



MELTON CITY COUNCIL

Notice is hereby given that the Ordinary Meeting of the Melton City Council will be held in the Council Chamber, Civic Centre, 232 High Street, Melton on 2 April 2020 at 7:00pm.

This is the adjourned meeting from 26 March 2020 that did not meet due to a lack of a quorum

THIS AGENDA CONTAINS REPORTS TO BE DEALT WITH AT A CLOSED MEETING OF COUNCIL

Kelvin Tori
CHIEF EXECUTIVE

Visitors to the Gallery please note:

Proceedings at Council meetings are controlled by the Chairperson. The Chairperson is empowered to enforce the provision of Council's Local Law, which includes the following aspects:

- **Silence** must be maintained by members of the public in the gallery at all times. A visitor to the gallery must not interject or take part in the debate that occurs in the Chamber.
- Members of the public in the gallery must not operate **recording equipment** at a Council or Special Committee Meeting without the prior written consent of Council.
- **Question time** is available at every Ordinary Meeting to enable members of the public to address questions to Council. All questions must be received by the Chief Executive Officer or other person nominated for this purpose no later than:
 - i) 5 pm on the day of the Ordinary Meeting if questions are submitted into the receptacle designated for public questions outside the Council Chamber
 - ii) 5pm on the day of the Ordinary Meeting if questions are submitted by electronic medium as per Council website directions.

A person must not submit more than two (2) individual questions at a meeting, inclusive of all parts and variants as interpreted by the Chairperson or other person authorised for this purpose by the Chairperson. The person directing the question must be present in the gallery at the time the question is to be dealt with for it to be valid.

- It is an offence for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave the meeting when requested by the Chairperson to do so.
Penalty: 20 Penalty Units
- It is an offence for any person to fail to obey a direction of the Chairperson relating to the conduct of the meeting and the maintenance of order.
Penalty: 20 Penalty Units

A penalty unit for a Local Law made under Part 5 of the *Local Government Act 1989* is \$100 in accordance with s110(2) of the *Sentencing Act 1991*.

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1. OPENING PRAYER AND RECONCILIATION STATEMENT

The Chairperson will read the opening prayer and reconciliation statement.

Prayer

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

Reconciliation Statement

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

2. APOLOGIES AND LEAVE OF ABSENCE

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

3. CHANGES TO THE ORDER OF BUSINESS

4. DEPUTATIONS

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

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

6. ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on 2 March 2020 be confirmed as a true and correct record.

7. RECORD OF ASSEMBLY OF COUNCILLORS

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

- 29 February 2020 Record of Assembly of Councillors
- 2 March 2020 Record of Assembly of Councillors
- 2 March 2020 Record of Assembly of Councillors
- 16 March 2020 Record of Assembly of Councillors

RECOMMENDATION:

That the Record of Assembly of Councillors dated 29 February, 2, 2 and 16 March 2020 attached to this Agenda be received and noted.

LIST OF APPENDICES

1. Record of Assembly of Councillors - dated 29 February 2020
2. Record of Assembly of Councillors - dated 2 March 2020 at 6:15pm
3. Record of Assembly of Councillors - dated 2 March 2020 at 9:25pm
4. Record of Assembly of Councillors - dated 16 March 2020

8. CORRESPONDENCE INWARD

8.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR

- Steve McGhie MP – State Member for Melton – Library Funding

RECOMMENDATION:

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

LIST OF APPENDICES

1. Letter from Steve McGhie MP - dated 2 March 2020

9. PETITIONS AND JOINT LETTERS

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

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

The following Rescission Motion was not heard at the Ordinary Meeting of Council on 2 March 2020 as it did not meet the requirements of Council's Meeting Procedure Local Law 2013. That Local Law says that a Rescission Motion cannot be considered at a meeting unless the number of Councillors in attendance at the meeting is at least equal to the number of Councillors in attendance when the resolution of Council was adopted.

Notice of Motion 674 laid on the table and is now brought back to this meeting for Council's consideration.

10.1 NOTICE OF MOTION 674 (CR KESIC)

Councillor: Goran Kesic - Councillor

MOTION:

That Council formally rescind the resolution of Council adopted at the Ordinary Meeting of Council held 3 February 2020 in Staff Report 12.7- **Response to Notice of Motion 658 - Provide further costings on the redevelopment of the Brookside Pavilion and consider redevelopment of the Taylors Hill Recreation Reserve community pavilion and grounds**, recorded in the minutes of that meeting as:

Motion:

Crs Abboushi/Carli

That Council:

1. Note the NoM 658 response.
2. Continue with its current planned works at the Brookside Recreation Reserve Pavilion up to \$1.4m.
3. Proceed with the development of Taylor Hill Recreation Reserve Community Pavilion to incorporate the requirements of soccer.
4. Allocate \$300,000 for design works to the current pavilion.
5. Allocate \$2m in the 20/21 budget year to commence construction works to the pavilion and ground renovation works.
6. Commit to retaining the two cricket pitches at Taylors Hill Recreational Reserve and align, where necessary, to accommodate three new soccer fields allowing cricket to continue to its current capacity on this site.
7. Facilitate a comprehensive consultation program with all user groups, the Westside Strikers Football Club, Sydenham Hillside Cricket Club, Hillside Football Club and Spring Hills Football Club, on the redevelopment of Taylors Hill Recreational Reserve.

CARRIED

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

For:

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

Against:

Nil

Cr Turner declared the Motion CARRIED

OFFICER'S COMMENTS:

Nil

11. PUBLIC QUESTION TIME

12. PRESENTATION OF STAFF REPORTS

12.1 OPERATIONAL RESPONSE TO DECLARED STATE OF EMERGENCY - COVID-19

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

PURPOSE OF REPORT

To update Council as to the operational response to the state wide (Class 2) Public Emergency declared in relation to COVID-19

RECOMMENDATION:

That Council notes the report.

REPORT

1. Executive Summary

A state wide (Class 2) Public Emergency has been declared in relation to COVID-19.

This allows for directions to be made pursuant to the *Public Health and Wellbeing Act 2008* (PH&W Act). Failure to comply with a Direction is an offence. The latest Directions both dated 18 March 2020 are at **Appendix 1**.

To protect the health of residents and staff, Council has enacted its Pandemic Plan for its staff, residents and the broader community.

As the CEO, responsible for the day to day operations of the Council and the health and safety of the staff I am assessing the situation on a daily – sometimes hourly - basis.

I am heartened by the way that staff have worked together to support one another and the Melton Community through these extraordinary times.

A summary of Council operations as at 19 March 2020 is as follows:

- Non-essential indoor events over 100 people have been cancelled
- Non-essential outdoor events over 500 people have been cancelled
- Many smaller non-essential events and activities have been cancelled
- Critical and essential Council services and activities are running as normal or in a modified form

I will continue to update Council as the pandemic evolves.

2. Background/Issues

A state wide (Class 2) Public Emergency has been declared in relation to COVID-19.

This allows for directions to be made pursuant to the *Public Health and Wellbeing Act 2008* (PH&W Act). Failure to comply with a Direction is an offence. The latest Directions both dated 18 March 2020 are included in the Victorian Government Gazette dated 19 March 2020 at **Appendix 1**.

To protect the health of residents and staff, Council has enacted its Pandemic Plan for its staff, residents and the broader community.

As CEO I am assessing the situation on a daily basis – sometimes even an hourly basis.

The information contained within this report is current as at 19 March 2020.

In line with the Direction all non-essential indoor events over 100 people have been cancelled. All non-essential outdoor events over 500 people have been cancelled.

Many smaller non-essential events and activities have been cancelled.

Critical and essential Council services and activities are running as normal, or have been modified to respond to specific issues or circumstance. These include:

- Aged care
- Maternal and child health
- Immunisation
- Waste collection
- Road maintenance
- Street cleaning
- Building and planning services
- Pound Operation

The following venues will remain open for now:

- Civic centres
- Libraries
- Leisure centres
- Melton Waves
- Community centres

If there are any direct service changes, residents will be notified.

A comprehensive table follows:

SERVICE / ACTIVITY / EVENT	STATUS
Maternal and Child Health services	Will continue. Please note we are a well-baby and child service. If you or your child are unwell, please reschedule your appointment.
Baby Makes Three program	Has ceased operating for now
Playgroups (supported playgroups and activation playgroups)	Has ceased operating for now

SERVICE / ACTIVITY / EVENT	STATUS
Occasional care	Will continue
Family Day Care	Will continue. Excursions will cease for now
Imagination Magic	Has ceased operating for now
Kids Fit Kinder Gym	Has ceased operating for now
Disability services (Home Support, Meals on Wheels, etc.)	Will continue
Aged services (Home Support, Meals on Wheels, etc.)	Will continue
Men's Shed program	Has ceased operating for now
Carers outings	Has ceased operating for now
Melton GO	Has ceased operating for now
Social support outings	Has ceased operating for now
Ageing Well exercise group	Has ceased operating for now
Youth services – all drop-in programs at Taylors Hill Youth Centre and Melton Youth Centre	Has ceased operating for now
IPlay at leisure centres	Has ceased operating for now
National Youth Week events and programs	Cancelled
School holiday programs (Youth School Holiday Program.	Cancelled
Kindergarten Readiness Info Sessions and Kinder Open Days	Cancelled / Postponed
Leisure and recreation centres	Melton Waves will remain open at this stage. Leisure Centre to remain open until end of school term, however a number of tenant associations have cancelled their activities.
Libraries – General business (general access to library resources such etc.)	Public Access PC's withdrawn Remaining open for now

SERVICE / ACTIVITY / EVENT	STATUS
Library programs	Has ceased operating for now
Exhibitions	CS Gallery and the libraries will remain open and exhibitions will be available to be viewed. Chronic Diaries exhibition opening event has been cancelled.
Arts programs	Has ceased operating for now
This Girl Can	Cancelled
Heritage Festival	Cancelled
Waste collection and the Melton Recycling Facility	Will continue
Flavour Fest	Cancelled
Melton Plate business event	Cancelled
Outdoor Cinema Screening of Inside Out	Cancelled
Timbertop Children's and Community Centre grand opening	Postponed to a later date
Road Safety Forum	Cancelled
Citizenship ceremonies	Cancelled
City of Melton Youth Grants and Awards Event	Cancelled
Sports Club Mental Health Forum	Cancelled
Active April Activities	Cancelled
Community centre programs, inclusive of any school holiday activities	Will be suspended by the end of week (27 March). School Holiday activities cancelled

We continue to work with those most vulnerable in the community to ensure they maintain social connections and have implemented ways to continue to service these residents in the weeks ahead.

We are providing:

- additional support to Home Support clients
- additional assisted Shopping Bus trips (17 - 20 March) to help vulnerable clients access shops between 7am and 8am daily across the municipality
- welfare checks to clients via phone

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

5.2 A flexible, innovative and creative organisation that responds to rapidly changing community and operating environments.

4. Financial Considerations

The extent of the financial impact is not yet able to be properly assessed. I will provide Council with a more comprehensive update in due course.

5. Consultation/Public Submissions

N/A

6. Risk Analysis

Responding to the risks in a situation like this is a balancing Act. There are the risks of infection on the one hand but on the other there are the risks of discontinuing certain services, particularly those that are front line and especially those that are critical.

I and my senior and specialist staff are carefully weighing up every decision with this balancing act in mind.

I am ensuring that Council complies with every Government Direction and in many cases going over and above that direction. I am also ensuring that services to vulnerable people and health and safety of front line and critical services staff continue to be at the forefront of our response.

7. Options

Make a strategic or policy change in relation to Council's response.

