



MELTON CITY COUNCIL

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

**30 November 2020
held via a videoconference**

**THESE MINUTES CONTAIN REPORTS DEALT WITH AT A
CLOSED MEETING OF COUNCIL**

TABLE OF CONTENTS

1.	OPENING PRAYER AND RECONCILIATION STATEMENT	5
2.	APOLOGIES AND LEAVE OF ABSENCE	5
3.	CHANGE TO THE ORDER OF BUSINESS	5
4.	DEPUTATIONS	5
5.	DECLARATION OF ANY PECUNIARY INTEREST, OTHER INTEREST OR CONFLICT OF INTEREST OF ANY COUNCILLOR	6
6.	ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	6
7.	SUMMARY OF INFORMAL MEETINGS OF COUNCILLORS	7
7.1	SUMMARY OF INFORMAL MEETINGS OF COUNCILLORS IN ACCORDANCE WITH CHAPTER 6, SUB-RULE 1 OF THE COUNCIL'S GOVERNANCE RULES	7
8.	CORRESPONDENCE INWARD	8
8.1	PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR	8
9.	PETITIONS AND JOINT LETTERS	9
10.	RESUMPTION OF DEBATE OR OTHER BUSINESS CARRIED OVER FROM A PREVIOUS MEETING	9
11.	PUBLIC QUESTION TIME	9
12.	PRESENTATION OF STAFF REPORTS	11
12.1	OATH OR AFFIRMATION OF OFFICE	11
	To place on record the taking and signing of the Oath or Affirmation of Office by Councillors elected at the 2020 general election	

-
- | | | |
|-------------|---|-----------|
| 12.2 | COUNCILLOR REPRESENTATION NOMINATIONS ADVISORY COMMITTEE MEETING MINUTES - 23 NOVEMBER 2020 | 14 |
| | To present the minutes of the Councillor Representation Nominations Advisory Committee (CRNAC) meeting held on Monday 23 November 2020 | |
| 12.3 | ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES | 17 |
| | To present the aggregated minutes of Advisory Committee meetings yet to be considered by Council. | |
| 12.4 | RESPONSE TO PETITION BURNSIDE RECREATION RESERVE | 20 |
| | To respond to the Petition tabled (Cr Abboushi) outlining dissatisfaction with the level of financial investment in the Burnside Recreation Reserve when compared to other similar facilities in the City of Melton. | |
| 12.5 | PLANNING APPLICATION PA 2019/6821/1 - CONSTRUCTION OF 10 DOUBLE STOREY DWELLINGS AT 110 HAWKING CRESCENT, FRASER RISE | 23 |
| | To consider and determine the above proposal. | |
| 12.6 | CONTRACT 21/017 - SINCLAIR'S ROAD BRIDGE DESIGN SERVICES | 29 |
| | To seek Council's approval for the award of Contract No. 21/017 for Sinclair's Road Bridge design services. | |
| 12.7 | CONTRACT 21/024 - MELTON COURT HOUSE CAFE UPGRADE (REVISED) | 33 |
| | To seek Council's approval for the award of Contract No. 21/024 for Melton Court House Café upgrade works commencing December 2020. | |
| 12.8 | CONTRACT 20/035 - PROVISION OF TELECOMMUNICATIONS SERVICES AND HARDWARE | 37 |
| | To award Contract No. 20/035 for provision of Telecommunications Services and Hardware commencing 1 January 2021 to Telstra Corporation Limited (Telstra), following a tender process conducted by the Department of Premier and Cabinet (DPC) that conformed to Section 186 of the <i>Local Government Act</i> 1989. | |
| 12.9 | COMMUNITY SPORTS INFRASTRUCTURE LOANS SCHEME | 46 |
| | To propose that Council support two submission to the State Government Community Sports Infrastructure Loans Scheme 2020. | |

12.10	INSTRUMENTS OF DELEGATION UPDATE	50
	To seek the approval of Council of the updated S6 Instrument of Delegation to Members of Council Staff.	
12.11	APPOINTMENT OF INDEPENDENT AUDIT AND RISK COMMITTEE MEMBER	53
	To present to Council the recommendation from the Mayor and Chief Executive Officer who have considered the ordinary vacancy that exists on Council's Audit and Risk Committee.	
13.	REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES AND COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS	56
14.	NOTICES OF MOTION	57
14.1	NOTICE OF MOTION 718 (CR ABBOUSHI)	57
14.2	NOTICE OF MOTION 719 (CR ABBOUSHI)	58
14.3	NOTICE OF MOTION 720 (CR RAMSEY)	59
14.4	NOTICE OF MOTION 721 (CR MAJDLIK)	60
14.5	NOTICE OF MOTION 722 (CR MAJDLIK)	61
14.6	NOTICE OF MOTION 723 (CR MAJDLIK)	62
14.7	NOTICE OF MOTION 724 (CR TURNER)	63
14.8	NOTICE OF MOTION 725 (CR TURNER)	64
14.9	NOTICE OF MOTION 726 (CR TURNER)	65
15.	COUNCILLOR'S QUESTIONS WITHOUT NOTICE	66
16.	URGENT BUSINESS	67

17.	CONFIDENTIAL BUSINESS	68
17.1	MELTON COUNTRY CLUB - RENT RELIEF	69
	To provide legal advice as to Essendon Football Club's request for rent relief in respect of the leased premises situated at 28 – 30 Reserve Road, Melton known as the Melton Country Club.	
18.	CLOSE OF BUSINESS	73

MELTON CITY COUNCIL

MINUTES OF THE MEETING OF THE
MELTON CITY COUNCIL
HELD VIA A VIDEOCONFERENCE
ON 30 NOVEMBER 2020 AT 7:00PM

Present: Cr K Majdlik (Mayor)
Cr G Kesic (Deputy Mayor)
Cr S Abboushi
Cr L Carli
Cr M Deeming
Cr S Ramsey
Cr J Shannon
Cr B Turner
Cr A Vandenberg

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

1. OPENING PRAYER AND RECONCILIATION STATEMENT

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

2. APOLOGIES AND LEAVE OF ABSENCE

Nil.

3. CHANGES TO THE ORDER OF BUSINESS

Nil.

4. DEPUTATIONS

Nil.

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

Nil.

6. ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION:

That the Minutes of the Meeting of Council held on 12 October 2020 and Meeting of Council held on 16 November 2020 be confirmed as a true and correct record.

Motion

Crs Ramsey/Abboushi.

That the recommendation be adopted

CARRIED

7. SUMMARY OF INFORMAL MEETINGS OF COUNCILLORS

7.1 SUMMARY OF INFORMAL MEETINGS OF COUNCILLORS IN ACCORDANCE WITH CHAPTER 6, SUB-RULE 1 OF THE COUNCIL'S GOVERNANCE RULES

- 12 November 2020 – Summary of Informal Meeting of Councillors
- 20 November 2020 – Summary of Informal Meeting of Councillors
- 23 November 2020 – Summary of Informal Meeting of Councillors
- 25 November 2020 – Summary of Informal Meeting of Councillors
- 26 November 2020 – Summary of Informal Meeting of Councillors

RECOMMENDATION:

That Summary of Informal Meeting of Councillors dated 12, 20, 23, 25 and 26 November 2020 attached to this Agenda be received and noted.

Motion

Crs Abboushi/Kesic.

That the recommendation be adopted.

CARRIED

LIST OF APPENDICES

1. Summary of Informal Meeting of Councillors - dated 12 November 2020
2. Summary of Informal Meeting of Councillors - dated 20 November 2020
3. Summary of Informal Meeting of Councillors - dated 23 November 2020
4. Summary of Informal Meeting of Councillors - dated 25 November 2020
5. Summary of Informal Meeting of Councillors - dated 26 November 2020

8. CORRESPONDENCE INWARD

8.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR

- The Hon Lisa Neville MP – Minister for Police and Emergency Services – Police Hub in the Rockbank or Aintree area.
- The Hon Ben Morton MP – Assistant Minister to the Prime Minister and Cabinet – Local government in Australia’s intergovernmental architecture
- The Hon Jacinta Allan MP – Minister for Transport Infrastructure, Minister for the Suburban Rail Loop and Minister for the Coordination of Transport – COVID-19 – Robinsons Road level crossing removal project in Deer Park
- The Hon Melissa Horne MP – Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Ports and Freight and Minister for Fishing and Boating – North West Melbourne City Deal

RECOMMENDATION:

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

Motion

Crs Turner/Carli.

That the recommendation be adopted.

CARRIED

LIST OF APPENDICES

1. Letter from The Hon Lisa Neville MP - Minister for Police and Emergency Services - dated 10 September 2020
2. Letter from The Hon Ben Morton MP - Assistant Minister to the Prime Minister and Cabinet - dated 11 September 2020
3. Letter from The Hon Jacinta Allan MP - Minister for Transport Infrastructure, Minister for the Suburban Rail Loop and Minister for the Coordination of Transport – COVID-19 - dated 23 September 2020
4. Letter from The Hon Melissa Horne MP – Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Ports and Freight and Minister for Fishing and Boating - dated 9 November 2020

9. PETITIONS AND JOINT LETTERS

Cr Kesic tabled a petition received from residents of Fraser Rise requesting an opening/creating a turn off Mandalay Parade onto City Vista Circuit heading to the right.

The Petition using the change.org method, contained 59 signatures.

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

Nil.

