AM, Electoral Commissioner - dated 30 September 2020



**13. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES AND COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS**

**13.1 ADDRESS BY MAYOR AND COUNCILLORS**

The Mayor and then each Councillor invited to speak about their term in office.

**13.2 PRESENTATION TO OUTGOING MAYOR**

The Deputy Mayor to present the outgoing Mayor with a gift on behalf of the Councillors and a gift on behalf of the Council.

**13.3 PRESENTATION TO OUTGOING DEPUTY MAYOR**

The Mayor to present the outgoing Deputy Mayor a gift on behalf of Councillors.

**14. NOTICES OF MOTION**

Nil.

**15. COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

**16. URGENT BUSINESS**

**17. CONFIDENTIAL BUSINESS**

Nil.

**18. CLOSE OF BUSINESS**