LIST OF APPENDICES

1. Victorian Government Gazette - dated 19 March 2020

12.2 RESPONSE TO COVID-19 - LIVE STREAMING OF COUNCIL MEETINGS AND SOCIAL DISTANCING

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

PURPOSE OF REPORT

To provide Councillors with information regarding Council Meetings in light of the state wide (Class 2) Public Emergency.

RECOMMENDATION:

That Council:

1. Engage Interstream to provide equipment and live streaming services at the Melton Civic Centre with a view to Council being capable of live streaming as soon as possible.
2. Changes the location of the April and June 2020 meetings from the Burnside Community Centre to the Melton Civic Centre.
3. Requests a report to the June 2020 meeting to consider the location of the balance of meetings scheduled to be held at Burnside in 2020 and the installation of cameras for live streaming at the Burnside Community Centre.
4. Develops (and in due course approves) a Live Streaming Policy.

REPORT

1. Executive Summary

A state wide (Class 2) Public Emergency has been declared in relation to COVID-19.

As a consequence there has been certain Directions given under the *Public Health and Wellbeing Act 2008*. Further Directions may follow.

Whilst the current indoor Direction relates to people of 100 in number, such Directions may change. Future Directions may prohibit a gathering of fewer number of people (for example 50 or 20). Such a Direction would take precedence over the provision in the current *Local Government Act 1989* which compels Council to open the meeting to members of the public. In addition, the new *Local Government Act 2020* contains a provision which allows Council to close the public gallery in relation to the security of it or the public provided the meeting can be live streamed in real time. This would include health security.

In these circumstances Council should institute a system of live streaming.

Officers believe that the best solution can be provided by Interstream. Interstream appears to be the main provider to Local Councils and has a relatively short set up time 1-3 weeks.

Social distancing has been recommended by the Australian Prime Minister on the advice of the Chief Medical Officer.

The easiest and most appropriate venue in which to maintain these measures for a Council meeting (and pre-meeting Council briefing) is in the Melton Civic Centre. Compared to the Burnside Community Centre, the briefing rooms are larger, the chamber has larger desks

and the ability for more to be brought in and the microphone system is better (such that Councillors do not need to sit/stand right over the microphone).

Changing the schedule so that all meetings from now up to and including the June 2020 meeting are held at Melton would also allow proper testing of any live streaming facilities before a future decision is taken in relation to Burnside in this regard.

2. Background/Issues

Relevant Law

A state wide (Class 2) Public Emergency has been declared in relation to COVID-19.

This allows for directions to be made pursuant to the *Public Health and Wellbeing Act 2008* (PH&W Act). Failure to comply with a Direction is an offence.

On 18 March 2020 a Direction was made in relation to Mass Gatherings, prohibiting certain mass gatherings from 5pm on 18 March until midnight on 13 April 2020. An indoor mass gather is, "a gathering of one hundred (100) or more persons in a single undivided indoor space at the same time". A copy of the Direction was attached to the previous report Item 12.1 at Appendix 1.

Council meetings at Melton do not attract a gathering of anywhere near 100 people and thus the current Direction does not apply to a Council meeting.

Actions, within the law, that are taken over and above these measures are at individual and commercial discretion. For example, social distancing. This is not, nor indeed could it be, an enforceable Direction under the PH&W Act however it is seen as being morally and social responsible. It was also a plea made to people by the Australian Prime Minister at a press conference on 18 March 2020.

The current law in relation to Council Meetings, the *Local Government Act 1989* (the Act) provides that Council meetings must be open to members of the public.

This provision would be 'trumped' if it was in contravention of a Direction under the PH&W Act.

Also relevant is the *Local Government Act 2020*, which is awaiting Royal Assent (anticipated that the relevant provisions will be proclaimed 1 May 2020). This Act does contain a provision which would allow the closing of the public gallery in the current circumstances provided however that the meeting is able to be live streamed in real time.

Future proofing – Actions to Mitigate

Live Streaming

Further Directions may be made as the pandemic unfolds. Such Directions may prohibit a gathering of fewer number of people (for example 50 or 20). As mentioned above, such a Direction would take precedence over the provision in the current Act which compels Council to open the meeting to members of the public.

Even in the absence of such a Direction, once the provisions in the new Local Government Act 2020 described above are operative, Council may wish to avail itself of those provisions and close the public gallery in favour of live streaming. This may be because of the Covid-19 pandemic but in the future could also relate to matters of security more broadly.

In these circumstances Council should institute a system of live streaming.

A report setting out the various live streaming options was presented to the December 2018 meeting a copy of which is at **Appendix 1** to this report. Council subsequently received a report on the results of community consultation regarding interest on watching a live stream of Council meetings at its May 2019 meeting. Whilst this report showed little interest in live streaming from the public at that time, the present circumstances Council finds itself in are vastly different now.

Officers believe that the best solution can be provided by Interstream.

Interstream appears to be the main provider to Local Councils and has a relatively short set up time 1-3 weeks.

Interstream's pricing model is a set cost per month, which includes the creation of an indexed/bookmarked archive (regardless of the number of meetings streamed and the number of archives retained).

The approximate set up cost – hardware (three HD cameras, streaming box and control tablets) is \$17,060 plus GST per venue.

The ongoing costs are approximately \$1,260 per month regardless of the number of meetings held per month, which also provides the opportunity to stream other meetings, should Council be so inclined, or any other public forum held in the Council Chamber eg. Section 223 Submissions Advisory Committee meetings etc.

Social Distancing

As mentioned above social distancing has been recommended by the Australian Prime Minister on the advice of the Chief Medical Officer.

The easiest venue in which to maintain these measures for a Council meeting (and pre-meeting Council briefing) is in the Melton Civic Centre. The briefing rooms are larger, the chamber has larger desk and the ability for more to be brought in and microphone system is better (such that Councillors do not need to sit/stand right over the microphone).

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

5.2 A flexible, innovative and creative organisation that responds to rapidly changing community and operating environments.

4. Financial Considerations

Initial costs \$17,060 per venue.

Ongoing costs \$1,260 per month.

These costs are not accounted for in the current budget.

5. Consultation/Public Submissions

There has been no public consultation.

6. Risk Analysis

There is a risk of defamation in relation to any live streaming. Using Interstream mitigates against this risk to some extent. It allows the post-meeting webcast to be edited by Interstream.

There is also potentially less risk of technical problems as Council would be assisted by Interstream.

7. Options

Council has the option to do one or more of the following:

1. Adopt the recommendation as set out at the beginning of this report.

2. Decide to install cameras also at Burnside Community Centre
3. Continue to hold meetings at Burnside as scheduled in April and June 2020.
4. Consider deferring the April 27 Council meeting to May 4, in anticipation of proclamation of the *Local Government Act 2020* provisions.
5. Continue with current arrangements.

LIST OF APPENDICES

1. Minutes of Item 12.8 Response to Notice of Motion 590 (Cr De Santis) - Live Streaming of Council Meetings - dated 10 December 2019

12.3 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

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

PURPOSE OF REPORT

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

RECOMMENDATION:

That Council:

1. adopt the minutes of the Advisory Committee meeting at **Appendix 1 - 5**
2. adopt recommendations arising within the Minutes.

REPORT

1. Executive Summary

In accordance with section 3(1) of the Local Government Act 1989 (the Act), Council may establish a) Advisory Committees for the purpose of providing advice, or b) Special Committees which are delegated powers, duties or functions of Council. The establishment of an Audit Committee, considered an Advisory Committee of Council, is dealt with under section 139 of the Act.

A Council appointed Advisory Committee meeting where at least one Councillor attends and which considers matters that are intended or likely to be the subject to a decision of Council, is considered an assembly of Councillors. In accordance with section 80A of the Act, a written record of an assembly of Councillors must, as soon as practicable, be reported at an ordinary meeting of the Council. The minutes of the Advisory Committees attached to this report forms the written record of the assembly detailing matters considered and any Councillor conflicts disclosed.

2. Background/Issues

Advisory Committees are established by a resolution of Council. The role of an Advisory Committee, including the limits of power, are clearly defined in the Terms of Reference adopted by Council.

The membership of Committees will vary depending upon its specific role. Committee membership will generally comprise a Councillor/s, council staff and community representatives and may include key stakeholders, subject matter experts and/or community service providers and organisations.

Councillor representation on Advisory Committees is generally for one year and is reviewed annually at the Statutory Meeting of Council. Councillor representation on current Council Committees and to other organisations for 2020 were adopted by Council at the Ordinary Meeting held 9 December 2019.

Advisory Committees meet regularly during the year and minutes of all meetings are scheduled to be presented at the next Ordinary Meeting of Council.

Advisory Committee Meetings minutes attached to this report for Council acknowledgement and endorsement:

Meeting Date	Advisory Committee	Attached
06/02/2020	Disability Advisory Committee	Appendix 1
11/02/2020	Reconciliation Advisory Committee	Appendix 2
12/02/2020	Intercultural Advisory Committee	Appendix 3
18/02/2020	Preventing Family Violence Advisory Committee	Appendix 4
20/02/2020	Road2Zero Steering Advisory Committee	Appendix 5

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. Disability Advisory Committee Meeting Minutes - dated 6 February 2020
2. Reconciliation Advisory Committee Meeting Minutes - dated 11 February 2020
3. Intercultural Advisory Committee Meeting Minutes - dated 12 February 2020
4. Preventing Family Violence Advisory Committee Meeting Minutes - dated 18 February 2020
5. Road2Zero Steering Advisory Committee Meeting Minutes - dated 20 February 2020

12.4 AUDIT COMMITTEE MINUTES - 25 FEBRUARY 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 Committee meeting held on Tuesday 25 February 2020.

RECOMMENDATION:

That Council:

1. Note the minutes of the Audit Committee meeting held on Tuesday 25 February 2020 at **Appendix 1** and **confidential Appendix 2**.
2. Adopt the recommendations arising within the minutes.

REPORT

1. Executive Summary

The minutes of the Audit Committee meeting held on 25 February 2020 are appended to this report as **Appendix 1** and **Appendix 2** (without attachments). The Committee considered various issues in relation to financial management and governance and the minutes contain recommendations for the consideration of Council.

2. Background/Issues

The Audit Committee is an independent advisory committee appointed by Council pursuant to Section 139 of the *Local Government Act 1989* ('the Act').

The primary objective of the Audit Committee is to assist Council to fulfil its corporate governance responsibilities through the effective conduct of its responsibilities for accounting and financial reporting practices, management of risk, maintaining a reliable system of internal controls, operation of good governance and facilitating sound organisational ethics.

The Audit Committee makes recommendations to Council for its consideration. These recommendations are set out in the minutes attached at **Appendix 1** (without attachments) for matters at the Audit Committee are considered in open session. **Confidential Appendix 2** contains the minutes of the Audit Committee that were conducted as a Confidential Business.

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

The budget contains a provision for the remuneration of the independent members of the Audit Committee on a fee per meeting basis, with an additional amount paid to the Chairperson.

5. Consultation/Public Submissions

The Audit Committee consists of the Mayor, Cr Carli and Cr Hardy and three independent external members Mr Robert Tommasini, Mr Farshan Mansoor and Ms Celeste Gregory.

6. Risk Analysis

Bound by the conflict of interest provisions contained within the Act, with a mandatory responsibility to report to Council and restricted to making recommendations for Council consideration, any risks attached to Audit Committee itself are substantially mitigated.

Risks identified by the Audit 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 Committee is an Advisory Committee of Council, and Council therefore has the discretion to accept, reject or amend its recommendations.

LIST OF APPENDICES

1. Audit Committee Meeting Minutes - dated 25 February 2020
2. Audit Committee Meeting Minutes - Confidential Business - dated 25 February 2020
- **CONFIDENTIAL**

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

12.5 LEADWEST COMMITTEE MEETING MINUTES

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

PURPOSE OF REPORT

To present the confirmed minutes of LeadWest Committee meeting held 9 October 2019 and the unconfirmed minutes of the LeadWest Committee meeting held 19 February 2020.