11. PUBLIC QUESTION TIME

Name	Question asked of Council
Michelle Spiteri	<p><i>“Over the past few years, council has received a significant number of complaints and concerns regarding the safety and integrity of Troups Road South. Traffic along this corridor is growing as the urban subdivisions in the area are established and it is clearly obvious that this road cannot safely sustain current traffic volumes.</i></p> <p><i>Whilst it is understood that design works on this road have begun, this still does not adequately address current safety concerns which include : blinding dust plumes which on some days mean that you are driving with zero visibility, a speed limit of 80km (interestingly sealed roads in the area have a 60km limit), and serious degeneration of the road surface as a result of the constant flow of heavy articulated, commercial and private vehicles.</i></p> <p><i>Will council commit to a start date of the construction of this road and until such time that this road is constructed, what is council’s plan to manage this road to ensure that the safety of all drivers is appropriately addressed ?</i></p> <p><i>Please note that the sectional rotational grading of the road has not provided any significant improvement in the condition of the road.”</i></p>
Michelle Spiteri	<p><i>“Will council consider making Troups Road South a local use road until such times as it is fully constructed to ensure that it meets the guidelines of its Road Management Policy?”</i></p>

David O'Connor	<p><i>“Melton City Council support community groups and sporting organisations through its grant funding program, municipal budget process and discretionary spending initiatives.</i></p> <p><i>In recent years, greater emphasis has been placed on Council expenditure which has seen an increase for transparency and accountability, especially for Councillors.</i></p> <p><i>Therefore, what checks and balances are used to ensure that municipal funds awarded to groups and associations are properly acquitted in accordance with the intended purpose?”</i></p>
David O'Connor	<p><i>“In April this year, Melton City Council undertook to survey residents to update its 2016 community vision data. The survey was widely promoted in Diggers Rest and received exceptional attention at the time.</i></p> <p><i>Therefore, what community aspirations have been identified for the growing township of Diggers Rest and of those, which will be considered a priority?”</i></p>

Procedural Motion

Crs Ramsey/Carli.

That the recommendations as printed in Items 12.1, 12.3, 12.10 and 12. 11 be adopted en bloc.

CARRIED

12. PRESENTATION OF STAFF REPORTS

12.1 OATH OR AFFIRMATION OF OFFICE

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

PURPOSE OF REPORT

To place on record the taking and signing of the Oath or Affirmation of Office by Councillors elected at the 2020 general election

RECOMMENDATION:

That the report be received and noted

Motion

Crs Ramsey/Carli.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

Section 30 of the *Local Government Act 2020* and Regulation 5 of the *Local Government (Governance and Integrity) Regulations 2020* require persons elected to be a Councillor to take either an oath or affirmation of office in the manner prescribed.

The purpose of this report is to place on record in the Council's minutes that the nine persons elected as Councillors for the 2020 – 2024 term of Council at the general election held 24 October 2020 took either the oath or affirmation of office before the Chief Executive Officer on Monday 9 November 2020.

2. Background/Issues

Following the declaration of the 2020 general election results by the Victorian Electoral Commission on Thursday 5 November 2020 the following Councillors were elected to represent the City of Melton for the 2020-2024 Council term.

Cambridge Ward

- Cr Kathy Majdlik
- Cr Steve Abboushi
- Cr Goran Kesic

Coburn Ward

- Cr Bob Turner
- Cr Ashleigh Vandenberg
- Cr Sophie Ramsey
- Cr Julie Shannon

Watts Ward

- Cr Lara Carli
- Cr Moira Deeming

On Monday 9 November 2020 the Councillors, in turn by separate appointment, took either an oath or affirmation of office as administered the Chief Executive Office, Mr Kel Tori, This is a requirement of Section 30 of the *Local Government Act 2020* and Regulation 5 of the *Local Government (Governance and Integrity) Regulations 2020*.

Regulation 5 says:

5 Oath or affirmation of office

For the purposes of section 30(1) of the Act, the prescribed manner for taking the oath or affirmation of office is—

- in accordance with the requirements of Part 2 of the Oaths and Affirmations Act 2018; and*
- in person or, with the approval of the Chief Executive Officer, by means of an audio visual link; and*
- in the following form—*

"I will undertake the duties of the office of Councillor in the best interests of the municipal community. I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct. I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement."

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

No financial considerations

5. Consultation/Public Submissions

Not applicable

6. Risk Analysis

Not applicable

7. Options

That the Council adopt the officer recommendation to receive and note the report,

LIST OF APPENDICES

Nil

Cr Ramsey left the videoconference at 7:19pm.

Cr Ramsey returned to the videoconference at 7:21pm.

12.2 COUNCILLOR REPRESENTATION NOMINATIONS ADVISORY COMMITTEE MEETING MINUTES - 23 NOVEMBER 2020

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

PURPOSE OF REPORT

To present the minutes of the Councillor Representation Nominations Advisory Committee (CRNAC) meeting held on Monday 23 November 2020

RECOMMENDATION:

That Council:

1. note the minutes of the Councillor Representation Nominations Advisory Committee (CRNAC) meeting held on Monday 23 November 2020 (**Attachment 1**).
2. adopt the recommendations arising within the minutes.

Motion

Crs Carli/Shannon

That Council:

1. note the minutes of the Councillor Representation Nominations Advisory Committee (CRNAC) meeting held on Monday 23 November 2020 (**Attachment 1**).
2. adopt the recommendations arising within the minutes but with the following amendments:
 - o Noting the discontinuation of the Community Safety Committee and Road to Zero Steering Committee at the Council meeting held 20 July 2020, that these two committees be removed from the list of advisory committees and therefore no appointments made;
 - o Noting the establishment of the Safe City Advisory Committee at the Council meeting held 20 July 2020 and that as Terms of Reference for this committee are yet to be developed, that Council appoint its Councillor delegates at its meeting to be held Monday 8 February 2021.

CARRIED

REPORT

1. Executive Summary

The appointment of Councillors as representatives on external bodies, delegated committees and advisory committees plays an integral part in Councillors exercising their representation and advocacy responsibilities on behalf of the community.

It is an established practice to annually review the Councillor representation on delegated committees, advisory committees and external organisations. This process allows Councillors the opportunity to consider the committees and groups on which they are able to represent Council for the forthcoming year.

2. Background/Issues

At the Ordinary Meeting 8 September 2015, Council adopted the Terms of Reference (ToR) for the Councillor Representation Nominations Advisory Committee (CRNAC). These ToR outline the establishment, composition and operating procedures in the recommending of Councillor membership to committees (Council and other organisations), boards, peak bodies and other decision making bodies for which a Councillor representative is required.

Representation on Council committees and on external organisations plays an essential role in policy development, advocacy, planning and provision of a wide range of services directly relevant to the community and provides a framework for Council to receive community feedback and external advice.

The *Local Government Act 2020* (the 2020 Act) provides for Delegated Committees (which include joint delegated committees). *Delegated Committees* of Council have delegated power from the Council as set out in an Instrument of Delegation. The Instrument outlines the extent and limitations of the Delegated Committee's powers and functions with these to be exercised in accordance with the guidelines or policies adopted by the Council.

Advisory Committees were previously defined in section 3(1) of the *Local Government Act 1989* (the 1989 Act). *Advisory Committees* are not defined in the 2020 Act however Council has the power to create such Committees pursuant to its general power set out in section 10 of the 2020 Act.

An *Advisory Committee* is a Committee established by Council to provide advice to it or its delegate. It considers issues and makes recommendations to the full Council. *Advisory Committees* have no delegated power and so their recommendations need to be adopted or endorsed by the full Council at a Council meeting before they can be implemented.

The role, composition and operating arrangements for both *Delegated* and *Advisory Committees* are set out in their respective Terms of Reference.

The *Municipal Emergency Management Planning Committee* and the *Municipal Fire Management Planning Committee* are a little different. They are formed under the *Emergency Management Act 1986*.

Likewise the *Audit and Risk Committee*, which is required by section 53 of the 2020 Act. The *Audit and Risk Committee* is not a delegated committee. It provides advice to Council in accordance with sections 53 and 54 of the 2020 Act and the *Audit and Risk Committee Charter* adopted by Council on 31 August 2020.

Finally, there are organisations external to Council that also include representation of Council by Councillors or Council officers. Councillors and Council officers appointed to these groups/committees have a responsibility to report to Council. These reports can be in writing in the form of minutes of the meetings. Where there are no Council Officers present or minutes taken, items of significance from those meetings can be read into the minutes of the Council meeting via a short verbal report.

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

Costs associated with Councillor representation on committees and external bodies are borne through normal budget estimates each financial year.

5. Consultation/Public Submissions

The CRNAC is an Advisory Committee of Council that makes recommendations to Council regarding its delegates to committees and external organisations for the upcoming 12 months. Consequently, no public consultation is required.

6. Risk Analysis

Advisory Committee minutes must be reported to Council. As they have no delegated power, they are restricted to the making of recommendations for Council's consideration. These recommendations are contained within the minutes.

The extent of the power and functions that can be exercised by delegated committees is governed by their Instrument of Delegation.

Council adopts Terms of Reference for each of its committees to guide their role, composition and operation.

7. Options

The CRNAC is an Advisory Committee of Council, therefore Council has the discretion to accept, reject or vary the nominations as detailed in the Committee minutes and/or recommendations.

LIST OF APPENDICES

1. CRNAC Meeting Minutes - dated 23 November 2020

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**
2. adopt recommendations arising within the Minutes.

Motion

Crs Ramsey/Carli.

That the recommendation be adopted.

CARRIED

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.

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 and recommendations of this CRNAC meeting are contained in the previous report in this Agenda.

These committees are subject to their individual terms of reference.

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 with a recommendation for adoption of its minutes in this meeting agenda.

