



MELTON CITY COUNCIL

Notice is hereby given that the Meeting of the
Melton City Council will be held via a
videoconference on 21 December 2020 at 7:00pm.

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

Kelvin Tori
CHIEF EXECUTIVE

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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 Part 6, Division 2 of the Local Government Act 2020 and Council's Governance Rules any Councillor must declare any General Conflict of Interest or Material Conflict of Interest.

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

That the Minutes of the Meeting of Council held on 30 November 2020 be confirmed as a true and correct record.

7. RECORD OF ASSEMBLY OF COUNCILLORS**7.1 SUMMARY OF INFORMAL MEETINGS OF COUNCILLORS IN ACCORDANCE WITH CHAPTER 6, RULE 1 OF THE COUNCIL'S GOVERNANCE RULES**

- 30 November 2020 Record of Assembly of Councillors
- 2 December 2020 Record of Assembly of Councillors
- 7 December 2020 Record of Assembly of Councillors
- 14 December 2020 Record of Assembly of Councillors

RECOMMENDATION:

That the Record of Assembly of Councillors dated 30 November and 2, 7 and 14 December 2020 attached to this Agenda be received and noted.

LIST OF APPENDICES

1. Summary of Informal Meetings of Councillors - dated 30 November 2020
2. Summary of Informal Meetings of Councillors - dated 2 December 2020
3. Summary of Informal Meetings of Councillors - dated 7 December 2020
4. Summary of Informal Meetings of Councillors - dated 14 December 2020

8. CORRESPONDENCE INWARD**8.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR**

- The Hon Paul Fletcher MP – Minister for Communications, Cyber Safety and the Arts, Federal Member for Bradfield – Online gambling concerns

RECOMMENDATION:

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

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1. Letter from The Hon Paul Fletcher MP – Minister for Communications, Cyber Safety and the Arts, Federal Member for Bradfield - dated 17 November 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

Nil.

11. PUBLIC QUESTION TIME

12. PRESENTATION OF STAFF REPORTS

12.1 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

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

PURPOSE OF REPORT

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

RECOMMENDATION:

That Council:

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

REPORT

1. Executive Summary

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

The minutes of the Advisory Committees attached to this report form a written record of meeting including any matters considered and any conflicts of interest disclosed.

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

2. Background/Issues

An Advisory Committee is a committee established by Council to provide advice to it or its delegate. Whilst not mentioned in the 2020 Act, Council has the power to create Advisory Committees pursuant to its general power set out in section 10 of the 2020 Act.

All advisory Committees are subject to their individual Terms of Reference. The membership varies depending upon the committee's specific role. Committee membership will generally comprise a Councillor(s), council staff and community representatives and may include key stakeholders, subject matter experts and/or community service providers and organisations.

Councillor representation on Advisory Committees is generally for one year and is reviewed annually. Advisory Committees for the 2020/21 municipal year were considered by the Councillor Representation Nominations Advisory Committee (CRNAC) when it met on Monday 23 November 2020.

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

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

Meeting Date	Advisory Committee	Attached
9 December 2020	Heritage Advisory Committee	Appendix 1

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.

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- Heritage Advisory Committee Meeting Minutes - dated 9 December 2020

12.2 MINUTES OF THE INFORMAL MEETING OF THE AUDIT AND RISK COMMITTEE INDEPENDENT MEMBERS - 9 DECEMBER 2020

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

PURPOSE OF REPORT

To present to Council the minutes of the informal meeting of the Audit and Risk Committee independent members held on Wednesday 9 December 2020.

RECOMMENDATION:

That Council:

1. Note that the Audit and Risk Committee meeting scheduled for 9 December lapsed for lack of a quorum.
2. Note that the independent members of the Audit and Risk Committee nevertheless decided to meet informally and provide recommendations to Council.
3. Note the minutes of the informal meeting of the Audit and Risk Committee Independent Members held on Wednesday 9 December 2020 at **Appendix 1**.
4. Adopt the recommendations of the Independent Members as set out in the minutes.

REPORT

1. Executive Summary

The Audit and Risk Committee meeting scheduled for 9 December 2020 lapsed for lack of a quorum. The Independent Members nevertheless decided to meet informally and provide recommendations (based on officer recommendations) to Council. The recommendations of the Independent Members are set out in the minutes attached at **Appendix 1** (without attachments).

Council can either accept, reject or amend any of the recommendations contained within the minutes.

2. Background/Issues

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

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

The Audit and Risk Committee makes recommendations to Council for its consideration.

The Audit and Risk Committee meeting scheduled for 9 December 2020 lapsed for lack of a quorum. The independent members nevertheless decided to meet informally and provide

recommendations (based on officer recommendations) to Council. The recommendations of the Independent Members are set out in the minutes attached at **Appendix 1** (without attachments).

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

Any and all financial considerations are set out within the reports and minutes.

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

A risk analysis is contained within each report as set out in the minutes.

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

7. Options

The Audit and Risk Committee is not a delegated committee and operates in an advisory capacity to Council, therefore Council has the discretion to accept, reject or amend the Committee's recommendations. The recommendations contained within these minutes are recommendations of the Independent Members only.

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1. Minutes of the Informal Meeting of the Audit and Risk Committee Independent Members - 9 December 2020

12.3 RESPONSE TO NOTICE OF MOTION 721 (CR MAJDLIK) - REPORT ON INCREASING THE SIZE OF PUBLIC PLACE LITTER BINS AND ASSOCIATED COSTS.

Author: Les Stokes - Manager Environment & Waste
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To respond to Notice of Motion 721 requesting a report on the costs to increase the size of public litter bins at Lake Caroline, Lake Logan (and its connecting Lakes) and any other locations deemed to be not coping with increasing waste volumes.

RECOMMENDATION:

That Council receive and note the report.

REPORT

1. Executive Summary

Council has seen an increase in the use of public place litter bins in parks and open spaces of high pedestrian activity during the COVID 19 pandemic. Council Officers have responded to this by increasing collection frequencies, increasing the size of bins and installing additional bins.

These operational decisions appear to be meeting current demand and will continue to be applied to meet changing demand in the future. Officers therefore consider the upgrading bin surrounds as not necessary.

2. Background/Issues

At the Ordinary Meeting of Council on 30 November 2020, Notice of Motion 721 was considered and Council resolved the following:

That Council officers prepare a report and costings at the next Council meeting, for the replacement of current bins to a larger double bin system (or an appropriate alternative) particularly around the areas at Lake Caroline, Lake Logan (and its connecting Lakes) and any other area that Council determines where Council's current public bins are not coping with the rubbish.

Council has seen an increased usage of public open space during the COVID 19 pandemic and associated lock downs. This increased usage appears to have also increased pressure on public place litter bins in parks and open spaces of high pedestrian activity. Council Officers have responded to this by increasing collection frequency, increasing the size of bins and installing additional bins.

In addition to general use, public litter bins have also been effected by the increased presence of food trucks and the dumping of household waste. Unfortunately, due to COVID 19, audits of the bins contents could not be conducted to ascertain data on the extent of this problem, however these audits are expected to occur in the new year.

The current public place bin options include Waste and Recycling bins within surrounds as shown in the Figure 1 (these are 120L bins) and Waste bins on stands as shown in Figure 2 (these are either 120L or 240L)



Figure 1 – Bin Surround



Figure 2 – Bin Stand

To date the following actions have been taken by Council Officers to address increased volumes.

