



MELTON CITY COUNCIL

**Notice is hereby given that the Meeting of the
Melton City Council will be held in the
Council Chambers, Melton Civic Centre,
232 High Street Melton on
16 December 2024 at 7.00pm.**

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

**Roslyn Wai
CHIEF EXECUTIVE**

Visitors to the Gallery please note:

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

- Members of the public do not have a right to address Council and may only do so with the consent of the Chair or by prior arrangement.
- Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chair whenever called on to do so.
- A member of the public present at a Council meeting must not disrupt the meeting.
- The Chair may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 79.2.
- If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council meeting, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper.
- The Chair may ask the Chief Executive Officer or a member of the Victoria Police to remove from the Chamber any person who acts in breach of the Governance Rules and whom the Chair has ordered to be removed from the gallery under Rule 80.
- Members of the public in the gallery must not operate **recording equipment** at a Council or Committee Meeting without the prior written consent of Council.
- **Question time** is available at every Scheduled Meeting to enable members of the public to address questions to Council. All questions must be received by the Chief Executive Officer or other person nominated for this purpose no later than 10am on the day of the Scheduled Meeting by submitting questions into the receptacle designated for public questions at the Customer Service Desk, or via electronic medium as per Council website directions.

A person must not submit more than two (2) individual questions at a meeting, inclusive of all parts and variants as interpreted by the Chairperson or other person authorised for this purpose by the Chairperson.

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1. **OPENING PRAYER AND RECONCILIATION STATEMENT**

The Chairperson will read the opening prayer and reconciliation statement.

Prayer

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

Reconciliation Statement

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

2. APOLOGIES AND LEAVE OF ABSENCE

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

3. CHANGES TO THE ORDER OF BUSINESS

4. DEPUTATIONS

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

Pursuant to Part 6, Division 2 of the *Local Government Act 2020* and Council's Governance Rules, Councillors must declare any General Conflict of Interest or Material Conflict of Interest they have in any of the matters being considered at this meeting.

6. ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION:

That the Oaths and Affirmations undertaken by Councillors in accordance with section 30 of the *Local Government Act 2020* on 11 November 2024, be included in the Minutes of the Meeting of Council held on 25 November 2024 (the Minutes) and the Minutes be confirmed as a true and correct record.

7. SUMMARY OF INFORMAL MEETING OF COUNCILLORS

7.1 SUMMARY OF INFORMAL MEETINGS OF COUNCILLORS

- Monday 25 November 2024 Summary of Informal Meeting of Councillors
- Monday 2 December 2024 Summary of Informal Meeting of Councillors

RECOMMENDATION:

That the Summaries of Informal Meetings of Councillors dated 25 November 2024 and 2 December 2024 provided as **Appendices 1 – 2** respectively to this report, be received and noted.

LIST OF APPENDICES

1. Summary of Informal Meeting of Councillors - 25 November 2024
2. Summary of Informal Meeting of Councillors - 2 December 2024



INFORMAL MEETING OF COUNCILLORS

MEETING DETAILS:

Meeting Name:	Briefing of Councillors		
Meeting Date:	Monday 25 November 2024	Time Opened:	6.15 pm
		Time Closed:	6.53 pm
Councillors present:	Cr S Abboushi (Mayor) Cr L Carli (Deputy Mayor) Cr K Majdlik Cr B Morris Cr J Shannon Cr B Turner Cr A Vandenberg Cr J Verdon Cr Dr P Zada		
Officers present:	R Wai	Chief Executive Officer	
	S Romaszko	Director City Futures	
	A Biscan	Acting Director City Life	
	N Whiteside	Director City Delivery	
	P Leersen	Director Organisational Performance (CFO)	
	E Keogh	Head of Governance	
	A Hays	Head of People and Customer	
	R Hodgson	Senior Coordinator Governance	
	B Bensley	Governance Officer	
Guests	Nil		
Apologies	Cr S Ramsey		
Matters discussed:	1. Council Meeting Agenda		

CONFLICT OF INTEREST DISCLOSURES:

Were there any conflict of interest disclosures by Councillors? No

REPORT PRODUCED BY:

Officer name:	Renee Hodgson, Senior Coordinator Governance	Date:	Monday 25 November 2024
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INFORMAL MEETING OF COUNCILLORS

MEETING DETAILS:

Meeting Name:	Briefing of Councillors		
Meeting Date:	Monday 2 December 2024	Time Opened:	6.16 pm
		Time Closed:	9.41 pm
Councillors present:	Cr S Abboushi (Mayor) – arrived 7.30pm Cr L Carli (Deputy Mayor) Cr K Majdlik Cr B Morris Cr S Ramsey Cr J Shannon Cr B Turner Cr A Vandenberg - left 9.27pm Cr J Verdon Cr Dr P Zada - left 9.27pm		
Officers present:	R Wai	Chief Executive Officer	
	S Romaszko	Director City Futures	
	T Scoble	Director City Life	
	N Whiteside	Director City Delivery	
	P Leersen	Director Organisational Performance (CFO)	
	E Keogh	Head of Governance	
	A Hays	Head of People and Customer	
	C Marshall	Manager, Engineering and Asset Services (online)	
	J Farrell	Manager, Customer Experience	
	N Marino	Manager, Finance	
Guests	E Howe	InSync (online)	
	J Garriock	InSync (online)	
Apologies	n/a		
Matters discussed:	1. Strategic Engagement for Council and Wellbeing Plan 2. Update on Notice of Motion 894 – Pedestrian Fencing at Caroline Springs Blvd 3. Response to Notice of Motion 934 – Pedestrian Safety at High Traffic Crossing 4. Review and representation on Committees of Council 5. General Updates from Officers		
CONFLICT OF INTEREST DISCLOSURES:			
Were there any conflict of interest disclosures by Councillors	No		
REPORT PRODUCED BY:			
Officer name:	Emily Keogh – Head of Governance	Date:	2/12/2024

8. CORRESPONDENCE INWARD

8.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR IN RESPONSE TO NOTICES OF MOTIONS

- William Tieppo, Deputy Secretary, Network Design and Integration, Department of Transport and Planning – New Bus Routes in Growth Areas and Increased Car Parking at Rockbank Station
- The Hon Mary-Anne Thomas MP, Access to Health Services in the City of Melton

RECOMMENDATION:

That Council receive and note the following Parliamentarian and Departmental letters received by the Mayor, provided as **Appendix 1 and 2** to this report:

1. William Tieppo, Deputy Secretary, Network Design and Integration, Department of Transport and Planning – New Bus Routes in Growth Areas and Increased Car Parking at Rockbank Station.
2. The Hon Mary-Anne Thomas MP, Access to Health Services in the City of Melton

LIST OF APPENDICES

1. William Tieppo, Deputy Secretary, Network Design and Integration, Department of Transport and Planning dated 22 October 2024
2. The Hon Mary-Anne Thomas MP, Access to Health Services in the City of Melton dated 4 December 2024



Department of Transport and Planning

GPO Box 2392
Melbourne, Victoria 3001 Australia

Ref: CMIN-1-24-5628

Cr Kathy Majdlik
Mayor
City of Melton
PO Box 21
MELTON VIC 3337
kathym@melton.vic.gov.au

Dear Cr Majdlik

NEW BUS ROUTES IN GROWTH AREAS AND INCREASED CAR PARKING AT ROCKBANK STATION

I refer to your correspondence to the Hon Gabrielle Williams MP, Minister for Public and Active Transport, of 17 September 2024 about new bus routes in growth areas and increased car parking at Rockbank Station. Your letter has been referred to the Department of Transport and Planning (DTP) for response.

DTP acknowledges your concerns and is aware of the high demand for access to public transport within the municipality, including at Rockbank Station. Getting to the station is an important part of using the rail network. DTP recognises the important role buses and car parking at train stations play in meeting the travel needs of people living in Melbourne's growing suburbs.

To address car parking demand at train stations, the government has delivered more than 19,000 new and upgraded car parking spaces at some of our busiest metropolitan and regional stations, with 2,000 additional new and upgraded spaces to come. At Rockbank Station, 350 new car parking spaces, drop-off zones, taxi spaces, bus bays and secure bicycle storage were delivered in 2019. New and upgraded car spaces have also been delivered at other stations in this area including at Melton, Caroline Springs and Deer Park.

While there are currently no further planned car parking upgrades at Rockbank Station, DTP recognises that Melbourne's population is growing, and we consider population and patronage growth as a key part of our planning when determining priorities for potential future upgrades.

The government recognises the important role buses play in meeting the travel needs of people living in Melbourne's growing suburbs. Buses are a vital part of Victoria's integrated transport system, with around 400 regular bus routes servicing metropolitan Melbourne, and local bus networks operating in regional towns and cities.

In June 2021, we released Victoria's Bus Plan which sets out how we will start to deliver a modern, productive, environmentally sustainable bus network that increases the number of people choosing to take the bus by delivering simple, safe, reliable, and comfortable journeys. It notes important opportunities for the bus network including leveraging connectivity with the rail network and making the most of investment in infrastructure.



We are continuing to improve the state's bus network in line with Victoria's Bus Plan to better meet demand, improve accessibility and performance, and deliver value for money. This includes creating a simpler, faster, and more reliable network.

Nearly 20,000 additional bus services have been added since 2014 and more than 200 bus routes have either been improved or added to Victoria's bus network since the launch of Victoria's Bus Plan in 2021, adding thousands more services to the network.

From 24 March 2024, a new bus service commenced running between Sunbury and Diggers Rest stations. Route 475 Sunbury Station - Diggers Rest Station improves bus coverage, connecting new estates to the bus network to better support Sunbury and Diggers Rest's growth. It operates every 20 minutes on weekdays and every 40 minutes weekends. The new bus service improves connections to shops, schools, train stations and other amenities. It addresses the coverage gaps on Elizabeth Drive in Sunbury and on the western side of Diggers Rest, while also linking with trains at Diggers Rest Station to connect Sunbury and Diggers Rest locals to the broader transport network. Diggers Rest residents have better access to Sunbury Downs College which is their zoned secondary school.

We have also committed to introduce a new bus route between Eynesbury and Melton Station. Work to plan and deliver the new bus service is underway. More details will become available closer to implementation and will be communicated with the public.

New school bus routes are also planned to support students living in Mt Atkinson and Deanside to access their locally zoned government schools as part of a \$25 million investment announced in the 2022-23 Victorian Budget to introduce, modify and extend school bus services across the state, with a focus on growth areas. Details of these routes will be communicated to students via their local schools prior to these services commencing at the start of Term 1 2025. Further planning is also underway to assess demand from students living in Melton South Melton South, Brookside and Cobblebank.

Whilst there are no further plans to upgrade route bus services in City of Melton, we will consider your feedback as part of our future bus network planning. I thank you for your interest in upgrading bus services on behalf of residents in the local community.

I hope this information is of use. Thank you again for raising this matter.

Yours sincerely



William Tieppo
Deputy Secretary, Network Design and Integration

22 October 2024



The Hon Mary-Anne Thomas MP

Minister for Health
Minister for Health Infrastructure
Minister for Ambulance Services

GPO Box 4057
Melbourne Victoria 3001
Telephone: +61 3 9096 8561
www.health.vic.gov.au

BAC-CO-50203

Cr Kathy Majdlik
Mayor
Melton City Council
Via email only: Kathym@melton.vic.gov.au

Dear Councillor Majdlik

Thank you for your letter regarding access to health services in the City of Melton. I appreciate your advocacy on this matter.

The new \$900 million Melton Hospital will provide world-class healthcare to families in Melbourne's outer west, with the recent unveiling of latest designs reflecting the community's ideas, vision and priorities. A key aspect incorporated into the design is capacity to expand to respond to the growing needs of the Melton Community over time. The new Melton Hospital will play a major role in delivering a wide range of specialist medical, surgical, maternity and mental health services for Melbourne's outer west.

However, we know that improved access to general practice is also important to prevent deterioration and improve health outcomes for your community.

Responsibility for primary care sits with the Commonwealth Government and the Victorian government will continue to advocate for action to improve access to care. We have also stepped in to establish 29 Urgent Care Clinics across the state, including in Melton.

The North-Western Melbourne Primary Healthcare Network (PHN) manages all aspects of primary health care in your region and has a pivotal role in tailoring health services to meet the individual needs of the Melton community. The PHN can work to commission primary care and mental health services to address population health needs and gaps in service delivery as the population grows.

The Victorian government values the connection between communities and health services and sees strong partnerships as an integral input into the development, implementation and evaluation of health policies, programs and services. The stronger the partnership the more likely that the gains we have made in Victoria in terms of equity, efficiency, and acceptability of the system can be consolidated.

We value community input and are committed to keeping the local community up to date as the new Melton Hospital project progresses. With the enabling works for the project well underway I encourage you to keep an eye on the project website and Victorian Health Building Authority social media channels as they will continue to be updated regularly and indicate when the project progresses into construction.



Should you wish to discuss this matter further, please contact Esther Warren, Executive Director, Health System and Asset Planning, System Planning at the Department of Health at esther.warren@health.vic.gov.au.

Thank you again for your advocacy for improved health service facilities within your community and taking the time to write to me about this matter.

Yours sincerely



The Hon Mary-Anne Thomas MP

4/12/2024

9. PETITIONS AND JOINT LETTERS

Nil.

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 PLANNING SCHEME AMENDMENT C243MELT - RELOCATION OF RIDING FOR THE DISABLED ASSOCIATION OF VICTORIA TEMPORARY HORSE-RIDING SCHOOL FACILITY

Author: Travis Conway - Manager City Strategy
Presenter: Sam Romaszko - Director City Futures

PURPOSE OF REPORT

To consider the adoption of Planning Scheme Amendment C243melt to the Melton Planning Scheme.

RECOMMENDATION:

That Council:

1. Adopt Planning Scheme Amendment C243melt generally in accordance with **Appendix 3**.
2. Submit the Amendment to the Minister for Planning for approval.

REPORT

1. Executive Summary

A request was made from Urbis Planning Consultants on behalf of Leakes Road Rockbank Pty Ltd (Woodlea), seeking Council support to amend the Melton Planning Scheme.

The proposal is to relocate a horse-riding school operated by the Riding for Disabled Association of Victoria (RDAV) from its 'existing site' at 939 Beattys Road in Aintree to an alternative site within the *Rockbank North Precinct Structure Plan* (PSP) area, at a 'proposed new temporary site' at 41 Newfoundland Circuit in Bonnie Brook.

To facilitate the relocation, a Planning Scheme Amendment is required to introduce a new Incorporated Document into the Planning Scheme and a corresponding Specific Controls Overlay will be applied to the affected land in Bonnie Brook. To cease the use at the existing site in Aintree, the existing Incorporated Document will be amended to expire at an earlier date, corresponding with the timing of the relocation to the new site.

The amendment was publicly exhibited between 11 July 2024 and 12 August 2024 in accordance with the *Planning and Environment Act 1987*.

Three submissions were received from agencies (**Appendix 2**). The submissions have since been resolved and therefore a Planning Panel is not required.

It is recommended that Council adopt the amendment (**Appendix 3**) and submit it to the Minister for Planning for approval.

2. Background

There is an existing horse-riding school used by RDAV in the Woodlea estate, on the corner of Leakes Road and Taylors Road at 939 Beattys Road in Aintree (the 'existing site'). The current facility has been approved to operate until 2043 through Amendment C151 in 2013. However, the landowner, Woodlea are now preparing to develop the existing site for residential purposes, in accordance with the *Rockbank North Precinct Structure Plan (PSP)*.

Woodlea want to continue supporting RDAV and have requested this amendment to allow the horse-riding school to continue by relocating it. However, the existing incorporated document which enables the land use cannot just be amended to change the address. The reason for this is the current facility needs to be operable whilst construction is completed at the new site.

This amendment proposes a new incorporated document to allow the use and development of a horse-riding school at the new site.

This amendment also concurrently proposes to amend the existing incorporated document with an earlier expiry date of 30 June 2026. This will cease the horse-riding school at the existing site, corresponding with the approximate timing of the relocation to the new site. Doing so will ensure that the planning scheme does not allow for two concurrent horse-riding schools to exist.

3. The Proposal

The new site is also in the *Rockbank North PSP* area, located at a new site in Bonnie Brook. The land is currently vacant and has previously been used for farming and grazing.

The land is zoned Urban Growth Zone (UGZ). Other applicable planning scheme controls include the Development Contributions Plan Overlay (DCPO), Incorporated Plan Overlay (IPO) and the Land Subject to Inundation Overlay (LSIO).

The horse-riding school will occupy an area of approximately 3 hectares, spread across the following three adjoining land parcels:

- 41 Newfoundland Circuit, Bonnie Brook 3335.
- Lot 6 on Plan Number TP956560 at Tarletons Road, Bonnie Brook 3335 (Standard Parcel Identifier: 6\TP956560).
- Lot 7 on Plan Number TP956560 at Tarletons Road, Bonnie Brook 3335 (Standard Parcel Identifier: 7\TP956560).

The PSP identifies that the broader three parcels of land will eventually comprise of residential dwellings, active open space, a waterway, and conservation area. The boundaries of the horse-riding school are outside of the waterway and conservation area.

Woodlea currently own the land and propose this location for the horse-riding school as they do not expect the residential portion of the site to be required for development until the final stages of the project.

The proponent was advised at the pre application stage that the *Community Infrastructure Pipeline 2021-2040* document indicates that the subject active open space is unlikely to be developed until 2036. To reflect that anticipated delivery timeframe, the incorporated document for the proposal will include a condition specifying 30 June 2034 as the expiry date for the temporary use. The use of the land as a horse-riding school will cease before Council requires the land for an active open space reserve (as identified in the PSP).

The facility at the new proposed site will comprise of an office with kitchen and toilet facilities, yard areas, outbuildings for storage, horse sheds, riding paddocks with an enclosed child proof area, car parking for 29 cars with disabled spaces and landscaping.

Refer to **Appendix 1** for the relocation masterplan submitted with the amendment request.

The Surrounding Area

The northern boundary of the subject site abuts land identified as the future *Warrensbrook Precinct Structure Plan*. That land is zoned UGZ and is characterised as rural land with large lot sizes. The southern and western boundary are formed by the Kororoit Creek and the Rural Conservation Zone (RCZ). The eastern boundary adjoins residential land that is currently under development.

4. The Amendment

A Planning Scheme Amendment is required in this instance as the proposed use is prohibited within the applied zoning under Schedule 4 to the Urban Growth Zone (UGZ).

The UGZ allows the preparation of the *Rockbank North PSP* and specifies the applied zoning of all properties within it. The applied zoning for this site is identified as General Residential Zone (GRZ). The GRZ prohibits the use of the land for a horse-riding school (defined as “animal husbandry”).

However, the Planning Scheme allows prohibited uses to be considered via Clause 45.12 – Specific Controls Overlay. This means that uses which would otherwise be prohibited can occur in specific locations if Council considers it appropriate subject to an amendment to the planning scheme. This is equivalent to the process which allowed the original horse-riding school at Aintree through Amendment C151 in 2013.

To facilitate the proposal, the amendment seeks to make the following changes to the Melton Planning Scheme, specifically:

- Insert new Incorporated Document titled ‘*RDAV Melton and District Riding for the Disabled Facility Incorporated Document, July 2024*’ in the Schedule to Clause 72.04 (Incorporated Documents).
- Amend the Schedule to Clause 45.12 (Specific Controls Overlay) to list (SCO8) and to refer to the new Incorporated Document.
- Insert a new Planning Scheme Map 9SCO to apply the SCO8 to the subject site.
- Amend the Schedule to Clause 72.03 (What does this planning scheme consist of?) to identify the new Planning Scheme Map 9SCO.
- Revise the Incorporated Document titled ‘*RDAV Rockbank Facility Incorporated Document, July 2013*’ and update references in the Schedules to Clauses 51.01 and Clause 72.04.

Overall, the proposal generally accords with the Melton Planning Scheme and the Strategic Assessment Guidelines for Planning Scheme Amendments. It is considered that it will not prejudice the ultimate development of the *Rockbank North PSP* as it is an interim use. The proposed expiry date of the use reflects Council’s timeframes for delivery of the future Active Open Space identified on the land. The proposed use is appropriate relative to the existing agricultural/grazing use of the land given its low impact nature. The site could be used to meet an established community need.

Refer to **Appendix 3** for the Amendment Documents which has been marked up to reflect changes requested by submitters as outlined in Section 5 of this report.

Referrals

Referrals were made internally in the earlier stages of preparing the amendment. Internal referral comments were reflected in the exhibited amendment.

Following exhibition and a submission from the Melbourne Strategic Assessment (MSA) Program team at the Department of Environment, Energy and Climate Action (DEECA), amended conditions relating to the conservation area were referred to Council’s Environmental Planners who are supportive of the proposed changes.

5. Consultation/Public Submissions

Public notice of the amendment

Planning Scheme Amendments are subject to an exhibition process in accordance with the *Planning and Environment Act 1987*. Council resolved at its Ordinary Meeting of Council on 26 February 2024 to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C243melt to the Melton Planning Scheme.

Authorisation was received on 27 May 2024 and the amendment was exhibited between 11 July 2024 and 12 August 2024. Exhibition of the amendment consisted of the following:

- Notification was sent to the landowner, adjoining landowners and occupiers, relevant agencies, and prescribed Ministers.
- Gazette notice in the *Government Gazette*.
- Public notice in local newspapers.
- Amendment documentation published on Council's website.

Exhibition provides an opportunity where all parties affected by the planning scheme amendment can provide input. Submissions include the grounds on which the amendment is supported or opposed and indicate what changes (if any) the submitter wishes to make.

A total of three submissions were received in response to the amendment.

The three submissions received were from the following agencies:

1. Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation
2. Department of Energy, Environment and Climate Change (MSA Program Team)
3. Country Fire Authority (CFA) - Northwest Region

Following exhibition, Council officers sought to resolve submissions with the above agencies. As a result, changes will be made to the amendment relating to conditions in the Incorporated Document applying to the new site in Bonnie Brook, titled "*RDAV Melton and District Riding for the Disabled Facility Incorporated Document, July 2024*".

The submissions and the submission table including a detailed summary of the submissions, and Council's response can be found at **Appendix 2**.

Given that there are no unresolved submissions, there is no requirement to request the convening of an independent Planning Panel.

Refer to **Appendix 3** for the tracked changes to the amendment documents proposed in response to the submissions made by the three agencies.

6. Council and Wellbeing Plan Reference and Policy Reference

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

1. A safe City that is socially and culturally connected
 - 1.1 *A community that celebrates diversity and is inclusive of all.*

7. Financial Considerations

Council officer time and resources are involved in the adoption of the amendment however, statutory fees are required from the proponent to facilitate the process.

8. Options

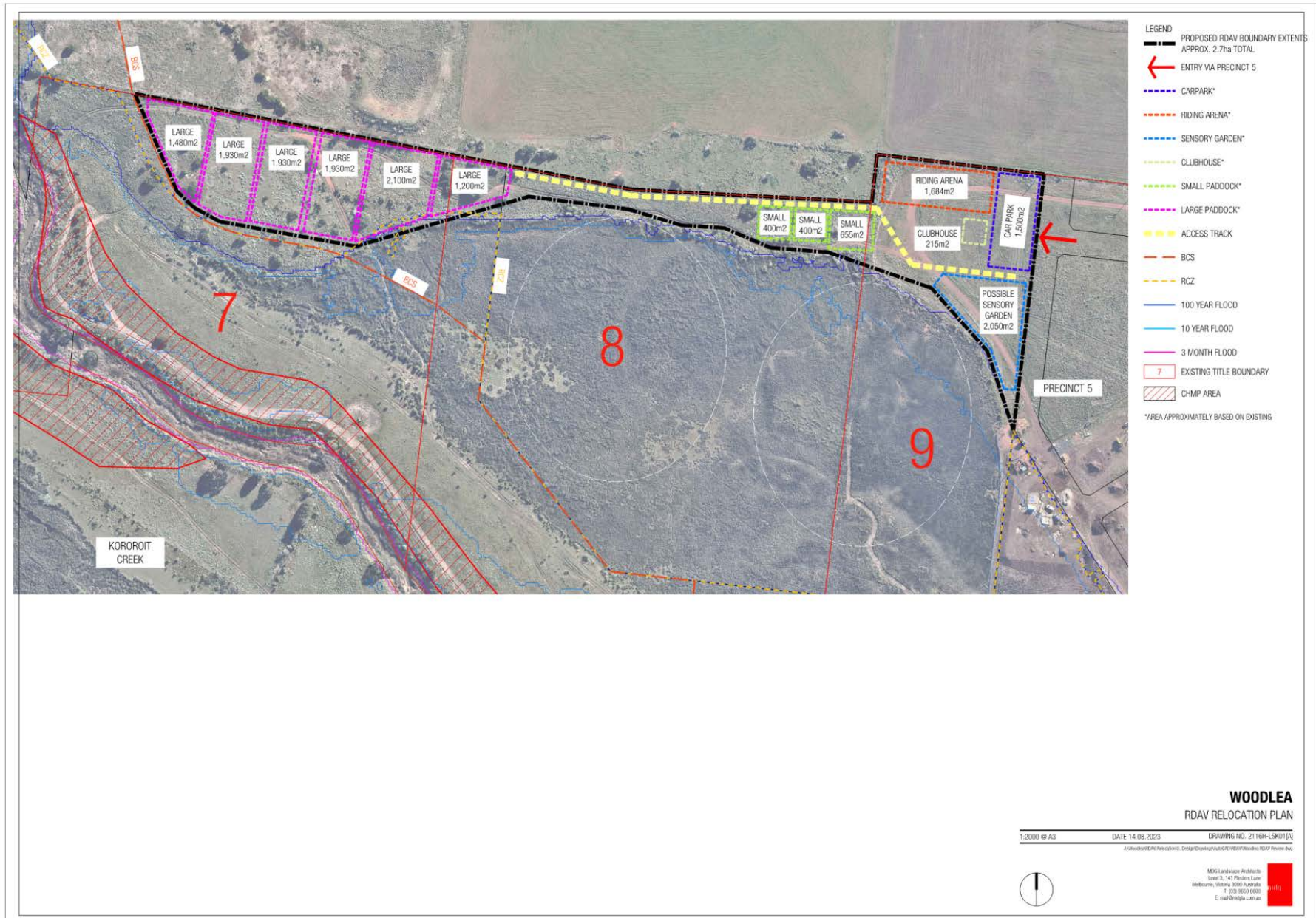
Council can resolve to either:

1. Adopt Planning Scheme Amendment C243melt with the changes made following submissions, or
2. Not adopt Planning Scheme Amendment C243melt.

LIST OF APPENDICES

1. Relocation Masterplan
2. Submission Response Table
3. Planning Scheme Amendment Documentation for Adoption





Submission Response Table – Amendment C243melt to the Melton Planning Scheme

Submitter	Matters in Submission	Response to Submission
<p>Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation</p> <p>Submission 1 - received 18 July 2024</p> <p>Submission 2 - received 3 September 2024</p>	<p>Original Submission – Received 18 July 2024</p>	<p>It is recognised that there is cultural heritage sensitivity and registered Aboriginal places in the area. We note that the land at the proposed location for the horse-riding school is identified in the <i>Rockbank North Precinct Structure Plan (PSP)</i> as a future active open space and small residential area.</p> <p>The temporary use of a horse-riding school use will be less impactful than the ultimate land uses as identified in the PSP. As the use is temporary, there is minimal development and built form proposed.</p> <p>The horse-riding school will mostly consist of open paddocks for the horse-riding, with the more-sizeable built form elements (undercover riding arena and gravel carpark) being located further than 200m away from the Kororoit Creek and registered places.</p> <p>Overall, it is considered that the use will be low in impact and following further explanation, we were able to establish with the Wurundjeri that:</p> <ul style="list-style-type: none"> Under r.46 of the <i>Aboriginal Heritage Regulations 2018</i>, horse and / or animal husbandry is not considered a high impact activity and therefore would not trigger a mandatory CHMP in itself. <p>As such, it is considered that the matters raised in this original submission have been resolved.</p> <p>No change to the Amendment required.</p>
	<p>Subsequent Submission – Received 3 September 2024</p>	<p>Although discussions with the Wurundjeri determined that a Cultural Heritage Management Plan is not required, the Wurundjeri subsequently advised that the proposal is otherwise subject to the requirement for a Cultural Heritage Permit under a different section of the <i>Aboriginal Heritage Act 2006</i>.</p> <p>It was noted to the Wurundjeri that there is an existing CHMP applying to the broader <i>Rockbank North PSP</i> area, including the site proposed for the horse-riding school. However, that CHMP does not cover the proposed horse-riding school use and therefore does not preclude the requirement for a Cultural Heritage Permit.</p> <p>Change to the Amendment:</p> <p>The following condition will be added to the Incorporated Document:</p> <p><i>Before works commence, a Cultural Heritage Permit must be sought from the relevant Registered Aboriginal Party, unless otherwise agreed in writing by the Registered Aboriginal Party.</i></p>
	<p>A Cultural Heritage Permit will be required under s.36 of the <i>Aboriginal Heritage Act 2006</i> as the activity will, or is likely to, harm an Aboriginal place but is not defined as being high impact under the <i>Aboriginal Heritage Regulations 2018</i>. It is requested that the requirement for a Cultural Heritage Permit is included as a condition.</p>	

Submission Response Table – Amendment C243melt to the Melton Planning Scheme

Submitter	Matters in Submission	Response to Submission
<p>Department of Energy, Environment and Climate Change (MSA Program Team) Received 12 August 2024</p>	<p>Landscaping: Condition 3 updated to require that the Stormwater Management Strategy (SWMS) to be submitted to and approved by the Secretary to the Department of Energy, Environment and Climate Action.</p> <p>Noise, Lighting and Amenity: Condition 18 updated to reference land identified as a 'Conservation Area' and for the condition to be to the satisfaction of Secretary to the Department of Energy, Environment and Climate Action.</p> <p>Security of conservation land: Condition 21 deleted from the incorporated document.</p> <p>Fencing of conservation areas: Condition 22 amended to remove references to subdivision and planning permits and instead reference the permitted use. Condition 22 amended to reference livestock as to be excluded from the fenced [conservation area].</p> <p>Construction environmental management plan: Condition 24 amended to remove references to subdivision and planning permits (shown as condition 26 in Attachment 1).</p> <p>Eastern Grey Kangaroo: Condition 25 deleted from the incorporated document (shown as condition 27 in Attachment 1).</p> <p>Land management plan for conservation area: Condition 26 amended to remove references to subdivision and planning permits and instead reference the permitted use (shown as conditions 28 and 29 in Attachment 1). Condition 22 amended to require the land management plan to be implemented for the duration of the permitted use. DECCA provided further correspondence to Council on 4 October 2024 indicating that this condition could be removed from the Incorporated Document.</p>	<p>It is noted that efforts were made by the proponent to locate the proposed horse-riding school outside of the adjacent conservation area. However, the proposed site remains within close proximity, sharing its land parcels with the conservation area and the amendment needs to have consideration for this.</p> <p>In recognition of the conservation area, the Department of Transport and Planning (DTP) included the following conditions when granting authorisation to prepare and exhibit the amendment:</p> <ul style="list-style-type: none"> Amend the proposed new incorporated document to include conditions that reflect the requirements of Clause 4.8 of Schedule 4 to the Urban Growth Zone including to obtain consents [for the protection of conservation areas] pursuant to the <i>Conservation, Forests and Lands Act 1987</i>. Give notice of the amendment to the Melbourne Strategic Assessment (MSA) Program <p>The conditions from Clause 4.8 of Schedule 4 to the Urban Growth Zone were transferred directly to the Incorporated Document with the exact same wording, at the advice of DTP. As such, the wording of the conditions is not customised to the proposal for the horse-riding school use. Please note that the standard wording of these conditions refers to 'subdivision' and 'permits' which are not a component of the proposal.</p> <p>The changes requested by the MSA Program Team effectively ensure the conditions are relevant and applicable to the proposal. Overall, the changes requested are minor and are considered appropriate.</p> <p>DECCA provided further correspondence to Council on 4 October 2024 indicating that the conditions in the Land Management Plan for Conservation Area section could be removed from the Incorporated Document.</p> <p>Change to the Amendment: The conditions identified by the MSA Program Team will be amended for the final Incorporated Document as requested.</p>
<p>Country Fire Authority (CFA) – Northwest region Received 12 August 2024</p>	<p>CFA recommends that appropriate fuel management should be undertaken to reduce the likelihood and consequence of fire to the site. This fuel management should be associated for the protection of onsite assets and to the boundary lines of the site.</p> <p>The safety of all patrons to the site is the responsibility of site management. Hence an efficient, well developed <i>Emergency Management Plan</i> must be developed and well communicated to all persons using the site. This plan may include restricted use of the site on days of Extreme and Catastrophic fire risk.</p>	<p>The recommendation for appropriate fuel management has been noted and communicated to the landowner. It is noted that the current condition of the land will help to reduce the risk for fire as the land is mostly cleared. It is considered that the proponent will exercise due care and prepare the site appropriately for the horse-riding school operator.</p> <p>The advice on developing an Emergency Management Plan is supported.</p> <p>Change to the Amendment: The following condition will be added to the Incorporated Document: <i>Before the use commences, a Bushfire Emergency Management Plan (BEMP) must be prepared, approved, and implemented to the satisfaction of the responsible authority.</i></p>

Planning and Environment Act 1987

Melton Planning Scheme

Amendment C243melt

Explanatory Report

Overview

The amendment facilitates the relocation of the Riding for Disabled Association of Victoria (RDAV) horse-riding school to an alternative site within the *Rockbank North Precinct Structure Plan (PSP)* area.