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
17 September 2020	Early Years Partnership 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.

LIST OF APPENDICES

1. Early Years Partnership Committee Meeting Minutes - dated 17 September 2020

12.4 RESPONSE TO PETITION BURNSIDE RECREATION RESERVE

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

PURPOSE OF REPORT

To respond to the Petition tabled (Cr Abboushi) outlining dissatisfaction with the level of financial investment in the Burnside Recreation Reserve when compared to other similar facilities in the City of Melton.

RECOMMENDATION:

That Council note the report.

Motion

Crs Abboushi/Kesic.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

At the 14 September 2020 Ordinary Meeting of Council, Cr Abboushi tabled a petition from the Burnside Heights Football Club regarding:

The unsatisfactory level of financial investment in the Burnside Heights Recreation Reserve when compared to other similar sporting facilities within the City of Melton.

This report provides the level of financial investment from Council into the Burnside Heights Recreation Reserve since 2010, and comparative projects.

2. Background/Issues

At the 14 September 2020 Ordinary Meeting of Council, Cr Abboushi tabled a petition from the Burnside Heights Football Club regarding their view of Council's unsatisfactory level of investment in the Burnside Recreation Reserve when compared to other similar sporting facilities in the City of Melton.

Officers have investigated the financial investment in the Burnside Recreation Reserve since 2010 and compared investment in like facilities such as Arnolds Creek Recreation Reserve, Blackwood Drive Recreation Reserve, Diggers Rest Recreation Reserve and Caroline Springs Town Centre Recreation Reserve. These facilities are 2 oval facilities primarily provided for Australian Football and Cricket tenants with associated supporting infrastructure. The Macpherson Park Renewal project Stage 1 (AFL / Cricket / Netball precinct) has also been listed as reference however that is a 3 oval facility and is classified as the City of Melton only Regional Active Recreation Reserve.

The total financial investment in these reserves is provided in the table below and includes investment in Capital Development Projects (new and upgrade), renewal projects and major

maintenance projects. This table does not include the amount allocated for annual routine maintenance at each of the reserves.

These projects are listed due to the fact that they are comparable to Burnside Heights.

Reserve	Financial Investment since 2010		
	Capital (New and Upgrade)	Major Maintenance	Renewal
Burnside Heights Recreation Reserve	\$4,013,000 Includes approximately \$730,000 budgeted to a range of projects in 20/21 which will be completed by June 30 2021.	\$100,000	\$130,000
Caroline Springs Town Centre (Active Open Space related Infrastructure)	\$4,798,000	\$180,000	\$30,000
Arnolds Creek Recreation Reserve	\$3,250,000	\$5,000	
Diggers Rest Recreation Reserve	\$260,000 plus \$4m allocated in 20/21 to major development of reserve		\$280,000
Macpherson Park Renewal Project	\$6.4m		\$6.1m

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

There is currently \$100,000 allocated in the 2020/21 Budget for the design of the renewal of the Burnside Heights Recreation Reserve Sportsground. There is an allocation in the draft budget for Council consideration of \$500,000 to undertake the construction of the renewal of the sportsground in 2021/22 budget.

5. Consultation/Public Submissions

Council has been working proactively with the Burnside Heights Recreation Reserve tenant clubs on a number of projects including current projects and proposed future.

As a courtesy, the General Manager Community Services sent correspondence to the club to inform them that a subsequent Council report would be presented to Council after the Council elections.

6. Risk Analysis

N/A

7. Options

Council has the option to note the report and the information contained.

LIST OF APPENDICES

Nil

12.5 PLANNING APPLICATION PA 2019/6821/1 - CONSTRUCTION OF 10 DOUBLE STOREY DWELLINGS AT 110 HAWKING CRESCENT, FRASER RISE

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

PURPOSE OF REPORT

To consider and determine the above proposal.

RECOMMENDATION:

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

Motion

Crs Abboushi/Kesic.

That Council issue a Notice of Refusal to Grant a Permit on the following grounds:

1. The height, scale and built form of the proposed dwellings is inappropriate and out of character with development in the surrounding area, particularly the semi-detached nature of the double storey dwellings and minimal separation between buildings which will have a dominating impact upon the streetscape and surrounding area.
2. The proposal does not satisfactorily address the objectives and standards of ResCode pursuant to Clause 55 of the Melton Planning Scheme, with respect to neighbourhood character, parking location objectives and solar access to open space.
3. The proposal represents an overdevelopment of the site.

CARRIED

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

For:

Crs Abboushi, Carli, Deeming, Kesic, Majdlik, Ramsey, Shannon, Turner and Vandenberg.

Against:

Nil

The Mayor declared the Motion CARRIED

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

Applicant:	Jontian Group
Proposal:	Construction of ten double storey dwellings
Existing Land Use:	Vacant
Zone:	Urban Growth – Schedule 1 (UGZ1), General Residential – Schedule 1 (GRZ1)
Overlays:	Development Contributions Plan Overlay (DPO1)
Number of Objections:	One
Key Planning Issues:	Strategic justification Respect for Neighbourhood Character Off-site amenity impacts Adequacy of on-site car parking Taylors Hills West Precinct Structure Plan
Recommendation:	Approve application

The Land and Surrounding Area

The subject site has an area of 2,000m² and is located on the south side of Hawking Crescent in Fraser Rise. The site is located within the Taylors Hills West Precinct Structure Plan area in the Infinity Estate. Other features of the site are as follows:

- The site is irregular in shape.
- The site is vacant and adjoins vacant sites both to the north and south. The adjoining site to the south, 8 Vinko Court is where a similar proposal was refused at the Council meeting on 20 July 2020. A VCAT hearing for this refusal is scheduled for 23 June 2021.

The surrounding area can be characterised as predominantly residential with a mix of single storey, double storey and an example of triple storey dwellings. There are a few examples of medium density developments in the immediate area.

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

The Application

The application proposes the development of 10 double storey dwellings.

The proposed development is summarised as follows:

- Dwelling 1 will comprise a laundry, bath, two bedrooms, sitting room and a single garage with a tandem car space at ground level and one bedroom with ensuite, open plan kitchen/dining/living and a balcony located at the first floor.
- Dwellings 2 to 8 will each comprise a laundry, toilet, wash basin, open plan kitchen/dining/living and a double garage at ground level and three bedrooms and a bath located at the first floor.
- Dwellings 9 and 10 will each comprise a laundry, toilet, wash basin, open plan kitchen/dining/living and a single garage at ground level and two bedrooms retreat area and a bath located at the first floor.
- Dwelling 1 will be accessed via an existing vehicle crossover off Hawking Crescent.

- A shared internal accessway is proposed for Dwellings 2 to 10 with vehicle access to the site via the proposed crossover off Hawking Crescent.
- The proposed development will be constructed from a combination of face brickwork, render, vertical cladding and concrete roof tiles. The development will have maximum height of approximately 7.6m.
- Dwelling 1 will have a balcony of 8.68m² as private open space with convenient access from a living room with an area.
- Secluded private open space areas for Dwellings 2 to 10 will range between 26m² and 50m².
- Private open space areas for Dwellings 2 and 10 will range between 40m² and 98m².
- Two dedicated visitor car spaces are proposed on-site.

The application was originally for eleven dwellings and was reduced by one dwelling.

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

Planning Controls

Zone	Clause 37.07- Urban Growth Zone (Schedule 1)	Provisions for building and works under the applied zone, General Residential 1 apply.
	(Clause 32.08 – General Residential Zone)	Permit required to construct two or more dwellings on a lot.
Overlays	Clause 45.06 – Development Contributions Plan Overlay (Schedule 1)	<p>A permit must not be granted to construct a building or construct or carry out works until a Development Contributions Plan has been incorporated into the Melton Planning Scheme.</p> <p>A Development Contributions Plan has been incorporated into the Melton Planning Scheme and applies to this proposal. A Development Contributions Plan has been prepared for the Taylors Hill West PSP. The Plan outlines a summary of costs attributable to the development area, and a summary of contributions by way of levies payable by the development. The subject site was created as part of Stage 16 of Planning Permit No. PA2012/3628/1. Development Contributions for Stage 16 were paid prior to issue of Statement of Compliance for this stage.</p>
Particular Provisions	(Clause 52.06 – Car Parking)	<p>Two car spaces are required for each three bedroom dwelling and one car space for each two bedroom dwelling.</p> <p>Two visitor car spaces are also required for every five dwellings.</p> <p>A total of 20 car spaces are required and provided.</p>

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

Clause 55 – ResCode

Under the requirements of the zone, the development of two or more dwellings on a lot must meet the requirements of Clause 55 of the Planning Scheme. Clause 55 requires that a development:

- 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.

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

A Section 173 Agreement AL394585X is registered on Title.

The agreement specifies timing of the land to be vested to the Responsible Authority, payment of land credit amounts in accordance with the Public Infrastructure Plan (PIP), payment of development contributions in accordance with the PIP and the infrastructure that was to be delivered as part of the staged multi subdivision under Planning Permit No.PA2012/3628/1.

Is the land of Cultural Heritage Sensitivity?

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

2. Council and Wellbeing Plan Reference and Policy Reference

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

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

3.1 A City that strategically plans for growth and development.

3. Financial Considerations

No Council related financial considerations are involved with the application.

4. Consultation/Public Submissions

Public notification of the application

The application was subject to informal notification. The informal notification was satisfactorily completed and one objection was received. Council cannot consider the submission as a formal objection as the proposal is exempt from notice and review.

The grounds of objection may be summarised as follows;

- Noise.
- Loss of privacy.
- Human and transport traffic.
- Waste collection of 22 bins from the site's limited street frontage.

