



# **MELTON CITY COUNCIL**

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## **Minutes of a Meeting of the Melton City Council**

**14 September 2020**

**(This meeting stood adjourned at 11:30pm  
with the unfinished business on the Agenda  
to be considered at a Meeting of Council  
to be held Monday 21 September 2020 at 7:00pm)**

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|              | To seek Council's approval for the award of Contract No. 21/008 for design and construction services commencing 21 September 2020.                                       |           |

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| <b>12.21</b> | <b>MELTON COURTHOUSE CAFÉ UPGRADE</b>   | <b>89</b>  |
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|              | For Council to consider entering into a new lease with Djerriwarrh Employment & Education Services Incorporated for part of the premises situated at 237 – 239 Station Road, Melton.  |            |
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|              | For Council to consider entering into a new lease with Djerriwarrh Employment & Education Services Incorporated for the premises situated at 241 Station Road, Melton.  |            |
| <b>12.25</b> | <b>PROPOSED ROAD DISCONTINUANCE FOR PART OF ST ARNAUD ROAD, EYNESBURY</b>   | <b>107</b> |
|              | To consider a proposed road discontinuance and sale for part of St Arnaud Road, Eynesbury to the adjoining landowner; Eynesbury Property Development Pty Ltd.   |            |
| <b>12.26</b> | <b>SALE OF LAND AT 83-105 ABEY ROAD</b>   | <b>110</b> |
|              | To consider the sale of land at 83-105 Abey Road  |            |

**12.27 MELTON COUNTRY CLUB - RENT RELIEF**

**114**

To consider a request for rent relief from Essendon Football Club in relation to the Melton Country Club.

## **MELTON CITY COUNCIL**

MINUTES OF A MEETING OF THE MELTON CITY COUNCIL  
HELD VIA A VIDEOCONFERENCE  
ON 14 SEPTEMBER 2020 COMMENCING AT 7:13PM

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

Mr K Tori, Chief Executive Officer  
Mr P Bean, General Manager Corporate Services  
Mr M Heaney, General Manager Community Services  
Mr L Shannon, General Manager Planning and Development  
Ms LJ Mellan, Executive Manager Property and Projects  
Mr S Rumoro, Manager Finance  
Ms C Denyer, Manager Legal and Governance  
Mr J Whitfield, Governance Coordinator  
Ms R Bartlett, Acting Governance Officer

### **1. OPENING PRAYER AND RECONCILIATION STATEMENT**

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

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

Nil.

### **3. CHANGES TO THE ORDER OF BUSINESS**

Nil.

### **4. DEPUTATIONS**

Nil.

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

Cr Turner declared an Indirect Conflict of Interest pursuant to Section 78B of the *Local Government Act* 1989 in Item 12.23, 'Proposed Lease to Djerriwarrh Employment & Education Services Incorporated for (Part) 237 - 239 Station Road, Melton' and in Item 12.24 'Proposed Lease to Djerriwarrh Employment & Education Services Incorporated for 241 Station Road, Melton.'

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

That the Minutes of the Ordinary Meeting of Council held on 17 August 2020 and Special Meeting of Council held on 31 August 2020 be confirmed as a true and correct record.

**Motion**

Crs Abboushi/Kesic.

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**

- 17 August 2020 Record of Assembly of Councillors
- 31 August 2020 Record of Assembly of Councillors
- 7 September 2020 Record of Assembly of Councillors

#### **RECOMMENDATION:**

That the Record of Assembly of Councillors dated 17 and 31 August and 7 September 2020 attached to this Agenda be received and noted.

#### **Motion**

Crs Majdlik/Ramsey.

That the Record of Assembly of Councillors dated 17 and 31 August and 7 September 2020 attached to this Agenda be received and noted with the meeting finish times to also be included in these minutes.

CARRIED

#### **LIST OF APPENDICES**

1. Record of Assembly of Councillors - dated 17 August 2020
2. Record of Assembly of Councillors - dated 31 August 2020
3. Record of Assembly of Councillors - dated 7 September 2020

## 8. CORRESPONDENCE INWARD

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

- Luke Cornelius – Assistant Commissioner for the North West Metropolitan Region – Request for the establishment of a Police Hub in the Rockbank/Aintree Area
- Hon Melissa Horne MP – Minister for Consumer Affairs, Gaming and Liquor Regulation – Gambling Harm and Covid-19

#### RECOMMENDATION:

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

#### Motion

Crs Abboushi/Turner.

That the recommendation be adopted.

CARRIED

#### LIST OF APPENDICES

1. Letter from Luke Cornelius - Assistant Commissioner for the North West Metropolitan Region - dated 6 August 2020
2. Letter from Hon Melissa Horne MP - Minister for Consumer Affairs, Gaming and Liquor Regulation - dated 20 August 2020

## **9. PETITIONS AND JOINT LETTERS**

### **9.1 BULMANS ROAD REPAIRS**

Cr Hardy tabled a petition about the poor state of Bulmans Road and it requests that Council address this matter before a serious incident occurs.

The Petition from residents in the vicinity of Bulmans Road contains over 1300 signatures.

### **9.2 CAMPASPE CRESCENT DWELLINGS DEVELOPMENT**

Cr Mendes tabled a petition requesting that the Melton City Council issue a notice of refusal to grant a permit for the development of land for the purpose of Two Double Storey Dwellings to the rear of existing dwelling at 57 Campaspe Crescent Brookfield.

The Petition from residents of Brookfield contains 107 signatures.

### **9.3 BURNSIDE HEIGHTS RECREATION RESERVE**

Cr Abboushi tabled a petition from the Burnside Heights Football Club about the unsatisfactory level of financial investment in the Burnside Heights Recreation Reserve when compared to other similar sporting facilities within the City of Melton.

The Petition using the change.org method, contains over 540 signatures.

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

Nil.

**11. PUBLIC QUESTION TIME**

Name	Question asked of Council
Salvatore Costanzo	<i>“Council approved \$100k funding in 2020-21 budget to undertake a feasibility report to resurface and upgrade oval 1 at Burnside Heights Recreation Reserve. Please outline the process, including timeframes, and who will be consulted (including the football and cricket clubs) for this work to occur?”</i>
Salvatore Costanzo	<i>“Upon receiving the feasibility report to resurface and upgrade oval 1 at Burnside Heights Recreation Reserve, is a subsequent business case required to be submitted to council to have this work funded in the 2021-22 budget or will the feasibility report be sufficient for council to progress these works? Where a separate business case is required who is responsible for preparing this for budget purposes?”</i>
David O’Connor	<i>“In accordance with the Precinct Structure Plan (PSP) for Diggers Rest, the Developer Contribution Plan (DCP) provides substantial funding for the future delivery of high order services. In a recent announcement, the State Government through its Growing Suburbs Fund, allocated 2.5 million dollars toward the construction of a new community pavilion and associated infrastructure at the Recreational Reserve in Diggers Rest. Some residents seem confused about this funding and are of the opinion that these major projects are already funded through developer contributions. Would Council please provide some clarity around the process of developer contributions and the significance of other funding opportunities, like the growing suburbs fund?”</i>
David O’Connor	<i>“For many years the roadway adjacent to the intersection at Welcome and Glitter Road’s in Diggers Rest experience significant flooding during high intensity rain events. Council have acknowledged this issue and it’s understood that a scheduled review of the underground piped drainage network would be completed in August 2020, with drainage improvement works submitted to Council’s Capital Works Program for consideration through the budget process. Would Council please confirm that this issue has received priority and that the issue will be resolved without any further delay?”</i>

## 12. PRESENTATION OF STAFF REPORTS

### Procedural Motion

Crs Majdlik/Sebire

That the recommendations as printed in Items 12.1, 12.4, 12.6, 12.10, 12.14, 12.15 and 12. 25 be adopted en bloc.

CARRIED

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

Author: Rebecca Bartlett - Acting Governance Officer

Presenter: Kel Tori - Chief Executive Officer

#### PURPOSE OF REPORT

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

#### RECOMMENDATION:

That Council:

1. adopt the minutes of the Advisory Committee meeting at **Appendix 1 - 7**
2. adopt recommendations arising within the Minutes.

### Motion

Crs Majdlik/Sebire.

That the recommendation be adopted.

CARRIED

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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
11 March 2020	Community Safety Advisory Committee	Appendix 1
21 July 2020	Reconciliation Advisory Committee	Appendix 2
23 July 2020	Early Years Partnership Committee	Appendix 3
23 July 2020	Arts and Culture Advisory Committee	Appendix 4
6 August 2020	Disability Advisory Committee	Appendix 5
4 August 2020	Preventing Family Violence Advisory Committee	Appendix 6
24 August 2020 2 <sup>nd</sup> Meeting	Policy Review Panel	Appendix 7

## 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. Community Safety Advisory Committee Meeting Minutes - dated 11 March 2020
2. Reconciliation Advisory Committee Meeting Minutes - dated 21 July 2020
3. Early Years Partnership Committee Meeting Minutes - dated 23 July 2020
4. Arts and Culture Advisory Committee Meeting Minutes - dated 23 July 2020
5. Disability Advisory Committee Meeting Minutes - dated 6 August 2020
6. Preventing Family Violence Advisory Committee Meeting Minutes - dated 4 August 2020
7. Policy Review Panel Meeting Minutes (2nd Meeting) - dated 24 August 2020

## 12.2 AUDIT AND RISK COMMITTEE MINUTES - 2 SEPTEMBER 2020

Author: Cheryl Santoro - Senior Administration Officer  
Presenter: Kel Tori - Chief Executive Officer

### PURPOSE OF REPORT

To present to Council the minutes of the Audit and Risk Committee meeting held on Wednesday 2 September 2020.

### RECOMMENDATION:

That Council:

1. Note the minutes of the Audit and Risk Committee meeting held on Wednesday 2 September 2020 at **Appendix 1**.
2. Adopt the recommendations arising within the minutes.

### Motion

Crs Majdlik/Hardy.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

The minutes of the Audit and Risk Committee meeting held on 2 September 2020 are appended to this report as **Appendix 1** (without attachments).

The minutes contain recommendations for the consideration of Council.

### 2. Background/Issues

The Audit and Risk Committee is established by the Council pursuant to Section 53 of the *Local Government Act 2020* ('the Act').

The primary function and responsibility of the Audit and Risk Committee is to monitor the compliance of Council policies and procedures with the Act including any regulations, and chiefly, the overarching governance principles, Council's financial and performance reporting, Council's risk management and fraud prevention systems and controls and oversee the internal and external audit function.

The Audit and Risk Committee makes recommendations to Council for its consideration. These recommendations are set out in the minutes attached at **Appendix 1** (without attachments) for matters that the Audit and Risk Committee considered in open session.

### 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**

Any and all financial considerations are set out within the reports and minutes of the Audit and Risk Committee.

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

Not applicable.

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

A risk analysis is contained within each report to the Audit and Risk Committee.

Risks identified by the Audit and Risk Committee and recommendations in relation to same should be carefully considered by Council as these represent an independent and forensic appraisal of the issues.

#### **7. Options**

The Audit and Risk Committee is not a delegated committee and operates in an advisory capacity to Council, therefore Council has the discretion to accept, reject or amend the Committee's recommendations.

### **LIST OF APPENDICES**

1. Audit & Risk Committee Meeting Minutes - dated 2 September 2020

## 12.3 RESPONSE TO PETITION - SEALING OF HOLDEN ROAD, DIGGERS REST

Author: Raja Matharu - Traffic Engineer

Presenter: Luke Shannon - General Manager Planning & Development

### PURPOSE OF REPORT

To respond to the petition tabled at the Ordinary Meeting of Council on Monday 11 May 2020 requesting the sealing of Holden Road (from Plumpton Road to the Rail Crossing) in the 2020/21 budget.

### RECOMMENDATION:

That Council;

1. Refers the sealing of Holden Road (from Plumpton Road to the Rail Crossing) to the long term Capital Works Program for consideration in the annual budget process,
2. Continues to maintain Holden Road in accordance with the Road Management Plan,
3. Requests that officers advise the lead signatory on the petition of Council's decision in this matter.

### Motion

Crs Majdlik/Mendes.

That Council;

1. Refers the sealing of Holden Road (from Plumpton Road to the Rail Crossing) to the long term Capital Works Program for consideration in the annual budget process.
2. Continues to maintain Holden Road in accordance with the Road Management Plan.
3. Requests that officers advise the lead signatory on the petition of Council's decision in this matter.
4. Considers the sealing of Holden Road in its 2021/22 Budget deliberations.
5. Request that Victoria Police target Holden Road for vehicles that exceed the 5 tonne load limit restriction.
6. Officers bring back a report on the viability of using water trucks on this road, especially on hot and windy days.

CARRIED

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## REPORT

### 1. Executive Summary

At the Ordinary Meeting of Council on Monday 11 May 2020, a petition was tabled containing 93 signatures requesting that Council consider the sealing of Holden Road, Diggers Rest in the 2020/21 budget.

The sealing of Holden Road has been identified and currently included on Council's long term Capital Works Program, and subsequently prioritised against other projects across the municipality.

The draft 2020/21 budget includes a design allocation for Troups Road South, Mount Cottrell (from Greigs Road to Boundary Road), with construction of this unsealed road to occur in subsequent years. Hierarchy and traffic volumes have seen prioritisation of our unsealed road network occur, with Holden Road identified as a future priority project.

Given this, it is recommended that Council continues to maintain Holden Road in accordance with the Road Management Plan and considers this project through 2021/22 budget deliberations.

## 2. Background/Issues

At the Ordinary Meeting of Council on Monday 11 May 2020, a petition was tabled containing 93 signatures requesting that Council consider the sealing of Holden Road, Diggers Rest in the 2020/21 budget.

The road from the end of the seal (between Plumpton Road to Rail Crossing) has been identified by the petitioners as:

1. Volume of traffic cars, work vehicles and trucks has increased dramatically over the years
2. Dust problem -health, seeping through houses, cars and creating a high risk hazard for traffic.
3. Affecting day to day living-cannot go outside into garden too much dust in the air
4. Road is unsafe to travel along, too many potholes and corrugation soon after maintenance has taken place.
5. Many commuters use this road to avoid Melton Highway congestion and it is the quickest route to Calder Highway.
6. Holden Road is the only route to the closest Petrol station for the Plumpton, Toolern vale residents within 20km radius.
7. Residents were told by officers continually over decades that it is in a long term plan to be sealed 2020 and the residents have waited patiently.

A detailed review of the request from the petitioners has been conducted by Council officers.

### **Holden Road, Diggers Rest**

Holden Road is a Council maintained rural collector road approximately 3.59km long, and is two way undivided road, 6 metres wide carriageway with table drains on both sides. This road is an unsealed road and runs in an east-west direction and provides a connection between Calder Freeway and Plumpton Road. The continuation of Holden Road to west of Plumpton Road is a sealed rural road with 5 tonne load limit restrictions applied and the eastern approach is accessed via Calder Freeway. Holden Road currently operates at a default rural speed of 100km/h limit with no changes to the land use identified.

Holden Road is an important east-west link and provides a direct connection from the Calder Highway to Plumpton Road and further west (Toolern Vale).



### **Unsealed Road Priority**

Council's Unsealed Roads Strategy is currently being updated, that provides guidance as to the sealing priority of unsealed rural roads in our municipality. This strategy will align the prioritisation of unsealed roads that forms part of strategic transport route, in locations where they are needed most and where they will deliver the most benefit to our community.

Council's Unsealed Rural Road Priority List identifies all unsealed rural roads to be considered for sealing in future years. The unsealed roads are reviewed annually and prioritised, for funding consideration through the annual budget process. Prioritisation of roads to be considered for sealing is determined by assessing various parameters such as:

1. Traffic volumes
2. Future growth (urbanisation of the area)
3. Safety classification (crash history)
4. Current pavement condition
5. Maintenance frequency

Projects identified through this prioritisation process are referred to our Capital Works Program for funding consideration. Holden Road is identified in the Unsealed Rural Road Priority List as a high priority along with other unsealed roads including Troups Road South, Mount Cottrell. In this instance, Troups Road South has high vehicle counts of approximately 1800 vehicles per day which has seen this project identified in the 2020/21 draft budget. Holden Road, Diggers Rest carries approximately 509 vehicles/day and will be considered in the 2021/22 annual budget process for funding consideration.

### **Maintenance**

Holden Road is maintained in accordance with Council's Road Management Plan and the unsealed segment falls under Class 2 of our Unsealed Road hierarchy. A road hierarchy is a method of classifying roads and determining their maintenance standards according to their importance as part of the overall transport network within the Melton City Council area.

This road is inspected every 4 weeks to identify any defects and accordingly maintenance works are undertaken. Scheduled grading of Holden Road is programmed every 8 weeks to provide a smooth compacted road surface free of potholes, corrugations and other defects. This road was last resheeted in year 2018/19 through the annual re-sheeting program with new road gravel material added. Further to the programmed inspections, any defects reported to Council by community members are addressed in accordance with the Road Management Plan which sets the service response timelines.

### **Traffic Analysis**

Traffic counts collected on Holden Road east of Plumpton Road in March 2020 indicates on average 509 vehicles/day (7 day average) travel on this road and these numbers have marginally increased from previous counts taken in 2016 that recorded 444 vehicles/day. We have seen an increase in heavy vehicle usage, with volumes showing on average 247 heavy vehicles per day travelling this road, in comparison to 84 heavy vehicles per day in 2016. This increase in heavy vehicle numbers is predominantly due to growth and development relating to the delivery of the Diggers Rest Precinct Structure Plan.

The 85<sup>th</sup> percentile traffic speed was observed as 83km/h. 85<sup>th</sup> percentile is defined as 'The speed at or below which 85 per cent of all vehicles are observed to travel'.

The VicRoads crash stats from last 5 years indicates 2 recorded crash incidents on Holden Road. One of the incidents resulted in serious injuries to the driver which was last recorded on 11 March 2019.

### **Speed Reduction and Dust Issues**

Council recently completed a speed limit review on Holden Road and the surrounding municipal road network following the principles of VicRoads Speed Zoning guidelines. Reducing the speed limit on Holden Road has been recognised for the safety of road users and the community members and better aligns with the road environment. A request has been submitted to the Department of Transport to consider a speed limit reduction from the default 100km/h to 80km/h. A request has also been made to Department of Transport to reduce the speed limit on Plumpton Road to maintain consistency with the approach speed limit.

In high speed environments the severity of an accident is higher during run off road crashes. Lowering the speed limit from 100km/h to 80km/h will provide more reaction time to drivers and subsequently help reduce dust levels on this road until the road is sealed. Currently the request for speed reduction is pending with Department of Transport and upon its approval Council will notify all the stakeholders and residents on Holden Road and install 80km/h speed signs.

Dust from the unsealed road surface is a common issue experienced throughout Council's unsealed road network. Council does not water unsealed roads as it is practically impossible and environmentally unsustainable to use potable water to suppress dust. Dust suppression chemical treatments are only effective for short periods on low trafficable unsealed roads and requires additional road grading and watering treatments when applied. Due to the short term benefit and relatively higher cost of this treatment, Council does consider this as a viable option to manage dust on Holden Road.

Through our annual review of unsealed rural roads it has been identified that a number of high priority unsealed gravel roads will be considered for 'Dust Warning' signage as part of our awareness and education process to inform drivers to slow down to help reduce dust. These works have been referred to Councils Minor Capital Program to be delivered in coming months. Reducing speed limits on Holden Road would also benefit and help reduce the amount of dust produced from the gravel surface.

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

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

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

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

### 4. Financial Considerations

**Option 1** - Council currently maintains Holden Road in accordance with the Road Management Plan, which is funded through the operating budget.

**Option 2** - To design and construct Holden Road to a sealed rural standard, a cost of \$5.4 Million is estimated. In the event this option is recommended, an allocation of \$100,000 will be required to commence design works.

### 5. Consultation/Public Submissions

A submission for authorisation has been made to Department of Transport (VicRoads) to approve speed limit reduction on Holden Road from 100km/h to 80 km/h. Upon approval written communication shall be provided to all stakeholders and residents on Holden Road. Notification to all road users travelling on Holden Road shall be done through Variable Message Sign Boards.

Officers will communicate the outcome of this report to the lead petitioner.

### 6. Risk Analysis

**Option 1** - Council will continue to maintain Holden Road and manage risk in accordance with the Road Management Plan.

**Option 2** – The 2020/21 draft budget is currently before Council for consideration. In the event this option is considered, an additional \$100,000 allocation will be required.

### 7. Options

**Option 1** - Council continues to maintain Holden Road in its current state as an unsealed road in accordance with the Road Management Plan. The project be referred to the long term Capital Works Program for consideration in the 2021/22 annual budget process.

**Option 2** - Council considers the sealing of Holden Road project through the 2020/21 Capital Works budget, with an allocation of \$100,000 to commence design works.

## LIST OF APPENDICES

Nil

**12.4 RESPONSE TO NOTICE OF MOTION 708 (CR ABBOUSHI)**

**Author: Sarah Taylor - Acting Coordinator Waste, Graffiti & Cleaning**  
**Presenter: Luke Shannon - General Manager Planning & Development**

**PURPOSE OF REPORT**

To respond to Notice of Motion 708 (Cr Abboushi) carried at Ordinary Meeting of Council on 17 August 2020, requesting a report on measures that residents can put in place to deal with excessive household rubbish.

**RECOMMENDATION:**

That Council receive and note this report.

**Motion**

Crs Majdlik/Sebire.

That the recommendation be adopted.

CARRIED

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

At the Ordinary Meeting of Council 17 August 2020, Council considered Notice of Motion 708 (Cr Abboushi) and resolved the following.

*That officers provide a detailed report on what measures residents can put in place to deal with the excessive household rubbish due to COVID-19*

City of Melton residents are currently provided with a range of services to assist with managing waste as further outlined in the following report. Where possible we encourage all households to do their best to divert waste from landfill and look for alternative options to dispose of their waste more responsibly and sustainably. Where residents are struggling to dispose of waste there may be an opportunity for Council Officers to provide guidance and education on waste diversion to assist with volumes in their general waste bins.

**2. Background/Issues**

Since January 2020, Council has seen only a slight increase in landfill volumes from our Kerbside and Public Place bin collections as shown in the table below, this increase is in line with previous years' trends and therefore considered to be largely unaffected by COVID-19.