The horse-riding school has operated within the PSP area at Aintree (the 'existing site') since 2013. The land is identified in the PSP as a future residential area and a site specific provision allows the use of the land for a horse-riding school on a temporary basis.

The proposed new site is in Bonnie Brook, on land identified in the PSP as a future active open space and small residential area. To allow for the ongoing operation of the horse-riding school at the new site, for an interim period prior to its development as envisaged by the PSP, it is proposed to introduce a new site specific provision.

To cease the use of the horse-riding school at the existing site in Aintree, the existing site specific provision will be amended with an earlier expiry date to correspond with the relocation to the new site in Bonnie Brook.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Melton City Council website at <https://www.melton.vic.gov.au/planningschemeamendments>

The amendment is available for public inspection, free of charge, during office hours at the following places:

Melton City Council
Civic Centre
232 High Street
MELTON VIC 3337

The amendment can also be inspected free of charge at the Department of Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Details of the amendment

Who is the planning authority?

This amendment has been prepared by the Melton City Council who is the planning authority for this amendment.

The amendment has been made at the request of Urbis Pty Ltd on behalf of Leakes Road Rockbank Pty Ltd (Woodlea).

Land affected by the amendment

The amendment applies to land at two sites in the *Rockbank North Precinct Structure Plan* area, the 'existing site' and the 'proposed new site' as follows:

Existing site (Aintree)

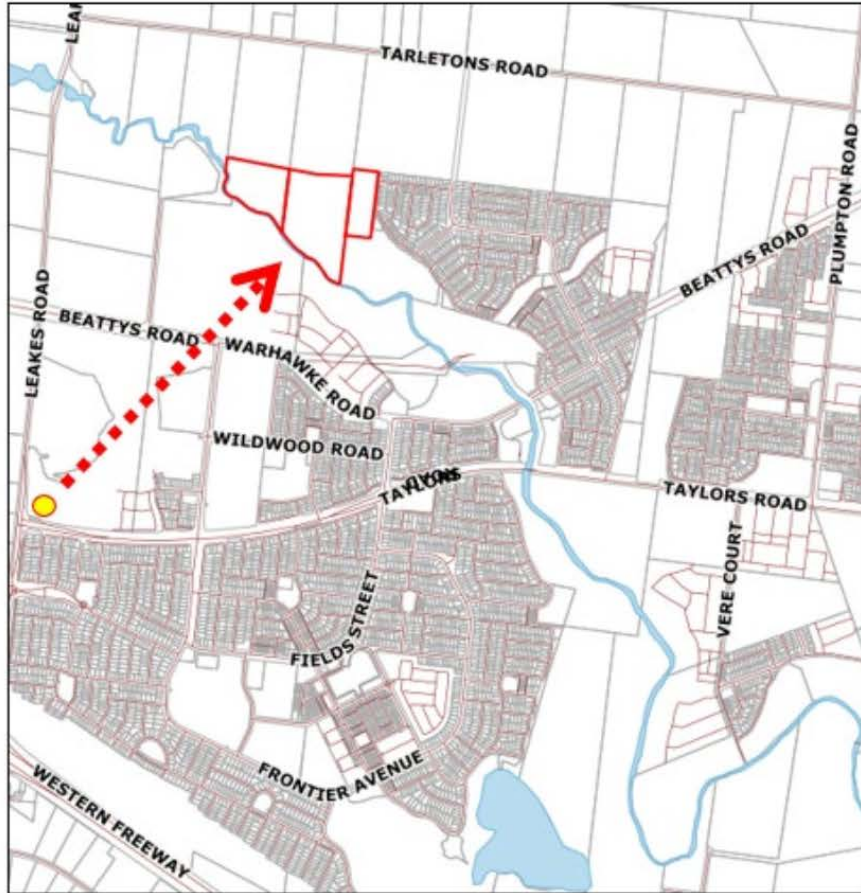
- Lot A on Plan Number PS828137 at Taylors Road, Aintree 3336 (Standard Parcel Identifier: A\PS828137)

Proposed new site (Bonnie Brook)

The adjoining parcels of land at:

- 41 Newfoundland Circuit, Bonnie Brook 3335;
- Lot 6 on Plan Number TP956560 at Tarletons Road, Bonnie Brook 3335 (Standard Parcel Identifier: 6\TP956560); and
- Lot 7 on Plan Number TP956560 at Tarletons Road, Bonnie Brook 3335 (Standard Parcel Identifier: 7\TP956560)

Figure 1 – Context map illustrating the relocation of the horse-riding school



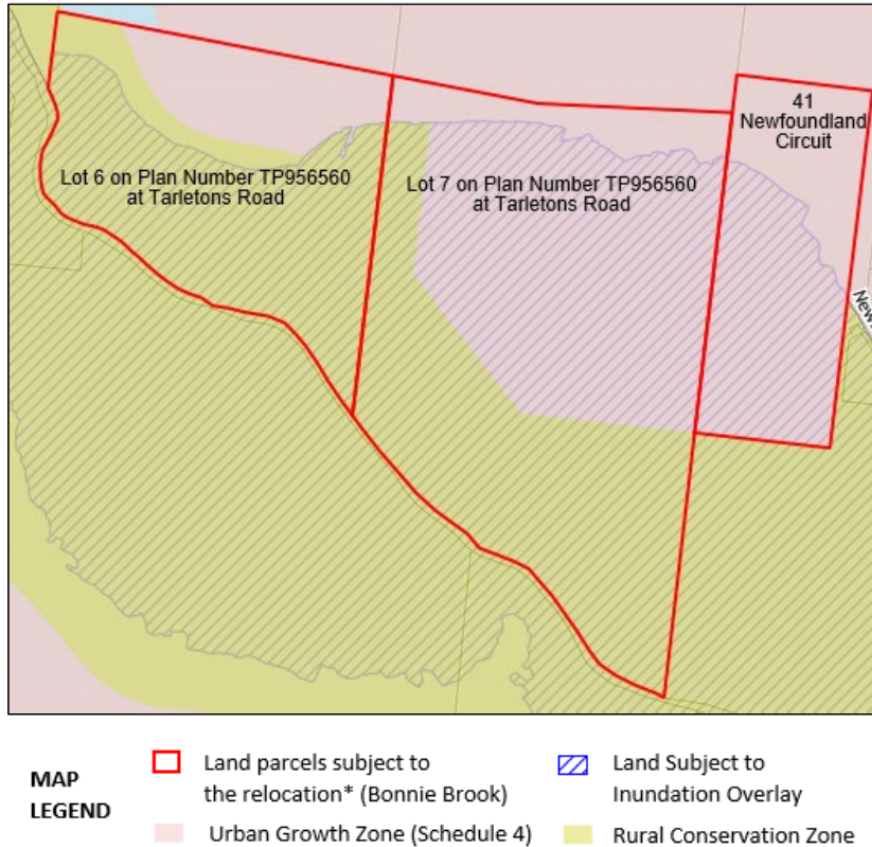
MAP LEGEND ● Existing site (Aintree) □ Land parcels subject to the relocation* (Bonnie Brook)

*Note: Proposed use does not occupy the entire area outlined in red. See SC08 map for extent of proposed use.

Proposed new site description (Bonnie Brook):

The three adjoining parcels above total approximately 17 hectares in area. The site is currently vacant and was previously used for farming and grazing.

Figure 2 – Map of proposed new site in Bonnie Brook



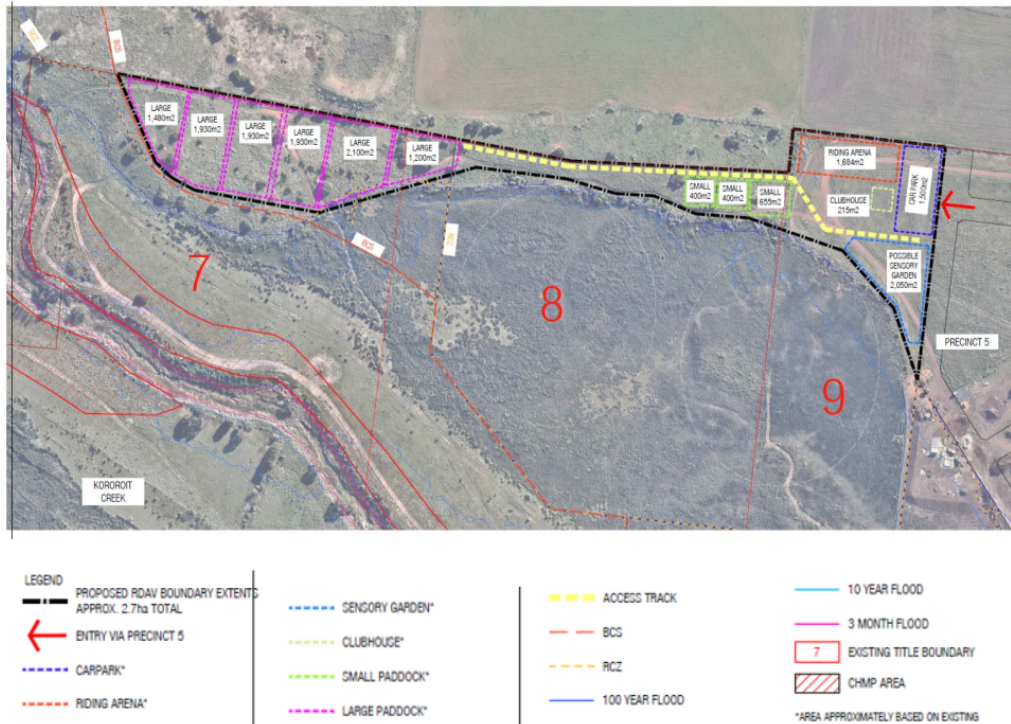
The northern boundary of the site abuts rural land identified for the future *Warrensbrook Precinct Structure Plan*. The southern and western boundary are formed by the Kororoit Creek environs, the Land Subject to Inundation Overlay (LSIO) and the Rural Conservation Zone (RCZ).

The biodiversity conservation values of the Kororoit Creek environs and RCZ were considered when planning for the proposed use and as a result, the horse-riding school has been located outside of environmentally sensitive areas. The proposed use has also been located outside the flood plain.

The proposed horse-riding school will occupy an area of approximately 3 hectares at the northern edge of the land, beyond the extent of the RCZ and LSIO. Access to the site is to be provided via 41 Newfoundland Circuit. See Figure 3 – Proposed Indicative Site Layout.

The proposed horse-riding school will be located on land identified in the *Rockbank North PSP* as future active open space and a residential area, both outside of the conservation area.

Figure 3 – Proposed Indicative Site Layout (MDG Landscape Architects, 2023)



What the amendment does

The amendment facilitates the relocation of a horse-riding school to an alternative site within the *Rockbank North PSP* area. A new site specific provision will be applied to the proposed site to allow the use until the active open space envisaged in the *Rockbank North PSP* is delivered. To correspond with the relocation, the site specific provision at the existing site will be revised to expire at an earlier date.

Specifically, the amendment makes the following changes:

- Amend the site specific provision for the existing site in Aintree by:
 - Updating the existing incorporated document.
 - Amending the Schedule to Clause 51.01 to list the updated incorporated document.
 - Amending the Schedule to Clause 72.04 to list the updated incorporated document.
- Introduce a new site specific provision for the new site in Bonnie Brook by:
 - Applying the Specific Controls Overlay (SCO) to the land.
 - Amending the Schedule to Clause 45.12 to list the new specific control and associated incorporated document.
 - Amending the Schedule to Clause 72.04 to list the new incorporated document.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to enable the ongoing operation of the RDAV horse-riding school within the *Rockbank North PSP* area.

The land at the existing site (Aintree) is being prepared for residential development as identified in the PSP. The RDAV horse-riding school was established at the existing site through a site specific provision introduced in 2013, which currently allows for its operation until 2043. It is proposed to be amended to expire in 2026 to enable the planned residential development. Amending the provision to expire in 2026 will ensure that the land is available to accommodate urban growth as designated in the PSP.

The land at the proposed new site (Bonnie Brook) is a location within the PSP area that is not anticipated to be developed until the final stages of the broader precinct. As such, the land at the proposed new site is considered an appropriate location for the horse-riding school to relocate to on an interim basis.

The use of land for a horse-riding school is prohibited under the Urban Growth Zone provisions as the land is designated to be developed land for urban uses in accordance with the PSP. To allow the interim use of a horse-riding school at the proposed site (Bonnie Brook), a new site specific provision is proposed.

As it is an interim use, the long term vision of the *Rockbank North PSP* will not be undermined and the development of the site for future Active Open Space and residential purposes identified in the PSP will not be prejudiced. The proposed 2034 expiry date for the provision accommodates the anticipated timeframes for delivery of the future active open space and residential area.

Notwithstanding the relevant provisions of the Urban Growth Zone, the proposed interim use is considered appropriate given that it is a low impact community use and consistent with the existing agricultural/grazing use of the land. The amendment will enable a needed community facility to continue operating whilst making use of land that would otherwise remain vacant for the medium to long term.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria as outlined in section 4(1) of the *Planning and Environment Act 1987* as follows:

a) *Provide for the fair, orderly, economic and sustainable use, and development of land;*

The amendment will result in the fair, orderly, economic and sustainable use of land by facilitating the interim use of land which addresses the needs of the Melton

community, whilst the land is in the process of transition from farming uses to residential uses.

c) Secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

The amendment will provide for a horse-riding school operated by Riding for the Disabled Association Victoria, a not-for-profit organisation that enables individuals with a variety of disabilities, ages and backgrounds to develop a range of skills through horse-riding.

f) Facilitate development in accordance with the objectives;

The amendment achieves this objective by introducing appropriate planning provisions to enable an interim use of the land consistent with state, regional and local planning policy.

g) Balance the present and future interests of all Victorians.

The proposed amendment has been drafted to ensure development of the site occurs in a logical manner, consistent with the objectives set out in paragraphs (a) and (c).

How does the amendment address any environmental, social and economic effects?

The amendment will result in a net community benefit by allowing an established community use to continue operations at a proposed new site, enabling residential development to proceed at the existing site as stipulated in the *Rockbank North PSP*.

The amendment provides for the fair and orderly use of the land by allowing an interim community based use that is compatible with the existing land use at the proposed new site, maximising the use of a site that would otherwise be vacant. The proposed interim use will not prejudice or undermine the long term development capacity of the site.

Environmental effects

The amendment will not have any adverse environmental effects, given the overall low intensity use proposed. Whilst the particular area of land the proposed use will occupy is adjacent to the existing waterway conservation corridor, there will be stock fencing enclosing the facility to prevent any environmental impacts from horse grazing. No native vegetation is proposed to be removed from the site as a result of the proposed use.

Social effects

The amendment will have a positive social impact, with a not-for-profit community use able to continue operating in the area on the proposed new site. The low intensity use, together with the site's locational context will ensure that there will be

minimal off-site amenity impacts.

Economic effects

The amendment will not have any adverse economic effects. Given the timeframes associated with the development of the wider precinct, it is appropriate that an interim use can be accommodated on the land that enables a more productive use of otherwise vacant land. The relocation of the use will also enable residential development to occur at the existing site in accordance with the *Rockbank North PSP*.

Does the amendment address relevant bushfire risk?

The affected land is identified as within a Bushfire Prone Area, however it is considered that the proposal will not result in any increased risk to life, property or the environment.

The particular area on the subject site that is to be occupied by the proposed use has been largely cleared of vegetation, having previously been used for farming. There will be a minimal change to the existing conditions as minimal built form is proposed and the use is considered to be a low impact activity.

The Country Fire Authority (CFA) will be notified during exhibition and given the opportunity to express their views.

Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?

The amendment has been prepared in accordance with the requirements of the *Ministerial Direction - The Form and Content of Planning Schemes* under section 7(5) of the *Planning and Environment Act 1987*.

The amendment responds to Outcome 5 of *Plan Melbourne* as the proposal supports a not-for-profit organisation to provide a community service, promoting inclusivity.

The amendment is consistent with *Ministerial Direction 11 (Strategic Assessment of Amendments)* under section 12 of the *Planning and Environment Act 1987*. The direction ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces, and this is demonstrated by this explanatory report.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment supports the Planning Policy Framework as noted below.

Clause 11 – Settlement

The objective of Clause 11.02-3S – Sequencing of Development is to manage the sequence of development in growth areas so that services are available from early in

the life of new communities. The proposed use and development of the land is highly consistent with the sequencing strategy for the project, in providing an interim use on land that is not expected to be ready for development for some time.

Clause 19.02 – Community Infrastructure

The objective of Clause 19.02.4S – Social and cultural infrastructure is to provide fairer distribution an access to social infrastructure by providing land for a range of accessible community resources. The provision of a community based use on the site supports this objective, by establishing a not-for profit use on land that can accommodate the use.

How does the amendment support or implement the Municipal Planning Strategy?

The amendment supports the following strategic directions of the Municipal Planning Strategy:

Clause 02.03-1 - Settlement

Planning for non-urban land seeks to:

- Protect the natural and cultural values of non-urban land.
- Support sustainable agricultural activities.

Planning for growth areas seeks to:

- Ensure PSP areas are not compromised by land fragmentation or land use and development.

The proposed use will not result in land fragmentation as no additional land parcels or lots will be created. The proposed interim use is considered appropriate whilst the land is in the process of transition from former farming uses to urban uses. The interim nature of the provision will not prejudice the development of the land as envisaged by the PSP.

Clause 02.03-2 - Environmental and landscape values

Planning for biodiversity seeks to:

- Protect and enhance biodiversity values while managing the impacts from growth and development.

Planning for landscapes seeks to:

- Design and site development to provide a sensitive interface with waterways and landscape and conservation areas.

Environmental sensitivity around the Kororoit Creek was taken into consideration when determining the location of the proposed use. The particular area the proposed use will occupy is identified in the PSP as future active open space and small residential area, not part of the conservation area. Overall, the proposed use is

considered a low impact activity and there will be minimal built form.

Clause 02.03-9 - Infrastructure

Planning for infrastructure seeks to:

- Enhance educational and recreational opportunities through the provision of community infrastructure, including new schools and youth services.
- Provide community facilities, infrastructure and services in an equitable and timely way.
- Discourage out of sequence development within growth areas.

The amendment allows for a needed community use on land that would otherwise be vacant. The interim nature of the provision will allow for future community facilities to be delivered as envisaged in the PSP.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions by utilising site specific provisions.

The existing site specific provision that applies to the existing site in Aintree was introduced in 2013. It provides for the establishment and operation of the RDAV horse-riding school as an interim use on the site until 2043. To correspond with the proposed relocation of the facility to a proposed new site, the expiry date is proposed to be amended to 2026. This allows sufficient time for the establishment of the horse-riding school at the proposed new site, and to prepare the Aintree site for the next stage of residential development as envisaged in the *Rockbank North PSP*.

The proposed amendment applies the Specific Controls Overlay (SCO) to the land in Bonnie Brook, which is the appropriate provision to achieve the particular land use and development outcome (RDAV horse-riding school). The SCO allows the land to be used in a manner that would otherwise be prohibited under the provisions of the Urban Growth Zone which apply to the land. This proposed site specific provision is an interim control set to expire in 2034, allowing for the land to be developed as is envisaged by the *Rockbank North PSP*.

How does the amendment address the views of any relevant agency?

The amendment seeks to facilitate use and development on land adjacent to an important area of biodiversity, which is protected under the Melbourne Strategic Assessments (MSA) Program (within the Department of Energy Environment and Climate Action). The proposed site specific provision requires that the appropriate consents are obtained prior to the development of the land, pursuant to the *Conservation, Forests and Lands Act 1987*.

The views of the Country Fire Authority, MSA Program team, Greater Western Water, Melbourne Water, Powercor, Victorian Aboriginal Heritage Register, Victorian Planning Authority, and the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation will be sought during the exhibition of the amendment.

The MSA Team and the Wurundjeri Woi Wurrung Aboriginal Cultural Heritage Aboriginal Corporation have requested changes to the amendment, all the changes requested by these authorities have been incorporated into the amendment.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is unlikely to have a significant impact on the transport system. The horse-riding school is an existing use and has operated for a considerable time. Its relocation will unlikely result in increased traffic or increased demand for transport services and infrastructure as there will be a similar number of patrons to the existing operations.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The amendment will not have any significant impact on the resource and administrative costs of the responsible authority. There will not be an increase in the number of planning permit applications as the new planning provisions seek a site specific exemption from the requirements of the planning scheme. Upon gazettal of the amendment, there will be limited resources required from the Responsible Authority.

Planning and Environment Act 1987

Melton Planning Scheme

Amendment C243melt

Instruction sheet

The planning authority for this amendment is the Melton City Council

The Melton Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of one (1) attached map sheet.

Overlay Maps

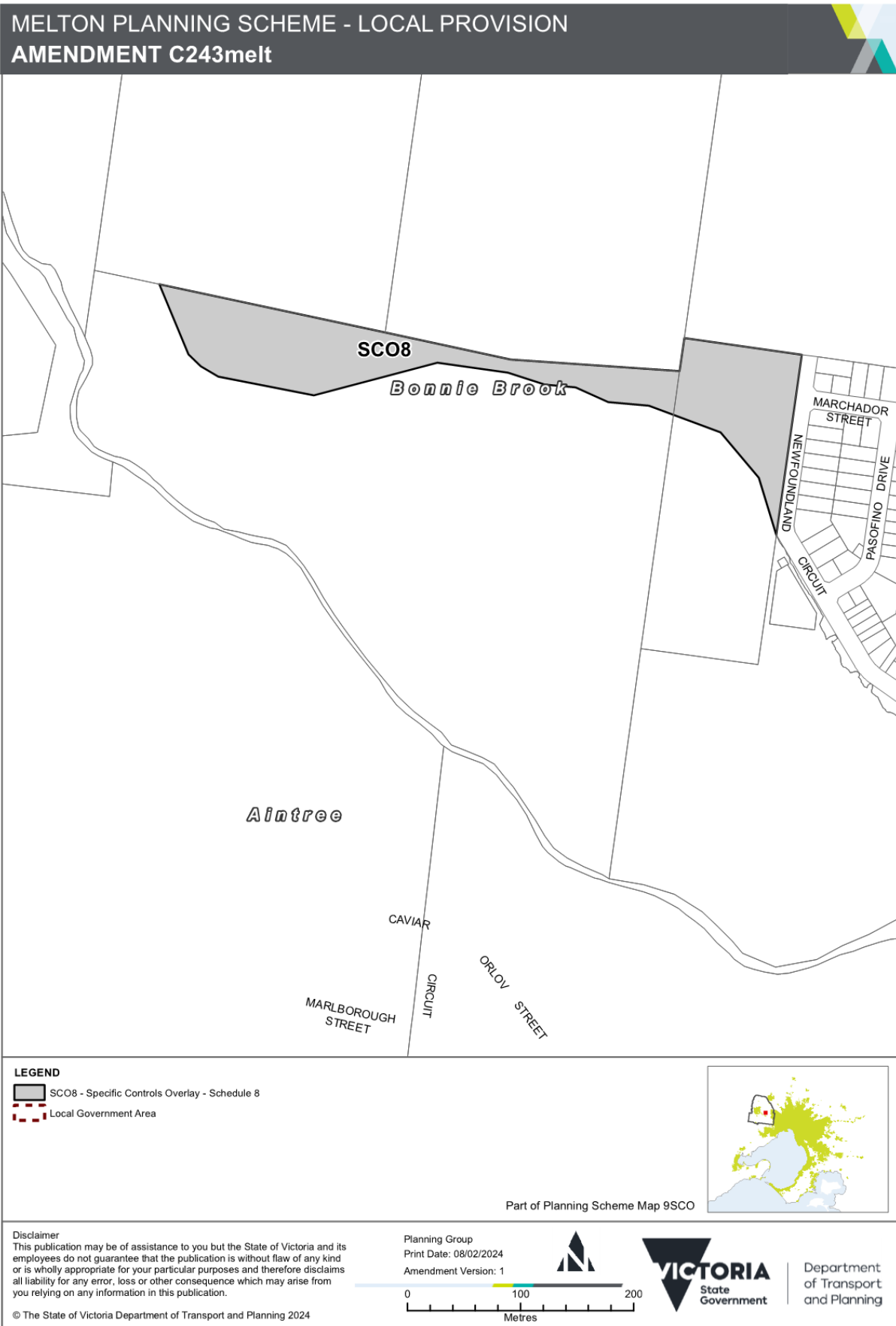
1. Insert new Planning Scheme Map No. 9SCO in the manner shown on the one (1) attached map marked "Melton Planning Scheme, Amendment C243melt".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

2. In **Overlays** – Clause 45.12, replace the Schedule with a new Schedule in the form of the attached document.
3. In **Particular Provisions** – Clause 51.01, replace the Schedule with a new Schedule in the form of the attached document.
4. In **Operational Provisions** – Clause 72.03, replace the Schedule with a new Schedule in the form of the attached document.
5. In **Operational Provisions** – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

End of document



MELTON PLANNING SCHEME

23/11/2020
C222melt

SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY

1.0

---/---/---
Proposed C243melt

Specific controls

PS Map Ref	Name of incorporated document
SCO1	Conditions for use of south-west corner of Greigs Road and Mount Cottrell Road, Melton, Crown Portions 1 and 2, Section 11, Parish of Pywheitjorck for Extractive Industry
SCO2	Calder Park Train Stabling and Maintenance Yards Incorporated Document, September 2012
SCO3	Mount Cottrell Water Storage Facility, Incorporated Document, February 2020
SCO4	Melton Renewable Energy Hub (MREH) – 77–347 Holden Road and 67 & 77 Victoria Road, Plumpton – Incorporated Document – April 2021
SCO5	Ravenhall Spoil Processing Facility, October 2020
SCO6	Ravenhall Concrete Manufacturing Facility Incorporated Document, July 2022
SCO7	New Melton Hospital Incorporated Document, June 2023
SCO8	RDAV Melton and District Riding for the Disabled Facility Incorporated Document, July 2024

MELTON PLANNING SCHEME

11/10/2018
GC96

SCHEDULE TO CLAUSE 51.01 SPECIFIC SITES AND EXCLUSIONS

1.0

Proposed C243melt

Specific sites and exclusions

Address of land	Title of incorporated document
Lots 1&2 LP 30733k, Plumpton Road, Rockbank	Conditions for use of Lots 1&2 LP 30733K, Plumpton Road for rock crushing
Land within and adjacent to the railway between Sunbury Railway Station to Watergardens Railway Station, the general extent of which is shown on the project locality maps in the incorporated document.	Sunbury Electrification Project Incorporated Document February 2010
Land required for the Palmers Road and Robinsons Road Upgrade as identified in clause 3 of the incorporated document.	Palmers Road and Robinsons Road Upgrade (Sayers Road to Western Freeway, Truganina) Incorporated Document, July 2012.
The land required for the RDAV Rockbank Facility at Lot 2 on TP821851 as identified on the site plan in the incorporated document.	RDAV Rockbank Facility Incorporated Document, July 2013 (Amended July 2024)
Land required for the Water for a Growing West Project as shown on the project plans included in the Incorporated Document	Water for a Growing West Project Incorporated Document, July 2014
1665-1715 Mount Cottrell Road, Mount Cottrell (Lot 3 on Plan of Subdivision LP141929)	Water for a Growing West Project Incorporated Document, July 2014
Land identified in clause 3 of the Palmers Road Upgrade Project (Western Freeway to Calder Freeway) Incorporated Document, June 2017.	Palmers Road Upgrade Project (Western Freeway to Calder Freeway) Incorporated Document, June 2017.
Stages 5, 6 and 13 of the approved Eynesbury Township Development Plan, February 2013	Eynesbury Township Stages 5, 6 and 13 Native Vegetation Removal and Offset Requirements, May 2017
The land required for the Ballarat Line Upgrade as identified in clause 3 of the incorporated document.	Ballarat Line Upgrade Incorporated Document, August 2018
Land required for the Outer Suburban Arterial Roads Program – Western Package as shown on the project area maps in the incorporated document.	Outer Suburban Arterial Roads - Western Package Incorporated Document, June 2017
The land required for the Toolern station as identified in clause 3 of the incorporated document.	Ballarat Line Upgrade - Toolern Station Incorporated Document, January 2018.
1198 Christies Road, Ravenhall (S3 PS723362)	Ravenhall Concrete Segment Manufacturing Facility Incorporated Document, June 2018
The land identified in Clause 3.0 of the Melbourne Metro Rail Project: Upgrades to the Rail Network Incorporated Document, May 2018.	Melbourne Metro Rail Project: Upgrades to the Rail Network Incorporated Document, May 2018.

