



MELTON CITY COUNCIL

Notice is hereby given that the Meeting of the Melton City Council will be held in the Council Chamber, Civic Centre, 232 High Street, Melton on 25 October 2021 at 7:00pm.

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

Kelvin Tori
CHIEF EXECUTIVE

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	5
6.	ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	5
7.	SUMMARY OF INFORMAL MEETING OF COUNCILLORS	6
7.1	SUMMARY OF INFORMAL MEETINGS OF COUNCILLORS IN ACCORDANCE WITH CHAPTER 6, RULE 1 OF THE COUNCIL'S GOVERNANCE RULES	6
8.	CORRESPONDENCE INWARD	13
9.	PETITIONS AND JOINT LETTERS	13
10.	RESUMPTION OF DEBATE OR OTHER BUSINESS CARRIED OVER FROM A PREVIOUS MEETING	13
11.	PUBLIC QUESTION TIME	13
12.	PRESENTATION OF STAFF REPORTS	14
12.1	AUTHORISATION OF AFFIXING THE COMMON SEAL OF COUNCIL For Council to adopt the schedule of documents requiring the Common Seal of Council.	14
12.2	ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES To present the aggregated minutes of Advisory Committee meetings yet to be considered by Council.	17

12.3	2020-2021 MELTON CITY COUNCIL ANNUAL REPORT	128
	To present the Melton City Council Annual Report 2020-2021, pursuant to Section 134 of the <i>Local Government Act</i> 1989.	
12.4	COVID-19 RECOVERY - 2021/22 FEES AND CHARGES WAIVERS AND REDUCTIONS	241
	To provide a report on business and community support in response to the COVID-19 pandemic, through the waiver or reduction of fees and charges in the 2021/22 financial year.	
12.5	COUNCIL SUBMISSION TO WESTERN METRO LAND USE FRAMEWORK PLAN	245
	To consider the key issues of the draft Western Metro Land Use Framework Plan that are of relevance to the City of Melton and should form the basis of Council's submission to the Department of Environment, Land, Water and Planning.	
12.6	DOMESTIC ANIMAL MANAGEMENT PLAN 2021-2025	279
	To present the Domestic Animal Management Plan 2021-2025 for adoption.	
12.7	PLANNING SCHEME AMENDMENT C229 - 501 BROOKLYN ROAD, BROOKFIELD	343
	To consider, prepare and place Amendment C229 of the Melton Planning Scheme on public exhibition.	
12.8	LEASE TO CITY CIRCLE RECYCLING PTY LTD AT 17-31 AND PART 33-41 FERRIS ROAD, MELTON SOUTH	347
	For Council to make a decision to enter into a Deed of Variation to the existing lease with City Circle Recycling Pty Ltd for the land situated at 17-31 and Part 33-41 Ferris Road, Melton South.	
12.9	WIND UP MAV SELF INSURANCE WORKCARE SCHEME	390
	To inform Council of the potential financial impost by Work Safe Victoria, following its decision not to renew the licence of the Municipal Association of Victoria's (MAV) WorkCare Scheme.	
12.10	BIANNUAL REPORT ON AUDIT AND RISK COMMITTEE	396
	To report to Council on the activities of the Audit and Risk Committee as required by the Local Government Act 2020	
13.	REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES	403
14.	COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS	403

15.	NOTICES OF MOTION	404
15.1	NOTICE OF MOTION 781 (CR SHANNON)	404
15.2	NOTICE OF MOTION 782 (CR ABBOUSHI)	405
15.3	NOTICE OF MOTION 783 (CR TURNER)	406
15.4	NOTICE OF MOTION 784 (CR TURNER)	407
15.5	NOTICE OF MOTION 785 (CR VANDENBERG)	408
15.6	NOTICE OF MOTION 786 (CR DEEMING)	409
16.	COUNCILLOR'S QUESTIONS WITHOUT NOTICE	411
17.	MOTIONS WITHOUT NOTICE	411
18.	URGENT BUSINESS	411
19.	CONFIDENTIAL BUSINESS	412
19.1	APPOINTMENT OF COMMUNITY MEMBERS TO SEMI-ANNUAL, CLUB CAROLINE SPRINGS AND HRV TABCORP PARK COMMUNITY GRANTS ASSESSMENT PANELS	414
	To appoint community members to the Semi Annual, Club Caroline Springs and HRV/Tabcorp Park Community Grants Assessment panels.	
19.2	DISABILITY ADVISORY COMMITTEE COMMUNITY REPRESENTATIVE 2020-2022	420
	To seek Council endorsement to appoint one applicant to the current vacant position on the Disability Advisory Committee 2020 – 2022.	
19.3	CONTRACT 21-058 MELTON RESOURCE RECOVERY PRECINCT DESIGN & CONSTRUCT	423
	To seek Council's approval for the award of Contract No. 21-058 Melton Resource Recovery Precinct Design & Construct Services.	
19.4	CONTRACT 18-010 OPERATION AND MANAGEMENT OF MELTON RECYCLING FACILITY	431
	To provide an update on the operation and management of the Melton Recycling Facility and for Council to consider extension of the current contract for an additional 2 years	

19.5	CONTRACT 22/007 PANEL OF PROVIDERS FOR CORPORATE TRAINING	443
	To consider awarding of Contract No. 22/007 for the provision of Corporate Training.	
19.6	CONTRACT 22/008 PANEL OF PROVIDERS FOR LEADERSHIP TRAINING	448
	To consider awarding of Contract No. 22/008 for the provision of Leadership Training	
19.7	CONTRACT NO. 22/017 - MT ATKINSON CHILDREN'S AND COMMUNITY CENTRE - CONSTRUCTION	453
	To seek Council's approval for the award of the Contract No. 22/017 – Mt. Atkinson Children's & Community Centre – Construction.	
19.8	MAYORAL CHARITY FUND 2021	459
	To present the outcomes of the Mayoral Charity Fund 2021.	
20.	CLOSE OF BUSINESS	475

1. OPENING PRAYER AND RECONCILIATION STATEMENT

The Chairperson will read the opening prayer and reconciliation statement.

Prayer

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

Reconciliation Statement

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

2. APOLOGIES AND LEAVE OF ABSENCE

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

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

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

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

That the Minutes of the Meeting of Council held on 27 September 2021 be confirmed as a true and correct record.

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

- 27 September 2021 Summary of Informal Meetings of Councillors
- 4 October 2021 Summary of Informal Meetings of Councillors
- 11 October 2021 Summary of Informal Meetings of Councillors
- 18 October 2021 Summary of Informal Meetings of Councillors

RECOMMENDATION:

That the Summary of Informal Meetings of Councillors dated 27 September, 4, 11 and 18 October 2021 attached to this Agenda be received and noted.

LIST OF APPENDICES

1. Summary of Informal Meeting of Councillors - dated 27 September 2021
2. Summary of Informal Meeting of Councillors - dated 27 September 2021
3. Summary of Informal Meeting of Councillors - dated 4 October 2021
4. Summary of Informal Meeting of Councillors - dated 11 October 2021
5. Summary of Informal Meeting of Councillors - dated 18 October 2021

8. CORRESPONDENCE INWARD

Nil.

9. PETITIONS AND JOINT LETTERS

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

A petition has been received by Cr Abboushi and forwarded to the Chief Executive Officer on 1 October 2021 signed by 22 residents requesting Council to reconsider the decision to phase out of the Melton City Council Occasional Care Service.

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

Nil.

11. PUBLIC QUESTION TIME

12. PRESENTATION OF STAFF REPORTS

12.1 AUTHORISATION OF AFFIXING THE COMMON SEAL OF COUNCIL

Author: Rebecca Bartlett - Governance Officer

Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

For Council to adopt the schedule of documents requiring the Common Seal of Council.

RECOMMENDATION:

That the Council Seal be affixed to the documentation as detailed **Appendix 1** for Authorising of Affixing of the Common Seal of Melton City Council dated 25 October 2021.