RECOMMENDATION:

That the confirmed minutes of the LeadWest Committee meeting held 9 October 2019 (refer **Appendix 1**) and the draft minutes of the LeadWest Committee meeting held 19 February 2020 (refer **Appendix 2**) be received and noted.

REPORT

1. Executive Summary

In accordance with section 3(1) of the *Local Government Act* 1989 (the Act), Council may establish:

- a) Advisory Committees for the purpose of providing advice, or
- b) Special Committees which has delegated powers, duties or functions of Council.

The LeadWest Committee is a special committee of Council under section 86 of the Act. This committee was established on 27 May 2019 and became operative on 1 July 2019.

The purpose of the LeadWest Committee is to oversee the preparation and implementation of the LeadWest Strategic Plan and identified sub projects as adopted and agreed by member Councils.

As a special committee, it has delegated powers and functions in an Instrument of Delegation and Schedule and has Terms of Reference that govern its operations, meeting and reporting arrangements.

It is recommended that the confirmed minutes of the LeadWest Committee meeting held 9 October 2019 (refer **Appendix 1**) and the draft (or unconfirmed) minutes of the meeting of the LeadWest Committee held 19 February 2020 (refer **Appendix 2**) be received and noted by the Council.

2. Background/Issues

At its Ordinary Meeting held 27 May 2019 the Council established the LeadWest Committee as a Special Committee of the Council. At that meeting the Council adopted an Instrument of Delegation and Schedule and Terms of Reference for this committee.

At its Ordinary Meeting on 9 December 2019 and as part of the Council's annual review of committee representatives, Council resolved that Cr Sophie Ramsey and Mr Kelvin Tori, the Chief Executive Officer be its representatives to the LeadWest Committee with Cr Ken Hardy as a Proxy representative.

Rather than waiting for the LeadWest Committee to confirm the minutes of its previous meeting at the next committee meeting, the unconfirmed or draft minutes of each committee meeting will be reported to Council when they become available.

Attached to this report are:

1. The confirmed minutes of the LeadWest Committee meeting held 9 October 2019; and
2. The draft minutes of the meeting of the LeadWest Committee held 19 February 2020.

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

Funds will be allocated by the Committee within Council's approved budget for the development of the new Strategic Plan.

The ongoing budget for the LeadWest Committee will include two components. Firstly, to deliver the projects in the four year implementation plan, recommendations will be made to member Councils for consideration in each Council's annual budgeting process. Secondly, a payment of a base contribution to apply equally to all Councils.

5. Consultation/Public Submissions

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

Special committee meetings are open to the public and the meeting dates, times and venues for the LeadWest Committee will be advertised as required by section 89 of the Act.

Like Council meetings, a special committee can be closed to members of the public if the meeting is discussing any of the following—

- (a) personnel matters;
- (b) the personal hardship of any resident or ratepayer;
- (c) industrial matters;
- (d) contractual matters;
- (e) proposed developments;
- (f) legal advice;
- (g) matters affecting the security of Council property;
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public.

6. Risk Analysis

Nil.

7. Options

As the LeadWest Committee is a special committee of Council with powers and functions as set out in its Instrument of Delegation and Schedule, the Recommendation is that the confirmed minutes of the LeadWest Committee meeting held 9 October 2019 (refer **Appendix 1**) and the draft minutes of the LeadWest Committee meeting held 19 February 2020 (refer **Appendix 2**) be received and noted.

LIST OF APPENDICES

1. Minutes of the LeadWest Special Committee Meeting - dated 9 October 2019
2. Draft Minutes of the LeadWest Special Committee Meeting - dated 19 February 2020

12.6 RESPONSE TO NOTICE OF MOTION 668 (CR ABBOUSHI) - INVESTIGATION AND REPORT OF OPTIONS TO INSTALL TRAFFIC CALMING DEVICES ON EARLINGTON BOULEVARD, BURNSIDE.

Author: Kerry Walton - Coordinator Traffic and Transport
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To respond to Notice of Motion 668 (Cr Abboushi) that Council officers investigate options and associated costs to install traffic calming devices along Earlington Boulevard, Burnside and prepare a report with suggested options to address road safety concerns on Earlington Boulevard.

RECOMMENDATION:

That a further report be presented to the Ordinary Meeting of Council on 27 April 2020, following completion of the traffic count data collection and analysis.

REPORT

1. Executive Summary

At the Ordinary Meeting of Council held on 3 February 2020, the following Notice of Motion 668 (Cr Abboushi) was resolved:

'That Council officers investigate options and associated costs to install traffic calming devices along Earlington Boulevard, Burnside and report to Council by the March Ordinary Meeting of Council.'

Council Officers are currently investigating this request and are awaiting current traffic count data to complete an analysis, to inform options and associated costings.

A further report will be presented to the Ordinary Meeting of Council on 27 April 2020 following completion of the investigation.

2. Background/Issues

Earlington Boulevard in Burnside is a local access road of approximately 200m in length, comprising of two 5m wide trafficable lanes in each direction and a centre median that separates the traffic lanes. Earlington Boulevard has no recorded vehicle crash statistics from the last 5 years.

Current traffic count data is required to complete the investigation and assess the requirement for traffic calming devices.

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

Nil

5. Consultation/Public Submissions

Nil

6. Risk Analysis

7. Options

Options will be presented following completion of the investigation.

LIST OF APPENDICES

Nil.

12.7 PREPARATION OF THE MUNICIPAL BUDGET 2020/21

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

PURPOSE OF REPORT

To endorse the proposed Municipal Budget for the 2020/2021 financial year and Strategic Resource Plan 2020/2024 and commence the statutory process to exhibit this proposed budget to receive submissions.

RECOMMENDATION:

That:

1. The draft Municipal Budget 2020/2021 and Strategic Resource Plan 2020/2024 annexed (**Appendix 1**) be the 'proposed budget' for 2020/2021, prepared in accordance with Section 127 of the *Local Government Act 1989* ('the Act').
2. The Chief Executive Officer be authorised to:
 - a. Give 'public notice' of the preparation of such proposed budget, in accordance with Section 129 of the Act.
 - b. Make available for public inspection a copy of the proposed budget as set out in the public notice.
3. The Section 223 Submissions Advisory Committee of Council hear from any person who wishes to be heard in support of his/her submission pursuant to the public notice and Section 223 of the Act and report to Council accordingly.
4. The Chief Executive Officer be authorised to undertake the necessary administrative procedures to enable the Committee to meet, consider such submissions and prepare a report to Council.
5. Council consider:
 - a. Any report of the Committee described in Recommendation 3.
 - b. Adoption of the Municipal Budget 2020/2021 and Strategic Resource Plan 2020/2024, at the Ordinary Meeting of Council to be held on 22 June 2020.

REPORT

1. Executive Summary

Section 127 of the *Local Government Act 1989* ('the Act') requires that Council prepare a budget for each financial year, and that the budget contain the following information:

- Financial statements in the form and containing the information required by the regulations;
- A description of the services and initiatives to be funded in the budget;
- A statement as to how the services and initiatives will contribute to achieving the strategic objectives specified in the Council Plan;

- Major initiatives to be undertaken during the financial year;
- For services to be funded in the budget, the prescribed indicators of service performance that are required to be reported against in the performance statement;
- The amount which the Council intends to raise by general rates, municipal charges, service rates and service charges;
- Whether the general rates will be raised by uniform rate or differential rate and information required relating to differential rates as per section 161(2) of the Act; and
- Any other information required by the regulations.

The proposed budget in this report has been prepared for public display and to receive public comment. It is proposed that public submissions close on 30 April 2020 and be heard by Council's section 223 Submissions Advisory Committee on 26 May 2020.

It is further proposed that the budget will be adopted by the Council at its Ordinary Meeting to be held on 22 June 2020.

2. Background/Issues

Council commenced its budget process for 2020/2021 in October 2019. The proposed budget has been prepared giving consideration to the growing needs of the community, service delivery demands, 'high priority' requests received from the public via various forums, surveys and requests from Councillors. The proposed budget reflects the priority of Council in delivering high quality and best value services and infrastructure to the community. After much review and discussion, the proposed budget has been finalised and is presented for consideration.

3. Council and Wellbeing Plan Reference and Policy Reference

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

2. A thriving and resilient natural environment: A City that preserves and enhances its natural environment for future generations

2.1 *A resource efficient City.*

4. Financial Considerations

The table below lists the more significant new projects and initiatives.

Project Description	Budgeted for 2020/21 \$'000
Building & Building Improvements	
Melton Recycling Facility Expansion	\$3,400
Building Components Annual Renewal Program	\$3,000
Eynesbury Station Early Learning Centre	\$2,470
Western Region Emergency Network Warehouse	\$2,000
Taylors Hill Youth & Community Centre – building extension and ground upgrade	\$2,000
Solar Retrofit Program	\$1,200
Brookside Community Pavilion	\$850

Project Description	Budgeted for 2020/21 \$'000
Roads, Drainage, Footpath & Bridge Works	
Sealed Roads Renewal Program	\$3,923
Boundary Road - Mt. Cottrell to The Mall	\$3,461
Taylors Rd and Westwood Dr Intersection	\$2,900
Caroline Springs Boulevard & Rockbank Middle Road Intersection	\$2,450
Brooklyn Road and Station Road Signalised Intersection	\$2,150
Alfred Road Contribution, Cobblebank	\$1,200
Footpath Renewal Program	\$1,191
Mount Cottrell Road and Greigs Road Intersection- construction of roundabout	\$1,150
Silverdale Estate - sound walls	\$1,000
Taylors Road and Gourlay Road Signalised Intersection	\$1,000
Recreational Projects	
Cobblebank Indoor Stadium	\$22,000
Eynesbury Recreation Reserve AOS - Stage 1 and Stage 2	\$7,600
Melton Secondary College Sports Oval and Pavilion	\$2,000
Macpherson Park Redevelopment - Stage 2	\$1,500
Diggers Rest Community Pavilion and Oval No. 02	\$1,500
Renewal of Synthetic Playing Surfaces	\$1,100
Plumpton Aquatic & Leisure Centre	\$1,000
Parks Development Program	\$920
Others	
Plant and Machinery	\$1,364

Council continue to make significant investment in infrastructure assets in the order of \$97.66 million in capital works in 2020/21.

The proposed budget includes total income of \$451.50 million, inclusive of developer contributed infrastructure assets valued at \$174.94 million. The following table provides a breakdown of this income with comparative amounts for the 2nd quarter forecast 2019/20.

	2019/20 \$ millions	2020/21 \$ millions	Per cent Change
Rates & Charges Income <i>see note below</i>	\$123.44	\$136.08	10.2%
Grants & Subsidies	\$36.21	\$37.36	3.17%
Fees & Charges	\$17.88	\$19.04	6.49%
Developer Contributions- Cash	\$47.94	\$66.49	38.69%
Developer Contributions- Assets	\$92.06	\$174.94	90.02%
Net Gain (loss) on Asset Sales	\$7.36	\$8.82	19.84%
Other Income	\$7.34	\$8.77	19.48%
Total Income and Receipts	\$332.23	\$451.50	35.90%

The total increase in Rates and Charges income, includes rates income received from supplementary valuations during the year due to growth, 2.00 per cent rate increase on the 2019/2020 level after allowing for Council rebates for Pensioners and Environmental Enhancement works.

The total budgeted operating expenditure is \$190.77 million as detailed below.