MELTON PLANNING SCHEME

31/07/2018
VC148**SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?****1.0**---/---/---
Proposed C243melt**Maps comprising part of this planning scheme:**

- 1, 1HO, 1ESO, 1BMO
- 2, 2HO, 2ESO, 2BMO
- 3, 3DCPO, 3HO, 3ESO, 3DPO, 3MAEO
- 4, 4HO, 4ESO, 4DPO, 4PAO, 4BMO
- 5, 5HO, 5ESO, 5DPO, 5DCPO, 5BMO
- 6, 6HO, 6ESO, 6DCPO
- 7, 7DCPO, 7DPO, 7ESO, 7HO, 7PAO
- 8, 8DCPO, 8EAO, 8ESO, 8HO, 8IPO, 8PAO, 8SCO
- 9, 9DCPO, 9DPO, 9ESO, 9IPO, 9SLO, 9HO, 9LSIO, 9PAO, 9MAEO, 9SCO
- 10, 10HO, 10ESO, 10DPO, 10DCPO, 10IPO, 10LSIO, 10SBO, 10MAEO, 10PAO, 10SCO
- 11, 11HO, 11ESO, 11DDO, 11IPO, 11DPO
- 12, 12DCPO, 12DDO, 12DPO, 12ESO, 12HO, 12IPO, 12PAO, 12SLO, 12BMO, 12SCO
- 13, 13DCPO, 13DDO, 13EAO, 13ESO, 13HO, 13ICPO, 13IPO, 13LSIO, 13PAO, 13RO, 13SCO, 13SLO
- 14, 14HO, 14ESO, 14DDO, 14DPO, 14IPO, 14LSIO, 14SBO, 14SCO, 14PAO

MELTON PLANNING SCHEME

15/01/2024
VC249

SCHEDULE TO CLAUSE 72.04 INCORPORATED DOCUMENTS

1.0

--/--/--
Proposed C243melt

Incorporated documents

Name of document	Introduced by:
Australian Standard AS2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, Standards Australia Limited, 2015	VC107
Ballarat Line Upgrade Incorporated Document, August 2018	GC95
Ballarat Line Upgrade - Toolern Station Incorporated Document, January 2018	C194
Calder Park Train Stabling and Maintenance Yards Incorporated Document, September 2012	C125
Caroline Springs Town Centre Comprehensive Development Plan August 2000	C14
Chartwell Restructure Allotment Plan (August 1992)	NPS1
Conditions for use of Lots 1&2 LP30733K, Plumpton Road for rock crushing	C9
Conditions for use of south-west corner of Greigs Road and Mount Cottrell Road, Melton, Crown Portions 1 and 2, Section 11, Parish of Pywhetjork for Extractive Industry	C13
Design and Siting Guidelines for Rural Zones, Melton Shire Council, 1996	NPS1
<i>Diggers Rest Development Contributions Plan</i> (Growth Areas Authority, December 2023)	VC249
Diggers Rest Native Vegetation Precinct Plan, March 2012	C121
Diggers Rest Precinct Structure Plan, March 2012 (Amended September 2017)	C181
Eynesbury Station Incorporated Plan, September 2001	C20
Eynesbury Township Stages 5, 6 and 13 Native Vegetation Removal and Offset Requirements, May 2017	C176
Guidelines for the Preparation of Environmental Management Plans in Melton's Rural Areas, Melton Shire Council, 1996	NPS1
HO110 Kerr Farm Site 1780-1882 Boundary Road, Mt Cottrell Incorporated Plan (2009)	C71
HO112 65-543 Greigs Road, Truganina Incorporated Plan (2009)	C71
HO128 Stoneleigh Homestead Complex, 196 Sinclairs Road, Rockbank – Statement of Significance, June 2016	C147
Kororoit Precinct Structure Plan, December 2017 (Amended April 2019)	C203melt
Melbourne Metro Rail Project: Upgrades to the Rail Network Incorporated Document, May 2018	GC96
Melton Cemetery Incorporated Plan (2008)	C73
Melton Dry Stone Wall Study Volume 3 – Statements of Significance, February 2016	C100
<i>Melton North Precinct Structure Plan Development Contributions Plan</i> (Growth Areas Authority, December 2023)	VC249
Melton North Precinct Structure Plan, May 2010	C83
Melton Renewable Energy Hub (MREH) – 77–347 Holden Road and 67 & 77 Victoria Road, Plumpton – Incorporated Document – April 2021	C225melt
Melton Tourist Precinct Local Area Development Plan – February 1998	C4
Mount Cottrell Water Storage Facility, Incorporated Document, February 2020	C218melt

MELTON PLANNING SCHEME

Name of document	Introduced by:
Mt Atkinson & Tarneit Plains Infrastructure Contributions Plan, January 2020	C201melt
Mt Atkinson & Tarneit Plains Precinct Structure Plan, June 2017 (Amended January 2020)	C217melt
New Melton Hospital Incorporated Document, June 2023	C240melt
Outer Suburban Arterial Roads - Western Package Incorporated Document, June 2017	GC74
Palmers Road and Robinsons Road Upgrade (Sayers Road to Western Freeway, Truganina) Incorporated Document, July 2012	C81
Palmers Road Upgrade Project (Western Freeway to Calder Freeway) Incorporated Document, June 2017	C187
Paynes Road Precinct Structure Plan, February 2016	C161
Plumpton & Kororoit Infrastructure Contributions Plan, July 2018 (Amended July 2023)	C239melt
Plumpton Precinct Structure Plan, December 2017 (Amended April 2019)	C203melt
Ravenhall Concrete Manufacturing Facility Incorporated Document, July 2022	C230melt
Ravenhall Spoil Processing Facility, October 2020	C222melt
RDAV Rockbank Facility Incorporated Document, July 2013 (Amended July 2024)	C243melt
RDAV Melton and District Riding for the Disabled Facility Incorporated Document, July 2024	C243melt
Robinsons Road Employment Area South Native Vegetation Precinct Plan, February 2011	C65
<i>Rockbank Development Contributions Plan</i> (Victorian Planning Authority, December 2023)	VC249
Rockbank Precinct Structure Plan, August 2016	C145
<i>Rockbank North Development Contributions Plan</i> (Growth Areas Authority, December 2023)	VC249
Rockbank North Native Vegetation Precinct Plan, March 2012	C120
Rockbank North Precinct Structure Plan, March 2012	C120
Shire of Melton Heritage Study Stage 2: Volume 6- Statements of Significance, March 2009	C71
Small Lot Housing Code (Victorian Planning Authority, November 2019)	GC150
Statement of Significance - 161 Bulmans Road, Melton West, May 2011	C113
Statement of Significance: 2-98 Staughton Street, Melton South, "Behlen Shed" November 2018	C198melt
Statement of Significance: 2A Sherwin Court and 2 Killarney Drive, Melton, "Tara Stud (former) Outbuildings and Trees" November 2018	C198melt
Statement of Significance: 325 Clarkes Road, Brookfield, "Former Melton Stud" November 2018	C198melt
Statement of Significance: 398-428 Exford Road, Weir Views, "House" November 2018	C198melt
Statement of Significance: 430-458 Exford Road, Weir Views, "Staughton Infant Grave" November 2018	C198melt
Statement of Significance: 660A Beattys Road, Bonnie Brook, "Beattys Bridge" November 2018	C198melt

MELTON PLANNING SCHEME

Name of document	Introduced by:
Statement of Significance: 660A Beattys Road, Bonnie Brook, "Water Reserve Beattys Road" November 2018	C198melt
Statement of Significance: 687 Hopkins Road, Truganina, "Tibbermore" November 2018	C198melt
Statement of Significance: 1267-1289 Beattys Road, Grangefields, "Former Fulham Park" November 2018	C198melt
Statement of Underlying Provisions - Land reserved for the Outer Metropolitan Ring and the E6 Transport Corridor, July 2010 (updated May 2012)	C128
Sunbury Electrification Project Incorporated Document February 2010	C96
Tara Stud (former) Outbuildings, 2 Killarney Drive, Melton, Incorporated Plan October 2020	C198melt
Taylors Hill West Precinct Structure Plan (including the Taylors Hill West Native Vegetation Precinct Plan) May 2010 (Amended December 2016)	C178
<i>Taylors Hill West Development Contributions Plan</i> (Urban Enterprise, December 2023)	VC249
Toolern Park Precinct Structure Plan, August 2014	C122
<i>Toolern Park Development Contributions Plan</i> (Metropolitan Planning Authority, December 2023)	VC249
Toolern Precinct Structure Plan (including Toolern Native Vegetation Precinct Plan), July 2011 (Amended February 2019)	C172melt
<i>Toolern Development Contributions Plan</i> (Victorian Planning Authority, December 2023)	VC249
Water for a Growing West Project Incorporated Document, July 2014	GC18

MELTON PLANNING SCHEME

MELTON PLANNING SCHEME

Incorporated Document

**RDAV Rockbank Facility
Incorporated Document, July 2013
(amended July 2024)**

This document is an incorporated document in the Planning Scheme pursuant to Section 6(2)(j) of the Planning and Environment Act 1987

MELTON PLANNING SCHEME

INTRODUCTION:

This document is an incorporated document in the Schedule to Clause 52.03 and the Schedule to Clause 81.01 of the Melton Planning Scheme (the Scheme).

Despite any provision to the contrary in the Scheme, pursuant to Clause 52.03 of the Scheme, the land identified in this incorporated document may be used and developed in accordance with the specific controls contained in this document.

In the event of any inconsistency between the specific controls contained in this document and any provision of the Scheme, the specific controls contained in this document will prevail.

ADDRESS OF THE LAND:

The control in this document applies to a 1 hectare parcel of land at the south-west corner of Lot 2 on TP821581, adjacent to Leakes Road, Rockbank (the land), as shown in Appendix 1 of this document.

APPLICATION OF PLANNING SCHEME PROVISIONS:

The following provisions (both clauses and schedules) do not apply to the use and development of the land for the purpose only of a horse riding school as allowed by the control in this document:

- Clause 37.07 – Urban Growth Zone
- Clause 45.06 – Development Contributions Plan Overlay

THIS DOCUMENT ALLOWS:

Despite any provisions of the Melton Planning Scheme, no permit is required for use and development of a 1 hectare parcel of land at the south-west corner of Lot 2 on TP821581, adjacent to Leakes Road, Rockbank, for the purpose of a horse riding school, generally in accordance with the following 'Endorsed Plans' and including any amendment of the plans as required under the conditions of this Incorporated Document. Once approved, these plans will be the endorsed plans, and may be amended from time to time by the Responsible Authority.

The horse riding school is to be used exclusively by members of the Riding for the Disabled Association of Victoria.

Drawing Number	Drawing Title
LSK01	Concept Plan, prepared by MDG
LSK02	Site Plan, prepared by MDG

MELTON PLANNING SCHEME

THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

1. Prior to any works commencing, elevation plans for all buildings must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this document. The plans must be drawn to scale with dimensions and three copies must be provided.
2. The use and development must be carried out generally in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

Landscaping

3. Prior to any works commencing, a landscape plan must be submitted to and approved by the Responsible Authority.
4. The landscaping as shown on the approved landscape plans must be maintained to the satisfaction of the Responsible Authority.

Car Parking and Access

5. Prior to the use commencing, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
 - a) constructed with gravel or crushed rock to the satisfaction of Council
 - b) line marked to indicate each car space and all access lanes
 - c) clearly marked to show the direction of traffic along access lanes and drivewaysto the satisfaction of the Responsible Authority.
6. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
7. At the time of duplication of Leakes Road, amended plans must be submitted to and approved by VicRoads and the Responsible Authority providing for revised vehicular access to the site.

Noise, Lighting and Amenity

8. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land
 - b) appearance of any building, works or materials
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - d) presence of vermin
 - e) others as appropriate.
9. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

MELTON PLANNING SCHEME

10. Any Council assets affected by the development works must be reinstated at no cost and to the satisfaction of the Responsible Authority.

11. The use must only operate between the hours of:

a) 7am to 9pm, Monday to Sunday

unless otherwise agreed by the Responsible Authority.

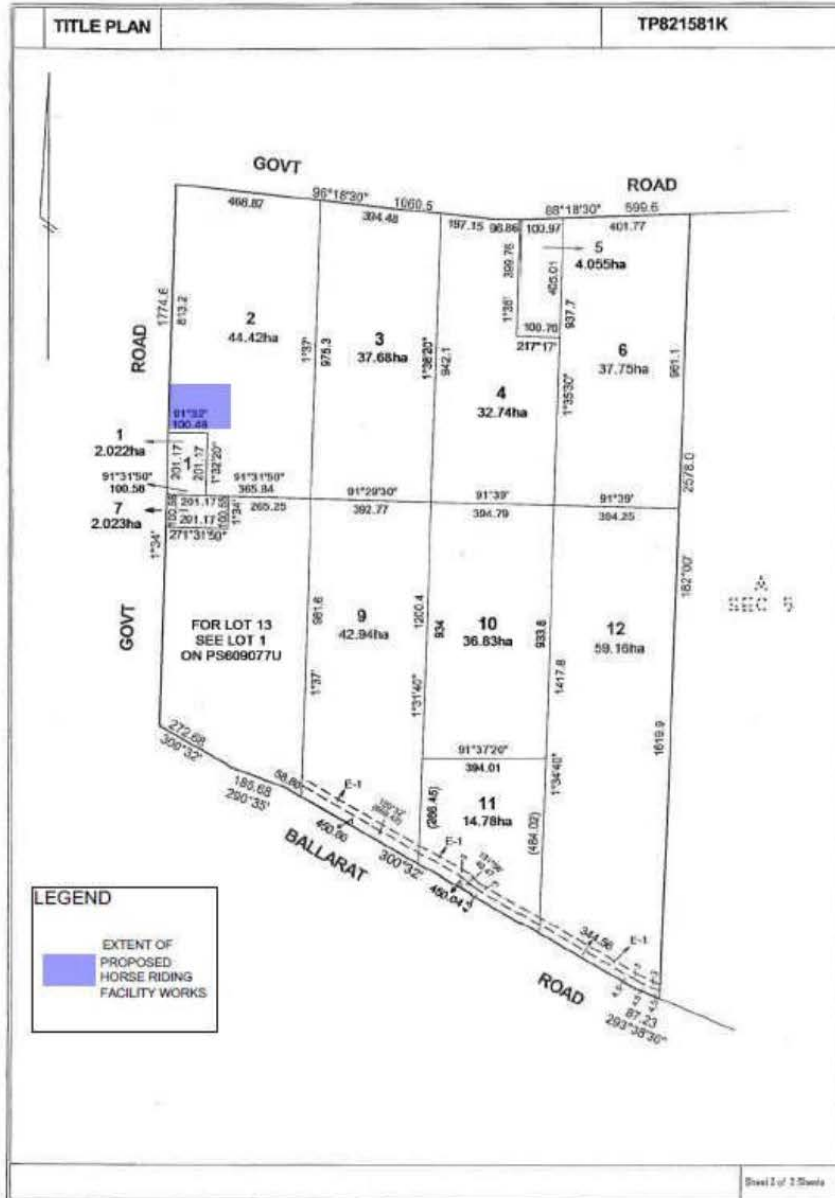
Expiry

12. The development permitted by this Incorporated Document will expire if the use and development is not started within two (2) years of the date of the gazettal of the planning scheme amendment. The Responsible Authority may extend the periods referred to if a request is made in writing before these controls expire or within three months afterwards.

13. Except with the written consent of the Responsible Authority, the use of the land for the purpose of a horse riding school must cease on or before 30 June 2026.

MELTON PLANNING SCHEME

APPENDIX 1 – SITE PLAN



END OF DOCUMENT



RDAV Melton and District Riding for the Disabled Facility

Urbis Ltd., July, 2024

MELTON PLANNING SCHEME

Incorporated Document

This document is an incorporated document in the Melton Planning Scheme pursuant to section 6(2)(j) of the Planning and Environment Act 1987

OFFICIAL

Incorporated Document Melton Planning Scheme, July 2024

1.0 INTRODUCTION

This document is an Incorporated Document in the schedules to Clause 45.12 – Specific Controls Overlay (SCO) and Clause 72.04 – Incorporated Documents of the Melton Planning Scheme (scheme).

The land identified in Clause 2.0 of this document may be used and developed in accordance with the specific controls contained in Clauses 6.0 and 7.0 of this document.

2.0 LAND DESCRIPTION

This document applies to the adjoining parcels of land at:

- 41 Newfoundland Circuit, Bonnie Brook 3335;
- Lot 6 on Plan Number TP956560 at Tarletons Road, Bonnie Brook 3335 (Standard Parcel Identifier: 6\TP956560); and
- Lot 7 on Plan Number TP956560 at Tarletons Road, Bonnie Brook 3335 (Standard Parcel Identifier: 7\TP956560)

known as ‘the land’ being all of the land within SCO8 – RDAV Melton and District Riding for the Disabled Facility.



Figure 1 – Map of land subject to this Incorporated Document, shaded in grey

3.0 APPLICATION OF PLANNING SCHEME PROVISIONS

Despite any provision to the contrary or any inconsistent provision in the scheme, pursuant to Clause 45.12 of the scheme the land identified in the incorporated document may be used and developed in accordance with the specific controls contained in this document.

In the event of any inconsistency between the specific controls contained in this document and general provisions of the scheme, the specific controls contained in this document will prevail.

4.0 EXPIRY OF THIS SPECIFIC CONTROL

The development of the land permitted under this Incorporated Document must:

- Commence within two (2) years of the gazettal date of Amendment C243melt to this scheme.
- Except with the written consent of the responsible authority, the use of the land for the purpose of a horse-riding school must cease on 30 June 2034

The use permitted under this Incorporated Document must commence within two (2) years of the gazettal date of Amendment C243melt to this scheme.

The Minister for Planning may extend the period for commencement if a request is made in writing before the time for commencement expires or within six months afterwards.

The Minister for Planning may extend the date for the completion of the development if a request is made in writing before the time for completion expires or within 12 months after the time for completion expires and the development is started lawfully before the approval expired.

This Incorporated Document will expire twelve months after the date of the issuing of the Certificate of Occupancy for the last stage of the development or as otherwise agreed in writing by the Minister for Planning.

Upon expiry of the specific control, the land may be used and developed only in accordance with the provisions of the planning scheme in operation at that time.

5.0 PURPOSE

The purpose of this incorporated document is to permit the use and development of the land for a horse-riding school generally in accordance with the plans approved in Clause 6.0 of this document and subject to the Clause 7.0 conditions of this document.

6.0 DETAILED DEVELOPMENT PLANS:

This document allows the use and development of the land for the purposes of the project set out in the detailed development plans endorsed under the conditions of this incorporated document. Detailed development plans must be generally in accordance with the plans prepared by MDG, titled RDAV Relocation Plans and dated 1/08/2023, as follows:

- RDAV Relocation Context Plan, LSK00, August 2023
- RDAV Relocation Plan, LSK01, August 2023

including any amendment of the plans that may be approved from time to time under the clauses of this document.

7.0 CONDITIONS

The following conditions apply to the use and development allowed by this incorporated document:

Detailed development plans

1. Before the use and development starts, plans must be approved and endorsed by the responsible authority. The plans must:
 - a) Be prepared to the satisfaction of the responsible authority.
 - b) Be drawn to scale with dimensions.
 - c) Be submitted in electronic form.
 - d) Show the following details:
 - i. Site layout, including horse paddocks/yards and riding trails.
 - ii. Location, height, internal layout, and materials of any buildings/structures. Please note the muted colours / materials must be used.

Landscaping

2. Before the development starts, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must:
 - a) Be prepared to the satisfaction of the responsible authority.
 - b) Be prepared by a suitably qualified person.
 - c) Have plans drawn to scale with dimensions.
 - d) Include the following:
 - i. Layout of landscaping and planting within all open areas of the subject land.
 - ii. Names of all existing vegetation to be retained and/or removed.
 - iii. Details of surface finishes of pathways and driveways
 - iv. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

The responsible authority may consent in writing to vary any of these requirements.

3. Before the use and development starts, a Stormwater Management Strategy (SWMS) must be prepared to the satisfaction of the relevant Responsible Authorities [and the Secretary to the Department of Environment, Land, Water, and Planning \(as constituted under Part 2 of the Conservation, Forests and Lands Act 1987\)](#). ~~and~~ The SWMS must be approved by the relevant Responsible Authorities [and the Secretary to the Department of Environment, Land, Water, and Planning \(as constituted under Part 2 of the Conservation, Forests and Lands Act 1987\)](#).
4. The use and development must be carried out generally in accordance with the endorsed plans that may be amended from time to time by the Responsible Authority.
5. Before the use commences, the landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the Responsible Authority.
6. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the responsible authority.

Engineering

7. Prior to the commencement of the use hereby permitted, all necessary stormwater management infrastructure must be designed and constructed in accordance with the approved Stormwater Management Strategy [SWMS] to the satisfaction of the relevant Responsible Authorities.

Car Parking and Access

8. Before the use commences, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed with gravel or crushed rock to the satisfaction of Council.
 - b) Line marked to indicate each car space and all access lanes.
 - c) Clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the responsible authority.
9. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
10. Car parking spaces for the sole use of vehicles suitably identified as those of disabled persons must be provided to the satisfaction of the Responsible Authority.
11. Accessible parking spaces should be located as close as possible to the building entrance and signed.
12. No fewer than 29 car space(s) must be provided on the land for the use and development, including two (2) spaces clearly marked for use by disabled persons.
13. Prior to the commencement of the use hereby permitted, an industrial standard crossover must be constructed on Newfoundland Circuit to the satisfaction of the Responsible Authority. A 'Consent to Work within a Road Reserve' must be obtained from Council prior to the commencement of construction.
14. Prior to the commencement of any works, the car parking layout and access track must be designed and approved to the satisfaction of the Responsible Authority. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.
15. Prior to the commencement of the use hereby permitted, the car park and access track (at the entrance) must be constructed to the satisfaction of the Responsible Authority.

Noise, Lighting and Amenity

16. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods, or commodities to or from the land.
 - b) appearance of any building, works or materials.
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.
 - d) presence of vermin.

- e) others as appropriate.
17. The use may operate only between the hours of 9am and 5pm Monday – Saturday.
 18. External lighting must be designed, baffled, and located so as to prevent any adverse effect on adjoining land, [including land identified as 'Conservation Area' in the Rockbank North Precinct Structure Plan](#) to the satisfaction of the responsible authority [and the Secretary to the Department of Environment, Land, Water and Planning as constituted under Part 2 of the Conservation, Forests and Lands Act 1987](#).
 19. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
 20. The nature and colour of building materials used in the construction of the buildings and works hereby permitted must be of a non-reflective finish and in muted tones to the satisfaction of the responsible authority.

Security of conservation land

21. ~~A permit to subdivide land containing a 'conservation area' as shown in the Rockbank North Precinct Structure Plan must include the following condition:~~

~~The owner of the land must, as part of the plan of subdivision (or the first plan of subdivision submitted for registration, in the case of any staged subdivision), create the 'conservation area' as a separate lot or reserve. The boundaries of the lot or reserve on the plan of subdivision are subject to the prior satisfaction of the Secretary to the Department of Environment, Land, Water and Planning as constituted under Part 2 of the Conservation, Forests and Lands Act 1987 (Secretary). The owner must further secure the conservation area, by causing that lot or reserve to be vested, transferred, or protected in perpetuity in one of the following ways:~~

- ~~• Prior to a statement of compliance being issued for the plan of subdivision (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), enter into an agreement under section 173 of the Planning and Environment Act 1987 by which the owner agrees to transfer ownership of the conservation area to, or to vest the conservation area in, the Minister responsible for section 5 of the Crown Land (Reserves) Act 1978, the Council or Melbourne Water. The transfer or vesting must either be for no or nominal consideration. The Secretary and the person or body to whom the land is to be transferred or vested must also be a party to the agreement. The terms of the agreement must include that the owner pays the reasonable costs of the other parties to the agreement that were incurred for the preparation, execution, and registration of the agreement. The owner must cause the agreement to be registered prior to lodgement of the plan of subdivision for registration; or~~
- ~~• Prior to a statement of compliance being issued for the plan of subdivision (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), enter into an agreement with the Secretary under section 69 of the Conservation, Forests and Lands Act 1987, which provides for the conservation and management of the conservation area by or on behalf of the owner in perpetuity. The terms of the agreement must include that the owner pays the reasonable costs of the Secretary incurred for the preparation, execution, and registration of the~~

~~agreement. The owner must cause the agreement to be registered prior to lodgement of the plan of subdivision for registration.~~

~~The requirement to include the above condition does not apply if the permit applicant provides the responsible authority with a statement in writing from the Secretary, as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*, that the condition is not required because the Secretary is satisfied that either:~~

- ~~• the land containing the conservation area is expected to be further subdivided and a further planning permit will be required for that subdivision (to which the above condition requirement will apply); or~~
- ~~• the conservation area has been or will be otherwise secured in perpetuity.~~

Fencing of conservation areas

~~22. A permit granted to subdivide land where works are required to carry out the subdivision, or a permit granted to construct a building or carry out works, on land including or abutting a conservation area as shown in the *Rockbank North Precinct Structure Plan*, must include the following condition:~~

21. Prior to the commencement of [the use and](#) development, a conservation area fencing plan must be submitted to and approved by the Secretary to the Department of Environment, Land, Water, and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) (Secretary) to ensure the conservation area is adequately protected. The fencing plan must contain the following:

- The boundaries of any conservation area, and the location of any scattered tree and the boundaries of any patch of native vegetation within the conservation area.
- The location and alignment of temporary protection fencing showing the following minimum distance from the element to be protected:

Element	Distance
Conservation area	0.5 metres
Scattered tree	12 x diameter at a height of 1.3 metres
Patch of native vegetation	2 metres

- The timing of installation and removal of temporary protection fencing.
- The timing of installation of permanent fencing.
- Location and details of ongoing maintenance vehicle access points.
- The type of temporary and permanent fencing including materials, heights and spacing of uprights.
- Frequency of inspections and rectification works for temporary protection fencing.

[Prior to the commencement of the use hereby permitted, the works shown in the approved fencing plan](#) ~~Once approved the plan will form part of the permit and~~ must be implemented to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning and the responsible authority.

Stockpiles, fill, machinery, vehicle parking, excavation, and construction activity or livestock of any kind must not be brought into, or be undertaken within, the area to be fenced at any point following commencement of the use hereby permitted, except with the prior written consent from the Secretary.

Correct alignment of protective fencing

22. Buildings and works must not commence until written evidence that protection fencing has been erected in accordance with the approved Conservation Area Fencing Plan is provided by a suitably qualified land surveyor to the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) (Secretary), and the Secretary confirms it is satisfied by the evidence.

Construction environmental management plan

- ~~23. A planning permit to subdivide land, construct a building, or construct or carry out works on or within 50 metres of land shown as a conservation area in the incorporated *Rockbank North Precinct Structure Plan* must include the following condition:~~
23. Before any works start, a Construction Environmental Management Plan consistent with *DELWP requirements for Construction Environmental Management Plans under the Melbourne Strategic Assessment* (Department of Environment, Land, Water and Planning, November 2020) must be submitted to and approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) and the responsible authority, demonstrating how the conservation area will be protected during works.

~~Once~~The approved ~~the~~ plan ~~will form part of the permit and~~ must be implemented to the satisfaction of the Secretary and the responsible authority.

Eastern Grey Kangaroo

- ~~24. Prior to the commencement of any works in a stage of subdivision an Eastern Grey Kangaroo Management Plan must be submitted for approval to the Department of Sustainability and Environment. The plan must include:~~

- ~~• Strategies (e.g. staging) to avoid land locking Eastern Grey Kangaroos, or where this is not practicable, management solutions and actions to respond to their containment in an area with no reasonable likelihood of their continued safe existence.~~

~~The subdivision and associated works must implement the Eastern Grey Kangaroo Management Plan in the timeframes set out in the plan by:~~

- ~~• Proceeding in the order of stages as shown on the plan;~~
- ~~• Implementing the management solutions and actions of the Plan.~~

~~all to the satisfaction of the Department of Sustainability and Environment and the Responsible Authority.~~

Land management plan for conservation area

- ~~25. A permit to subdivide land containing a conservation area as shown in the *Rockbank North Precinct Structure Plan* must include the following condition:~~
- ~~26. Prior to the commencement of development, a land management plan for the conservation area land must be prepared by a suitably qualified consultant, submitted to, and approved by the Secretary to the Department of Environment, Land, Water, and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) (Secretary). The land management plan must outline how the biodiversity values for the land identified in the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, 2013) will be maintained, managed, and improved, including:~~
- ~~• How environmental weeds will be managed up until the securing of the conservation area.~~
 - ~~• How any revegetation will be undertaken in coordination with weed management activities to prevent re-colonisation of weed species.~~
 - ~~• How rubbish and hazards will be removed, and any contaminated material managed up until the securing of the conservation area.~~
- ~~Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary and the responsible authority.~~

Cultural Heritage Permit

- ~~24. Before works commence, a Cultural Heritage Permit must be sought from the relevant Registered Aboriginal Party, unless otherwise agreed in writing by the Registered Aboriginal Party.~~

Bushfire Emergency Management Plan

- ~~25. Before the use commences, a Bushfire Emergency Management Plan (BEMP) must be prepared, approved, and implemented to the satisfaction of the responsible authority.~~

Expiry

26. The development permitted by this Incorporated Document will expire if the use and development is not started within two (2) years of the date of the gazettal of the approved amendment.
- The Responsible Authority may extend the periods referred to if a request is made in writing before these controls expire or within three months afterwards.
27. Except with the written consent of the responsible authority, the use of the land for the purpose of a horse-riding school must cease on 30 June 2034.

Incorporated Document Melton Planning Scheme, July 2024

Note:

Any use or development of the site must be consistent with the approved Cultural Heritage Management Plan identified as 'Rockbank North Residential Subdivision, Cultural Heritage Management Plan 13717' prepared by Extent Heritage and dated 12 May 2017.

END OF DOCUMENT

12.2 FINANCE REPORT FOR PERIOD ENDED 30 SEPTEMBER 2024

Author: Natalie Marino - Manager Finance
Presenter: Peter Leersen - Director Organisational Performance

PURPOSE OF REPORT

To present the 2024/2025 Finance Report for the three months ended 30 September 2024.

RECOMMENDATION:

That Council note the 2024/2025 Finance Report for the three months ended 30 September 2024, contained at **Appendix 1**.

REPORT

1. Executive Summary

Section 97 of the Local Government Act 2020 specifies as soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public.

The purpose of this report is to provide Council with the relevant and timely financial information in accordance with Section 97 of the Local Government Act 2020, that compares actuals for the three months ending 30 September 2024 and the approved budget for the same period as is detailed in **Appendix 1**.

2. Background/Issues

Section 97 of the *Local Government Act 2020* specifies as soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public.

A quarterly budget report (**Appendix 1**), must include;

- a comparison of the actual and budgeted results to date;
- an explanation of any material variations; and
- any other matters prescribed by the regulations.

The Audit and Risk Committee reviewed and noted the September 2024 quarter financial report on 5 December 2024 with no changes required following that review.

Council remains in a financially positive position that sets up Council for the remainder of the financial year to pay for and deliver the services and capital investment the community needs.

Council's Financial Management reporting process is to thoroughly analyse each month the key revenue and expenditure items that result in material variance when compared against the budget and to forecast quarterly the year end expectation, considering knowledge of operations, current trends and changes in external factors.

Whilst the financial report presented at **Appendix 1** is prepared in accordance with Australian Accounting Standards, they contain developer contribution and capital grant revenue items that are common in a growth Council which are received in the current financial year to build future facilities like childcare & community centres, roads, ovals, parks and open spaces. Most of this money can only be used for these purposes.

As a result, these developer and capital grant revenue transactions **distort the 'true' underlying financial performance and cash surplus position** of Council within the current financial year.

Table 1 below provides a management accounting summary of the financial performance for the three months ending 30 September 2024 which removes all developer contributions and capital grant revenue items relating to the growth of the region to report the adjusted operating surplus which better reflects the underlying financial performance of Council.

Table 1: Adjusted Operating Surplus – Year ended 30 September 2024

	YTD Actual 30 Sep 24 (\$'000)	YTD Budget 30 Sep 24 (\$'000)	Variance (\$'000)
Income	259,574	254,045	5,529
Expenses	63,682	63,524	(157)
Surplus for the year	195,893	190,521	5,372
Net asset revaluation increment	-	-	-
Total Comprehensive Result	195,893	190,521	5,372
Less: Capital and Non-Operating Items			
Contributions - monetary	16,600	16,455	145
Contributions - non-monetary	3,704	3,385	320
Net asset revaluation increment/(decrement)	-	-	-
Fair value increment investments	2,075	-	2,075
Grants - capital	10,900	7,058	3,842
Net gain on disposal of assets	1,765	635	1,130
	35,044	27,532	7,512
Adjusted Operating Surplus	160,849	162,989	(2,140)

Council's adjusted operating result as at 30 September 2024 was a surplus of \$160.8 million compared to a budget of \$162.9 million which is unfavourable to budget. This unfavourable variance is largely attributable to an increase in material and services expenditure (\$2.5 million) and supplementary rate income lower than anticipated (\$1.8 million) partially offset by an increase in capital grant income (\$3.8 million) and savings in employee costs (\$2.5 million).

The actual capital expenditure incurred as at 30 September 2024 was \$20.4 million of the \$223.1 million capital budget.

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 notes the operating surplus for the nine months ended 31 March 2024 and other financial matters outlined in **Appendix 1**.

5. Consultation/Public Submissions

N/A

6. Risk Analysis

The financial report (**Appendix 1**), provides transparency over the financial performance of Council and will ensure Council's continued compliance with the legislative requirements.

7. Options

The Council can:

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

LIST OF APPENDICES

1. Finance Report September 2024



Melton City Council

Finance Report 2024/2025

Three Months Ended 30 September 2024

A vibrant, safe and liveable City accessible to all





**Quarterly Finance Report
Three Months Ended 30 September 2024**

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Melton City Council

Quarterly Finance Report For the three months ended 30 September 2024

Executive Summary

Operating Results

This report compares the actual results for the three months ended September 2024 against the adopted year to date budget for the same period.

The operating surplus before transfers for the three months ended 30 September was \$195.9m. When compared against the budgeted year to date result of \$190.5m, Council has recorded a favourable variance of \$5.4m.

A detailed analysis of operating revenue and expenditure variances by line items, are outlined on the subsequent pages of this report.

Capital Expenditure

The adopted Council capital expenditure budget for 2024/25 is a total of \$223.1m. This consists of \$35.9m in budgeted carry forwards from 2023/24.

Total developer contribution in-kind works budget for 2024/25 is \$85.6m. These works when completed by landholders will offset their developer contribution liability to Council. Where the value of completed works handed over to Council varies from the Developer Contribution Plan (DCP) obligations, the resultant rolling credit or debit transactions will be carried forward to be set off against future obligations or for settlement to/by Council from the developer contribution reserve funds.

The actual capital expenditure completed as at the end of 30 September was \$20.4m which was 62% or \$32.7m less than the year to date capital expenditure budget for September of \$53.1m.

Capital delivery is forecasting to achieve \$212.5m of capital works for the year which is \$10.6m less than the adopted budget.

To maximise project delivery, Council is focusing on:

- Planning for Cultural Heritage Management Plans;
- Early identification of utilities and services that may need relocation before a build can proceed;
- Confirming ownership of land which may involve acquisition of land and/or transfer of land titles to Council; and

- Ensuring appropriate resourcing of projects.

An analysis broken down by category of expenditure has been included with this report.