REPORT

1. Executive Summary

Documents requiring the Common Seal to be affixed are detailed in **Appendix 1**.

2. Background/Issues

Use of the Council Seal is required where Council, as a body corporate, executes a document.

The *Local Government Act 2020* (s.14(1)(b)) prescribes that a Council must have a common seal. Section 14(2) says the common seal of a Council must—

- (a) bear the name of the Council and any other word, letter, sign or device the Council determines should be included; and
- (b) be kept at the Council office; and
- (c) be used in accordance with any applicable local law.

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2021-2025 Council and Wellbeing Plan references:

6. A high performing organisation that demonstrates civic leadership and organisational excellence

6.3 An organisation that demonstrates excellence in civic leadership and governance.

4. Financial Considerations

There are no financial considerations relating to the use of the Council Seal.

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

Ensuring that the Council Seal is only affixed in accordance with a resolution of Council controls the potential risk of the Seal being incorrectly affixed to a document.

7. Options

Not applicable.

LIST OF APPENDICES

1. Authorising of Affixing the Common Seal of Council - dated 25 October 2021

12.2 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

Author: Rebecca Bartlett - 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 meetings at **Appendix 1 – 7**
 2. adopt recommendations arising within the Minutes.
-

REPORT

1. Executive Summary

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

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

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

2. Background/Issues

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

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

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

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

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

Meeting Date	Advisory Committee	Attached
7 September 2021	Safe City Advisory Committee	Appendix 1
14 September 2021	Preventing Family Violence Committee	Appendix 2
16 September 2021	Early Years Partnership	Appendix 3
21 September 2021	Reconciliation Advisory Committee	Appendix 4
23 September 2021	Policy Review Panel	Appendix 5
30 September 2021	Heritage Advisory committee	Appendix 6
13 October 2021	Policy Review Panel	Appendix 7

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2021-2025 Council and Wellbeing Plan references:

6. A high performing organisation that demonstrates civic leadership and organisational excellence

6.3 An organisation that demonstrates excellence in civic leadership and 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. Safe City Advisory Committee meeting Minutes - dated 7 September 2021
2. Preventing Family Violence Advisory Committee - dated 14 September 2021
3. Early Years Partnership - dated 16 September 2021
4. Reconciliation Advisory Committee - dated 21 September 2021
5. Policy Review Panel Meeting Minutes - 23 September 2021
6. Heritage Advisory Committee Meeting Minutes - dated 30 September 2021
7. Policy Review Panel Meeting Minutes - 13 October 2021

12.3 2020-2021 MELTON CITY COUNCIL ANNUAL REPORT

Author: Bob Baker - Corporate Planning and Performance Coordinator

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

PURPOSE OF REPORT

To present the Melton City Council Annual Report 2020-2021, pursuant to Section 134 of the *Local Government Act 1989*.

RECOMMENDATION:

That Council consider the Melton City Council Annual Report 2020-2021 as presented (**Appendix 1**).

REPORT

1. Executive Summary

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

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

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

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

2. Background/Issues

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

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

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

Section 134 of the Act requires that Council consider the Annual Report at a meeting of the Council that is open to the public.

The following section provides an overview of highlights from the Annual Report grouped by Council and Wellbeing Plan 2017-2021:

Theme 1 – a proud, inclusive and safe community

- The Eynesbury Station Early Learning Centre commenced operations in January this year and was officially opened in March. Both the kindergarten service and the Maternal and Child Health services are operating well in the new space.
- In a year affected by Covid-19, Council conferred citizenship to 364 residents of the City of Melton.
- Establishment of the Safe City Advisory Committee with Councillors, agencies and stakeholders.
- Council received State Government funding under the Melton Local Partnership to support local efforts to reduce the spread of Covid-19, including testing, outbreak and vaccination and support people impacted by COVID19 amongst vulnerable culturally and linguistically diverse communities of Melton.
- Transformed community centre based community engagement and support into the Connector Hubs program for emergency food relief for households facing financial hardship during the pandemic: The Connector Hubs delivered 2,185 food hampers in 2020/21.

Theme 2 – a thriving and resilient natural environment

- Council's Climate Change Adaptation plan has been published and now also forms part of council's pledge under the Climate Change Act.
- Heritage week was completed with a number of events undertaken including tours of Rockbank Inn archaeological dig, researching Aboriginal history workshop and drystone wall workshop.

Theme 3 – a well-planned and built City

- A feasibility study for an Arts and Cultural Facility in the City has been completed and presented to Council.
- Council's advocacy efforts have seen a range of key infrastructure projects funded including the upgrade of the following key intersections;
 - Intersection of Leakes Road/Melton Highway, Plumpton
 - Intersection of Norton Drive/High Street, Melton
 - Intersection of Coburns Road/High Street, Melton
- A total of 130,373 metres of pathways constructed this financial year.

Theme 4 – a strong local economy and lifelong learning City

- City of Melton was one of three finalists in the Neighbourhood Houses Victoria award for Gender Equity Awareness. The first component of this project was the creation and promotion of the 'What Respect Means to Me' video, featuring a diverse range of community members sharing their views on what respect means to them and why it is important to them. The second component was a Gender Equality Art Ideas Competition which invited the community to share their art creations inspired by the concept of gender equality.
- A dedicated website for the Venture Melton Business Network and a dedicated electronic newsletter to local businesses have been established.
- Completed Council's Investment Attraction Strategy.
- A traineeship program has been established in partnership with AFL Sports Ready.
- Library Access Points at Timbertop (Aintree) and Fraser Rise were launched in April.
- A \$500,000 Outdoor Dining program has been completed with more than 50 installations across the City.

Theme 5 – a high performing organisation demonstrating leadership and advocacy

- Council undertook significant advocacy programs including:
 - Social and affordable housing
 - Improved public transport networks
 - Primary and Secondary school provision
 - Tertiary education
 - The Melton Hospital
 - Improved waterway health
 - A range of key infrastructure projects
- Worked with community stakeholders to develop the Community Vision for Melton: Melton City 2041—The City We Create

The 2020-2021 Annual Report is the final annual report as it relates to the Council and Wellbeing Plan 2017-2021.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

4. Financial Considerations

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

5. Consultation/Public Submissions

Public notice was given Tuesday 5 October 2021 in the *Star Weekly* local newspaper, in accordance with Section 134 of the Act that the Melton City Council 2020-2021 Annual Report (**Appendix 1**), will be discussed at this meeting of Council.

In accordance with the restrictions in place as a result of Covid-19, copies of the Melton City Council 2020/21 Annual Report were available by contacting Council during business hours, and online on Melton Council's website in accordance with Sections 131 and 134 of the Act.

6. Risk Analysis

Not applicable.

7. Options

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

LIST OF APPENDICES

1. Melton City Council Annual Report 2020-21

12.4 COVID-19 RECOVERY - 2021/22 FEES AND CHARGES WAIVERS AND REDUCTIONS

Author: Sam Rumoro - Manager Finance

Presenter: Sam Rumoro - Manager Finance

PURPOSE OF REPORT

To provide a report on business and community support in response to the COVID-19 pandemic, through the waiver or reduction of fees and charges in the 2021/22 financial year.

RECOMMENDATION:

That Council note and approve the fees and charges waivers/reductions for the 2021/22 financial year as set out in this report in order to provide further support to businesses, community groups and individuals most impacted by the COVID-19 pandemic, including the food and hospitality industry, the business network, community sporting groups, and ratepayers in general.

REPORT

1. Executive Summary

Council has been monitoring, and responding to, developments regarding COVID-19 since before the pandemic declaration by the World Health Organisation on 11 March 2020. In response to the ongoing impacts of the coronavirus pandemic, Melton City Council has been working to ensure ongoing support is provided to our community through continuing changes to service delivery, and financial support to our residents and businesses.