Lake Caroline

On 3 September 2020, collections were increased from 5 days/week to 7 days/week, ongoing monitoring resulted in twice daily collections (Mon-Fri) being implemented as a trial for one month commencing 2 October 2020. In November, the trial was deemed to still be required and bins at this site continue to be serviced twice daily (Mon - Fri).

Collection crews are reporting that general waste bins are still required to be serviced twice daily, however the need for recycling collection twice a day is starting to decline. This will continue to be monitored and changed accordingly.

On 19 November 2020, 6 x 120L bin stands were removed and increased to 240L capacity.

There are currently 23 bins located around Lake Caroline, 6 of these have been increased in size and an additional bin provided at the Boat House Reserve. **Attachment 1** shows the location of bins at Lake Caroline.

Lake Logan and connecting lakes (Serpentine Lakes)

This area is a lineal open space with walking trails and small local parks that adjoin the waterway and lakes. The bins in this area did see an increase in usage and as a result all bins had their frequencies increased from once per week to twice weekly.

Other locations, the following changes to service frequency have been made:

- Melton Botanic Gardens – increased from once weekly to twice weekly on 16 September 2020. A further frequency increase from twice weekly to three times per week was made on 16 November 2020.
- Navan Park, Melton West – increased from five days per week to seven days per week collection on 2 October 2020.

- The following locations have had their collection frequency increased from once weekly to twice weekly on various implement dates during the COVID 19 period.
 - 43 Equinox Way, Fraser Rise
 - Botanica Springs Reserve, Brookfield
 - Boronia Drive Reserve, Hillside
 - Boyd Lane Reserve (Goulding Park, Fraser Rise)
 - Turf Club Reserve, Melton South
 - Adams Drive, Fraser Rise
 - Hillside Recreation Reserve, Hillside
 - Darwin Street Reserve, Taylors Hill
 - Stagecoach Way, Aintree
 - Nugget PI Reserve, Aintree
 - The Grange, Caroline Springs
 - Inglewood Park Reserve, Burnside Heights
 - Devine Lane Reserve, Aintree
 - Oakview Reserve, Caroline Springs

It is a requirement for the Collection Contractor to advise Officers of bin locations that appear to be receiving increased volumes of waste on a sustained basis. It is these reports, observations by Council Officers and notifications from the general public that have triggered the actions taken to date. Pleasingly, the Collections Contractor is reporting a decrease in waste volumes in some areas (including recycling volumes at the network of lakes in Caroline Springs). This will be closely monitored prior to reducing any frequencies in these areas.

To replace an existing 120L bin surround (as shown in Figure 1) with a new 240L surround, will cost \$5,200 / surround. Therefore the cost to replace the surrounds (11no.) at Lake Caroline is estimated at \$57,200.

As can be seen above, Council Officers have responded to the increase in waste volumes as an operational task and put in place mechanisms to monitor results and make changes as required. The increase in collection frequencies, along with modifications to bin infrastructure made to date, appear to be meeting current demand and will continue to be applied as required to meet changing demand in the future. Officers therefore consider the upgrading bin surrounds as not necessary.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

The modifications to service frequency and bin infrastructure have been managed within existing operational budgets. The additional costs incurred by increasing public place bin

collection frequency have been offset by savings in reduced collections from civic and community buildings during the COVID19 restriction period.

5. Consultation/Public Submissions

Council Officers have received and responded to requests to address overflowing bins. During the months of September and October of 2020, these requests doubled as compared to the same time last year.

6. Risk Analysis

The collection of public place bins is a business as usual activity for Council. No additional risks exist as a result of receiving this report.

7. Options

1. That Council receive this report and note the operational decisions made by Officers during the COVID 19 pandemic to address increased waste volumes in public place litter bins.
2. That Council refer the replacement of bin surrounds at Lake Caroline to the 2021/22 budget process.

LIST OF APPENDICES

1. Lake Caroline, Bin Locations - undated

12.4 FINANCE REPORT - PERIOD ENDED 30 SEPTEMBER 2020

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

PURPOSE OF REPORT

To present the 2020/2021 Finance Report for the 3 months ended 30 September 2020 (the Report).

RECOMMENDATION:

That the Council note the report.

REPORT

1. Executive Summary

This monthly report compares 3 months ending 30 September 2020 YTD results with the profiled YTD approved budget for the same period.

2. Background/Issues

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

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

Audit Committee reviewed the report on 9 December 2020, no changes were required following that review.

The operating surplus before transfers for the September YTD period was \$127.4 million. This compared with the profiled budgeted result of \$119.6 million resulting in a favourable variance of \$7.8 million.

The favourable result was due mainly to higher than anticipated grants income and lower than budget employee expenses mainly related to churn.

Council has generated a favourable underlying surplus variance of \$3.48 million for the 1st quarter. This variance is projected to be a timing variance, which is likely to diminish over the course of the year.

The actual capital expenditure completed at the end of September was \$12.83 million or 11.3% of the total budget.

Council's total cash position at the end of the September 2020 is \$295.9 million. This balance includes general and restricted investments representing carry forward expenditure and developer contributions received for future capital works. The working capital ratio for the YTD period is a healthy 1:6.2.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

Council note the operating surplus for the 3 months ended 30 September 2020 and other financial matters outlined in the attached report.

5. Consultation/Public Submissions

N/A.

6. Risk Analysis

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

7. Options

The Council can:

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

LIST OF APPENDICES

1. 2020/2021 Finance Report - 3 months ended 30 September 2020
2. Detailed Capital Report - dated September 2020

12.5 2020-2021 COUNCIL & WELLBEING ANNUAL ACTION PLAN FIRST QUARTER PROGRESS REPORT

Author: Bob Baker - Corporate Planning and Performance Coordinator

Presenter: Peter Bean - General Manager Corporate Services

PURPOSE OF REPORT

To provide the first quarter update on the progressive achievement of the Council's 2020-2021 Council and Wellbeing Annual Action Plan

RECOMMENDATION:

That Council receive and note the 2020-2021 Council and Wellbeing Annual Action Plan First Quarter Progress Report (1 July – 30 September 2020) 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 first quarter (1 July - 30 September 2020), in the progressive achievement of the 2020-2021 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 2020-2021 Council and Wellbeing Annual Action Plan provides 107 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 2020-2021 Council and Wellbeing Annual Action Plan, inclusive of the period from 1 July - 30 September 2020. 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.	5
On track	The action is on track and expected to be completed by the current timeline	102
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	0
Postponed	The Action has been deferred for the financial year. An explanation is provided in the 'progress comments' column	0
Total		107

Key achievements this quarter include:

- Completed a feasibility study for an Arts and Cultural Facility in the City. The report is to be presented to Council in February 2021.
- Implemented a new marketing plan to the local business community including evolving dedicated website for Venture Melton Business Network, a dedicated electronic newsletter to local businesses and growing the Venture Melton Facebook Group.

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 2020-21 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 2020-2021 Council and Wellbeing Annual Action Plan is prepared from internal consultation of Council management.

6. Risk Analysis

Nil

7. Options

Nil

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1. 2020-2021 Council & Wellbeing Annual Action Plan First Quarter Progress Report

12.6 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM EXTENSION; PROPOSED PROJECTS

Author: Sam Romaszko - Manager Engineering Services
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To outline the details of the Local Roads and Community Infrastructure Program Extension and determine Council's priority projects for submissions to the funding program.