Cash on Hand and Investments

Council's total cash position as at the end of the first quarter 30 September is \$610.1m. This balance comprises \$130.3m in investments and the balance of \$479.8m is represented as cash on hand. Commitments against the total cash position include carry forward expenditure, employee entitlements, and developer contributions received for future capital works.

Debtors

Trade and Other Receivables outstanding at the end of the first quarter totalled \$175.5m, compared with last year's balance for the same period of \$164.4m. The largest component of the \$175.5m is Rates Debtors which ended the period at \$160.1m. Overdue rates at the end of September amount to \$19.3m on 8,759 properties.

Melton City Council Finance Report								
Income and Expenditure Statement								
Three Months Ended 30 September 2024								
2023/24 Q1 YTD Actuals (\$'000)	Income/Expenditure	Notes	YTD Actuals (\$'000)	YTD Budget (\$'000)	YTD Variance (\$'000)	2024-25 Full Year Adopted Budget (\$'000)	2024-25 Q1 Forecast (\$'000)	Variance (\$'000)
Income								
170,890	Rates & Charges	1	183,986	185,772	(1,786)	192,255	192,255	0
3,277	Statutory Fees and Fines	2	3,374	2,989	385	13,841	13,833	(8)
3,027	User Fees	3	2,728	2,808	(80)	12,951	12,764	(187)
4,811	Grants- Operating	4	25,584	26,304	(720)	40,212	40,754	542
1,197	Grants- Capital	5	10,900	7,058	3,842	28,243	34,193	5,950
10,434	Contributions Monetary	6	16,600	16,455	145	97,951	81,885	(16,066)
7,507	Contributions Non Monetary	7	3,704	3,385	320	185,846	179,305	(6,541)
(1,106)	Net Gain/(Loss) on Disposal of IPP&E	8	1,765	635	1,130	23,426	23,306	(120)
7,607	Other Income	9	8,859	8,642	217	37,794	39,203	1,409
0	Fair value Adjustment	10	2,075	0	2,075	0	2,075	2,075
207,644	Total Income		259,574	254,045	5,529	632,519	619,573	(12,946)
Expenditure								
15,915	Employee Costs	11	21,990	24,468	2,478	82,204	81,425	779
18,220	Material Costs	12	26,000	23,532	(2,468)	121,310	129,303	(7,993)
230	Bad and Doubtful Debts	13	455	249	(206)	1,352	1,624	(272)
14,249	Depreciation and Amortisation	14	15,230	15,236	6	56,851	57,100	(249)
32	Borrowing Costs	15	6	32	25	482	185	297
0	Finance Cost- Leases	16	0	7	7	72	72	0
48,646	Total Expenditure		63,682	63,524	(157)	262,271	269,709	(7,438)
158,999	Total Surplus/Deficit Before Transfers.		195,893	190,521	5,372	370,248	349,864	(20,384)
Other Comprehensive Income								
0	Net asset Revaluation Increment/(decrement)		0	0	0	0	0	0
158,999	Total comprehensive Result		195,893	190,521	5,372	370,248	349,864	(20,384)
Reserve Transfers								
4,730	Transfers From Reserves		8,389	8,317	72	55,469	116,134	60,665
(12,062)	Transfer to Reserve		(19,841)	(19,201)	(640)	(144,032)	(119,505)	24,527
(7,331)	Total Net Transfers - Income/(Exp)		(11,452)	(10,883)	(568)	(88,563)	(3,371)	85,192
151,667	Total Surplus/(Deficit) Net of Transfers		184,441	179,638	4,803	281,685	346,493	64,808
Underlying Surplus/(Deficit)								
158,999	Total comprehensive Result (per above)		195,893	190,521	5,372	370,248	349,864	(20,384)
Less								
1,197	Grants- Capital		10,900	7,058	(3,842)	28,243	34,193	5,950
17,941	Contributions		20,304	19,839	(465)	283,797	261,190	(22,607)
(1,106)	Net Gain/(Loss) on Disposal of IPP&E		1,765	635	(1,130)	23,426	23,306	(120)
0	Fair value increment on investment properties		2,075	0	(2,075)	0	0	0
0	Net asset Revaluation Increment/(decrement)		0	0	0	0	0	0
140,967	Underlying Surplus/(Deficit)		160,849	162,989	(2,140)	34,782	31,175	(3,607)

Melton City Council Finance Report

Income and Expenditure Statement - Significant Variance Comments

Three Months Ended 30 September 2024

The Local Government (Planning and Reporting) Regulations 2020 requires explanation of any material variances. Council has adopted a materiality threshold of the lower of 10 percent or \$250,000 where further explanation is warranted. Explanations have not been provided for variations below the materiality threshold unless the variance is considered to be material because of its nature.

Income/Expenditure	Notes	YTD Actual (\$'000)	YTD Budget (\$'000)	Variance - Fav/(Unfav) (\$'000)	YTD Actuals vs YTD Budget Variance Explanations
Income					
Rates & Charges	1	183,986	185,772	(1,786)	Rates & Charges are unfavourable compared to YTD Budget by (\$1.79m) mainly due to unfavourable variance of (\$1.59m) in Supplementary Rates (due to lower than expected number of properties titled) & Rebate on Rates (\$0.20m)
Statutory Fees and Fines	2	3,374	2,989	385	Statutory Fees and Fines are \$0.39m favourable compared with YTD Budget due to favourable variances in the following areas - Parking & infringement \$0.29m , Court Recoveries \$0.12 & Other Statutory Fees \$0.01m . The favourable variance is partially offset by unfavourable variances of (\$0.04m) in Permit Fees.
User Fees	3	2,728	2,808	(80)	User Fees are unfavourable against YTD Budget by (\$0.08m) primarily due to an unfavourable variance of (\$0.11m) in rental income from properties hire which is partially offset by a favourable variance of \$0.03m from Sundry Fees & Client Fees.
Grants- Operating	4	25,584	26,304	(720)	Operating Grants are unfavourable by (\$0.72m) mainly due to the following- ** Road Construction - Bridge Road, Cobblebank - (\$0.31m) ** CHSP Programs - (\$0.28m) ** Empowering Communities Project - (\$0.16m) ** Various small grants - (\$0.07m) The unfavourable variance is partially offset by a favourable variance of \$0.10m in Community Connect Programs.
Grants- Capital	5	10,900	7,058	3,842	Capital Grants are favourable by \$3.84m mainly due to favourable variance of \$8.27m in the following- ** Plumpton Children's Centre & Neighbourhood House - \$2.33m ** Melton Recycling Facility Stage 2 - \$1.78m ** Cobblebank Community Services Building Construction - \$1.71m ** Road Safety Project - Creamery Road, Toolern Vale - \$1.07m ** Weir Views Children and Community Centre - \$0.54m ** Various other grants - \$0.84m The favourable variance is partially offset by an unfavourable variance of (\$4.43m) is mainly due to timing of various budgeted grants that were not received- ** Aintree Children and Community Centre - (\$1.34m) ** Mt Atkinson East Sports Reserve - (\$0.70m) ** Various other grants - (\$2.39m)
Contributions Monetary	6	16,600	16,455	145	Contributions Monetary ended favourable to budget due to a stronger housing market and the timely settlement of land and completion of subdivisions.
Contributions Non Monetary	7	3,704	3,385	320	This revenue item recognises infrastructure assets provided to Council by Developers after the completion of sub-divisions. Contributions Non- Monetary ended the period favourable to budget due to timing difference in budget profiling.
Net Gain/(Loss) on Disposal of IPP&E	8	1,765	635	1,130	The favourable variance of \$1.13m is mainly due to favourable variance of \$1.38m being unbudgeted works in kind from developers which was partially offset by unfavourable variance of (\$0.25m) due to less than budgeted Atherstone land sales and loss on sale of land.
Other Income	9	8,859	8,642	217	Other Revenue is \$0.22m favourable to YTD Budget due to higher than anticipated interest income as a result of higher than expected interest rates received on investments, program revenue & facility hire totalling \$0.34m which is partially offset by an unfavourable variance of (\$0.12m) in other income.
Fair value Adjustment	10	2,075	0	2,075	This is an unbudgeted accounting entry recognising the increased value in investments held with the Victorian Funds Management Corporation (VFMC) which manage investment funds on our behalf that we fair value at each quarter-end.
Total Income		259,574	254,045	5,529	

Melton City Council Finance Report

Income and Expenditure Statement - Significant Variance Comments

Three Months Ended 30 September 2024

The Local Government (Planning and Reporting) Regulations 2020 requires explanation of any material variances. Council has adopted a materiality threshold of the lower of 10 percent or \$250,000 where further explanation is warranted. Explanations have not been provided for variations below the materiality threshold unless the variance is considered to be material because of its nature.

Income/Expenditure	Notes	YTD Actual (\$'000)	YTD Budget (\$'000)	Variance - Fav/(Unfav) (\$'000)	YTD Actuals vs YTD Budget Variance Explanations
Expenditure					
Employee Costs	11	21,990	24,468	2,478	Employee costs ended the period favourably compared to YTD Budget by \$2.48m . The bulk of this variance is attributable to vacancies across Council as follows: City Life \$1.02m City Delivery \$0.66m City Futures \$0.37m Organisational Performance \$0.29m Office of CEO \$0.13m
Material Costs	12	26,000	23,532	(2,468)	Contracts and Materials are unfavourable against YTD Budget by (\$2.47m) mainly due to Annual Licence Fee for Technology One Saas, CAMMS, Asscetic Cloud & Others. The reason is because these IT expenses that were originally budgeted to be capitalised now deemed as operating expenses.
Bad and Doubtful Debts	13	455	249	(206)	Bad and doubtful debts are made up of infringement withdrawals and infringement debts deemed unrecoverable. These are due to infringements issued with errors, being withdrawn, or being voided due to legislative timeframes for internal review not being met. The increase in Bad and Doubtful Debts is due to an increase in the number of infringement notices issued, and an increase in the number of Local Law infringement notices being lodged with the Magistrates' Court that were issued in the previous financial year. The forecast has been increased based on the trend of YTD actuals.
Depreciation and Amortisation	14	15,230	15,236	6	The variance is due to timing of capitalisation of assets to be depreciated.
Borrowing Costs	15	6	32	25	This is due to the timing difference between when budgeted loans were expected to be taken and when they are actually taken.
Finance Cost- Leases	16	0	7	7	No invoices were paid in the first quarter. These are expected to be processed in the second quarter.
Total Expenditure		63,682	63,524	(157)	
Total Surplus/Deficit Before Transfers.		195,893	190,521	5,372	

Melton City Council Finance Report				
Q1 Forecast vs Full Year Adopted Budget 2024-25				
Three Months Ended 30 September 2024				
Income / Expenditure	Notes	Full Year Adopted Budget 2024-25 (\$'000)	Q1 Forecast 2024-25 (\$'000)	Variance (\$'000)
Income				
Rates & Charges	1	192,255	192,255	0
Statutory Fees and Fines	2	13,841	13,833	(8)
User Fees	3	12,951	12,764	(187)
Grants- Operating	4	40,212	40,754	542
Grants- Capital	5	28,243	34,193	5,950
Contributions Monetary	6	97,951	81,885	(16,066)
Contributions Non Monetary	7	185,846	179,305	(6,541)
Net Gain/(Loss) on Disposal of IPP&E	8	23,426	23,306	(120)
Other Income	9	37,794	39,203	1,409
Fair value Adjustment	10	0	2,075	2,075
Total Income		632,519	619,573	(12,946)
Expenditure				
Employee Costs	11	82,204	81,425	779
Material Costs	12	121,310	129,303	(7,993)
Bad and Doubtful Debts	13	1,352	1,624	(272)
Depreciation and Amortisation	14	56,851	57,100	(249)
Borrowing Costs	15	482	185	297
Finance Cost- Leases	16	72	72	0
Total Expenditure		262,271	269,709	(7,438)
Total Surplus/Deficit for the Year Before Trfs.		370,248	349,864	(20,384)
Underlying Surplus/(deficit)		34,782	31,175	(3,607)
Council Capital Budget		223,103	212,456	10,646
Capital DCP-In-Kind		85,592	140,375	(54,783)

Melton City Council Finance Report

Q1 Forecast vs Full Year Adopted Budget 2024-25 - Significant Variance Comments

Three months ended 30 September 2024

The Local Government (Planning and Reporting) Regulations 2020 requires explanation of any material variances. Council has adopted a materiality threshold of the lower of 10 percent or \$250,000 where further explanation is warranted. Explanations have not been provided for variations below the materiality threshold unless the variance is considered to be material because of its nature.

Income/Expenditure	Notes	Full Year Adopted Budget 2024-25	Q1 Forecast 2024-25	Variance	Adopted Budget vs Q1 Forecast Variance Explanations
		(\$'000)	(\$'000)	(\$'000)	
Income					
Rates & Charges	1	192,255	192,255	0	Rates & Charges are expected to finish as budgeted.
Statutory Fees and Fines	2	13,841	13,833	(8)	Statutory Fees and Fines are forecast to finish unfavourable compared to Full Year Budget by (\$0.01m) due the unfavourable variances in Permit & Other Registration Fees, Court Recoveries & Property information requests (\$0.24m) which is partially offset by a favourable variance of \$0.23m in Court Recoveries, Infringement Costs & Other Statutory Fees.
User Fees	3	12,951	12,764	(187)	User Fees are expected to finish (\$0.19m) unfavourable to Full Year Budget primarily due to lower Levies & Client Fees than initially budgeted (\$0.26m) which is partially offset by a favourable variance of \$0.07m in income from property hire, application fees & lease income.
Grants- Operating	4	40,212	40,754	542	Operating Grants are forecast to finish favourably compared to Full Year Budget by \$0.54m predominantly due to the following- ** Family Day Care Services- \$0.11m ** Family Support Services - \$0.12m ** Crime Prevention Grant - UTURN193 - \$0.13m ** Kids Active Travel - \$0.14m ** Various other grants - \$0.04m
Grants- Capital	5	28,243	34,193	5,950	Capital Grants are forecast to finish favourable to budget by \$5.95m primarily due recognition of grant income from unearned income for the following - ** Melton Recycling Facility Stage 2 - \$1.78m ** Cobblebank Community Services Building Construction - \$1.71m ** Road Safety Project - Creamery Road, Toolern Vale - \$1.07m ** Weir Views Children and Community Centre - \$0.54m ** Various other grants - \$0.85m
Contributions Monetary	6	97,951	81,885	(16,066)	Cash contribution year to date is below projection and this has been reflected in a downward revision in the forecast which is mainly driven by a weaker housing market due to interest rates and delays in completing subdivisions.
Contributions Non Monetary	7	185,846	179,305	(6,541)	This revenue item recognises infrastructure assets provided to Council by developers after the completion of sub-divisions. The forecast for non-cash contributions is anticipated to end unfavourably when compared against the adopted budget. This is due to the delay in expected completion of subdivisions and subsequent handing over of assets by Developers.
Net Gain/(Loss) on Disposal of IPP&E	8	23,426	23,306	(120)	The unfavourable variance of (\$0.12m) is primarily due a reduction in the forecast to reflect the gains on the sale of items that had originally been budgeted to be sold but are no longer going to be realised.
Other Income	9	37,794	39,203	1,409	Other Income is forecast to finish favourable compared to FY Budget by \$1.41m primarily due to higher than budgeted interest on investments, Sundry Revenue, Kiosk income, insurance & other recoveries.
Fair value Adjustment	10	0	2,075	2,075	This is an unbudgeted accounting entry recognising the increased value in investments held with the Victorian Funds Management Corporation (VFMC) which manage investment funds on our behalf that we fair value at each quarter-end.
Total Income		632,519	619,573	(12,946)	

Melton City Council Finance Report**Q1 Forecast vs Full Year Adopted Budget 2024-25 - Significant Variance Comments****Three months ended 30 September 2024**

The *Local Government (Planning and Reporting) Regulations 2020* requires explanation of any material variances. Council has adopted a materiality threshold of the lower of 10 percent or \$250,000 where further explanation is warranted. Explanations have not been provided for variations below the materiality threshold unless the variance is considered to be material because of its nature.

Income/Expenditure	Notes	Full Year Adopted Budget 2024-25	Q1 Forecast 2024-25	Variance	Adopted Budget vs Q1 Forecast Variance Explanations
		(\$'000)	(\$'000)	(\$'000)	
Expenditure					
Employee Costs	11	82,204	81,425	779	Employee costs are forecast to finish favourably by \$0.78m by year-end due to vacancies across Council as follows- City Life \$3.48m City Delivery \$1.63m City Futures \$0.60m Office of CEO \$0.16m These favourable variances were offset by an unfavourable variance of (\$5.09m) against Organisational Performance predominantly due to Head of Technology (IT) forecasting an unfavourable variance of (\$6.08m) to budget attributable to labour costs which were originally budgeted as capital now deemed as operating expenses.
Material Costs	12	121,310	129,303	(7,993)	Contracts and Materials are forecast to finish unfavourably compared to Full Year Budget by (\$7.99m) against the following expenses- ** Contract Labour (the bulk of this was originally budgeted as capex in IT which is deemed as opex) - (\$3.66m) ** Annual Licence Fee (originally budgeted as capex in IT and is now deemed as opex) - (\$3.18m) ** Professional advisory services - (\$0.66m) ** Contract Payments - (\$0.46m) ** Others - (\$0.02m)
Bad and Doubtful Debts	13	1,352	1,624	(272)	Bad and doubtful debts are made up of infringement withdrawals infringement debts deemed unrecoverable. This can be due to infringements issued with errors, being withdrawn, or being voided due to legislative timeframes for internal review not being met. The increase in the Bad and Doubtful Debts is due to an increase in the number of infringement notices issued, and an increase in the number of Local Law infringement notices being lodged with the Magistrates' Court that were issued in the previous financial year, and the forecast has been increased based on the trend of YTD actuals.
Depreciation and Amortisation	14	56,851	57,100	(249)	
Borrowing Costs	15	482	185	297	
Finance Cost- Leases	16	72	72	0	
Total Expenditure		262,271	269,709	(7,438)	
Total Surplus/Deficit Before Transfers.		370,248	349,864	(20,384)	
Underlying Operating Results Surplus/(Deficit)		34,782	31,175	(3,607)	

Melton City Council Balance Sheet as at 30 September 2024	(2024-25) Actuals as at 30 Sep 24 (Year to Date) (\$'000)	(2023-24) Actuals as at 30 Jun 24 (Year End) (\$'000)	(2024-25) Full Year Adopted Budget 2024-25 (\$'000)
ASSETS			
CURRENT ASSETS			
Cash and Cash Equivalents	479,794	18,771	94,789
Non-current assets classified as "held for sale"	192	230	0
Trade and Other Receivable	175,452	64,139	35,537
Other Financial Assets CA	0	236,000	323,582
Inventories CA	5	5	18
Other Assets	12,434	15,512	27,509
Prepayments	31	302	0
TOTAL CURRENT ASSETS	667,907	334,959	481,435
NON CURRENT ASSETS			
Other Financial Assets NCA	130,358	324,673	246,170
Inventories NCA	10	10	0
Property, infrastructure, plant and equipment (inc. WIP)	4,222,876	4,219,875	4,416,376
Investment Property	9,525	9,525	7,170
Intangibles	7,590	2,775	1,396
Right Of Use Assets	1,429	608	1,197
TOTAL NON CURRENT ASSETS	4,371,788	4,557,466	4,672,309
TOTAL ASSETS	5,039,695	4,892,425	5,153,744
CURRENT LIABILITIES			
Trade and Other Payables	12,464	53,886	46,486
Trust funds and deposits CL	308	10,372	40,299
Unearned Income	11,989	17,205	0
Provisions CL	16,604	15,324	14,297
Interest-Bearing Liabilities CL	2,240	2,240	2,905
Lease Liability CL	262	262	392
TOTAL CURRENT LIABILITIES	43,866	99,289	104,379
NON CURRENT LIABILITIES			
Trust funds and deposits NCL	44,711	37,230	0
Provisions NCL	2,119	2,116	1,683
Interest-Bearing Liabilities NCL	239	922	5,131
Lease Liabilities NCL	387	387	844
TOTAL NON CURRENT LIABILITIES	47,456	40,655	7,658
TOTAL LIABILITIES	91,322	139,944	112,037
NET ASSETS	4,948,372	4,752,481	5,041,707
EQUITY			
Accumulated Surplus	2,790,462	2,605,020	2,974,873
Reserves	2,157,910	2,147,461	2,066,834
TOTAL EQUITY	4,948,372	4,752,481	5,041,707

Balance Sheet - Comments

General

The following comments relate to the balance sheet as at the end of 30 September 2024.

Current Assets

Cash & Investments

Council's cash position (including investments), as at 30 September 2024 was \$610.15m, which represents an increase of \$30.71m from the opening position as at 1 July 2024 of \$579.44m. Details of 'Cash on hand' inflow and outflow of funds are detailed in the Cash Flow Statement.

Cashflow Summary	Cash on hand (\$'000)	Investments (\$'000)	TOTAL (\$'000)
Opening Cash & Investments at 1st July 2024	\$18,771	\$560,673	\$579,444
Plus: Net Inflow/(Outflow) from Operating activities	\$47,689	\$0	\$47,689
Plus: Net Inflow/(Outflow) from Investing activities	\$414,023	(\$430,315)	(\$16,292)
Less: Net Inflow/(Outflow) from Financing activities	(\$689)	\$0	(\$689)
Net Increase/(decrease)	\$461,023	(\$430,315)	\$30,708
TOTAL Cash & Investments as at 30 September 2024	\$479,794	\$130,358	\$610,152

Receivables

Total receivables outstanding as at 30 September 2024 amounted to \$175.45m. The total outstanding receivables comprised:

Receivables	30-Sep-24 (\$'000)	30-Sep-23 (\$'000)
Rate Debtors	160,113	\$148,616
Infringements & Local Laws Debtors	8,879	\$7,289
Sundry & other debtors net of provision for doubtful debts	6,460	\$8,534
Total Receivables	175,452	\$164,439

Refer to page 13 for further breakdown in regard to overdue rate debtors in arrears and hardship arrangements.

Non-Current Assets

Infrastructure, Plant & Equipment

The value of Council's property, plant & equipment has increased by \$3m to \$4.223b from the balance at 30 June 2024 of \$4.219b. This increase is net of the additions and disposal of assets and net of asset revaluations, offset by the depreciation charge for the period. Non-monetary capital works contributions as at 30 September 2024 amount to \$1.4m.

Other Financial Assets NCA

Other Financial Assets NCA represents cash held in Term deposits. This decreased by \$194.3m since 30 June 2024 because term deposits were realised as Cash on Hand as at 30 September.

Intangible Asset

The intangible assets of \$7.59m represent non-exclusive licence granted to Melton City Council by the Department of Education and the Caroline Springs College for the use of the College Creekside Campus and the Spring side Children's and Childcare facility built on DOE land and Kororoit Creek Learning Centre. The balance represents Council's contributions net of amortisations.

Current & Non-Current Liabilities

Payables

Trade and Other Payables have decreased by \$41.43m from the 30 June 2024 balance of \$53.89m to \$12.46m at balance date. The outstanding payables amount varies from month to month depending upon the status of the accounts payable cycle.

Provisions (Employee Benefits)

Employee benefits represent current and non-current components of annual and long service leave liabilities at balance date. The current component of the liability is estimated to be \$16.6m, with the non-current at \$2.1m.

Interest Bearing Liabilities

Combined current and non-current loan liabilities as at 30 September 2024 is \$2.5m. Principal repayment for the year to date amounted to \$0.7m.

Working Capital and Liquidity

The working capital ratio is used to assess Council's ability to meet current commitments and is derived by dividing current assets by current liabilities. The working capital ratio for the period is 1:15.2. The ratio after removing the impact of rate debtors is 1:11.6.

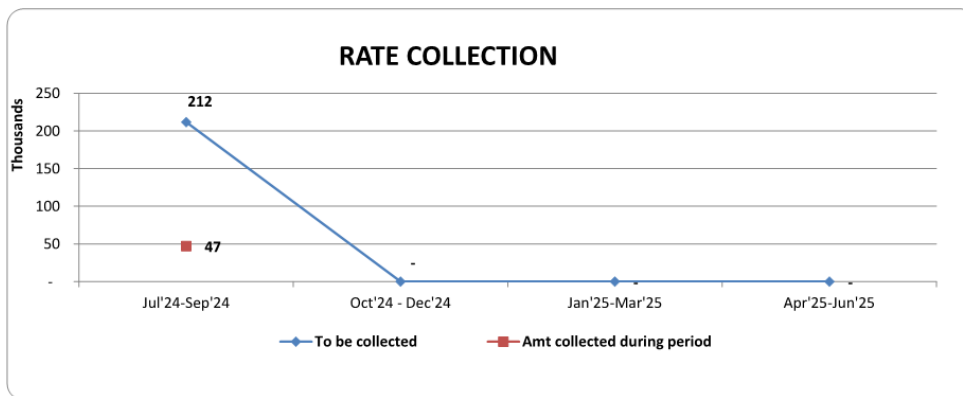
Melton City Council Cashflow Statement as at three months ended 30 September 2024	<i>(2024-25)</i> Actuals as at 30 Sep 24 (Year to Date) (\$'000)	<i>(2023-24)</i> Actuals as at 30 Jun 24 (Year End) (\$'000)	<i>(2024-25)</i> Full Year Adopted Budget 2024-25 (\$'000)
Cash Flows from Operating Activities			
Inflows			
Rates and charges	47,272	168,075	190,893
Statutory fees and fines	(3,126)	11,318	15,117
User fees	(722)	12,274	14,145
Grants - operating	29,492	18,417	39,927
Grants - capital	(6,762)	7,663	28,043
Contributions - monetary	18,929	32,876	97,951
Interest received	0	19,336	32,515
Dividends received	580		
Trust funds and deposits taken	(2,547)	9,532	1,174
Other receipts	35,730	37,962	40,384
Net GST refund / payment	4,738	23,168	17,462
Outflows			
Employee Costs	(19,872)	(70,012)	(108,283)
Materials and Services	(65,247)	(150,733)	(137,923)
Other Payments	9,224	3,319	(37,178)
Net Cash provided by/(used in) operating activities	47,689	123,195	194,228
Cash Flows from Investing Activities			
Payments for property, infrastructure, plant and equipment	(16,769)	(114,943)	(288,872)
Proceeds from sale of property, infrastructure, plant and equipment	477	5,110	26,864
Payments for Investments, other properties and intangibles	0	(14,816)	0
Proceeds from Sale of Investments	430,315	0	0
Net Cash provided by/(used in) investing activities	414,023	(124,649)	(262,008)
Cash Flows from Financing Activities			
Repayment of borrowings	(683)	(2,608)	(3,427)
Finance Costs	(6)	(197)	(482)
Proceeds from Borrowings		0	8,300
Interest Paid - Lease Liability		(20)	(72)
Repayment of Lease Liability		(351)	(373)
Net Cash provided by/(used in) financing activities	(689)	(3,176)	3,947
Net Increase/(Decrease) in Cash and Cash Equivalents	461,023	(4,630)	(63,832)
CASH POSITION			
Cash on Hand at the beginning of the financial year	18,771	23,401	158,621
Cash on Hand at the end of the financial year	479,794	18,771	94,789
<i>plus</i> Other Financial Assets CA - Term Deposits	0	236,000	323,582
<i>plus</i> Other Financial Assets NCA - Term Deposits	130,358	324,673	246,170
Cash and Cash equivalents total	610,152	579,444	664,541

SUMMARY OF OVERDUE RATE DEBT ARREARS & RECOVERY AS AT 30 September 2024	NO OF PROPERTIES	RATE DEBTS OUTSTANDING
Summons issued	5	\$59,071
Judgements issued	8	\$167,938
Summons for Oral Examination issued	38	\$781,140
Legal Arrangements	2	\$20,369
Other action - Demand Letters etc	8	\$122,154
Total Debt Recovery Action In Progress	61	\$1,150,672
Properties that Midstate are doing Courtesy Calls for	1,029	\$7,121,558
Properties in arrears with Council Direct Debit	303	\$522,308
Arrangements in place - Non Legal	1,902	\$2,142,049
Hardship Arrangements - Non Legal	215	\$1,258,388
Properties in arrears with FlexiPay	154	\$157,563
Properties with no recovery/arrangements in place	5,978	\$8,532,706
TOTAL as at 30 September 2024	9,642	20,885,244
No of Financial Hardship applications received this month(Excluding COVID-19 applications)	32	
No of online Financial Hardship applications received	2	
Properties that received a reminder notice after last instalment	21,558	\$30,830,468

Rate Balances & Collection Details

2024-25

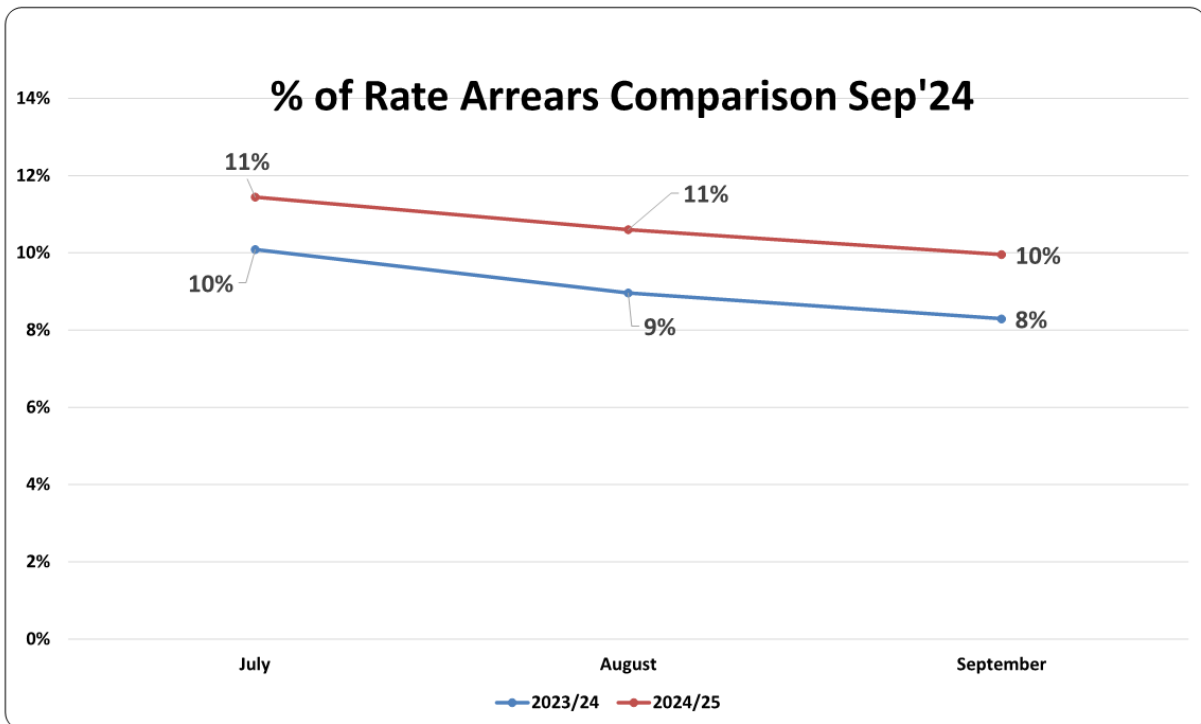
Rate Collection Details	Jul'24-Sep'24 (\$'000)	Oct'24 - Dec'24 (\$'000)	Jan'25-Mar'25 (\$'000)	Apr'25-Jun'25 (\$'000)
Outstanding debtor balance as at 1 July 2024	27,541			
Rates raised in 2024 -2025	184,857			
Interest raised to date	213			
Rebates, adjustment and unallocated Payments	(4,799)			
Supplementary rates raised	3,928			
Total to be collected	211,740	-	-	-
Amount Collected during the period	47,272			
Balance to be collected	164,468	-	-	-



Analysis of Overdue Instalment Rate Debtors - Sep'24

(Excluding Fire Service Levy)

Overdue Rate Debtors by Value	No of Properties -			Debts Outstanding (\$) -		
	Residential	Other	Total No of Properties -	Residential	Other	Total Debts Outstanding (\$)
Owings						
Less Than \$1000	4,763	260	5,023	\$1,816,603	\$47,376	\$1,863,979
\$1000 to \$1999	1,670	46	1,716	\$2,411,264	\$66,847	\$2,478,111
\$2000 to \$4999	1,729	109	1,838	\$5,496,403	\$356,827	\$5,853,230
\$5000 to \$10,000	676	51	727	\$4,662,095	\$340,231	\$5,002,326
Greater Than 10,000	282	56	338	\$4,269,572	\$1,418,026	\$5,687,598
SubTotal	9,120	522	9,642	\$18,655,937	\$2,229,307	\$20,885,244
Properties in credit	820	63	883	\$925,515	\$587,047	\$1,512,562
TOTAL Rate Debtors	8,300	459	8,759	17,730,422	1,642,260	\$19,372,682



CAPITAL EXPENDITURE BY CATEGORY

Three Months Ended 30 September 2024

CAPITAL EXPENDITURE	YTD Actual	YTD Budget	YTD Variance	2024-25 Full Year Approved Budget	1st Quarter Forecast as at the end of 30 Sep 24	1st Qtr Forecast Variance to Budget
	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)
Furniture	21	38	18	422	380	43
IT Equipment	0	199	199	10,360	10,044	316
Buildings	3,806	11,844	8,037	47,613	36,733	10,880
Roads	6,528	17,667	11,139	70,694	61,629	9,065
Drainage	(204)	232	437	929	597	332
Bridges	(6)	425	431	1,700	792	908
Recreation	3,337	15,371	12,034	61,508	69,455	(7,946)
Library Books	50	139	90	558	50	508
Other Assets	98	381	282	1,546	1,059	488
FootPaths & Cycleways	284	3,278	2,994	13,117	10,299	2,818
Renewal Capital Expenditure	17	0	(17)	0	237	(237)
Kerbs & Channel	0	36	36	142	122	21
Car Parks	9	32	23	130	127	3
Traffic Management	38	704	666	2,816	2,751	65
Parks and Open Spaces	201	1,513	1,312	6,569	7,392	(823)
Other Plant and Equipment	3,921	1,248	(2,673)	4,995	7,668	(2,672)
Capitalised External Labour	357	0	(357)	0	1,210	(1,210)
Capitalised Internal Labour	1,912	0	(1,912)	0	1,912	(1,912)
Total Capex Excl Capital DCP In Kind	20,370	53,107	32,737	223,103	212,456	10,646
Capital DCP in Kind	1,375	1,152	(223)	85,592	140,375	(54,783)
Total Capital Expenditure	21,745	54,259	32,514	308,695	352,831	(44,137)

12.3 COUNCILLOR REPRESENTATION NOMINATIONS ON ADVISORY COMMITTEES AND OTHER BODIES 2024/2025

Author: Emily Keogh - Head of Governance
Presenter: Emily Keogh - Head of Governance

PURPOSE OF REPORT

To present Councillor representation nominations for Advisory Committees of Council and other bodies for the approval of Council for the 2024 / 2025 year.