The waiver or reduction of fees and charges provides further support to businesses, community groups and individuals most impacted by the COVID-19 pandemic, including the food and hospitality industry, the business network, community sporting groups, and ratepayers in general. A review of the 2021/22 fees and charges has been undertaken and assessed by officers, with the following items being waived or considered for either a waiver or reduction for this financial year;

1. Food Act and Health Registrations (Reduction in fees by 50%, equating to an estimated loss of income of \$247,455.)
2. Sporting Groups – Property Hire Fees (Waiver of fees, equating to an estimated loss of income of \$219,273.)
3. Venture Melton Business Network (Waiver of membership fees, equating to an estimated loss of income of \$26,730.)
4. Maintenance Fees – Western BACE (Waiver of maintenance fees, equating to an estimated loss of income of \$20,478.)
5. Library Fees (Waiver of issuing overdue fines, equating to an estimated loss of income of \$10,000.)
6. Permit application fees associated with outdoor dining applications under the Local Law (Waiver approved by Council 30 August 2021 estimated full year impact of approximately \$3,300.)

As part of COVID-19 Financial Assistance (Rates and Charges) Policy all penalty interest on Rates has been stopped across all ratepayers as of mid-August given the extended lockdown. The loss of penalty interest revenue will be in the order of \$65,000 per month while penalty interest is halted across the board. Council officers continue to assist ratepayers who are experiencing hardship with extended payment terms without penalty.

2. Background/Issues

Council has been monitoring, and responding to, developments regarding COVID-19 since before the pandemic declaration by the World Health Organisation on 11 March 2020. In response to the ongoing impacts of the coronavirus pandemic, Melton City Council has been working to ensure ongoing support is provided to our community through continuing changes to service delivery, and financial support to our residents and businesses. As part of this support Council officers have reviewed Council fees and charges and have implemented or are proposing the following reductions and waivers for the 2021/22 financial year to support the community during this difficult time;

- Food Act and Health Registrations

Within the City of Melton, Food Act registrations include any food premises such as cafes, restaurants, pubs and clubs, childcare centres, supermarkets, take away, corner stores, bakeries, home based food businesses etc. Public Health and Wellbeing Act registrations include hairdressers, beauty salons, tattooists, public pools/swim schools accommodation and home based salons.

Last financial year we have seen 635 food premises and 184 health premises receive waivers of 100%, equating to \$330,000.

In 2021/22, we anticipate increased figures due to a large number of new shopping centres opening (eg Cobblebank, Woodlea, Opalia Waters), a large increase in the number of Childcare centres opening and an unexpected increase in the number of home based food businesses as residents pivot to earn income during COVID.

It is proposed that fees be reduced by 50% this financial year, equating to an estimated loss of revenue of \$247,455.

- Sporting Groups – Property Hire Fees

During the lockdown period, sporting groups have not had access to facilities and as a result have not been charged user fees.

In 2020/21, \$369,726 of user fees were waived. In 2021/22, it is estimated that we will see fees waived of \$219,273.

- Venture Melton Business Network

Waiving of Venture Melton Business Network membership annual fee of \$99, based on an estimated 270 members. Membership includes;

- Free Quarterly Network Meetings with industry leading guest speakers
- Dedicated member website with member business listing and a range of resources
- Webinars (29) and tutorials (17)
- Member business profiling through Editorial stories and video production
- Fortnightly member e-news
- Dedicated Facebook page

In 2021/22, it is estimated that we will see fees waived of \$26,730.

- Maintenance Fees – Western BACE

The Western BACE supports the stimulation of the local economy and the formation of new local businesses, and has been providing rental relief to its tenants throughout the pandemic period whilst using its cash reserves to continue to operate.

Western BACE contributes to the maintenance costs associated with the running of this facility. The estimated maintenance costs for the 2021/22 financial year are \$46,914 which is significantly lower than anticipated, and is directly proportionate to the usage of the facility. Of this maintenance cost, the contribution from Western BACE is \$20,478.

State and Federal Government grants are not an option for this facility due to its Not for Profit status, and as such a request has been made for consideration by Council to waive the current maintenance fee of \$20,478.

- Library Fees

Council's Schedule of Fees and Charges legislates the collection of fines for overdue items, and charges for lost and damaged resources. Late fines are charged at 20c per item per day, capped at \$2 per item. Once fees reach \$15, a customer's membership is typically blocked.

The issuing of overdue fines has been suspended during lockdowns in 2020 and 2021 as library users haven't been able to return items. Periods of reprieve have also been granted during initial stages of re-opening to encourage re-engagement with libraries. An estimated \$11,000 in library infringement waivers occurred in 2020/21. In 2021/22, it is estimated that we will see fees waived of \$10,000.

This has generated savings and goodwill for our community, and underscores Council's commitment to managing our services 'in a socially responsible way and ensure our services and facilities are efficient and equitable.' (*Council Wellbeing Plan 2021-25*).

A number of other initiatives have been progressively implemented within our libraries including the implementation of technology to assist library members to manage their loans, including the automatic renewal of items that have not been requested by other patrons, SMS and email reminder notices to remind patrons of upcoming due dates, and the use of the Melton City Libraries' App.

The increased uptake of our electronic collections (by 14% in 2020) also shows that many library users are transitioning to borrowing e-items, which are automatically returned by the due date, thus not accruing overdue charges.

Further to the items listed above, at the 30 August 2021 Ordinary Meeting of Council, Council resolved to waive permit application fees associated with outdoor dining applications under the Local Law, through until 30 June 2022, so as to provide further encouragement and support for outdoor dining activities.

As part of COVID-19 Financial Assistance (Rates and Charges) Policy all penalty interest on Rates has been stopped as of mid-August given the extended lockdown. Penalty interest will remain on hold until lockdown is lifted, and officers can further assess which ratepayers are experiencing hardship due to the impact of this recent extended lockdown and the pandemic in general. The loss of penalty interest revenue will be in the order of \$65,000 per month while penalty interest is halted across the board. Council officers continue to support ratepayers who are experiencing hardship with extended payment terms without penalty.

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council and Wellbeing Plan 2021-2025 references:

6. A high performing organisation that demonstrates civic leadership and organisational excellence.

6.1 An organisation that demonstrates excellence in customer and community service

4. Financial Considerations

Excluding the impact of halting penalty interest, impact of the above mentioned waivers and or reductions in fees and charges will be in the order of \$527,000.

5. Consultation/Public Submissions

Council officers and management were consulted with respect to recommendations contained in this report.

6. Risk Analysis

The risks associated with not providing for the immediate relief through proposed fee reductions and waivers may lead to increased hardship for the Melton community.

7. Options

Council has the option to identify the various fees and charges applied to our community and determine whether these be applied in full, waived or reduced in some capacity throughout the 2021/22 financial year.

LIST OF APPENDICES

Nil

12.5 COUNCIL SUBMISSION TO WESTERN METRO LAND USE FRAMEWORK PLAN

Author: Matthew Milbourne - Coordinator Toolern Review

Presenter: Darren Rudd - Manager City Design & Strategy

PURPOSE OF REPORT

To consider the key issues of the draft Western Metro Land Use Framework Plan that are of relevance to the City of Melton and should form the basis of Council's submission to the Department of Environment, Land, Water and Planning.

RECOMMENDATION:

That Council endorses the submission prepared by Council officers, and delegates authority to Manager City Design and Strategy to authorise this submission and notify the Department of Environment, Land, Water and Planning accordingly.

REPORT

1. Executive Summary

On 24 August 2021 the Department of Environment, Land, Water and Planning (DELWP) released the *Western Metro Land Use Framework Plan* for public consultation. Public consultation ended on Sunday 24 October 2021.

The *Western Metro Land Use Framework Plan* is an extension of *Plan Melbourne 2017-2050*, which is the metropolitan land use and planning strategy for Melbourne. *Plan Melbourne* is used to guide the growth of the city. *Plan Melbourne* sets the strategy for jobs, housing and transport, while building on Melbourne's distinctiveness, liveability and sustainability.