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

Referral of the application

The application was referred to Infrastructure Planning, Traffic and Transport, City Landscape and City Design for comment and advice. A complete list of responses is included in **Appendix 5**.

5. Issues

Planning Assessment

Strategic justification

The applied zone to the land is General Residential which allows a modest level of housing growth and diversity. The proposal meets the overarching objectives of housing policies within the Planning Policy Framework and Local Planning Policy Framework. Matters relating to housing affordability, housing diversity, efficient use of land and the location of more intensive residential development amongst other policy objectives are aspects that are built into the Infinity Estate through the Precinct Structure Plan (PSP) process. The proposal accords with Zoning provisions, State and Local policies as it is consistent with the Taylors Hill West Precinct Structure Plan.

Neighbourhood character

The land proximate to the site is predominantly developed with one and two storey dwellings with pitched roofs and various material and finishes. The area is also characterised with a few examples of triple storey dwellings. A triple storey development with 11 dwellings is located to the immediate south of the site. The proposed development layout, side setbacks, built form, external materials and design of the proposed development will respect and complement the established neighbourhood character of the area.

Off-site amenity impacts

The proposal complies with relevant standards in relation to overlooking, overshadowing, daylight to existing habitable room windows, side and rear setbacks.

Car parking and Traffic

Provision of car parking for each dwelling and visitor car parking complies with the requirement of Clause 52.06 of the Planning Scheme. Council's Traffic Engineers do not object to the proposal.

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 Planning Policy Framework, Local Planning Policy Framework, Zone/Overlay provisions and Clause 65 of the Melton Planning Scheme.

It is considered that the proposed development is respectful of the prevailing character of the surrounding area and generally complies with the Taylors Hill West Precinct Structure Plan and objectives and standards of Clause 55 - ResCode. The design of the development with recessed upper floors and separation of the upper floors between dwellings assist in breaking up the building mass and providing visual relief from the adjoining properties. The proposed built form is also generally in keeping with the surrounding area. The General Residential Zone anticipates modest housing growth which facilitates a diversity of housing types in locations offering good access to services and transport – which is achieved on this site.

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 24 August 2020
2. Plans for the Proposal - dated 4 August 2020
3. Assessment against Planning Scheme - undated
4. Response to Objection - undated
5. Referral Comments - undated
6. Proposed Conditions - undated

12.6 CONTRACT 21/017 - SINCLAIR'S ROAD BRIDGE DESIGN SERVICES

Author: Lauren Pammer - Senior Projects Officer

Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To seek Council's approval for the award of Contract No. 21/017 for Sinclair's Road Bridge design services.

RECOMMENDATION:

That Council:

1. Award Contract No. 21/017 Sinclair's Road Bridge design services to SMEC Australia Pty Limited for the amount of \$364,733 (ex GST)
2. Delegate execution to the Chief Executive Officer in relation to all relevant contract documentation for this contract.

Motion

Crs Ramsey/Abboushi.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The purpose of this report is to award Contract No. 21/017 of \$364,733 (ex GST) to SMEC Australia Pty Limited for design services of the new Sinclair's Road Bridge over Kororoit Creek, Deanside.

The project, as outlined in the Kororoit PSP will involve the design of critical infrastructure including new bridge and road, paths, drainage, services relocations, landscaping and public lighting. The completion of this work will provide a design to replace the existing narrow road bridge to improve safety issues and provide improved access to current and future subdivisions as the population grows and traffic increases.

An open tender was released on 5 September 2020 and closed on 5 October with 5 submissions received.

Funding for the project is entirely via the Infrastructure Contributions Plan.

2. Background/Issues

The Kororoit Precinct Structure Plan (PSP) is a long term plan for urban development created by the Victorian Planning Authority and sets out the infrastructure required to meet the needs of the precinct as it develops.

A PSP has many Infrastructure Contribution Plan (ICP) projects for delivery of road and community infrastructure. These projects are entirely funded by the developers and do

not require any Council funding. ICP projects can be delivered by Council or Developers. In the Kororoit PSP many of the road infrastructure projects will be required to be delivered by Council. Council's Engineering team have analyzed all the ICP road projects to determine when they are likely to be required and who will be delivering them.

This report is in relation to Kororoit PSP item BR-03 which requires the construction of a connector road bridge over the Kororoit Creek, Deanside. Due to the increasing traffic volumes on Sinclair's Road and the rapid rate of development in the area it was determined that this project would be required in 22/23 as per Council's capital works program.

As this is a complicated design and will have a lengthy planning approval process the design phase of this project has to begin in 20/21 to enable Council to be in a position to construct the bridge in 22/23.

This upgrade is required to improve safety issues with the current road bridge as well as to improve access to current and future subdivisions as the population numbers and traffic volumes increase.

Council's objective is to provide a road network fit for use by the community and decrease the increasing likelihood and severity of vehicle collisions not currently met by the existing ford crossing in Sinclair's Road. Image 1 shows the location of Sinclair's Road bridge.



Image 1 – Sinclair's Rd Bridge

Scope

The scope of works for design services will include the following:

- Engineering design for the bridge as per PSP & ICP requirements, safety barriers and architectural elements
- Roads, paths and drainage
- Public lighting and electrical design

- Habitat compensation offsets and cultural heritage management plan development
- Landscaping
- Preparation of services relocation plans as needed and liaison with all authorities
- Quantity surveying services
- Construction tender documentation
- Option for Superintendancy services

Procurement

An open tender was released on 5 September 2020 and closed on 5 October 2020 with 5 submissions received. Clarification on pricing and inclusions were sought where required to ensure an equal evaluation with the submitted prices ranging from \$364,733 to \$735,686.

The tender evaluation panel consisted of the Council Officers listed in table 1. All members made a declaration that they did not have a conflict of interest in relation to any of the tender submissions.

Table 1.0: Tender Evaluation Panel

Panel member	Position
Matthew Hutchinson	Design & Infrastructure Coordinator
Lauren Pammer	Senior Projects Officer
Mukhlisur Rahman	Senior Civil Design Project Manager

After a comprehensive review the tender evaluation panel agreed to shortlist the 2 lowest priced tenders for interviews.

Following further clarifications obtained during and after the interviews, a detailed tender evaluation was completed by the tender evaluation panel. The tender evaluation was based on Council's criteria for evaluation of tenders set out in the tender documentation.

On this basis, the panels preferred design firm is SMEC Australia Pty Limited. Whilst SMEC provided the lowest price for design services, they were just as importantly able to show a detailed understanding of the project's location, its technical requirements as well as its design constraints and complexities. SMEC also detailed a previous history of delivering similar projects as well as an understanding of the numerous planning, heritage and biodiversity obligations impacting the project.

The evaluation panel therefore recommends the award of Contract 21/017 Sinclair's Road Bridge design services to SMEC Australia Pty Limited.

3. Council Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

The project is listed within the Kororoit PSP with funding provided through the developer infrastructure contributions allocation. The ICP funding for the project is inclusive of all design, approvals, land acquisition and construction components. The unindexed allocation

for this project is \$7.0M. The Kororoit PSP reserve currently has sufficient funds to enable this project to commence.

Funding for the construction component of the bridge will be considered as part of Council's Capital Works program.

5. Consultation/Public Submissions

The Kororoit PSP identifies this project as key infrastructure to be planned and delivered through development contributions. Consultation during the development of the PSP was undertaken by the VPA.

6. Risk Analysis

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

- The engagement of a suitably qualified design team to design, document and supervise the project via a direct tender process
- Conducted referee checks for the appointment of the design company.
- Conducted Corporate Scorecard financial check on the preferred company

7. Options

Council has the options to:

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

LIST OF APPENDICES

Nil

12.7 CONTRACT 21/024 - MELTON COURT HOUSE CAFE UPGRADE (REVISED)

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

PURPOSE OF REPORT

To seek Council's approval for the award of Contract No. 21/024 for Melton Court House Café upgrade works commencing December 2020.

RECOMMENDATION:

That Council:

1. Awards Contract No. 21/024 for Melton Court House Café submitted by Stokes Rousseau for the sum of \$216,464 (excl. GST) commencing December 2020
2. Delegate to the Chief Executive Officer the execution of all contract documents.
3. Advise all Tenderers accordingly.

Motion

Crs Turner/Ramsey.

That the recommendation be adopted.

CARRIED

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

For:

Crs Abboushi, Carli, Deeming, Kesic, Majdlik, Ramsey, Shannon, Turner and Vandenberg

Against:

Nil

The Mayor declared the Motion CARRIED

REPORT**1. Executive Summary**

This report seeks Council resolution for the award of Contract No. 21/024 for Melton Court House Café upgrade works.

Council resolved at the Ordinary Meeting of Council held on 14 September 2020 for staff to proceed with the refurbishment of the former Melton Courthouse by separating the structural fitout of the facility and for Council to undertake those works while advertising an expression of interest from interested parties to fitout the hardshell and associated deck area in return for an operating lease reflective of the financial investment made. This report outlines the

outcome of procurement process to secure a suitable contractor to complete the structural works component of the Council resolution.

The project involves structural, mechanical, electrical and plumbing works to the premises.

2. Background/Issues

The contract works are proposed to improve the premises by providing a new opening in the eastern wall with a bifold door onto the outdoor deck area to activate the outdoor dining area adjacent to the Melton Town Centre. Works are proposed to the mechanical system to provide an environment suitable for operation of a commercial kitchen by providing an exhaust extraction system to the kitchen. Electrical and plumbing works are also proposed as associated works to the premises.