RECOMMENDATION:

That Council;

1. Endorse the allocation of \$5,175,180 through the Federal Government Local Roads and Community Infrastructure Program to the following projects;

Female Friendly Changeroom Conversion Projects

- | | | |
|-----|---------------------------------|-----------|
| i. | Mt Carberry Reserve | \$200,000 |
| ii. | Melton South Recreation Reserve | \$200,000 |

Road Safety Project

- | | | |
|------|-----------------------------|-------------|
| iii. | Creamery Road, Toolern Vale | \$1,200,000 |
|------|-----------------------------|-------------|

Unsealed Car Parks – Upgrade Package

- | | | |
|-------|--|-----------|
| iv. | Hillside Recreation Reserve, Hillside | \$216,000 |
| v. | MacPherson Park, Toolern Vale | \$750,000 |
| vi. | Northcott Street, Melton South | \$670,000 |
| vii. | Blackwood Drive, Melton South | \$273,000 |
| viii. | Ian Cowie Recreation Reserve, Rockbank | \$216,000 |

Playing Field Refurbishment Projects

- | | | |
|-----|-------------------------------------|-----------|
| ix. | Burnside Heights Recreation Reserve | \$500,180 |
| x. | Springside Recreation Reserve | \$950,000 |

2. Refer an allocation of \$249,820 to the draft 21/22 Capital Works Program for consideration to support the delivery of Burnside Heights Recreation Reserve oval refurbishment project.
3. Request officers submit the endorsed list to the Department of Infrastructure, Transport, Regional Development and Communications for final approval.

REPORT

1. Executive Summary

In October 2020, the Federal Government announced an extension to the LRCI program and allocated an additional \$5,175,180 to Melton City Council. The key eligibility criteria for projects nominated include;

- Eligible local road and community infrastructure projects are projects that involve the construction, maintenance and/or improvements to council owned assets (including natural assets) that are generally accessible to the public.
- Projects must be additional to the current 2020/21 Capital Works Program
- LRCI funding cannot be used to substitute other funding sources including Council budget allocations
- Projects must be delivered on the ground by 31 December 2021

Officers have reviewed the guidelines and considered projects from within the long term Infrastructure Plan, along with other projects that have significant community benefit that would complement current projects. The following projects have been identified that align to the funding requirements and can be delivered by December 2021;

Female Friendly Changeroom Conversion Projects

Mt Carberry Reserve	\$200,000
Melton South Recreation Reserve	\$200,000

Road Safety Project

Creamery Road, Toolern Vale	\$1,200,000
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Unsealed Car Parks – Upgrade Package

Hillside Recreation Reserve, Hillside	\$216,000
MacPherson Park, Toolern Vale	\$750,000
Northcott Street, Melton South	\$670,000
Blackwood Drive, Melton South	\$273,000
Ian Cowie Recreation Reserve, Rockbank	\$216,000

Playing field refurbishment Projects

Burnside Heights Recreation Reserve	\$500,180
Springside Recreation Reserve	\$950,000

The proposed projects list requires submission to the Department of Infrastructure, Transport, Regional Development and Communications for final approval. This report seeks endorsement of the projects list for consideration through this program.

2. Background/Issues

Coronavirus (COVID-19) has resulted in far reaching implications for the Victorian community and generating jobs and economic activity will be critical to the revival of Victoria's economy.

Since the adoption of Council's 2020/21 budget, Council has been allocated \$1,260,918 as part of the Federal Government Local Roads and Community Infrastructure (LRCI) Program. This program was introduced to support local councils to deliver local road and community

infrastructure projects across Australia to stimulate local economies and employment opportunities, and reinvigorate communities through the COVID-19 pandemic.

Projects were identified through the budget process and identified for delivery through this initial allocation, and subsequently approved by the Department of Infrastructure, Transport, Regional Development and Communications. These projects are as follows and must be delivered by 30 June 2021;

• Kirkton Park Development Program	\$445,918
• Melton Senior Citizens Centre	\$200,000
• Cobblestone Green Park Replacement BBQ	\$20,000
• Brooklyn Rd Shared Path, Melton South	\$200,000
• Diggers Rest Recreation Reserve Scoreboard	\$50,000
• Bridge Rd Recreation Reserve Hockey Field	\$45,000
• Multiple Playground Replacements	\$100,000
• Caroline Springs Scout Hall Fencing	\$30,000
• Diggers Rest & Caroline Springs Fencing	\$60,000
• Rockbank Township Street Lighting	\$110,000

In October 2020, the Federal Government announced an extension to the LRCI program and allocated an additional \$5,175,180 to Melton City Council. The key eligibility criteria for projects nominated include;

- Eligible local road and community infrastructure projects are projects that involve the construction, maintenance and/or improvements to council owned assets (including natural assets) that are generally accessible to the public.
- Projects must be additional to the current 2020/21 Capital Works Program
- LRCI funding cannot be used to substitute other funding sources including Council budget allocations
- Projects must be delivered on the ground by 31 December 2021

Projects eligible for funding through the LRCI Program are local road and community infrastructure projects that involve the construction, maintenance and/or improvements to council owned assets (including natural assets) that are generally accessible to the public.

Eligible local road projects are projects that involve works that support improved road safety outcomes. This could include projects involving any of the following associated with a road:

- traffic signs;
- traffic control equipment;
- street lighting equipment;
- a bridge or tunnel;
- a facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station);
- facilities off the road that support the visitor economy; and
- road and sidewalk maintenance, where additional to normal capital works schedules.

Eligible community infrastructure projects are projects that deliver benefits to the community, such as improved accessibility, visual amenity, and/or safety. Examples of eligible works include:

- Closed Circuit TV (CCTV);
- bicycle and walking paths;
- painting or improvements to community facilities;
- repairing and replacing fencing;
- improved accessibility of community facilities and areas;
- landscaping improvements, such as tree planting and beautification of roundabouts;
- picnic shelters or barbeque facilities at community parks;
- playgrounds and skate parks (including all ability playgrounds);
- noise and vibration mitigation measures; and
- off-road car parks (such as those at sporting grounds or parks).

Along with recipients being required to deliver nominated projects by December 2021, the projects identified must also be in addition to our 2020/21 Capital Works Program and cannot be used to offset other sources of income. Projects expedited from a future works program are eligible for funding, provided delivery can occur by the December 2021 deadline.

Officers have developed a suite of projects for consideration that align to the funding requirements and can be delivered by December 2021. These can be found in Table 1 below.

Table 1 – Recommended List of Projects for consideration

Project for consideration	Proposed LRCI funding allocation	Total Project Cost	Officer comments
Female Friendly Changeroom Conversion Projects; <ul style="list-style-type: none"> - Mt Carberry Reserve - Melton South Recreation Reserve 	\$200,000 \$200,000	\$200,000 \$200,000	These projects are currently identified in Council's long term Infrastructure Plan, for delivery in 21/22 and 22/23.
Road Safety Project; <ul style="list-style-type: none"> - Creamery Road, Toolern Vale 	\$1,200,000	\$1,200,000	This project includes formalisation of parking, roundabout construction and sealing works adjacent to Toolern Vale Primary School. This project is currently identified in Council's long term Infrastructure Plan, for delivery in 23/24.