Council officers have reviewed this document and have prepared a draft submission for consideration, which can be found in **Appendix 1**.

It is recommended that Council endorse the attached submission and authorise the Manager City Design and Strategy to resolve matters raised in the submission with DELWP.

2. Background/Issues

On 24 August 2021 the Department of Environment, Land, Water and Planning (DELWP) released the *Western Metro Land Use Framework Plan* (WMLUFP) for public consultation.

The WMLUFP is an extension of *Plan Melbourne 2017-2050*, which is the metropolitan land use and planning strategy for Melbourne.

Plan Melbourne is a blueprint to ensure Melbourne becomes more sustainable, productive and liveable as its population approaches eight million people in 2050. *Plan Melbourne* is based around the following nine principles:

1. A distinctive Melbourne
2. A globally connected and competitive city
3. A city of centres linked to regional Victoria

4. Environmental resilience and sustainability
5. Living locally in 20-minute neighbourhoods
6. Social and economic participation
7. Strong and healthy communities
8. Infrastructure investment that supports balanced city growth
9. Leadership and partnership

Plan Melbourne divides the city into six regions, of which the City of Melton is located in the west metro region.

The WMLUFP seeks to guide the application of *Plan Melbourne*'s nine principles, seven outcomes, 32 directions and 90 policies at a regional and local level.

The WMLUFP summarises how the Western Metro area will:

- Shape population and industry growth
- Inform plans for service and infrastructure development
- Guide public and private investment
- Protect the distinctive and historic characteristics of the western metro region
- Improve environmental resilience

A submission has been prepared by Council officers (**Appendix 1**), and this was provisionally submitted on Friday 22 October to meet the submission deadline of Sunday 24 October. A summary of the main issues raised in the submission can be found below:

- While Melton City Council is supportive of a WMLUFP being prepared, it is concerned that the Framework Plan reads more like a 10-year infrastructure plan rather than a 30-year land use framework plan. It is disappointing to see that most of the infrastructure items identified in the plans are projects that have been committed to in the current budget or have recently been constructed. As such the plan fails to detail strategies that will prevent current problems of poor public transport, traffic congestion, poor access to jobs, schools, and community services from getting worse.
- Council requests the WMLUFP be amended to include more aspirational and visionary infrastructure projects to service the residents in the west in 2050. Clear strategic commitments should be included in the plans, that contemplate and seek to deal with the needs of a rapidly growing region.
- Council is concerned that the WMLUFP is taking a business as usual approach to infrastructure provision in the west, when more ambition is required. This approach has been typified by poor planning and coordination for the delivery of infrastructure to service rapidly growing communities. This approach sees the fragmented delivery of infrastructure when there is excessive congestion and social dislocation due to the failure to deliver transport, health and education infrastructure when it is needed by our community. When infrastructure is provided it is usually oversubscribed and poorly coordinated when it is delivered.
- The WMLUFP focusses investment in Sunshine and Werribee, as solutions to the future employment requirements in the City of Melton. This demonstrates a failure to understand the enormity of the City of Melton's population in 2050, and arguably the legitimacy of Cobblebank to serve as a metropolitan activity centre. In 2050 it is estimated that the City of Melton will have a population equivalent to the City of Wyndham, and the combined population of the Cities of Brimbank, Hobsons Bay, Maribyrnong and Moonee Valley. Melton City Council therefore requests a greater level of planning and investment be incorporated into the City of Melton in the

WMLUFP. This is to ensure that residents have the same access to jobs as other comparable population bases.

- Investment and productivity infrastructure should be prioritised to unlock commercial investment and create jobs in the City of Melton, combined with the provision of infrastructure that enables businesses to succeed.
- Council has recommended changes in its submission to the WMLUFP to better plan and deliver infrastructure in the west, which would result in the infrastructure delivery problems experienced in the Cities of Brimbank and Wyndham not being replicated or potentially made worse in the City of Melton.

It is recommended that Council endorse the submission and authorise the Manager of City Design and Strategy to resolve matters raised in the submission with DELWP.

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2021 – 2025 Council and Wellbeing Plan references:

3. A fast growing, innovative and well-planned City

3.1 A City of 20-minute neighbourhoods.

4. Financial Considerations

The WMLUFP is intended to help inform the state government's investment in infrastructure to 2050. Whilst there are no direct financial implications for this submission process, the directions in WMLUFP will ultimately impact the cost and delivery of community and recreational infrastructure.

5. Consultation/Public Submissions

DELWP through the Engage Victoria website www.engage.vic.gov.au/mfpf/western-metro-lufp has invited all interested members of the community to make a submission on the *Western Metro Land Use Framework Plan*.

Submissions could be made between 24 August and 24 October 2021.

Council officers have lodged the attached submission (**Appendix 1**) provisionally. Following the adoption of the submission a letter will be sent to DELWP to ratify the submission and request further changes if required.

6. Risk Analysis

Council officers have identified that if the WMLUFP is approved in its current form, this could cement the Cities of Brimbank and Wyndham as the focus areas for state government economic stimulus and infrastructure investment into the future. This will cause the City of Melton to fall further behind in infrastructure investment.

The lodgement of the submission has requested changes to the WMLUFP that seek to introduce a more fulsome understanding of the role that the City of Melton will play in the region in 2050. In 2050, one in three people in the west will live in the City of Melton, and with the right public and private investment it will be a great place to live and work in.

7. Options

Council can choose to:

1. Endorse the submission prepared by Council officers, and delegate authority to the Manager City Design and Strategy to authorise the submission and resolve matters with the Department of Environment, Land, Water and Planning; or
2. Make amendments to the submission prepared by Council officers, and delegate authority to the Manager City Design and Strategy to authorise the submission and resolve matters with the Department of Environment, Land, Water and Planning

LIST OF APPENDICES

1. Council Submission to the West Metro Land Use Framework Plan - dated 25 October 2021

12.6 DOMESTIC ANIMAL MANAGEMENT PLAN 2021-2025

Author: Phil Lovelace - Manager Community Safety

Presenter: Sam Romaszko - Acting General Manager Planning & Development

PURPOSE OF REPORT

To present the Domestic Animal Management Plan 2021-2025 for adoption.

RECOMMENDATION:

That Council;

1. Adopts the Domestic Animal Management Plan 2021-2025, as presented at **Appendix 1**.
 2. Submits the Domestic Animal Management Plan 2021-2025 to the Secretary of the Department of Jobs, Precincts and Regions for approval.
-

REPORT

1. Executive Summary

In accordance with the *Domestic Animals Act 1994*, all Victorian councils must develop a Domestic Animal Management Plan (DAMP) every four years to provide strategic direction for Council's Animal Management Program.

Council's DAMP has been prepared following an extensive community consultation process, and requires adoption and submission to the Secretary of the Department of Jobs, Precincts and Regions for adoption by December 2021.

Council is also required to review its DAMP annually and, if appropriate, amend the plan and publish an evaluation of its implementation of the plan in its annual report.

2. Background/Issues

The purpose of the Domestic Animal Management Plan (DAMP) is to provide strategic direction for Council's Animal Management Program for the next 4 years. At a minimum, the DAMP must:

- Set out a method for evaluating whether the animal control services provided by Council are adequate to give effect to the requirements of the Act and the regulations; and
- Outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of the Act; and
- Outline programs, services and strategies which Council intends to pursue, including;
 - to promote and encourage the responsible ownership of dogs and cats; and
 - to ensure that people comply with the Act, the regulations and any related legislation; and
 - to minimise the risk of attacks by dogs on people and animals; and

- to address any over-population and high euthanasia rates for dogs and cats; and
- to encourage the registration and identification of dogs and cats; and:
- to minimise the potential for dogs and cats to create a nuisance; and
- to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs and to ensure that those dogs are kept in compliance with the Act and the regulations; and
- provide for the review of existing orders made under the Act and local laws with a view to determining whether further orders or local laws dealing with the management of dogs and cats are desirable; and
- provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary; and
- provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.