	2019/20 \$ millions	2020/21 \$ millions	Per cent Change
Staff costs	\$59.64	\$63.68	6.77%
Material and services	\$78.84	\$80.38	1.95%
Depreciation / Amortisation	\$37.02	\$37.64	1.67%
Other Expenditure	\$9.01	\$9.07	0.67%
Total Expenditure	\$184.51	\$190.77	3.39%

The proposed budget has been prepared taking into consideration Council's Strategic Resource Plan (SRP).

Differential Rating Categories

The proposed budget includes differential rating categories as detailed below:

- General Rate
- Vacant Land Rate
- Retirement Village Rate
- Extractive Industry Land Rate
- Commercial and Industrial Developed Land Rate
- Commercial and Industrial Vacant Land Rate
- Rural Living Land Rate
- Rural Land Rate
- Urban Growth Land Rate.

Full definitions of the differential rating categories are included of the attached proposed budget. This section also provides a detailed analysis of the number of properties, valuation and the rates raised by each differential rating category proposed.

Waste Management Charges

The Waste Management Charges included in the proposed budget is detailed in the following table.

Service Option	Bin Garbage	Green	Recycle	Full year charge
A	120 litre bin	240 litre bin	240 litre bin	\$370
B	80 litre bin	240 litre bin	240 litre bin	\$329
C	120 litre bin	120 litre bin	240 litre bin	\$316
D	80 litre bin	120 litre bin	240 litre bin	\$276
E	120 litre bin	No Bin	240 litre bin	\$263
F	80 litre bin	No Bin	240 litre bin	\$226
Additional Bin				\$161

Municipal Charge

The proposed budget proposes a levy of \$153 per property as the Municipal Charge for 2020/2021 year.

Fees and Charges

The Fees & Charges for various services provided by Council were reviewed and increased where appropriate. The recommended Fees & Charges schedule is included in the proposed budget.

Environmental Enhancement Rebate

The properties in Rural Zone, Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone, Farming Zone, Special Use Zone 5 and Urban Growth Zone may be entitled to an Environment Enhancement Rebate subject to certain conditions being met as per the approved Environmental Enhancement Guidelines.

The amount of rebate applicable for Rural Living, Rural and Urban Growth properties are based on the Differential Rating applied to the property.

The proposed budget proposes the following rebates be allowed for eligible properties within the referred rating categories.

Differential Rating Category	EER Rebate Available
Rural Land	50% of the rate up to a maximum of \$10,000
Rural Living Land	25% of the rate up to a maximum of \$10,000
Urban Growth Land	25% of the rate up to a maximum of \$10,000
General Rate (with approved Precinct Structure Plan)	25% of the rate up to a maximum of \$10,000

Costs for exhibiting the budget will be approximately \$2,700 for advertisements in the local and state newspapers and this has been incorporated into the current budget.

5. Consultation/Public Submissions

Council undertook two Community Engagement sessions on 8 and 9 October 2019. Proposals received from the community were considered in developing the proposed budget.

Council, in accordance with section 223 of the Act, will be inviting submissions on the proposed budget from the community, to be considered by Council before finalising the budget.

It is proposed the Section 223 Submissions Committee consider all the submissions received on 26 May 2020 and make recommendations to the Council, which will consider the recommendations before it formally adopts the 2020/2021 Municipal Budget

6. Risk Analysis

The process of endorsing the proposed budget and seeking public submissions is prescribed in the Act. The process set out in this report complies with the Act and, as such, there is no risk associated with placing the proposed budget on public exhibition and seeking feedback/submissions.

7. Options

Council is scheduled to have the budget adopted by 22 June 2020. Council could defer endorsing the proposed budget at this time which would delay the public consultation process. However, there is no reason to defer commencing the public consultation process as it will allow the maximum amount of time to consider submissions received and make any adjustments to the proposed budget and have it adopted by Council before 30 June 2020.

LIST OF APPENDICES

1. Draft Municipal Budget 2020/2021 and Strategic Resource Plan 2020/2024

12.8 2019-2020 COUNCIL AND WELLBEING ANNUAL ACTION PLAN SECOND QUARTER PROGRESS REPORT

Author: **Bob Baker - Corporate Planning and Performance Coordinator**

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

PURPOSE OF REPORT

To provide the second quarter update on the progressive achievement of the Council's 2019-2020 Council and Wellbeing Annual Action Plan

RECOMMENDATION:

That Council receive and note the 2019-2020 Council and Wellbeing Annual Action Plan Second Quarter Progress Report (1 October – 31 December 2019) as presented at **Appendix 1**.

REPORT

1. Executive Summary

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

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

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

Appendix 1 provides detail on activity for the second quarter (1 October - 31 December 2019), in the progressive achievement of the 2019-2020 Council and Wellbeing Annual Action Plan.

2. Background/Issues

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

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

The 2019-2020 Council and Wellbeing Annual Action Plan provides 134 actions that Council has committed to deliver. Council provides the community with quarterly progress reports that support Council's commitment in providing transparency, through public access to relevant information, decision making and strategic documents.

Appendix 1 provides a detailed summary on the status of each action in the 2019-2020 Council and Wellbeing Annual Action Plan, inclusive of the period from 1 July - 31 December 2019. The areas with a stronger link to health and wellbeing are displayed with a heart icon ♥ The following table provides summary of progress against actions.

Status	Description	Number of actions
Achieved	The Action is completed.	24
On track	The action is on track and expected to be completed by the current timeline	106
Not On Track	The Action has been delayed impacting on the current timeline. An explanation and any remedial action and revised due date, where appropriate, is provided in the 'progress comments' column	2
Postponed	The Action has been deferred for the financial year. An explanation is provided in the 'progress comments' column	2
Total		134

Key achievements this quarter include:

- Delivered the Melton Senior's Festival with over 1,650 seniors participating across 20 events
- Delivered the annual Melton Community Achievement Awards in November 2019
- Council adopted the new Gambling Harm Prevention and Reduction Policy in November 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 a two year Action Plan were endorsed by Council in December.
- Council's Advocacy Priorities booklet and supporting fact sheets were completed and launched in December 2019

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

3. Council and Wellbeing Plan Reference and Policy Reference

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

5. A high performing organisation demonstrating leadership and advocacy: An organisation operating with innovation, transparency, accountability and sustainability
 - 5.4 *An organisation that demonstrates excellence in local government leadership and customer and community service.*

4. Financial Considerations

Initiatives and activities delivered from the Action Plan are contained within the Council approved 2019-20 Budget.

5. Consultation/Public Submissions

The 2017-2021 Council and Wellbeing planning process involved extensive consultation with stakeholders including the community, Council staff, government agencies, community organisations and private industry. This process resulted in the publication of the 2017-2021 Melton City Council and Wellbeing Plan. The 2019-2020 Council and Wellbeing Annual Action Plan is prepared from internal consultation of Council management.

6. Risk Analysis

Nil

7. Options

Nil

LIST OF APPENDICES

1. 2019-2020 Council and Wellbeing Annual Action Plan Second Quarter Progress Report - dated 1 July 2019 to 31 December 2019

12.9 FRIENDSHIP CITIES

Author: Pauline Hobbs - Advocacy Officer
Presenter: Peter Bean - General Manager Corporate Services

PURPOSE OF REPORT

To provide advice to Council in response to a resolution requesting further investigations with regard to establishing a Friendship City relationship with an international city underpinned by meaningful economic outcomes.

RECOMMENDATION:

That:

1. Council not establish a Friendship or Sister City relationship.
2. Any international economic and investment opportunities be informed by Council's Investment Attraction Strategy, due to be completed in September 2020.
3. Should the Investment Attraction Strategy identify opportunities for international investment, Council:
 - a. work with the established networks of the International Victorian Government Trade and Investment Offices and Invest Assist to identify potential domestic and international target markets for investment attraction
 - b. work with the Victorian Chamber of Commerce and Industry (VCCI) to identify and reach potential domestic and international target markets for investment.
4. Council write to the City of Heze through Russell Jackson to express Council's gratitude for their kind offer to formally establish a Friendship City however, advises that Council will not proceed with establishing a Friendship City agreement.

REPORT

1. Executive Summary

Melton City Council was approached by the City of Heze, China, to establish a Friendship City Program. A report was presented to Council on 27 May 2019 with an overview of the Friendship City and Sister City partnerships, which recommended that Council not enter into a Friendship City arrangement and explore any international relationship at a regional level. In response to the recommendation, a motion was proposed and carried that Council:

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

This report provides further advice on the Friendship and Sister City partnerships, in response to the above resolution.

2. Background/Issues

When assessing the need to develop a Friendship or Sister City Relationship, there are generally a number of objectives that underpin such a relationship:

1. Economic Development – trade related, business exchanges or investment attraction.
2. Cultural – mutual exchange of experience including social policy and student exchange.
3. Capacity building and knowledge transfer – exchange of information on community and government policy. For example: waste management and recycling; community development programs; managing population growth; community health; family violence; planning and development.
4. Idealistic motivations, such as the desire to promote peace and reconciliation, cement historical bonds, express solidarity, or to contribute international aid to people living in poverty.

The resolution at the Council Meeting 27 May 2019 seeks further information to develop relationships underpinned by economic outcomes for council. This report addresses relationships in this context.

City of Melton Investment Attraction Context

In February 2020 Council commenced the development of an Investment Attraction Strategy. This project will explore landmark and transformational investment opportunities that will create a thriving local economy, rich in a diverse mix of local jobs. Following a competitive process Ernst and Young have been appointed to develop the strategy that will examine the economic landscape of Melton, identify competitive advantages and how these can be leveraged to establish industries, clusters, precincts and/or activity centres that deliver enhanced economic outcomes.

The objectives of this project are to identify three to five major investment opportunities that will contribute to a significant and long-term economic development return. This project will identify which industries should be targeted for investment attraction based on Melton's competitive advantage, where potential investors can be found and how to best engage with them. The Investment Attraction Strategy will provide key strategic directions underpinned by short, medium and long term actions.

The development of this Investment Attraction Strategy is the critical first step and evidence base to plan a targeted program of investment attraction. Any relationships that are sought to be established of an economic development context should be informed by the Investment Attraction Strategy, which is due to be completed in September 2020.

Friendship City proposal with the City of Heze China

As outlined in a letter to the Mayor dated 6 January 2020 (**Appendix 1**) from Russell Jackson, the consultant facilitating the relationship with Heze, the initial contact by the City of Heze was made in October 2016. A delegation from Heze has visited Melton on two occasions, on 14 June 2017 and 28 June 2019. Each delegation was greeted by the Mayor of the day and CEO Kelvin Tori. As per **Appendix 1**, the request to establish a Friendship City with the City of Heze is presented in the context of an exchange of mutual respect and understanding and acceptance of cultural differences that can include student exchanges, business exchanges, knowledge exchange of government and community programs including waste and recycling, community health and wellbeing and community development.

While economic development is an avenue a Friendship City relationship can explore, it is not the primary or sole opportunity such an exchange will be established upon. Council is currently developing an Investment Attraction Strategy that will clearly identify the municipality's competitive advantage and high value investment opportunities that Council should explore. Melton does not have a significant export economy or industry grouping in need of Council's assistance.

With Council's investment attraction strategy not yet completed, it is difficult to identify meaningful investment outcomes that can realistically be delivered with the City of Heze. Any economic outcomes would need to be explored through ongoing exchanges, be considered long term in nature and may ultimately not align with recommendations that unfold in the final Investment Attraction Strategy. This would also be true of establishing a Friendship or Sister City relationship with any city at this point in time.

Cultural Cities engagement and exchange

While this report explores the establishment of an international relationship in an economic context, it is worth considering Council's current approach to cultural exchanges. Melton City Council is currently invested in cultural exchange opportunities with membership in UNESCO Global Network of Learning Cities and the Intercultural Cities – Council of Europe. These groups provide frameworks to growing diverse communities. Whilst the City of Melton is able to provide experience to monoculture societies, these exchanges of knowledge can still exist without a formal relationship with any one city. Council can be part of the knowledge transfer that is becoming increasingly important in the global context. The existing networks and membership will be able to provide the mechanism for this without the allocation of resources to a Friendship City relationship.