RECOMMENDATION:

That Council:

1. Establish the Advisory Committees of Council as set out in **Table 1**;
2. Accept and endorse the proposed Councillors for representation on Delegated and Advisory Committees of Council and other bodies as set out in **Table 1**;
3. Retire the Reconciliation Advisory Committee subject to a report being tabled at the February 2025 Council Meeting, outlining Council's approach to develop a Reconciliation Action Plan endorsed by Reconciliation Australia and the establishment of an associated Reconciliation Action Plan Working Group;
4. Retire the Mayoral Charity Fund Advisory Committee with a draft Mayoral Community Initiative Policy to be presented to the Policy Review Panel in February 2025; and
5. Retire the Recreation and Leisure Advisory Committee noting the need for broad representation from local sporting clubs and associations.

REPORT

1. Executive Summary

The appointment of Councillors as representatives on delegated committees, advisory committees, and external bodies 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.

Table 1, below, contains a list of recommended Committees to establish for the 2024-28 Council term and other external bodies, and Councillors recommended to represent Council on Committees and other external bodies for the 2024/25 Municipal Year:

Committee or Body	Councillor Representative/s	Substitute Councillor Representative/s
Arts & Culture Advisory Committee	Cr Turner Cr Carli (Chair) Cr Morris	
Disability Advisory Committee	Cr Ramsey Cr Carli (Chair) Cr Majdlik	Cr Shannon
Heritage Advisory Committee	Cr Ramsey Cr Turner (Chair)	Cr Morris
Intercultural Advisory Committee	Cr Zada Cr Turner Cr Vandenberg Cr Morris	Cr Shannon
Policy Review Panel	Cr Shannon Cr Carli (Chair) Cr Ramsey Cr Majdlik	Cr Verdon
Safe City Advisory Committee	Cr Ramsey Cr Shannon Cr Morris Cr Zada Cr Verdon Cr Carli (Chair)	
Youth Advisory Committee	Cr Abboushi (Chair) Cr Morris Cr Turner Cr Verdon	Cr Vandenberg
CEO Employment and Remuneration Committee	Cr Abboushi (Chair) Cr Carli Cr Majdlik Cr Verdon	
Community Achievement Awards Assessment Panel	All Councillors	

Councillor Representations Nominations Advisory Committee (CRNAC)	All Councillors	
Melton Weir Development Committee	Cr Morris Cr Shannon Cr Vandenberg Cr Ramsey Cr Turner	
Preventing Family Violence Advisory Committee	Cr Zada Cr Shannon Cr Ramsey Cr Carli (Chair)	
Other Committees and External Representation		
Interface Councils	Cr Abboushi	
Melbourne Regional Landfill Community Reference Group	Cr Turner	
Metropolitan Transport Forum	Cr Verdon	
National Growth Areas Alliance (NGAA)	Cr Abboushi	
Road Safe Westgate	Cr Ramsey	
Victorian Local Governance Association	Cr Zada	
Western Highway Action Committee	Cr Zada	
Western Melbourne Tourism Board	Cr Shannon	
Western Region Mayors Forum	Cr Abboushi	

Table 1: List of Committees recommended to establish for the 2024-28 Council term, and other external bodies, and Councillors recommended to represent Council on Committees and other external bodies for the 2024/25 Municipal Year.

2. Background/Issues

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 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.

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.

Committees Recommended for Retirement

At the commencement of each Council term, it is timely to review the operation of Council Committees to ensure they are still fulfilling the purpose originally intended. The following Committees are recommended for retirement:

Recreation and Leisure Advisory Committee.

In the development of sport and recreation related strategies and master plans, Council's Recreation Development team works closely with all sporting clubs and associations (including State Sporting Associations) in the development of these. Engagement is undertaken with all community sport groups and given that the membership of this committee largely consists of local sporting club organisations who will be engaged in the development of these plans and strategies, it is recommended to retire this committee.

Mayoral Charity Fund Advisory Committee

This Committee operates to administer a Mayoral Charity Fund which has historically funded a Mayoral Charity Ball, grants program or charitable donation. The Governance recommendation is for the Mayor of the Day to be supported in the development of a community initiative during their term via a Mayoral Community Initiative Policy that will outline the purpose, budget consideration and decision-making mechanism required to meet overarching objectives whilst ensuring compliance with the *Local Government Act 2020*. This Committee can therefore be retired, with any decision relating to this initiative being a decision of Council.

Reconciliation Advisory Committee

This committee currently provides input into Melton City Council's Reconciliation initiatives. In 2025 Melton City Council will commence development of a Reconciliation Action Plan (RAP) in alignment with Reconciliation Australia's guidance for a RAP. The establishment of a Reconciliation Action Plan (RAP) Working Group is required as part of a RAP. The RAP Working Group will include Aboriginal and Torres Strait Islander representation for guidance.

It is therefore recommended that Reconciliation Advisory Committee is retired to avoid overlap with the soon to be established Reconciliation Action Plan Working Group.

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

5. Consultation/Public Submissions

No public consultation is required.

6. Risk Analysis

Not Applicable.

7. Options

Council may establish the list of advisory committees recommended and adopt and endorse the list of Councillors to represent Council on Committees and other external bodies for the 2024/2025 year or it may vary the establishment of and representation of Councillors on Committees and external bodies.

LIST OF APPENDICES

Nil.

12.4 DATES OF SIGNIFICANCE CALENDAR

Author: Troy Scoble - Director City Life
Presenter: Troy Scoble - Director City Life

PURPOSE OF REPORT

To adopt the annual Dates of Significance Calendar for 2025, recognising culturally, socially, environmentally, and educationally significant dates.

RECOMMENDATION:

That Council adopts the 2025 Dates of Significance Calendar as set out in **Appendix 1**.

REPORT

1. Executive Summary

Council has historically recognised many culturally, socially, environmentally, and educationally significant dates through events, programs, and social media. However, prior to December 2023 there had been no adopted position on which specific dates are recognised year to year.

At the Ordinary Meeting of Council dated 18 December 2023, Council adopted the 2024 Dates of Significance (DoS) Calendar.

There was a criterion established for recognising a date of significance with primary focus being the alignment with the *Council and Wellbeing Plan 2021-2025*.

The 2024 Dates of Significance Calendar has been successfully implemented, and no further dates have been proposed by the community, it is proposed for Council to adopt the 2025 DoS Calendar as presented (**Appendix 1**).

2. Background/Issues

Each year Council recognises various DoS as part of recurrent programs and events. To ensure there is a framework for dates to be recognised, Council adopted a defined list of DoS that meet the following criteria:

- Alignment with the Council and Wellbeing Plan 2021-2025
- Alignment with a public holiday or national/international observance
- Alignment with a Council service or policy
- A Council resolution
- An Executive determination in consultation with Mayor and Councillors

Prior to the adoption of the inaugural DoS calendar for 2024, extensive internal engagement was undertaken, as well as engagement with the Melton Interfaith Network on religious dates of significance and a two-week community consultation period on the draft list.

The 2024 Dates of Significance calendar has provided the administration of Council with clarity on program, event, and content delivery supported by community and Council.

Following adoption of the DoS Calendar 2024, a process was established for additional dates to be proposed for inclusion in the following years calendar.

Throughout 2024, community members have also had the option to make an online DoS submission via Council's website. This provided community with a process for Council to consider changes to the DoS. There have been no submissions in 2024.

As a result, there are no changes proposed for the 2025 Dates of Significance calendar other than some dates on which the dates occur.

The 72 dates of significance that are recommended for recognition in 2025 are detailed in **Appendix 1**. Each date of significance is aligned with the *Council and Wellbeing Plan 2021-2025* and includes dates that will be recognised through non-Council events/programs such as ANZAC Day, where Council provides support to other organisations.

The promotion of the DoS relates to Council's corporate communication channels only; however, specific service areas within Council use targeted communication channels to promote activities outside this proposed adopted list, subject to Director level approval.

Each year, it is proposed that Council will continue to review and formally adopt a Dates of Significance Calendar and throughout 2025 Officers will again undertake an engagement process to ensure that those dates recognised align with the new Council and Wellbeing plan to be adopted by Council by October 2025.

3. Council and Wellbeing Plan Reference and Policy Reference

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

1. A safe City that is socially and culturally connected

1.1 A community that celebrates diversity and is inclusive of all.

4. Financial Considerations

There are no financial considerations regarding establishing a Dates of Significance Calendar. All events, programs and activities form part of Council's recurrent operating budget in the respective program area.

5. Consultation/Public Submissions

Community consultation on the Dates of Significance was undertaken via the Melton Conversations Page from Wednesday 15 November to Wednesday 29 November 2023. A total of 18 submissions were received, the final DoS list was adopted by Council in December 2023. An online form was developed and has been available on Council's website throughout 2024 for anyone wishing to submit an additional date for consideration. No submissions have been received this year.

An engagement process will be undertaken throughout 2025 to further review the identified dates to ensure alignment with new Council and Wellbeing Plan.

6. Risk Analysis

The establishment of an annual DoS Calendar will ensure Council has a framework for what DoS are recognised and supported, underpinned by an annual planning and decision-making process. This provides a formal structure and approval framework to establish an annual program and a clear process to consider community requests.

7. Options

Council has the following options:

1. Adopt an annual Dates of Significance Calendar which establishes a formal framework for considering and agreeing on a list of significant dates that Council supports.
2. Not adopt an annual Dates of Significance Calendar and continue the current recurrent practice.

LIST OF APPENDICES

1. Draft Dates of Significance 2025

Appendix 1. Draft List of dates of significance for 2025 by Council and Wellbeing Plan theme

Council & Wellbeing Plan THEME	Date of Significance	Date in 2025	Description
Theme 1: A safe City that is socially and culturally connected	New Year's Day	1 January	National Public Holiday
	Orthodox Christmas	7 January	Orthodox Christmas also celebrates the birth of Jesus Christ, focusing on religious customs, liturgies, and traditional rituals.
	Australia Day	26 January	The official National Day of Australia.
	Lunar New Year	29 January	Lunar New Year is the festival that celebrates the beginning of a new year on the traditional lunisolar calendar.
	International Mother Language Day	21 February	In recognition that languages and multilingualism can advance inclusion.
	International Women's Day	8 March	To celebrate the social, economic, cultural, and political achievements of women.
	Neurodiversity Celebration Week	17-23 March	Neurodiversity refers to a world where neurological differences are recognised and respected as all other human variations.
	National Close the Gap Day	20 March	To pledge support for achieving Indigenous health equality by 2030.
	Harmony Week	18-24 March	To celebrate Australia's cultural diversity. It's about inclusiveness, respect, and a sense of belonging for everyone.
	Epilepsy Awareness Day	26 March	Purple Day is a global initiative dedicated to raising epilepsy awareness, dispelling myths, and increasing support for people living with epilepsy.
	National Playgroup Week	17-23 March (Date TBC)	To celebrate and appreciate the many benefits of playgroups.

	National Neighbour Day	30 March	A day to build care and camaraderie with those who live in proximity.
	Transgender Day of Visibility	31 March	An international celebration of trans pride and awareness, recognising trans and gender diverse experiences and achievements.
	Eid al Fitr	30-31 March	The Islamic month of fasting, Ramadan, ends with the festival of Eid al Fitr. A celebratory meal breaks the fast, and good deeds have special significance during this time. Eid is also a time of forgiveness and making amends.
	Good Friday	18 April	Good Friday is a religious and national Public Holiday in Australia and is held on the Friday before Easter Sunday.
	Easter Sunday	20 April	Easter commemorates the resurrection of Jesus Christ following his death by crucifixion. It is the most significant event in the Christian calendar.
	ANZAC Day	25 April	A National Day of Remembrance in Australia and New Zealand that commemorates all Australians and New Zealanders who served and died in all wars, conflicts, and peacekeeping operations and the contribution and suffering of all those who have served.
	Youth Week	April (Date TBC)	To highlight the contributions and achievements of young people (aged 12–25).
	National Family Day Care Week	5-11 May	To recognise and promote the important role family day care educators and services play in the development and wellbeing of children.
	Road Safety Week	5-12 May	To highlight the impact of road trauma and ways to reduce it.
	Neighbourhood House Week	12-18 May	Neighbourhood House Week is an annual national celebration, recognising the important contribution of neighbourhood houses in local communities across Australia.
	International Nurses Day	12-May	To mark the contributions that nurses make to society.

	Buddha Day	12-May	Vesak or Buddha Day is an important day of celebration for Buddhists. The holiday is traditionally celebrated to commemorate Buddha's birth, enlightenment, and death.
	National Families Week	13-19 May	To celebrate the vital role that families play in Australian society.
	IDAHOBIT	17 May	International Day Against Homophobia, Biphobia, Interphobia & Transphobia (IDAHOBIT) celebrates LGBTQIA+ people globally and raises awareness for the work still needed to combat discrimination.
	National Sorry Day	26 May	To remember and acknowledge the mistreatment of Aboriginal and Torres Strait Islander people who were forcibly removed from their families and communities, which we now know as 'The Stolen Generations'.
	National Reconciliation Week	27 May - 3 June	A time for all Australians to learn about our shared histories, cultures, and achievements, and to explore how each of us can contribute to achieving reconciliation in Australia.
	Pride Month	June	To celebrate the LGBTQIA+ community and reflect on how far civil rights have progressed in half a century and an opportunity to protest discrimination and violence.
	Men's Health Week	9-15 June	To highlight the importance of men's health and to promote and support the health and wellbeing of men and boys in our communities.
	World Elder Abuse Day	15 June	To raise awareness regarding the abuse and suffering inflicted on older people.
	Refugee Week	15-21 June	To inform the public about refugees and celebrate positive contributions made by refugees to Australian society.
	Matariki	20 June	Celebration of the Māori New Year.

	NAIDOC Week	6-13 July	To celebrate and recognise the history, culture, and achievements of Aboriginal and Torres Strait Islander peoples. NAIDOC Week is an opportunity for all Australians to learn about First Nations cultures and histories and participate in celebrations of the oldest, continuous living cultures on earth.
	World Breastfeeding Week	1-7 August	To protect, promote and support breastfeeding.
	National Aboriginal and Torres Strait Islander Children's Day	4 August	A time for Aboriginal and Torres Strait Islander families and communities, and all Australians, to celebrate the strengths and culture of their children.
	Vietnam Veterans' Day	18 August	To commemorate the Battle of Long Tan in 1966.
	Wear it Purple Day	29 August	An annual expression of support and acceptance to rainbow young people from the LGBTIQA+ community.
	National Child Protection Week	7-13 September	A national campaign to promote the message of a safe and healthy life for every child, now and into the future.
	RU OK? Day	11 September	To encourage people to stay connected and have conversations that can help others through difficult times in their lives.
	Australian Citizenship Day	17 September	To reflect on the meaning and importance of Australian citizenship, and the responsibilities and privileges we have as citizens.
	Anniversary of the findings of the Disability Royal Commission	30 September	A day to acknowledge the release of the Royal Commission Report into Violence, Abuse, Neglect and Exploitation of People with a Disability and what action Council is taking.
	Community Safety Month	October	To remind us that we all have a role in making our communities safer.
	International Day of Older Persons	1 October	To raise awareness about the issues affecting older people. Council's recognition aligns with the Victorian Seniors Festival.

	Yom Kippur	1-2 October	Also known as Day of Atonement, is the holiest day of the Jewish year. Its central themes are atonement and repentance.
	World Cerebral Palsy Day	6 October	World Cerebral Palsy Day is an opportunity to come together and celebrate the resilience, diversity and vibrancy of people with CP.
	Carers Week	12-18 October	To raise community awareness among all Australians about the diversity of carers and their caring roles.
	Diwali	20 October	Diwali is the Hindu festival of lights. It symbolises the inner light that protects from spiritual darkness.
	Children's Week	20-26 October	A national celebration that recognises the talents, skills, achievements, and rights of children.
	Mental Health Week	5-11 October	To address and highlight the important connection between the social determinants of health and mental health; and promote effective prevention strategies to keep people mentally healthy.
	Birth of Guru Nanak	5 November	This day commemorates Guru Nanak Sahib, the founder of Sikhism and the first Sikh Guru. This day may also be called Guru Nanak Gurpurb, Guru Nanak's Prakash Utsav or Guru Nanak Dev Hi Jayanti.
	Remembrance Day	11 November	To acknowledge those who died while serving in wars, conflicts, and peacekeeping operations.
	International Men's Day	19 November	International Men's Day celebrates worldwide the positive value men bring to the world, their families, and communities. Highlights positive role models and raise awareness of men's well-being.
	Transgender Day of Remembrance	20 November	To honour the memory of the transgender people whose lives were lost in acts of anti-transgender violence.
	16 Days of Activism against Gender Based Violence	25 November - 10 December	To call for the elimination of gender-based violence.
	International Day of People with Disability	3 December	To increase public awareness, understanding and acceptance of people with disability.

	Human Rights Day	10 December	To proclaim the inalienable rights that everyone is entitled to as a human being - regardless of race, colour, religion, sex, language, political or other opinion, national or social origin, property, birth, or other status.
	International Migrants Day	18 December	To raise awareness about the challenges and difficulties of international migration.
	Christmas Day	25 December	An annual festival commemorating the birth of Jesus Christ, observed by Christians as a religious and cultural celebration.
Theme 2: A vibrant and healthy natural and built environment	Clean Up Australia Day	2 March	To inspire and empower communities to clean up, fix up and conserve our environment.
	World Environment Day	5 June	To inspire positive environmental change.
	National Tree Day	27 July	Australia's largest tree planting and nature care event.
	National Water Week	20—24 October	To build awareness around the value of water.
	National Recycling Week	10-16 November	To educate and empower people to do the right thing when they're at the bin.
Theme 3: A fast growing, innovative and well-planned City	National Homelessness Week	4-10 August	To raise awareness of the impact of homelessness on Australia via national and local community events, including providing information on the importance of housing as a solution and educating communities on how they can make a difference.
Theme 4: A City that promotes greater education and employment	Safer Internet Day	11 February	To make the internet a safer and better place for all, especially for children and young people.
	Library Lovers' Day	14 February	To celebrate the valuable roles libraries play in our lives and to re-engage with our libraries and 'show the love'.
	Education Week	13-19 May	An annual celebration of education in Victoria

Theme 5: A community that is actively engaged in the City	National Simultaneous Storytime	21 May	To promote the value of reading and literacy, every year an Australian picture book is read simultaneously in libraries, schools, pre-schools, childcare centres, family homes, bookshops, and many other places around the country.
	National Library and Information Week	July (Dates TBC)	To celebrate the work that library and information workers do all around Australia.
	Children's Book Week	16-23 August	To highlight the importance of reading books and shines a spotlight on Australian children's authors and illustrators.
	National Early Childhood Educators Day	4 September	To recognise and celebrate the work of Australia's educators in early learning services for their wonderful contribution to the wellbeing and healthy development of the young children in their care.
	Adult Learners Week	Early September (Dates TBC)	To promote the benefits of learning.
	National Volunteer Week	19-25 May	To celebrate and recognise the vital work of volunteers and to say thank you.

12.5 MELTON CITY COUNCIL HERITAGE ASSISTANCE FUND ROUND 14 UPDATE

Author: Travis Conway - Manager City Strategy
Presenter: Sam Romaszko - Director City Futures

PURPOSE OF REPORT

The purpose of this report is to advise Council of the outcomes of Round 14 of the Heritage Assistance Fund.

RECOMMENDATION:

That Council note the Heritage Assistance Fund Round 14 Update.

REPORT

1. Executive Summary

Melton City Council acknowledges its role in supporting, assisting, and partnering with community groups in providing services that benefit the wider community, enhance community wellbeing, and contribute to Council's strategic objectives. Council achieves this through the provision of a range of grants and funds available to the City of Melton community, including the Heritage Assistance Fund Program.

Council's Heritage Assistance Fund was established in 2011 and has been providing annual financial assistance to landowners, companies, and community groups to maintain, repair and conserve heritage places.

Applications for the 14th round of the Heritage Assistance Fund were accepted from 28 October to 6 November 2024.

Three applications were submitted by the closing date. All applications met the criteria for assessment and these applications have been approved for funding totalling \$67,365.

2. Background/Issues

The Heritage Assistance Fund was established in 2011. It is a grant that is run annually and was established to provide financial assistance to landowners, companies, and community groups to maintain, repair and conserve heritage places in the City of Melton.

Letters were sent on 3 September 2024 to all landowners in the municipality who have a Heritage Overlay on their property. This included information on the Heritage Assistance Fund.

The application period opened on 28 October 2024 and closed on 6 November 2024; allowing applications to be submitted to Council.

An assessment of the applications was undertaken between 7 November and 13 November 2024 by Council's Heritage Advisor to ensure eligibility with the program requirements.

Three applications were forwarded to the panel members for independent assessment. The assessment panel consisted of Council's Coordinator Strategic Planning, Coordinator Statutory Planning and Principal Strategic Planner.

The panel members carried out their assessment on 13 November 2024, with recommendations requiring formal approval from Melton City Council's Chief Executive Officer (CEO). The assessment panel adheres to strict confidentiality and disclosure requirements and must disclose any conflicts of interest.

Funding

The amount of funds approved by Council each year can vary. The fund can provide only 50% of the cost of works proposed, and the other 50% is to be paid by the applicant. Applicants can apply to the fund more than once but not in the same round.

Assessment criteria

Each application for funding is evaluated against the following criteria:

- The heritage significance of the place.
- The positive impact of the proposed works on the long-term viability of the place.
- The long-term benefits of the proposed works to the community.
- The type and urgency of the work required.
- Whether the proposed work accords with the principles of the Australia ICOMOS Burra Charter.
- The willingness of the applicant to pay for at least 50% of the works and to enter into a funding agreement with Council.
- Demonstrated local support for the project (i.e., joint applications from joint owners of dry-stone walls).
- The proposed works must demonstrate compliance with planning and building permits, and compliance with other plans such as Precinct Structure Plans.

Eligibility requirements

The fund is open to companies, individuals, community groups and committees who own or manage a heritage place in the City of Melton.

The fund may be used for projects which:

- Enhance the viability or appearance of a heritage place.
- Undertake approved repairs or conservation works to a heritage place.
- Undertake a conservation management plan for a heritage place.
- Undertake assessment or research into a heritage place for conservation purposes.

The type of works funded include:

- Repairing of timber work.
- Replacing roofing materials.
- Rebuilding collapsed sections of dry-stone walls.
- Repointing stonework or masonry.
- Treatment of termite damage.
- Restumping.

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

Funding for Round 14 of the Heritage Assistance Fund is as per the table below in the 2024/2025 Council budget:

Available budget 2024/25	Recommended funding	Remaining budget
\$82,800	\$67,365	\$15,435

5. Consultation/Public Submissions

All funding available through Council's Heritage Assistance Fund is promoted across our community through a range of media and other opportunities, as well as letters to landowners whose property is within a Heritage Overlay.

Landowners are encouraged to contact Council's Heritage Advisor to find out more information as to whether they are eligible to apply for the fund.

6. Risk Analysis

Council's Heritage Assistance Fund adheres to the relevant Policies and Guidelines to reduce risks associated with the administration of the grant program. Risks related to conflict of interest are managed through declarations of interests and conflicts of interests from all relevant parties.

7. Options

Council has the option to:

1. Note the report as per the officer's recommendation; or
2. Request further clarification in relation to the report.

LIST OF APPENDICES

1. HAF 2024 Round 14 Recommendations - **CONFIDENTIAL**

12.6 RESPONSE TO PETITION - ROCKBANK EAST SPORTS RESERVE

Author: Aaron Biscan - Manager Recreation and Facility Activation
Presenter: Troy Scoble - Director City Life

PURPOSE OF REPORT

To respond to the petition received requesting Council expedite the development of Rockbank East Sports Reserve.

RECOMMENDATION:

That Council:

1. Note the contents of the report regarding status of the development of the Rockbank East Sport Reserve.
2. Note that once the Rockbank East Sports Reserve Master Plan is completed in 2025, Council will be provided further proposal for future infrastructure provision at this reserve.

REPORT

1. Executive Summary

At the Ordinary Meeting of Council on 26 August 2024, a petition was tabled via change.org requesting that Council expedite the development of Rockbank East Sports Reserve. The petition was signed by 479 people. Of the 479 signatories to the petition:

- Thirty Five percent (169) of which reside in Rockbank and surrounding suburbs.
- Five percent (25) reside in the City of Melton
- Forty Five percent (217) reside in broader Victoria, and'
- Fourteen percent (68) reside interstate / international.

Rockbank East Sports Reserve is a 9.9-hectare greenfield site owned by Council. Master planning has commenced to guide the development of the reserve.

This report recommends that Council continue to develop a master plan for the Rockbank East Sports Reserve to provide clear direction for future infrastructure provision. The master plan is planned for delivery in the 2025 financial year and will support the next step of the process to develop the reserve.

2. Background/Issues

Petition

At the Ordinary Meeting of Council on 26 August 2024, a petition was tabled via change.org (Attachment 1).

In summary, the petition stated:

- *The residential development in Rockbank PSP (Precinct Structure Plan) commenced ten years ago, with a significant portion of the area now occupied by families with children of various ages.*
- *The signatories feel the community has been left underserved, lacking fundamental amenities such as a community centre, sports fields, primary and secondary schools.*
- *The current timeline provided for the development of the sports fields (2028/29) and pavilion (2031/32) in Rockbank PSP is not acceptable to the signatures.*
- *Disappointed to see neighbouring areas of similar age like Aintree being developed with multiple sporting reserves, community centres and schools while Rockbank remains neglected.*
- *The signatories request Council to prioritise and expedite the planning, funding, construction, and delivery of the sports fields and pavilion aiming for completion by 2026 to meet the immediate needs of the kids in our community.*

The petition was signed by 479 people, 35% (169) of which reside in Rockbank and surrounding suburbs with the remaining located in the City of Melton (25 or 5%), Victoria (217 or 45%) and interstate, international or not disclosed (68 or 14%).

Sports Facility Demand Planning

In 2020, Council developed the City of Melton Sports Facility Demand Strategy. A key outcome of the strategy was for sport specific strategies to be further developed to support Council on future infrastructure planning and development.

Sport specific strategies for soccer, football (AFL), cricket, tennis, rugby league and rugby union have been completed. In addition to improvements at existing facilities, the sport strategies identified the need to deliver an additional 9 ovals, 21 cricket wickets, 19 soccer pitches and 18 tennis courts as the City of Melton grows over the next 10 years.

Rockbank East Sports Reserve

The Rockbank Precinct Structure Plan 2015 identifies site OS01 for development as a sports reserve. The site, referred to in this report as Rockbank East Sports Reserve, is a 9.9-hectare greenfield site owned by Council. The reserve is located adjacent to a future Community and Childrens Centre and school. Sports facility demand planning identifies Rockbank East Sports Reserve as a priority for development in the medium term. The current timeline for the development of the sports fields is 2028/29 and pavilion is 2031/32.

Development of Rockbank East Sports Reserve

The development of a Master Plan for Rockbank East Sports Reserve has commenced and will be completed by June 2025. The following methodology is being undertaken to develop the Master Plan:

- Background Research – Analysis of existing strategies, demographic review, and participation analysis.
- Site Analysis – Site investigations, context analysis and options analysis.
- Draft Master Plan – Development of Draft Master Plan and Implementation Plan.
- Stakeholder engagement – Engage with the local community.
- Final Master Plan – Development of the Final Master Plan and presentation to Council.

Once developed, the Rockbank East Sports Reserve Master Plan will provide Councillors, Officers and the community with clear direction for the future of the reserve's infrastructure, including pre-planning requirements and tasks to inform the further design and development of the reserve.

For the site to be operational in 2028/29, it is currently planned that concept design process would begin in the 2025/26 financial year with full design in 2026/27 and construction pending funding approvals planned for 2027/28.

The feasibility to expedite the delivery including any opportunity to be able to do so for the Rockbank East Sports Reserve will be known once the Master Plan has been completed.

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

3.3 A City with accessible infrastructure that meets the needs of all.

4. Financial Considerations

The cost for the development of the Master Plan is included in the 2024/25 adopted Council budget. The master plan will provide Council the estimated costs to develop Rockbank East Sports Reserve to inform future budget deliberations.

5. Consultation/Public Submissions

A consultation plan is currently being prepared to ensure the community has an opportunity to provide feedback on the Draft Rockbank East Sports Reserve Master Plan. Feedback received will be considered in the development of the Final Master Plan and presented to Council.

6. Risk Analysis

The feasibility to expedite the delivery of Rockbank East Sports Reserve will be considered during the development of the Master Plan. The Master Plan will help mitigate risks associated with the development of the reserve by:

- Providing clear direction for the future of the reserve's infrastructure.
- Considering the pre-planning requirements and tasks to inform the further design and development of the reserve.
- Considering the costs associated with the delivery of the reserve.

7. Options

That Council note the report as per the Officers recommendation.

LIST OF APPENDICES

1. Expedite Development of Rockbank East Sports Reserve OS-01 - **CONFIDENTIAL**

12.7 RESPONSE TO PETITION - IN SUPPORT OF THE LEBANESE AND SYRIAN COMMUNITIES

Author: Sian Rainford - Interim Senior Lawyer and Property Advisor
Presenter: Emily Keogh - Head of Governance

PURPOSE OF REPORT

To provide Council with a response to the petition tabled at the Meeting of Council 25 November 2024 'In Support of the Lebanese and Syrian Communities'.

RECOMMENDATION:

That Council:

1. Acknowledges the ongoing international conflicts and significant impacts being experienced by some members of the Melton community as a result of these conflicts given the City of Melton's diverse, multi-cultural, and multi-faith community;
2. Expresses its deepest sympathy to Lebanese and Syrian communities living in the City of Melton, and their families across Australia and abroad who have experienced the tragic loss of life as a result of the ongoing conflict in the Middle East;
3. Recognises the devastating impact on hospitals, healthcare workers and service providers in both countries;
4. Condemns any act of terror, genocide, or violence and actively promotes social harmony and inclusion; and
5. Will share correspondence received in relation to any international matters with local federal members of parliament.

REPORT

1. Executive Summary

On 25 November 2024, Council tabled a petition containing 59 signatories in relation to supporting the Lebanese and Syrian communities.