	Jan 20	Feb 20	Mar 20	Apr 20	May 20	Jun 20	Jul 20
Disposal Tonnes (T)	2689.02	2349.78	2577.46	2710.58	2562.96	2655.42	2767.45

All residents within Melton City Council have access to a number of options to dispose of household waste. Currently Council offer our community the following services/options which can be used to assist with increased waste volumes;

- Kerbside Bins Options

- Households can review their Bin Options to ensure their current option is most suitable for their household. All bin options are available to view on the Melton City Council Website and residents can contact Customer Service to make any alterations
- Residents can request an additional general waste bin (red bin) by contacting customer service - Cost for an additional 120lt Red Bin is currently \$151 per annum (19/20 rates)

- Divert Organic Waste From Landfill

Residents can make additional space in the red general waste bin by diverting organic material from landfill – recent audits have indicated the average household red bin contained 50% organic material. Residents can divert their organic material by;

- Opting in for a Green FOGO Bin Service - Upgrade costs dependant on current bin option eg. If a resident currently has Bin Option E (120lt Red and 240 lt bins) the cost to add a 120 lt green FOGO bin would be \$51 per annum (19/20 rates)
- Home Composting
- Worm Farming

Waste Services will be commencing some online webinars in the coming months, to educate and assist the community with options for composting, worm farming and better recycling practices. There are also a number of links to assist residents with further information on home composting and worm farming on the Council website.

- Waste Vouchers (MRF and Hard Waste collection)

- All Households are eligible for either 1 x hard waste collection or 2 x MRF visits (small trailer) each year and are available to both owner and tenants
- Hard waste collections can be accessed by contacting Customer Service or booking via the Council Website
- Melton Recycling Facility entitlements can be accessed by showing a rates notice at the gatehouse of the facility or contacting Customer Service for a voucher. Noting that the MRF is currently closed during Stage 4 restrictions

A recent review of waste entitlements usage showed the service is currently underutilised particularly by tenants in the municipality. In the 19/20 period, only 1446 tenanted household utilised their hard waste entitlement.

Waste services will continue to promote these services to raise awareness of the availability of these options to our community.

- Melton Recycling Facility – Free Drop Off

Once Melton Recycling Facility reopens, residents will again have access to drop off a number of items for free all year round, such items include;

- Commingle recycling
- Cardboard
- Steel
- Whitegoods
- E-waste
- Batteries



- Paint
- Oil
- Plastics
- Second Hand items (suitable for resale)

### **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**

There are no financial considerations for the current options available to residents.

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

Not applicable.

### **6. Risk Analysis**

Nil

### **7. Options**

Nil

### **LIST OF APPENDICES**

Nil

The meeting was adjourned at 7:54pm

The meeting resumed at 8:04pm.

## 12.5 DRAFT ANNUAL FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT - 30 JUNE 2020

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

### PURPOSE OF REPORT

To present to Council for approval the draft Annual Financial Statements and Performance Statement for 30 June 2020, prior to reports being submitted to Council's Auditor, in accordance with section 132(2) of the *Local Government Act 1989*

### RECOMMENDATION:

That Council:

1. Approve, in principle, the draft Annual Financial Statements and Performance Statement for 30 June 2020 at **Appendix 1 and Appendix 2**.
2. Authorise the Mayor, Cr Lara Carli and Deputy Mayor, Cr Steve Abboushi to approve the Statements in their final form after any changes recommended, or agreed, by the Auditor have been made, pursuant to sections 132(2) and 132(5) of the *Local Government Act 1989*.

### Motion

Crs Turner/Hardy.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

The Audit Committee meeting on 2 September 2020 discussed and reviewed the draft Financial Statements and Performance Statement for the year ended 30 June 2020. The Audit Committee has recommended that Council approve the statements prior to them being submitted to the Auditor, as required under the *Local Government Act 1989* ('the Act').

### 2. Background/Issues

For the purpose of sections 132(2) and 132(5) of the Act, Council must not submit the Annual Financial Statements and Performance Statement to the auditor or the Minister unless it has passed a resolution giving its approval in principle to the Statements. The

Council must authorise two Councillors to certify the Statements in their final form after any changes are recommended, or agreed to, by the Auditor.

In accordance with section 133(1) of the Act, Council must submit the Statements to the Minister within three months after the end of the financial year reported on.

### **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 direct costs associated with this matter.

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

There is no requirement for public consultation in relation to the draft Financial Statements and Performance Statement.

### **6. Risk Analysis**

Endorsing the recommendations in this report will ensure Council's continued compliance with the legislative requirements.

### **7. Options**

Council has the option to reject the Officer's recommendations, however this would put Council's ability to meet statutory obligations at risk.

## **LIST OF APPENDICES**

1. 2019-2020 Annual Financial Statements for year ended 30 June 2020
2. 2019-2020 Annual Performance Statements for year ended 30 June 2020

## 12.6 FINANCE REPORT - PERIOD ENDED 30 JUNE 2020

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

### PURPOSE OF REPORT

To present the 2019/2020 Finance Report for the 12 months ended 30 June 2020 (the Report).

### RECOMMENDATION:

That the Council note the report.

#### Motion

Crs Majdlik/Sebire.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

This monthly report compares 12 months ending 30 June 2020 YTD results with the profiled YTD approved budget for the same period.

### 2. Background/Issues

This Finance Report is being presented to Council to outline Council's financial position as at 30 June 2020. Every three months a finance report will be presented to Council providing this level of information. Section 138(1) of the *Local Government Act 1989* specifies:

*At least every 3 months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to the Council at a Council meeting which is open to the public.*

Audit Committee reviewed the report on 2 September 2020 and recommended that Council notes the report and that no further action is required.

Detailed analysis of the following financial information is outlined within this report:

The underlying operating deficit for the 12 months ended June was \$13.94 million. This compared with a budgeted result of \$2.31 million surplus, resulted in an unfavourable variance of \$16.25 million.

The unfavourable result was due mainly to the following non-cash items:

- Capital expenditure which was expensed due to capitalisation policy and threshold levels \$3.39 million;
- Higher than anticipated depreciation \$2.42 million; and
- Disposal/write down of infrastructure and building assets following replacement, renewal and upgrade works \$10.26 million.

Council's overall comprehensive result was a surplus of \$261.7 million which was largely attributable to \$211.1 million in contributed monetary assets from developers.

The actual capital expenditure completed at the end of June was \$54.5 million or 72.9% of the total budget.

Council's total cash position at year end is \$146.87 million. This balance includes general and restricted investments representing carry forward expenditure, employee entitlements, and developer contributions received for future capital works. The working capital ratio for the YTD period is a healthy 1:5.2.

### **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**

Council note the operating surplus/deficit for the 12 months ended 30 June 2020 and other financial matters outlined in the attached report.

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

N/A.

### **6. Risk Analysis**

Financial report provides transparency over the financial performance of Council and will ensure Council's continued compliance with the legislative requirements.

### **7. Options**

The Council can:

1. Note the report as per the recommendation;
2. Request further information/clarification if deemed necessary.

### **LIST OF APPENDICES**

1. 2019/2020 Finance Report - 12 months ended 30 June 2020
2. Detailed Capital Report - June 2020

## 12.7 2019-2020 COUNCIL AND WELLBEING ANNUAL ACTION PLAN YEAR-END REPORT

Author: Bob Baker - Corporate Planning and Performance Coordinator

Presenter: Peter Bean - General Manager Corporate Services

### PURPOSE OF REPORT

To present to Council the 2019/20 Council and Wellbeing Annual Action Plan Year-end Report.

### RECOMMENDATION:

That Council receive and note the 2019/20 Council and Wellbeing Annual Action Plan Year-end Report as per **Appendix 1**.

### Motion

Crs Abboushi/Majdlik.

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 initiatives that Council will take in response to the objectives and strategies identified in the Council Plan.

Progressive achievements against actions from the Plan were reported following the conclusion of the first three quarters of the financial year, and this cumulative report is compiled following the conclusion of each financial year. Updates on select initiatives are also reproduced in Council's Annual Report.

**Appendix 1** to this report provides details of Council's activities and achievements during 2019/20.

### 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 over the course of its four year term of office. The Council and Wellbeing Plan contains objectives, strategies and strategic indicators.

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

Council provides the community with quarterly progress reports in support of Council's commitment to transparency, through public access to relevant information, decision making and strategic documents.

#### **Annual Action Plan 2019/20**

The 2019/20 Annual Action Plan identified 134 actions that Council committed to deliver.

**Appendix 1** provides a detailed summary on the status of each action in the 2019/20 Annual Action Plan, inclusive of the reporting period from 1 July 2019 to 30 June 2020.

The following table provides summary of progress against actions for 2019/20:

<b>Status</b>	<b>Description</b>	<b>Number of Actions</b>
<b>Achieved</b>	The Action is completed.	108
<b>On Track</b>	The action is on track and expected to be completed by the current timeline	9
<b>Not On Track</b>	The Action has been delayed impacting on the current timeline.	16
<b>Postponed</b>	The Action has been deferred for the financial year.	1
Total		<b>134</b>

A number of actions have been assessed as Not on Track or Postponed this year as they have been impacted by the onset of Covid-19 and subsequent restrictions initiated by the Federal and the State Government.

Major achievements from the end of year report include:

Construction of:

- Completion of the City Vista sports precinct
- Construction of the Eynesbury Active Open Space precinct Stage 1a has been completed
- 136km of new footpaths in the Municipality

Finalisation of the following key strategic documents:

- The Gambling Harm Prevention and Reduction Policy was adopted by Council in November 2019
- The Final version of the Environmentally Sustainable Design Guidelines was received in December 2019
- The Cobblebank Metropolitan Activity Centre Urban Design Framework (previously named Toolern Town Centre Urban Design Framework) was adopted by Council at the Ordinary Council Meeting of 9 December 2019
- The Toolern Employment Area Urban Design Framework was adopted by Council at the Ordinary Council Meeting of 9 December 2019
- Creative Melton 2030: A Vision for Libraries and Arts and 2-year Action Plan were endorsed at the Ordinary Meeting of Council on 9 December 2019.

The implementation of new program and service initiatives, including:

- Provision of early years services at Fraser Rise and Timbertop Children's and Community Centres

- The Business Concierge Service commenced in the last week of September 2019 and is available for the public to access.
- A number of advocacy activities addressing key infrastructure, education, transport and health issues were undertaken during the year.
- Conferred citizenship to 2,181 residents of the City of Melton

Of the actions not on track, ten of them were impacted by Covid-19: nine experienced delays in completing the actions; and one was cancelled – the coordination and delivery of Heritage Week. Other explanations are as follows:

- The development of Service Unit Workforce Plans was deferred until the completion of the Service Planning project
- The development of Public Realm Design Guidelines was delayed as a result of reallocation of resources to subdivision works, and the design and delivery of parks where Council received State Government funding
- The review of Council's tree planting and removal policy was delayed to allow an external legal provider to review the document.

Upon Council's receipt of this update, the 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**

Activities from the Annual Action Plan 2019/20 were funded via Council's 2019/20 budget process, and also supported by Government grants.

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

The 2017-2021 Council planning process involved extensive consultation of 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 and subsequent 2019/20 Annual Action Plan.

### **6. Risk Analysis**

Nil.

### **7. Options**

That Council:

1. Adopt the 2019/20 Annual Action Plan Year-end Report as detailed at **Appendix 1**; or
2. Provide an alternative option at Council's discretion.



**LIST OF APPENDICES**

1. 2019-2020 Council & Wellbeing Annual Action Plan Year-end Report - undated

## **12.8 PRESENTATION OF DATA ANALYSIS REPORT FROM COMMUNITY ENGAGEMENT PHASE ONE, FOR THE COMMUNITY VISION REFRESH AND 2021 – 25 COUNCIL & WELLBEING PLAN**

**Author: Anthony Hinds - Risk and Performance Manager  
Presenter: Peter Bean - General Manager Corporate Services**

### **PURPOSE OF REPORT**

To present the outcomes of community engagement to review Council's Community Vision and inform Council on the development of the 2021 – 2025 Council and Wellbeing Plan.

### **RECOMMENDATION:**

That Council note the report.

#### **Motion**

Crs Hardy/Turner.

That the recommendation be adopted.

CARRIED

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## **REPORT**

### **1. Executive Summary**

Council has undertaken community engagement to inform the refresh of the Community Vision, and obtain preliminary feedback to inform the development of the 2021 – 2025 Council & Wellbeing Plan.

Initial plans for engaging the Melton community included a significant amount of face to face engagement. Owing to the impact of COVID-19 restrictions, the face to face events needed to be cancelled, with the exception of attendance at this year's Harmony Day event.

Community respondents were asked to identify:

- The most important aspects to them under the four existing themes of the Community Vision
- What they thought the biggest challenge to achieving that theme was
- What they would like Council to focus on in the next four years to help move towards the 2040 Community Vision
- One thing they would like to see achieved in the next four years of the Council & Wellbeing Plan period.

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

*Melton City 2036 – The City We Imagine* is the first community vision for the City of Melton and highlights opportunities and challenges for the municipality.

In 2016 Council consulted extensively with the City of Melton community about its aspirations for the future of our community. From the feedback, Council developed Melton City's first ever community vision, which outlined how the community wants to see the City develop by 2036.

As the City of Melton has grown and changed significantly in the past four years, Council has undertaken a consultation process to update the Community Vision. The Community Vision 2040 will be developed and presented to Council in June 2021; it will reflect the feedback about what the community wants to see in another 20 years.

This community engagement was also used to obtain preliminary feedback to inform the development of the 2021 – 2025 Council & Wellbeing Plan. Council will consider this preliminary feedback and use it to inform and lead the detailed development of the Council & Wellbeing Plan.

### **Community Vision priorities**

Community respondents were first asked to identify the most important aspects to them under the four existing themes of the Community Vision. They were then asked to state what they thought the biggest challenge to achieving that theme was.

- ***Our safe & socially connected city*** – Safety was overwhelmingly the most important aspect for this theme, chosen by nearly two-thirds of respondents. Other aspects judged as important were safe places for kids to play; access to local health services; respect, friendliness, a place where people feel welcome, and can take pride in.

The biggest challenge was considered to be safety, especially crime reduction. Other challenges included creating a sense of community connection, and managing the rapid growth of the City.

***Our well-built city*** – More than half of all respondents selected a local hospital as one of their most important aspects, while an additional 26% also selected local health services. Improving travel featured prominently amongst the other priorities, with good public transport connections, free flowing traffic and efficient public transport as important aspects for this theme.

The three main challenges that dominated this theme were resources and funding, dealing with population growth and ensuring adequate infrastructure. Invariably there were links between all three of these aspects.

- ***Our strong local economy*** – Nearly two-thirds of respondents (62.2%) selected local employment opportunities as one of their most important aspects, along with local business opportunities, and vibrant cafes and restaurants.

The highest proportion of respondents felt the biggest challenge was creating local jobs, while the lack of diversity of employment and businesses in the Melton area was viewed as being a barrier to improving local employment and attracting people to the area.

- ***Our thriving natural environment*** – The most frequently selected aspects for this theme were parks and gardens, retain natural spaces and clean waterways.

The biggest challenge was considered to be population growth and development impacting on the environment. Most wished Council to do more to manage the growth of the city, especially into its existing natural areas, which included restricting development into natural spaces or agricultural land. Other wanted to see more sympathetic development that worked well with the natural environment and incorporated sustainable design features to lessen the impact.

### **Council and Wellbeing Plan priorities**

Community respondents were then asked what they would like Council to focus on in the next four years to help move towards the 2040 Community Vision under the four themes, with the additional internally focussed theme of “our high performing organisation”.

- ***Our safe & socially connected city*** – This included a larger/stronger police presence in the city; a focus on safety and security generally; crime prevention/reduction; encouraging greater community connection and social cohesion.
- ***Our well-built city*** – Public transport improvements (frequency, connections and schedules of all public transport options); improving road connections across the City; improving infrastructure, especially in new developments and suburbs; access to health services, including a public hospital.
- ***Our strong local economy*** – Creating local jobs; encouraging local business growth; creating local economies by encouraging residents to buy local; better shopping precincts in local areas; encourage greater investment in the western region.
- ***Our thriving natural environment*** – Retaining and protecting local natural habitats; more parks and gardens; greater maintenance, cleanliness and beautification of existing natural areas; more trees, especially street trees and planting more native trees.
- ***Our high performing organisation*** - Improving customer service; more community consultation and engagement; increasing and improving communication with residents; improving the use of financial resources, especially through business improvements and innovation; listening to the community.

### **One thing to achieve in the next four years**

Community respondents were then asked what the one thing they would like to see achieved in the next four years of the Council & Wellbeing Plan period was. The top five were: a local public hospital; a more cohesive, connected and inclusive community; a greater number of local jobs; a greater focus on the infrastructure and service needs of specific local communities within the Melton local government area; and public transport improvements.

## **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
  - 5.1 *Deliberative engagement and effective communication with the community that informs planning and decision making.*

## **4. Financial Considerations**

Actions to address the priorities in the Community Vision and Council & Wellbeing Plan will be incorporated into future Council draft budgets.

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

Initial plans for Phase One of engaging the Melton community included a significant amount of face to face engagement. Owing to the impact of COVID-19 restrictions, the face to face events needed to be cancelled, with the exception of attendance at this year's Harmony Day event. This means the engagement with the community for Phase One consists entirely of the community survey, which includes responses collected online and at Harmony Day. The survey recorded 515 completed responses from a broadly representative sample of the community.

## **6. Risk Analysis**

Not applicable.

## **7. Options**

That Council:

1. Notes the data analysis report and seeks no further information from Council officers
2. That Council seeks further information on the data analysis report from Council officers.

## **LIST OF APPENDICES**

1. Community Vision and Council Wellbeing Plan - Phase One Engagement Report - undated

## 12.9 EQUALITY & RESPECT 2030 STRATEGY 2020-22 ACTION PLAN

Author: Jayde McBurnie - Team Leader Health Promotion and Planning

Presenter: Maurie Heaney - General Manager Community Services

### PURPOSE OF REPORT

To report outcomes of the Equality & Respect 2030 Strategy 2019-20 Action Plan Progress Report and to present the next Equality & Respect 2030 Strategy 2020-22 Action Plan to Council for endorsement.

### RECOMMENDATION:

That Council:

1. Notes the outcomes of the Equality & Respect 2030 Strategy 2019-20 Action Plan Progress Report as attached at **Appendix 2**, and
2. Endorses the Equality & Respect 2030 Strategy 2020-22 Action Plan as attached at **Appendix 1**.

### Motion

Crs Majdlik/Ramsey.

That Council:

1. Notes the outcomes of the Equality & Respect 2030 Strategy 2019-20 Action Plan Progress Report as attached at **Appendix 2**, and
2. Endorses the Equality & Respect 2030 Strategy 2020-22 Action Plan as attached at **Appendix 1** with the addition of the words at the end of Equality & Respect Action No. 15, "including the female disability sector".

CARRIED

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## REPORT

### 1. Executive Summary

Equality & Respect 2030: A Strategy to prevent violence against women and promote gender equity in the City of Melton (the Strategy) demonstrates Council's long term vision for achieving gender equality in the municipality.

This report presents the outcomes of actions over the past two years under the 2019-20 Action Plan Progress Report, and also presents for Council endorsement the 2020-22 Action Plan. As with the 2019-20 Action Plan, the purpose of the 2020-22 Action Plan is to direct action for the next two years towards the strategic objectives set out in the Strategy.

Presentation of the Strategy's 2019-20 Progress Report is intended to highlight achievements to date and provide context for the Council's consideration of the 2020-22 Action Plan.

## 2. Background/Issues

The Strategy was adopted by Council at the Ordinary Meeting of Council on 30 April 2018, and the 2019-20 Action Plan was developed the following year. In presenting the attached 2019-20 Action Plan Progress Report a number of outcomes are highlighted for Council.

The 2019-20 Action Plan had a total of 63 actions with 90.5 per cent of those actions achieved, and 9.5 per cent of actions carried forward to 2020-22 Action Plan due to impacts on delivery caused by COVID-19.

Some highlights of note include:

- Over 350 residents engaged in participation initiatives encouraging girls in science technology engineering and mathematics
- Delivery of Baby Makes 3, to promote equal and respectful relationships during the transition to parenthood among first time parents: reached 161 couples; 95.5 per cent of participants have increased understanding of relationship equality; 65 per cent reported increased equality following participation in the program
- Delivery of the Engaging Male Caregivers project: directly engaged 280 male caregivers
- 16 Days of Activism campaign initiatives: installation of step decals at Caroline Springs and the Melton Amphitheatre; 500 reusable coffee cups and 750 conversation starter fortune cookies distributed
- Improved systems and structures for ongoing equity i.e. the Policy Approval Process now requires a check by Legal & Governance in relation to a number of things such as diversity which includes gender.

The 2020-22 Action Plan has a total of 69 actions to be delivered across two years, with many of the actions be implemented across both years. Many actions involve cross-organisational and inter-agency partnerships, making this action plan a collaborative approach to addressing violence against women and promoting gender equity.

Some specific highlights of the next action plan include:

- Work with Aboriginal community to collaboratively identify relevant gender equity outcomes
- Investigate opportunities to deliver programs in the City of Melton for Women with Disabilities to strengthen their independence, and/or economic, social and civic participation.
- Implement the Working Together with Men program in the City of Melton.
- Complete an assessment of requirements of the Local Government Act 2020 and Gender Equality Act 2020 and identify any gaps in Council practices to promote gender equality
- Provide training to Early Childhood Educators that explores gender roles and gender stereotypes in early years programs.

Reporting of progress to Council will be done via the minutes of Council's Preventing Family Violence Advisory Committee.

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

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives
  - 1.2 A safe and equitable community.

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

The Action Plan will be implemented within existing Council resources.

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

The Equality and Respect Steering Committee (ERSC) facilitated the reporting on the 2019-20 Action Plan and development of the next Action Plan. Following endorsement by the ERSC the Action Plan was presented to the Preventing Family Violence Advisory Committee for review and feedback on 4 August 2020.

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

Not proceeding with the Equality & Respect 2030 Strategy's 2020-22 Action Plan, presents a risk to community members given the high rates of family violence in the City of Melton.

#### **7. Options**

Council has the following options:

1. Endorses the Equality & Respect 2030 Strategy's 2020-22 Action Plan as presented, or
2. Not endorse the Equality & Respect 2030 Strategy's 2020-22 Action Plan.