Unsealed Car Parks – Upgrade Package; <ul style="list-style-type: none"> - Hillside Recreation Reserve, Hillside - MacPherson Park, Toolern Vale - Northcott Street, Melton South - Blackwood Drive, Melton South - Ian Cowie Recreation Reserve, Rockbank 	<ul style="list-style-type: none"> \$216,000 \$750,000 \$670,000 \$273,000 \$216,000 	<ul style="list-style-type: none"> \$216,000 \$750,000 \$670,000 \$273,000 \$216,000 	<p>This package of works includes the upgrade of unsealed car parks associated with Community and Recreation Facilities, including lighting, pedestrian connections and line marking improvements.</p>
Playing field refurbishment Projects; <ul style="list-style-type: none"> - Burnside Heights Recreation Reserve, oval and drainage works - Springside Recreation Reserve, renewal of playing surface 	<ul style="list-style-type: none"> \$500,180 \$950,000 	<ul style="list-style-type: none"> \$750,000 \$950,000 	<p>These projects are currently identified in Council's long term Infrastructure Plan, for delivery in and 21/22 (Burnside Heights) and 22/23 (Springside). An allocation of \$249,820 is required in the 21/22 Capital Works Program to support the delivery of these two projects.</p>
Total Recommended LRCI Funding Allocation	\$5,175,180		

A range of other projects were considered through this process but not recommended at this time. These can be found in Table 2 below.

Table 2 –Projects considered but not recommended at this time

Project for consideration	Proposed LRCI funding allocation	Total Project Cost	Officer comments
Road Safety Project; <ul style="list-style-type: none"> - Troups Road South, Mount Cottrell 	<ul style="list-style-type: none"> \$800,000 	<ul style="list-style-type: none"> \$5,800,000 	<p>This project is currently identified in Council's long term Infrastructure Plan, with construction allocations in the draft 21/22 and 22/23 Capital Works Program. In the event this project was considered through this LRCI funding allocation, this would expedite works on the ground due to permit approvals required.</p>

Shoulder Sealing Works; <ul style="list-style-type: none"> - Sealing of unsealed shoulders on key road corridors 	\$500,000	\$500,000	This would see the sealing of unsealed shoulders on key road corridors, improving safety and reducing the maintenance associated with these assets.
Sportslighting Upgrades; <ul style="list-style-type: none"> - Conversion of sports lighting to LED technology 	\$1,000,000	\$1,000,000	This would see the conversion of sports lighting across various reserves to LED technology.
Melton Pound Upgrade	\$300,000	\$300,000	This would see an upgrade to the car enclosures and provision of a livestock compound
Unsealed Car Parks – Upgrade Package; <ul style="list-style-type: none"> - James Cook Drive, Melton West (tennis) - Exford Primary School 	\$231,000 \$483,000	\$231,000 \$483,000	This package of works includes the upgrade of unsealed car parks associated with Community and Recreation Facilities, including lighting, pedestrian connections and line marking improvements.
Parks Development Program <ul style="list-style-type: none"> - Centenary Reserve, Kurunjang - Burnside Heights Recreation Reserve dog park - Earlington Reserve, Burnside - Hillside Recreation Reserve, Hillside – passive amenity upgrade 	\$700,000 \$300,000 \$500,000 \$500,000	\$700,000 \$300,000 \$500,000 \$500,000	<p>These projects include parks/reserve upgrades in various locations across the municipality.</p> <p>These projects are identified in the draft Capital Works Program, and would see works brought forward.</p>
Pedestrian Improvements <ul style="list-style-type: none"> - New/upgraded paths across the municipality - Pedestrian bridge (Illawong/Isabella), Burnside - Pedestrian bridge and path connections, Kurunjang 	\$300,000 \$600,000 \$400,000	\$300,000 \$1,200,000 \$400,000	<p>This would see a package of pedestrian improvements undertaken, that would bring forward the replacement or upgrade of footpaths and shared paths across the municipality.</p> <p>The Illawong/Isabella Pedestrian Bridge is currently identified in the draft 21/22 Capital Works Program for consideration.</p>

			The Pedestrian Bridge and path connections in Kurunjang would complement the current activation project.
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The proposed projects list requires submission to the Department of Infrastructure, Transport, Regional Development and Communications for final approval. This report seeks endorsement of the projects list for consideration through this program.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

The recommended list of projects within Table 1 above would be funded through the \$5,175,180 LRCI funding allocation, with the exception of Burnside Heights Recreation Reserve that would require an additional \$249,820 allocation in the 2021/22 budget.

5. Consultation/Public Submissions

Consultation with various stakeholders has not yet occurred. This will occur on each project as design and delivery occurs into 2021.

6. Risk Analysis

The risk associated with this report is the December 2021 deadline and not delivering nominated projects by this time.

The development of eligible projects for consideration through this program has occurred with a specific focus on deliverability to achieve this December 2021 deadline.

7. Options

There are two options for Council's consideration;

Option 1 That Council endorse the project list contained within the recommendation.

Option 2 That Council choose to replace some or all of the recommended projects. This option is not recommended, as the projects have been considered with respect to community benefit and the ability to deliver in the required time frame.

LIST OF APPENDICES

Nil

12.7 COUNCILLOR ALLOWANCES

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

PURPOSE OF REPORT

To advise Council in relation to Councillor and Mayoral allowances and to formally commence the required review and determination of allowances in accordance with sections 39(6) of the *Local Government Act 2020* and section 74 of the *Local Government Act 1989*.

RECOMMENDATION:

That Council:

1. publicly advertise and seek submissions for a minimum of 28 days on the proposed Councillor and Mayoral allowances as follows:
Councillor \$..... (being an amount between \$13,123 - \$31,444)
Mayor \$..... (being an amount up to \$100,434)
2. schedule a meeting of the Section 223 Submissions Advisory Committee for 7:00pm on Monday 15 February 2021 to hear from anyone who outlined in their submission that they wished to be heard; and
3. receive a further report with the intention of making a final decision at the meeting of Council scheduled for Monday 15 March 2021.

REPORT

1. Executive Summary

Both the *Local Government Act 2020* (the 2020 Act) and the *Local Government Act 1989* (the 1989 Act) currently apply to Councillor allowances. Section references in this report are to the 2020 Act unless otherwise specified.

The 2020 Act deems that the Mayor, the Deputy Mayor or Councillor may elect to receive the entire allowance to which they are entitled, or part of that allowance or no allowance (s39(5)).

Allowance amounts must be reported in the annual report (s98(3)(d)) and made available on Council's website on a quarterly basis.

The 2020 Act deems that allowances for the Mayor, Deputy Mayor and Councillors will now be set by the Victorian Independent Remuneration Tribunal (the Remuneration Tribunal) (s39(1)(2)).

However the 2020 Act also deems that until the Remuneration Tribunal meets and makes a determination, sections 73B, 74 and 74B of the 1989 Act apply, despite their repeal (s39(6)).

Local Government Victoria advises that the Remuneration Tribunal is unlikely to meet and make a determination by 30 June 2020 (the deadline under the 1989 Act) and accordingly, Council should commence a process of review and determination under section 74 of the 1989 Act.

The process is that Council decides upon proposed allowance amounts for the Mayor and Councillors (within the allowable limits), then publicly advertise its intention to pay those allowance amounts and takes submissions for 28 days (allowing a hearing for anyone who indicates in their submission a desire to be heard) and then makes a final decision in relation to the allowance amounts.

2. Background/Issues

Both the *Local Government Act 2020* (the 2020 Act) and the *Local Government Act 1989* (the 1989 Act) currently apply to Councillor allowances.

Councillor may elect all, part or no allowance

Section 39(5) of the 2020 Act deems that the Mayor, the Deputy Mayor or Councillor may elect to receive the entire allowance to which they are entitled, or part of that allowance or no allowance.

This is an individual election and not a decision of the Council. Individuals who elect to receive part or no allowance should notify the CEO in writing so that there is documentary evidence of such election.

Allowances are made available to the public on Council's website on a quarterly basis and reported in the annual report pursuant to section 98(3)(d) of the 2020 Act.