The petition states:

"The Melton Council as the representative of our community, is urged to acknowledge the impact of the terrorist attacks in Lebanon and Syria since the 17th September 2024. We, the undersigned, request the Mayor to send letters of support to the Consulate General of Lebanon (St Kilda) and the Consulate General of Syria (Carlton), expressing our deepest condolences for the losses suffered due to these attacks, which involved 5,000 weaponised pagers and other digital technology.

We recognize the devastating impact on hospitals and healthcare workers in both countries.

Our thoughts and prayers are with the victims and their families affected by these tragic and horrific events.

Additionally, we ask the council to move a motion condemning these cowardly, indiscriminate terrorist acts and to call for the perpetrators to be held accountable and brought to justice."

This report provides a response to this petition and recommends that Council condemns the acts of violence and terror occurring in the Middle East, more recently in Lebanon and Syria and expresses its deepest sympathy to individuals affected both in the City of Melton, across Australia and overseas.

2. Background/Issues

In September 2024, the ongoing conflict in the Middle East escalated in Lebanon and Syria with reports of attacks against thousands of civilians resulting in a significant loss of life, with many also seriously injured or displaced.

The City of Melton is home to a diverse, multicultural community with 35.7% of residents being born overseas. This diversity brings a sense of celebratory pride to the City Melton, with our multiculturalism being embraced by the broader community.

It is also recognised that international conflict often has significant impacts on residents with friends and family affected by acts of violence occurring overseas.

On 26 February 2024, Council moved the following motion in relation to the conflict occurring in the Middle East:

That Council:

1. *Acknowledges the deep concern and grief some members of our community experience as a result of international conflicts.*
2. *Condemns any conflict that results in the loss of innocent lives.*
3. *Recognises that Council's responsibility is in providing good governance and services for the wellbeing of the City of Melton community and that representation regarding international matters is the responsibility of international leaders and the Federal Government.*
4. *Will share correspondence received in relation to any international matters to our local federal members of parliament.*

Council's position remains insofar as Council acknowledging the devastating impact on some members of our community and support to share correspondence received in relation to international matters, with Federal members of Parliament.

3. Council and Wellbeing Plan Reference and Policy Reference

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

1. A safe City that is socially and culturally connected
 - 1.1 A community that celebrates diversity and is inclusive of all.

4. Financial Considerations

There are no financial impacts associated with the items contained in this report.

5. Consultation/Public Submissions

No consultation has been undertaken on the items contained within this report.

6. Risk Analysis

Whilst it has been recognised by the Minister for Local Government that the Victorian Local Government Sector is not best placed to be involved in complex, global situations, it is recognised that Council's play an important role in civic leadership for those members of the community who may be affected by international conflict.

There is inherent risk that views of the community in its entirety, may not align with the position adopted by Melton City Council.

7. Options

N/A

LIST OF APPENDICES

Nil

12.8 PROPOSED ROAD DISCONTINUANCE - PART 40-66 RESERVE ROAD, MELTON

Author: Sian Rainford - Interim Senior Lawyer and Property Advisor
Presenter: Emily Keogh - Head of Governance

PURPOSE OF REPORT

The purpose of this report is to seek Council consideration to discontinue the land between Reserve Road and 40-66 Reserve Road, Melton.

RECOMMENDATION:

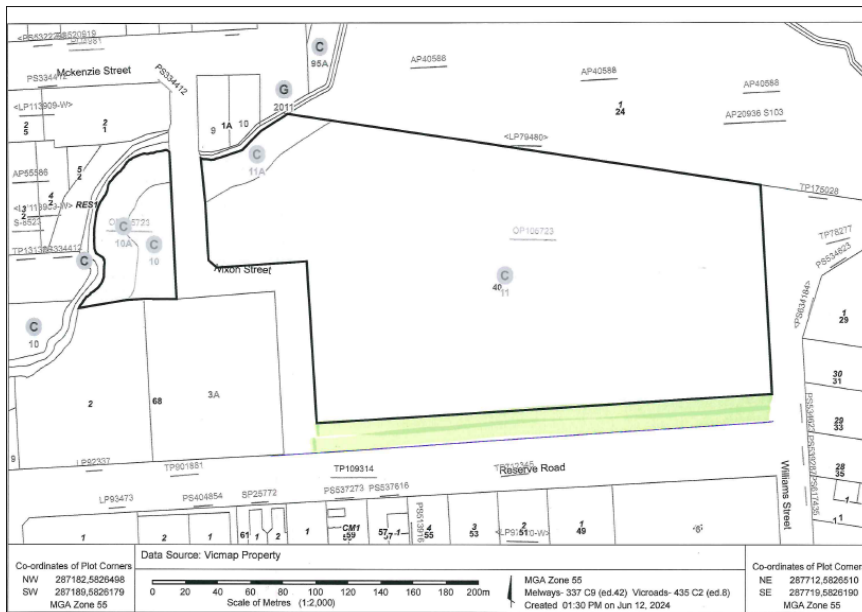
That Council:

1. Note that the required statutory procedures have been undertaken to propose to discontinue the Road between Reserve Road and 40-66 Reserve Road, Melton highlighted in green on the plan at Appendix 1 (**Subject Land**) pursuant to section 206, 207A and 223 and Clause 3 of Schedule 10 of the Local Government Act 1989;
2. Note that the Department of Energy, Environment and Climate Action are landowner of the Subject Land and Council is the appointed Committee of Management;
3. Note the two (2) submissions received by Council on the proposed discontinuance;
4. Resolve to discontinue the Subject Land;
5. Authorise Officers to advise the submitters of the notice of decision and reasons for the decision;
6. Authorise the publication of the road discontinuance on the Government Gazette;
7. Authorise Officers to do all things necessary to complete any necessary documents and delegate to the Chief Executive Office the signing of all documents required to give effect the above point (1)-(6).

REPORT

1. Executive Summary

For Council to consider whether the between Road between Reserve Road and 40-66 Reserve Road, Melton (**the Road**) should be removed from Council's Road Register, specifically an area of 5,600 square metres and shown on plan in Appendix 1 and highlighted in green.



2. Background/Issues

Council has committed to delivering the Melton Recreation Reserve CFA Building Project located within the Melton Recreation Reserve at 40-66 Reserve Road, Melton, which forms a part of the 2024/25 Capital Works Program. The Project will seek construction of a two-storey building comprised of a storeroom on the ground floor and a viewing area on level one, within the Melton Recreation Reserve and on the Road. Council is currently tendering for the construction works with a view to deliver the project by April 2025.

Council Officers identified that part of the land required for the construction of the CFA building remains a road reserve, with the discontinuance being required to enable Council to deliver the project. It is proposed that Council discontinue the parcel of land designated a road shown highlighted in green on the plan (**Appendix 1**) being the Road between Reserve Road, Melton and 40-66 Reserve Road, Melton, comprising of a total 5,600 square metres and known as Crown Allotment 11.

The section of road is no longer required as a road due to the reconfiguration of the Melton Recreation Reserve Development.

All Roads and Road Reserves should be retained if the Road or Reserve is required for the use it was set aside for and is reasonably required for general public use. Council has powers under section 17(4) of the *Road Management Act 2004* to remove roads from the Register if they are considered no longer reasonably required for public use. In this instance, the Road:

- is no longer required to provide vehicle access to property at 40-66 Reserve Road, Melton; and
- the land has been set aside for public use in the Melton Recreation Reserve for the delivery of the CFA building.

Council continues to have residual powers over roads pursuant to Section 206,207B(1) and Clause 3 of Schedule 10 of the *Local Government Act 1989*, which were not repealed in the transition to the 'new' *Local Government Act 2020*.

Should Council resolve to support the discontinuance, Council has a responsibility under section 17(4) of the *Road Management Act 2004* (Vic) (**the Act**) to remove a road from the register of public roads, if Council has made a decision that the road is no longer reasonably required for general public use.

DEECA are aware of the proposal, and agreed for Council to carry out the discontinuance under its power pursuant to the *Local Government Act*. DEECA sought additional information from Council on the proposed works in order for the Office of Surveyor General (OSG) to consider certification of the proposed works.

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

3.3 *A City with accessible infrastructure that meets the needs of all.*

4. Financial Considerations

The costs involved in procedurally undertaking a road discontinuance are minor, and Council will bear its own costs as the proposal is for Council to retain the land following the proposed discontinuance. The legal and other administrative costs in relation to the discontinuance, will be in the order of \$3,000.

The associated expenses in advertising the public notice, and the fees for publication in the Government Gazette are included in the recurrent Governance budget. The surveyors cost in preparing the Crown Allotment Plan and Gazette Plan have been included in the Capital Projects budget in connection with the delivery of the CFA building within the budgeted contingency allocation.


5. Consultation/Public Submissions

Where Council considers discontinuing the Road, it must first commence a public consultation process pursuant to section 207A and 223 of the *Local Government Act 1989*, and Council's Community Engagement Policy. Council must publish a Public Notice of the proposed discontinuance in the Melton & Moorabool Star Weekly newspaper, and on Council's Website which specifies:

- i. the matter in respect of which the right to make a submission applies;
- ii. containing the prescribed details in respect of that matter;
- iii. the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published;
- iv. stating that a person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission;

If required, Council must convene a submissions hearing pursuant to section 223 of the *Local Government Act 1989* to hear from anyone who states in their submission their desire to be heard in person and that, if required, the meeting be conducted via videoconference, with anyone requesting to be heard in person being notified in advance of the date and time.


On 29 October, Council published a public notice on its website and in the Melton & Moorabool Star weekly newspaper. A copy of that notice is below.

Notice of proposed road discontinuance 

Proposed road discontinuance at 40-66 Reserve Road, Melton.

Public Notice inviting submissions under Section 223.

Melton City Council ("Council"), gives notice under section 206 and clause 3 of Schedule 10 of the *Local Government Act 1989* ("the Act") that as the appointed Committee of Management, Council proposes to discontinue the road between Reserve Road and 40-66 Reserve Road, Melton shown enclosed highlighted on the map below.



Further information regarding the proposal can be obtained from our Interim Senior Lawyer & Property Advisor, on 9747 7200.

Any person may make a submission on the proposal. Any person wishing to make a submission must do so in writing by **26 November 2024**.

Submissions should be addressed to the Chief Executive Officer, and can be hand delivered to Council's Office at 252 High Street, Melton Victoria 3357 or posted to the following address:

The Chief Executive Officer
City of Melton
PO Box 21
Melton Victoria 3357

All submissions will be considered in accordance with section 223 of the Act. No further community consultation process will be undertaken.

Any person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of that submission.

Any person requesting to appear in person or to be represented by a person specified in his or her submission will be notified of the day, time and place of the meeting of the Council or of a committee determined by the Council to hear submissions.

Following consideration of submissions, Council may resolve not to discontinue the road or to discontinue the road.

Following some confusion as to whether Council was proposing to close the pavement, vehicle access road of Reserve Road, a letter was also sent to land owners and delivered to occupiers of Reserve Road, outlining that Council was not proposing to impact the paved road of Reserve Road (save and except for the possibility of some minor construction impacts associated with the works).

Council received two submissions to the proposal, outlined in the table below. Neither of the submitters sought to be heard on their submissions.

Submitter	Objection/ Support	Summary of submission	Officer response
Resident A – (name withheld).	Objection	<ul style="list-style-type: none"> • Submitter sought confirmation that the proposal related to Cobblestone Bridge on Nixon Street. • Submitter objected to the proposed CFA building, stating "I still object to cfa wasting our tax money on a "viewing platform" and "you are getting rid of a thoroughfare that is still widely used. We don't need to build a white elephant fire station building. We've already got one." 	<p>Officers have contacted the submitter by phone and email to explain that the proposal does not seek to close the Cobblestone Bridge.</p> <p>The submitter has been further advised that objections to the construction project are not the subject of submissions for the proposed road discontinuance. The objections as they relate to the construction project, have been provided to Director, City Futures for consideration.</p>
Resident B – (name withheld)	Objection	<ul style="list-style-type: none"> • Submitter sought information on the process, and why Council was allegedly proposing to 'ruin' a kids entertainment facility. • Submitter states they are protesting against the public process conducted in relation to this proposal. • Submitter states they are appealing for the proposal to be 'scrapped' and the area to be allocated for a kids' entertainment facility. 	<p>Officers responded by phone and email to the submitter and explained that the notice was placed on Council's website and in the newspaper for the required thirty days and that the further notice, was a courtesy of Council but not a requirement.</p> <p>Officers explained that Council was not seeking to impact the kids entertainment facility, and was not seeking to reduce park zones.</p>

6. Risk Analysis

The discontinuance of the Road will facilitate Council's delivery of the CFA Building Project and provide appropriate infrastructure to meet the needs of the CFA.

Without the road discontinuance, Council will be unable to obtain necessary building permits, to deliver the project.

7. Options

That Council:

1. Adopt the recommendations as set out in this report;
2. Not adopt the recommendations set out in this report.

LIST OF APPENDICES

Nil

12.9 PROPOSED HIGHWAY DECLARATION AND ROAD DISCONTINUANCE

Author: Sian Rainford - Interim Senior Lawyer and Property Advisor
Presenter: Emily Keogh - Head of Governance

PURPOSE OF REPORT

The purpose of this report is to seek Council consideration to declare land contained in certificate of title volume 11208 folio 537 and known as Lot 1 on title plan 969567B (**Lot 1**) and a hiatus land on the eastern boundary of Lot 1 (**Subject Land**) as a "road" within the meaning of the *Local Government Act 1989 (LGA 1989)*, and to seek Council approval for declaration of a public highway and road discontinuance.

RECOMMENDATION:

That Council:

1. Note that the required statutory procedures have been undertaken to propose to declare that part of the Subject Land, marked by thick bold continuous lines and hatched (**Hatched Land**) in the plan located under the heading Public Highway Declaration in Figure 1 of this Council Report (**Public Highway Plan**), a public highway pursuant to section 204(1) and 223 of the LGA 1989;
2. Note that Council received no submissions as part of the statutory procedures in the statutory consultation in the above point 1;
3. Resolve to declare that part of the Subject Land, marked by thick bold continuous lines and hatched (**Hatched Land**) in the plan located under the heading Public Highway Declaration in Figure 1 of this Council Report (**Public Highway Plan**), a public highway pursuant to section 204(1) and 223 of the LGA 1989;
4. Authorise the publication of a public highway declaration on the Government Gazette;
5. Following the publishing on the Government Gazette:
 - a. Authorise Officers to do all things necessary to complete a section 207D transfer;
 - b. Authorise Officers to lodge a section 35(8) plan to formally vest the public highway with Council and create and vest the new reserves on plan with Council;
6. Note that the required statutory procedures have been undertaken to propose to discontinue the balance of the Land being the land marked by thick bold continuous lines and hatched in the plan located under the heading Road Discontinuance in Figure 2 of this report (**Road Discontinuance Plan**) pursuant to section 206, 207A and 223 and Clause 3 of Schedule 10 of the LGA 1989;
7. Note that Council received no submissions as part of the statutory procedures in the above point 6;
8. Resolve to discontinue the balance of the Land and vest the balance Land in Council marked by thick bold continuous lines and hatched in the plan located under the heading Road Discontinuance in Figure 2 of this report (**Road Discontinuance Plan**);
9. Authorise the publication of the road discontinuance on the Government Gazette;
10. Authorise Officers to do all things necessary to complete the s207D transfer application to discontinue the road and vest that part of land with Council.

REPORT

1. Executive Summary

The Subject Land comprises of land contained in certificate of title volume 11208 folio 537 and known as Lot 1 on title plan TP969567B (**Lot 1**) and a hiatus land on the eastern boundary of the Lot 1.

This land is required for a drainage outfall into a wetland as part of the Carolina South Estate being developed by Avid to the north, and the construction of a road and other infrastructure as part of the Monarch Estate. No drainage or other public works can occur on the land with the current status.

The title search of the Subject Land does not disclose that the Subject Land is known to title as a 'road'. Officers have sought legal advice which confirms that the Subject Land is known to title as a 'road' within the meaning of the Local Government Act 1989 (LGA 1989) based on comprehensive title investigations undertaken on behalf of the Developer and which have been presented to Council.

On the basis that Council accepts the Subject Land as a road, Council is able to exercise any of its road and traffic powers, as set out in Schedule 10 and 11 of the LGA 1989, in respect of the Subject Land, including road discontinuance and vesting of the whole or part of the discontinued road in the Council and pursuant to section 204(1) of the LGA 1989 to declare a road to be a public highway.

At its meeting on 26 August 2024, Council resolved:

*"That Council, being satisfied that the land contained in certificate of title volume 11208 folio 537 and known as Lot 1 on title plan 969567B (**Lot 1**) and a hiatus land on the eastern boundary of Lot 1 (**Subject Land**) is a "road" within the meaning of the Local Government Act 1989 (**LGA 1989**):*

1. *Resolve that the required statutory procedures be commenced to propose to declare that part of the Subject Land, marked by thick bold continuous lines and hatched (**Hatched Land**) in the plan located under the heading Public Highway Declaration in Figure 1 of this Council Report (**Public Highway Plan**), a public highway pursuant to section 204(1) and 223 of the LGA 1989;*
2. *Direct that, in accordance with Council's Community Engagement Policy and section 207A and 223 of the LGA 1989, Officers publish a public notice of the proposal in the Melton & Moorabool Star Weekly and on Council's website which:*
 - a. *Specifies the matter in respect of which the right to make a submission applies;*
 - b. *Contains the prescribed details in respect of that matter;*
 - c. *Specifies the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published.*
 - d. *States that a person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission.*
3. *Convene, if required, a submission hearing pursuant to section 223 of the Local Government Act 1989 to hear from anyone who states in their submission their desire to be heard in person. If required, the meeting will be conducted via videoconference, with anyone requesting to be heard in person being notified in advance of the date.*

4. Pursuant to section 206, 207A and 223 and Clause 3 of Schedule 10 of the LGA 1989:
 - e. Resolve that the required statutory procedures be commenced to propose to discontinue the balance of the Subject Land and vest the balance land in the Council;
 - f. Direct that, in accordance with Council's Community Engagement Policy, a Public Notice of the proposed discontinuance be published in the Melton & Moorabool Star Weekly newspaper, and on Council's Website.
5. Convene, if required, a submission hearing pursuant to section 223 of the Local Government Act 1989 to hear from anyone who states in their submission their desire to be heard in person. If required, the meeting will be conducted via videoconference, with anyone requesting to be heard in person being notified in advance of the date.

Receive a further report following the close of the submission period to enable Council to make a final decision on the above matters."

2. Background/Issues

The Subject Land comprises of land contained in certificate of title volume 11208 folio 537 and known as Lot 1 on title plan TP969567B (**Lot 1**) and a hiatus land on the eastern boundary of the Lot 1.

The Subject Land is in the Kororoit Precinct Structure Plan (**Kororoit PSP**), is approximately 10.41 metres wide, and previously ran from Taylors Road in the north to Kororoit Creek in the south. A planning permit (PA2021/7600) has been issued for the multi lot subdivision at 137-235 Sinclairs Road, Deanside, and covers both Property 66 and Property 66A in the Kororoit PSP. This estate is known as the Monarch Estate.

This land is required for a drainage outfall into a wetland as part of the Carolina South Estate being developed by Avid to the north, and the construction of a road and other infrastructure as part of the Monarch Estate. No drainage or other public works can occur on the land with the current status.

As part of investigations conducted by Central Equity, the developer of Monarch Estate, it was established that the Subject Land has become (or was set aside as) a road between August 1853 and December 1853. The Subject Land is denoted as a road on registered materials held by Land Use Victoria.

The title search of the Subject Land does not disclose that the Subject Land is known to title as a 'road'. Officers have sought legal advice which confirms that the Subject Land is known to title as a 'road' within the meaning of the LGA 1989 based on comprehensive title investigations undertaken on behalf of the Developer and which have been presented to Council.

On the basis that Council accepts the Subject Land as a road, Council is able to exercise any of its road and traffic powers, as set out in Schedule 10 and 11 of the LGA 1989, in respect of the Subject Land, including road discontinuance and vesting of the whole or part of the discontinued road in the Council.

Public Highway Declaration

Officers have sought legal advice as to the options available to secure title to the Subject Land and to facilitate the creation of the Subject Land as road, public open space and drainage reserves consistent with the proposed subdivision development plan for Monarch Estate, Deanside.

Council has the power to declare a road to be a 'public highway' under section 204(1) of the LGA 1989, which reads:

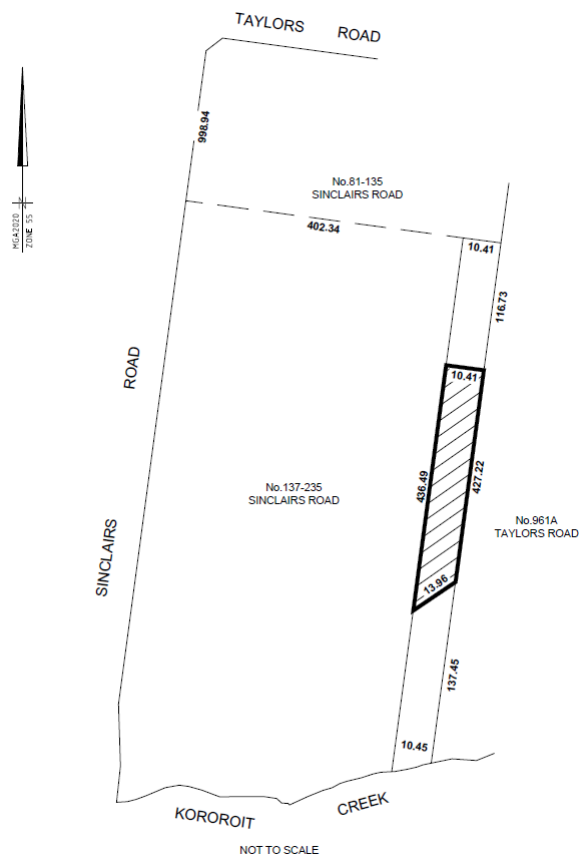
A Council may, by notice published in the Government Gazette, declare a road in its municipal district to be a public highway for the purposes of this Act

Council can only declare such part of the Subject Land to be a public highway, if it is satisfied that the road is reasonably required as a public right of way. A future requirement for the road to be set aside as a public highway, can be sufficient basis for declaration as a public highway.

Given that Council is satisfied that the Subject Land is a “road” within the meaning of the LGA 1989, Council can initiate the statutory process to propose to declare that part of the Subject Land as road marked hatched on the Public Highway Plan to be a public highway pursuant to sections 204(1) and 223 of the LGA 1989.

If Council is minded to declare that part of the Subject Land as a public highway, that part of the Subject Land as road marked hatched on the Public Highway Plan, as denoted in Figure 1, would vest in Council as a road, and a public highway under clauses 1(4) and 1(5) of Schedule 5 of the Road Management Act 2004.

Figure 1: Part of the Subject Land proposed to be declared as a public highway.



If, once having completed the statutory process, Council resolves to declare part of the Subject Land marked hatched on the Public Highway Plan as a public highway, the title would need to be formalised by way of a section 54 or section 59 application pursuant to the Transfer of Land Act 1958, or, if necessary, pursuant to section 35(8) of the Subdivisions Act 1988.

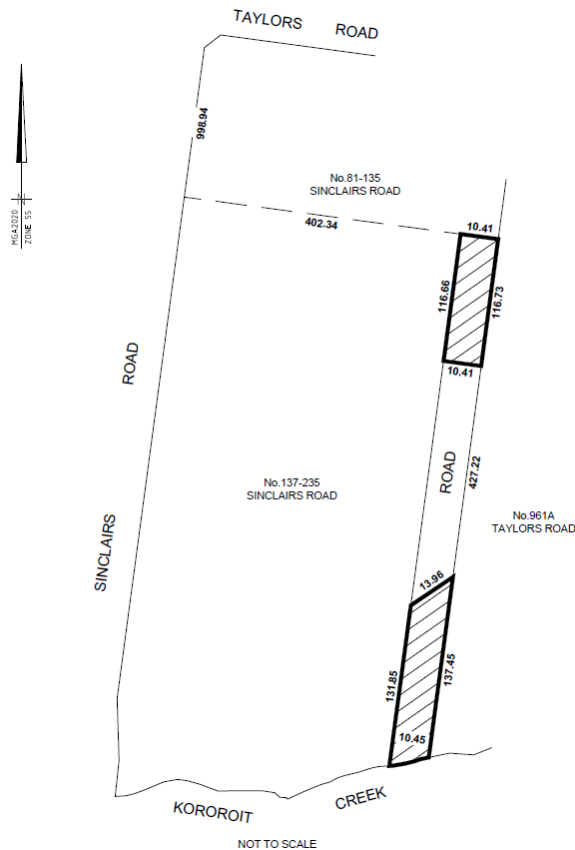
Road Discontinuance

The balance of the Subject Land is also a road within the meaning of the LGA 1989 and is proposed to be discontinued pursuant to Clause 3 of Schedule 10, section 206, 207A and 223 of the LGA 1989 which were not repealed in the transition to the Local Government Act 2020.

This is proposed on the basis that the balance land serves no useful purpose as a road and, if discontinued, could be vested in Council and repurposed as reserves servicing the Monarch Estate.

The balance of the Subject Land proposed to be discontinued as a road is delineated by bold thick lines and hatched in the Figure 2.

Figure 2: The balance of the Subject Land proposed to be discontinued as a road.



Subdivision

If Council resolves to discontinue the balance of the Subject Land as road, Council may then create the relevant part of the discontinued road as public open space and drainage reserves, as required, on a plan of subdivision pursuant to section 35(8) of the *Subdivisions Act 1988* on the basis that the land has been vested in Council. The plan would require certification and registration in accordance with the *Subdivisions Act 1988*. In effect, this would create separate titles to the public open space and drainage reserves in Council's name. The creation of public open space and drainage reserves on the balance of the Subject Land is a requirement under planning permit number PA2021/7600, which the developer would need to comply with in order to develop the Monarch Estate in accordance with the planning permit.

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

3.3 A City with accessible infrastructure that meets the needs of all.

4. Financial Considerations

Officers obtained an estimate that legal costs and disbursement may be in the order of \$25,000 to finalise the matter. The developer has agreed to reimburse these costs to Council. It is likely the final cost will be less than the estimate, on the basis that Council's internal legal team have and will continue to undertake a number of administrative functions as required.

The associated expenses in advertising the public notice, and the fees for publication in the Government Gazette are included in the recurrent Governance budget.

5. Consultation/Public Submissions

Where Council is minded to discontinue the Road, it must first commence a public consultation process pursuant to section 207A and 223 of the Local Government Act 1989, and Council's Community Engagement Policy. Council must publish a Public Notice of the proposed discontinuance in the Melton & Moorabool Star Weekly newspaper, and on Council's Website which specifies:

- i. the matter in respect of which the right to make a submission applies;
- ii. containing the prescribed details in respect of that matter;
- iii. the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published;
- iv. stating that a person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission;

If required, Council must convene a submissions hearing pursuant to section 223 of the Local Government Act 1989 to hear from anyone who states in their submission their desire to be heard in person and that, if required, the meeting be conducted via videoconference, with anyone requesting to be heard in person being notified in advance of the date and time.

On 29 October, Council published a public notice on its website and in the Melton & Moorabool Star weekly newspaper. A copy of that notice is below. No submissions were received.

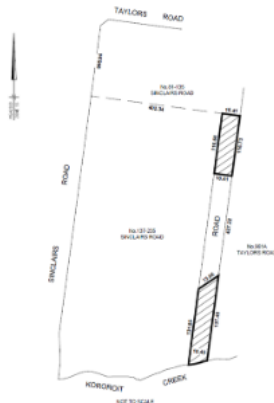
Public Notice inviting submissions under Section 223



Proposed declaration of Public Highway at 157-235 Sinclair Road, Deanside.

Public Notice inviting submissions under Section 223.

Melton City Council ("Council"), pursuant to section 204(f) of the *Local Government Act 1989* ("Act") proposes to declare part of the road at 157-235 Sinclair Road, Deanside Victoria and being part of the land contained in certificate of title volume 11208 folio 537 and part of the hiatus land adjoining its eastern boundary shown enclosed by continuous thick lines and hatched on the plan below, being a road in Council's municipal district, to be a public highway for the purposes of the Act ("the proposal").



Further information regarding the proposal can be obtained from our Interim Senior Lawyer & Property Advisor on 9747 7200.

Any person may make a submission on the proposal. Any person wishing to make a submission must do so in writing by **25 November 2024**.

Any person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of that submission.

All submissions will be considered in accordance with section 223 of the Act.

Submissions should be addressed to the Chief Executive Officer, and can be hand delivered to Council's Office at 232 High Street, Melton Victoria 3357 or posted to the following address:

The Chief Executive Officer
City of Melton
PO Box 21
Melton Victoria 3357

Any person requesting to appear in person or to be represented by a person specified in his or her submission will be notified of the day, time and place of the meeting of the Council or of a committee determined by the Council to hear submissions.

Following consideration of submissions, Council may resolve not to declare the road to be a public highway or not to declare the road to be a public highway.

6. Risk Analysis

The Developer has agreed to reimburse Council for its legal costs in respect of the proposal, including the public highway declaration process, preparation of gazettal and public notices, Application for Registration as required.

Should Council not be minded declaring the land a public highway and discontinue the balance land, the developer will be unable to progress to compliance for future stages of development.

7. Options

That Council:

1. Adopt the recommendations as set out in this report;
2. Not adopt the recommendations set out in this report and advise the developer accordingly.

LIST OF APPENDICES

Nil

12.10 DEED OF RENEWAL - PART 231-319 FAULKNERS ROAD, MT COTTRELL

Author: Sian Rainford - Interim Senior Lawyer and Property Advisor
Presenter: Emily Keogh - Head of Governance

PURPOSE OF REPORT

The purpose of this report is to present to Council for consideration the options for execution of the further term lease with Airservices Australia.

RECOMMENDATION:

That Council authorise the Chief Executive Officer (**CEO**) to execute the Further Term in substantially the same form as to the attached at **Appendix 1**.

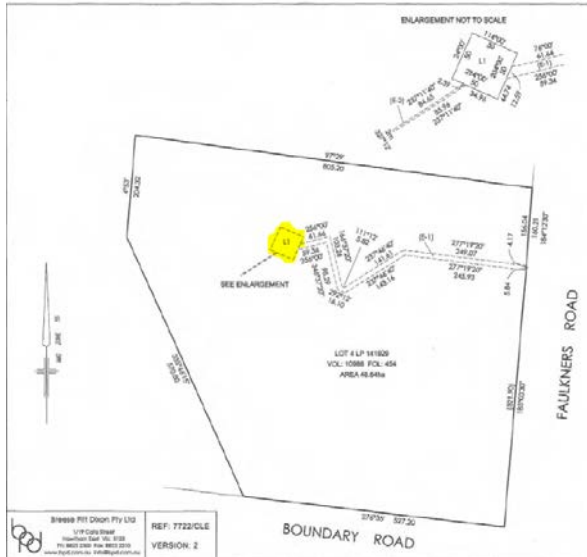
REPORT**1. Executive Summary**

Council is the Landlord under a lease with Airservices Australia (ABN 59 698 720 886) which commenced 1 January 2016, for an initial term of nine (9) years, and one (1) option to extend for a period of ten (10) years (**Further Term**) for the use of part of the land at 231-319 Faulkners Road, Mount Cottrell (**the Subject Land**).

This report seeks explicit delegation to the Chief Executive Officer to execute the Deed of Renewal formalising the Further Term option with Airservices Australia, in circumstances where Council resolved to enter into the lease, the Lease was executed under Common Seal, and the resolution was silent on preferred execution of the Deed of Renewal.

2. Background/Issues

At its meeting of Council of 21 November 2016, Council resolved to enter into a 9-year lease with a 10-year option to extend, with Airservices Australia for the use of part of the land at 231-319 Faulkners Road, Mount Cottrell. The total land parcel is presently subject to a number of existing leases being Airservices, Crown Castle and Powercor Australia Pty Ltd. Airservices occupy approximately 2500 square metres of the land. The Subject Land of the lease with Airservices Australia is the being the land shown as L1 and highlighted in yellow on the Plan in section 2 of this report, and part of the land described in Certificate of Title Volume 10988 Folio 454, being Lot 4 on Plan of Subdivision number 141929.



According to the Airservices Australia website, the Tenant provide “a range of world-class services that allow safe and equitable access to [the] skies”. The primary focus is “ensuring safe air travel”.

The permitted purpose under the subject lease with Airservices Australia is for any purpose consistent with the permitted functions, purposes and obligations of Airservices Australia under the *Air Services Act 1995* (Cth) at an annual rental of \$28,000 plus GST per annum commencing 1 January 2016.