#### **LIST OF APPENDICES**

1. Equality & Respect 2030 Strategy 2020-22 Action Plan - undated
2. Equality & Respect 2030 Strategy 2019-20 Action Plan Progress Report - undated



## 12.10 APPLICATION FOR THE COMMUNITY SAFETY INFRASTRUCTURE GRANTS

Author: Jayde McBurnie - Team Leader Health Promotion and Planning

Presenter: Maurie Heaney - General Manager Community Services

### PURPOSE OF REPORT

To inform Council that an application for a State-funded Community Safety Infrastructure Grant has been submitted.

### RECOMMENDATION:

That Council note the Community Safety Infrastructure Grant application for 2020.

#### Motion

Crs Majdlik/Sebire.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

Funding of up \$500,000 was recently made available by the State Government of Victoria for community safety infrastructure through the Department of Justice and Community. The Community Safety Infrastructure Grants aim to support projects that provide comprehensive approaches that align with the following objectives:

- delivering employment opportunities in communities across Victoria and supporting economic recovery
- increasing community safety and confidence in public spaces
- involving community in designing public safety and security infrastructure
- connecting the community and building social cohesion
- being innovative

Council has submitted an application for funding for a community strengthening project in the Little Blind Creek Linear Reserve, Kurunjang. The applications opened 22 June 2020 and closed 17 July 2020. Providing a short turn around for a quality application to be developed and submitted.

### 2. Background/Issues

The 2020 Annual Household Survey revealed that residents in Kurunjang have lower perceptions of safety during the day and night when compared with the City of Melton and Metropolitan Melbourne averages. Furthermore perceptions of safety in Kurunjang have decreased in the past year, during the day and at night, to a greater extent than in the City of Melton as a whole.

	Kurunjang	City of Melton	Greater Melbourne
<b>Perceptions of safety during the day</b>			
<b>2019</b>	8.08	7.90	8.25
<b>2020</b>	7.66 (-0.42)	7.81 (-.09)	N/A
<b>Perceptions of safety at night</b>			
<b>2019</b>	6.12	6.18	6.84
<b>2020</b>	5.25 (-0.87)	5.68 (-0.5)	N/A

A community-led safety project was initiated in Kurunjang by the Department of Justice and Community Safety in late 2019. This has involved significant engagement with local residents with the intent of identifying opportunities to promote safety with a community development approach. This project has supported community members to identify place activation opportunities in the local area to improve community perceptions of safety. Residents identified a need to activate Little Blind Creek Linear Reserve, and Council have supported the community group to identify infrastructure and activation ideas for the area. The proposed works in the reserve were developed and documented (attached at **Appendix 1**) through Council's City Design team, and the Community Safety Infrastructure Grants provided an opportunity to seek funding to progress the Little Blind Creek project.

As a direct outcome of community engagement, this project aims to build community connection and ownership through the improvement and activation of a key recreational public space in Kurunjang. With infrastructure and activation activities for all ages, the increased use of the space will improve passive surveillance. Together, it is anticipated that the improvements (and the process by which they were identified) will lead to a greater sense of community connection and perceptions of safety in Kurunjang.

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

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives
  - 1.2 A safe and equitable community.

### 4. Financial Considerations

No further contribution required by Council.

### 5. Consultation/Public Submissions

The Department of Justice and Community Safety facilitated the development of the Kurunjang Community Group. The Group has been meeting weekly for some months to discuss ideas for improving perceptions of, and actual, safety in the area. This group has identified improvements to Little Blind Creek linear reserve as their priority. The Community Group have themselves engaged with more than 100 additional community members in Kurunjang to gain insights into community need and interest in the space. Following this, the Little Blind Creek Community Vision was developed which has informed the grant application.

### 6. Risk Analysis

There is no risk identified in Council noting this report.

**7. Options**

Nil.

**LIST OF APPENDICES**

1. Little Blind Creek Community Vision - undated

## 12.11 CITY OF MELTON SOCCER STRATEGY

**Author: Troy Scoble - Manager Recreation & Youth**  
**Presenter: Maurie Heaney - General Manager Community Services**

### PURPOSE OF REPORT

To present to Council the City of Melton Soccer Strategy 2020 for endorsement.

### RECOMMENDATION:

That Council endorse the City of Melton Soccer Strategy 2020 as attached at **Appendix 1**.

#### Motion

Crs Abboushi/Majdlik.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

The City of Melton Soccer Strategy 2020 is an important strategy providing a guide the future planning and development of soccer facilities across the municipality for the next 10 years. The strategy also investigates, analyses and provides a road map to outline facilities and infrastructure and a new club development framework required to support the growth in participation and respond to issues and opportunities facing the sport within the municipality.

The Strategy actions Notice of Motion 632 (Cr Abboushi) resolved at the 29 April 2019 Ordinary Meeting of Council. Council resolved:

*That Council, in conjunction with Football Victoria and local football (soccer) clubs, introduce and develop a football (soccer) strategy for the City of Melton. The strategy is to provide and address the following key areas;*

- 1. Engage the local community, regional soccer community and peak bodies to understand existing provision, constraints and required strategic alignments to guide future planning.*
- 2. A detailed review of the current and future demands for soccer facilities across the municipality.*
- 3. Facility development/redevelopment opportunities including indicative capital cost estimates for each venue.*
- 4. Details on the demand for soccer facilities through the statistical analysis of local, regional, state and national participation trends, membership figures and projected population and demographic change.*
- 5. Identify opportunities and develop strategies with funding parameters for future facility development/redevelopment including the need for support infrastructure such as playing surfaces (eg synthetic turf), clubrooms, gender neutral change rooms and floodlighting.*

6. *Identify the opportunity to develop a multi-pitch regional facility. The strategy will look at potential greenfield sites in the City of Melton.*
7. *Maximise the opportunities for all residents to access soccer programs and activities regardless of age, gender, culture or ability.*
8. *Provide an action plan for Council with recommendations that address the identified issues plus others that arise during consultation. It is envisaged the strategy will provide a comprehensive facility development implementation plan for the next 10 years.*

Developing a City of Melton Soccer Strategy is also a key recommendation of the recently completed City of Melton Sport Facility Demand Strategy 2020. This report presents the strategy that has been developed addressing each of the key components of the Notice of Motion.

## **2. Background/Issues**

The City of Melton Soccer Strategy 2020 provides a guide to the future planning and development of soccer facilities across the municipality for the next 10 years.

The following 4 step methodology was undertaken to develop the strategy.

1. Background research: Analyse of existing strategies, demographic review, participation analysis and benchmarking analysis
2. Stakeholder Engagement and Site analysis: audit of existing facilities and key stakeholder engagement
3. Strategic Development: Prepare Issues and Options Paper, develop the vision and strategic directions / road map for soccer in the municipality
4. Report: Development of a report and implementation plan

The strategy identified the three key challenges facing Soccer in the City of Melton. The 3 key challenges identified are Growing participation demand that require additional facilities, Condition of and quantity of existing facilities and facilities at capacity and expected future demand and that No road map was currently in place for the development of soccer facilities / participation in the municipality.

Soccer is currently the 4<sup>th</sup> most participated sport in the City of Melton with 1690 current active participants. There was significant growth from 2012-2016 however growth has plateaued for a number of reasons including facility capacity issues in the last 4 years. Soccer is expected to continue to have a high participation rate commensurate with the State average over the next 10 years and grow to 2800 participants over the next ten years. The strategy addresses issues of growing participation, how and when should new clubs be established and to provide the community with a greater diversity of choice and opportunity for to play / engage in the sport of soccer rather than being limited to a few super clubs. The benchmark number of junior and senior teams for a sustainable soccer clubs will provide a good basis for further implementation as new facilities are developed and clubs continue to grow.

As part of preparing the City of Melton Soccer Strategy, an analysis of existing and future population growth, participation in soccer modelling has been undertaken to determine the likely participation and facility demand. This was also cross referenced with recently completed City of Melton Sport Facility Demand Strategy. This demand analysis determined that should participation rates grow, the required provision of soccer facilities to meet participation in the municipality is up to 11 soccer pitches or 3-4 facilities over the next 10 years.

Previous Precinct Structure Planning by Council has been successful with majority of future demand already planned in Precinct Structure Plans for new growth areas.

### **The Vision**

The Melton Soccer Strategy provides a sustainable planning framework to “Provide for the current and future participation growth of soccer in the City of Melton and strengthen the large part it plays in community life and healthy lifestyles of Melton residents.”

All soccer facilities should provide for training, programming, competitions and events for and designed to encourage multipurpose opportunities.

### **The Objectives**

The 3 key strategic objectives proposed are categorised below -

Access - provision of high quality and accessible facilities for current and future participants

Club Support - support the growth of soccer participation as the city grows

Management - Deliver well planned, maintained and managed soccer facilities.

### **An implementation / Action plan**

is provided under each of the three strategic objectives. The strategy supports the renewal and upgrade of existing facilities and development of new soccer facilities and clubs within new communities. The strategy provides Council with the much needed Road Map to support the exiting soccer community within the City of Melton, enable and plan for participation growth in a sustainable model for both Council and the soccer community. The Strategy highlights the importance of partnerships with Football Victoria, local leagues and associations and the soccer community.

The strategy responds to all key components of the Notice of Motion previously raised by Council at the 29 April 2019 Ordinary Meeting of Council, as well as addressing issues arising from the consultation with clubs and associations.

The City of Melton Soccer Strategy is delivered as two reports. Full report detailing all the research, benchmarking analysis and Summary report focussed on the key issues, opportunities of the Full report highlighting the key actions, recommendations and strategic direction. The Summary document is attached.

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

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

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

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

## **4. Financial Considerations**

The City of Melton Soccer Strategy supports the Facility Provision guidelines contained in the recently completed City of Melton Sport Demand Strategy 2020. An action plan for facility renewal and development consistent with planning already undertaken in Precinct Structure Plans has been provided.

The action plan will be referred to Council’s Capital Works Plan and considered as part of the annual budget process. Consistent review of soccer participation in the municipality is required to guide the timing of future facility development.

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

Site walks and interviews (consultation sessions) were held with each existing tenant at a soccer facility across the City of Melton. The existing soccer community was also able to provide a submission to the development of the strategy. Other key stakeholders including

the State Sporting Association were also engaged to support the development of this strategy.

It is recommended that once endorsed, additional consultation with the soccer community to socialise the strategy and tests further key recommendations be undertaken over the next 12 months with the current City of Melton Soccer Community.

## **6. Risk Analysis**

This roadmap is vital to support the continued growth of soccer as a recreation pursuit within the City of Melton. This will now assist Officer as a guide in the planning of soccer facilities and recreational assets in the municipality.

## **7. Options**

The Council has the option not to endorse the City of Melton Soccer Strategy along with the Roadmap and the recommendations in the report.

## **LIST OF APPENDICES**

1. City Of Melton Soccer Strategy - Summary Report - undated

## 12.12 SPONSORSHIP AGREEMENT WITH WOODLEA FOR FLAVOUR FEST 2021, 2022 AND 2023

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

### PURPOSE OF REPORT

To seek a three year sponsorship agreement with Woodlea to deliver a major community festival in Aintree known as Flavour Fest.

### RECOMMENDATION:

That Council enters into a three year sponsorship agreement with Leakes Road Rockbank Pty Ltd (commonly known as Woodlea) to deliver a major community festival known as Flavour Fest for 2021, 2022 and 2023.

#### Motion

Crs Majdlik/Kesic.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

Council's major events such as the Djerriwarrh Festival, Carols by Candlelight, Lakeside Alive, Pop Culture program and Flavour Fest aim to provide local access to a diverse range of traditional and contemporary events equally spread across the municipality throughout the year and maintain and build on the mix of art, cultural and entertainment that celebrate local heritage whilst responding to the growth and rapid changes across the city. Council has a proud track record in running a safe and diverse mix of community events, while also facilitating the community to run their own events.

Following the dissolution of Summersault, Council supported a sponsorship agreement with Woodlea that enabled Council to deliver a significant community event in Frontier Park Aintree – *Flavour Fest*. With a keen focus on the family demographic, *Flavour Fest* was designed to showcase local businesses (food and beverage) whilst showcasing the appeal of the municipality by providing quality event programming features and delivering a new event centrally located in the municipality.

The event was successfully planned and was due to be held on Saturday 21 March 2020. Due to COVID19 and the ban on mass gatherings of over 500 people, *Flavour Fest* was cancelled a week out from the event. In the lead up to the cancellation, the event generated a great deal of interest from the community with over 12,000 tickets registered.

This report aims to:

1. Provide an overview of *Flavour Fest* and Council's sponsorship agreement with Woodlea



2. Seek Council's endorsement to a three year sponsorship agreement with Woodlea that will enable Council to run the event.

## 2. Background/Issues

In December 2019, Council entered into a sponsorship arrangement with Woodlea, a master planned estate by Mirvac and Victoria Investments & Properties for the purpose of producing a major community event offering called *Flavour Fest* (scheduled to be held on 21 March 2020). Woodlea held the first *Flavour Fest* event in October 2018, which was considered to be a huge success - attracting over 10,000 people to the event which was held over two days at Woodlea estate in Aintree.

While 2020 was the first time that Council was involved with the planning and funding of *Flavour Fest*, it was embarked on in the understanding that subject to the event meeting its objectives, this could eventuate into a multi-year sponsorship agreement with Woodlea.

Before planning for 2020 *Flavour Fest* commenced, the event's "blueprint" was assessed against Council's strategic objectives to ensure there was potential to create substantial economic, social and cultural benefits.

The strategic objectives/expected outcomes derived from Council's involvement with this event included the following:

- *Flavour Fest* to become the go-to for a family-friendly "lifestyle festival" in region, showcasing the quality of life in the west
- Contribute to the municipality's balanced portfolio of major community events
- Drive external visitation to the region
- Showcase local food and beverage businesses including wineries, distilleries and brew houses.
- Enhance the appeal of the municipality
- Enhance community pride
- Drive community and social outcomes to enhance the overall quality of life in local communities.
- Become a firm favourite Western feature of Melbourne's Good Food and Wine Month calendar.

The 2020 sponsorship agreement outlined the terms and conditions that combined Council's capacity to deliver the event and Woodlea's marketing and branding expertise that resulted in a successful "reboot" of the existing *Flavour Fest* event model. Whilst Council was the responsible entity for the Event, the mutually beneficial and productive relationship between Council and Woodlea as sponsor ensured a successfully planned event that aimed to meet the objectives of both organisations. *Flavour Fest* 2020 was planned to be a family day out styled around a relaxed picnic setting, bringing together the best of the western region's food and wine offerings, mixed with entertainment, music and family activities in a casual, non-pretentious al fresco environment. The event attracted strong interest from local food and beverage businesses who committed to participating in the event, showcasing their offerings to the local community.

In order to monitor crowd numbers and ensure control it was proposed to fence the event and require people to preregister tickets to gain entry. This was important to gauge the level of interest in the offerings and concept of the event.

The event was planned successfully and supported by an extensive marketing campaign. On 13 March 2020, the restrictions on public gatherings of more than 500 people due to the COVID19 pandemic resulted in the cancellation of *Flavour Fest* 2020. On the day of the cancellation, the event was in its final planning stages with the number of free ticket

registrations more than 12,000, far exceeding expectations. The community interest in this event was overwhelmingly evident.

At the time of writing this report Stage 4 restrictions are in place in metropolitan Melbourne due to COVID-19. No major planning will commence or financial commitments made until clarity on physical distancing and crowd gatherings in 2021 is provided by the Victorian Government. However, recommendations in this report are provided on the assumption that the event can proceed with no restrictions to ensure Council and Woodlea have endorsement of the sponsorship agreement and preliminary event scoping can commence. It is recommended to run *Flavour Fest* with Woodlea as the principle sponsor for the next three years. The event will continue to complement Council's community event program and showcase the 'best of the west.'

Under the renewed sponsorship agreement, the following roles and responsibilities would remain in place:

#### **Council**

- Main stage production
- Chef Stage production
- Carnival rides/attractions
- Curation of Kids workshops/Activities
- Fireworks
- Vendor acquisition
- Contractor management
- Risk management
- Event logistics
- In-kind support via event staff resourcing and supplier contacts and council pricing negotiations
- Site Styling

#### **Woodlea**

- Event marketing and promotion
- Event branding including signage
- Event Ticketing
- In-kind support via event creative direction, marketing, PR and promotion and social media for the event
- Established branding and marketing collateral for *Flavour Fest*

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

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

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

#### 4. Financial Considerations

The combined financial contribution for *Flavour Fest* shall be established prior to the commencement of any procurement action for the supply of goods or services for the event each year. Woodlea have committed up to \$200,000 per annum for the delivery of the event. Council have allocated up to \$150,000. These funds are available in the recurrent budget for Engagement and Advocacy. To ensure compliance with Council procurement guidelines, Council will be responsible for all event procurement.

All vendors, suppliers and contractors will be managed by Council to ensure Council receives value for money - further ensuring that all of goods and services procured for *Flavour Fest* are reviewed on a rolling basis.

Should Woodlea's sponsorship and in-kind commitments cease, Council has a number of options including:

- a) continue to deliver the event in accordance with the budget by increasing its financial commitment;
- b) continue the event but rescale the budget to suit the event or
- c) the cease delivering the event.

#### 5. Consultation/Public Submissions

No public consultation was undertaken in writing this report.

#### 6. Risk Analysis

An independent risk assessment was undertaken by an accredited third party, JNW Strategic Consulting, to review Council's risk management procedures, determine the risk exposure of the sponsorship agreement in accordance with the Local Government Act 1989 and undertake an assessment as to whether the Woodlea sponsorship falls within the scope of Section 193 (5D) Entrepreneurial Powers.

Key findings and recommendations of the report are:

- *Flavour Fest* is aligned with Council strategy
- Whilst events were most likely not envisaged to be captured by Section 193, the report considered Subsection (f), which states a venture includes "entering into a partnership or into any arrangement for sharing of profits, union of interest, co-operation, joint venture, reciprocal concession or otherwise, with any person or corporation carrying out or engaged in, or about to carry on or engage in, any business or transaction capable of being conducted so as to directly or indirectly benefit the Council."
- In assessment against above, the total investment value of the three year sponsorship (\$910,000) does not exceed 1% of Council's rate revenue, therefore under Section 193, Ministerial approval is not required.
- In relation to total risk exposure, Council has not committed to the event long term, has no long term supply contracts, can cancel the event without consequence and the total event budget is not fixed. Resultantly, the only financial exposure to Council is annual expenditure, which could be reduced to zero if the event is not run. Total risk exposure is therefore considered low.
- Should Woodlea's sponsorship and in-kind contributions cease, Council has the option to continue to deliver the event in accordance with the budget by increasing financial commitment, continue the event but rescale to suit a reduced budget, or cease delivering the event.

- The 2020 agreement, which will be the basis for a new three year agreement, is clear that Council is responsible for the event.
- The sponsorship agreement terms should be reviewed and endorsed based on legal advice and include a clause relating to current or future conflicts of interest.
- A number of improvements were identified to enhance transparency and governance for Council's mitigation of event risks:
  - Align the risk assessment framework to Council's formal Risk Management framework.
  - While noting Council had established processes with regard to event management, referencing the following in the event Risk Management Plan:
    - contractor management processes
    - event safety and OHS procedures
    - security and crowd management

In the event Council resolves not to take responsibility for the event, Woodlea have indicated they will run this event for the next two to four years. While Council is not obligated to continue with this event, with an annual event of this significance and attendance, once Woodlea as a developer have exited from the estate when full build out is complete, it is reasonable to assume the community would expect the event to continue. Council delivering the event with Woodlea as the principle sponsor ensures Council can maintain the event to be sustainable in the longer term and ensure Council objectives are met. In addition the event as originally planned serves as a central event that replaces the now dissolved Summersault. Under the existing sponsorship agreement, Council can cancel the event without consequence.

Ultimately, the risk of any loss in relation to this event is not as a result of the sponsorship agreement, but of an event nature (e.g. weather; pandemic etc.) This risk is carried through to all of Council's major events and the financial loss is generally understood based on existing commitments with regard to artists, staging, marketing etc. In relation to the proposed sponsorship agreement with Woodlea, the event's financial loss risk exposure is considered to be "Low".

There is potential uncertainty regarding the capacity to hold large scale events in the current COVID-19 environment. Should Council choose to proceed with the recommendations outlined in this report, whilst it is considered a minimal risk a further cancellation could be possible. Planning for the event (including marketing) has not begun, nor have the public been notified of a 2021 festival date. COVID19 restrictions will be monitored, along with event advice as issued by the Government. Planning will only proceed if it is deemed safe to conduct a large event. Additional health and safety measures will be included into the risk management plans including (but not limited to) hand sanitizing stations and maximum number of people allowed on the event site at any one time (in line with any prescribed physical distancing recommendations).

## 7. Options

- That Council run *Flavour Fest* with Woodlea as principal sponsor
- That Council not run the event with Woodlea as sponsor and Woodlea maintain the right to run *Flavour Fest* independent of Council.

## LIST OF APPENDICES

Nil

## 12.13 APPOINTMENT OF COMMUNITY REPRESENTATIVES TO THE MELTON TRANSPORT COMMUNITY REFERENCE GROUP

Author: Matthew Milbourne - Coordinator Toolern Review  
~~Presenter: Kate Barclay – Acting Manager City Design, Strategy & Environment~~  
Presenter: Luke Shannon – General Manager Planning & Development

### PURPOSE OF REPORT

To consider the appointment of seven community representatives to the Melton Transport Community Reference Group.

### RECOMMENDATION:

That Council approves the appointment of seven community representatives to the Melton Transport Community Reference Group.

### Motion

Crs Ramsey/Turner.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

Melton City Council at its Ordinary Meeting on 1 May 2017, resolved to create a Transport Community Reference Group to assist Council to prioritise actions from Moving Melton (Council's Integrated Transport Strategy), and assist Council in developing advocacy campaigns to secure funding from the State and Federal Governments.

The Terms of Reference for the Transport Community Reference Group were approved by Council at its Ordinary Meeting on 24 July 2017.

Council appointed 10 community representatives to the Melton Transport Community Reference Group at its Ordinary Meeting on 18 December 2017. The community representative terms have finished.