Councillors are also entitled to be reimbursed for out-of-pocket expenses incurred in the performance of their duties in accordance with Council's *Councillors and Delegated Committee Members Resources and Expenses Policy* which commenced on 1 September 2020.

Setting of allowance – current provisions

Sections 39(1) and (2) of the 2020 Act deem that allowances for the Mayor, Deputy Mayor and Councillors will now be set by the Victorian Independent Remuneration Tribunal (the Remuneration Tribunal).

However the 2020 Act also deems that until the Remuneration Tribunal meets and makes a determination, sections 73B, 74 and 74B of the 1989 Act apply, despite their repeal (s39(6)).

Section 74(1) of the 1989 Act requires a Council to review and determine the level of the Councillor allowance and the Mayoral allowance within the period of 6 months after a general election or by the next 30 June, whichever is later.

Local Government Victoria advises that the Remuneration Tribunal is unlikely to meet and make a determination by 30 June 2020 (the deadline under the 1989 Act) and accordingly, Council should commence a process of review and determination under section 74 of the 1989 Act.

In the unlikely event that the Remuneration Tribunal meets and makes a determination before Council has made a decision under the 1989 Act, the decision of the Tribunal would take precedence and any process under the 1989 Act that is incomplete would be abandoned.

The minimum and maximum levels of those allowances are determined by the Minister in accordance with section 73B(2) of the 1989 Act. Council is required to determine the level of allowance within the range set by the legislation.

There are currently three categories of Councils essentially based on size, budget and population. Melton City Council is a Category 3 Council. Category 3 is the highest category. Council has been placed in that category by the Minister for Local Government.

The following maximum allowance ranges and limits apply to Category 3 with no adjustment made to the amounts in 2020 following a review by the Minister pursuant to section 73B.

Councillors	Mayor
\$13,123 - \$31,444	Up to \$100,434

The process is that Council decides upon proposed allowance amounts for the Mayor and Councillors (within the allowable limits), then publicly advertise its intention to pay those allowance amounts and takes submissions for 28 days (allowing a hearing for anyone who indicates in their submission a desire to be heard) and then makes a final decision in relation to the allowance amounts.

Setting of allowance – future provisions

The allowance decided upon by the Council pursuant to the process outlined above will apply from the date of the Council resolution and will continue to apply until the first Determination made by the Victorian Independent Remuneration Tribunal under section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* comes into effect.

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

At present, within Category 3, the Councillor and Mayoral allowances are set at the maximum allowable limits as shown in the table below.

An amount equivalent to the superannuation guarantee contribution under Commonwealth taxation legislation (currently 9.5%) is payable in addition to the allowance amounts.

	Councillor	Mayor
Allowance	\$31,444	\$100,434
In lieu of superannuation (currently 9.5%)	\$2,987	\$9,541
Total	\$34,431	\$109,975

The current allowance (9 Councillors including one Mayor), set at the maximum, sees the total annual cost of allowances at \$385,423 per annum. This amount includes the amount in lieu of superannuation of 9.5%.

The allowance decided upon by the Council pursuant to the process outlined above will apply from the date of the Council resolution and will continue to apply until the first Determination made by the Victorian Independent Remuneration Tribunal under section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* comes into effect.

5. Consultation/Public Submissions

Section 223 of the Act provides an opportunity for public submissions on the review of the Mayoral and Councillor allowances to be made within 28 days of being advertised. Any person wishing to be heard should state this in their submission.

6. Risk Analysis

Failure by the Council to review and determine the level of Councillor allowance by 30 June 2020 (unless the Victorian Independent Remuneration Tribunal meets before then and makes a determination) will mean a breach of the Act by Council.

7. Options

Council has the option to:

1. Adopt the officer recommendation inserting amounts for each category (Councillor and Mayoral); or
2. Hold off on commencing the process of review and determination until March 2021; awaiting to see if the Remuneration Tribunal has met and made a determination.

LIST OF APPENDICES

Nil.

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

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

PURPOSE OF REPORT

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

RECOMMENDATION:

That Council:

1. Decide to enter into a new lease with Djerriwarrh Employment & Education Services Incorporated for part of the premises situated at 237 – 239 Station Road, Melton for a term of ten (10) years with a commencing rent of \$55,000 inclusive GST.
2. Authorise the CEO to execute a lease in substantially the same form as that attached at **Appendix 2**.

REPORT

1. Executive Summary

At its Ordinary Meeting on 14 September 2020, Council resolved to publish its intention to enter into a new lease with Djerriwarrh Employment & Education Services Incorporated (Djerriwarrh), to replace its existing lease in relation to (part) 237 – 239 Station Road, Melton.

On 6 October 2020, a public notice was published in the Melton & Moorabool and Brimbank & Northwest Star Weekly newspapers as well as on Council's website, with submissions closing at 5pm on 4 November 2020.

One submission was received during the submission period. The submission is set out at **Appendix 1** from the Djerriwarrh CEO, in support of the lease proposal.

With all statutory processes completed, Council is now in a position to make a decision to enter into a new lease.

2. Background/Issues

Council currently leases part of the premises situated at part 237 – 239 Station Road, Melton (the premises) to Djerriwarrh and the lease, is currently in effect on an over holding basis. The current lease is also includes the premises situated at 241 Station Road, Melton. It is proposed that any new lease(s) would separate the two premises as set out in this report and in the report immediately following.

At the Ordinary Meeting of Council on 14 September 2020, Council resolved to commence the process of its intention to enter into a new lease with Djerriwarrh.

Djerriwarrh is a long standing and significant local provider of community education and other services within the community, providing support for a diverse range of local residents.

It also facilitates locally delivered partnerships for other government services and is a key participant in several of Council's objectives to improve lifelong learning outcomes for the community.

Following the construction of a new facility at the premises now known as the Melton Central Community Centre, Djerriwarrh expressed their desire to enter into a new lease in order to continue delivering their service within the City of Melton.

The Melton Central Community Centre will bring together community education with migrant and refugee settlement support services to improve coordinated access to these services within the City of Melton.

The proposed new lease to Djerriwarrh is set out in **Appendix 2** and would contain the following key terms:

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

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

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

On 6 October 2020, a public notice was published in the Melton & Moorabool and Brimbank & Northwest Star Weekly newspapers as well as on Council's website, with submissions closing at 5pm on 4 November 2020.

One submission was received from the CEO of Djerriwarrh; Trish Heffernan and is set out at **Appendix 1** and is in support of the lease proposal.

With all statutory obligations therefore complete, Council must now make a decision as to the whether or not to enter into a lease with Djerriwarrh for the premises and it is recommended that the lease be granted in substantially the same form of that attached at **Appendix 2**.

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

3. Council and Wellbeing Plan Reference and Policy Reference

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

5. A high performing organisation demonstrating leadership and advocacy: An organisation operating with innovation, transparency, accountability and sustainability
5.3 Effective civic leadership, advocacy, partnerships and good governance.

4. Financial Considerations

The new lease would yield income of \$55,000 inclusive of GST per annum with a 3% increase payable on each anniversary of the commencement date.

As the leased area relates to part of the premises, it is proposed that Council will be responsible for all outgoings except those related to telephone and associated network charges including any connection fees (if any).

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

5. Consultation/Public Submissions

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

On 6 October 2020, a public notice was published in the Melton & Moorabool and Brimbank & Northwest Star Weekly newspapers as well as on Council's website with submissions closing at 5pm on 4 November 2020.