Airservices Australia has leased the premises since 1996, prior to Council being the landowner of the land. Council (as landowner) entered into the first lease with Airservices in 2016, for an initial term of nine (9) years with one option to extend for a period of ten (10) years. Airservices formally notified Council to exercise their option to extend pursuant to the lease.

The commencing rent, pursuant to the 21 November 2016 resolution was \$28,000 including GST with increases for CPI and market review contemplated within the Further Term. Pursuant to the Lease, a market rent review is required at the commencement date of the Further Term. Council obtained a market rent review which provided a valuation of \$30,000 per annum.

No CPI adjustment is required at the commencement of the Further Term. A CPI adjustment will be applied on each anniversary of the commencement date of the Further Term, being 1 January 2026 and each 1 January for the duration of the Further Term.

The Tenant has acknowledged the increased rent for the duration of the Further Term.

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

3.2 Health and community services are accessible locally.

4. Financial Considerations

Pursuant to the term of the Lease, the rental amount is \$30,000 per annum, with a CPI adjustment to occur on each anniversary from 1 January 2025, until the end of the Further Term.

There are no other financial considerations to the recommendation contained within this report.

5. Consultation/Public Submissions

Council's powers to lease land are outlined in section 115 of the *Local Government Act 2020* (Act). Council is required to publicly advertise its notice of proposal to lease land in accordance with section 223 of the *Local Government Act 1989*. Public Notice of Council's intention to lease the land was given on 10 November 2015. No submissions were received. The public notice at the time included the option for the further term, and as such, no further consultation is required.

6. Risk Analysis

If Council resolves to delegate signing of required documentation to the CEO, there is minimal risk to Council. The arrangement will continue to operate in line with the terms of the lease, which has been the status quo for 11 years prior to Council being landowner of the Subject Land, and since 1996.

If Council resolved not to delegate to the CEO to execute the Further Term, Council would be acting contradictory to the terms of the lease, which provide the Tenant with the option to exercise the Further Term. Council would also become responsible for the Subject Land.

Council has received no interest in use of the site and the Tenant has been maintained a cooperative and productive relationship with Council throughout the duration of the lease.

7. Options

1. Enter into the Deed of Renewal to formalise the Further Term of the Lease.
2. Resolve not to enter into the Deed of Renewal and receive a further report from Officers outlining the associated risks.

LIST OF APPENDICES

1. Draft Deed of Renewal - Airservices Australia
2. Lease Airservices Australia commencing 1 January 2016

Deed of Renewal of Lease

Premises: (Part) 231-319 Faulkners Road, Mount Cottrell

Melton City Council

ABN 22 862 073 889

and

Airservices Australia

ABN 59 698 720 886

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Lease	

Schedule

1. **Date of this Deed:**
2. **Landlord:** Melton City Council of 232 High Street, Melton 3337
3. **Tenant:** Airservices Australia ABN 59 698 720 886 of 25 Constitution Avenue, Canberra ACT 2600
4. **Guarantor:** Not applicable
5. **Premises:** Part of land shown on L1 on the plan attached in the Annexure, being part of the land described in Certificate of Title Volume 10988 Folio 454, Being Lot 4 Plan of Subdivision The premises described in the Lease number 141929
6. **Term:** 10 years
7. **Further Term:** Nil
8. **Commencement Date:** 1 January 2025
9. **Rent:** \$30,000 per annum exclusive of GST

Deed of Renewal of Lease

Dated

This Deed is made on the date specified in Item 1.

Parties

The Landlord

The Tenant

Background

- A. The Landlord, as owner of the land on which the Premises are located, leased the Premises to the Tenant pursuant to the terms of the Lease commencing 1 January 2016.
- B. The Tenant has exercised its option contained in the Lease to renew the Lease for a further term of ten (10) years commencing on 1 January 2025.
- C. The parties have agreed to enter into this Deed to record the terms of the New Lease for the Term.

The Parties Agree

1. Definitions

In this Deed, unless expressed or implied to the contrary:

Act means *Retail Leases Act 2003 (Vic)*

Commencement Date means the date specified in Item 8.

Deed means this deed executed by the parties.

Guarantor means the party (if any) named in Item 4.

Item means an item in the Schedule.

Landlord means the party named in Item 2 and includes the Landlord's successors and assigns and where it is consistent with the context includes the Landlord's employees and agents.

Lease means the lease for the Premises between the Landlord and the Tenant, a copy of which is attached to this Deed as Attachment 1.

New Lease means the lease granted by the Landlord to the Tenant pursuant to this Deed at the rent specified in Item 9.

Premises means the premises described in the Lease and specified in Item 5.

Schedule means the schedule at the front of this Deed.

Tenant means the party named in Item 3 and includes the Tenant's successors and assigns and where it is consistent with the context includes the Tenant's employees, agents, invitees and persons the Tenant allows on the Premises.

Term means the term specified in Item 6 and includes any extension or period of overholding.

Variations means the variations to the Lease set out in **Error! Reference source not found.**

2. **New Lease**

The Landlord leases the Premises to the Tenant for the Term starting on the Commencement Date on the same terms and conditions as the Lease subject to the Variations.

3. **Rent**

For the purposes of the New Lease, the Rent as at the Commencement Date is as specified in Item 9 and is subject to adjustment in accordance with the terms of the Lease.

4. **Observe and comply with New Lease**

The Landlord and the Tenant agree that they will each observe and perform the terms of the Lease as if those terms had been specified in this Deed subject to the Variations.

5. **GST**

5.1 **Definitions**

In this clause:

- 5.1.1 words and expressions that are not defined in this Deed but which have a defined meaning in the GST Law have the same meaning as in the GST Law;
- 5.1.2 **GST** means GST within the meaning of the GST Law and includes penalties and interest and includes voluntary or notional payments made by a supplier under or in

relation to the *National Taxation Reform (Consequential Provisions) Act 2000* (Vic) or a direction given under s 6 of that Act; and

5.1.3 **GST Law** has the meaning given to that term in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

5.2 GST exclusive

Except as otherwise provided by this clause, all consideration payable under this Deed in relation to any supply is exclusive of GST.

5.3 Increase in consideration

If GST is payable in respect of any supply made by a supplier under this Deed (**GST Amount**), the recipient must pay to the supplier an amount equal to the GST payable on the supply. Subject to clause 5.4, the recipient must pay the GST Amount at the same time and in the same manner as the consideration for the supply is to be provided under this Deed in full and without deduction, set off, withholding or counterclaim (unless otherwise provided in this Deed).

5.4 Tax invoice

The supplier must provide a tax invoice to the recipient before the supplier will be entitled to payment of the GST payable under clause 5.3.

6. General

6.1 Entire understanding

This Deed contains the entire understanding between the parties as to the subject matter contained in it. All previous agreements, representations, warranties, explanations and commitments, expressed or implied, affecting this subject matter are superseded by this Deed and have no effect.

6.2 Legal costs and expenses

Each party will pay its own legal costs and expenses in relation to the negotiation, preparation and execution of this Deed.

6.3 Stamp duty

The Tenant must pay all stamp duty (including all fines and penalties) on the Deed.

7. Interpretation

7.1 Governing law and jurisdiction

This Deed is governed by and is to be construed in accordance with the laws of Victoria. Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of Victoria and waives any right to object to proceedings being brought in those courts.

7.2 Persons

In this Deed, a reference to:

- 7.2.1 a person includes a firm, partnership, joint venture, association, corporation or other corporate body;
- 7.2.2 a person includes the legal personal representatives, successors and permitted assigns of that person; and
- 7.2.3 any body which no longer exists or has been reconstituted, renamed, replaced or whose powers or functions have been removed or transferred to another body or agency, is a reference to the body which most closely serves the purposes or objects of the first-mentioned body.

7.3 Joint and several

If a party consists of more than one person, this Deed binds them jointly and each of them severally.

7.4 Legislation

In this Deed, a reference to a statute includes regulations under it and consolidations, amendments, re-enactments or replacements of any of them.

7.5 Clauses and headings

In this Deed:

- 7.5.1 a reference to this or any other deed includes the deed as varied or replaced regardless of any change in the identity of the parties;
- 7.5.2 a reference to a clause, schedule, appendix or attachment is a reference to a clause, schedule, appendix or attachment in or to this Deed all of which are deemed part of this Deed; and
- 7.5.3 headings and sub-headings are inserted for ease of reference only and do not affect the interpretation of this Deed.

7.6 Number and gender

In this Deed, a reference to:

- 7.6.1 the singular includes the plural and vice versa; and
- 7.6.2 a gender includes the other genders.

8. Electronic Signing & Digital Receipt of Documents

Each party:

- 16.1.1 consents to the use of the electronic signing of this agreement and receiving this agreement in electronic or digital form;
- 16.1.2 warrants that, where it signs this document electronically, they have applied (or their duly authorised signatories have applied) the

electronic signature to this document;

- 16.1.3 agrees that such signature is legally effective execution and conclusive as to their intention to be bound by this agreement as if signed by that Party's (or any of its duly authorised signatory's) manuscript signature; and
- 16.1.4 where relevant, confirms that the agreement has been duly witnessed by audio-visual link in accordance with Section 12 of the *Electronic Transactions Act 2000 (Vic)*.

Signing Page

Executed by the parties as a deed on the date specified in Item 1 [pending decision of Council, the incorrect execution block to be removed).

The Common Seal of the **Melton City Council** was)
hereunto affixed in the presence of:)
)

..... Councillor

..... Chief Executive Officer

Signed, sealed and delivered by **Roslyn Wai, Chief**)
Executive Officer on behalf of Melton City Council)
pursuant to resolution of Council dated 16)
December 2024:

.....
Signature of Chief Executive Officer

.....
Signature of Witness

.....
Print full name

.....
Print full name

Signed sealed and delivered by authorised representative of Airservices Australia (ABN 59 698 720 886) in the presence of:

.....
Signature of Signatory

.....
Name of Signatory

.....
Signature of witness

.....
Name of witness

Attachment 1 – Lease dated 30 January 2017

Lease

Lease

MELTON CITY COUNCIL
(ABN 22 862 073 889)

AIRSERVICES AUSTRALIA
(ABN 59 698 720 886)

Land at 231-319 Faulkners Road, Mount Cottrell



Level 6, 30 Collins Street
Melbourne Victoria 3000
Telephone +613 9650 6700 Facsimile +613 9650 6355
E-mail solutions@macquarielawyers.com.au

230025110.03

Date	LEASE made under section 190 of the <i>Local Government Act 1989</i>
	on <u>3 April</u> 20 <u>16</u> .
Parties	
1.	MELTON CITY COUNCIL (ABN 22 862 073 889) of 232 High Street, Melton, Victoria, 3337 (Council)
2.	AIRSERVICES AUSTRALIA (ABN 59 698 720 886) of 25 Constitution Avenue, Canberra, ACT, 2600 (Tenant)
Recitals	
A	The Council is the registered proprietor (or entitled to be so) of the Land.
B	The Tenant is a body corporate established under the <i>Air Services Act 1995</i> (Cth).
C	The Council has agreed to lease the Land to the Tenant on the terms and conditions contained within this lease.

It is agreed as follows.

1. Definitions

In this Lease unless the contrary intention appears –

Air Services Act means the *Air Services Act 1995* (Cth).

Annexure means the annexure to this Lease;

Business Day means any day that is not a Saturday, a Sunday or a gazetted public holiday in the State of Victoria;

Clause means a clause of this Lease and sub-clause has a corresponding meaning;

Commencement Date means the date specified in Item 5;

Council means the council specified in Item 1 and includes the council's successors and assigns and where it is consistent with the context includes the council's employees and agents;

CPI means the Consumer Price Index, Melbourne – All Groups published by the Australian Bureau of Statistics;

CPI Adjustment Date means the date specified in Item 14;

Further Term means the further term (if any) specified in Item 12;

GST Act means the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) as amended from time to time.

Item means an item in the Schedule;

Lease means this lease, the Schedule and the Annexure;

Land means the land specified in Item 3;

Market Rent means the market rent nominated by the Council in the notice to the Tenant, which is taken to be the rent obtainable in a free and open market between a willing landlord and a willing tenant in an arm's length transaction and which will be the Rent the Tenant must pay from the Market Rent Review Date;

Market Rent Review Date means the date specified in Item 13;

Percentage Rent Increase Date means the date specified in Item 15;

Permitted Use means the permitted use specified in Item 9;

Recipient has the meaning given in the GST Act.

Rent means the amount specified in Item 7 as reviewed, adjusted or increased pursuant to this Lease;

Schedule means the schedule to this Lease;

Security Deposit means the amount specified in Item 10;

Services means any water, gas, electricity, sewerage and drainage services, telecommunication and other communication services and installations now or hereafter installed on the Land, or land surrounding or adjacent to the Land and includes all wires, cables, pipes, ducts, conduits, tanks, cisterns, electrical and mechanical plant and all other parts, fittings and accessories whatever ancillary or incidental thereto or associated therewith.

Special Conditions means the special conditions referred to in Item 16;

Supplier has the meaning given in the GST Act.

Supply has the same meaning it does in Section 9-10 of the GST Act and excludes any "GST-free supplies" and "input taxed supplies" as those terms are defined in Section 195-1 of the GST Act.

Tenant means the tenant specified in Item 2 and includes the tenant's successors and assigns and where it is consistent with the context includes the tenant's employees and agents;

Term means the term specified in Item 4 and includes any extension or overholding; and

Works means the buildings including portable and relocatable buildings, security fencing, improvements, fixtures and fittings and facilities together with all earth works, laying of foundations, site preparation and site surcharging, reticulation, paving, landscaping and services, of any nature which are:

- (a) constructed, installed, altered, refurbished or undertaken by the Tenant on the Land after the Commencement Date; or
- (b) in existence on the Land at the Commencement Date.

2. Interpretation

In this Lease unless the contrary intention appears -

2.1 Legislation

Any reference to legislation includes any subordinate legislation made under that legislation and any later equivalent re-enactment or substitute legislation.

2.2 Joint and Several

If a party constitutes more than one person, this Lease binds them jointly and each of them severally.

2.3 Headings

Heading and sub-headings are for guidance only and do not affect the operation of this Lease.

2.4 Persons

2.4.1 A reference to a person includes a firm, partnership, association, corporation or other corporate body.

2.4.2 A reference to a person by way of that person's position with the Council includes a person –

2.4.2.1 authorised to carry out the powers, duties and functions of that person at the Council;

2.4.2.2 acting in that capacity; and

2.4.2.3 if that person in the Council ceases to exist, any person exercising any power, duty or function which was previously a power, duty or function of the previous position.

2.5 Governing Law

2.5.1 This Lease is governed by, and each party to this Lease submits to the jurisdiction of, the laws of the State of Victoria and the Commonwealth of Australia in respect of all matters arising under or relating to this Lease.

2.5.2 In the event of any direct inconsistency, the laws of the Commonwealth of Australia will prevail.

2.6 Reading Down and Severability

If a provision of this Lease is void, or voidable by a party, unenforceable or illegal, but would not be so if read down or severed from the Lease, it must be read down or severed accordingly.

2.7 General

2.7.1 The singular includes the plural and the plural includes the singular.

2.7.2 Any gender includes each other gender.

2.7.3 Where a word or phrase has a particular meaning, other grammatical forms of that word or phrase have a corresponding meaning.

3. Lease

3.1 Grant of Lease

The Council leases to the Tenant and the Tenant leases from the Council the Land in accordance with the exceptions, reservations, covenants and conditions in this Lease.

3.2 Non derogation from grant

The Council will not derogate from its grant of this Lease to the Tenant and that obligation of the Council will not be excluded or in any way limited by any other term of this Lease.

4. Tenant's Covenants

4.1 Rent

The Tenant must pay the Rent to the Council in the manner specified in Item 8.

4.2 Permitted Use

The Tenant must use and occupy the Land for the use specified in Item 9.

4.3 Assignment and Subletting

The Tenant must not assign the Lease or sublet the Land without the Council's consent, which must not be unreasonably withheld.

4.4 Grant of Interest

The Tenant must not –

4.4.1 create any security over this Lease;

4.4.2 grant any licence or concession in respect of all or part of the Land; or

4.4.3 part with occupancy rights to all or part of the Land,

without the Council's consent, which must not be unreasonably withheld.

4.5 Maintenance

The Tenant must at all times –

4.5.1 keep and maintain the Land in a clean and tidy condition; and

4.5.2 make good any damage caused by the Tenant to the Land.

4.6 Failure to Maintain

If the Tenant does not carry out any maintenance or other works required under this Lease within 30 days of receiving notice from the Council, the Council may enter the Land to carry out such repairs, maintenance and works at any reasonable time after giving the Tenant reasonable notice. The reasonable cost of all such repairs,

maintenance and works must be paid by the Tenant to the Council within 30 days of the Council providing a tax invoice to the Tenant.

4.7 Alterations and Works

4.7.1 Subject to clause 4.7.2, the Tenant must obtain the prior written consent of the Council (such consent not to be unreasonably withheld or delayed) before carrying out any alterations to or works on the Land. The Tenant must ensure that any alterations to or works on the Land are carried out -

4.7.1.1 in accordance with plans and specifications approved by the Council (acting reasonably);

4.7.1.2 in a proper and workmanlike manner;

4.7.1.3 by qualified tradespersons;

4.7.1.4 to the Council's reasonable satisfaction and in accordance with the Council's reasonable requirements; and

4.7.1.5 in accordance with the requirements of any authorities having jurisdiction over the Land.

4.7.2 The Tenant shall be entitled to erect, maintain and repair such buildings and structures on the Land as the Tenant reasonably requires in order to perform its functions under the *Air Services Act 1995* (Cth).

4.7.3 This clause 4.7 does not apply to works that the Tenant is required by statute or regulation to undertake.

4.8 Placing of Sign

The Tenant must obtain the prior written consent of the Council before placing any sign on the Land.

4.9 Notice of Damage

The Tenant must give the Council prompt notice of any material damage to the Land or anything likely to be a risk to the Land or any person in or near the Land.

4.10 Tenant Must Pay Security Deposit

4.10.1 The Tenant must pay the Security Deposit to the Council by way of bank cheque for the amount stated in Item 10 on or before the Commencement Date, which is security for the due, prompt and proper observance and performance by the Tenant of its obligations arising under the terms and conditions of this Lease.

4.10.2 The Council may use the Security Deposit to make good the cost of remedying any breaches of the Tenant's obligations under this Lease and the Tenant must

pay whatever further amount is necessary to bring the Security Deposit back to the required level.

- 4.10.3** After this Lease has ended and the Tenant has performed all of its obligations under this Lease and has vacated the Land, the Council must refund any unused part of the Security Deposit within 3 months.

4.11 Insurances to be Effected by the Tenant

4.11.1 The Tenant must maintain—

- 4.11.1.1** a public liability insurance policy which notes the Council's interest as owner of the Land for an amount of not less than \$20 million dollars in respect of one single event;

- 4.11.2** The Tenant must pay all insurance premiums on or before the due date for payment and provide to the Council copies of the certificate of currency on or before each anniversary of the Commencement Date.

- 4.11.3** The Tenant must not do anything which may make any insurance effected by the Tenant or the Council invalid, capable of being cancelled or rendered ineffective, or which may increase the insurance premiums. If the insurance premium increases, the Tenant must pay that increase.

4.12 Rates and Taxes

4.12.1 The Tenant must pay to the relevant authority any –

- 4.12.1.1** local government rates and charges;
- 4.12.1.2** water rates and charges, including water usage charges;
- 4.12.1.3** sewerage and drainage rates and charges;
- 4.12.1.4** land tax (assessed on a single holding basis); and
- 4.12.1.5** other rates, charges and levies assessed in connection with the Land.

- 4.12.2** If any rates and taxes are not separately assessed in connection with the Land, the Tenant must pay to the Council within 30 days of receiving a valid tax invoice, the proportion of the rates and taxes that the area of the Land bears to the total area assessed.

- 4.12.3** The Tenant must provide to the Council a receipt for any rates and taxes paid by the Tenant within 30 days of request by the Council.

4.13 Services

The Tenant must pay for –

4.13.1 all services in connection with the Land including electricity, gas, water, sewerage and telephone services; and

4.13.2 the cost of installing separate check meters to assess the charges for the services where the Land is not separately metered.

4.14 Noxious or Illegal Activity

The Tenant must not carry on on the Land any noxious or offensive activity or use and occupy the Land for any illegal or immoral purpose.

4.15 Nuisance

The Tenant must not do anything in connection with the Land which may cause a nuisance or interfere with any other person.

4.16 Compliance with Laws

4.16.1 To the extent that the Tenant is not exempt under the Air Services Act, the Tenant must comply with all laws and any requirements of any authority in connection with the Land and the Tenant's use and occupation of the Land.

4.16.2 Nothing in this clause will require the Tenant to carry out any structural works unless structural works are required as a result of the Tenant's use and occupation of the Land or the negligent act or omission of the Tenant.

4.17 Security

4.17.1 The Tenant must keep the Land secure at all times when the Land is not being used and occupied by the Tenant.

4.17.2 The Tenant must take all reasonable precautions to ensure that anything placed on the Land does not cause an obstruction or inconvenience or danger or risk to the health, safety or wellbeing of any persons or their property (whether members of the public or not).

4.18 Licences and Permits

The Tenant must maintain all licences and permits required by law for the Tenant's use and occupation of the Land and obtain the Council's prior written consent before varying any licence or permit or applying for any new licence or permit.

5. Council's Covenants

5.1 Quiet Enjoyment

Subject to the Tenant's compliance with the terms and conditions of this Lease, the Tenant may peaceably possess and enjoy the Land during the Term without any

interruption or disturbance from the Council or any person claiming through or under the Council, except as provided for in this Lease.

5.2 Access to the Land

The Council must provide the Tenant with unfettered access to the Land 24 hours a day, seven days a week to enable the Tenant to use and occupy the Land for the Permitted Use.

5.3 Entry of Land by Council

5.3.1 Except as provided for in clause 4.6 and sub-clause 5.3.2, the Council may only enter the Land –

5.3.1.1 at reasonable times and with the prior consent of the Tenant (which must not be unreasonably withheld); and

5.3.1.2 subject to any conditions imposed by the Tenant, including without limitation, a condition that the Council must only enter the Land while accompanied by a person nominated by the Tenant.

5.3.2 The Council may enter the Land at any time without giving notice to the Tenant or without the prior consent of the Tenant during an emergency.

5.3.3 In exercising the Council's rights under this clause, the Council must use all reasonable endeavours to cause as little disruption as possible to the Tenant's use and occupation of the Land.

5.4 Alterations to the Land

5.4.1 The Council must not carry out any works or refurbishment or make any alterations or additions to the Land that may in any way –

5.4.1.1 affect the Tenant's ability to access or use and occupy the Land;

5.4.1.2 increase the likelihood of any damage; or

5.4.1.3 knowingly or intentionally interrupt any Service,

without the Tenant's prior written consent, which must not be unreasonably withheld.

5.4.2 Except as provided for in sub-clause 5.5.1, the Council may carry out any works, refurbishment, alterations or additions (including, but not limited to, any works, refurbishment, alterations or additions which the Council is required to carry out by law or authority) of the Land at any reasonable time after giving the Tenant reasonable notice.

5.5 No Warranty

5.5.1 The Council does not warrant that the Land is suitable for any of the purposes or uses of the Tenant.

5.5.2 The Tenant must make its own enquiries as to the suitability of the Land for the Permitted Use.

5.6 Consent of the Council

Where the Council is required to give its consent under this Lease, it may do so subject to such terms and conditions as the Council may reasonably require.

6. Market Rent Review**6.1 Notice by Council**

6.1.1 If a Market Rent Review Date is specified in Item 13, the Council may give notice to the Tenant not less than 60 days before the Market Rent Review Date of the Council's assessment of the Market Rent for the Land which is to apply on and from the Market Rent Review Date.

6.1.2 If the Council does not give notice to the Tenant specifying the Market Rent, the Tenant must continue to pay the Rent payable immediately prior to the Market Rent Review Date.

6.2 Tenant's Objection

The Tenant must give notice to the Council within 14 days of receipt of the notice from the Council objecting to the Market Rent specified in the notice from the Council. If the Tenant does not give the Council notice, the Tenant is deemed to have agreed to the Market Rent nominated by the Council.

6.3 Appointment of Valuer

If the Tenant objects to the Market Rent specified by the Council in the time and manner specified in clause 6.2 then a valuer to be appointed by both parties must determine the Market Rent, and where the parties cannot agree on a valuer within 14 days of the Council receiving the Tenant's notice objecting to the Market Rent, either party may request the President of the Australian Property Institute (Victorian Division) or its successor body, to appoint a valuer.

6.4 Determination by Valuer

6.4.1 The Tenant and the Council must instruct the valuer to –

6.4.1.1 determine the Market Rent for the Land to apply on and from the Market Rent Review Date;

6.4.1.2 act as an expert and to make a decision that is binding on the Tenant and the Council; and

6.4.1.3 conduct the proceedings in any manner they consider appropriate.

6.4.2 The Tenant and the Council must provide the valuer agreed upon or appointed to determine the Market Rent, with all assistance and documents as are required by the valuer to make the determination.

6.4.3 The Tenant and the Council must share the costs of the valuer equally.

6.5 Payment of Rent

If the Tenant has objected to the Market Rent, then (until the Market Rent has been agreed to between the Council and the Tenant or determined by the valuer), the Tenant must continue to pay to the Council the Rent payable immediately prior to the Market Rent Review Date. On the next due date for payment of the Rent, (following the Council and the Tenant agreeing on the Market Rent or the valuer determining the Market Rent pursuant to clause 6.4), the Tenant and the Council must make any necessary adjustments for the payment of the Rent.

7. CPI Adjustment of Rent

7.1 Calculation of Adjustment

If a CPI Adjustment Date is specified in Item 14, the Rent on the CPI Adjustment Date will be adjusted to an amount equal to the Rent payable immediately prior to the CPI Adjustment Date multiplied by the CPI index number which relates to the quarter ending immediately prior to the CPI Adjustment Date and divided by the CPI index number which relates to the quarter ending immediately prior to the last date that the Rent was reviewed, adjusted or increased, or the Commencement Date (whichever is the later date).

7.2 Notice by Council

7.2.1 The Council must give notice to the Tenant not less than 60 days before the CPI Adjustment Date of the adjusted Rent for the Land which is to apply on and from the CPI Adjustment Date.

7.2.2 If the Council does not give notice to the Tenant specifying the adjusted Rent, the Tenant must continue to pay the Rent payable immediately prior to the CPI Adjustment Date.

7.3 Payment of Adjusted Rent

The Tenant and the Council must make any necessary adjustments for the payment of the adjusted Rent to apply on and from the CPI Adjustment Date.

8. Percentage Rent Increase

8.1 Calculation of Adjustment

If a Percentage Rent Increase Date is specified in Item 15, the Rent on the Percentage Rent Increase Date is increased by the percentage specified in Item 15.

8.2 Payment of Increased Rent

The Tenant must pay to the Council the increased Rent on and from the Percentage Rent Increase Date regardless of whether the Council has given a notice specifying the increased Rent or not.

9. Payments

9.1 Legal Costs

The Tenant must pay the Council's reasonable legal costs and expenses (on a full indemnity basis as between Solicitor and own client) relating to the negotiation, preparation, finalisation and execution of this Lease.

9.2 No Deduction or Right of Set-off

The Tenant must pay all amounts due under this Lease to the Council without deduction or right of set-off.

9.3 Payment after Termination

The Tenant must make all payments due under this Lease and provide all information to the Council under this Lease as the Council may reasonably require to calculate any such payments, even if this Lease has ended.

9.4 Method of Payment

The Tenant must make all payments under this Lease in such manner as the Council may reasonably require.

10. Release and Indemnity

10.1 Release

The Tenant uses and occupies the Land at its own risk and releases the Council from and against all damage, loss, cost or liability incurred or suffered by any person, in connection with the Land, except to the extent that the loss or damage is caused or contributed by the negligent or unlawful act or omission or default of the Council.

10.2 Indemnity

The Tenant agrees to indemnify the Council and keep the Council indemnified from and against all damage, loss, cost or liability incurred or suffered by any person, to the

extent caused or contributed to by the Tenant's use and occupation of the Land, except to the extent that the loss or damage is caused or contributed by the negligent or unlawful act or omission or default of the Council.

11. Compensation and Liability

11.1 No Compensation

The Tenant acknowledges that the Council is not liable to the Tenant for any loss or damage incurred by the Tenant due to –

11.1.1 any damage to the Land;

11.1.2 the interruption or damage to any services (including electricity, gas, water, sewerage or telephone services) to the Land except where the interruption or damage is caused or contributed to by the Landlord's negligent or unlawful act or omission; and

11.1.3 the overflow, leakage or flooding of water on the Land.

11.2 No Liability

The Tenant acknowledges and agrees that the Council will not be liable to the Tenant under this Lease for any act or omission of the Council undertaken in any capacity including, but not limited to, the exercise of any powers under the *Local Government Act 1989 (Vic)*, except that nothing in this clause releases the Council from any obligation owed to the Tenant under this Lease in its statutory capacity as the owner of the Land.

12. Obligations of Tenant on Termination of Lease

12.1 At the end or the earlier termination of this Lease, the Tenant –

12.1.1 may; or

12.1.2 must if directed by Council on the giving of one year's notice -

remove at its own cost all or any part of the Works from the Land.

12.2 If, pursuant to the provisions of this clause, the Tenant either elects to remove all or part of the Works, the Tenant must effect such removal as soon as reasonably practicable after the issue of all necessary consents or approvals from all relevant authorities and will use its reasonable endeavours to do as little damage as possible to the Land or any part of the Works not being removed.

12.3 If, pursuant to the provisions of this clause, the Tenant either elects to remove all or part of the Works or Council directs the Tenant to remove all or part of the Works, the Tenant may require up to 12 months after the expiry of this Lease to effect such

removal and will be entitled to continue to use the Premises for this purpose, at the same Rent that was payable in the last year of the Term.

12.4 Those Works not removed by the Tenant will become the property of the Council provided that either:

12.4.1 the Council has given the Tenant no less than 28 days' written notice after the expiration or earlier determination of the Term to remove and the Tenant has failed to comply with that notice; or

12.4.2 the Tenant has given the Council written notice that the Tenant does not propose to remove the Works.

12.5 Tenant's Property Left on Land

Anything left on the Land at the end of this Lease will become the property of the Council and may be removed by the Council at the Tenant's cost and at the Tenant's risk.

13. Determination of Lease

13.1 Default by the Tenant

13.1.1 The Tenant is in default under this Lease if:

13.1.1.1 any moneys owing to the Council under this Lease are unpaid by the due date and the Tenant fails to pay the outstanding amounts within 30 days of receiving notice of non-payment from the Council;

13.1.1.2 the Tenant is properly required by the Council by notice to carry out repairs or maintenance and the Tenant fails to commence them within a reasonable time (having regard to the nature of the repairs) after the receipt of that notice or to proceed diligently to complete them;

13.1.1.3 the Tenant neglects or fails to perform or observe any of the other covenants, conditions or agreements contained in this Lease on its part to be observed or performed and that neglect or failure continues for not less than 30 days after the Council gives written notice to the Tenant to remedy the neglect or failure.

The Council may terminate this Lease by not less than 30 days' notice to the Tenant if an event in clause 13.1 occurs and is not rectified within the time reasonably specified.

13.2 Damages Following Determination

If this Lease is determined by the Council, the Tenant must pay to the Council on demand all reasonable costs and expenses (including solicitors and other fees) which the Council may expend or incur in consequence of any default in the performance or observance of any of the Tenant's obligations under this Lease, including the loss of the benefit of the Tenant performing its obligations under this Lease up to the expiration of the Term.

13.2 Acknowledgement

The Tenant acknowledges and agrees that the Lease will automatically end when the Term of the Lease ends in any way, including, without limitation, as a result of the surrender of the Lease or if the Lease is brought to an end because of repudiation or breach by the Tenant.

13.3 Essential Terms

The essential terms of this Lease are clauses 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.10, 4.11, 4.12, 4.13, 4.14 and 4.16. The breach of an essential term is a repudiation of this Lease.

14. Further Term and Overholding

14.1 Option for a Further Term

The Council may grant to the Tenant a new Lease for a Further Term if the Tenant –

- 14.1.1 gives the Council notice asking for a new Lease, not earlier than 6 months and later than 3 months, before the end of the Term (the last date for exercising the option for the Further Term is specified in Item 11);
- 14.1.2 is not in breach of any of the terms or conditions of this Lease as at the date of giving the notice or at the end of the Term; and
- 14.1.3 has not defaulted under this Lease throughout the Term.