Council advertised for expressions of interest in March 2020 for community representatives. Eight applications were received for the 10 vacant community representative positions, and one applicant has since withdrawn their application.

It is recommended that the seven community representative applicants be appointed to the Melton Transport Community Reference Group for a period of two years.

### 2. Background/Issues

Melton City Council at its Ordinary Meeting on 1 May 2017, resolved to create a Transport Community Reference Group to assist Council to prioritise actions from Moving Melton (Council's Integrated Transport Strategy), and assist Council in developing advocacy campaigns to secure transport funding from the State and Federal Governments.

The Terms of Reference for the Transport Community Reference Group were endorsed by Council at its Ordinary Meeting on 24 July 2017.

Under the Terms of Reference (**Appendix 1**), the Melton Transport Community Reference Group have the following responsibilities:

- Assist Council in prioritising actions from Council's Integrated Transport Strategy – Moving Melton, which reduces reliance on private motor vehicles and develops the state arterial road network serving the City of Melton.
- Assist Council to develop and promote advocacy campaigns to the State and Federal Governments to secure funding for improvements to the transport system that reduce reliance on private motor vehicles and develop the arterial road network serving the City of Melton.
- Respond to relevant documents and plans provided by Council officers for comment.

The membership of the Transport Community Reference Group comprises 10 community representatives, four council officers, and three councillors.

The community representatives should have a geographical spread to ensure the Reference Group has a city wide focus.

Council appointed 10 community representatives to the Melton Transport Community Reference Group at its Ordinary Meeting on 18 December 2017. The community representative terms have finished.

Council advertised for expressions of interest from the community for the 10 vacant positions, and received eight nominations in March 2020.

The eight applications were reviewed by a panel of Council officers, who assessed the nominations against the following criteria:

- Motivation to join the group has a wide focus – rather than a single issue
- Understanding of the main transport issues for the municipality
- Interpersonal and organisational skills
- Community involvement

One applicant has since withdrawn their application as their personal circumstances have changed.

The panel has recommended that the remaining seven applicants be appointed to the Melton Transport Community Reference Group:

<b>Name</b>	<b>Locality</b>	<b>Community or business representative</b>
Alan Perry	Melton Township	Community
Amy Montague	Eynesbury	Community
Arnab Tarafder	Melton Township	Community
John Faure	Eastern Corridor	Community
Lakhwinder Sidhu	Melton Township	Community
Lawrence Geyer	Melton Township	Community
Robyne Jansen	Melton Township	Community

If the seven applicants are appointed to the Melton Transport Community Reference Group there will be three positions that remain vacant. It is recommended that the first meeting of

the Melton Transport Community Reference Group will consider whether additional appointments should be made, and how the appointments should be advertised.

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

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

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

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

### **4. Financial Considerations**

Nil.

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

An advertisement was published in both editions of the Star Weekly on 31 March 2020 calling for an expression of interest to fill the 10 vacant community representative positions.

The vacant positions were also promoted on Council's Facebook page, and on Council's website. An email was also sent to the members whose terms had expired.

Eight nominations were received. One applicant has since withdrawn their application as their personal circumstances have changed, leaving seven expressions of interest.

### **6. Risk Analysis**

The Melton Transport Community Reference Group can make recommendations to Council on what actions should be prioritised from Moving Melton, and recommendations for advocacy campaigns to improve the transport system.

Council may adopt, or reject the recommendations of the Transport Community Reference Group, and therefore there is limited risk to Council.

### **7. Options**

Council can choose to either:

1. Approve the appointment of the seven recommended representatives to the Melton Transport Community Reference Group.
2. Not appoint the recommended representatives to the Melton Transport Community Reference Group.

### **LIST OF APPENDICES**

1. Melton Transport Community Reference Group Terms of Reference - dated 24 July 2017

## 12.14 PLANNING SCHEME AMENDMENT C218 - 1665A MOUNT COTTRELL ROAD, MOUNT COTTRELL

Author: Karl Sass - Strategic Planner  
~~Presenter: Kate Barclay – Acting Manager City Design, Strategy & Environment~~  
Presenter: Luke Shannon – General Manager Planning & Development

### PURPOSE OF REPORT

To consider the adoption of Planning Scheme Amendment C218 to the Melton Planning Scheme.

### RECOMMENDATION:

That Council:

1. Adopt Planning Scheme Amendment C218 as contained in **Appendix 1 and 2**;
2. Submit the Amendment to the Minister for Planning for Approval.

### Motion

Crs Majdlik/Sebire.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

Council adopted Amendment C138 in September 2015, the Amendment facilitated the use and development of the land at 1665-1715 Mount Cottrell Road, Mount Cottrell for water storage tanks to facilitate the delivery of Class A recycled water through an Incorporated Document. Amendment C138 also applied a Public Acquisition Overlay (PAO) to the required portion of the land.

In November 2019 Western Water requested changes to the existing Incorporated Document to allow the storage of potable (drinkable) water, rather than recycled water. Council Officers sought advice from the Department of Land, Water and Planning (DELWP) who advised a planning scheme amendment was required, due to the specific references to “Class A Recycled” water in the Incorporated Document.

At the Ordinary Council meeting of 3 February 2020, Council resolved to seek Authorisation from the Minister for Planning to prepare and exhibit amendment C218 (**Appendix 4**). Authorisation from the Minister for Planning was received on 25 February 2020.

The Amendment was exhibited from 7 July 2020 to 10 August 2020 and involved sending letters to adjacent landowners and occupiers, the Country Fire Authority (CFA), Western Water and prescribed Ministers. One submission was received from the CFA during the exhibition period, providing no objection. No changes are required to the amendment as a result.



No changes to the appearance, buildings or works are proposed as part of this amendment. This amendment is considered minor in nature and the amendment has been exhibited in accordance with clause 20(2) of the *Planning and Environment Act 1987* which provides for reduced notification.

It is recommended that Council adopt the amendment (**Appendix 1 and 2**) and submit it to the Minister for Planning for approval.

## 2. Background/Issues

Council adopted Amendment C138 in September 2015, the Amendment facilitated the use and development of the land at 1665-1715 Mount Cottrell Road, Mount Cottrell for water storage tanks to facilitate the delivery of Class A recycled water through an Incorporated Document.

As part of Amendment C138, a Public Acquisition Overlay (PAO9) was also applied to a portion of 1665 Mount Cottrell Road, Mount Cottrell to enable the site to be acquired by Western Water to facilitate the development. Amendment C138 was gazetted into the Melton Planning Scheme on 3 March 2016. Western Water have since acquired 1665A Mount Cottrell Road, Mount Cottrell and as a result, the Public Acquisition Overlay (PAO9) is now redundant.

In November 2019 Western Water requested changes to the existing Incorporated Document to allow the storage of potable (drinkable) water, rather than recycled water at 1665A Mount Cottrell Road, Mount Cottrell (**Appendix 3**). Council Officers sought advice from the Department of Land, Water and Planning (DELWP) who advised a planning scheme amendment was required, due to the specific references to "Class A Recycled" water in the Incorporated Document.

At the Ordinary Council meeting of 3 February 2020, Council resolved to seek Authorisation from the Minister for Planning to prepare and exhibit amendment C218 (**Appendix 4**). Authorisation from the Minister for Planning was received on 25 February 2020.

### The Amendment

Amendment C218 to the Melton Planning Scheme (**Appendix 1 and 2**) proposes to make the following changes:

- Amend the existing Incorporated Document '*Mount Cottrell Class A Recycled Water Storage Facility*', March 2015, specifically to remove the reference to recycled water and extend the expiry date to allow greater time for the commencement of use and development;
- Delete the *Public Acquisition Overlay Schedule 9 (PAO9)* from the land;
- Amend the Schedule to Clause 45.01 *Public Acquisition Overlay* to remove reference to PAO9 *Western Water Corporation – Recycled Water Storage Facility*;
- Amend Planning Scheme Maps 13 and 12 PAO to remove reference to PAO9;
- Introduce Clause 45.12 *Specific Controls Overlay* to the Melton Planning Scheme;
- Apply the *Specific Controls Overlay* to the land to replace the provisions currently contained under Clause 51.01 *Specific Sites and Exclusions*.
- Introduce a Schedule to Clause 45.12 *Specific Controls Overlay* to insert the '*Mount Cottrell Water Storage Facility*', February 2020 Incorporated Document;
- Amend the Schedule to Clause 51.01 *Specific Sites and Exclusions* to delete reference to land at 1665 Mount Cottrell Road, Mount Cottrell (Lot 3 on Plan of Subdivision LP141929) *Mount Cottrell Class A Recycled Water Storage Facility, Incorporated Document March 2015*;

- Amend the Schedule to Clause 51.01 *Specific Sites and Exclusions* to delete reference to land at 1665 Mount Cottrell Road, Mount Cottrell (Lot 3 on Plan of Subdivision LP141928) *Water for a Growing West Project Incorporated Document, July 2014* as this does not apply to the land.
- Amend Schedule to Clause 72.03 Schedule to *What does this Scheme Consist of?*
- Amend the title of the Incorporated Document included in the Schedule to Clause 72.04 *Documents Incorporated in this Planning Scheme*;

### 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

Council officer time and resources are involved in the preparation of the Amendment. The proponent is required to pay the fees associated with the Amendment process. The budget for Planning Scheme Amendments is within the City Design, Strategy and Environment budget.

### 5. Consultation/Public Submissions

Council resolved at its Ordinary Meeting of February 2, 2020 to seek an exemption under Section 20(2) of the *Planning and Environment Act 1987* with regards to the notice requirements in Section 19(2) and Section 19(3) (**Appendix 4**). This exemption was granted which exempted the need for a public notice to be placed in local newspapers and to advertise the preparation of the amendment in the Government Gazette. These exemptions were considered appropriate given the Amendments minor nature and no changes to the appearance, buildings or works proposed as part of this amendment.

The COVID-19 Omnibus (Emergency Measures) Bill came into effect 25 April 2020. This included temporary changes to the *Planning and Environment Act 1987* to allow for documents and notices to be available for inspection electronically and free of charge. The Bill removed of the requirement to have a physical copy of the amendment available for viewing at Council offices, and provided for Councils to specify their website as the platform for document inspections.

The Amendment was exhibited from 7 July 2020 to 10 August 2020 and involved sending letters (giving notice) to adjacent landowners and occupiers, the CFA, Western Water and prescribed Ministers. The amendment was made available on Council's and DELWP's website in accordance with this.

One submission was received from the Country Fire Authority (CFA) during the exhibition period. The submission from the CFA stated there was no objection to the amendment. No changes are required to be made to Amendment C218 as a result.

Given that no objections were received and there are no unresolved submissions, there is no requirement to request the convening of a Planning Panel.

## 6. Risk Analysis

The specific control permitting the development of the water storage tanks has expired. If Council does not adopt the amendment, it could prevent or delay the provision of water storage infrastructure to growing areas of the municipality.

In accordance with the *Planning and Environment Act 1987*, Council is required to update its planning scheme. If Council chooses not to adopt the amendment, the planning scheme will continue to have redundant planning controls and may result in difficulties for the proponent to complete the development on the subject land.

## 7. Options

Council can resolve to either:

1. Adopt Amendment C218 into the Melton Planning Scheme as outlined in **Appendix 1 and 2**.
2. Not adopt Amendment C218 into the Melton Planning Scheme.

## LIST OF APPENDICES

1. Amendment Documents - undated
2. Incorporated Document - dated February 2020
3. Site Map - undated
4. Melton City Council Meeting Minutes - dated 3 February 2020

## 12.15 AMENDMENT C198 TO THE MELTON PLANNING SCHEME - CITY OF MELTON HERITAGE ASSESSMENTS PROJECT 2018

Author: Georgina Borg - Strategic Planner  
~~Presenter: Kate Barclay – Acting Manager City Design, Strategy & Environment~~  
Presenter: Luke Shannon – General Manager Planning & Development

### PURPOSE OF REPORT

To consider submissions received in response to Amendment C198 to the Melton Planning Scheme during the public exhibition period.

### RECOMMENDATION:

That Council:

1. Request the Minister for Planning establish an independent planning panel to consider unresolved submissions received in response to Amendment C198 in accordance with the *Planning and Environment Act 1987*.
2. Authorise the General Manager of Planning and Development and the Manager City Design, Strategy and Environment to negotiate and resolve issues that are raised during the independent planning panel process prior to Amendment C198 being reported back to Council for consideration.

### Motion

Crs Majdlik/Sebire.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

Amendment C198 seeks to amend the Melton Planning Scheme to implement the recommendations of the 'City of Melton Heritage Assessment Project, 2018' by RBA Architects and Conservation Consultants. The Assessment was adopted by Council at the Ordinary Council Meeting on 10 December 2018 and Council also resolved to seek authorisation to prepare and exhibit a Planning Scheme Amendment to implement the findings of the Assessment.

The 'City of Melton Heritage Assessment Project, 2018' assessed 13 heritage places identified during stage 2 of the 'Shire of Melton Heritage Study 2007.' The Assessment determined that 9 of the 13 heritage places met the threshold for local significance and recommended they be included in the Schedule to the Heritage Overlay within the *Melton Planning Scheme*.

Amendment C198 to the *Melton Planning Scheme*, proposes to implement the recommendations of the 'City of Melton Heritage Assessments Project 2018' by adding nine places to the Schedule to the Heritage Overlay and the associated Heritage Overlay mapping.

Amendment C198 was publicly exhibited from 12 March to 13 April, 2020, and re-exhibited in accordance with COVID-19 Omnibus (Emergency Measures) Bill from 18 June 2020 to 21 July, 2020. There were eight submissions received in total during both public exhibition periods.

It is recommended that Council request the Minister for Planning establish an independent planning panel to consider unresolved submissions received in response to Amendment C198 in accordance with the *Planning and Environment Act 1987*.

## 2. Background/Issues

Local Councils play an important role in preserving local history by carrying out heritage studies and permanently protecting heritage through the Planning Scheme. All Planning Schemes in Victoria must implement and further the objectives of planning in Victoria. In particular, an objective of the *Planning and Environment Act 1987* is to 'conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.'

### **The City of Melton Heritage Assessments Project 2018**

The 'City of Melton Heritage Assessment Project, 2018' was prepared by RBA Architects and Conservation Consultants. 'The City of Melton Heritage Assessment Project, 2018' involved the assessment and determination of whether the 13 heritage places warranted inclusion in the Schedule to the Heritage Overlay within the *Melton Planning Scheme*.

The assessment was undertaken consistent with policy to conserve buildings and other places with scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value as per the *Planning and Environment Act 1987* and to 'pursue assessment of places listed in the Conservation Desirable Schedule' as per the 'City of Melton Heritage Strategy 2017-2021.'

The assessment was also undertaken consistent with the Planning Policy Framework and Municipal Strategic Statement which is expanded on in this section of the report under the heading 'Strategic Assessment of Amendment C198.'

The 13 heritage places assessed as part of the Assessment Project were included in the Shire of Melton Heritage Study 2007 under the following categories:

- 10 were identified as 'conservation desirable' heritage places.
- 2 were listed as places which may be considered worthy of heritage protection in a future study.
- 1 was not included in stage 2 of the study, though was identified as a potential heritage site in stage 1 of the study.

Of the 13 heritage places assessed, RBA Architects and Conservation Consultants found that:

- 9 heritage places met the threshold for local significance and should be included in the Schedule to the Heritage Overlay within the *Melton Planning Scheme*.
- 4 heritage places have been altered to an extent that they do not meet the threshold for inclusion into the Heritage Overlay within the *Melton Planning Scheme*.

The 'City of Melton Heritage Assessment Project, 2018' was adopted by Council at its Ordinary Meeting on 10 December 2018. At this meeting, Council also resolved to seek authorisation to prepare and exhibit a Planning Scheme Amendment to implement the findings of the 'City of Melton Heritage Assessment Project, 2018.' (Refer to **Appendix 3** for the previous Council Minutes).

### **Planning Scheme Amendment C198**

Following the Council adoption of the 'City of Melton Heritage Assessment Project, 2018,'

and resolution to proceed with an amendment to the *Melton Planning Scheme*, Council officers commenced preparation of Amendment C198.

Amendment C198 proposes to implement the findings of the 'City of Melton Heritage Assessments Project 2018' by adding nine places to the Schedule to the Heritage Overlay and the associated Heritage Overlay mapping.

The Amendment applies to the following properties (Refer to **Appendix 1** for further information regarding the heritage places):

Address	Heritage Place	Proposed HO
398-428 Exford Road, Weir Views.	House	HO129
430-458 Exford Road, Weir Views.	Staughton Infant Grave	HO130
Brooklyn Road, Melton South (on the railway reserve, part of 2-98 Staughton Street).	Behlen Shed	HO131
325 Clarkes Road, Brookfield	Former Melton Stud	HO132
2-6 Sherwin Court, 2A Sherwin Court and 2 Killarney Drive, Melton	House and Outbuildings (Tara Stud)	HO133
Beattys Road, crossing of Kororoit Creek, Aintree.	Water Reserve, Beattys Road	HO134
1267-1289 Beattys Road, Grangefields.	Former Fulham Park	HO135
660A Beattys Road, Bonnie Brook.	Beattys Bridge	HO136
687 Hopkins Road, Truganina.	Tibbermore	HO137

The amendment seeks to make the following changes to the *Melton Planning Scheme*:

1. Amend the Schedule to Clause 43.01 to rearrange the current heritage places in numerical order.
2. Amend the Schedule to Clause 43.01 to include the following heritage places on a permanent basis as follows:
  - HO129 at 398 - 428 Exford Road, Weir Views.
  - HO130 at 430 – 458 Exford Road, Weir Views.
  - HO131 at Brooklyn Road, Melton South (on the railway reserve, part of 2-98 Staughton Street).
  - HO132 at 325 Clarkes Road, Brookfield.
  - HO133 at 2 - 6 Sherwin Court, 2 Killarney Drive and 2A Sherwin Court.
  - HO134 at 660A Beattys Road, Bonnie Brook.
  - HO135 at 1267-1289 Beattys Road, Grangefields.
  - HO136 at Beattys Road, crossing of Kororoit Creek, Aintree.
  - HO137 at 687 Hopkins Road, Truganina.
3. Amend Planning Scheme Maps as follows:
  - 7HO to include HO131 and HO132.
  - 8HO to include HO133.
  - 9HO to include HO134, HO135 and HO136.

- 12HO to include HO129 and HO130.
  - 13HO to include HO137.
4. Amend the Schedule to 72.04 to incorporate the *City of Melton Heritage Assessments Project 2018: Statements of Significance*.

### **2-6 Sherwin Court Melton**

In August 2020 the house at 2-6 Sherwin Court, Melton was lawfully demolished. The house was part of the Former Tara Stud which was proposed under Amendment C198 to be protected by a Heritage Overlay along with the outbuildings and trees at 2A Sherwin Court and 2 Killarney Drive, Melton.

Council officers recommend that a revised citation and Statement of Significance be prepared for the 'Former Tara Stud' to reflect the lawful demolition of the house at 2-6 Sherwin Court, Melton. The Panel will need to consider any further changes and Council's recommendation in relation to this property.

### **Strategic Assessment of Amendment C198**

In line with the *Strategic Assessment Guidelines for Planning Scheme Amendments* (August 2004) prepared by the State government, every Planning Scheme Amendment should be strategically supported and maintain or develop the strategic focus of the Planning Scheme.

It is necessary to determine whether any amendment supports or implements the *Planning Policy Framework* (PPF) of the Planning Scheme. Further, Council must determine whether the outcome of the amendment will have consequences in terms of the Planning Scheme's directions, usability and transparency.

Amendment C198 is required to implement the findings of the 'City of Melton Heritage Assessments Project 2018' by adding nine places to the Schedule to the Heritage Overlay in order to protect these heritages places and recognise their local significance to the municipality.

The amendment is consistent with the PPF, particularly with Clause 15.03-1S *Heritage Conservation* which seeks to 'ensure the conservation of places of heritage significance.' A relevant strategy at this clause is to 'identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme' of which Amendment C198 is seeking to achieve.

The amendment is consistent with the Municipal Strategic Statement (MSS), particularly with Clause 21.07-3 *Heritage* which seeks to 'to protect and enhance areas of environmental, historical and cultural sensitivity.' Relevant strategies at this clause include 'ensuring places of cultural heritage significance are protected, conserved and enhanced' and 'supporting the retention of places listed in the Conservation Desirable schedule of the Melton Heritage Study, 2007' both of which Amendment C198 is seeking to achieve.

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

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

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

## **4. Financial Considerations**

The preparation of the 'City of Melton Heritage Assessment Project, 2018' was \$38,180.00 (Inc. GST) and included Council officer time and resources to prepare.

Council officer time and resources are involved in the preparation, public exhibition and adoption of an amendment.

Council is required to pay the statutory fees associated with the amendment process including the cost of an independent planning panel where costs will be incurred for the Panel hearing, Council legal representation and Council's expert witness, RBA Consultants.

The costs associated with Planning Scheme Amendments are covered by the recurrent budget of City Design, Strategy and Environment.

## 5. Consultation/Public Submissions

### Public Exhibition

Amendment C198 exhibited from 12 March to 13 April 2020 and involved letters giving notice to affected landowners and occupiers of the aforementioned affected properties, relevant state government bodies and agencies and prescribed Ministers. The amendment ordinance and documentation was also provided.

Notices were also placed:

- In Local newspapers, the Melton and Moorabool Star Weekly and the Brimbank and North West Star Weekly.
- In the Government Gazette.
- On the Department of Environment, Land, Water and Planning's (DELWP) website.
- On Council's website.

During the public exhibition period, COVID-19 State Emergency restrictions were imposed by the Victorian State Government. On 27 March 2020 Council staff wrote to affected parties advising that Council were extending the period of public exhibition to provide extra time during this period of uncertainty, until Friday 1 May 2020.

The COVID-19 Omnibus (Emergency Measures) Bill came into effect on 25 April 2020. This included temporary changes to the *Planning and Environment Act 1987* to allow for documents and notices to be available for inspection electronically and free of charge. The Bill removed the requirement to have a physical copy of the amendment available for viewing at Council offices, and provided for Councils to specify their website as the platform for document inspections.

Council Officers received advice from DELWP that the original public exhibition of Amendment C198 did not satisfy the requirements of *the Planning and Environment Act, 1987* as Council Offices closed part way through the exhibition period due to COVID-19 and the Amendment documents were not able to be physically accessed. The amendment was required to be re-exhibited.