Development of the Domestic Animal Management Plan 2021-2025

In accordance with the *Domestic Animals Act 1994*, all Victorian councils must develop a Domestic Animal Management Plan (DAMP) every four years.

The Plan has been developed with the support of key internal stakeholders, together with consultation with the community and Councillors. This included a community forum, stakeholder workshops (both internal and external to the organisation) and a community survey which was promoted through social and other media streams. A discussion paper and flyer was also used to generate interest in the development of the draft DAMP and survey questions.

There is a wealth of research and evidence reinforcing the positive benefits from owning pets. There is also much research available on the health benefits of owning and exercising a dog, particularly the social dynamics associated with dog owners interacting.

The draft DAMP has identified 48 actions which will further improve these benefits.

Outcomes of the Public Exhibition

The draft DAMP 2021-25 was placed on public exhibition for 12 days, commencing on 13 September 2021 and concluding on 24 September 2021. This was placed on Council's website and available for viewing at Council's service centres. At the conclusion of the public consultation period, eight submissions were received. These submissions have been summarised in **Appendix 2**.

Implementation and Monitoring

The DAMP 2021-25 is implemented through the Community Safety team's service plan. The action plan detailed within the DAMP will be reported to Executive on an annual basis. Amendments to the plan may occur, together with publishing an evaluation of its implementation with the Annual Report.

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2021-2025 Council and Wellbeing Plan references:

6. A high performing organisation that demonstrates civic leadership and organisational excellence

6.1 An organisation that demonstrates excellence in customer and community service.

4. Financial Considerations

Expenditure associated with the implementation of the DAMP over the next four year period is contained within the current operational budget, with the exception of four actions totalling \$145,000 that will be subject to approval through the annual budget process.

It is estimated that the numbers of pet registered within the municipality will increase by 10% due to growth, which will assist in offsetting these costs.

5. Consultation/Public Submissions

The draft DAMP was informed by an extensive community and stakeholder consultation process which included a community forum, stakeholder workshops (both internal and external to the organisation) and a community survey which was promoted through social and other media streams. A Discussion Paper and Flyer were also used to generate interest in the development of the draft DAMP and survey questions.

Once developed, the draft DAMP was again promoted through social media and direct communication with stakeholders for further feedback. As a result of this last round of consultation, Council received eight submissions. These submissions have been summarised and attached to this report.

6. Risk Analysis

Adoption of the Domestic Animal Management Plan 2021-25 will ensure compliance with the relevant legislation.

7. Options

That Council adopt the Domestic Animal Management Plan 2021-2025.

LIST OF APPENDICES

1. Draft Domestic Animal Management Plan 2021-2025 - undated
2. Submissions to draft Domestic Animal Management Plan - undated

12.7 PLANNING SCHEME AMENDMENT C229 - 501 BROOKLYN ROAD, BROOKFIELD

Author: Karl Sass - Strategic Planner

Presenter: Sam Romaszko - Acting General Manager Planning & Development

PURPOSE OF REPORT

To consider, prepare and place Amendment C229 of the Melton Planning Scheme on public exhibition.

RECOMMENDATION:

That Council:

1. Seek authorisation from the Minister for Planning to prepare planning scheme amendment C229 to the Melton Planning Scheme (**Appendix 1**).
2. Apply for an exemption from all notice requirements of Section 19 of the *Planning and Environment Act 1987*, except for notification to landowners of affected sites and prescribed Ministers under Section 19(1)(b) and 19(1)(c).
3. Upon receipt of authorisation, prepare and exhibit C229 to the Melton Planning Scheme, in accordance with the *Planning and Environment Act 1987*.
4. Authorise the General Manager Planning and Development and Manager City Design and Strategy to negotiate and resolve any issues that are raised by submitters during the exhibition process prior to the amendment being reported back to Council for referral to a Planning Panel or adoption of the amendment.

REPORT

1. Executive Summary

Amendment C229 proposes to remove a redundant Public Acquisition Overlay (PAO1) from the driveway of privately owned land at 501 Brooklyn Road, Brookfield (**Appendix 1**).

VicRoads applied a PAO1 to acquire land for the Western Freeway realignment and a future overpass and interchange at Brooklyn and Harkness Roads with the Western Freeway. This included the acquisition of land to enable a driveway/access road from Brooklyn Road to privately owned land at 501 Brooklyn Road to prevent the site becoming landlocked.

The land acquisition process is now complete. Subsequently, land not required for public purposes was transferred into private ownership in 2014. However, the redundant PAO1 remains on the driveway of 501 Brooklyn, Brookfield.

The Department of Transport and the landowners have requested a Planning Scheme Amendment to have the redundant PAO1 removed from the site.

Amendment C229 proposes the following changes to the Melton Planning Scheme:

- Amend the Melton Planning Scheme Map No 7PAO to delete the PAO from the subject land (**Appendix 1**).

Amendment C229 only applies to the PAO1 on privately owned driveway of 501 Brooklyn Road, Brookfield. It does not affect the adjoining PAO1 relating to publicly owned land for a future diamond interchange with the Western Freeway.

2. Background/Issues

The site is located in the Green Wedge Zone (GWZ). There are currently two overlays on the site:

- Public Acquisition Overlay (PAO) Schedule 1 - Proposed to be removed as part of this amendment.
- Development Plan Overlay (DPO) Schedule 3 applies to most the site except for the accessway.

In the 1980s and 1990s the 'Roads Corporation' known as VicRoads commenced planning to acquire land to enable realignment of the Western Freeway (completed in 2011) and a future diamond interchange and overpass connecting Harkness and Brooklyn Roads with the Western Freeway, which is yet to be constructed. To enable these projects, VicRoads applied a PAO1 and subsequently acquired privately owned land.

To prevent the remaining privately owned proportion of 501 Brooklyn Road Brookfield (previously 521 Brooklyn Road) becoming landlocked, land was acquired to provide a driveway/access road through to Brooklyn Road.

VicRoads (now the Department of Transport) explored the option of the access land becoming a municipal road. Council advised there is no intention for the land to become a municipal road. Subsequently, ownership of the land was transferred from VicRoads to the owners of 501 Brooklyn Road and consolidated into their title on 23 January 2014. The land is now the landowner's driveway.

The redundant PAO1 over the driveway results in uncertainty for the landowners for the future of the driveway access. They have subsequently been requesting VicRoads/Department of Transport remove the overlay since approximately 2012.

The Department of Transport have written to Council requesting a Planning Scheme Amendment to remove the overlay. Negotiations between the DoT and Council resulted in the City Strategy department agreeing to prepare and facilitate the amendment. Amendment fees, including Planning Panel fees (if required) will be borne by the DoT.

As a result, Amendment C229 proposes to remove the PAO1 from the site. This will require the removal of the PAO1 from 501 Brooklyn Road, Brookfield from Map No. 7PAO of the Melton Planning Scheme.

This change is considered appropriate as it will remove a redundant control from the Melton Planning Scheme as required by the *Planning and Environment Act 1987*.

The amendment will not prejudice a future freeway interchange between Brooklyn Road and the Western Freeway. Additionally, it will not change the current ownership of land.

Amendment C229 is consistent with the Strategic Assessment Guidelines in relation to the State Planning Policy (SPP) and Victorian Planning Provisions (VPP) by removing unnecessary and redundant planning controls.

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2021-2025 Council and Wellbeing Plan references:

6. A high performing organisation that demonstrates civic leadership and organisational excellence

6.3 *An organisation that demonstrates excellence in civic leadership and governance.*

4. Financial Considerations

Council officer time and resources are involved in the preparation of the amendment. The proponent (DoT) is required to pay fees associated with the amendment process.

5. Consultation/Public Submissions

Planning Scheme Amendments are subject an exhibition process in accordance with the *Planning and Environment Act 1987*.