One submission was received from the CEO of Djerriwarrh; Trish Heffernan and is set out at **Appendix 1**.

6. Risk Analysis

Should Council resolve to not enter into a lease with the Djerriwarrh, Council would be required to give 30 days' notice terminating the existing lease insofar as it relates to the premises.

7. Options

1. Adopt the recommendation as set out; or
2. Decide not to enter into a new lease and provide written notice terminating the lease insofar as it relates to the premises situated at (part) 237 – 239 Station Road, Melton.

LIST OF APPENDICES

1. 237 Station Road Lease - Submission from CEO Djerriwarrh dated 4 November 2020
2. Draft Lease for part 237-239 Station Road, Melton undated

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

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

PURPOSE OF REPORT

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

RECOMMENDATION:

That Council:

1. decide to enter into a new lease with Djerriwarrh Employment & Education Services Incorporated for the premises situated at 241 Station Road, Melton for a term of 10 years with a peppercorn rental of \$1.00 per annum subject to the tenant undertaking upgrade works to the premises to the minimum value of \$350,000.
2. Authorise the CEO to execute a lease in substantially the same form as that attached at **Appendix 2**.

REPORT

1. Executive Summary

At its Ordinary Meeting on 14 September 2020, Council resolved to publish its intention to enter into a new lease with Djerriwarrh Employment & Education Services Incorporated (Djerriwarrh), to replace its existing lease in relation to 241 Station Road, Melton (the premises).

On 6 October 2020, a public notice was published in the Melton & Moorabool and Brimbank & Northwest Star Weekly newspapers as well as on Council's website with submissions closing at 5pm on 4 November 2020.

One submission was received during the submission period. The submission is set out at **Appendix 1** from Djerriwarrh in support of the lease proposal.

With all statutory processes completed, Council is now in a position to make a decision to enter into the new lease.

2. Background/Issues

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

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

At the Ordinary Meeting of Council on 14 September 2020, Council resolved to commence the process of its intention to enter into a new lease with Djerriwarrh.

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

The proposed new lease to Djerriwarrh is set out in **Appendix 2** and would contain the following key terms:

- a) commencement date of 1 January 2021
- b) term of 10 years; and
- c) peppercorn rental of \$1.00 per annum subject to the tenant undertaking upgrade works to the premises to the minimum value of \$350,000 (upgrade works).
- d) Djerriwarrh would be responsible for all aspects of the upgrade works including obtaining the relevant plans, permits and approvals (including the approval of Council).
- e) The upgrade works must be undertaken by qualified tradespeople and/or a registered builder and otherwise in accordance with the proposed lease terms.
- f) In the event that Djerriwarrh are not in a position to undertake the upgrade works in accordance with the lease, Djerriwarrh will be required to pay market rental from the commencement date.

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

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

On 6 October 2020, a public notice was published in the Melton & Moorabool and Brimbank & Northwest Star Weekly newspapers as well as on Council's website with submissions closing at 5pm on 4 November 2020.

One submission was received from the CEO of Djerriwarrh; Trish Heffernan and is set out at **Appendix 1** and is in support of the lease proposal.

With all statutory obligations therefore complete, Council must now make a decision as to the whether or not to enter into a lease with Djerriwarrh for the premises and it is recommended that the lease be granted in substantially the same form of that attached at **Appendix 2**.

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

3. Council and Wellbeing Plan Reference and Policy Reference

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

5. A high performing organisation demonstrating leadership and advocacy: An organisation operating with innovation, transparency, accountability and sustainability
5.3 Effective civic leadership, advocacy, partnerships and good governance.

4. Financial Considerations

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

The costs associated with the public notice and preparation of the lease can be absorbed from within the recurrent Legal & Governance budget.

5. Consultation/Public Submissions

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

On 6 October 2020, a public notice was published in the Melton & Moorabool and Brimbank & Northwest Star Weekly newspapers as well as on Council's website with submissions closing at 5pm on 4 November 2020.

One submission was received from the CEO of Djerriwarrh; Trish Heffernan and is set out at **Appendix 1**.

6. Risk Analysis

If Council does not consider a new lease, the Existing Lease insofar as it relates to the premises, will remain in overhold.

7. Options

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

LIST OF APPENDICES

1. 241 Station Road Lease - Submission from CEO Djerriwarrh dated 4 Nov 2020
2. Draft Lease - 241 Station Road, Melton undated

12.10 MELTON COUNTRY CLUB - RENT RELIEF

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

PURPOSE OF REPORT

To present a report including legal advice which would otherwise be confidential and which was considered in the Confidential Business section at a previous Council Meeting.

RECOMMENDATION:

That the report be received and noted.

REPORT

1. Executive Summary

At its Meeting on 30 November 2020, Council resolved to consider a report which contained Confidential Information (as defined in the *Local Government Act 2020*) in Confidential Business.

The Confidential Information that the report contained was legally privileged information or legal advice. The legal advice was in relation to the Essendon Football Club's request for rent relief for the leased premises situated at 28 – 30 Reserve Road, Melton and known as the Melton Country Club.

After resolving to hear the report in Confidential Business in accordance with section 3(1)(e) of the Act, Council resolved to note the report and to make the report and legal advice public by attaching it to a further report to Council, thereby waiving privilege.

Accordingly, the report (with legal advice appended) is at **Appendix 1**.

As well as attaching the legal advice, the report stated that in consideration of that advice the Chief Executive Officer exercised his delegation and granted rent relief to the Tenant.

The Chief Executive Officer's delegation is dated 31 August 2020 and allows for him to make this decision. A delegate is an independent decision maker who exercises their own opinion, belief or state of mind when making a decision under delegation (s42 *Interpretation of Legislation Act* (Vic) 1984). Carrying out instructions of a delegator, without exercising independent discretion, will invalidate the exercise of the power.

The Model Litigant rules are guidelines for how a government ought to behave in relation to legal matters. It must not cause unnecessary delay, nor 'take technical points' (for example merely relying on a technical defence) and it must avoid litigation where possible.

2. Background/Issues

At its Ordinary Meeting on 30 November 2020, Council resolved to consider a report which contained Confidential Information (as defined in the *Local Government Act 2020*) in Confidential Business.

The Confidential Information that the report contained was legally privileged information or legal advice. The legal advice was in relation to the Essendon Football Club's request for

rent relief for the leased premises situated at 28 – 30 Reserve Road, Melton and known as the Melton Country Club.

A Councillor or member of staff who knowingly and recklessly discloses information that the person knows or ought reasonably to know is Confidential Information will be guilty of an offence (s125).

After resolving to hear the report in Confidential Business in accordance with section 3(1)(e) of the Act, Council resolved to note the report and to make the report and legal advice public by attaching it to a further report to Council, thereby waiving privilege, but also having the effect of the document no longer meeting the definition of Confidential Information contained within the Act. Accordingly, the report (with legal advice appended) is at Appendix 1. The report no longer contains any Confidential Information.

Legal professional privilege is a fundamental common law right in relation to communications that have been exchanged between a solicitor and their client, for the dominant purpose of legal proceedings or in the seeking/providing of legal advice. Essentially it means that these communications are confidential and remain between the solicitor and his/her client. Legal professional privilege can be waived, either expressly or impliedly. Once waived, all privilege is lost for all time.

The legal advice attached considered the Tenant's request for rent relief, the relevant legislation (including the regulations that had recently come into operation) and the 14 September Resolution.