### Re-exhibition Process

Amendment C198 was re-exhibited from 18 June 2020 to 21 July 2020.

The re-exhibition of Amendment C198 ensured that it met the requirements of the *Planning and Environment Act 1987*, as well as providing affected parties additional time to prepare a submission.

A letter in addition to all planning scheme amendment documentation were posted on 15 June 2020 to all landowners and occupiers affected by the amendment, relevant state government bodies and agencies and prescribed Ministers.

Refer to **Appendix 1** for the amendment documentation.

The letter made clear that those that had already made a submission were not obliged to make another submission as Council would consider all submissions previously made during the first public exhibition period.



Further to this the Melton City Council website was updated with the relevant amendment documentation, additional information and instructions on how to make a submission.

As per the Omnibus Bill, Council made all amendment documents and information available on our website and included instructions on how to make a submission and how to contact Council officers for enquiries.

A public notice was also placed in the Melton and Moorabool and Brimbank and North West Star Weekly Newspapers on 16 June 2020 and in the Government Gazette on 18 June 2020.

### **Submissions**

A total of eight submissions were received in response to the amendment. A detailed summary of all submissions raised and Councils response can be found at **Appendix 2**.

Following public exhibition, Council officers contacted submitters who sought clarification on issues and the process going forward.

A summary of the issues raised through the submissions to be considered by a Planning Panel are detailed below:

- The heritage place on my property is in poor condition and should not have a Heritage Overlay on it.
- I do not have the funds to spend of maintenance of the heritage place on my property if it was to be protected by the proposed Heritage Overlay.
- Will Council compensate me if a Heritage Overlay is applied to my property?
- Part of the heritage place proposed to be protected on my property is no longer there, therefore can it be removed from Amendment C198?
- I was not informed by Council of the proposed Heritage Overlay when I purchased my property.
- Why does the amendment propose a 10 metre curtilage around the heritage building on my property which is included in the proposed Heritage Overlay?
- A Heritage Overlay would have a negative impact on the value of my property.
- I did not apply to have my property listed for a Heritage Overlay.
- Can fence lines be amended on my property within the proposed Heritage Overlay?
- The proposed Heritage Overlay of the Behlen Shed would hinder future transport requirements and the current Public Use Zone 4 should be kept clear of planning overlays.
- More work on the historical background of the 'House' and 'Staughton Infant Grave' is needed to understand their history.
- How is the 'Staughton Infant Grave' which is identified as 'partly intact' an original example or representative of a type of element?
- The riveted vessels at the 'Former Fulham Park' should not be subject to a Heritage Overlay as not enough information has been provided about them.
- The sugar gum trees subject to a proposed Heritage Overlay should not be included for this site as recommended by the independently assessed aboriculturalist report.

Council officers will continue to work through the submissions received with a view to resolving as many submissions as possible prior to the Planning Panel Directions Hearing scheduled for late October, 2020.

## 6. Risk Analysis

Proceeding with an independent planning panel will provide submitters the opportunity to be heard by an independent third party and for Council to present their position on the issues referred to the panel in accordance with the *Planning and Environment Act 1987*.

Should Council choose to abandon the amendment, it would prevent the protection of significant heritage places from future development. Council would not meet its obligations under the *Planning and Environment Act 1987* regarding the conservation and enhancement of heritage places and the objectives and strategies of the Planning Policy Framework and Municipal Strategic Statement within the *Melton Planning Scheme*.

Furthermore, abandoning the amendment would undermine the Council adopted 'Shire of Melton Heritage Study 2007,' 'City of Melton Heritage Strategy 2017-2021' and 'City of Melton Heritage Assessment Project, 2018,' and the amendment process undertaken to date.

## 7. Options

Council can resolve to either:

1. Request the Minister for Planning establish an independent planning panel to consider unresolved submissions received in response to Amendment C198 in accordance with the *Planning and Environment Act 1987* and authorise the General Manager Planning and Development and Manager City Design, Strategy and Environment to negotiate and resolve issues that are raised during the independent planning panel process prior to Amendment C198 being reported back to Council for consideration.
2. Abandon Amendment C198 to the *Melton Planning Scheme*.

## LIST OF APPENDICES

1. Amendment Documentation - undated
2. Submission Table - dated August 2020
3. Melton City Council Meeting Minutes - dated 10 December 2018

## **12.16 CONTRACT NO. 21/005 - SEALED ROAD RENEWAL PROGRAM (ASPHALT) 2020/21**

**Author: Jonathan Majdlik - Capital Projects Officer**  
**Presenter: Luke Shannon - General Manager Planning & Development**

### **PURPOSE OF REPORT**

To seek Council's approval for the award of Contract No. 21/005 for construction of Sealed Road Renewal Program (Asphalt) 2020/21.

### **RECOMMENDATION:**

That Council:

1. Award Contract No. 21/005 for Sealed Road Renewal Program (Asphalt) 2020/21 submitted by Asphaltech Pty Ltd as a schedule of rates contract with an estimated contract value of \$2,303,070.10 (excl. GST).
2. Delegate to the Chief Executive Officer the execution of all contract documents

### **Motion**

Crs Hardy/Ramsey.

That the recommendation be adopted.

CARRIED

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## **REPORT**

### **1. Executive Summary**

This report seeks Council resolution for the award of Contract No. 21/005 for the Asphalt Treatment portion of the Road Resurfacing Program for 2020/2021.

Council has committed to the delivery of the 2020/2021 Road Resurfacing Program in the 2020/21 capital budget, with a total budget allocation of \$5,263,426.00. This contract forms part of the Road Resurfacing Program with an allocation of \$3,674,360 of the total budget. The contract involves the resurfacing of asphalt roads throughout the municipality.

The tender was advertised on 25 July 2020 as a schedule of rates contract with six tender responses being received and evaluated.

The tender evaluation panel is recommending that the contract be awarded to the selected contractor Asphaltech Pty Ltd as a schedule of rates contract with an estimated contract value of \$2,303,070.10 (excluding GST). The contractor is required to commence works on 21 September and complete the works by no later than 5 February 2021.

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

Melton City Council is committed to delivering safe road infrastructure to the community in a fiscally responsible manner. As part of this commitment, Council undertakes an annual road

resurfacing program through its Capital Works Program to maximise the useful life of road-based assets and to maintain the best possible condition of roads throughout their life-cycle.

A priority list of roads is compiled using condition data, local knowledge and renewal modelling outputs from predictive software to determine the asphalt program. The modelled roads are then inspected and confirmed by Council Officers in the Engineering and Operations departments. This process ensures that the roads have been selected using a robust analysis and are prioritised in accordance with the level of defect, hazard and risk.

The contractor is required to commence works on 21 September and complete the works by no later than 5 February 2021.

The assessment panel is recommending that the contract be awarded to Asphaltech Pty Ltd as a schedule of rates contract with an estimated contract value of \$2,303,070.10 (excluding GST).

### **Procurement**

The Tender Evaluation Panel for the assessment of tenders consisted of the officers outlined in Table 1.0.

Table 1.0: Tender Evaluation Panel

<b>Panel member</b>	<b>Position</b>
Jonathan Majdlik	Capital Projects Officer
Kerry Walton	Transport and Traffic Coordinator
Rishi Viner	Civil Operations Coordinator

All three officers made a declaration that they did not have a conflict of interest in relation to any of the tender submissions.

The selection panel determined the selection criteria and weighting prior to the advertising of the tender. The selection criteria and weighting are listed in Table 2.0.

Table 2.0: Selection Criteria and Weighting

<b>Selection Criteria</b>	<b>Weighting</b>
1. Cost to council	50%
2. Project Team's relevant demonstrated experience in successfully completing project of a similar type and scale	20%
3. Nominated Personnel – skills, qualification and experience of staff, including sub-contractors	10%
4. Demonstrated understanding of the project and requirements and quality of submission	10%
5. Local Content	10%

This project was tendered as a schedule of rates contract. Tenders were advertised in The Age on Saturday, 25 July 2020 and closed on Monday, 17 August 2020. Six submissions were received. All of the submissions received were assessed in detail to clarify a variety of exclusions, contract conditions and contract departures.

As the tendered price is based on a schedule of rates, the contractors were given an estimated area and asked for a rate based on the required treatment, traffic management and supervision. Due to a large number of price variables, each road and treatment had a different rate.

Following further clarification/information obtained during and after the interview stage, a detailed tender evaluation was completed by the Tender Evaluation Panel. The detailed tender evaluation was based on Council's criteria for evaluation of tenders as set out in the tender documentation. Tender submissions ranged from an estimated contract price between \$2,303,070 and \$3,738,585 (ex GST).

Asphaltech Pty Ltd has submitted the lowest priced submission with an estimated contract price of \$2,303,070. They have demonstrated strong experience with similar road resurfacing contracts, including the completion of the previous four years' asphalt programs for Melton City Council. They understand Council requirements, have staff members who reside within Melton City Council and use a local subcontractor from within the municipality.

The proposed methodology of construction submitted by Asphaltech was well-considered and took into account constraints such as live traffic environments. The submission shows they understand Council's standards and requirements which will allow for smooth delivery of the program.

Asphaltech Pty Ltd has scored highly overall and have satisfied the tender evaluation panel that they can competently carry out these works. Therefore the Tender Evaluation Panel recommends the award of Contract 21/005 Sealed Road Renewal Program (Asphalt) to Asphaltech Pty Ltd.

### **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

*3.4 A flexible, safe and health promoting transport network that enables people to move around*

### **4. Financial Considerations**

The Sealed Road Renewal Program for 2020/21 has an overall budget of \$5,263,426 including carry forward funds.

The works for this contract were tendered as a schedule of rates contract for an estimated budget of \$3,674,346.00. The recommended tender of \$2,303,070.10 for the allocated asphalt treatments as outlined in Contract 21/005 can be achieved within the current budget allocation. Due to favourable market conditions, the estimated contract price is significantly under budget and represents a substantial cost saving to Council. The lower pricing has been influenced by excess resource capacity due to COVID-19, timing of the Request for Tender being early in the financial year, current oil prices and the strength of the Australian dollar.

There is also an allocation of \$150,000 within this budget for necessary preparation works (e.g. patching) that need to occur prior to the asphaltting works being undertaken.

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

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

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

Consultation with the community, affected property owners and commuters to notify them of disruptions throughout the construction works will form part of the project planning and delivery after the award of this Contract.

## **6. Risk Analysis**

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

a. Engagement of suitably qualified civil construction companies:

- Advertised open tenders to construction companies via The Age and on the Tendersearch website.
- Required companies tendering for the construction phase to comply with Council's occupational health and safety requirements.
- To assist in the selection of a construction company with suitable occupational health and safety work practices, Council requires construction companies invited to tender to provide evidence of a third party certified occupational health and safety management plan.
- Conducted referee checks for the appointment of the construction company.
- Ensured the contractor has a High Risk COVIDSafe Plan in place.

b. 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 resulted in satisfactory result.

## **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**

Nil

## 12.17 CONTRACT No. 20/041 - MANAGEMENT AND OPERATION OF KINDERGARTEN SERVICES

**Author: Sarah Bowen - Early Childhood Facilitator**  
**Presenter: Maurie Heaney - General Manager Community Services**

### PURPOSE OF REPORT

To seek Council's approval for the award of Contract No. 20/041 for the Management and Operation of Kindergarten Services commencing 1 January 2021 to 31 December 2025.

### RECOMMENDATION:

That Council:

1. Award Contract No. 20/041 for the Management and Operation of Kindergarten Services as outlined in **Appendix 1**.
2. Authorise the Chief Executive Officer to execute all relevant contract documentation.
3. Advise all tenderers accordingly.

### Motion

Crs Ramsey/Sebire.

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

The purpose of this report is to seek approval to award contract No. 20/041 for the Management and Operation of Kindergarten Services.

The contract includes service provision of Kindergarten at seventeen (17) council owned facilities and Long Day Care at one (1) facility for a contract period of five (5) years.

This report provides details regarding the tender process, submissions received and the methods undertaken by the Tender Evaluation Panel in selecting the preferred providers.

Following the advertisement of a tender for the Management and Operation of Kindergarten services, 4 tenders were received and assessed by a panel of Council Officers. Applications were evaluated against the selection criteria on their application as at **Appendix 1**.

### 2. Background/Issues

Kindergarten services in the City of Melton are managed and operated by external early years providers within Council owned facilities. Contracts for seventeen (17) of these services will expire at the end of December 2020.

Council manages the central enrolment process and contracts for provision of Kindergarten for four year old funded kindergarten places in the City of Melton that are provided within Council's facilities. In the past, these contracts have been awarded for a five year period.

In 2020 a staged roll out of Funded Three year old kindergarten commenced in the State of Victoria. Melton is included in the Local Government areas identified for roll out of 3 year old kindergarten programs out in 2022 with an initial 5 hour commencement. This contract includes the provision of both three and four year old funded kindergarten.

**Procurement:**

The tender for the Provision of Management and Operation of Kindergarten services contract No. 20/041 was advertised in The Age on Saturday, 27 June 2020, as well as on Council's website with applications closing at 12pm on Friday, 17 July 2020.

Council received four (4) tenders, all of which were shortlisted for interviews.

The Tender Evaluation Panel for the assessment of tender submissions consisted of the officers outlined in Table 1.0

**Table 1.0: Tender Evaluation Panel**

Panel Member	Position
Brendan Ball	Manager Families and Children
Leigh Ball	Coordinator Early Childhood
Sam Rumoro	Manager Finance
Sally Edwards	Community Activation and Learning Coordinator
Marita Hynds	Children's Services Team Leader
Sarah Bowen	Early Childhood Facilitator

All officers made a declaration that they did not have any conflict of interest in relation to any of the tender submissions.

All tender responses passed an initial assessment against mandatory criteria and were then further evaluated by the Tender Evaluation Panel against the evaluation criteria set out in Table 2.0 below.

**Table 2.0: Selection Criteria and Weighting**

Selection Criteria	Weighting
<b>Capacity and Resources</b> Evidence of organisational capacity and resources to deliver all aspects of the Services.	20%
<b>Previous Experience</b> Evidence of operational experience and the delivery of similar works.	25%
<b>Price</b> Best value with respect to pricing.	10%
<b>Local Content</b> Compliance against the Council's Procurement Policy (Clause 4 of RFT)	10%



<b>Methodology and Customer Service</b> Evidence of adequate contract management procedures including reporting and management capabilities, quality and customer service.	25%
<b>Compliance with Specifications and Contract</b> Level of compliance with Specifications and Contract	10%

Weighted criteria was scored using the following scoring system set out in Table 3.0 below.

**Table 3.0: Scoring System**

Description	Evaluation	Score
Excellent	<ul style="list-style-type: none"> <li>Compliant</li> <li>Exceeds all aspects of the evaluation criterion and the additional input adds value</li> <li>Tenderer has an excellent understanding of the requirements.</li> <li>Excellent probability of success</li> </ul>	5
Very good	<ul style="list-style-type: none"> <li>Compliant</li> <li>Exceeds some aspects of evaluation criterion (and meets all other aspects of the evaluation criterion)</li> <li>Tenderer has a good understanding of the requirements</li> <li>Very good probability of success</li> </ul>	4
Good	<ul style="list-style-type: none"> <li>Compliant</li> <li>Meets the selection criterion</li> <li>Good probability of success</li> </ul>	3
Acceptable	<ul style="list-style-type: none"> <li>Fails some aspects of the selection criterion</li> <li>Some minor weaknesses</li> <li>Low level of understanding of the requirements</li> <li>Low probability of success</li> </ul>	2
Marginally Acceptable	<ul style="list-style-type: none"> <li>Fails some aspects of the selection criterion</li> <li>Some major weaknesses</li> <li>Low level of understanding of the requirements</li> <li>Low probability of success</li> </ul>	1
Unacceptable	<ul style="list-style-type: none"> <li>Non-Compliant</li> <li>Fails to address many aspects of the selection criterion</li> <li>Very low level of understanding of the requirements</li> <li>Very low probability of success</li> </ul>	0

A total of four (4) tenders were received and assessed by the panel. Interviews were held on Monday, 8 August 2020 with all four (4) tenderers invited to participate.

**Term of contract:**

The provision of Kindergarten Services commences on 1 January 2021 for a five year period ending 31 December 2025.

Details of current Kindergarten provision is contained in **Appendix 1**.

**Existing services**

All current providers of kindergarten services tendered to continue to perform the services currently provided. An additional provider, One Tree Community Services, also tendered for the provision of four services (see **Appendix 1**)

**New service**

Eynesbury Kindergarten is a new service opening in 2021. Three (3) applications were received through the tender process for the operation of this service. TRY Australia performed the best in both the application and interview scoring and are well placed to meet the requirements and specifications of service provision at the new Eynesbury kindergarten. TRY Australia provided a sound strategic vision in addition to proven experience and the ability to work in close partnership with Council and their proposed fee schedule was deemed the most affordable for families.

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

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

4. A strong local economy and a lifelong learning City: A City rich in local employment and education opportunities

*4.4 A City with a variety of local education facilities and programs.*

### **4. Financial Considerations**

There will be no financial commitment for Council in operating Kindergarten Services. As part of their contract, the successful Early Years Management providers will pay an annual licence fee to Council of \$1,500.00 per licenced Early Years Room.

Successful Early Years Management providers will pay for all (or the proportion of charge if a separate meter is not installed), utility services in connection with the licensed areas of each of the facilities including electricity, gas, water and telephone.

Council as the landowner will continue to have the overall responsibility for maintenance and capital expenditure for the facilities inclusive of OH&S compliance as the physical infrastructure is Council's asset. Facilities must meet the required standards for Education and Care Services Regulations.

A financial assessment was undertaken by Equifax Australasia Credit Ratings Pty Ltd (Corporate Scorecard) and returned a satisfactory result for three (3) of the four (4) tenderers. A further meeting was held with the one organisation in which Council was able to obtain further information about the organisations financial position.

All tenderers also provided a 6 month financial forecasting giving consideration to the current Covid-19 pandemic. Financial assessments and forecasting were reviewed the by Council's Finance Manager.

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

As the supply of this category is an internal service to Council, no public consultation has been undertaken. In accordance with section 186 of the *Local Government Act 1989*, the contract was advertised and assessed by way of a public tender.

## **6. Risk Analysis**

If Council choose not to adopt the recommendation, the tender would need to be readvertised. This may result in the inability to provide Kindergarten at the commencement of 2021 kindergarten year.

## **7. Options**

Nil.

## **LIST OF APPENDICES**

1. Contract No. 20/041 for the Management and Operation of Kindergarten Services - Tender Evaluation Panel Recommendations - undated

Cr Ramsey left the meeting at 9:03pm.

Cr Ramsey returned to the meeting at 9:04pm.

## **12.18 CONTRACT No.21/008 - DESIGN AND CONSTRUCTION SERVICES ASSOCIATED WITH THE PROPERTY AT 23 WESTWOOD DRIVE, RAVENHALL**

**Author: Jane Johnson - Capital Projects Officer  
Presenter: Peter Bean - General Manager Corporate Services**

### **PURPOSE OF REPORT**

To seek Council's approval for the award of Contract No. 21/008 for design and construction services commencing 21 September 2020.

### **RECOMMENDATION:**

That Council:

1. Awards Contract No. 21/008 for design and construction services associated with the property at 23 Westwood Drive, Ravenhall submitted by Corplex for the sum of \$1,832,250 (excl. GST) commencing 21 September 2020.
2. Delegate to the Chief Executive Officer the execution of all contract documents.
3. Advise all tenderers accordingly.

### **Motion**

Crs Majdlik/Ramsey.

That the recommendation be adopted.

CARRIED

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## **REPORT**

### **1. Executive Summary**

This report seeks Council resolution for the award of Contract No. 21/008 for design and construction services associated with the development of the land at 23 Westwood Drive, Ravenhall.

The project involves the development of 23 Westwood Drive, Ravenhall to deliver two warehouses with associated internal fit out, car parking, crossovers and landscaping.

The completion of these works will provide two warehouses with internal office space, amenities and storage. The intention of the constructing the two warehouses is to seek to establish an emergency support service for Melton residents. The other warehouse is designed as a "warm shell" fitout with the structural design accommodating a future addition of a mezzanine level.

## 2. Background/Issues

Council owns the vacant block of land located at 23 Westwood Drive, Ravenhall. This contract will provide design and construction services to fully develop the vacant land to deliver two warehouses and associated carparking, crossover and landscaping requirements.

### Project Scope

- - Detailed design and full review of existing conditions
- - Construction of 2 warehouses including internal office area and amenities
- - Carparking
- - Crossover
- - Landscaping and associated civil works
- - Co-ordinate Authority connections and approvals

### Procurement

Tenders were sought from four suitably qualified contractors from the Construction Supplier Register in accordance with the Ministerial Approval dated 17 May 2012. This Ministerial Approval means that an invitation to tender can be made directly to entities listed on the Construction Supplier Register, rather than an open invitation advertised in a newspaper. All four entities invited have experience in delivering projects of a similar scope and size. Three responses were received and assessed on the basis of the evaluation criteria described in the tender documents.

All tenders conformed to the requirements of the tender documentation and were evaluated. The tender evaluation Panel agreed to interview all three tenderers. The prices ranged from \$2,723,677 to \$1,832,250.

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

The Tender Evaluation Panel for the assessment of tender submissions consisted of the Officer's outlined in Table 1.0.

Table 1.0: Tender Evaluation Panel

Panel member	Position
Braith Norman	Coordinator Capital Projects
Simon Temple	Acting Coordinator Statutory Planning
Jane Johnson	Capital Projects Officer

All tender responses were evaluated by the Tender Evaluation Panel against the Evaluation Criteria set out below.

Table 2.0: Selection Criteria and Weighting

Selection Criteria	Weighting
Organisations' previous experience in similar sized and scoped projects.	30%
Skills, qualifications and experience of staff	15%
Understanding of project and proposed methodology	20%
Cost to Council	30%
Local Content	5%

Following further clarification/information obtained during and after the interviews, a detailed tender evaluation was completed by the Tender Evaluation Panel. The detailed tender evaluation was based on Council's criteria for evaluation of tenders as set out in the tender documentation.