The scope includes the following modifications to the premises as outlined in motion carried at the Ordinary Council Meeting of Council held on 22 June 2020:

- Structural
- Mechanical
- Electrical
- Plumbing

All other fit out, furnishing and equipment of the building and deck is excluded from this contract.

Procurement

Tenders for the above contract were sought from three contractors from the Construction Supplier Register in accordance with the Ministerial Approval dated 17 May 2012. This Ministerial Approval means that an invitation to tender can be made directly to entities listed on the Construction Supplier Register, rather than an open invitation advertised in a newspaper. All three entities invited have experience in delivering heritage projects.

A Tender Evaluation Panel was formed for the assessment of tender submissions and consisted of the Officer's outlined in Table 1.0.

Table 1.0: Tender Evaluation Panel

Panel member	Position
Braith Norman	Coordinator Capital Projects
Sera Jane Peters	Heritage Officer
Jane Johnson	Capital Projects Officer

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

A total of three tenders were received and were evaluated by the Tender Evaluation Panel against the Evaluation Criteria set out below in Table 2.0.

Table 2.0: Selection Criteria and Weighting

Selection Criteria	Weighting
Project Team's demonstrated experience in successfully completing project of a similar type and scale	25%
Nominated Personnel - Skills, qualification and experience of staff	15%
Demonstrated understanding of the project and requirements and quality of submission	30%
Cost to Council / Value for money	20%
Local Content	10%

One submission was identified as a non-compliant tender response due to proposed contract departures, however the evaluation was carried out on all tender responses. The Tender Evaluation Panel agreed to interview all three tenderers. The prices after tender clarification assessment ranged from \$216,371 to \$217,836.

Following further clarification / information obtained during and after the interviews, a detailed tender evaluation was completed by the Tender Evaluation Panel.

On this basis, the recommended contractor is Stokes Rousseau. Stokes Rousseau demonstrated suitable previous experience, skills, qualifications and a sound understanding of the project scope and methodology.

3. Council Plan Reference and Policy Reference

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

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

4.1 A diverse economy that fosters business growth, encourages new investment and leads and responds to change

4. Financial Considerations

An amount of \$250,000 was included in the 2019/2020 budget and has been carried forward to the current year.

A financial grant of \$200,000 has been awarded through the Suburban Revitalisation Program by the Department of Jobs, Precincts and Regions.

Funding Source	Amount
19/20 Carry forward City of Melton	\$250,000
20/21 Suburban Revitalisation Program Grant	\$200,000
TOTAL	\$450,000

The budget components for the project are as follows:

Budget	Amount
Construction – Building Works (this Contract)	\$216,464
Consultant Fees	\$36,050
Permit & Authority Fees	\$15,700
Contingency (7%)	\$18,775
TOTAL	\$286,989

5. Consultation/Public Submissions

Construction plans have been approved by the Department of Environment, Land, Water and Planning (DELWP) as Landowner of the Crown Allotments of the Former Melton Court House and Melton Public Purposes Reserve.

Key stakeholders were consulted and information collected through this consultation was used to develop the tender specifications. Consultation with the community and affected property owners to notify them of disruptions throughout the construction works will form part of the project planning and delivery after the award of this Contract.

6. Risk Analysis

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

1. Engagement of a suitably qualified construction company with heritage experience
 - Construction companies invited to tender were selected for their experience in delivering works on heritage listed properties
 - All construction companies are on the pre-qualified Construction Supplier Register
 - Referee checks have been conducted
 - Third party accreditation of Occupational Health and Safety Management Systems are in place
2. Engagement of a financially capable construction company:
 - The engagement of an independent and expert consultant to conduct a financial review of the respondent
3. Development of risk management plans for the project
4. Supervision of construction works to be undertaken by Melton City Council

7. Options

Council has the options to:

1. Adopt the Officers' recommendations as presented in this report.
2. Redesign the scope and seek further submissions.

LIST OF APPENDICES

Nil

The meeting was adjourned at 8:04pm.

The meeting resumed at 8:15pm.

12.8 CONTRACT 20/035 - PROVISION OF TELECOMMUNICATIONS SERVICES AND HARDWARE

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

PURPOSE OF REPORT

To award Contract No. 20/035 for provision of Telecommunications Services and Hardware commencing 1 January 2021 to Telstra Corporation Limited (**Telstra**), following a tender process conducted by the Department of Premier and Cabinet (**DPC**) that conformed to Section 186 of the *Local Government Act 1989*.

RECOMMENDATION:

That Council:

- Award Contract No. 20/035 for the provision of Telecommunications Services and Hardware to Telstra for a term of 3 years, for an estimated spend per year of approximately \$2,547,000.
- Delegate authority to the Chief Executive Officer the execution of all contract documents.

Motion

Crs Ramsey/Vandenberg

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The purpose of this report is to seek Council resolution to award Contract No. 20/035 for provision of Telecommunications Services and Hardware to Telstra.

Melton City Council (**MCC**) IT provides the following telecommunication services across its organisation:

- Mobiles & Mobility services
- Fixed Voice services
- Fixed Data services
- Unified Communication (voice and video system)
- Call Centre Software
- Managed Services, and

- Security Operation Centre services

The contract for the current provision of these services has expired and therefore we are required to establish a new service contract.

Both the MAV and the State Government through the DPC have in place pre-negotiated agreements with telecommunications suppliers. Both the MAV and DPC agreements were reviewed and found that:

- they conformed to Section 186 of the *Local Government Act 1989*
- MCC may take advantage of competitive pricing
- they offer similar services and products needed by the organisation, and
- MCC stood to benefit from entering into these pre-negotiated agreements.

Under the Procurement Policy it was deemed necessary to undertake a tender process. In September 2020, 32 telecommunications service providers were invited to submit responses to the Request for Proposal (RFP). Seven responses from panel members were received. Panel members consisted of: Aussie Broadband, MNF Group, Optus, Premier Solutions, TDL, Telstra and TPG.

An extensive response evaluation process was undertaken. The evaluation panel assessed the suppliers responses on 6 key criteria (see table 3:0 below). The result of the evaluation process found that Telstra was the preferred supplier.

This report seeks Council resolution to award Contract No. 20/035 for the provision of Telecommunications Services and Hardware to Telstra under the conditions outlined above, for a period of 3 years. The estimated spend per year is approximately \$2,547,000, based on current volumes and staff levels (this figure will likely increase over time due to growth of services). This presents a saving of approximately \$380,000 per year.

2. Background/Issues

Telecommunication services are critical to enabling the workforce to deliver services to the community. These telecommunication services consist of:

- Mobiles & Mobility services, which consist of the organisation's fleet of mobile devices such as mobile phones, tablets and 4G services for these devices and laptop users
- Fixed Voice services, which consist primarily of desk phones used by the organisation's staff and some members of the public
- Fixed Data services, which consist of network connections between the organisation's facilities, between the organisation staff and members of the public and enabling working from home
- Unified Communications and Call Centre Software, which consists of video conferencing systems and messaging services
- Managed Services is the practice of outsourcing the responsibility for maintaining, and anticipating need for, a range of processes and functions in order to improve operations and cut expenses, and
- Security Operation Centre services which consists of multiple layers of protection for the organisation's systems and networks, which protects from cyber-attacks and protects information.

The majority of the above services are currently provided by Telstra under a previous MAV negotiated Telecommunications Contract NPN 1.05 agreement, which commenced in 2015 and has since expired. Under the previous agreement multiple contracts for the provision of various telecommunications services existed i.e. separate contracts for mobile services, cloud hosting, fixed voice etc. Under the previously negotiated contracts, MCC was unable to take advantage of volume discounts therefore causing missed opportunity for savings. Also,

it was found difficult and time consuming to manage multiple contracts which ended on different dates and were billed separately creating additional management effort.

At its Ordinary Meeting of Council on 2 March 2020, it was resolved that officers present a further report at the conclusion of an evaluation process of the MAV and DPC tenders to award the contract to either a single or multiple supplier(s).

The timing to renew all telecommunications contracts is planned to streamline end dates to circumvent the issue of having to manage staggered end dates in future. It will also enable MCC to take advantage of aggregated purchasing with associated discounted rates.

Further, there are a number of benefits for MCC entering into a telecommunications contract, they are;

- to lower the cost of telecommunication services by taking advantage of competitive pricing negotiated under the NPN 1.18 or TPAMS2025 agreements, and
- to reduce or remove the impact on key programs such as;
 - the rollout of MS Teams & Cloud Migration,
 - the operation of new facilities/buildings recently completed at Aintree Timbertop Community Hub, Kurunjang Community Hub, and Eynesbury MCL Centre, and
 - the Civic Centre refurbishment program (design and planning services).

Evaluation Panel

The Evaluation Panel consisted of the Officer's outlined in Table below. No member of the Tender Evaluation Panel declared any conflict of interest in relation to this tender evaluation.

Tender Evaluation Panel	Position	Department
Mark Domma	Manager Information Technology	Information Technology
Palitha Abayawardana	Coordinator, Infrastructure Management	Information Technology
Basil Chrisant	Coordinator, Enterprise Application	Information Technology
Michelle Lapsley	Coordinator, Customer Services (independent)	Engagement & Advocacy
Novia Pradana	Coordinator, IT Portfolio Management	Information Technology
Matthew Ledgerwood	Coordinator, Service Desk	Information Technology
Robert Zucca	Project Manager	Information Technology

Independent Advice

Officers obtained independent advice from telecommunications expert consultants 'Dog and Bone' to assist in undertaking the evaluation process. Dog and Bone provided expert insights into telecommunications solutions and technologies. Further, Dog and Bone assisted in the evaluation of the responses against the selection criteria to help produce a final scoring matrix.