A 20(2) amendment (limited notice) is proposed. An amendment under 20(2) of the Act includes direct notification to affected landowners and adjoining properties as well as relevant government agencies, prescribed Ministers, and the Government Gazette.

Prior to Council undertaking the amendment, the Department of Environment, Land, Water and Planning (DELWP) advised that limited public notice as part of the 20(2) is the most appropriate method of notification.

6. Risk Analysis

In accordance with the *Planning and Environment Act 1987*, Council is required to update its planning scheme. If Council chooses not to seek authorisation to prepare amendment C229, the Melton Planning Scheme will continue to have redundant planning controls.

Not removing the PAO1 from the land will continue to create uncertainty for the landowner regarding access arrangements to the property.

7. Options

Council can resolve to:

1. Seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C229melt in accordance with the *Planning and Environment Act 1987*, apply for an exemption from notice requirements under section 19 and authorise the General Manager Planning and Development to negotiate and resolve any issues; or
2. Not proceed with the Amendment

LIST OF APPENDICES

1. Amendment documents - undated

12.8 LEASE TO CITY CIRCLE RECYCLING PTY LTD AT 17-31 AND PART 33-41 FERRIS ROAD, MELTON SOUTH

Author: Cole Sloan - Legal Officer

Presenter: Bradley Dosser - Manager Legal & Governance

PURPOSE OF REPORT

For Council to make a decision to enter into a Deed of Variation to the existing lease with City Circle Recycling Pty Ltd for the land situated at 17-31 and Part 33-41 Ferris Road, Melton South.

RECOMMENDATION:

That Council:

1. Decide to enter into the Deed of Variation to the existing lease with City Circle Recycling Pty Ltd (City Circle) over the land situated at 17-31 and Part 33-41 Ferris Road, Melton South, to grant an additional further term option of 5 years from 2035 to 2040, and Insert a new plan varying the leased area.
2. Authorise the CEO to execute the Deed of Variation in substantially the same form as that attached at **Appendix 1**.

REPORT

1. Executive Summary

At its Meeting on 30 August 2021, Council resolved to publish its intention to vary the existing lease with City Circle Recycling Pty Ltd (CCR) for the land at 17-31 and Part 33-41 Ferris Road, Melton South.

On 7 September 2021, a public notice was published in the Melton & Moorabool Star Weekly newspapers as well as on Council's website and Conversations page, with submissions closing at 5pm on 4 October 2021. Council did not receive any submissions, or requests for information during the advertised period. Accordingly, with all statutory processes completed Council is now in a position to make a decision on whether to enter into the Deed of Variation.

2. Background/Issues

Council currently leases the land situated at 17 – 31 and Part 33-41 Ferris Road, Melton South, to City Circle Recycling Pty Ltd (the Existing Lease). The 2018 MRF Master Plan and the current design for the Stage 2 upgrade works identified that Council requires a portion of the leased area to be surrendered for the project to go ahead as planned.

As part of the proposed variation to the lease, City Circle will be required to relocate a substantial portion of their operation including the carpark and offices from the balance lot at 33-41 Ferris Rd. The tenant works to relocate their operation, construct a new crossover and rehabilitate the land for Council's use will be at an estimated cost to City Circle of \$1 Million.

Despite a considerable cost to the tenant, City Circle provide their in-principle support and agree to the following variations to the lease, presented for Council's formal consideration:

1. Council grant an additional further term option of 5 years from 2035 to 2040.
2. City Circle partially surrender the leased area, in accordance with the updated plan, removing the pond at the north-east section from the leased area and relocating the current City Circle operations at the southern section including Car Park & Office at the current entry of Tree Leaf Lane.
3. City Circle agrees to carry out all works required to give effect to the partial surrender of land, including constructing a new crossover and driveway to the Land from Tree Leaf Lane (Tenant's Works) at its own cost, by January 2022.

With all other terms remaining in place under the existing lease.

With all statutory obligations therefore complete, Council must now make a decision as to whether or not to enter into the Deed of Variation to the lease with CCR and it is recommended that the Deed be executed in substantially the same form of that attached at **Appendix 1**. If Council is not minded to enter into the Deed, then CCR will need to be informed of this decision.

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2021-2025 Council and Wellbeing Plan references:

6. A high performing organisation that demonstrates civic leadership and organisational excellence
- 6.3 *An organisation that demonstrates excellence in civic leadership and governance.*

4. Financial Considerations

- 4.1 If the Deed of Variation is entered into, the current lease agreement would be in place for an additional 5 years. The existing lease yields an income of \$24,000 (excluding GST) per annum with a 1% increase payable on each anniversary of the commencement date. Council receives royalty charges of an average of approx. \$170,000 (inc GST) per annum based on 25c per cubic metre of incoming recyclable construction and demolition waste, and 25c for each tonne of recycled product sold from the Land.
- 4.2 If Council is not minded to enter into the Deed of Variation, the MRF expansion project will need to be suspended and Council will risk forfeiture of funding under the Growing Suburbs Fund (\$3 Million) and Sustainability Victoria Infrastructure Funding (\$100,000).
- 4.3 The Retail Leases Act applies to this lease. The Act does not allow landlords to seek a reimbursement of legal costs from a tenant. The costs associated with the public notice and preparation of the lease variation will be absorbed from within the recurrent Legal, Governance & Risk budget.

5. Consultation/Public Submissions

Pursuant to section 115(4) of the *Local Government Act 2020*, and Council's Community Engagement Policy, Council staff prepared a public notice which was published four (4) weeks prior to a decision being made to vary the existing lease, to receive and consider submissions from the public.

On 7 September 2021, a public notice was published in the Melton & Moorabool Star Weekly newspapers as well as on Council's website and Conversations page, with submissions closing at 5pm on 4 October 2021.

Council did not receive any submissions, and no requests for information were received during the advertised period. Accordingly, there was no need for a Section 223 Submission Advisory Committee Meeting hearing to be held

6. Risk Analysis

If Council is not minded to enter into the Deed of Variation, the Existing Lease will remain in place and continue until the current expiry date, or at the end of the further term. If Council does not enter into the Deed of Variation, the MRF Expansion Project will need to be suspended and any plan to award contracts for construction works postponed until there can be a re-design, that does not encroach on the leased area to City Circle.

Substantial delays to the project will likely result in Council's forfeiture of funding awarded under the Growing Suburbs Fund (\$3 Million) and Sustainability Victoria Infrastructure Funding (\$100,000).

7. Options

1. Adopt the recommendation as set out; or
2. Decide not to enter into a Deed of Variation to the existing lease with City Circle Recycling, provide written notice to the tenant of this decision; and suspend the MRF Project accordingly.

LIST OF APPENDICES

1. Draft Deed of Variation to City Circle Lease - undated

12.9 WIND UP MAV SELF INSURANCE WORKCARE SCHEME

Author: Kel Tori - Chief Executive Officer

Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

To inform Council of the potential financial impost by Work Safe Victoria, following its decision not to renew the licence of the Municipal Association of Victoria's (MAV) WorkCare Scheme.

RECOMMENDATION:

That Council

1. Note the advice from MAV of Council's share of the unfunded liability on the wind up of the self insurance scheme, and
 2. write to the Treasurer, Hon Tim Pallas, with a copy to Local State Parliamentarians, seeking waiver of the requirement for a bank guarantee, or its provision by TCV
-

REPORT

1. Executive Summary

The MAV WorkCare Scheme was commenced in 2017 with the objective of improving member Councils accident rates, and reducing the cost of workcare. The scheme required, and obtained, approval from WorkSafe Victoria to commence, however its application for renewal of that approval to apply from 1 July 2021 was refused.

The scheme has therefore been required to wind up, and all outstanding claims to revert to WorkSafe, with all Scheme member liable for their share of the wind up and transfer costs.

2. Background/Issues

Background:

The MAV WorkCare Scheme (the Scheme) was Victoria's only local government workers' compensation self-insurance scheme; at its peak, it had 31 members.