On this basis, the recommended contractor is Corplex. Corplex demonstrated suitable previous experience, skills, qualifications and a sound understanding of the project scope and methodology and were also the lowest priced tender.

### 3. Council Plan Reference and Policy Reference

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

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

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

### 4. Financial Considerations

The below table shows the total project cost required to complete this project.

Item	Cost
Initial Design Fees	\$47,000
Design and Construction Contract	\$1,832,250
Authority Fees	\$6,000
Superintendency and Contract Administration	\$22,500
Balance available	\$92,250
Total Budget	\$2,000,000

### 5. Consultation/Public Submissions

Key stakeholders were consulted in order to determine the user requirements. Information collected through this consultation was used to develop the tender specifications. Internal stakeholders consulted during this process include Statutory Planning and Capital Projects. Consultation with the affected property owners to notify them of disruptions throughout the construction works will form part of the project planning and delivery after the award of this Contract.

### 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:
  - 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.

2. Engagement of a financially capable construction company:
  - The engagement of an independent and expert consultant to conduct a financial review of the recommended company.
3. Development of risk management plans for the project.
4. The development of a clear project brief, the use of an industry standard contract.
5. An internal assessment panel consisting of members from Planning and Capital Projects

## **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**

Nil

**12.19 CONTRACT NO. 21/007 - MELTON CIVIC CENTRE ACCOMMODATION**

**Author: Jane Johnson - Capital Projects Officer**  
**Presenter: Luke Shannon - General Manager Planning & Development**

**PURPOSE OF REPORT**

To seek Council's approval for the award of Contract No. 21/007 for design and construction services at the Melton Civic Centre commencing 21 September 2020.

**RECOMMENDATION:**

That Council:

1. Awards Contract No. 21/007 for design and construction services associated with Melton Civic Centre Accommodation Project submitted by Rork Projects Pty Ltd for the sum of \$2,520,248.13 (excl. GST) commencing 21 September 2020.
2. Delegate to the Chief Executive Officer the execution of all contract documents.
3. Advise all tenderers accordingly.

**Motion**

Crs Turner/Ramsey.

That the recommendation be adopted.

CARRIED

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

**For:**

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

**Against:**

Nil

The Mayor declared the Motion CARRIED

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

This report seeks Council resolution for the award of Contract No. 21/007 for design and construction services associated with the refurbishment of the Melton Civic Centre at 232 High St, Melton.

The project involves upgrading areas of the Melton Civic Centre to replace end of life assets, infrastructure and fittings and provide for improved customer service experience and future organisation growth. Refurbishment works are proposed for the front entry foyer, the office accommodation and amenities.

The project aims to provide a welcoming and functional entry foyer which will provide customers and visitors access to a range of services both in person and via new technology.



The project will also deliver a suitable office environment and amenities to accommodate for growth in staff numbers over the next decade and proposes to replace aged building infrastructure and fittings within the building.

## 2. Background/Issues

Council has occupied the Melton Civic Centre since it was constructed in the early 1990's and much of the infrastructure is aged and at the end of its operational lifecycle. This contract will provide design and construction services to refurbish the Civic Centre to improve its functionality and operation.

The upgrade works include replacement of essential infrastructure such as the heating ventilation air conditioning (HVAC) system which is at risk of failing and would result in major disruptions and non-complying facilities. Other essential services infrastructure will also be upgraded to allow for additional capacity of staff within the Civic Centre. These works are scheduled under the renewal component of the budget and will be occurring as essential requirements to enable staff to continue occupying the building.

The current capacity of the Civic Centre does not accommodate for any growth in staff numbers and without this refurbishment, alternative arrangements for staff growth will need to be investigated. As the HVAC and essential services upgrades will be disruptive to staff occupation of the facility, a unique opportunity is presented to co-ordinate essential scheduled upgrade works with a new layout to increase the capacity of the building by approximately 60 workpoints. There are also 16 additional meeting rooms included in the design to provide an office environment that can cater for staff growth and extend the life of the Civic Centre.

The refurbishment of the foyer will provide an improved customer experience with a new counter layout, additional customer meeting rooms, new interactive technology and more comfortable and diverse waiting arrangements.

The scope includes:

- Redesign and upgrade the foyer to provide improved customer facing interactions
- Replace systems, services infrastructure and amenities at the end of their useful life
- Replace aged fixtures, fittings and furniture to implement an open plan office floorplan
- Increase the number and type of meeting facilities with associated IT and AV equipment

The priority stage of works is the foyer area with a planned commencement in October 2020 and completion in December 2020. The essential services, amenities and office environment upgrade works are planned to be staged to minimise disruption to staff and service provision with works scheduled between November 2020 and August 2021.

### Procurement

Tenders were sought from four suitably qualified contractors from the Construction Supplier Register in accordance with the Ministerial Approval dated 17 May 2012. This Ministerial Approval means that an invitation to tender can be made directly to entities listed on the Construction Supplier Register, rather than an open invitation advertised in a newspaper.

All four entities invited have experience in delivering projects of a similar scope and size. Three responses were received and assessed on the basis of the evaluation criteria described in the tender documents.

All tender submissions were evaluated and the tender evaluation Panel agreed to interview all three tenderers. The prices after tender clarification assessment ranged from \$2,520,248 to \$3,444,430.

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

The Tender Evaluation Panel for the assessment of tender submissions consisted of the Officer's outlined in Table 1.0.

Table 1.0: Tender Evaluation Panel

Panel member	Position
Braith Norman	Coordinator Capital Projects
Darren Gray	Coordinator Property Services
Jane Johnson	Capital Projects Officer

All tender responses were evaluated by the Tender Evaluation Panel against the Evaluation Criteria set out below in Table 2.0.

Table 2.0: Selection Criteria and Weighting

Selection Criteria	Weighting
Organisations' previous experience in similar sized and scoped projects.	25%
Skills, qualifications and experience of staff	15%
Understanding of project and proposed methodology	20%
Cost to Council	30%
Local Content	10%

Following further clarification / information obtained during and after the interviews, a detailed tender evaluation was completed by the Tender Evaluation Panel. The detailed tender evaluation was based on Council's criteria for evaluation of tenders as set out in the tender documentation.

On this basis, the recommended contractor is Rork Projects. Rork Projects demonstrated suitable previous experience, skills, qualifications and a sound understanding of the project scope and methodology and were also the lowest priced tender.

A separate tender is to be undertaken for procurement of workstations and loose furniture. Council has undertaken to procure this component separately to the design and construct contract to ensure the best value for money is achieved. IT and AV design is currently underway with Melton's current service providers. Allowances have been made in the project budget based on Quantity Surveyor and / or technical expert estimates.

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

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

3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way
  - 3.2 *Community facilities, infrastructure and services that are equitably planned for, provided and maintained.*

#### 4. Financial Considerations

The below table shows the total project cost required to complete this project.

Item	Cost
Initial Design Fees	\$26,252
Design and Construction Contract	\$2,520,248
Superintendency and Contract Administration	\$28,500
Workstations and Loose Furniture	\$950,000
IT & AV	\$975,000
<b>Total Budget</b>	<b>\$4,500,000</b>

The project has funding allocated via Council budget from the operational renewals and the accommodation reserve ledger.

Item	Cost
Melton City Council	\$4,500,000

#### 5. Consultation/Public Submissions

Key stakeholders were consulted in order to determine the user requirements. Information collected through this consultation was used to develop the tender specifications. Internal stakeholders consulted during this process include representatives from all Council departments.

#### 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:
  - 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.
2. Engagement of a financially capable construction company:
  - The engagement of an independent and expert consultant to conduct a financial review of the recommended company.
3. Development of risk management plans for the project.
4. The development of a clear project brief and the use of an industry standard contract.
5. An internal assessment panel consisting of members from Property Services and Capital Projects.

## **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**

Nil

## 12.20 CONTRACT No. 21/021 - PROVISION OF COMPUTER HARDWARE

Author: Robert Zucca - Coordinator Service Desk  
Presenter: Peter Bean - General Manager Corporate Services

### PURPOSE OF REPORT

To seek Council's approval to award Contract No. 21/021 for the provision of computer hardware to Dell Australia Pty Ltd, following a tender process conducted by the Department of Premier and Cabinet (DPC) that conformed to Section 186 of the *Local Government Act 1989*.

### RECOMMENDATION:

That Council award Contract No. 21/021 for the provision of computer hardware and deployment services to Dell Australia Pty Ltd for a term of 1 year with the option of 2 further terms of 1 year for the estimated value of \$500,000 per year.

### Motion

Crs Hardy/Majdlik

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

The purpose of this report is to seek Council's approval to award the contract for the provision of computer hardware and deployment services to Dell Australia Pty Ltd.

The organisation is due for a new contract for the provision of computer hardware, including laptops, monitors, laptop docking stations, keyboards and mouse etc. The organisation spent approximately \$500,000 on computer hardware and deployment services in 2019-20 and estimate that it will spend approximately \$500,000 per year depending on the organisations needs and the age of computer hardware.

DPC have pre-negotiated agreements with a number of computer hardware vendors. To ensure the organisation obtains competitive pricing for computer hardware and deployment services, the organisation had requested quotes from these pre-approved panel members.

There are 5 computer hardware suppliers that make up the pre-approved panel members for the DPC Agreement. The organisation invited the panel members to quote for the provision of computer hardware based on its requirements.

The organisation completed the request for quotation (RFQ) and received 3 written and 2 verbal responses to the request for quotation for the provision of computer hardware and deployment services. They were from Acer Computers Australia Pty Ltd, Dell Australia Pty Ltd and HP Australia Pty Ltd. Both Computers Now Pty Ltd and ASI Solutions Pty Ltd failed to respond.

The evaluation panel assessed the suppliers' responses on 4 key criteria and they are, compatibility with the environment, compatibility with establish support process, compatibility with established support processes and price.

This report seeks Councils resolution to award Contract No. 21/021 for the provision of computer hardware and deployment services to Dell Australia Pty Ltd under the conditions outlined above, for a term of 1 year with the option of 2 further terms of 1 year. The estimated spend per year is approximately \$500,000.

## 2. Background/Issues

Computers play a vital role in the delivery of services to the community and enabling Council's workforce. Computer hardware is made up of desktop or laptop computers, large LCD monitors, laptop docking stations, keyboards and mouse.

All the above hardware is currently provided by DELL Australia Pty Ltd under the previous Procurement Australia (**PA**) negotiated computer hardware contract, which has now expired.

The key benefit for entering into a computer hardware contract, is that the organisation can lower the cost of computer hardware by taking advantage of competitive pricing negotiated under the new DPC-SPC-01-2018 agreement (**the DPC Agreement**).

### The contract

The contract provides for the provision of computer hardware and optional services that the organisation may procure from the supplier.

The following is a list of standard products and services provided by the supplier.

- Computer hardware - laptop computers, LCD monitors, laptop docking stations, keyboards and mouse.
- Support – the provision of 24/7 support services via email or phone.
- Break-fix services, 3 years warranty – repair or replacement of faulty or damaged hardware within agreed timeframes.
- Best pricing – pre-negotiated Government pricing as per the DPC Agreement.

The following value-add service can be purchased from the supplier if required.

- Installation.
  - Basic installation: unpacking equipment, setting up equipment and start-up.
  - Extended installation: including installation of additional software or hardware, network connection, data transfer from existing desktop/notebook/two-in-one, updating buyer registers.
- Imaging: software imaging services so a software profile can be installed on hardware prior to delivery.
- Labelling: including the attachment of asset identification labels and recording into a database.
- Disposal: removal of all desktops and notebook computers, including quality-assured data security requirements.
- Take back and disposal service: used when computers need to be destroyed or recycled.
- Additional accidental damage protection and theft insurance.
- Out-of-hours extended warranty support.
- Extended warranty service provision (resolution within 4 hours).
- Take back and disposal service, and
- Storage of hardware prior to installation.

### Supplier panel members

There are 5 computer hardware suppliers that make up the panel members for the DPC agreement. The organisation invited these panel members to quote for the provision of computer hardware and deployment services. Table 1:0 contains the list of suppliers on the panel.

Table 1:0: The supplier panel members

Supplier panel members
Acer Computers Australia Pty Ltd
Dell Australia Pty Ltd
HP Australia Pty Ltd
Computers Now Pty Ltd
ASI Solutions Pty Ltd

### Procurement

The organisation received 3 written and 2 verbal responses to the request for quotation for the provision of computer hardware, they were, Acer Computers Australia Pty Ltd, Dell Australia Pty Ltd and HP Australia Pty Ltd. Both Computers Now Pty Ltd and ASI Solutions Pty Ltd advised that they could not supply DELL computers under the DPC agreement. The evaluation panel assessed the submissions received against the evaluation criteria.

The evaluation panel consisted of the Officer's outlined in Table 2.0

Table 2:0 The evaluation panel members

Evaluation panel members	Position
Robert Briggs	Project Manager
Patrick Kariuki	Senior Service Desk Officer
Andrew O'Connor	Service Desk Officer
Nephi Kahu	Service Desk Officer
Novia Pradana	Coordinator
Robert Zucca	Project Manager
Vi Truong	Library Technology & System Officer

No member of the evaluation panel declared any conflict of interest in relation to this supplier evaluation.

All responses were evaluated by the evaluation panel against the evaluation criteria set out below.

### Evaluation Criteria

The evaluation panel assessed the suppliers responses against 4 key criteria:

- Compatibility with the environment - to ensure that the computer hardware is compatible with current systems, software and peripherals.
- Compatibility with establish support process - to ensure that the supplier's response supports council's current and established support processes.

- Compatibility with established procurement practices - to ensure that the supplier's responses support Council's current procurement processes.
- Price - to ensure value for money computer hardware that is fit for purpose.

The list of selection criteria and their weightings are contained in Table 3:0.

Table 3.0: selection criteria and weighting

Criteria	Weighting
Compatibility with environment	25%
Compatibility with established support process	25%
Compatibility with established procurement practise	25%
Price (combined Laptop, 24" monitor and dock)	25%
<b>TOTAL WEIGHTED SCORE</b>	<b>100%</b>

### Scores

Each response was scored in relation to the above selection criteria. The highest rated score was for the incumbent, Dell Australia Pty Ltd, second was HP Australia Pty Ltd and third was Acer Computers Australia Pty Ltd. Both Computers Now Pty Ltd and ASI Solutions Pty Ltd failed to respond.

Table 4:0: Overall Scores

Supplier panel members	Score (out of 100)
Acer Computers Australia Pty Ltd	30
Dell Australia Pty Ltd	75
HP Australia Pty Ltd	35
Computers Now Pty Ltd	Failed to respond.
ASI Solutions Pty Ltd	Failed to respond.

### 3. Council Plan Reference and Policy Reference

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

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

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

### 4. Financial Considerations

In the financial year 2019/20, Council on average spent a total of approximately \$500,000 on computer hardware and deployment services from its recurrent budget. It is estimated that Council will spend approximately \$500,000 per year on computer hardware and deployment services.



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

Key internal stakeholders were engaged via a series of meetings aimed at identifying their requirements for computer hardware.

## **6. Risk Analysis**

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

1. An internal evaluation panel consisting of members from the Information Services business unit and an independent officer,
2. Completion of a request for quotation process, to obtain the best price for computer hardware and services from pre-approved hardware suppliers, from the Whole of Victorian Government DPC agreement.

## **7. Option**

Council has the options to:

1. Adopt the Officers' recommendations as presented in this report.
2. Have the organisation undertake a tender for the provision of computer hardware and deployment services.

## **LIST OF APPENDICES**

Nil

The meeting was adjourned at 9:52pm

The meeting resumed at 10:02pm.

Cr Ramsey left the meeting at 10:30pm.

Cr Ramsey returned to the Chamber at 10:31pm.

## 12.21 MELTON COURTHOUSE CAFÉ UPGRADE

**Author: Peter Bean - General Manager Corporate Services**  
**Presenter: Peter Bean - General Manager Corporate Services**

### PURPOSE OF REPORT

To further consider the upgrade of the Courthouse Café and the leasing arrangements of the facility.

### RECOMMENDATION:

That Council:-

1. Accept the grant of \$200,000 from the Office of Suburban Development
2. Commence discussions with the current leaseholder for a new commercial lease with terms and conditions that are acceptable to Council.
3. Awards Contract No.20/044 for Melton Court House Café to Stokes Rousseau Pty Ltd for the sum of \$417,243.00 (excl GST) commencing June 2020.
4. Authorise the Chief Executive Officer to execute all contract documentation.
5. Increase the budget allocation to the project by an additional \$40,000 (excl GST) for FY20/21.

### Motion

Crs Ramsey/Turner

That the recommendation be adopted.

LOST

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

### For:

Crs Mendes, Ramsey, Sebire and Turner

### Against:

Crs Abboushi, Carli, Hardy, Kesic and Majdlik

The Mayor declared the Motion LOST

**Procedural Motion**

Crs Ramsey/Hardy.

With the time being 10:35pm and in accordance with Rule 16.2 in Chapter 2 of the Governance Rules, that the meeting be continued for a further 30 minutes.

CARRIED

**Motion**

Crs Kesic/Hardy.

That Council:

1. Delegate authority to the Chief Executive to terminate the lease with the current operator to a maximum amount of \$40k.
2. Accept the grant of \$200k from the Office of Suburban Development
3. Advertise as per Public Tender Expression of Interest for the Melton Court House Café operations which would be underpinned in a Commercial Lease.
4. The scope of works to include that the Operator is expected to fit out the premises at their own expense, exclusive of structural, mechanical, electrical and plumbing affixed to the leased premises by and at the expense of the Operator.
5. All personal property, furnishings and equipment and all other trade fixtures installed in or hereafter by or at the expense of the Operator shall remain the property of the Operator.
6. The Operator agrees to a security deposit with the Council for the full and faithful performance by the Operator of all the terms of this lease required by the performance by the Operator.
7. The Operator is expected to negotiate in good faith a commercial lease that reflects the costs of the new works and services that the Council has undertaken to upgrade the Melton Court House Café.
8. The Public Tender documents to be viewed and agreed to by Council before the said documents are advertised.

CARRIED

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

**For:**

Crs Abboushi, Carli, Hardy, Kesic and Majdlik

**Against:**

Crs Mendes, Ramsey, Sebire and Turner

The Mayor declared the Motion CARRIED

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

Council moved a motion at the ordinary meeting of council held on 22 June 2020 for staff to not proceed with negotiations for the courthouse café upgrade and to pursue Council's

capacity to proceed with a public tender for an operator with a commercial leasing arrangement. Since this time the Department Of Justice have advised that Council can pursue its direction to advertise a public tender using the state government lease but this allows for Council to include conditions as it deems necessary. The other factor to consider with this project is that Council put forward the project for a grant opportunity with the Office of Suburban Development who have advised that Council will be successful in being awarded a \$200k grant towards the upgrade on the basis of Council contributing \$250k. Advice from commercial real estate agents are that it may be difficult to secure a tenant with the COVID pandemic situation and what that means going onto the future as well as the fact that Melton is not yet recognised as a place/destination to attract a significant operator like we are wanting and investing in the facility may make it difficult to attract an operator.

## 2. Background/Issues

Council resolved at its meeting held on 22 June 2020:

*That Council officers prepare a report for the next Council meeting to address the following matters:*

- *Pursuant to the Local Government Act 2020, cease all negotiations regarding the Melton Court House Café upgrade contract forthwith.*
- *Advertise as per Public Tender Expression of Interest (Section 108 of the Local Government Act 2020) for the Melton Court House Café operations which would be underpinned in a Commercial Lease.*
- *The scope of works to include that the Operator is expected to fit out the premises at their own expense, exclusive of structural, mechanical, electrical and plumbing affixed to the leased premises by and at the expense of the Operator.*
- *All personal property, furnishings and equipment and all other trade fixtures installed in or hereafter by or at the expense of the Operator shall remain the property of the Operator.*
- *The Operator agrees to a security deposit with the Council for the full and faithful performance by the Operator of all the terms of this lease required by the performance by the Operator.*
- *The Operator is expected to negotiate in good faith a commercial lease that reflects the costs of the new works and services that the Council has undertaken to upgrade the Melton Court House Café.*
- *The Public Tender documents to be viewed and agreed to by Council before the said documents are advertised.*

Staff had submitted a grant application under the Urban Renewal Project scheme with the Office for Suburban Development. This department is within the Department of Jobs, Precincts and Regions (DJPR). The grant is part of a \$500k application for a number of projects in the Melton township precinct and staff have been advised that \$200k has been allocated to the upgrade of the courthouse facility. Whilst communications have been engaged informing Council staff of this, a formal funding agreement has not yet been received. This is due to the challenges of the current environment and the challenges being faced by State Government staff being able to obtain Ministerial sign off to enable documentation to be signed. The grant is based on Council contributing \$250k towards the project.

Now that the outcome of the grant application has been determined, staff are in a better position to respond to the motion adopted by Council. Discussions with the Department of Justice, as the owner of the facility, have been necessary to understand whether a third party is allowed to undertake significant works on the historical building as well including special

conditions into a lease as the lease is between the operator and the Department of Justice as the owner of the facility and Council as the Committee of Management (landlord).

The department have advised that Council can terminate the existing lease with the operator as it sees fit to do and all negotiations to terminate are between the Council and the operator. Council can advertise for a public tender (expression of interest) and a new lease with the Department of Justice can be undertaken with any reasonable conditions that Council may request to be included subject to the Departments approval. A lease that includes a security deposit and reflects the cost of works and services that the Council has undertaken are already included in the standard type of lease currently. The matter of details included in the scope of works that the operator would be required to undertake as well as personal property, furnishings and equipment that would remain the property of the operator can also be incorporated into a lease.

Having spoken with two commercial agents to obtain an understanding of rental returns for the completed fitout and if an operator was to partially fit out the facility, both have expressed a position the supports the initial advice received which is that Melton is not seen as a destination for this type of facility and as such it may be difficult to attract a business that is comfortable to commit the type of funding Council is wanting to see invested. The consensus is that Council would be best to undertake the entire fitout in order to attract a business that would understand the expectation of Council in what it would want to see operating there. It was also suggested that rent relief for an initial period (suggested 3 years) to allow a business to establish itself might be needed.

The current leaseholder is happy to work with Council in whatever direction it chooses to take. The current lease has 1 year remaining with an option for an additional 3 years. In the event that Council completed the refurbishment, they would be seeking to renegotiate a new commercial lease that is in keeping with the improvements made. Should Council still want to seek a new operator, staff will need to negotiate with the leaseholder to terminate the lease to Council.