Evaluation Criteria

All tender responses were evaluated by the Evaluation Panel and assessed against the 6 Evaluation Criteria set out below:

- **Local Content** - that vendors should have a local presence in Victoria and must ensure that any call centre or helpdesk is staffed by local resources. I.e. in Australia.

- **Cost** - The vendor's proposed costs including scalability, competitiveness and initial investment. Preference will be given to those proposals that maximize the commercial benefit to the organisation.
- **Technical** - This includes the vendor's general approach and plans in meeting the requirements of the RFP as well as any innovations the vendor may contribute as alternatives
- **Implementation** - The overall ability of the vendor to undertake and successfully complete the contract. The organisation will consider the vendor's implementation plan, the extent to which the organisation's personnel are required for implementation, and the vendor's track record in similar implementations.
- **Ongoing Management & Support** - The vendor's ability to provide ongoing management and support to the organisation will be taken into consideration. The organisation will consider the vendor's track record in supporting similar organisations and are looking for a vendor with an attentive and proactive service.
- **Vendor Profile** - The experience and qualifications of the vendor, including the size and sophistication of the vendor's business, to assess their capacity to service the organisation's current and future telecommunication requirements.

The list of Selection Criteria and their weightings is set out as follows:

Selection Criteria	Weighting
Local Content #	5%
Cost	27%
Technical & Solution	17%
Implementation	17%
Ongoing Management	17%
Vendor Profile	17%
TOTAL WEIGHTED SCORE	100%

Note. In relation to the local content criteria, the Telecommunications suppliers took a national perspective rather than focusing on the Melton area, therefore the selection panel based the scoring on a national perspective.

Scores

Following further clarification/information obtained during and after the interviews, a detailed evaluation was completed by the Evaluation Panel based on Council's criteria for evaluation and the Specifications.

Each response was scored in relation to the above selection criteria. Telstra was the only telecommunications supplier that submitted a response to all 6 service categories. TDL responded to 5 service categories with the remaining suppliers submitting responses to selected service categories.

Both Telstra and TDL consistently scored the highest of all telecommunications providers in their respective service categories.

TDL do not offer mobile services, therefore Telstra mobile services was added to TDL's proposal for comparison

Table 4:0: Overall Scores

Supplier	Score (out of 100)						Risk rating
	Mobile and Mobility	Fixed Voice	Fixed Data	UC & CC	Managed Services	Security	
Aussie Broadband	N/A	N/A	63	N/A	N/A	N/A	High
MNF Group	52	52	0	47	N/A	N/A	High
Optus	53	N/A	N/A	N/A	N/A	N/A	Medium
Premier Solutions	N/A	N/A	N/A	32	N/A	N/A	High
TDL	N/A	47	69	58	60	72	High
Telstra	64	62	64	62	60	64	Low
TPG	41	62	62	N/A	N/A	N/A	High

Risk Rating

The risk to MCC to move one or more services to a new telecommunications supplier is:

- High - High cost of resources, high service interruptions and outages, multiple changes to processes required to facilitate the change in service provider.
- Medium - Medium cost of resources, medium service interruptions and outages, some changes to processes required to facilitate the change in service provider.
- Low - Low cost of resources, low service interruptions and outages, minimal changes to processes required.

Estimated Costs

For costs of the individual telecommunications services, see full evaluation report at Appendix 1 of this document.

Shortlisted suppliers

The Evaluation Panel shortlisted 2 suppliers, Telstra and TDL considering the estimated annual costs of telecommunication services. It was determined that both Telstra and TDL, provide similar services and overall costs, except TDL do not have mobile services therefore, Telstra or Optus will be required to provide mobile services.

Table 5:0: Shortlisted suppliers

Estimated annual costs under new contract		
Services	Telstra	TDL *
Mobile and Mobility (pre COVID-19)	\$165,000	\$165,000
Fixed Voice	\$47,000	\$56,000
Fixed Data	\$176,000	\$186,000
UC & CC	\$846,000	\$725,000
Managed Services	\$1,123,000	\$1,146,000
Security	\$190,000	\$118,000
TOTAL	\$2,547,000	\$2,336,000

*TDL do not have a mobile services therefore Telstra will provide services

Cost Implications

The Evaluation Panel assessed the overall cost of changing from its current service provider to a new service provider. Consideration for the cost of personnel to facilitate the change and the disruption to business was also factored into the overall cost of change.

Connection of new facilities

Each year MCC builds a number of new facilities and buildings in “greenfield sites” that need to be connected to the MCC data network. The cost of connecting these facilities is considerable and ranges from a few thousand dollars to a few hundred thousand dollars.

Under the DPC contract (TPAMS2025), Telstra provides up to \$500,000 in capital works to facilitate the connection of any new Council building which requires capital works i.e. any trenching or excavation work required to run telecommunications infrastructure. Whereas, TDL do not offer any such capital works credit, therefore each new facility would require capital expenditure to connect that facility to the Council network.

In 2018-19, 4 new facilities required telecommunications related capital works. The \$500,000 capital works provision available through Telstra allowed MSC to avoid \$470,000 in trenching and cabling related capital works.

Sites that were commissioned during last 12 months	
Address	Savings in capital works costs
33 - 35 Mowbray Crescent, Kurunjang,	\$50,000
46 City Vista Court, Fraser Rise,	\$20,000
1 Timbertop Pde, Aintree,	\$350,000
746 Eynesbury Road, Eynesbury	\$50,000
Avoided capital works cost	\$470,000

Synergies of having one supplier.

Additional benefits can be had by consolidating all services under one telecommunications vendor i.e. consolidation of billing, single service desk, single account management team, more consistent service and troubleshooting of technical issues. Considerations such as additional administration of billing and increasing the complexity of the environment outweighed the decrease in cost in transitioning to a cheaper telecommunications service provider.

Service disruption and outages

Splitting the telecommunication services two or more suppliers will create service disruptions and potential service outages. Consideration is made to the disruption to the business and to the community that a change would make.

Mobile phone coverage

The evaluation panel considered Telstra and Optus 4G and 5G mobile phone reception and coverage in and around the Melton municipal boundaries. It was determined that Telstra had the greater coverage and reception than the Optus network.

Fit for purpose

Both TPG and MNF provided cost-effective telecommunication services, however the evaluation panel found that these telecommunication services may not be fit for purpose of which the Council requires.

Technical capability

Many of the telecommunications services are linked to each other in such a way that if a change is made to the telecommunications supplier, it would have a downstream impact on other services/solutions. It may be that other telecommunications suppliers' services/solutions are incompatible with Council's existing systems making it difficult to transition to a new supplier without incurring significant costs and/or technical difficulties.

The internal cost of resources

The costs of internal staff/resources to facilitate the change from one telecommunications supplier to another must be factored into the overall cost. The cost of project managers and technical resources would depend on which service is being transitioned to a new telecommunications service provider. Internal costs could be in the vicinity of \$100,000 or more per service.

Best Overall Performance

The result of the evaluation process found that Telstra consistently scored high on all evaluation criteria. Taking into consideration the cost of change and the disruption to business, the Tender Evaluation Panel unanimously agreed that Telstra was the preferred supplier.

The Contract

The DPC (TPAMS2025) contract provides for the provision of mobile services, fixed voice, fixed data, unified communications and call centre software, managed services, security services and products under a single contract.

Budget

MCC has a recurrent budget for these telecommunications services. In the financial year 2018/19 and 2019/20, MCC spent a total of \$2,599,627 and \$2,929,000 respectively on Telecommunication Services and Hardware.

The DPC contract (TPAMS2025) will deliver significant savings over the previous telecommunications contract of approximately 18% overall. In addition to the significant cost savings under the new contract, additional services such as security are included.

Table 6:0: Telecommunications Spend

Service	2019/20 spend	Under new contract
Mobiles and Mobility #	\$250,000	\$165,000
Fixed Voice	\$59,000	\$47,000
UC&CC	\$263,000	\$176,000
Fixed Data	\$873,000	\$846,000
Managed Services	\$1,484,000	\$1,123,000
Security	\$0.00	\$190,000
Total	\$2,929,000	\$2,547,000

Expected Contract Savings

The proposed new TPAMS2025 contract will deliver significant savings over the previous telecommunications contract of approximately \$380,000 not including savings from the avoidance of capital works cost for new facilities in certain “greenfield” estates.

3. Council Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

In the financial year 2018/19, the organisation on average spent a total of approx. \$2,599,627.91 in Telecommunication Services and Hardware from its recurrent budget.

5. Consultation/Public Submissions

Key internal stakeholders were engaged to provide current requirements, new and emerging telecommunications technologies and services as part of the Specifications. Two business units were engaged as stakeholder; Customer Service (Engagement & Advocacy) and Information Technology as they are most impacted by any proposed changes. Customer Services due to Call Centre software and Information Services because they own and manage the service. These 2 business units were best placed to provide key requirements which drove the Selection Criteria.

6. Risk Analysis

The key risks of not awarding Contract No. 20/035 to a new supplier(s):

1. MCC will continue to remain “out-of-contract” and therefore in breach of section 186 of the *Local Government Act 1989*.
2. MCC will fail to take advantage of favourable pricing under MAV or DPC tenders.

3. Telecommunications providers may charge the full cost of infrastructure provisioning works i.e. the organisation may be asked to pay up to \$300,000 to connect new facilities/buildings to the phone and data networks.
4. MCC may fail to deliver key Community programs within agreed timeframe, as mentioned above.