Melton City Council was a member of the Scheme from commencement of the scheme in 2017 until it ceased operations on 30 June 2021. The decision to cease the operation of MAV WorkCare followed WorkSafe Victoria's refusal of the MAV's application for renewal of approval as a self-insurer, despite a strong performance by the scheme in reducing claims and the cost of workcare for member Councils.

With the Scheme having now come to an end, its council members are be required to absorb significant financial cost as required by WorkSafe. It is an ongoing financial burden that will be felt by members potentially until the latter half of 2027.

As of 30 June 2021, WorkSafe's valuation estimated the scheme members' unpaid claims was \$74 million, of which approx. \$59M is funded by existing assets held by MAV.

Key Issues:

The outstanding claims liabilities has significantly increased as a consequence of the cessation of the Scheme and the related funding gap has escalated materially. The reasons for the higher claims' liabilities include:

- The impairment of the scheme's reinsurance assets due to WorkSafe not recognising these contracts despite purchasing this reinsurance being a condition of the self-insurance licence
- A higher cost of claims management within the WorkSafe Victoria system
- Significant costs associated with the closure and transition of the scheme to a ceased self-insurer

Obligations now exist for the MAV as a ceased self-insurer and the 31 members of the scheme until June 2027. These obligations are significant and will impose significant obligations and risks to the MAV and the Scheme's constituent members. These risks are particularly acute as WorkSafe has now assumed control of the outstanding claims.

The Scheme is constituted as a mutual which is formalised via a Participation Agreement between the MAV and each of its members. A mutual is a mechanism to operate collaboratively and share risk to reduce the overall harm to participants' workers and ultimately reduce costs.

As part of this structure, there exists a range of obligations on each participant, the most relevant of which is that any deficiency in funding is required to be paid by those members.

The WorkSafe Victoria obligations are set out in the Workplace Injury Rehabilitation and Compensation Act, which requires:

- Valuations of claims liabilities to occur annually by the WorkSafe appointed actuary.
- Any increase in the value of claims at the three and six-year period will be funded by the ceased self-insurer, which in this case is MAV
- Any reduction in the value of claims at the three and six-year period will be refunded to the ceased self-insurer by WorkSafe Victoria
- The ceased self-insurer is required to hold a bank guarantee of 50 per cent of the outstanding claims liabilities at all times until June 2027
- The ceased self-insurer is required to meet the cost of the actuarial review and audits for this six-year liability period.

The MAV has held briefing sessions for member councils since March this year to inform Council of the winddown of MAV WorkCare and forecast potential financial implications.

The MAV has advocated for a range of solutions to reduce the financial consequence on councils. Among genuine solutions it had pursued - through meetings and correspondence with Work Safe Victoria, the Victorian Government and the State Opposition - to mitigate the financial consequences for members are:

- Calling on WorkSafe to agree to recognise the MAV's re-insurance in the transfer of scheme assets;
- Deferral or waiver of the bank guarantee
- Recognition of WorkSafe's underfunding of the Scheme at its commencement, and
- Recognition of WorkSafe's investment income that it will earn on the returned scheme assets.

As a result of consultation with Scheme members, the MAV has ceased its advocacy efforts and has requested more modest forms such as recognising the high credit rating of participating members by seeking a waiver of the bank guarantee requirement, or alternatively for the guarantee to be provided by the Treasury Corporation of Victoria and for an extension to the payment terms.

To date, there has been little acknowledgement of the significance of the cost to councils despite previous WorkSafe Victoria public concerns about the financial consequence to scheme members in its consideration of the licence.

WorkSafe has determined and is invoicing the liabilities to the MAV. Full payment is due to WorkSafe Victoria on 12 November 2021. The initial payment of \$59 million will be made by the MAV on 11 October 2021.

MAV will invoice all members by 1 October 2021 and subsequently, expect to issue invoices to fund members on 4 October 2021. Invoices will be required to be paid to the MAV by 31 October 2021.

In line with advice from the MAV's actuary, the shortfall in funding has been allocated between members based on their share of the unpaid claims' costs. Given that not all claims' costs are known as yet, the allocation methodology uses the estimates of unpaid, open claims ("case estimates") and member premiums to estimate each member's share of the financial shortfall.

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2021-2025 Council and Wellbeing Plan references:

6. A high performing organisation that demonstrates civic leadership and organisational excellence
- 6.3 *An organisation that demonstrates excellence in civic leadership and governance.*

4. Financial Considerations

Melton City Council's assessed initial share of the unfunded liability is \$509,900. This amount has been invoiced by MAV and is required to be remitted by 31 October 2021.

Over the 4 years of the schemes operation, Council experienced a significant reduction in its WorkCare costs as compared to what it would have incurred through the Work Safe Scheme. It is however difficult to distinguish the actual savings achieved from the self insurance component and the improved injury management and claims experience component.

The Council liability of \$509,900 is provided for in the recurrent budget as an element of the employee oncost account.

5. Consultation/Public Submissions

Not applicable

6. Risk Analysis

As a member of the mutual scheme Council is obligated to contribute to the unfunded liability at the assessed rate. It is to be noted that the assessed rate is calculated on actuarial estimates of the future costs resulting from existing claims, and therefore there is upside risk that the claim costs will exceed estimates and result in a further call on member Councils.

7. Options

The scheme is now closed, and Council has transitioned to the WorkSafe scheme. Council has the option to not write to the Treasurer as proposed in the recommendation.

LIST OF APPENDICES

1. MAV WorkCare Member Liability Letter - dated 4 October 2021

12.10 BIENNIAL REPORT ON AUDIT AND RISK COMMITTEE

Author: Kel Tori - Chief Executive Officer

Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

To report to Council on the activities of the Audit and Risk Committee as required by the Local Government Act 2020

RECOMMENDATION:

That Council note the report from the Chairperson of the Audit and Risk Committee as attached at **Appendix 1**.

REPORT

1. Executive Summary

The Chairperson of the Audit and Risk Committee of Council has provided a report on the activities of the Committee, and an annual assessment of its performance against the Audit and Risk Charter adopted by Council. The Audit and Risk Committee Chairperson, Mr Robert Tommasini attend a Council briefing on 11/10/21 to present his report to Councillors. The report is attached as **Appendix 1**

2. Background/Issues

Section 54 (4) of the Local Government Act 2020 requires a biannual report that describes the activities of the Audit and Risk Committee, including its findings and recommendations to be presented to Council. One such report is required following the meeting at which the Annual Financial Report and the Annual Performance Statement have been considered and recommended to Council for adoption, which occurred at the September meeting.

Section 54(5) also requires an annual assessment of the performance of the Audit and Risk Committee against the Audit and Risk Committee Charter.

The attached report (**Appendix 1**) provided by the Chairperson of the Audit and Risk Committee, Mr Robert Tommasini satisfies the requirements for the presentation of these two reports to Council.

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2021-2025 Council and Wellbeing Plan references:

6. A high performing organisation that demonstrates civic leadership and organisational excellence

6.3 *An organisation that demonstrates excellence in civic leadership and governance.*

4. Financial Considerations

Costs associated with the operation of Council's Audit and Risk Committee are provided for within Council's operating budget.

5. Consultation/Public Submissions

The Audit and Risk Committee Chairperson, Mr Robert Tommasini attend a Council briefing on 11/10/21 to present his report to Councillors.

6. Risk Analysis

There are no risks associated with receipt of this report

7. Options

Council has the option to provide any feedback or direction to the Audit and Risk Committee it feels is appropriate on the discharge of the Committee's responsibilities under the Audit and Risk Committee Charter

LIST OF APPENDICES

1. Chairperson's Report - Audit and Risk Committee - dated 30 September 2021

13. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES

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

14. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS

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

15. NOTICES OF MOTION**15.1 NOTICE OF MOTION 781 (CR SHANNON)****Councillor: Julie Shannon - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 25 October 2021

MOTION:

That Council officers present a detailed report back to Council, drawing from any Council services, and any other applicable local organisations including not for profits on the following:

How Covid 19 has contributed to the issue of homelessness in our municipality. Including hidden homelessness (such as couch surfing and other casual accommodation options) and also people at a high risk of homelessness.