Broadly, the legal advice was that whilst technically a decision could be made to refuse the Tenant's application for rent relief however, it would be reasonable and appropriate for rent relief to be granted to the Tenant on the merits of their application, the relevant legislation and taking into account a number of factors such as:

- Council, as an entity to whom the Model Litigant rules apply (explained further below);
- Council's good faith obligations (Reg 8 *COVID-19 Omnibus (Emergency Measures) (Commercial Leases and Licences) Regulations 2020*); and
- Council's request for further information to the Tenant.

The report also stated that in consideration of the legal advice the Chief Executive Officer exercised his delegation and granted rent relief to the Tenant in the form of a 50% rent waiver and a 50% deferral of rent for the period 29 March – 29 September 2020.

The Chief Executive Officer's delegation is dated 31 August 2020 and allows for him to make this decision. A delegate is an independent decision maker who exercises their own opinion, belief or state of mind when making a decision under delegation (s42 *Interpretation of Legislation Act* (Vic) 1984). Carrying out instructions of a delegator, without exercising independent discretion, will invalidate the exercise of the power.

The Model Litigant rules are guidelines for how a government ought to behave in relation to legal matters. It must not cause unnecessary delay, nor 'take technical points' (for example merely relying on a technical defence) and it must avoid litigation where possible.

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

Not applicable.

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

Council has resolved to waive privilege, thereby negating any risk of disclosure of Confidential Information. The legal advice is no longer Confidential Information.

7. Options

Council has the option to adopt the recommendation as set out or seek further information.

LIST OF APPENDICES

1. Report from Council Meeting - Melton Country Club-Rent Relief - dated 30 November 2020

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

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

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.

14. NOTICES OF MOTION**14.1 NOTICE OF MOTION 727 (CR ABBOUSHI)****Councillor: Steven Abboushi - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 21 December 2020

MOTION:

That in light of Council recently delivered outdoor dining activation, a campaign be developed to encourage residents to shop local, eat local, live local.

OFFICER'S COMMENTS:

Councils Economic Development team is developing a 'Buy Local' campaign to create awareness of and to increase visitation to local retail precincts and hospitality venues. The team is also working on a dedicated marketing plan for visitor attractions that will be updated on a seasonal basis.

A marketing plan can be developed and rolled out in the New Year to support the introduction of the outdoor dining program and also encourage residents to support local businesses.

14.2 NOTICE OF MOTION 728 (CR ABBOUSHI)**Councillor: Steven Abboushi - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 21 December 2020

MOTION:

That Council write to The Honourable Ben Carroll, the Minister for Roads and Road Safety, The Honourable Marlene Kairouz MP, The Honourable Natalie Hutchins MP, Mr Stephen McGhie MP, Ms Catherine Cumming MLC, Mr Bernard Finn MLC, Mr Cesar Melhem MLC, Ms Ingrid Stitt MLC and Ms Kaushaliya Vaghela MLC requesting their advocacy and assistance to expedite the declaration of the Palmers Road Corridor including Westwood Drive and Calder Park Drive in the City of Melton.

OFFICER'S COMMENTS:

Council officers will prepare correspondence in accordance with the Notice of Motion above.

14.3 NOTICE OF MOTION 729 (CR ABBOUSHI)**Councillor: Steven Abboushi - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 21 December 2020

MOTION:

Council officers investigate additional recreational space at the Burnside Heights Recreation Reserve and an area of vacant space adjacent to Arbour Blvd and Westwood Drive, to see if it is viable and what cost would be associated with the initiative. A report will be presented at a future meeting of Council.

OFFICER'S COMMENTS:

Officers will review the sites listed above and report back accordingly.

14.4 NOTICE OF MOTION 730 (CR ABBOUSHI)

Councillor: Steven Abboushi - Councillor

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 21 December 2020

MOTION:

That Council write to Minister for Public Transport The Hon. Ben Carroll MP and Public Transport Victoria (PTV) requesting they consider the installation of toilet facilities and shelter over both platforms at Rockbank Train Station.

OFFICER'S COMMENTS:

Council officers will prepare correspondence in accordance with the Notice of Motion above.

14.5 NOTICE OF MOTION 731 (CR ABBOUSHI)**Councillor: Steven Abboushi - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 21 December 2020

MOTION:

In light of COVID-19 and the financial hardship experienced by many of our sporting clubs and residents, that Council provide a report on the costs associated with providing all sporting clubs a 50% rebate on all lease Licence and court hire fees in 2021 sports season, in order to encourage residents to keep active and participate in their local club. With a report to be presented back to Council in February.

OFFICER'S COMMENTS:

Officers will collate the data and present a report to the February Council meeting.

14.6 NOTICE OF MOTION 732 (CR ABOUSHI)**Councillor: Steven Abboushi - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 21 December 2020

MOTION:

Given the significant deterioration and major accidents experienced on Troups Road South, that Council consider bringing forward the construction and sealing of this road in 2021, referring the matter to the upcoming budget deliberations.

OFFICER'S COMMENTS:

Troups Road South is experiencing increased traffic volumes due to the development occurring to the north. Motorists are also utilising this corridor as an alternative to Hopkins Road, which has various construction works occurring and at times experiences congestion during peak periods.

Acknowledging the increased traffic volumes and concerns relating to dust, Council has requested a reduction of the current speed limit which is with the Department of Transport for assessment. Council is awaiting a response in relation to this request.

Council has more recently installed various signage along the Troups Road South corridor to raise awareness of the road condition.

The upgrade of Troups Road South, from Boundary Road to Greigs Road is a current priority project of Council, with funds allocated this financial year to complete design works and obtain necessary approvals. A budget allocation associated with construction activity is currently identified within Council's draft budget for consideration in the 2021/22 and 2022/23 financial years. The estimated cost to construct Troups Road South to a sealed rural standard is \$5.8M.

Until such time this upgrade occurs, Council will continue to maintain Troups Road South in accordance with Council's Road Management Plan. Troups Road South is inspected on a weekly basis and maintenance works undertaken as required. It is acknowledged that due to the current traffic volumes, Council is on site undertaking maintenance on a weekly basis to ensure the defects are managed appropriately.

14.7 NOTICE OF MOTION 733 (CR DEEMING)**Councillor: Moira Deeming - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 21 December 2020

MOTION:

That Council produce a fully costed report with options for improving the accessibility of Council's grants schemes, as well as the transparency of the outcomes for the benefit of the community, including but not limited to:

1. Production of an instructional video to assist applicants through the grants writing and submission process;
2. That officers provide detailed feedback to all non-successful applicants;
3. Publication of the reasoning behind successful grant applications or partly successful applications, using the relevant meeting minutes;
4. Improved communication about the grants process and the diverse make-up of each committee that decides grants, to help residents feel reassured that Councillors alone are not choosing the successful applicants.

OFFICER'S COMMENTS:

Council officers are in the process of reviewing the Grants Program with a report to be presented to Council.

14.8 NOTICE OF MOTION 734 (CR DEEMING)**Councillor: Moira Deeming - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 21 December 2020

MOTION:

That Council produce a fully costed report about the possibilities for improvement of dog parks in Melton, including but not limited to:

1. Making sure that fences reach ground level so that small dogs do not escape
2. Dog play equipment
3. Water facilities
4. Improvement of grass areas (which turn to mud very quickly)
5. Planting of trees for shade and improving curb-side visual appeal
6. Benches for dog owners to sit on.

OFFICER'S COMMENTS:

An assessment and report can be undertaken addressing these issues.