7. Options

Council has the option to:

1. Adopt the Officers' recommendation as presented in this report.
2. Undertake a tender for the provision of Telecommunications Services and Hardware services.

LIST OF APPENDICES

Nil.

12.9 COMMUNITY SPORTS INFRASTRUCTURE LOANS SCHEME

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

PURPOSE OF REPORT

To propose that Council support two submission to the State Government Community Sports Infrastructure Loans Scheme 2020.

RECOMMENDATION:

That Council support submissions to the Community Sports Infrastructure Loans Scheme for the following projects:

- Melton Recreation Reserve Pavilion Development Project
- Macpherson Park Stage 3: Rugby Pavilion and Pitch Project

Motion

Crs Ramsey/Deeming

That Council support submissions to the Community Sports Infrastructure Loans Scheme for the following projects:

- Melton Recreation Reserve Pavilion Development Project
- Macpherson Park Stage 3: Rugby / Gridiron Pavilion and Pitch Project

CARRIED

REPORT

1. Executive Summary

The State Government has launched the second round of the \$100 million Community Sports Infrastructure Loans Scheme. Council officers have taken the opportunity to review the scheme and the opportunities that exist with Council, to make application under this process.

Officers have reviewed the status of Council's Capital Works program and the City of Melton Sport Facility Demand Strategy to inform priorities and recommendations for opportunities for this program. The projects are currently in or entering the design phases that are consistent with the program guidelines and criteria and recommendation are presented in this report.

2. Background/Issues

The State Government has launched the second round of the 2020 Community Sports Infrastructure Loans Scheme to fund organisations with the capacity to deliver community sport and recreation infrastructure. The objective of the loan scheme is to prioritise investment that will increase sport and recreation participation addressing gaps in community sport and recreation infrastructure provision, increase access to sport and recreation

participation and facilitate the upgrade and development of significant community sport and recreation infrastructure.

Local Governments can apply for 1 or more projects valued between \$500,000 and \$10m. In addition to accessing a low interest loan. Successful applications will also be subsidised by Sport and Recreation Victoria for the interest rate by 50 per cent, up to a maximum of 250 basis points (2.5%).

Application Process and Time Frames

Action	Date
Applications Open	1 October 2020
Applications Close	15 December 2020
Application Assessment	21 April 2021
Announcements	21 April 2021 Onward
Construction Commencement	By 30 June 2022

Ability to show readiness to proceed upon announcement and service the loan is vital in the application and successful applications as organisations will be subject to a credit assessment by Department Treasuring and Finance.

Officers have reviewed the Council's Draft Capital Works Program against the criteria for this scheme and propose the following projects to be submitted for consideration:

- Melton Recreation Reserve Pavilion Project
- Macpherson Park Stage 3 Rugby / Gridiron Facility Development Pavilion, Field construction and associated car parking.

Melton Recreation Reserve Pavilion Development Project

This project will involve the delivery of a new multi-purpose Community Pavilion at the Melton Recreation Reserve to replace the existing pavilion onsite that is at its end of life, not fit for purpose, compliant with the community sport requirements (including female friendly) and has no capacity to respond to increased participation demands of the community. The new multi-purpose facility will provide a female friendly all accessible sporting pavilion.

This project is currently funded for design in the 2020/21 financial year and scheduled for construction commencement in 2021/22. There is currently \$3m allocated in the Draft 2021/22 budget for Council consideration.

Stage 3 Macpherson Park Development Project: Rugby / Gridiron Facility Development

Consistent with the Macpherson Park Master plan and recommendations of the City of Melton Sport Facility Demand Strategy, this project will replace the existing modular Sport Pavilion used for Rugby and construct the third field to support the provision of Rugby League, Rugby Union and Gridiron at the one facility. Currently there is a modular relocatable facility on site Pavilion on site that only services one of the two fields of play. It is this is an ageing asset with Sporting Association requirements (including female friendly) and not able to provide access and space required for both the Rugby clubs to be collocated during the winter season.

The Rugby League club are also currently relocated to another reserve until this project can be completed in full. The new pavilion proposed will service 3 fields and 3 clubs will support Rugby and Gridiron provision in the future.

Currently the sports field related to rugby and gridiron is in the design and concept phase and funding is in the current funding allocation.

The draft Capital Works Plan indicated construction for the sports field in 2022/23 if successful in this opportunity Council would be able to bring this project forward.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

3.1 A City that strategically plans for growth and development.

4. Financial Considerations

Melton Recreation Reserve Pavilion Project

The 2020/21 budget has allocated \$300,000 for the design of the Pavilion Project. It is currently estimated based upon other comparable projects, the Pavilion construction cost approximately is \$3.3m.

The capital program has a draft allocation of \$3.3m for the project subject to Council approval in 2021/22 budget.

MacPherson Park Oval 2 and MacPherson Park 3rd Rugby Field

There is currently \$2.6m allocated in the 2020/21 current budget for design and construction of Macpherson Park Oval 2. Design and commencement of construction of the Macpherson Park Soccer Pavilion and the Macpherson Park 3rd Rugby Field.

An allocation of \$1.18m was secured for the Soccer Pavilion projects through the State Government Grants Grow Suburbs Fund.

The draft budget also has subsequent allocation of \$4m in 2021/22 and \$6.5m in 2022/23 toward the Rugby precinct projects.

This submission if supported will apply for:

- Melton Recreation Reserve Pavilion Development Project \$3.3m
- Macpherson Park Stage 3 Rugby / Gridiron Facility Development (Pavilion and Field) up to \$4.5m.

5. Consultation/Public Submissions

Extensive community engagement has occurred over the last 2 years regarding both the Melton Recreation Reserve and Macpherson Park Development Project. These projects are currently in design phases with community engagement informing key elements of the design.

Should the projects be supported and successful ongoing community engagement to inform the design and delivery of these projects will continue.

6. Risk Analysis

Each of the projects has a Business Case in place that includes an assessment of the risks involved in delivering the project and these will continue to be actively managed.

7. Options

That Council:

1. Endorse the two projects for submission to the Community Sports Infrastructure Loans Scheme
2. Not endorse the projects for submission

LIST OF APPENDICES

Nil

12.10 INSTRUMENTS 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 updated S6 Instrument of Delegation to Members of Council Staff.

RECOMMENDATION:

1. In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation Melton City Council (**Council**) RESOLVES THAT –
 - 1.1 There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *S6 Instrument of Delegation to Members of Council Staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument. (refer **Appendix 1**)
 - 1.2 The instrument comes into force immediately the common seal of Council is affixed to the instrument.
 - 1.3 On the coming into force of the instrument all previous delegations to Members of Council Staff (other than the Chief Executive Officer) are revoked.
 - 1.4 The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Motion

Crs Ramsey/Carli.

That the recommendation be adopted.

CARRIED

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 1989 Act'), the *Local Government Act 2020* ('the 2020 Act'), or any other applicable Act.

This report seeks Council approval of the updated S6 Instrument of Delegation – Members of Staff. The changes made in the updated instrument relate to the new position of Manager City Design and Strategy. It also removes the delegations made to the former position of Manager City Design, Strategy and Environment. In effect the delegations in this particular Instrument have simply been moved from the former position to the new position.

The draft 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

This report seeks Council approval of the updated *S6 Instrument of Delegation – Members of Staff*. The changes made in the updated instrument relate to the new position of Manager City Design & Strategy.

This position came about earlier this year as a result of an organisational restructure. The position of Manager City Design, Strategy and Environment was removed with responsibilities spread to the new positions of Manager Waste and Environment and Manager City Design and Strategy.

In effect the delegations in this Instrument have simply been moved from the former position of Manager City Design, Strategy and Environment to the new position of Manager City Design and Strategy.

Delegations for the Manager Waste and Environment were updated in August 2020.

Well-constructed Instruments of Delegation are important as 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.

The Council's Instruments of Delegation are based on the templates Maddocks Lawyers supply. The S6 Instrument of Delegation - Members of staff covers a range of powers, duties and functions under specific Acts and Regulations where, in Maddocks' opinion, the delegation must be from the Council direct to the position, rather than through a sub-delegation from the Chief Executive Officer. In Maddocks' view these delegations must be direct from Council as the legislation or provisions contained in this instrument do not allow for sub-delegation.

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

Council has the option to:

1. adopt the officer recommendation as presented; or
2. amend the delegations before adoption.

LIST OF APPENDICES

1. S6 Instrument of Delegation - Members of Staff - undated

12.11 APPOINTMENT OF INDEPENDENT AUDIT AND RISK COMMITTEE MEMBER

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

PURPOSE OF REPORT

To present to Council the recommendation from the Mayor and Chief Executive Officer who have considered the ordinary vacancy that exists on Council's Audit and Risk Committee.

RECOMMENDATION:

That Council endorse the reappointment of Farshan Mansoor for the position of independent member on Council's Audit and Risk Committee for a 3 year term, commencing 1 January 2021 and concluding on 31 December 2023.

Motion

Crs Ramsey/Carli.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

Council's Audit and Risk Committee consists of 2 Councillor members and 3 external independent members. Councillors are appointed each year. The independent member terms lapse, in rotation, over each three year period. This year Mr Farshan Mansoor's term on the Committee will expire on 31 December 2020, after a term of 3 years.

Within the current Audit & Risk Committee Charter, adopted by Council on 31 August 2020, section 4 'Terms of Appointment' states that,

"[a]t the conclusion of the independent members first year term, existing member will be eligible to be reappointed at the discretion of Council for a second three year term without the need for a formal application process provided that a formal assessment of the member's performance is undertaken by the Panel".