Established networks to progress targeted investment attraction

With job creation being a key priority for council, economic development and investment attraction is key to future job security locally. Council's Investment Attraction Strategy will be completed in September 2020. The strategy will include an action plan to secure investment underpinned by a robust evidence base. Any actions to pursue international investment should be informed by the completed strategy.

Investigations into opportunities to establish international relationships underpinned by meaningful economic outcomes have identified a number of viable avenues that can target investment based on Council's needs. The most meaningful approach is to have a clear investment plan, and seek tailored investment partnerships through Victorian Government international programs and industry networks. Engaging with the Victorian Government and industry partners with a clear investment plan will allow for Council's needs to be matched and aligned specific to Melton's needs. Avenues to identify and navigate international business opportunities include:

- Through the network of International Victorian Government Trade and Investment Offices
- Through council's membership of the Victorian Chamber of Commerce and Industry, which includes international immersion programs.

It is recommended that once Council's Investment Attraction Strategy is complete, both the Victorian Government and Victorian Chamber of Commerce be briefed on the City of Melton's investment opportunities. The State Government has access to a network of established offices in cities and comprehensive local knowledge in America, China, Chile, Germany, Indonesia, Japan, Korea, Malaysia, United Arab Emirates, United Kingdom and India. VCCI have a China immersion program. The advantages of working through these avenues are they provide access to intelligence on international pipelines of investment, networks, access to companies and industries seeking trade and investment opportunities and most importantly extensive knowledge on how each region facilitates business including regulation and business practice. Furthermore, these established programs can identify suitable international partners based on Melton's specific needs and not limit exploring investment through one city.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

4. Financial Considerations

The establishment of a Friendship City with the City of Heze is likely to involve the hosting of at least two delegations to the City of Melton each year. It would be expected that representatives from Melton would engage in a regular program of visits to the Friendship City at a frequency determined by Council. While this would be at the discretion of Council, it is anticipated that this would be annually or at a minimum every two years.

This costs associated with the establishment of a Friendship City would include:

- Hosting visiting delegations for any civic receptions or meetings. All travel, accommodation and expense costs by representatives of the visiting delegation would be met by the City of Heze.
- Airfares for any Melton City Council delegation that travels to the City of Heze. The City of Heze would cover the cost of accommodation and inbound travel. A delegation to China would be expected to include the Mayor, the CEO and senior officer representation at a minimum, but would likely include several representative depending on the set objectives of the visit.
- Cost to resource the Friendship City relationship. This would be accommodated within existing resources.

Any costs associated with exploring international investment opportunities once the Investment Attraction Strategy is complete would be scoped and reported to Council once a clear plan of action is determined.

5. Consultation/Public Submissions

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

6. Risk Analysis

The major risk in establishing a Friendship or Sister relationship or any international relationship is reputational. Such relationships require resource and financial investment. Any relationship needs to have clearly articulated objectives that deliver benefit to the local community that warrant the return on investment to avoid the potential for Council being portrayed negatively.

The resolution this report responds to focusses on consideration of a relationship that is underpinned by economic outcomes. With Council in the process of developing an Investment Attraction Strategy, there is the risk that entering into a Friendship City agreement would be considered premature in the absence of a clearly articulated investment attraction plan, where the industry and development opportunity is clearly understood and aligned to Melton's competitive advantage. Furthermore should Council proceed with a Friendship City with the City of Heze or any city there is a risk that Melton's investment and

economic needs may not be suitably matched and require long term relationship development to explore and realise economic outcomes.

It is recommended that Council undertake its investment attraction program based on the recommendations of the Investment Attraction Strategy, currently being developed by Ernst and Young and utilising proven established networks through the Victorian Government and Victorian Chamber of Commerce where the needs of Melton can be aligned and matched with suitable partners.

7. Options

- a) Not proceed with a Friendship City relationship and actively pursue economic development and investment attraction opportunities in accordance with the recommendations in the Investment Attractions Strategy, due to be completed in September 2020.
- b) Establish a Friendship City with the City of Heze, with objectives and outcomes scoped in accordance with themes that include economic development, cultural, community development and knowledge exchange.

LIST OF APPENDICES

1. Letter - Russell Jackson - dated 6 January 2020

12.10 KURUNJANG SPORTS PAVILION OVERVIEW

Author: Troy Scoble - Manager Recreation & Youth
Presenter: Troy Scoble - Manager Recreation & Youth

PURPOSE OF REPORT

To provide an update and report on the current state of the Kurunjang Sports Pavilion.

RECOMMENDATION:

That Council refer this project to the Section 223 budget submission process for the 2020/21 year.

REPORT

1. Executive Summary

This report provides a history on the Kurunjang Recreation Reserve Sports Pavilion. The report outlines the current user status of the Recreation Reserve and the facility. Along with the potential for future upgrades and refurbishment works that may occur related to this asset.

2. Background/Issues

The Kurunjang Recreation Reserve situated at Centenary Avenue Melton, which features synthetic surfaces which are multipurpose and are also utilised by the Soccer clubs. This facility provides existing features such as:

- Existing social space approx. 40m²
- Umpires changerooms and first aid room
- Storerooms, Kitchen servery to the external space
- Four home and away changerooms

The current tenants of this site, include:

- Satellite City Soccer Club which currently have 7 teams and 69 members.
- Falcons Cricket Club which have 2 teams and 42 members.
- Kurunjang Auskick at the moment with 20 members.

The original pavilion was built in 2002 which at the time serviced the overflow of cricket, this included the 40m² social room, storage areas, umpire and first aid rooms. In 2012 with expansion that provided 4 home and away changerooms. In 2019 Council provided an allocation for the upgrade for the kitchen servery space to the value of \$90,000. In the current budget there is an allocation of \$10,000 to deal with storage space, consultation is occurring with the club at the moment about the best way to support the initiative.

An assessment of the current pavilion facilities against State Sporting Association guidelines was undertaken to inform the options presented in the report. The assessment indicates that

the 4 existing changerooms are smaller than normal compliance guidelines, for a local level facility increasing the social space from 40m² to 100m² would be considered appropriate at some time in the future.

Whilst the numbers within the tenant clubs would not be considered high, Council should note that the club also provide a number of community events and tournaments, with hosting the recent African Soccer club event at the reserve which saw in excess of a 1000 spectators attending that site on the day. The Satellite City Soccer Club also works closely with Council and funding bodies to offset registration fees to programs as much of their participation is specifically targeted at CALD community participation and young people.

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
 - 1.3 *Equitable, inclusive and accessible community and health infrastructure and services.*

4. Financial Considerations

If Council did consider any future expansions to this facility it would be recommended that the social space to be extended to approximately 100m², further investigation work will need to occur to see if this is viable. At a point in time if the club did expand significantly it would be a possibility that 2 additional changerooms will need to be added as the 4 existing change amenities are quite small at this stage, but accommodate the club sufficiently to date.

5. Consultation/Public Submissions

Throughout January and February 2020, Officers have been in regular contact with the tenant clubs to discuss what improvements can or may be made to the pavilion to meet current needs and potential future needs. Some information collated from tenant clubs which was mainly Satellite City Soccer club submitted the following for Council Officers to consider:

- Require a storage solution to support the storage onsite of large equipment
- Increased social community space to facilitate coaching programs, ability to hold social events to financially support club operations.
- Shade and shelter solution. Existing angled shelter at front of the pavilion provides no shade or shelter due to the angle and height.
- Floor coverings need to be replaced through the facility including epoxy flooring solution in change areas to support volunteer cleaning efforts.

6. Risk Analysis

N/A.

7. Options

There are a number of options for Council to consider related to this facility:

- Provide facility enhancements to the total facility in the way of building renewal programs, floor coverings, painting and external fabric replacements.
- Consider extending the current social space to approximately 100m² which would incorporate adjustments to the north facing veranda which would resolve the situation of shade which has been indicated by the club.

- Consider future changeroom building extensions which would incorporate 4 larger home and away changerooms.
- Council provide \$40,000 within the existing budget to investigate all opportunities to consider extensions to the building and possibly a staging process.
- Refer this project to the Section 223 budget submission process for the 2020/21 year.

LIST OF APPENDICES

1. Kurunjang Recreation Reserve Sports Pavilion - undated
2. Kurunjang Recreation Reserve Site - dated 16 March 2020

12.11 RESULTS OF 2019 ENVIRONMENTAL ENHANCEMENT PROGRAM

Author: Ben Kroker - Senior Land Management Officer
Presenter: Laura-Jo Mellan - Manager City Design, Strategy & Environment

PURPOSE OF REPORT

To inform Council of the results of the 2019 Environmental Enhancement Program.

RECOMMENDATION:

That Council:

1. Note the effort undertaken by 87% of eligible landholders in managing their land responsibly; 154 property owners (see **Appendix 1**) who have not complied with the requirements of the program will have their rebate withdrawn; and
2. Note that the General Manager of Planning and Development will make the final decision on appeals that may be lodged in accordance with the adopted policy and guidelines.

REPORT

1. Executive Summary

The Environmental Enhancement Program (EEP) encourages eligible landholders to undertake specified works on their property that will improve the condition of the landscape within the municipality. The EEP applies to properties within specified zones that are larger than 2 hectares in size and is operated on an “opt-out” basis, meaning that eligible landowners must participate to retain the rate rebate

The program is delivered annually. In 2019, 87% of the 1,216 eligible properties met the requirements of the program, with 154 properties failing to comply. Of the 154 properties that failed to comply, 134 failed to return a Proposed Works Form (opted-out) with only 20 failed to effectively or successfully complete approved works.

The 20 property owners who either failed to undertake any work or undertook insufficient work to control extensive infestations of high priority weeds on their land compromises the work undertaken by compliant landowners and other land managers including Council. These property owners have an opportunity to appeal the decision to withdraw their rebate in accordance with the EEP guidelines.

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

2. Background/Issues

Melton City Council’s Environmental Enhancement Program (EEP) encourages eligible landholders to undertake specified works on their property that will improve the condition of the natural resources within the municipality. The EEP has been in effect since it was introduced in 1994 to provide a rebate on municipal rates. The EEP applies to properties within specified zones that are larger than 2 hectares in size and is operated on an “opt-out” basis, meaning that eligible landowners must participate to retain the rate rebate.

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

In February 2019, the Environmental Enhancement Program Guidelines and Proposed Works Form were sent to all eligible landowners (**Appendix 2 and 3**). Under the policy, each eligible landowner was required to submit a completed Proposed Works Form by 31 March 2019. This form outlines work that the landholder commits to undertake to address land management issues, with an emphasis on addressing the presence of environmental and agricultural weeds.

Landowners who did not return their forms by the end of March 2019 were sent up to 2 reminder letters. Received Proposed Works Forms were assessed by Council's Land Management Officer and written approval sent to landowners. Proposed Works Forms that could not be immediately approved (for example due to insufficient commitment to weed control) were amended prior to approval. Works were required to be complete by the 30th September 2019.

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

The overall compliance rate for 2019 was 87% of the 1216 eligible properties. The compliance rate over the life of the program has ranged between 87% and 98% with an average of 93%.

Of the 154 rebate withdrawals, 134 failed to return a Proposed Works Form and 20 failed to effectively or successfully complete approved works. Landowners who do not submit a Proposed Works Form elect not to participate and have their rate rebate withdrawn.

The 20 property owners who either failed to undertake any work or undertook insufficient work to control extensive infestations of high priority weeds on their land compromises the work undertaken by compliant landowners and other land managers including Council.