14.9 NOTICE OF MOTION 735 (CR VANDENBERG)**Councillor: Ashleigh Vandenberg - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 21 December 2020

MOTION:

That in response to Illegal rubbish dumping becoming a significant problem in Melton, and going beyond the scope of local government to control, which is causing environmental and ecological damage that requires a state level response, Council write to the Honourable Shaun Leane Minister for Local Government, the Honourable Lily D'Ambrosio Minister for Energy, Environment and Climate Change, and Steve McGhie MP, calling on the State to include illegal rubbish dumping in environmental policies, strategies and funding to tackle the issue.

OFFICER'S COMMENTS:

Correspondence can be provided to the relevant Ministers and local members on this issue

14.10 NOTICE OF MOTION 736 (CR VANDENBERG)**Councillor: Ashleigh Vandenberg - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 21 December 2020

MOTION:

Building on neighbouring council's partnership with Victoria Police to tackle hooning, Melton City Council work with Victoria Police to increase patrols of areas within the community that have high incidence of illegal dumping of rubbish and issue fines with the objective to deter people from dumping.

OFFICER'S COMMENTS:

Council Officers have significant data on dumping hotspots and also carry out their own surveillance and enforcement activity. Officers support increased and ongoing engagement with Victoria Police and therefore support this motion.

14.11 NOTICE OF MOTION 737 (CR TURNER)**Councillor: Bob Turner - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 21 December 2020

MOTION:

That Council

1. Write to the Hon Lisa Neville, Minister for Police and Emergency Services and local member Mr. Steve McGhie, requesting police numbers in the City of Melton be increased in line with our population increases, and requesting details of the changes in the City of Melton crime rate over the last 5-10 years gauged against population increases.
2. Officers report to Council assessing police numbers and the crime rate within the City of Melton against population increases over the last 5-10 years.

OFFICER'S COMMENTS:

If the motion is endorsed by Council, officers will write to the Hon Minister Lisa Neville, Minister for Police and Local member and present a subsequent report to Council.

14.12 NOTICE OF MOTION 738 (CR TURNER)

Councillor: Bob Turner - Councillor

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 21 December 2020

MOTION:

That Council write to Minister for Public Transport The Hon. Ben Carroll MP, Jeroen Weimar CEO Public Transport Victoria (PTV) and local member Mr. Steve McGhie requesting an increase in the number of bus routes servicing outlying areas throughout the City of Melton such as Eynesbury and Weir Views.

OFFICER'S COMMENTS:

Council officers will prepare correspondence in accordance with the Notice of Motion above.

14.13 NOTICE OF MOTION 739 (CR TURNER)

Councillor: Bob Turner - Councillor

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 21 December 2020

MOTION:

That Council write to Minister for Roads and Road Safety the Hon. Ben Carroll, local State MP Steve McGhie and local Federal MHR Brendan O'Connor requesting the timeline for the upgrade to a diamond interchange of the junction of Bulmans/Clarkes Road and Western Highway.

OFFICER'S COMMENTS:

Council officers will prepare correspondence in accordance with the Notice of Motion above.

14.14 NOTICE OF MOTION 740 (CR CARLI)**Councillor: Lara Carli - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 21 December 2020

MOTION:

That Council write to The Honourable Natalie Hutchins MP and the Department of Transport requesting;

1. The construction of a signalised pedestrian crossing at The Regency Estate to allow residents to cross Melton Highway safely.
2. Beautification of the Melton Highway corridor in the form of landscaping improvements, from Calder Park Drive to The Regency Estate.

OFFICER'S COMMENTS:

Council officers will prepare correspondence in accordance with the Notice of Motion above.

14.15 NOTICE OF MOTION 741 (CR SHANNON)

Councillor: Julie Shannon - Councillor

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 21 December 2020

MOTION:

That Council write to the CFA seeking for them to undertake periodic controlled burns on the rural land adjacent to Hillside and to Agriculture Victoria seeking for them to implement weed control measures on the same properties, so as to mitigate the impact of any future seed storms on the adjacent urban area.

OFFICER'S COMMENTS:

It is appropriate to write to the CFA and Agriculture Victoria in relation to this matter.

14.16 NOTICE OF MOTION 742 (CR ABBOUSHI)**Councillor: Steven Abboushi - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 21 December 2020

MOTION:

That Council write to The Hon Ben Carroll, Minister for Roads & Road Safety & The Hon Jacinta Allan, the Minister for Transport Infrastructure highlighting the safety concerns associated with Hopkins Road in Truganina, from Boundary Road to the Western Highway, and the intersection of Boundary Road and Hopkins Road in Mount Cottrell, and request that improvements are undertaken as a matter of priority to improve safety at these key locations.

OFFICER'S COMMENTS:

Council officers will prepare correspondence in accordance with the Notice of Motion above.

14.17 NOTICE OF MOTION 743 (CR VANDENBERG)**Councillor: Ashleigh Vandenberg - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 21 December 2020

MOTION:

That in response to the recent tumble weed problem Council engage the State Emergency Services (SES) to support the clean-up which poses a significant fire risk to Melton residents, homes and businesses.

OFFICER'S COMMENTS:

Council is currently engaging a third party contractor with a specialised truck to assist in clean up. We are confident that this process will speed up the clean-up and remove the need for assistance from SES.

If required, Council will engage the SES for further assistance but it appears that the specialised truck is working well onsite and the assistance may not be required. It should be noted that the SES is usually engaged for storm and flood events and they play no role in fire prevention as this sits with Council and CFA.

14.18 NOTICE OF MOTION 744 (CR KESIC)

Councillor: Goran Kesic - Councillor

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 21 December 2020

MOTION:

That Council officers explore the options for seniors to have free access to tennis court hire in the Municipality independent of a club membership. Officers report back to Council at a future meeting on all options available.

OFFICER'S COMMENTS:

If endorsed, Council Officers will collate the information required and present a report accordingly.

14.19 NOTICE OF MOTION 745 (CR KESIC)

Councillor: Goran Kesic - Councillor

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 21 December 2020

MOTION:

That Council write to The Honourable Ben Carroll, Minister for Public Transport, requesting that consideration be given to ensure bus stop locations within the municipality are located adjacent to primary and secondary schools, kindergartens and retirement villages.

OFFICER'S COMMENTS:

If endorsed, Council officers will prepare correspondence in accordance with the Notice of Motion above.

15. COUNCILLOR'S QUESTIONS WITHOUT NOTICE

16. URGENT BUSINESS

17. CONFIDENTIAL BUSINESS

Recommended Procedural Motion

That pursuant to section 66(1) and (2)(a) of the *Local Government Act 2020* the meeting be closed to the public to consider the following reports that are considered to contain **confidential information** on the grounds provided in section 3(1) of the *Local Government Act 2020* as indicated:

17.1 Metropolitan Waste and Resource Recovery Group collective procurement for the Provision of Landfill Services

- (g) private commercial information, being information provided by a business, commercial or financial undertaking that—
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

17.2 Contract No. 21/028 - Provision of Internal Audit Services

- g) private commercial information, being information provided by a business, commercial or financial undertaking that—
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

17.3 Contract No. 21/029 - Arnolds Creek Kindergarten Building Extension

- g) private commercial information, being information provided by a business, commercial or financial undertaking that—
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

17.4 Contract No. 21/030 - Resurfacing Synthetic Oval Brookside - Construction

- g) private commercial information, being information provided by a business, commercial or financial undertaking that—
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

17.5 Contract No. 21/035 - MacPherson Park Recreation Reserve - Oval Construction

- g) private commercial information, being information provided by a business, commercial or financial undertaking that—
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

Recommended Procedural Motion

That the meeting be opened to the public.

18. CLOSE OF BUSINESS