A Panel consisting of the Mayor and the CEO has met and following an assessment against criteria falling within the two categories set out in the Charter, viz (i) financial management & risk and (ii) experience in the public sector, the Panel makes the recommendation set out above.

2. Background/Issues

In relation to Independent members, the Audit & Risk Committee Charter states, in part:

'The appointment of external independent members shall be made by Council following a public advertisement process through local and/or state wide newspapers and Council website.

The applications for membership will be assessed against appropriate criteria. The criteria will fall within the areas of:

- a. *Expertise in financial management and risk;*
- b. *Experience in public sector management; and*

Consideration should also be given to previous audit committee experience, and Membership of the Committee, where possible, being balanced in regard to age, gender, ethnicity and people living with a disability.

Independent members must collectively have experience in a. and b. above pursuant to section 53 of the Act.

...

At the conclusion of the independent members first three year term, existing members will be eligible to be reappointed at the discretion of Council for a second three year term without the need for a formal application process provided that a formal assessment of the member's performance is undertaken by the Panel. Existing members will also be eligible to apply to be reappointed should Council decide to advertise the position. Independent members can only serve for two consecutive terms.'

Mr Farshan Mansoor was initially appointed for a 3 year term following a public advertisement. His current term will come to an end on 31 December 2020.

Mr Mansoor has indicated that he is seeking reappointment pursuant to the Charter.

The selection panel, consisting of the Mayor and Chief Executive Officer, conducted a formal assessment of Farshan Mansoor's performance over the last three years, as per Council's Audit and Risk Committee Charter. The selection panel ascertained that Farshan Mansoor is a Risk Management specialist from private industry, and has a skill set that complements the financial and legal expertise of the other two independent members.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

4. Financial Considerations

Sitting fees apply to independent external members and these fees are provided for within Council's approved operating budget.

5. Consultation/Public Submissions

The selection panel, consisting of the Mayor and Chief Executive Officer, consulted in relation to the performance of Farshan Mansoor as per Council's Audit & Risk Committee Charter.

6. Risk Analysis

Not applicable.

7. Options

Council has the option to:

1. Accept the recommendation of the selection panel; or
2. Direct that the vacancy be advertised.

LIST OF APPENDICES

Nil.

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

Verbal reports were received from Crs Kesic, Abboushi, Ramsey, Turner, Carli, Vandenberg, Shannon, Deeming and Majdlik.

14. NOTICES OF MOTION**14.1 NOTICE OF MOTION 718 (CR ABBOUSHI)****Councillor: Steven Abboushi - Councillor****NOTICE:**

That Council write to the Department of Transport seeking the installation of a noise wall on the Western Highway, adjacent to the Rockbank Township to mitigate the noise generated by the increasing volumes of traffic on the Western Highway.

Motion

Crs Abboushi/Kesic.

That Council write to the Department of Transport seeking the installation of a noise wall on the Western Highway, adjacent to the Rockbank Township to mitigate the noise generated by the increasing volumes of traffic on the Western Highway.

CARRIED

14.2 NOTICE OF MOTION 719 (CR ABBOUSHI)**Councillor: Steven Abboushi - Councillor****NOTICE:**

That Council write to The Hon Ben Carroll, Minister for Roads & Minister for Road Safety & The Hon Jacinta Allan, the Minister for Transport Infrastructure, and the Member for Kororoit The Hon Marlene Kairouz MP highlighting the safety concerns associated with the Leakes Road/Melton Highway intersection & Leakes Road/Western Highway exit, and request that improvements are undertaken as a matter of priority to improve safety at these key locations.

Motion

Crs Abboushi/Deeming

That Council write to The Hon Ben Carroll, Minister for Roads & Minister for Road Safety & The Hon Jacinta Allan, the Minister for Transport Infrastructure, and the Member for Kororoit The Hon Marlene Kairouz MP highlighting the safety concerns associated with the Leakes Road/Melton Highway intersection & Leakes Road/Western Highway exit, and request that improvements are undertaken as a matter of priority to improve safety at these key locations.

CARRIED

14.3 NOTICE OF MOTION 720 (CR RAMSEY)

Councillor: Sophie Ramsey - Councillor

NOTICE:

That Council officers consult with Victoria Police with the aim of conducting community consultation at Arnolds Creek to address community concerns of anti-social behaviour.

Motion

Crs Ramsey/Turner.

That Council officers consult with Victoria Police with the aim of conducting community consultation at Arnolds Creek to address community concerns of anti-social behaviour.

CARRIED

The Mayor, Cr Majdlik, vacated the Chair.

The Deputy Mayor, Cr Kesic, took the Chair.

14.4 NOTICE OF MOTION 721 (CR MAJDLIK)

Councillor: Kathy Majdlik - Councillor

NOTICE:

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.

Motion

Crs Majdlik/Deeming

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.

CARRIED

14.5 NOTICE OF MOTION 722 (CR MAJDLIK)

Councillor: Kathy Majdlik - Councillor

NOTICE:

That Council officers prepare a report outlining the costs to increasing hard waste collection for households to two pick-ups per year.

Motion

Crs Majdlik/Shannon

That Council officers prepare a report outlining the costs to increasing hard waste collection for households to two pick-ups per year.

CARRIED

14.6 NOTICE OF MOTION 723 (CR MAJDLIK)**Councillor: Kathy Majdlik - Councillor****NOTICE:**

That:

1. Council write to Minister for Planning and local state parliamentarians in the strongest possible terms, demanding the revocation of the planning scheme amendment that will enable toxic soil to be dumped at MRL Ravenhall, and
2. Council officers seek independent legal advice to explore all legal avenues in the decision made by the EPA and the Minister for Planning to grant Ravenhall Regional Landfill the license to dump toxic soil in its facility.

Motion

Crs Majdlik/Ramsey.

That:

1. Council write to Minister for Planning and local state parliamentarians in the strongest possible terms, demanding the revocation of the planning scheme amendment that will enable toxic soil to be dumped at MRL Ravenhall, and
2. Council officers seek independent legal advice to explore all legal avenues in the decision made by the EPA and the Minister for Planning to grant Ravenhall Regional Landfill the license to dump toxic soil in its facility.

CARRIED

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

For:

Crs Abboushi, Carli, Deeming, Kesic, Majdlik, Ramsey, Shannon, Turner and Vandenberg.

Against:

Nil

The Deputy Mayor declared the Motion CARRIED

The Deputy Mayor, Cr Kesic, vacated the Chair.

The Mayor, Cr Majdlik, took the Chair.

14.7 NOTICE OF MOTION 724 (CR TURNER)

Councillor: Bob Turner - Councillor

NOTICE:

That Melton City Council undertake a trial of a service similar to Council's successful Graffiti removal programme for the purpose of addressing the issue of dumped rubbish throughout our Municipality.

Motion

Crs Turner/Shannon

That:

1. Melton City Council undertake a trial of a service similar to Council's successful Graffiti removal programme for the purpose of addressing the issue of dumped rubbish throughout our Municipality; and
2. Council use all means available, including but not limited to letter drops, facebook, messenger and Council social media forums to advise our community of the items that can be disposed of free-of-charge at the Melton Recycling Facility in Ferris Road, Cobblebank including the details of green waste, free time and free hard waste pickup.

CARRIED

14.8 NOTICE OF MOTION 725 (CR TURNER)**Councillor: Bob Turner - Councillor****NOTICE:**

That Melton City Council officers investigate and report to Council on a strategy to encourage local shopping centres to be proactive in organising the collection up of dumped shopping trolleys around our City.

Motion

Crs Turner/Deeming

That Melton City Council officers investigate and report to Council on a strategy to encourage local shopping centres to be proactive in organising the collection up of dumped shopping trolleys around our City.

CARRIED

14.9 NOTICE OF MOTION 726 (CR TURNER)**Councillor: Bob Turner - Councillor****NOTICE:**

That Melton City Council write to the appropriate Ministers and local members of State and Federal Parliament advising that Melton City Council does not want the multitude of Tunnel Waste Vehicles from the Westgate Tunnel Project trucking hazardous waste through our Municipality.

Motion

Crs Turner/Ramsey.

That Melton City Council write to the appropriate Ministers and local members of State and Federal Parliament advising that Melton City Council does not want the multitude of Tunnel Waste Vehicles from the Westgate Tunnel Project trucking hazardous waste through our Municipality.

CARRIED

15. COUNCILLOR'S QUESTIONS WITHOUT NOTICE**15.1 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Ramsey

Could Council officers please commence discussions with Belgravia Leisure in regards to extending opening hours leading into the summer period and report back to Council?

15.2 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Ramsey

Can I please get a report on the progress of consultation on the project at the Melton Cemetery on Harkness Road?

15.3 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Carli

Can I please have an update on 73 The Regency; which is the St John of God land?

15.4 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Carli

In regard to the 73 The Regency development, when the second outcome is released by VCAT who will notify the residents that objected to that development?

15.5 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Shannon

Can the CEO or an appropriate officer please provide information on what is happening in the area of social and emergency housing? Has Council considered a tiny house project in the past?

16. URGENT BUSINESS

Nil.

17. CONFIDENTIAL BUSINESS

Procedural Motion

Crs Carli/Kesic.

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 Melton Country Club - Rent Relief

- (e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;

CARRIED

Procedural Motion

Crs Ramsey/Carli.

That the meeting be opened to the public.

CARRIED

18. CLOSE OF BUSINESS

The meeting closed at 9:31pm.

Confirmed

Dated this

.....CHAIRPERSON