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

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

3. Council and Wellbeing Plan Reference and Policy Reference

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

2. A thriving and resilient natural environment: A City that preserves and enhances its natural environment for future generations

2.5 An environmentally aware community that appreciates the City's unique environmental assets.

4. Financial Considerations

The value of rebates for all eligible properties is \$1,959,316.23 (as per budget).

The value of rebates to be withdrawn is \$235,032.29 (see **Appendix 1**).

Depending on whether any appeals are successful, the value of withdrawn rebates may decrease.

5. Consultation/Public Submissions

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

6. Risk Analysis

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

7. Options

Nil

LIST OF APPENDICES

1. EEP 2019 Results No Names - undated - **CONFIDENTIAL**

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

2. EEP 2019 Guidelines - undated
3. EEP 2019 Proposed Works Form - undated

4. EEP 2019 results map - dated 3 March 2020 - **CONFIDENTIAL**

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

12.12 CONTRACT No. 20/002 - SHARED PATH RENEWAL WORKS 2019/2020

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. 20/002 for the construction of Melton Shared Path Renewal Works 2019/20.

RECOMMENDATION:

That Council:

1. Awards Contract No. 20/002 for Melton Shared Path Renewal Works 2019/20 submitted by MACA Infrastructure Pty Ltd Ltd for a sum of \$983,528 (excl. GST).
2. Delegate to the Chief Executive Officer the execution of all contract documents

REPORT

1. Executive Summary

This report seeks Council resolution for the award of Contract No. 20/002 for Melton Shared Path Renewal Works 2019/20. The project involves the reconstruction of 3 kilometres of shared paths and ancillary works.

Council has committed to the delivery of the 2019/2020 Footpath Renewal Program with a total budget allocation of \$1,155,000 in 2019/20 of which \$395,000 has been set aside for this project with the remainder of the budget allocated to the balance of other projects within this program. A further \$1,190,721 has been proposed for the 2020/21 Footpath Renewal Program of which \$615,000 is planned to be set aside for this project subject to Council approving the 2020/21 Capital budget. The total budget allocation towards this project over the two financial years is therefore \$1,010,000. Combining the 2019/20 and 2020/21 projects under the one contract allows for efficiencies in procurement and timely delivery of all works.

The assessment panel recommends that the contract be awarded to MACA Infrastructure Pty Ltd for a sum total of \$983,528 (excluding GST) in two separable portions: Separable Portion A for \$377,779 to be delivered in 2019/20 and Separable Portion B for \$605,749 to be delivered in 2020/21. The tender evaluation summary is provided in the **Confidential Appendix 1** attached to this report.

2. Background/Issues

This contract will provide the renewal of the shared paths scheduled for renewal as part of the Footpath Renewal Program for 2019/2020 and 2020/2021.

Various sections of existing asphalt footpath have been previously maintained along Toolern Creek, Little Blind Creek, and adjacent areas. A footpath condition assessment has been undertaken of footpaths in the municipality and the condition of the shared paths scheduled to be renewed rated poorly with the recommendation for replacement. The paths are in a state in which they are beyond cost-effective maintenance. Rectifying the existing path to an acceptable standard requires the removal of the existing asphalt path and construction of a

new path. Council's Engineering team has determined the construction of a new concrete shared path to be the most beneficial and cost-effective long term.

Council allocates budget for the replacement and maintenance of footpaths and shared paths every year in its Footpath renewal Program. The sections scheduled are a high priority for this program which aims to support the creation of a connected and active community through the design and delivery of walking and cycling networks.

The Footpath Renewal Program involves the reconstruction of various paths within the municipality. The paths associated with this shared path renewal project form only a part of the overall Footpath Renewal Program budget. As a result, the renewal of the shared paths is planned to occur over two financial years. Combining the 2019/2020 and 2020/2021 projects under the one contract allows for efficiencies in procurement and timely delivery of all works.

The projects will be arranged as follows:

2019/2020 (Separable Portion A)

- High Street, Melton (Opposite Hannah Watts)
- Little Blind Creek, Melton (Raleighs Road to Centenary Rd)

2020/2021 (Separable Portion B)

- Little Blind Creek, Kurunjang (Centenary Road to Roderick Dr)
- Centenary Avenue, Kurunjang (Raleighs Rd to Gisborne-Melton Rd)
- Toolern Creek, Melton South (Creek Street to Blamey Drive).

The contractor is required to complete the first portion of works by no later than 30 June 2020 and the second portion of works between 1 July and 30 October 2020 (subject to Council adopting the 2020/21 Capital Budget).

An Expression of Interest for the above contract was advertised in The Age and Tendersearch on 5 September 2019 and closed on 20 September 2019. Four contractors were selected to be invited to direct tender. A direct tender was sent to the selected contractors on 4 December 2019 and closed 28 January 2020.

A total of 3 tenders were received and assessed on the basis of the evaluation criteria described in the tender documents. All tenders conformed to the requirements of the tender documentation and were evaluated. The assessment panel is recommending that the contract be awarded to MACA Infrastructure Pty Ltd for a sum total of \$983,528 (excluding GST) in two separable portions, Separable Portion A for \$377,779 and Separable Portion B for \$605,749.

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

3. Council Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

The Footpath Renewal Program for 2019/2020 has an overall budget of \$1,155,000 which includes other smaller footpath maintenance projects that have already been allocated within that budget. Of the 2019/2020 budget, \$395,000 is allocated to this shared path renewal project.

Council should note that in awarding this contract Council is committing to expending a further \$615,000 in the 2020/21 budget on this project.

Table 1.0 Program Budget Considerations

Funding Body	Budget	This Contract	Other Projects in this program	Remaining Budget
Footpath Renewal Program (2019/20)	\$1,155,000	\$377,779	\$760,000	\$17,221
Footpath Renewal Program (2020/21 expected)	\$1,190,721	\$605,749	\$570,000	\$14,972
TOTAL	\$2,345,721	\$983,528	\$1,330,000	\$32,193

A financial assessment of MACA Infrastructure Pty Ltd was undertaken by Corporate Scorecard and returned a satisfactory result.

5. Consultation/Public Submissions

Consultation on the overall asset maintenance program, which includes the renewal of Council's Shared Path network, was carried out internally within Council.

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 an expression of interest to construction companies via The Age and on the Tendersearch website
- Requested tenders directly from the successful contractors selected from the expression of interest
- 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.

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.

7. Options

Council has the options to:

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

LIST OF APPENDICES

1. Tender Evaluation Summary Contract No. 20/002 - undated - **CONFIDENTIAL**
Designated as confidential by the Chief Executive Officer pursuant to Section 77(2)(c) and Section 89(2)(d) of the *Local Government Act 1989*.

12.13 CONTRACT NO. 20/029 - LAKE STREET, CAROLINE SPRINGS - PAVEMENT RECONSTRUCTION

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. 20/029 for the construction of Lake Street, Caroline Springs – Pavement Reconstruction at Council's discretion.

RECOMMENDATION:

That Council:

1. Award Contract No. 20/029 for Lake Street, Caroline Springs – Pavement Reconstruction submitted by Central Bobcat Hire Pty Ltd for a lump sum of \$490,934 (excl. GST)
2. Delegate to the Chief Executive Officer the execution of all contract documents.

REPORT

1. Executive Summary

This report seeks Council resolution for the award of Contract No. 20/029 for Lake Street, Caroline Springs – Pavement Reconstruction. The project involves the reconstruction of the pavement at Lake Street, Caroline Springs from Caroline Springs Boulevard to Garretty Road.

Council has committed to the delivery of the 2019-2020 Road Resurfacing Program in the 2019/20 budget, with a total budget allocation of \$6,218,651. \$600,000 has been allocated to this project.

The tender was advertised on 1 February 2020 and six responses were received.

The contractor is required to commence construction by 6 April 2020 and complete the works by no later than 24 April 2020.

The assessment panel is recommending that the contract be awarded to Central Bobcat Hire Pty Ltd for a lump sum of \$490,934 (excluding GST).

The tender evaluation summary is provided in the **Confidential Appendix 1** attached to this report.

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 program through its Capital Works and Maintenance programs 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 was compiled using condition data, local knowledge and modelling from predictive software to determine the road renewal 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 scale of the defect, hazard or risk. During this process, Lake Street, from Caroline Springs Boulevard to Garretty Road, was identified as requiring significant work to strengthen the pavement and a design was produced by Council's Engineering department.

Tenders for the above contract were advertised in The Age on 1 February 2020 and closed on 24 February 2020.

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

All tenders conformed to the requirements of the tender documentation and were evaluated. The tender evaluation is contained in **Confidential Appendix 1** – Contract 20/029 Tender Evaluation Report.

The contractor is required to commence construction by 6 April 2020 and complete the works by no later than 24 April 2020.

The assessment panel is recommending that the contract be awarded to Central Bobcat Hire Pty Ltd for a lump sum of \$490,934 (excluding GST).

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 Road Resurfacing Program for 2019-2020 has an overall budget of \$6,218,651. Of this budget, \$600,000 is allocated to this project. The remaining funds are allocated to other civil projects including Contract 20/021 Sealed Road Renewal Program (Asphalt) 2019/20, Contract 20/022 Sealed Road Renewal Program (Spray Seal) 2019/20 and other road renewal projects.

Table 1.0

Funding Body	\$
Melton City Council – Sealed Road Renewal Program	\$2,066,266
Roads to Recovery Grant – Sealed Road Renewal Program	\$1,008,734
Melton City Council – Road Rehabilitation Program	\$1,999,301
Melton City Council – Annual Resurfacing Periodic Reseals	\$963,350
Melton City Council – Beatty's Road Final Seal	\$181,000
TOTAL	\$6,218,651

A financial assessment of Central Bobcat Hire was undertaken by Corporate Scorecard and returned a satisfactory result.

5. Consultation/Public Submissions

Consultation on the overall Capital Works plan, which includes the Road Resurfacing 2019-2020 Program, was carried out internally and approved by Council.

Consultation was undertaken with the business owners of the entire Caroline Springs shopping centre precinct to inform them about the scope and timing of works. As a result of the consultation, council officers have programmed these works to occur after hours to minimize disruption to vehicles, traders, customers and the general public. Traffic management plans will also take into consideration continued access to all businesses.

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 a suitably qualified civil construction company:

- 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.

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.

7. Options

Council has the options to:

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

LIST OF APPENDICES

1. Tender Evaluation Summary Contract 20/029 - undated - **CONFIDENTIAL**

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

12.14 PLANNING APPLICATION PA 2017/5572 - SUBDIVISION OF LAND INTO 20 LOTS AND ASSOCIATED REMOVAL OF NATIVE VEGETATION AT 6-8, 24 AND 26 OUTLOOK RIDE KURUNJANG

Author: Simon Temple - Acting Statutory Planning Coordinator
Presenter: Bob Baggio - Manager Planning Services

PURPOSE OF REPORT

To consider the above the planning application.

RECOMMENDATION:

That Council issue a Notice of Decision to Grant a Permit subject to the conditions outlined in **Appendix 6** of this report.

REPORT

1. Background

Executive Summary

Applicant:	AGC Investments Pty Ltd
Proposal:	Subdivision of land into 20 lots and associated removal of native vegetation.
Existing Land Use:	Vacant
Zone:	General Residential Zone (Schedule 1) and Neighbourhood Residential Zone (Schedule 2)
Overlays:	Nil.
Number of Objections:	Eight (and one letter of support)
Key Planning Issues:	Neighbourhood character Increased traffic/traffic congestion Increased housing density
Recommendation:	Approve application

The Land and Surrounding Area

The subject land consists of three adjoining, irregular shaped and relatively flat land parcels - the largest of which fronts the north side of Outlook Ride with rear abuttal to Little Blind Creek, with the two other lots fronting the east side of Outlook Ride.