OFFICER'S COMMENTS:

If the motion is endorsed by Council, officers will commence engaging and collating data, with a report being presented to a future meeting of Council.

15.2 NOTICE OF MOTION 782 (CR ABBOUSHI)**Councillor: Steven Abboushi - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 25 October 2021

MOTION:

That Council

1. Write to the Minister for Health expressing concerns relating to the shortage of Maternal and Child Health nurse resources to support families.
2. Write to the Municipal Association of Victoria to support advocacy to increase unit costs in the State Government Maternal and Child Health funding

OFFICER'S COMMENTS:

If the motion is endorsed, officers will commence correspondence with the Minister for Health and the Municipal Association of Victoria.

15.3 NOTICE OF MOTION 783 (CR TURNER)**Councillor: Bob Turner - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 25 October 2021.

MOTION:

That Following the endorsement of the Melton Recycling Facility Upgrade works and the extension of the operating contract, Officers are to investigate options for a repair café to be established on site.

OFFICER'S COMMENTS:

Officers agree with the principle of a repair café at the Melton Recycling Facility. A report to Council covering the options and feasibility will be provided as part of the review of the current operating contract that will be undertaken as part of the development of the new operating contract which will occur in 2022/23.

15.4 NOTICE OF MOTION 784 (CR TURNER)**Councillor: Bob Turner - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 25 October 2021

MOTION:

That Council write to The Hon Ben Carroll MP, Minister for Public Transport, requesting that the Department of Transport, via Public Transport Victoria, urgently introduce bus routes and commence bus services from the Exford Waters Estate, Weir Views and the Eynesbury Township to the Melton Railway Station and Woodgrove Shopping Centres to meet the transportation needs of the growing communities in these areas respectively.

OFFICER'S COMMENTS:

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

15.5 NOTICE OF MOTION 785 (CR VANDENBERG)**Councillor: Ashleigh Vandenberg - Councillor**

I hereby give notice of my intention to move the following motion at the Meeting of Council to be held on 25 October 2021

MOTION:

That Council write to Resimax, developers of Eynesbury, seeking details of their plans for bike lanes, bike paths and skate parks in the Eynesbury development, as residents of Eynesbury have been requesting Councillors advice on the extent, location and timing of these community assets.

OFFICER'S COMMENTS:

Council officers meet regularly with Resimax and their various consultants on future proposals for the on-going development of the Eynesbury Township.

These meetings typically involve discussion on a range of matters, including the provision of future recreational facilities for existing residents, and as a way of attracting other people to the township to engage in recreational activities. Discussions have occurred relating to mountain bike tracks, pump track (BMX bikes) and skate parks.

No formal proposal has been put to council at this stage, however discussions will continue on feasibility, possible locations, and the approval process.

Officers will write to Resimax in accordance with the Notice of Motion above, and provide further advice to Councillors accordingly.

15.6 NOTICE OF MOTION 786 (CR DEEMING)

Councillor: Moira Deeming - Councillor

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 25 October 2021

PREAMBLE:

That Council urgently undertake targeted market research within Melton about whether those residents view the Victorian Government's plan to allow prostitution on public streets and in residential zones positively or negatively.

Currently, prostitution is legal. It is only illegal in Victoria if it takes place outside industrial zones, and if it is not conducted in accordance with various other health and safety regulations.

However, the Victorian Government has announced that it will remove those safeguarding regulations to allow public street prostitution and home based brothels to operate with barely any oversight at all.

This issue is of particular concern given the scope, scale and impact for local streets, residential areas and commercial precincts in our municipality.

These changes have all been pursued by the Government without a proper consultation,

The consultation undertaken by the Victorian Government did not provide adequate time and scope for meaningful consultation with local councils and the broader community, without a planning and public health regulatory framework being in place, and without clear indications of any future planned frameworks.

We as a Council must step in and facilitate proper community consultation and seek the views of those most likely to be impacted by these laws.

MOTION:

That Council:

1. Engage a dedicated market research company as soon as possible, to undertake a telephone survey seeking views on the government's plans from Melton residents, no less than 80% of whom must be either parents or grandparents of children under 17 years of age, and/or commercially zoned business owners.
2. That the survey scope and question framework be drafted and presented to Councillors for feedback as soon as possible, and be underpinned by the following:
 - a. Views on whether prostitution should be restricted to commercial zones, or allowed on public streets and in homes.
 - b. Views on the potential impact on child safety (especially those children living in close proximity to inside homes with prostitution occurring), community and neighbourhood safety and general neighbourhood living.
 - c. Views on the potential impacts on retail and commercial precincts including general amenity, safety and economic viability.
 - d. Views on whether prostitution should remain restricted to Industrial areas and the goal of increased safety for prostitutes be achieved by via other means, such as increased police, health and counselling resources for prostitutes.
3. That the results of the survey, along with our Council letters on this issue, form the basis of a report to be published on our website, and sent to every Member of Parliament,

especially the responsible Minister- with the aim of aiding the government in their current and future decision making processes.

OFFICER'S COMMENTS:

It is not usual Council practice to undertake "market research" on Government proposals for legislation. This is partly due to Councillors being elected "to represent" the community, and to the time and complexity involved in properly appraising those being surveyed of the issues relevant to the matter being considered. It is also related to the frequency of matters arising, and the aggregate cost of undertaking frequent market research.

Due to the specified "target audience" of at least 80% having children or grandchildren under 17 years of age, or owning a commercially zoned business, and the breadth of matters to be canvassed, it is anticipated that a survey of this type will be relatively expensive and in the order of \$25,000 or more. Quotes would need to be obtained.

Given that the Bill has already had its second reading speech in the lower house, it is problematic that the market research results will be received in a timely manner to impact on deliberations by the State Parliament.

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

19. CONFIDENTIAL BUSINESS

Recommended Procedural Motion

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

19.1 Appointment of Community Members to Semi-Annual, Club Caroline Springs and HRV Tabcorp Park Community Grants Assessment Panels

This report is confidential in accordance with s89(2)(f) as it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

19.2 Disability Advisory Committee Community Representative 2020-2022

This report is confidential in accordance with s89(2)(f) as it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

19.3 Contract 21-058 Melton Resource Recovery Precinct Design & Construct

This report is confidential in accordance with s89(2)(g) as it relates to private commercial information, being information provided by a business, commercial or financial undertaking that—

- (i) relates to trade secrets; or
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

19.4 Contract 18-010 Operation and Management of Melton Recycling Facility

This report is confidential in accordance with s89(2)(g) as it relates to private commercial information, being information provided by a business, commercial or financial undertaking that—

- (i) relates to trade secrets; or
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

19.5 Contract 22/007 Panel of Providers for Corporate Training

This report is confidential in accordance with s89(2)(g) as it relates to private commercial information, being information provided by a business, commercial or financial undertaking that—

- (i) relates to trade secrets; or
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

19.6 Contract 22/008 Panel of Providers for Leadership Training

This report is confidential in accordance with s89(2)(g) as it relates to private commercial information, being information provided by a business, commercial or financial undertaking that—

- (i) relates to trade secrets; or
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

19.7 Contract No. 22/017 - Mt Atkinson Children's and Community Centre - Construction

This report is confidential in accordance with s89(2)(g) as it relates to private commercial information, being information provided by a business, commercial or financial undertaking that—

- (i) relates to trade secrets; or
- (ii) if released, would unreasonably expose the business, commercial or financial

undertaking to disadvantage.

19.8 Mayoral Charity Fund 2021

This report is confidential in accordance with s89(2)(a) as it relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

Recommended Procedural Motion

That the meeting be opened to the public.

20. CLOSE OF BUSINESS