The COVID pandemic also creates concerns with the level of success that may be achieved in seeking a new operator. With lockdown affecting the hospitality industry significantly more than others it may be pertinent to continue with the current leaseholder under a new commercial lease and Council completing the total fitout of the facility to ensure there is someone to move in and activate the building as well as the broader town centre area. If Council is not successful with securing an operator the facility could remain closed for an indefinite period until the aftermath of the pandemic is understood and businesses start to re-establish themselves.

Success in receiving the grant from the Office of Suburban Development combined with Council funds carried over from last years budget will allow the completion of the project with a shortfall of \$40k. Concerns expressed in relation to the potential ability to secure an operator in the COVID pandemic environment has confirmed that the project should continue as it was presented to Council at the Ordinary Meeting of Council held on 22 June 2020.

### **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
  - 1.4 *A resilient community promoting social cohesion.*

### **4. Financial Considerations**

The previous report to Council to appoint the contractor to undertake the works set out that the Melton Court House Café project requires an overall budget of \$520,000 (excluding

GST). In reviewing the budget allocations and evaluating the level of risk involved on the improvements works the contingencies amount of \$30k have been removed.

The budget components for the project are as follows:

<b>Funding Source</b>	<b>Amount \$</b>
19/20 Carry forward City of Melton	\$250,000
20/21 City of Melton	\$ 40,000
Office of Suburban Development grant	\$200,000
<b>TOTAL</b>	<b>\$490,000</b>

An amount of \$250,000 was included in the 2019/20 budget and has been carried forward to the current year while detailed plans were completed. A QS cost plan has been undertaken which closely aligns with the amounts received from Contractors quoting for the works. The additional funds needed for the works would be incorporated in the 2020/21 budget.

The budget components for the project are as follows:

<b>Budget</b>	<b>Amount \$</b>
Construction – Building Works (this Contract)	\$417,243
Consultant Fees	\$36,057
Authority Fees	\$12,700
Fixed Furniture & Fittings	\$24,000
<b>TOTAL</b>	<b>\$490,000</b>

In respect of the issue around leasing options based on Council undertaking the entire upgrade as compared to a partial or complete fitout by an operator is something that is reflected in the leasing payments received. Under a complete fitout by Council, the value of the facility to leasing purposes is maximised and as such Council can expect to receive a rental amount that will pay back the investment in upgrading it over a reasonable period of time. Advice provided in preparing this report places a rental amount at around \$35k and will be indexed over the term of the lease. If an operator was to contribute towards the fitout of the facility, the leasing amount is effectively reduced by that amount over the life of the lease term plus interest accrued on those funds for the same period.

In respect of an operator establishing themselves in the facility and subsequently on-selling the business, the value of the sale is not affected by Council's financial contribution to the facility but the goodwill they have created in operating and running the business. The investment Council has contributed remains in the facility and is being paid back to the Council through the maximum rental amount paid by the operator.

## 5. Consultation/Public Submissions

Consultation in gaining an understanding of market values for rental arrangements as well as an understanding of market conditions was undertaken in the preparation of this report. Discussions with the Office of Suburban Development also occurred as part of the funding application.

## 6. Risk Analysis

It is considered that the risks raised in pursuing the Motion adopted by Council due to the COVID pandemic situation in attracting a suitable person from the hospitality industry at the present time is of some concern. This is supported by the fact that Melton is not considered a location that the hospitality industry would typically be looking to invest in to any significant degree and may prove problematic in attracting the type of operator that Council are wanting.

In reviewing the budget and evaluating the level of risk involved in the project the contingencies amount of \$30k have been removed. Much of this decision has been based on the fact that works undertaken in recent years have addressed issues that might arise in buildings of this age and type that would need contingencies to be factored in the project budgets. The outstanding balance of \$40k is less than estimate to pay out existing lease. It is actually better off to complete the works given that no investment by the lessee means that the commercial rental (to be negotiated) will be significantly greater, because if the lessee contributes \$250K to upgrade the facility then this contribution would have to be offset in future rental returns.

## 7. Options

Should Council not intend to proceed with the recommendation set out in the report, two further options are available.

### 1. That Council:

1. Delegate authority to the Chief Executive to terminate the lease with the current operator to a maximum amount of \$50k.
2. Accept the grant of \$200k from the Office of Suburban Development
3. Advertise as per Public Tender Expression of Interest for the Melton Court House Café operations which would be underpinned in a Commercial Lease.
4. Awards Contract No.20/044 for Melton Court House Café to Stokes Rousseau Pty Ltd for the sum of \$417,243.00 (excl GST) commencing June 2020.
5. Authorise the Chief Executive Officer to execute all contract documentation.
6. Increase the budget allocation to the project by an additional \$40,000 (excl GST) for FY20/21.

### 2. That Council:

1. Delegate authority to the Chief Executive to terminate the lease with the current operator to a maximum amount of \$50k.
2. Not accept the grant of \$200k from the Office of Suburban Development
3. Advertise as per Public Tender Expression of Interest for the Melton Court House Café operations which would be underpinned in a Commercial Lease.
4. The scope of works to include that the Operator is expected to fit out the premises at their own expense, exclusive of structural, mechanical, electrical and plumbing affixed to the leased premises by and at the expense of the Operator.
5. All personal property, furnishings and equipment and all other trade fixtures installed in or hereafter by or at the expense of the Operator shall remain the property of the Operator.
6. The Operator agrees to a security deposit with the Council for the full and faithful performance by the Operator of all the terms of this lease required by the performance by the Operator.

7. The Operator is expected to negotiate in good faith a commercial lease that reflects the costs of the new works and services that the Council has undertaken to upgrade the Melton Court House Café.
8. The Public Tender documents to be viewed and agreed to by Council before the said documents are advertised.

**LIST OF APPENDICES**

Nil



## 12.22 COMMEMORATIVE NAMING PROPOSAL - HIGGINBOTHAM SPORTS COMPLEX

**Author: Cole Sloan - Legal Officer**  
**Author: Troy Scoble - Manager Recreation & Youth**  
**Presenter: Maurie Heaney - General Manager Community Services**

### PURPOSE OF REPORT

To consider a commemorative naming proposal for a new sports complex as shown in **Appendix 1**, currently under development and situated within MacPherson Park Recreation Reserve at 783-857 Coburns Road, Toolern Vale.

### RECOMMENDATION:

That Council:

1. support the naming proposal to name a new sports complex as shown in **Appendix 1**; within MacPherson Park Recreation Reserve situated at 783-857 Coburns Road, Toolern Vale, the 'Higginbotham Sports Complex';
2. commence a public consultation process with users of the sports complex;
3. gives public notice in the Melton & Moorabool Star Weekly newspaper and on Council's website inviting community feedback in relation to the naming proposal; and
4. delegates authority to the Chief Executive Officer to do all things required to formalise the name with the Office of Geographic Names subject to user and community feedback.

#### Motion

Crs Turner/Abboushi

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

The purpose of this report is for Council to consider a commemorative naming proposal for a new sports complex building under development at MacPherson Park Recreation Reserve at 783-857 Coburns Road, Toolern Vale.

The name 'Higginbotham Sports Complex' has been proposed to recognise the passing of City of Melton resident; Mr Kenneth Higginbotham and his lifelong contributions to sport and also to that of the wider Melton community.

Council is a Naming Authority pursuant to the *Geographic Place Names Act 1998* (the Act) and is responsible for geographic names within the municipality. If Council is minded to consider the commemorative naming proposal, it will need to commence the necessary user and public consultation in relation to the naming proposal before making a submission for final approval to the Office of Geographic Names.

## 2. Background/Issues

Macpherson Park was developed in the 1970s, MacPherson Park Recreation Reserve (MPRR) is Council's principal recreational facility, servicing clubs and teams from the local and broader region. MPRR is 98 hectares in size and is located six kilometres to the north of the centre of the Melton Township (Coburns Road, Harkness) outside of the Melbourne Urban Growth Boundary. The reserve has historically been well utilised by a range of sport and recreational groups over the years, however much of the build form is aged, inaccessible and requires renewal.

A new master plan was endorsed at the Ordinary Meeting of Council in December 2017. Stage of the master plan to renew and develop new Sports Pavilion to service oval 1,2 and 3, netball courts, multi-purpose synthetic sportsground, upgrade servicing for the whole park, car park and road network has been completed. The Master Plan is attached at **Appendix 2**.

The sports complex is home to the key anchor tenants of the Melton Football & Netball Club as well as the Melton Cricket Club.

It is proposed that part of the new sports complex will be named the 'Higginbotham Sports Complex' as set out in **Appendix 1** in commemoration of one of the Melton Football & Netball Club's life-long active club member and former Club President; Kenneth Higginbotham.

Kenneth Higginbotham served as a member of the Melton Football Club Committee until his passing in 2019, providing decades of service as a continuous volunteer along with his wife Norma Higginbotham. During this time he assisted as Club President, Secretary and Treasurer. He was also voted and endorsed as a life member of the Club.

Ken also served as the President and Member of the Lions of Club of Melton, whose selfless service to the community for over 50 years, received the International President's Appreciation Award from the District Governor.

Officers have undertaken initial consultation with the Higginbotham family along with the Melton Football and Netball Club and all have provided their support subject to the necessary and appropriate consultation as well as the relevant statutory processes.

Should Council be minded to consider the naming proposal, formal public consultation will be undertaken with the users of the sports complex and the community by way of a public notice published in the Melton & Moorabool Star Weekly and on Council's website, seeking feedback.

A search of the Register of Geographic Names showed no other duplicate or similar names within a 30km radius as set out in **Appendix 3**. The naming proposal otherwise meets the key principles as set out in the Act and the *Naming rules for places in Victoria; Statutory requirements for naming roads, features and localities 2016* (the Rules) a summary of which is set out in **Appendix 4**.

Council is a Naming Authority pursuant to the Act and the Rules and is responsible for geographic names within the municipality.

## 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

5.1 *Deliberative engagement and effective communication with the community that informs planning and decision making.*

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

Not applicable.

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

While there is no 'section 223' statutory consultation requirement, the Act and the Rules under that Act contemplate some form of public consultation by Council.

The commemorative naming proposal has been developed in consultation with the Higginbotham family, and the Melton Football Netball Club in recognition of Mr Kenneth Higginbotham's longstanding contributions to Sport and the wider community.

Should Council be minded to support the naming proposal, officers have developed a consultation plan which includes consultation with the relevant users of the sports complex, the general public and any other relevant stakeholders. As part of the consultation plan, letters will be provided to each sporting club as the users of the sports complex detailing the naming proposal and seeking feedback.

Considering the scale of the development project and its importance to a large section of Melton's sporting community, a public notice will also be placed in the Melton & Moorabool Star Weekly and published on Council's website inviting feedback for a period of at least 30 days.

Any submission received during the public consultation period must be considered by Council as the naming authority having regard to Rules and any other relevant matters.

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

Not applicable.

#### **7. Options**

That Council:

1. Adopt the recommendation as set out or
2. Not proceed with the naming proposal and Officers to advise the Higginbotham family accordingly.

#### **LIST OF APPENDICES**

1. Shaded Map of the Proposed Naming Area - (Feature) -Higginbotham Sports Complex - dated 1 September 2020
2. MacPherson Park Recreation Reserve Future Directions Paper - Update to Master Plan - dated 18 December 2017
3. Search of the Register of Geographic Names - VICNAMES Map - undated
4. Table Assessing - Key Principles in Section 2 of the Naming Rules - dated 31 August 2020

Cr Turner left the meeting at 10:53pm.

## **12.23 PROPOSED LEASE TO DJERRIWARRH EMPLOYMENT & EDUCATION SERVICES INCORPORATED FOR (PART) 237 - 239 STATION ROAD, MELTON**

**Author: Maree Stellini - Senior Legal Officer**  
**Presenter: Maurie Heaney - General Manager Community Services**

### **PURPOSE OF REPORT**

For Council to consider entering into a new lease with Djerriwarrh Employment & Education Services Incorporated for part of the premises situated at 237 – 239 Station Road, Melton.

### **RECOMMENDATION:**

That Council:

1. consider entering into a new lease with Djerriwarrh Employment & Education Services Incorporated for part of the land situated at 237 – 239 Station Road, Melton with the following key terms:
  - a) commencement date of 1 January 2021;
  - b) term of 10 years
  - c) annual rental of \$55,000 inclusive GST increased by 3% on each anniversary of the commencement date.
2. place a public notice in the Melton & Moorabool Star Weekly as well as on Council's website of its intention to enter into a new lease with Djerriwarrh Employment & Education Services Incorporated.
3. convene a meeting of the Section 223 Submissions Advisory Committee to be conducted via a videoconference to hear from anyone who states in his/her submission a desire to be heard in person, at 6.30pm on 23 November 2020.
4. receive a further report following close of the submission period to enable it to make a final decision on the matter.

### **Motion**

Crs Ramsey/Hardy

That the recommendation be adopted.

CARRIED

## REPORT

### 1. Executive Summary

The purpose of this report is for Council to consider entering into a new lease with Djerriwarrh Employment & Education Services Incorporated (Djerriwarrh) to replace its existing lease in relation to the properties situated at (part) 237 – 239 Station Road, Melton and 241 Station Road, Melton (the Existing Lease).

Djerriwarrh is seeking greater security of tenure following the development of the Melton Central Community Centre and as the Existing Lease is currently in over hold.

If Council decides to consider a new lease it would be required to commence the statutory process in accordance with sections 190 and 223 of the *Local Government Act 1989* (the Act). This includes advertising Council's intention to enter into a new lease with the relevant key terms calling for submissions and those wishing to be heard on the matter.

If Council is not minded to offer a new lease then, insofar as the Existing Lease refers to the premises situated at 237 – 239 Station Road, Melton, Council would be required to give 30 days' notice to Djerriwarrh terminating the lease. This is on the basis that the leased area has since been demolished and has been replaced by the Melton Central Community Centre.

### 2. Background/Issues

Council currently leases part of the premises situated at part 237 – 239 Station Road, Melton and 241 Station Road, Melton to the Lessee (the Existing Lease). The Existing Lease is currently in effect on an over holding basis.

Council was successful in obtaining part-funding from the State Government for the demolition and construction of a new facility at 237 – 239 Station Road, Melton. The resulting project, Melton Central Community Centre, will bring together community education with migrant and refugee settlement support services to improve coordinated access to these services within the City of Melton. A plan of the new Melton Central Community Centre is set out at **Appendix 1**.

With the demolition of the previous facility and the construction of the new Melton Central Community Centre facility, the Lessee has provided notice to Council expressing their desire to enter into a new lease in order to continue delivering services to the community from within the Melton Central Community Centre.

Djerriwarrh is a long standing and significant local provider of community education and other services within the community, providing support for a diverse range of local residents. It also facilitates locally delivered partnerships for other government services and is a key participant in several of Council's objectives to improve lifelong learning outcomes for the community.

It is proposed that any new lease(s) would separate the two premises as set out in this report and in the report immediately following.

The proposed lease is for part of the premises as set out in **Appendix 2** and would contain the following key terms:

- a) commencement date of 1 January 2021;
- b) term of 10 years
- c) annual rental of \$55,000 inclusive GST increased by 3% on each anniversary of the commencement date.

with all other terms to be into line with Council's standard leases.

The Act requires for any lease of 10 years or more or where the annual rental is \$50,000 or more that Council must place a public notice in a newspaper circulated in the municipality inviting submissions. The public notice will also be placed Council's website with the ability for individuals to complete an online submission form.

If any person wishes to be heard in support of their submission, a hearing will be required to be conducted pursuant to s223 of the Act. Council would then take those submissions (including any hearings) into account in making a final decision as to whether or not to enter the lease with Djerriwarrh.

If Council is not minded to offer a new lease then, insofar as the Existing Lease refers to the premises situated at 237 – 239 Station Road, Melton, Council would be required to give 30 days' notice to the Lessee terminating the lease. This is on the basis that the leased area has since been demolished and has been replaced by the Melton Central Community Centre.

### **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 new lease would yield income of \$55,000 inclusive of GST per annum with a 3% increase payable on each anniversary of the commencement date. As the leased area relates to part of the premises as set out in **Appendix 2** it is proposed that Council will be responsible for all outgoings except those related to telephone and associated network charges including any connection fees (if any).

The cost of lease preparation may or may not be able to be borne by the tenant depending on the applicability of the Retail Leases Act which does not allow landlords to seek a reimbursement of legal costs from a tenant.

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

If Council is minded to consider entering into a new lease, then in accordance with sections 190 and 223 of the Act, a public notice must be placed in a local newspaper inviting submissions in relation to the proposed new lease.

If any person wishes to be heard in support of their submission then Council will be required to convene a hearing in order for the submitters to be heard, a proposed time and date has been included in the Officer's recommendation to this report.

Council would then take those submissions (including any hearings) into account in making a final decision as to whether to enter into a new lease with Djerriwarrh.

### **6. Risk Analysis**

If Council is not minded to offer a new lease then, insofar as the Existing Lease refers to the premises situated at 237 – 239 Station Road, Melton; Council would be required to give 30 days' notice to Djerriwarrh terminating the Existing Lease.

### **7. Options**

1. Adopt the recommendation as set out; or

2. Decide not to commence the process of considering a new lease and provide written notice to the Lessee terminating the lease insofar as it relates to the premises situated at (part) 237 – 239 Station Road, Melton.

**LIST OF APPENDICES**

1. Plan of Premises - Part 237-239 Station Rd, Melton - dated 2 September 2020
2. Floor Plan - Proposed Leased Area to Djerriwarrh Employment and Education Services - undated

## 12.24 PROPOSED LEASE TO DJERRIWARRH EMPLOYMENT & EDUCATION SERVICES INCORPORATED FOR 241 STATION ROAD, MELTON

Author: Maree Stellini - Senior Legal Officer  
Presenter: Maurie Heaney - General Manager Community Services

### PURPOSE OF REPORT

For Council to consider entering into a new lease with Djerriwarrh Employment & Education Services Incorporated for the premises situated at 241 Station Road, Melton.

### RECOMMENDATION:

That Council:

1. consider entering into a new lease with Djerriwarrh Employment & Education Services Incorporated for the premises situated at 241 Station Road, Melton with the following key terms:
  - a) commencement date of 1 January 2021;
  - b) term of 10 years
  - c) peppercorn rental of \$1.00 per annum subject to the tenant undertaking upgrade works to the premises to the minimum value of \$350,000.
2. place a public notice in the Melton & Moorabool Star Weekly as well as on Council's website of its intention to enter into a new lease with Djerriwarrh Employment & Education Services Incorporated.
3. convene a meeting of the Section 223 Submissions Advisory Committee to be conducted via videoconference to hear from anyone who states in his/her submission a desire to be heard in person, at 6.30pm on 23 November 2020.
4. Receive a further report to Council following close of the submission period so that Council may make a final decision on the matter.

### Motion

Crs Majdlik/Ramsey

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

The purpose of this report is for Council to consider entering into a new lease with Djerriwarrh Employment & Education Services Incorporated (Djerriwarrh) to replace its existing lease in relation to the properties situated at (part) 237 – 239 Station Road, Melton and 241 Station Road, Melton (the Existing Lease).

Djerriwarrh is seeking greater security of tenure following the development of the Melton Central Community Centre and as the Existing Lease is currently in over hold.



A new lease would contain the following key terms:

- a) commencement date of 1 January 2021;
- b) term of 10 years; and
- c) peppercorn rental of \$1.00 per annum subject to the tenant undertaking upgrade works to the premises to the minimum value of \$350,000.

If Council decides to consider a new lease, it would be required to commence the statutory process in accordance with sections 190 and 223 of the *Local Government Act 1989* (the Act). This includes advertising Council's intention to enter into a new lease with the Lessee calling for submissions and those wishing to be heard on the matter.

If Council is not minded to offer a new lease then the Existing Lease would remain in overhold.

## 2. Background/Issues

Council currently leases part of the premises situated at part 237 – 239 Station Road, Melton and 241 Station Road, Melton to Djerriwarrh. The Existing Lease is currently in effect on an over holding basis.

Council was successful in obtaining part-funding from the State Government for the demolition and construction of a new facility at 237 – 239 Station Road, Melton and a proposed lease to Djerriwarrh for this premises is the subject of the report immediately prior.

It is proposed that any new lease(s) would separate the two premises.

Djerriwarrh has provided notice to Council expressing their desire to enter into a new lease in order to continue delivering services to the community from 241 Station Road, Melton. A plan of the premises is set out at **Appendix 1**.

Djerriwarrh is a long standing and significant local provider of community education and other services within the community, providing support for a diverse range of local residents. It also facilitates locally delivered partnerships for other government services and is a key participant in several of Council's objectives to improve lifelong learning outcomes for the community.

The proposed lease would contain the following key terms:

- a) commencement date of 1 January 2021
- b) term of 10 years; and
- c) peppercorn rental of \$1.00 per annum subject to the tenant undertaking upgrade works to the premises to the minimum value of \$350,000.

with all other terms to be in line with Council's standard leases.

### Upgrade works

It is proposed that Djerriwarrh would be responsible for all aspects of the upgrade of the premises including obtaining the relevant plans, permits and approvals (including the approval of Council). All work will be required to be undertaken by qualified tradespeople and/or a registered builder and otherwise in accordance with the proposed lease.

Djerriwarrh will be required to reach practical completion of the works by no later than 12 – 18 months from the commencement date of the lease.

Should Djerriwarrh breach or otherwise not be in a position to comply with this special condition, Djerriwarrh will be required to pay rent as determined by Council to be market rental.

### Local Government Act

The Act requires for any lease of 10 years or more or where the current market rental annual rental is \$50,000 or more or where it involves a building or improving lease; that Council must place a public notice in a newspaper circulated in the municipality inviting submissions.

Should Council be minded to consider the proposed lease, a public notice will be published in the Melton & Moorabool Star Weekly inviting submissions. The public notice will also be placed on Council's website with individuals able to complete an online submission form.

If any person wishes to be heard in support of their submission, a hearing will be required to be conducted pursuant to s223 of the Act. Council would then take those submissions (including any hearings) into account in making a final decision as to whether or not to enter the lease with Djerriwarrh.

If Council is not minded to offer a new lease then insofar as the Existing Lease relates to this premises, the Existing Lease would remain in overhold.