The largest lot known as 6-8 Outlook Ride has an area of approximately 4.2ha, while the other two lots known as 24 and 26 Outlook Ride have an area of 5,001m² and 5,436m² respectively. The total land area is 5.244ha.

The land is on the periphery of an existing low density residential area (known as Kurunjang Ranches Estate) and more conventional residential areas in Kurunjang. The two smaller lots are in effect part of this low density estate while the larger lot currently provides a buffer to conventional residential areas to the north, south and east.

The land is vacant save for an established Buloke tree and a number of planted nonindigenous trees located near the frontage of the larger lot. The land is relatively flat and has been previously used for farming purposes.

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

Planning History

A previous planning permit was issued by Council in March 2004 to subdivide the land into 11 low density lots generally accessed from an internal court. Prior to the expiry of that permit, two of the proposed lots (Lots 10 and 11) were created and each of these lots has been developed with a dwelling and ancillary development. Both of these lots are accessed from Gunnawarra Road which is located off Outlook Ride.

As a requirement of this permit, a Section 173 agreement was entered into which required (in part) that vehicular access to Lots A and 10 be from the proposed internal road and not from Outlook Ride.

In March 2012, Council considered a request to amend the planning scheme to rezone the land to facilitate its redevelopment into standard residential lots. At the time, the land was in the Low Density Residential Zone and it was proposed to rezone the land to Residential 1. Council resolved not to support the request, and although no formal grounds were given for the rejection, it is believed that the main concern related to increased traffic and safety issues in proximity to the existing schools on Kurunjang Road and Centenary Avenue which could be exacerbated by this development.

In August 2013, Council considered a further request to rezone the land and resolved to initiate a planning scheme amendment to facilitate its subdivision into conventional residential lots. The amendment was subsequently exhibited and attracted 76 submissions. Council considered the submissions at its meeting in June 2014, where it resolved to abandon the amendment.

The Application

The application proposes to subdivide the land to create 20 lots.

The proposal is summarised as follows:

- All lots have a minimum area of 2,000m².
- Access to the lots is either directly from Outlook Ride or a new internal road which intersects Outlook Ride in two locations.
- A strip of land adjoining Little Blind Creek is proposed to be incorporated into the existing creek reserve.

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

Planning Controls

Zone	Clause 32.08 – General Residential Zone (Schedule 1)	A permit is required to subdivide land.
	Clause 32.09 – Neighbourhood Residential Zone (Schedule 2)	A permit is required to subdivide land. Under Schedule 2 (Kurunjang Ranges Estate), the minimum lot size for subdivision is 2,000 square metres where the land is connected to reticulated sewerage and 4,000 square metres where the land is not connected to reticulated sewerage.
Overlays	Nil	
Particular Provisions	Clause 52.17 – Native Vegetation	A permit is required to remove, destroy or lop native vegetation.

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

Clause 56 – ResCode

Under the requirements of the zone, the subdivision of land must meet the requirements of Clause 56 of the Planning Scheme. Clause 56 requires that a subdivision:

- must meet all of the objectives
- should meet all the standards.

If the Council however is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

House Rules - Housing Character Assessment & Design Guidelines

The *Housing Character Assessment & Design Guidelines* as adopted at the Ordinary Meeting of Council on 13 October 2015. The site is located within the Lifestyle Suburban 5 character area. The essential components of the LS5 character area which need to be maintained into the future are:

- Buildings sited well back from the road and generally also from side boundaries.
- Buildings and hard surfaces occupying only a small proportion of the site.
- Continuity of soft landscape across adjacent lot frontages.
- Retention of large feature trees.
- Retention of some remnants of vegetation from the pre-residential landscape, where they exist.

The rural look and feel of these areas is to be strengthened by:

- Using open, agricultural-style fencing
- Avoiding boundary treatments with an urban or suburban appearance.

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant, however, the land is affected by a Section 173 Agreement which relates to a previous planning permit (PA2003/289) issued by Council to subdivide land at 2-8 Outlook Ride, Kurunjang. The agreement requires vehicle access to Lots A and 10 of the subdivision to be from an internal road to the subdivision and no access is permitted from Outlook Ride. In addition, buildings on each lot must be constructed within the designated building envelope endorsed under Planning Permit PA2003/289.

The proposal does not contravene the requirements of the agreement.

Is the land of Cultural Heritage Sensitivity?

The land is considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*; and an approved cultural heritage management plan has been submitted with the planning application.

2. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

3.1.4 *Advocate and support development and availability of diverse and affordable housing options.*

3. Financial Considerations

No Council related financial considerations are involved with the application.

4. Consultation/Public Submissions

Public notification of the application

The application was subject to notification. The notification was satisfactorily completed and nine objections were received along with one letter of support.

The grounds of objection may be summarised as follows:

- The proposal will result in increased traffic and traffic congestion in the area.
- The proposal will set a precedent for further subdivision in the area.
- Lack of adequate access for emergency services vehicles.
- The proposal will result in increased housing density.

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

Referral of the application

The application was referred to a number of Council Departments for comment and advice. The application was also required to be referred to Melbourne Water, Downer, Powercor, Western Water and the Department of Environment, Land, Water and Planning (DELWP) which are all determining referral authorities in this case. A complete list of responses is included in **Appendix 5**.

Of particular note are the comments from Council's Urban Designers who suggested a number of changes to the subdivision lot layout and requested incorporation of potential future access across Little Blind Creek to Raleigh Road. The applicant has submitted an amended plan of subdivision which has incorporated these changes.

Council's Infrastructure Planning Department has also requested that the width of proposed internal road along the northern boundary is required to have a minimum width of 16 metres in accordance with Council's engineering standards. This will be addressed as a condition should Council resolve to support the application.

5. Issues

Planning Assessment

The proposed subdivision is considered to be consistent with the State and Local Planning Policy Framework (including Council's Municipal Strategic Statement, Housing within the Established Residential Areas Policy and Housing Diversity Policy) and the purpose of the General Residential Zone and Neighbourhood Residential Zone in terms of providing housing diversity and choice and increasing residential densities in a location which has connection to reticulated services and offers good access to community facilities and transport.

The layout, orientation and size of lots proposed within the subdivision satisfy the minimum subdivision lot size requirements (2,000 square metres) as outlined under Schedule 2 of the Neighbourhood Residential Zone for land that is connected to reticulated sewerage. It is also considered that the proposal will complement and respect the established and preferred neighbourhood character of the area by providing an appropriate transition between the existing conventional residential lots sizes and development (Djerriwarrh Estate) to the east and the established low density residential lot sizes (5,000 square metres) and development to the west as part of the Kurunjang Ranch Estate.

The proposal is also consistent with Council's Housing Diversity Strategy, Housing in Established Residential Areas Policy, Housing Diversity Policy (Clause 22.12 of the Melton Planning Scheme) and the guidelines for the Lifestyle Suburban 5 character area under Council's Housing Character Assessment and Design Guidelines. The proposal generally satisfies the objectives and standards of Res Code under Clause 56 of the Melton Planning Scheme.

The proposal will facilitate the future use and development of the land for low density residential purposes which will encourage single dwellings with generous front and side boundary setbacks to avoid boundary treatments with an urban or suburban appearance and the use of open agricultural style fencing. These matters will be addressed as a restriction on the plan of subdivision.

The proposed subdivision does not contravene any of the requirements outlined under the Section 173 Agreement registered on the Certificate of Title for the subject land.

The initial concerns raised by Council's City Design area have generally been addressed by modifications to the layout of the subdivision. The modifications to the proposed internal road requested by Council's Engineering (Infrastructure Planning) Department can be addressed as a condition on the permit should Council resolved to approve the application.

The grounds of objection are acknowledged, however, it is considered that the concerns are not substantiated as Council's Traffic and Transport Department has not raised any concerns in relation to the amount of traffic likely to be generated by the proposed subdivision or the vehicle access to each lot from the proposed internal road servicing the subdivision.

6. Options

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

7. Conclusion

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

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

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

LIST OF APPENDICES

1. Locality Plan - dated 21 November 2019
2. Plan of Subdivision - dated 14 October 2019
3. Assessment against the Planning Scheme - undated
4. Response to Objections - undated
5. Referral Comments - undated
6. Notice of Decision to Grant a Permit - undated

12.15 PLANNING APPLICATION PA 2019/6799 - CONSTRUCTION OF AN OUTBUILDING ASSOCIATED WITH AN EXISTING DWELLING ON LAND AT 376 LEAKES ROAD, PLUMPTON

Author: Cam Luong - Development Planner
Presenter: Bob Baggio - Manager Planning Services

PURPOSE OF REPORT

To consider and determine the planning application.

RECOMMENDATION:

That Council issue a Notice of Decision to Grant a Permit subject to the conditions outlined in **Appendix 6** of this report.

REPORT

1. Background

Executive Summary

Applicant:	Victor Mercieca
Proposal:	Construction of an outbuilding
Existing Land Use:	Existing single storey dwelling, outdoor storage of damaged vehicles and shipping containers
Zone:	Green Wedge
Overlays:	Environmental Significance Overlay (ESO2) Heritage Overlay (HO201)
Number of Objections:	Two objections
Key Planning Issues:	Strategic justification On-going planning enforcement action
Recommendation:	Approve Application

The Land and Surrounding Area

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

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

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

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

Subject History

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

At its Ordinary Meeting on the 22 July 2019, Council decided to refuse Planning Permit Application PA2018/6799. The proposal was for the *“Use and development of the land for the purpose of a transfer station comprising salvage and temporary storage of used or damaged motor vehicles and a reduction in the standard rate of car parking”*.

The Application

The application seeks approval for the construction of a shed associated with an existing dwelling.

The proposed development is summarised as follows:

- Construction of a shed with a concrete slab measuring 57m by 19m (1083m²).
- Overall height of the shed is 7.44m.
- The shed would be clad with colorbond sheeting that is in muted tone (Windspray).
- The applicant has indicated that the shed would be used to store items ancillary to the occupants of the dwelling. The applicant has advised that the dwelling is currently tenanted to a friend who wishes to store his personal collection of motorcycles, parts/items, and other personal items. Additionally, the applicant has indicated that once he moves into the property, the shed would be used to store his collectors' cars and memorabilia.

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

Planning Controls

Zone	Clause 35.04 – Green Wedge Zone	Permit required for the development of the land with an outbuilding associated with an existing dwelling on the land.
Overlay	Clause 42.01 - Environmental Significance Overlay	No permit is required.
	Clause 43.01 - Heritage Overlay	No permit is required.

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

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

Is the land of Cultural Heritage Sensitivity?

The land is considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*; however the proposal constitutes an exempt activity which does not require a cultural heritage management plan.

2. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

3. Financial Considerations

No Council related financial considerations are involved with the application.

4. Consultation/Public Submissions

Public notification of the application

The application was subject to notification. The notification was satisfactorily completed and two objections were received. The grounds of objection may be summarised as follows:

- Devaluation of adjacent properties due to living next to a wrecking yard and storage yard.
- Contamination of land due to car fluid spills.
- Fire hazard to neighbouring properties due to vehicles.
- Presence of pests and vermin due to the vehicles and parts.
- Visual amenity issues due to existing vehicles and shipping containers.
- Noise issues to the moving of vehicles afterhours.
- Lack of justification for the shed.
- Objectors believe that the shed would be used to store the damaged vehicles that are currently on the site and/or conduct the business that was previously refused.

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

Referral of the application

The application was referred to a number of Council Departments for comment and advice. A complete list of responses is included in **Appendix 5**.

5. Issues

Planning Assessment

The siting, height, and setbacks of the proposed outbuilding is generally consistent with guidelines contained in Council's *Store and Outbuilding Policy and Guidelines, March 2010*.

Within the immediate surrounding area there are quite a number of sheds that are similar in size and dimensions. Large sheds are quite common within rural areas to store machinery associated with the maintenance of those properties and domestic goods associated with people living on rural properties.

The conditions that would be placed on this planning permit would be near identical to the conditions placed on the planning permit for the outbuilding located approximately 200 metres to the south of the proposed outbuilding.

On-going planning enforcement action

As previously outlined the subject site has been used for the storage of damaged vehicles and shipping containers since 2016 without planning approval.

Enforcement action has re-commenced, after the previous planning application was refused by Council. The landowner has verbally agreed on a plan to gradually remove the vehicles and shipping containers from the subject land.

Council's Planning Enforcement Officers last visited the subject land on 5 February 2020, and the number of vehicles, tubs, and shipping containers on the subject land were counted. In August 2019 (based on the aerial image), there were 366 cars, 79 tubs, and 28 shipping containers. On 5 February 2020, there were 285 cars, 66, tubs, and 28 shipping containers. Council's investigations reveal that the landowner has made progress in relation to the enforcement action.

The landowner has been made aware that enforcement action will be substantially escalated, if the agreed outcome to gradually remove the vehicles and shipping containers is not adhered to.

If the applicant uses the outbuilding for commercial purposes, further enforcement action can be taken against the permit-holder for breaching the conditions on the planning permit, should a permit be issued for the proposed outbuilding.

The enforcement action that this progressing, and the planning permit application being assessed need to be viewed as two separate planning issues.

6. Options

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

7. Conclusion

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

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

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

LIST OF APPENDICES

1. Locality Plan - dated 4 March 2020
2. Plans of proposal - dated 28 August 2019
3. Assessment of the proposal against State and Local Planning Policies - undated
4. Response to Objections - undated
5. Referral Comments - undated
6. Permit Conditions - undated

12.16 INSTRUMENT OF DELEGATION UPDATE

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

PURPOSE OF REPORT

To seek the approval of Council of the revised S6 Instrument of Delegation - Members of staff.

RECOMMENDATION:

That Council:

1. in exercise of the power conferred by Section 98(1) of the *Local Government Act* 1989 ('the Act'), and other legislation referred to in the attached Instruments of Delegation, delegates each duty and/or function and/or power described in column one of the Schedule (and summarised in column two of the schedule) to the Chief Executive Officer and member of the Council staff holding, acting in or performing the duties of the office of each such duty and/or function and/or power in column three of the schedule within the S6 Instrument of Delegation - Members of staff (**Appendix 1**)
2. records that upon the coming into force of the revised Instrument of Delegation, each delegation under the former Instruments of Delegation by the Council is revoked.
3. affix the Common Seal of the Council to the S6 Instrument of Delegation - Members of staff (**Appendix 1**)

REPORT

1. Executive Summary

A Council may, by Council resolution, make an Instrument of Delegation and delegate to a member of its staff a range of powers, duties or functions of a Council under the *Local Government Act* 1989 ('the Act') or any other applicable Act.

The S6 Instrument of Delegation - Members of staff now presented to Council will provide for the proper and efficient use of Council's powers in allowing Council staff to undertake the day to day management of the organisation in a timely and responsive manner.

2. Background/Issues

A Council may, by Instrument of Delegation, delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act other than:

- This power of delegation (except as provided for in s.98(3) of the *Local Government Act* 1989 that allows the CEO to sub-delegate)
- The power to declare a rate or charge
- The power to borrow money
- The power to approve any expenditure not contained in a budget approved by the Council
- Any power, duty or function of the Council under Section 223

- Any prescribed power.

A person exercising a delegation is effectively 'standing in the shoes of the Council'. A decision made under delegation is a decision of the Council. A delegation in force does not prevent Council from making the decision.

Melton City Council Instruments of Delegation and Sub-delegation

The Council has four main Instruments of Delegation and Sub-delegation in place. Two of these instruments require approval by the Council and there are two instruments that the Chief Executive Officer gives approval to. These are as set out below:

Instruments requiring Council approval:

- S5 Instrument of Delegation to the Chief Executive Officer
- S6 Instrument of Delegation - Members of staff

Instruments requiring Chief Executive Officer approval:

- S7 Instrument of Sub-Delegation from CEO to Council staff
- S13 Instrument of Delegation of CEO powers, duties and functions

Changes to the S6 Instrument of Delegation – Members of staff

The S6 Instrument of Delegation - Members of staff covers a range of powers, duties and functions under specific Acts and Regulations where the delegation must be from the Council direct to the position, rather than through a sub-delegation from the Chief Executive Officer. These delegations must be direct from Council as the legislation or provisions contained in this instrument do not allow for sub-delegation.

The S6 Instrument was last updated at its Ordinary meeting held 9 December 2019.

The update of the S6 Instrument of Delegation - Members of staff as attached to this report at **Appendix 1** takes into account:

1. delegations established for the new position of Executive Manager Property and Projects;
2. a small number of minor legislative changes advised to Council by Maddocks Lawyers in their half yearly update to delegation templates; and
3. changes to the structure of the Legal & Governance unit approved by Executive on 12 March 2020 where the Property Officer position is replaced by a Legal Officer position and the current Legal Officer position is replaced with a Senior Legal Officer position.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

There are no financial considerations relevant to this matter.

5. Consultation/Public Submissions

There is no requirement for public consultation in this process.

6. Risk Analysis

The same risks apply in decision making by Officers as for decisions by Council. Namely that the decision could be tainted by conflict of interest, be ultra vires and may be subject to administrative review by a Court or Tribunal.

7. Options

That Council adopt the Recommendation as presented.

LIST OF APPENDICES

1. S6 Instrument of Delegation - Council to Staff - undated

12.17 MOONEE VALLEY CAMPAIGN FOR AN AIRPORT WEST TRAIN STATION

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

PURPOSE OF REPORT

To respond to a request from Moonee Valley City Council for support for their campaign to have a train station provided at Airport West

RECOMMENDATION:

That Council;

1. Endorse the City of Moonee Valley's campaign for the establishment of a train station at Airport West;
2. Write to the Hon Jacinta Allan MP, Minister for Transport Infrastructure, in support of the campaign; and
3. Advise the Mayor of the City of Moonee Valley of Council's support for the campaign.

REPORT

1. Executive Summary

Council has received a request from the City of Moonee Valley for Council to support their campaign for the provision of a rail station at Airport West. The City of Moonee Valley contend that the significant transport infrastructure currently being planned, such as Airport Rail Link and the Suburban Rail Loop, provide a unique opportunity to address the transport challenges faced by residents in the Airport West area.

2. Background/Issues

Council has received a request from the City of Moonee Valley Mayor, Cr Samantha Byrne for Council to support the campaign for the provision of a rail station at Airport West. The City of Moonee Valley contend that the significant transport infrastructure currently being planned, such as Airport Rail Link and the Suburban Rail Loop, provide a unique opportunity to address the transport challenges faced by residents in the Airport West area. While there is a tram line from Airport West, it lacks the capacity to deal with the volume of commuters now residing in that area.

Moonee Valley are a member of the Western Region Group of Councils, which has been very supportive of Melton's campaigns for upgrade of the Melton rail line and a Melton Hospital. In the spirit of partnership, and a shared commitment to promoting the west of Melbourne, Council is encouraged to support the Airport West Train Station campaign.

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 is no financial impact related to this matter.

5. Consultation/Public Submissions

No public consultation has been undertaken, or is required.

6. Risk Analysis

It could be argued that this is not a matter within Council's remit, however in the spirit of partnership that exists across Councils of Western Melbourne it is appropriate for Council to support this campaign as it has no negative impact on Council.

7. Options

It is open to Council to choose to not support the campaign.

LIST OF APPENDICES

Nil

13. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES

Reports on external Committees and external Representative Bodies for which Councillors have been appointed by Council.

14. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS

Address from Councillors in relation to matters of civic leadership and community representation, including acknowledgement of community groups and individuals, information arising from internal Committees, advocacy on behalf of constituents and other topics of significance.

15. NOTICES OF MOTION

15.1 NOTICE OF MOTION 680 (CR ABBOUSHI)

Councillor: Steven Abboushi - Councillor

Notice was given at the Ordinary Meeting of Council held on 2 March 2020 of my intention to move the following motion at the Ordinary Meeting Council to be held on 26 March 2020

MOTION:

That officers investigate options to improve the road intersection of Neale Road and Hopkins Road, Deanside.

OFFICER'S COMMENTS:

Council officers will provide advice regarding the improvement of the intersection at Neale Road and Hopkins Road, Deanside and prepare correspondence in accordance with the Notice of Motion above.

15.2 NOTICE OF MOTION 681 (CR ABBOUSHI)

Councillor: Steven Abboushi - Councillor

Notice was given at the Ordinary Meeting of Council held on 2 March 2020 of my intention to move the following motion at the Ordinary Meeting Council to be held on 26 March 2020

MOTION:

That officers provide Council with future plans for Taylors Road, including intersections and triggers for construction of the road.

OFFICER'S COMMENTS:

If the Motion is carried, Council officers will provide plans for Taylors Road including intersections and prepare correspondence including the triggers for construction of the road in accordance with the Notice of Motion above.

15.3 NOTICE OF MOTION 682 (CR ABBOUSHI)

Councillor: Steven Abboushi - Councillor

Notice was given at the Ordinary Meeting of Council held on 2 March 2020 of my intention to move the following motion at the Ordinary Meeting Council to be held on 26 March 2020

MOTION:

That Council officers erect speed limit signs, where appropriate, along Sugargum Drive and Boronia Drive, Hillside.

OFFICER'S COMMENTS:

The erection of speed signage is subject to approval by Department of Transport (formerly VicRoads).

Officers will make an application through the VicRoads Speed Limit Assessment system for the installation of speed limit signage.

15.4 NOTICE OF MOTION 683 (CR MAJDLIK)

Councillor: Kathy Majdlik - Councillor

Notice was given at the Ordinary Meeting of Council held on 2 March 2020 of my intention to move the following motion at the Ordinary Meeting Council to be held on 26 March 2020

MOTION:

That Council officers provide costings for storage facilities for the City Vista sports grounds at Fraser Rise in consultation with the users of the facility and that it be considered for the 2020/2021 budget.

OFFICER'S COMMENTS:

If the Motion is carried, officers will prepare a report to be presented at the 27 April 2020 Council meeting.

15.5 NOTICE OF MOTION 684 (CR ABBOUSHI)

Councillor: Steven Abboushi - Councillor

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 26 March 2020

MOTION:

That Council officers assess the need for traffic calming devices along Blakeville Drive, Caroline Springs and report to Council with recommendations as soon as possible.

OFFICER'S COMMENTS:

If the Motion is carried, Council officers will undertake an assessment of traffic calming devices along Blakeville Drive, Caroline Springs and report back to Council in accordance with the Notice of Motion above.

16. **COUNCILLOR'S QUESTIONS WITHOUT NOTICE**
17. **MOTIONS WITHOUT NOTICE**
18. **URGENT BUSINESS**

19. CONFIDENTIAL BUSINESS

Recommended Procedural Motion

That pursuant to section 89(2) of the *Local Government Act 1989* the meeting be closed to the public to consider the following reports, that are considered confidential for the reasons indicated:

19.1 2020 Young Communities Grants and Awards Program

(h) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person.

19.2 Chief Executive Officer Review Advisory Committee Meeting Minutes - 17 February 2020

(a) as it relates to personnel matters.

Recommended Procedural Motion

That the meeting be opened to the public.

20. CLOSE OF BUSINESS