## **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 proposed lease is for a peppercorn rental of \$1.00 per annum subject to the tenant undertaking upgrade works to the premises to the minimum value of \$350,000.

The cost of lease preparation may or may not be able to be borne by the tenant depending on the applicability of the Retail Leases Act which does not allow landlords to seek a reimbursement of legal costs from a tenant and can otherwise be absorbed within the recurrent Legal & Governance budget.

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

If Council is minded to consider entering into a new lease, then in accordance with sections 190 and 223 of the Act, a public notice must be placed in a local newspaper inviting submissions.

If any person wishes to be heard in support of their submission then Council will be required to convene a hearing in order for the submitters to be heard, a proposed time and date has been included in the Officer's recommendation to this report.

Council would then take those submissions (including any hearings) into account in making a final decision as to whether to enter into a new lease.

## **6. Risk Analysis**

If Council does not consider a new lease, the Existing Lease will remain in overhold.

## **7. Options**

1. Adopt the recommendation as set out; or
2. Decide not to commence the process of considering a new lease to Djerriwarrh Employment & Education Services Incorporated on the terms out in this report.

**LIST OF APPENDICES**

1. Plan of Premises - Leased Area to Djerriwarrh Employment and Education Services - dated 2 September 2020

## 12.25 PROPOSED ROAD DISCONTINUANCE FOR PART OF ST ARNAUD ROAD, EYNESBURY

Author: Maree Stellini - Senior Legal Officer  
Presenter: Christine Denyer - Manager Legal and Governance

### PURPOSE OF REPORT

To consider a proposed road discontinuance and sale for part of St Arnaud Road, Eynesbury to the adjoining landowner; Eynesbury Property Development Pty Ltd.

### RECOMMENDATION:

That Council:

- (a) discontinue the Roads that comprise the land shown hatched and marked 'A', 'B', 'C', 'D' and 'E' at **Appendix 1** pursuant to clause 3 of Schedule 10 of the *Local Government Act 1989* on the basis that the Roads are not reasonably required for public use for the reasons set out in this report;
- (b) resolves to sell the discontinued Roads, for the market value of \$8,000 plus GST, to the adjoining landowner; Eynesbury Property Development Pty Ltd;
- (c) a notice pursuant to clause 3 of Schedule 10 of the Act is published in the Victoria Government Gazette; and
- (d) delegates authority to the Chief Executive Officer to execute any necessary documentation to give effect to the discontinuance and the transfer of the Roads.

### Motion

Crs Majdlik/Sebire

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

Eynesbury Property Development Pty Ltd (the Adjoining Owner) has sought that Council discontinue and sell parcels of land that form part of St Arnaud Road, Eynesbury in order to progress their broader development within the suburb of Eynesbury.

The parcels of land comprise the land shown hatched and marked 'A', 'B', 'C', 'D' and 'E' at **Appendix 1** and have a total area of approximately 114 square metres (the Roads).

At the Ordinary Meeting of Council on 11 May 2020, Council resolved amongst other things to:

- a) remove the Roads from Council's Register of Public Roads; and
- b) commence the statutory procedures to consider discontinuing the Roads and give notice pursuant to section 207A and 223 of the *Local Government Act 1989* of its intention to discontinue the Roads and sell the discontinued Roads to the Owner.

A public notice was published in the Melton and Moorabool Star Weekly newspaper inviting submissions in relation to Council's intention to discontinue and sell the Roads with submissions closing at 5pm on 16 June 2020.

No submissions received in response to the public notice and Council is now in a position to consider whether to discontinue and sell the Roads to the Owner for market value.

## 2. Background/Issues

At the Ordinary Meeting of Council on 11 May 2020, Council resolved to remove the Roads from Council's Register of Public Roads on the basis that the Roads are no longer reasonably required for general public use. Council also resolved to commence the process to discontinue and sell the Roads to the Owner.

The Roads are described as Road R18 on certificate of title volume 11388 folio 756, being part of plan of subdivision no. PS543210K (Plan) and are registered in the name of Council. Subsequent to the registration of the Plan, the Adjoining Owner has determined that the Roads are superfluous to their road requirements and is seeking to have the Roads discontinued and sold by Council in order to facilitate the Adjoining Owner's development within Eynesbury.

The Roads are therefore 'roads' for the purposes of the *Local Government Act 1989* (the Act) which Council has the power to consider discontinuing.

In accordance with section 207A and 223 of the Act, a public notice was published in the Melton and Moorabool Star Weekly newspaper on 19 May 2020 setting out Council's intention to discontinue and transfer the Roads to the Owner for market value. Submissions were open until 5pm on 16 June 2020 with no submissions received in response to the public notice.

A market valuation has been obtained from Charter Keck Cramer valuers dated 26 August 2020 and assessed the Roads as \$8,000 excluding GST.

The Owner has agreed to pay Council's costs and disbursements associated with the proposed discontinuance of the Roads, together with the market value of \$8,000 excluding GST for the transfer of the discontinued Roads to the Owner.

With all the necessary statutory processes undertaken, Council is now in a position to make a final decision as to whether or not to discontinue the Roads and be sold to the Owner.

## 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 Owner has agreed to acquire the Roads for their market value (plus GST).

A market valuation has been obtained from Charter Keck Cramer valuers dated and assessed the Roads as \$8,000 excluding GST.

In addition to the market value of the Roads (plus GST), the Owner has agreed to pay Council's costs and disbursements associated with the discontinuance and transfer.

## 5. Consultation/Public Submissions

In accordance with section 207A and 223 of the Act, a public notice was published in the Melton and Moorabool Star Weekly newspaper on 19 May 2020, with submissions closing at 5pm on 16 June 2020.

No submissions were received in response to the public notice.

As Lot S88 is the only property which abuts the Roads, Council did not require the Owner to seek the consent of any other adjoining owners.

Should Council resolve to discontinue and sell the Roads, a notice pursuant to clause 3 of Schedule 10 of the Act will be published in the Victoria Government Gazette.

## 6. Risk Analysis

Pursuant to clause 3 of Schedule 10 of the Act, a council has the power to discontinue roads located within its municipality and sell the land from those roads or retain the land for itself.

The discontinuance and sale of the Roads will facilitate the development within the suburb of Eynesbury.

## 7. Options

Council may either resolve:

- (a) to adopt the Recommendation as set out; or
- (b) not to discontinue the Roads and allow the Roads to remain as roads at law.

## LIST OF APPENDICES

1. Proposed Road Discontinuance - undated

Cr Turner returned to the meeting at 11:02pm.

### Procedural Motion

Crs Ramsey/Majdlik.

With the time being 11:02pm and in accordance with Rule 16.2 in Chapter 2 of the Governance Rules, that the meeting be continued for a further 30 minutes.

CARRIED

## 12.26 SALE OF LAND AT 83-105 ABEY ROAD

**Author: Laura-Jo Mellan - Executive Manager Property and Projects**  
**Presenter: Laura-Jo Mellan - Executive Manager Property and Projects**

### PURPOSE OF REPORT

To consider the sale of land at 83-105 Abey Road

### RECOMMENDATION:

That Council:

1. Sell the land at Lot 1 PS611313W, 83-105 Abey Road (**Appendix 1**) to Sita Buslines Pty Ltd and/or nominee for **\$1,050,000.00** excluding GST with a condition precedent that Sita Buslines Pty Ltd obtain a Planning Permit for the use and development of the land for a bus depot within 12 months of the date of the Council resolution;
2. Authorise the CEO to negotiate and execute the contract of sale and all ancillary documents to give effect to the sale and settlement.

### Motion

Crs Ramsey/Kesic

That the recommendation be adopted.

CARRIED

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## REPORT

### 1. Executive Summary

At the Ordinary of Meeting of Council on 9 December 2019, Council resolved to 'sell the land at Lot 1 PS611313W (83-105) Abey Road Cobblebank to Sita Coaches Pty Ltd for an amount of \$1.1 million with a condition precedent that Sita Coaches Pty Ltd obtain a Planning Permit for the purposes of a bus depot for the land within 12 months'.

In accordance with this resolution, Sita Buslines Pty Ltd submitted a planning permit application which highlighted that 0.36 hectares of the property is required for drainage

purposes. This resulted in the area subject to the sale being reduced from 1.687 hectares to 1.327 hectares. In addition, through the process of negotiation of the Contract of Sale, Council was advised that the name of the legal entity for the purposes of the contract was not Sita Coaches but Sita Buslines Pty Ltd.

As a result of the above, Council resolved at the Ordinary Meeting of Council 20 July 2020, amongst other things, to re-advertise the intention to sell by public notice on the basis of the revised property boundary and legal entity and to note the proposed sale price of \$1,050,000.00 based on the revised valuation.

A Public Notice advising of Council's intention to sell the land was advertised in the Star Weekly Newspaper on 28 July 2020 calling for any submissions in relation to Council's intention to sell land and advising of a four week submission period which closed on 25 August 2020. No submissions were received as a result of the advertisement.

Based on the above and consistent with the previous resolution of Council, it is recommended that Council proceed with the sale of the land at 83-105 Abey Road with a condition precedent that requires Sita Buslines Pty Ltd to obtain a planning permit for the use and development of the site for the purposes of a bus depot within 12 months.

## 2. Background/Issues

A report was presented to Council at the Ordinary Meeting of Council of 14 October 2019 outlining a request from Sita Coaches to acquire land in the Cobblebank area for the purposes of establishing a bus depot to service the current and expanding Public Transport Victoria (PTV) bus route services.

At the Ordinary Meeting of Council on 9 December 2019, Council resolved to 'sell the land at Lot 1 PS611313W (83-105) Abey Road Cobblebank to Sita Coaches Pty Ltd for an amount of \$1.1 million with a condition precedent that Sita Coaches Pty Ltd obtain a Planning Permit for the purposes of a bus depot for the land within 12 months'.

In accordance with this resolution, Sita Buslines Pty Ltd prepared and submitted a planning permit application. The identified site is 83-105 Abey Road which is 1.687 hectares and located in the Toolern Precinct Structure Plan (PSP).

It was been identified by Planning Services in the assessment of the application that 0.36 hectares of the property is required for drainage purposes by the Toolern PSP. As a result, it was agreed that it would be reasonable to remove the encumbered land from the property being sold to Sita Buslines. This resulted in the area subject to the sale being reduced to 1.327 hectares and the boundary of the property has been altered (**Appendix 1**).

The reduction in the land subject to the sale also required a revised valuation which has been received and as a result the proposed sale price is \$1,050,000.00 rather than the \$1,100,000.00 resolved by Council at the Ordinary Meeting 9 December 2019.

In addition, through the process of negotiation of the Contract of Sale, Council was advised that the name of the legal entity for the purposes of the contract was not Sita Coaches but Sita Buslines Pty Ltd.

As a result of the above, Council resolved at the Ordinary Meeting of Council 20 July 2020, amongst other things, to re-advertise the intention to sell by public notice on the basis of the revised property boundary and name of the legal entity.

The above issues do not change the intended purpose of the land as it will still be used for the purposes of a bus depot for Sita operations.

A Public Notice advising of Council's intention to sell the land was advertised in the Star Weekly Newspaper on 28 July 2020 calling for any submissions in relation to Council's intention to sell land and advising of a four week submission period which closed on 25 August 2020. No submissions were received as a result of the advertisement. No submissions were received as a result of the advertisement.



Based on the above and consistent with the previous resolution of Council, it is recommended that Council proceed with the sale of the land at 83-105 Abey Road with a condition precedent that requires Sita Buslines Pty Ltd to obtain a planning permit for the use and development of the site for the purposes of a bus depot.

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

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

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

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

### **4. Financial Considerations**

The sale of the land meets the requirements of Council's broader Strategic Investment Strategy and the funds derived from this sale will go into the investment reserve and used in accordance with the Council adopted policy.

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

Section 189 of the Local Government Act 1989 ('the Act') contains statutory requirements that Council must comply with in relation to a sale of this nature. The section provides that Council must:

- At least 4 weeks prior to any sale, place a Public Notice in a newspaper circulating in the area, giving notice of Council's intention to sell the land and calling for submissions in relation to this proposal including advising those who wish to be heard (personally or by a representative) of the right to do so pursuant to Section 223 of the same Act.
- No more than 6 months prior to any sale, obtain a valuation.
- Conduct a Section 223 hearing if a person or persons wish to be heard.

A Public Notice advising of Council's intention to sell the land was advertised in the Star Weekly Newspaper on 28 July 2020 calling for any submissions in relation to Council's intention to sell land and advising of a four week submission period which closed on 25 August 2020. No submissions were received as a result of the advertisement. No submissions were received as a result of the advertisement.

### **6. Risk Analysis**

There is no foreseen risk to Council in proceeding with the sale. The condition precedent which forms part of the recommendation seeks to ensure that the land is used for the purposes of a bus depot to service the current and expanding Public Transport Victoria (PTV) bus route services in the broader western catchment. This was the basis of the approach by Sita Buslines Pty to Council in respect of the acquisition of the land at 83-103 Abey Road.

As discussed above, the sale of the land meets the requirements of Council's broader Strategic Investment Strategy and the funds derived from this sale will go into the investment reserve and used in accordance with the Council adopted policy.

There is limited risk to Council if they choose not to proceed with the sale. However, Council have already committed to the sale of the land to Sita subject to the precedent condition that they obtain a planning permit to develop this site within 12 months of the sale. As a result of this previous resolution of Council, Sita Buslines Pty Ltd have progressed with the planning

permit application. If Council choose not to proceed with the sale given the overall proposal has not changed, it may result in reputational damage to Council.

## 7. Options

Council has the option to:

1. Sell the land at Lot 1 PS611313W, 83-105 Abey Road (**Appendix 1**) to Sita Buslines Pty Ltd and/or nominee for **\$1,050,000.00** excluding GST with a condition precedent that Sita Coaches Pty Ltd obtain a Planning Permit for the purposes of a bus depot for the land within 12 months and authorise the CEO to negotiate and execute the contract of sale and all ancillary documents to give effect to the sale and settlement;
2. Not proceed with the sale of land at Lot 1 PS611313W, 83-105 Abey Road, Cobblebank to Sita Buslines Pty Ltd and/or nominee.

## LIST OF APPENDICES

1. Site Subject to Sale at 83-105 Abey Road - dated 30 June 2020

## 12.27 MELTON COUNTRY CLUB - RENT RELIEF

Author: Maree Stellini - Senior Legal Officer  
Presenter: Kel Tori - Chief Executive Officer

### PURPOSE OF REPORT

To consider a request for rent relief from Essendon Football Club in relation to the Melton Country Club.

### RECOMMENDATION:

That Council in accordance with the *COVID-19 Omnibus (Emergency Measures) (Commercial Leases and Licences) Regulations 2020*:

1. Provide rent relief to Essendon Football Club in the form of a 50% waiver and 50% deferral for the period 29 March 2020 to 31 December 2020;
2. Delegate authority to the Chief Executive Officer to negotiate the method for amortisation of the deferred rent in accordance with the Regulations and execute any necessary documentation to give effect to the rent relief.

### Motion

Crs Abboushi/Majdlik

That Council:

1. Provide rent relief to Essendon Football Club in the form of a 100% deferral for the period 29 March 2020 to 31 December 2020;
2. Refer this matter for dispute resolution.

LOST

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

### For:

Crs Abboushi, Carli, Kesic and Majdlik

### Against:

Crs Hardy, Mendes, Ramsey, Sebire and Turner

The Mayor declared the Motion LOST

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## REPORT

### 1. Executive Summary

Essendon Football Club currently leases the property situated at 28-30 Reserve Road, Melton known as the Melton Country Club and has sought rent relief for the period 29 March 2020 to 31 December 2020 as set out in **Appendix 1**.

Council as the landlord is required to act in accordance with the *COVID-19 Omnibus (Emergency Measures) Act 2020* and the *COVID-19 Omnibus (Emergency Measures)*

*(Commercial Leases and Licences) Regulations 2020*, when considering and offering rent relief to tenants in eligible leases.

## 2. Background/Issues

Essendon Football Club (the Tenant) currently leases the property situated at 28-30 Reserve Road, Melton known as the Melton Country Club (the leased premises). The current lease commenced on 1 December 2018 and is in its initial term of 4 years (with a remaining five further term options of five years each).

COVID-19 pandemic has had a wide spread effect across the community and has resulted in many changes to the way businesses can operate. This has seen the closure of many facilities and specifically, the leased premises has been closed since on or about the end of March 2020.

By way of letter dated 1 September 2020, the Tenant has formally requested that Council consider providing rent relief as set out in **Appendix 1**. This is the second request for rent relief from the Tenant with the first request received prior to the relevant legislation and regulations coming into effect.

The Tenant has sought rent relief as a result of the COVID-19 pandemic and the various restrictions within Victoria that has seen the closure of the leased premises with an overall cease in revenue.

The request is seeking rent relief in the form of a 50% rent waiver and a 50% deferral of rent payable for the period 9 March 2020 to 31 December 2020.

### Relevant legislation

On 8 April 2020, the National Cabinet implemented a mandatory code of conduct for commercial leasing (the Code) which imposes a set of good faith leasing principles for negotiations between landlords and tenants.

Subsequently in Victoria, the *COVID-19 Omnibus (Emergency Measures) Act 2020* (the Act) and the *COVID-19 Omnibus (Emergency Measures) (Commercial Leases and Licences) Regulations 2020* (the Regulations) were enacted.

The objective of the Regulations is to implement temporary measures to apply to tenants and landlords under certain eligible leases to mitigate the effect of measures taken in response to the COVID-19 pandemic.

An eligible lease is a commercial or retail lease where the tenant is a participant in the JobKeeper scheme and has a turnover of less than \$50million.

The Tenant has advised that they are a participant in the JobKeeper Scheme and for their current financial year ending on 31 October 2020, will report turnover of approximately \$40m. Therefore based on this information, the lease is an eligible lease.

The Regulations are broadly as follows:

- taken to come into operation on 29 March 2020 and ending on 29 September 2020 (the relevant period as defined). Further information is set out in this report in relation to the proposed Bill.
- landlord and tenant must cooperate and act reasonably and in good faith in all discussions and actions (regulation 8(2));
- a landlord must offer rent relief to the tenant within 14 days after receiving the request or as otherwise agreed between the parties (regulation 10(3))
- a landlord's offer of rent relief must be based on all the circumstances of an eligible lease (regulation 10(4); and
- either party is able to refer a matter for dispute resolution (Part 6, Division 1 & 2)).

Rent relief

In accordance with regulation 10(4), rent relief must be based on all the circumstances of the eligible lease and must relate to up to 100% of the rent payable during the relevant period (regulation 10(4)(a)). The current monthly rent is \$24,947.36 per month inclusive of GST.

No less than 50% of the rent relief offered by the landlord must be in the form of a waiver of rent (unless a landlord and a tenant otherwise agree in writing) and apply to the relevant period (regulation 10(4)(b) and(c)). This would see the Tenant provided with a rent waiver in the total amount of \$12,473.50 per month.

As at the time of writing this report, the relevant period is 29 March 2020 to 29 September 2020.

In considering any further rent relief, regulation 10(4)(d) requires that a landlord take into account—

- (i) *the reduction in a tenant's turnover associated with the premises during the relevant period; and*
- (ii) *any waiver given pursuant to regulation 14(2); and*
- (iii) *whether a failure to offer sufficient rent relief would compromise a tenant's capacity to fulfil the tenant's ongoing obligations under the eligible lease, including the payment of rent; and*
- (iv) *a landlord's financial ability to offer rent relief, including any relief provided to a landlord by any of its lenders as a response to the COVID-19 pandemic; and*
- (v) *any reduction to any outgoings charged, imposed or levied in relation to the premises.*

The Tenant has sought a 50% deferral.

In accordance with regulation 16, deferred rent must be amortised and repaid over a minimum period of 24 months (unless the landlord and tenant otherwise agree). Payment of any deferred rent could commence at the expiry of the relevant period. The Regulations do not set out a method for amortisation and instead requires, the amortisation of the deferred rent to be agreed by the parties.

A landlord cannot charge interest or any other fee or charge in relation to any payment of deferred rent (regulation 17(2)).

Extension of legislation and regulations

On 20 August, the Victorian government released a media statement that the relevant period would essentially be extended until 31 December 2020.

Whilst not yet in operation, Council should note that the COVID-19 Commercial and Residential Tenancies Legislation Amendment (Extension) Bill 2020 has recently passed its third reading in the Legislative Assembly. The Bill proposes to extend the Regulations until 26 April 2021.

In considering the request from the Tenant, the Recommendation has taken into account these proposed amendments to the Regulations.

### **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 current lease provides for a monthly rent of \$24,947.36 inclusive of GST.

Rent relief in the form of a 50% waiver, would be in the amount of \$12,473 per month.

For the period 29 March 2020 to 29 September 2020, this would see a rent waiver of \$74,838.

For the period 29 March 2020 to 31 December 2020; as per the request, this would see a rent waiver of \$112,257.

Any deferred rent would be required to be repaid over a minimum period of 24 months (unless the landlord and tenant otherwise agree) with the method for amortisation of the deferred rent to be agreed by the parties.

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

Not applicable.

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

Council as landlord must cooperate and act reasonably and in good faith in all discussions and actions associated with matters to which the Regulations apply (regulation 8).

The Regulations provide for the referral of a dispute under an eligible lease to the Victorian Small Business Commission for mediation. The relevant mediation procedures apply.

Should the VSBC certify in writing that mediation has failed, or is unlikely to resolve the dispute, the matter can be the subject of a proceeding in VCAT or in a court. Leave is required to commence a proceeding in the Supreme Court.

#### **7. Options**

Council has the option to

1. Adopt the recommendation as set out;
2. Provide rental relief by way of a 50% waiver and 50% deferral for the period 29 March 2020 to 29 September 2020 and delegate authority to the Chief Executive Officer to negotiate the method for amortisation of the deferred rent in accordance with the Regulations and execute any necessary documentation to give effect to the rent relief.

#### **LIST OF APPENDICES**

1. Letter from Essendon Football Club - dated 1 September 2020

The time being 11:30pm and in accordance with Rule 16.3 in Chapter 2 of the Governance Rules, the Mayor declared the meeting adjourned until Monday 21 September 2020 at 7pm via a videoconference.

Confirmed

Dated this

.....CHAIRPERSON