14.2 Terms of New Lease

14.2.1 The new Lease for the Further Term will commence on the day after this Lease ends and contain the same terms and conditions as this Lease except that the Schedule will be completed by insertion of the following details –

- 14.2.1.1 the Commencement Date of the new Lease will be the first day of the new Term;
- 14.2.1.2 the Term of the new Lease will be as specified in the Schedule; and
- 14.2.1.3 the number of available options for Further Terms in the Schedule must be reduced by one, and where the last option for a Further Term

has been exercised, clauses 14.1, 14.2 and 14.3 of this Lease must be deleted.

14.3 Execution of New Lease for Further Term

The Tenant and the Guarantor (if any) must execute the new Lease for the Further Term and return the Lease to the Council within 45 days of receipt from the Council.

14.4 Overholding

If the Tenant continues in occupation of the Land after the end of the Term, without objection by the Council -

14.4.1 the Tenant occupies the Land subject to the same terms and conditions as contained in this Lease, modified so as to apply to an annual tenancy;

14.4.2 the annual rent shall be the annual rent which the Tenant was paying immediately before the Term ended unless a different annual rent is agreed between the Council and the Tenant;

14.4.3 the Council or the Tenant may end this Lease during any period of overholding by giving one year's notice to the other party expiring at any time; and

14.4.4 the Council may increase the annual rent by CPI by giving the Tenant one year's notice.

15. Dispute Resolution

15.1 Dispute Resolution Mechanism

If a dispute or difference arises between the Tenant and the Council about the interpretation of this Lease or about anything else arising out of or in connection with this Lease, then the dispute may be referred to a person agreed to between the parties and, where the parties cannot agree, then to the President for the time being of the Institute of Arbitrators and Mediators Australia, to nominate an external and independent mediator.

15.2 Expert Resolution

The person agreed upon or appointed to determine the dispute or difference must –

15.2.1 determine the dispute or difference in circumstances where the decision must be final and binding on the parties;

15.2.2 have the power to investigate, make enquiries, call witnesses and obtain the advice of any consultant; and

15.2.3 conduct the proceedings in relation to the dispute or difference in any manner they consider appropriate.

15.3 Cooperation of Parties

The Tenant and the Council must provide the person agreed upon or appointed to determine the dispute or difference with all assistance and documents and may at any hearing conducted by that person appear personally or be legally represented or be represented by any consultant.

15.4 Costs of Expert

The Tenant and the Council will share the fees of the expert equally.

Nothing in this clause 15 shall preclude either party from commencing court proceedings.

16. General

16.1 Notices

Any notice required to be served under this Lease must be in writing and must be served by post, facsimile transmission or hand delivered to -

16.1.1 the Tenant at its address set out in Item 2 of this Lease, the Tenant's registered office address, or any other address notified in writing to the Council by the Tenant; and

16.1.2 the Council at its address set out at the commencement of this Lease or any other address notified in writing to the Tenant by the Council,

and is conclusively regarded as having been served at the expiration of 48 hours from the time of posting, or if in the case of facsimile transmission or hand delivery, the date of successful facsimile transmission or hand delivery if delivered before 5 pm on a Business Day, otherwise on the next Business Day.

16.2 Entire Understanding

This Lease contains the entire understanding between the parties as to the subject matter contained in it. All previous agreements, representations, warranties, explanations and commitments, expressed or implied, affecting this subject matter are superseded by this Lease and have no effect.

16.3 Binding Agreement

The Tenant and the Council intend to be legally bound by the terms and conditions of this Lease.

16.4 Counterparts

This Lease may be executed in counterparts.

16.5 Confidentiality

The Tenant and the Council agree that the terms and conditions of this Lease are confidential and may not be disclosed to any other person except –

16.5.1 with the prior written consent of the other party;

16.5.2 to the parties' financial or legal advisers for the purposes of obtaining professional advice or assistance;

16.5.3 for the purposes of enforcing or otherwise of giving effect to the terms of this Lease; or

16.5.4 if required by law.

16.6 Waiver

If the Council accepts the Rent or any other monies under this Lease (before or after the end of this Lease) or does not exercise or delays exercising any of the Council's rights under this Lease, it will not be a waiver of the breach of this Lease by the Tenant or of the Council's rights under this Lease.

16.7 Modification

No modification, variation or amendment to this Lease will be of any force unless the modification, variation or amendment is in writing and executed by each party.

16.8 Cooperation

Each party agrees to –

16.8.1 execute such further agreements, deeds and documents as are on reasonable terms; and

16.8.2 do such other acts, matters and things,

as are reasonably necessary to give effect to this Lease.

16.9 Special Conditions

This Lease is subject to the Special Conditions which override any inconsistent provisions in this Lease.

16.10 Minimum 30 day period for compliance

Any notice served by the Council in accordance with the terms of this Lease requiring the Tenant to pay any moneys or perform any act will allow a minimum period of 30 days (unless a longer period is expressly provided) for compliance.

16.11 Council must produce particulars and proof of payment

The Tenant will be under no obligation to pay any amounts except for rental, which the Tenant becomes liable to pay under this Lease until thirty (30) days after the Council has furnished the Tenant with reasonable particulars of the amounts claimed by the Council and reasonable proof of payment.

17. Destruction of or Damage to Land or Works

17.1 Abatement

If the Land or any part of it is substantially modified, destroyed or damaged so that the Tenant is unable to continue to carry on the Permitted Use in the same manner as prior to the modification, destruction or damage, and PROVIDED ALWAYS that the modification, destruction or damage is not as a result of the negligent act or omission of the Tenant then:

- (a) the Rent and any other moneys payable by the Tenant under this Lease shall cease and be suspended in whole or in part (proportionate to the degree of disruption of the Permitted Use) until the Land is fit for the Tenant to carry on the Permitted Use; and
- (b) the Tenant's obligation to repair and maintain the Land will cease and be suspended for so long as the Land is unfit to occupy and use for the Permitted Use or is otherwise inaccessible.

17.2 Disputes

Any dispute arising under this clause 17 as to the quantum of Rent or other moneys payable by the Tenant under this Lease to be abated is to be referred for binding determination as soon as practicable to a Qualified Valuer appointed at the request of either the Tenant or the Council by the President of the Australian Property Institute who must act as an expert and not an arbitrator and who must provide to the Parties the reasons for the determination and the evidence relied upon, and clause 15 shall not apply.

17.3 Reinstatement of Works

PROVIDED ALWAYS that the modification, destruction or damage is not as a result of the negligent act or omission of the Tenant then:

- (a) If the Works are destroyed or damaged so that the Tenant is unable to continue to carry out the Permitted Use on the Land in the same manner as prior to the destruction or damage, then the Tenant must within 180 days of the date of destruction or damage elect whether it shall:

- (i) reinstate the Works on the Land; or
 - (ii) terminate this Lease by notice in writing to the Council.
- (b) If the Tenant elects to terminate this Lease under clause 17.3, the Tenant and the Council will, if required by the Tenant, enter into negotiations in good faith as to re-establishment of the Tenant's facility on another site on the Land.

17.4 Termination

PROVIDED ALWAYS that the modification, destruction or damage is not as a result of the negligent act or omission of the Tenant then:

- (a) Notwithstanding clause 17.3, if the Land is not restored or replaced within 12 months of the date of the modification, destruction or damage:
- (i) the Tenant may by notice in writing to the Council; or
 - (ii) the Council may, provided it does not do so capriciously, by notice in writing to the Tenant,
- terminate this Lease at a date one month from the date of serving the notice.
- (b) If the Council terminates this Lease pursuant to clause 17.4(a)(ii) and the Tenant has elected to reinstate the Works in accordance with clause 17.3(a)(i), the Council must, unless the destruction or damage has been caused or contributed to by the Tenant, reimburse the Tenant for the reasonable cost of reinstating the Works within 30 days of receipt of a valid tax invoice.

17.5 Termination by Landlord

PROVIDED ALWAYS that the modification, destruction or damage is not as a result of the negligent act or omission of the Tenant then:

The Council may only terminate this Lease pursuant to this clause 17 where:

- (a) all of the Works have been destroyed or damaged;
- (b) the Tenant is required by the Council by written notice to carry out repairs; and
- (c) the Tenant fails to commence such repairs within one month of receipt of such notice or does not thereafter diligently proceed to complete such repairs.

17.6 Works

PROVIDED ALWAYS that the modification, destruction or damage is not as a result of the negligent act or omission of the Tenant then if either party elects to terminate this Lease in accordance with this clause 17, the Tenant shall have the right to remove the Works from the Land at any time within 3 months of the giving of the said notice.

17.7 No obligation to restore

Nothing in this clause 17 imposes an obligation on the Council to restore or reinstate the Land.

18. GST

18.1 Liability for GST

- (a) Unless otherwise stated, the consideration payable by the Recipient to the Supplier for, or in connection with a supply under this Lease which is subject to GST does not include any GST.
- (b) The Recipient must pay to the Supplier an additional amount on account of GST (**GST Amount**) equal to the consideration payable by the Recipient to the Supplier for the supply multiplied by the prevailing GST rate.

18.2 Time of GST payment

The GST Amount is payable no later than the time the consideration to which the GST Amount relates is payable by the Recipient under this Lease, provided the Supplier has issued a tax invoice to the Recipient.

18.3 Liabilities reduced by input tax credits

To the extent that the consideration for a supply consists of the reimbursement or indemnity for any liability (including costs and expenses) incurred by the Supplier, in this Lease:

- (a) the amount of that liability shall be reduced by the amount of any input tax credit to which the Supplier is entitled as a result of incurring the liability; and
- (b) the Recipient must also pay the GST Amount relating to the reimbursement or indemnity for that liability.

18.4 Adjustment event

If an adjustment event results in the GST on a taxable supply being different from the GST recovered by the Supplier, the Supplier must refund to the Recipient the excess and may recover from the Recipient the shortfall provided the Supplier has issued an adjustment note to the Recipient.

19. Security and safety

The Tenant shall be entitled to erect a security fence upon the Land and to take such security or safety precautions as may in the Tenant's opinion be necessary to ensure the security of the Land and the safety of the public during the continuance of this Lease.

EXECUTED AS A DEED

THE COMMON SEAL of the)
MELTON CITY COUNCIL (ABN 22 862 073)
889) was affixed this day of)
2016 in the presence of:)



[Signature]
Councillor
[Signature]
Chief Executive Officer

SIGNED SEALED and DELIVERED by

JOHN ARTHUR DIECK
(insert full name) as Group A Attorney for
AIRSERVICES AUSTRALIA
ABN 59 698 720 886 under power of
attorney in the presence of on the 20
day of January 2016: 8

[Signature]
Signature of Group A Attorney

M. Phillips
Signature of witness

Title of Group A Attorney (select one)
~~(Chief Executive Officer / Chief Financial Officer /~~
General Counsel)

By executing this agreement the attorney states that
the attorney has received no notice of revocation of
the power of attorney

MIRIAM PHILLIPS
Full name of witness (print)

LEGAL OFFICE COORDINATOR
Occupation of witness (print)

SIGNED SEALED and DELIVERED by

MASON HENDERSON

(insert full name) as Group B Attorney for
AIRSERVICES AUSTRALIA
ABN 59 698 720 886 under power of
attorney in the presence of on the 24
day of January..... 2016



Signature of Group B Attorney

Casey Clyne

Signature of witness

Title of Group B Attorney (select one)
(~~Executive General Manager, Projects and~~
~~Engineering~~ / National Property Manager)

By executing this agreement the attorney states that
the attorney has received no notice of revocation of
the power of attorney

Casey Maree Clyne

Full name of witness (print)

Property Manager

Occupation of witness (print)

SCHEDULE

Item 1:

COUNCIL

Melton City Council (ABN 22 862 073 889)
of 232 High Street, Melton, Victoria, 3337

Item 2:

TENANT

Airservices Australia (ABN 59 698 720 886)
Address for service of notices:
The Manager
Property Management
Airservices Australia
Tower Road
TULLAMARINE VIC 3043

Item 3:

LAND

That part of the land shown as L1 on the plan attached in the Annexure, being part of the land described in Certificate of Title Volume 10988 Folio 454, being Lot 4 on Plan of Subdivision number 141929.

Item 4:

TERM

Nine (9) years

Item 5:

COMMENCEMENT DATE

1 January 2016

Item 6:

EXPIRY DATE

31 December 2024

Item 7:

RENT

\$28,000.00 per annum

Item 8:

MANNER OF PAYMENT

By annual instalments in advance.

Item 9:

PERMITTED USE

Any purpose consistent with the permitted functions, purposes and obligations of Airservices Australia under the *Air Services Act 1995* (Cth) (as amended from time to time) or any other purposes approved by the Council (such approval not to be unreasonably withheld).

Item 10:

SECURITY DEPOSIT Not applicable

Item 11:

**LAST DATE FOR
EXERCISING OPTION
FOR FURTHER TERM** 30 September 2024

Item 12:

FURTHER TERM One (1) term of ten (10) years

Item 13:

**MARKET RENT
REVIEW DATE** On the Commencement Date of the Further Term

Item 14:

**CPI ADJUSTMENT
DATE** On each anniversary of the Commencement Date during the Term and each Further Term except on the Commencement Date of the Further Term

Item 15:

**PERCENTAGE RENT
INCREASE DATE** Not applicable

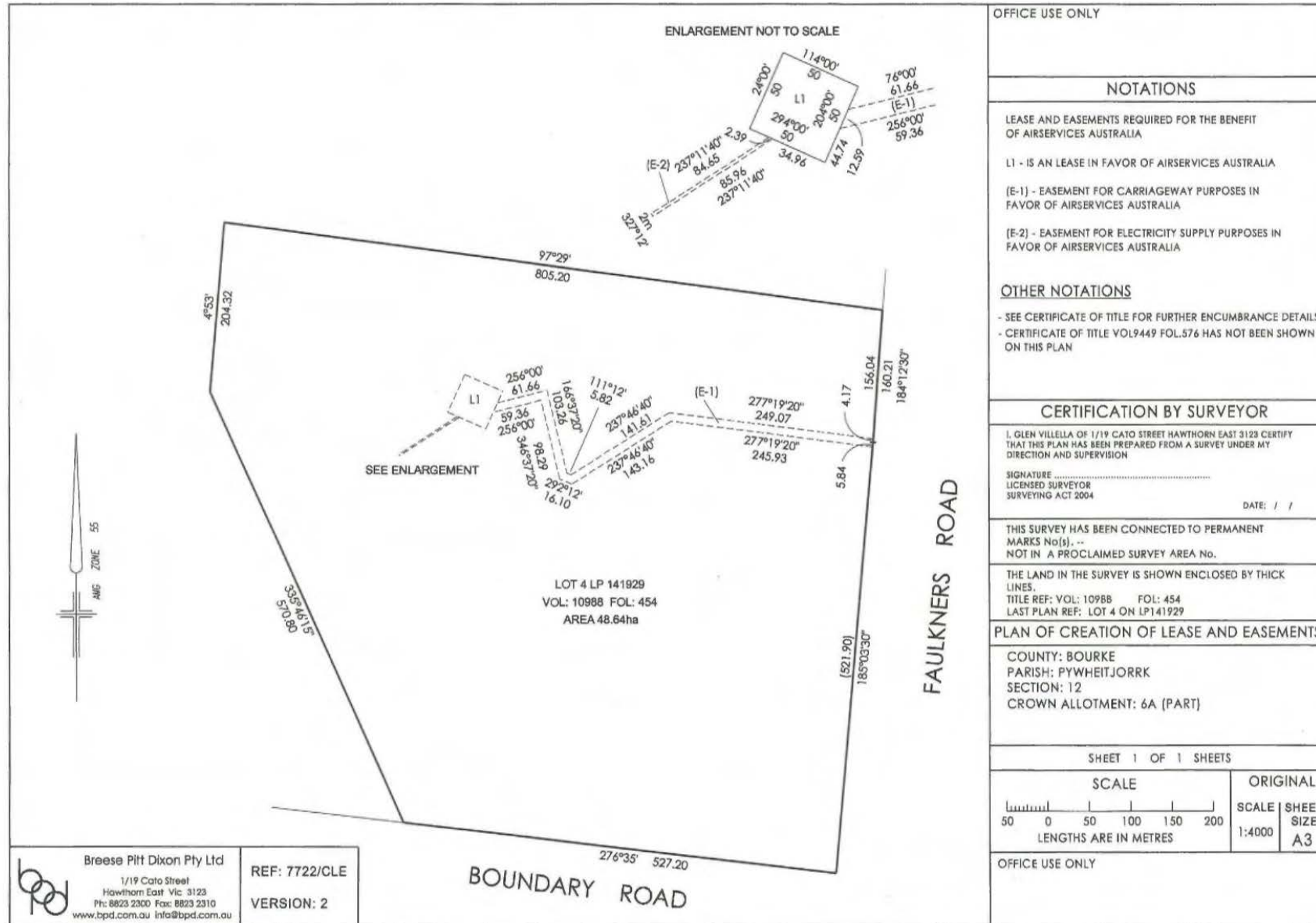
Item 16:

SPECIAL CONDITIONS

The grant of this Lease includes the full and free right to the Tenant, its officers, employees, agents and contractors, to –

- (a) access the easement identified as E-1 on the Plan of the Land contained in the Annexure for carriageway purposes; and
- (b) to install, maintain, repair, replace and use within the easement identified as E-2 on the Plan of the Land contained in the Annexure, above or below ground, cabling to and from the Land save that in exercising its rights under this grant, the Tenant must -
 - (i) not cause any lasting material damage within the easement or material interference to the Council; and
 - (ii) restore the surface of the land within the easement as nearly as practicably possible to its state prior to the use by the Tenant, its sub-tenants and licensees to the Council's reasonable satisfaction.

Annexure



OFFICE USE ONLY					
NOTATIONS					
LEASE AND EASEMENTS REQUIRED FOR THE BENEFIT OF AIRSERVICES AUSTRALIA					
L1 - IS AN LEASE IN FAVOR OF AIRSERVICES AUSTRALIA					
[E-1] - EASEMENT FOR CARRIAGEWAY PURPOSES IN FAVOR OF AIRSERVICES AUSTRALIA					
[E-2] - EASEMENT FOR ELECTRICITY SUPPLY PURPOSES IN FAVOR OF AIRSERVICES AUSTRALIA					
OTHER NOTATIONS					
- SEE CERTIFICATE OF TITLE FOR FURTHER ENCUMBRANCE DETAILS					
- CERTIFICATE OF TITLE VOL9449 FOL.576 HAS NOT BEEN SHOWN ON THIS PLAN					
CERTIFICATION BY SURVEYOR					
I, GLEN VILLELLA OF 1/19 CATO STREET HAWTHORN EAST 3123 CERTIFY THAT THIS PLAN HAS BEEN PREPARED FROM A SURVEY UNDER MY DIRECTION AND SUPERVISION					
SIGNATURE	DATE: / /				
LICENSED SURVEYOR					
SURVEYING ACT 2004					
THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS NO(S) ... NOT IN A PROCLAIMED SURVEY AREA NO.					
THE LAND IN THE SURVEY IS SHOWN ENCLOSED BY THICK LINES.					
TITLE REF: VOL: 10988 FOL: 454					
LAST PLAN REF: LOT 4 ON LP141929					
PLAN OF CREATION OF LEASE AND EASEMENTS					
COUNTY: BOURKE					
PARISH: PYWHEITJORRK					
SECTION: 12					
CROWN ALLOTMENT: 6A (PART)					
SHEET 1 OF 1 SHEETS					
SCALE	ORIGINAL				
<p>50 0 50 100 150 200</p> <p>LENGTHS ARE IN METRES</p>	<table border="1"> <tr> <td>SCALE</td> <td>SHEET SIZE</td> </tr> <tr> <td>1:4000</td> <td>A3</td> </tr> </table>	SCALE	SHEET SIZE	1:4000	A3
SCALE	SHEET SIZE				
1:4000	A3				
OFFICE USE ONLY					

Annexure



Breese Pitt Dixon Pty Ltd
1/19 Cato Street
Hawthorn East Vic. 3123
Ph: 8823 2300 Fax: 8823 2310
www.bpd.com.au info@bpd.com.au

REF: 7722/CLE
VERSION: 2

12.11 AUDIT AND RISK COMMITTEE MATTERS

Author: Bernadette Bensley - Governance Officer
Presenter: Emily Keogh - Head of Governance

PURPOSE OF REPORT

To present to Council the confirmed minutes (minutes) of the Audit and Risk Committee meeting held on 5 December 2024 and updated Audit and Risk Committee Charter for adoption.

RECOMMENDATION:

That Council:

1. Note the confirmed minutes of the Audit and Risk Committee meeting and Summary Report of the Committee for the meeting held 5 December 2024, provided as **Appendix 1** to this report.
 2. Adopt the recommendations endorsed or approved by the Audit and Risk Committee, arising within the minutes.
 3. Adopt the revised Audit and Risk Committee Charter, provided as **Appendix 2**.
-

REPORT

1. Executive Summary

The minutes of the Audit and Risk Committee meeting held on 5 December 2024 are appended to this report as **Appendix 1**, inclusive of a Summary Report of the Committee prepared by the Audit and Risk Committee Chairperson, Jeff Rigby.

The minutes contain recommendations for the consideration of Council.

The Audit and Risk Committee reviewed its Charter at its meeting on 5 December 2024. Changes proposed by the Committee and Management have been incorporated and the amended Audit and Risk Committee Charter is appended as **Appendix 2** for approval.

2. Background/Issues

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

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

The Audit and Risk Committee makes recommendations to Council for its consideration. These recommendations are set out in the minutes attached at **Appendix 1** for matters that the Audit and Risk Committee considered.

The Audit and Risk Committee is required to review its Charter biennially. At its meeting on 5 December 2024 the Charter was reviewed and is appended as **Appendix 2**, with a track changes copy provided as **Appendix 3**.

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

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

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

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

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

7. Options

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.

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

LIST OF APPENDICES

1. Audit and Risk Committee Meeting Minutes dated 5 December 2024
2. Audit and Risk Committee Charter dated 5 December 2024
3. Audit and Risk Committee Charter (track changes) dated 5 December 2024



MELTON CITY COUNCIL

Minutes of the Audit and Risk Committee Meeting of the Melton City Council

5 December 2024

MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING

5 DECEMBER 2024

Prior to the formal commencement of the meeting, the committee members met in camera in the absence of management to discuss relevant matters. The members then held an in camera conversation with Council's Internal Auditor, followed by an in camera conversation with Council's Chief Executive Officer.

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	<i>To present the <i>Tracking Report for Audit and Risk Committee Actions</i> as at December 2024.</i>	
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	<i>For the Committee to review the Audit and Risk Committee Charter.</i>	
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	<i>To present the Audit and Risk Committee meetings schedule for 2025.</i>	
6.4	2025 AUDIT AND RISK COMMITTEE ANNUAL WORK PLAN	9
	<i>To present the Audit and Risk Committee Annual Work Plan for 2025 for approval.</i>	
6.5	REVIEW AND APPROVAL OF THE ANNUAL INTERNAL AUDIT PLAN	9
	<i>To present an updated Internal Audit Plan for review and approval.</i>	

MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING 5 DECEMBER 2024

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	To present the final report for the Internal Audit of Council's Fleet Management.	
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	To present the final report for the <i>Internal Audit of Revenue Assurance and Collection</i> .	
6.8	INTERNAL AUDIT OF INFRINGEMENT REVIEWS - FINAL REPORT	10
	To present the final report for the Internal Audit of Infringement Reviews.	
6.9	FOLLOW UP OF COUNCIL'S BUDGET AND FORECASTING COMPLETED INTERNAL AUDIT ACTIONS - FINAL REPORT	10
	To present the final report for the Budgeting and Forecasting Follow-Up Review.	
6.10	SCOPE FOR THE INTERNAL AUDIT OF BUSINESS CONTINUITY AND DISASTER RECOVERY PLANS	10
	To present the <i>Scope for the Internal Audit of Business Continuity and Disaster Recovery Plans</i> .	
6.11	SCOPE FOR THE INTERNAL AUDIT OF INFORMATION TECHNOLOGY GENERAL CONTROLS	10
	To present the <i>Scope for the Internal Audit of Information Technology General Controls</i> .	
6.12	INTERNAL AUDIT STATUS REPORT AS AT DECEMBER 2024	11
	To present the Internal Audit Status Report as at December 2024 (the Report).	
6.13	INTERNAL AUDIT RECOMMENDATIONS TRACKING REPORT FOR DECEMBER 2024	11
	To present the <i>Internal Audit Recommendations Tracking Report for December 2024</i> (the Report).	
6.14	INTERNAL AUDITOR - RECENT ISSUES INSIGHTS QUARTERLY REPORT	11
	To present the Internal Auditors' Recent Issues Insights Quarterly Report, November 2024 (the Report).	

MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING 5 DECEMBER 2024

6.15	ATTENDANCE BY VICTORIAN FUNDS MANAGEMENT CORPORATION (VFMC) (10.30AM - 11.00AM)	11
6.16	QUARTERLY INVESTMENT HOLDINGS REPORT To present the Investment Holding Report for the three months ended 30 September 2024 (the report).	12
6.17	END OF YEAR CAPITAL EXPENDITURE REPORT FOR 2023-24 To present the 2023-24 End of Year Capital Expenditure Report.	12
6.18	CHANGES TO ACCOUNTING STANDARDS AASB 13 To provide the Audit and Risk Committee with an overview of the recent amendments to the Australian Accounting Standards Board (AASB) 13, which governs fair value measurement.	12
6.19	FINANCE REPORT - PERIOD ENDED 30 SEPTEMBER 2024 To present the Finance Report for the three months ended 30 September 2024.	12
6.20	CEO PROCUREMENT DELEGATIONS REPORT To provide the Audit and Risk Committee with a quarterly report on use of the role specific procurement delegations for the CEO whilst two value thresholds for procurement methodologies exist at Melton City Council, and a summary of CEO corporate credit card usage and compliance.	12
6.21	COUNCILLOR EXPENSES REPORT To present a summary of all payments to Councillors, including reimbursements, during the financial year ending 30 June 2024.	13
6.22	REVIEW OF THE ADEQUACY AND EFFECTIVENESS OF KEY POLICIES, SYSTEMS AND CONTROLS AND THEIR CONSISTENCY WITH THE LOCAL GOVERNMENT PRINCIPLES To update the Audit and Risk Committee on the review of Key Policies and Procedures.	13
6.23	INFORMATION TECHNOLOGY KEY RISKS To provide a presentation update to the Audit and Risk Committee regarding Information Technology Key Risks, covering the ICT and Digital Strategy, Security Roadmap and Technology Change Program.	13

MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING 5 DECEMBER 2024

6.24	BUSINESS CONTINUITY MANAGEMENT - ANNUAL REPORT	13
	To provide an annual update on Council's Business Continuity Management to the Audit and Risk Committee.	
6.25	RISK AND COMPLIANCE ROADMAP STATUS	13
	To brief the Audit and Risk Committee on Melton City Council's Risk and Compliance Management Roadmap progress for feedback and noting.	
6.26	ASSET MANAGEMENT REPORTING FRAMEWORK - STATUS REPORT (DECEMBER 2024)	14
	To provide a Status Report on items within the Asset Management Reporting Framework to the Audit and Risk Committee.	
6.27	COUNCILLOR INDUCTION PROGRAM	14
	The purpose of this report is to provide the Audit and Risk Committee with an update on the mandatory training program provided to Melton Councillors in accordance with the <i>Local Government Act 2020</i> and the <i>Local Government (Governance and Integrity) Regulations 2020</i> .	
6.28	OPERATION LEO - MELTON CITY COUNCIL'S RESPONSE TO RECOMMENDATION	14
	To provide an overview of the Independent Broad-based Anti-Corruption Commission (IBAC) Special Report – Operation Leo.	
7.	OTHER MATTERS RAISED BY THE COMMITTEE	14
8.	CONFIDENTIAL BUSINESS	14
8.1	QUARTERLY GOVERNANCE REPORT	14
	To provide the Audit and Risk Committee with an update of Council's key governance, integrity, legal and compliance activities.	
8.2	Quarterly REPORT ON SIGNIFICANT LEGAL MATTERS	15
	To report to the Audit and Risk Committee on significant legal matters which may expose Council to an Order (or a financial penalty) in the sum of \$100,000 or more which are not covered or handled by Council's insurers.	
9.	NEXT MEETING	15
10.	CLOSE OF BUSINESS	15

MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING

5 DECEMBER 2024

MELTON CITY COUNCILMINUTES OF THE AUDIT AND RISK COMMITTEE MEETING OF THE
MELTON CITY COUNCIL HELD IN THE MELTON CIVIC CENTRE,
232 HIGH STREET, MELTON ON 5 DECEMBER 2024 AT 9:00 AM

Present:	Jeff Rigby (Chairperson)	Independent External Member
	John Watson	Independent External Member
	Bruce Potgieter	Independent External Member
	Cr Steve Abboushi	Mayor
	Cr Lara Carli	Councillor
Attendees:	Roslyn Wai	Chief Executive Officer
	Peter Leersen	Director Organisational Performance
	Neil Whiteside	Director City Delivery
	Emily Keogh	Head of Governance
	Sam Romaszko	Director City Futures
	Troy Scoble	Director City Life
	Ajay Ravindran	Head of Technology
	Natalie Marino	Manager Finance
	Bernadette Bensley	Governance Officer
Guests:	Wilson Tang	Internal Auditor
	Liam Keegan	Victorian Funds Management Corporation
	Gurnoor Brar	Victorian Funds Management Corporation

1. WELCOME / ELECTION OF CHAIR (IF REQUIRED)

The Chair opened the meeting at 10.00 am with an Acknowledgement of Country and welcomed the Committee members and attendees.

The Chair welcomed Cr Steve Abboushi (Mayor) and Cr Lara Carli (Deputy Mayor) as Councillor representatives on the Audit and Risk Committee meeting.

2. APOLOGIES AND LEAVE OF ABSENCE

Angela Hays, Head of People and Customer
Renee Hodgson, Senior Coordinator Governance

MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING**5 DECEMBER 2024**

3. DECLARATION OF INTEREST AND / OR CONFLICT OF INTEREST**3.1 DECLARATIONS OF INTEREST AND/OR CONFLICT OF INTEREST**

There were no declarations made by Committee members or attendees.

3.2 INTEGRITY DECLARATIONS

Council's Chief Executive Officer and Head of Governance declared that, aside from the matters reported under confidential business or any other reports in this agenda, there was no new or impending legal action against Council or instances of statutory breach or fraud that had come to their attention since the last meeting of the Committee and that are not prevented from being disclosed to the Committee by statutory or integrity agency procedural requirements.

Council's Internal Auditor, Wilson Tang, declared no obstruction to the work of internal audit.

4. MINUTES OF PREVIOUS MEETINGS

The Audit and Risk Committee ratified the out-of-session confirmation of the Minutes of the Audit and Risk Committee Meeting held on 12 September 2024 and noted by Council at the Scheduled Meeting held on 16 September 2024.

5. OTHER BUSINESS CARRIED OVER FROM A PREVIOUS MEETING**5.1 TRACKING REPORT FOR AUDIT AND RISK COMMITTEE MEETING ACTIONS**

Author: Renee Hodgson - Senior Coordinator Governance

Presenter: Emily Keogh - Head of Governance

The Audit and Risk Committee noted the *Tracking Report for Audit and Risk Committee Actions as at December 2024.*

Action: Chief People Officer to attend the next meeting relating to tracking of item 15, (review of key policies).

Management to review comments provided for tracking of item 18 relating to actions not yet due.

Neil Whiteside arrived at 10.13am.

MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING**5 DECEMBER 2024**

The Chairperson advised that following a discussion with Committee members, Items 6.14, 6.17, 6.20, 6.21, 6.22, 6.27 and 6.28 will be received and noted without discussion by the Committee.

6. PRESENTATION OF STAFF REPORTS**6.1 ANNUAL WORK PLAN FOR 2024**

Author: Renee Hodgson - Senior Coordinator Governance
Presenter: Emily Keogh - Head of Governance

The Audit and Risk Committee received and noted the *Annual Work Plan 2024*.

6.2 REVIEW OF AUDIT AND RISK COMMITTEE CHARTER

Author: Renee Hodgson - Senior Coordinator Governance
Presenter: Emily Keogh - Head of Governance

The Audit and Risk Committee reviewed its Charter and recommended the out-of-session changes as discussed and agreed in the meeting and the changes proposed by management be incorporated into the Charter, with the amended Charter to be presented to Council for approval together with the confirmed minutes of this meeting.

Sam Romaszko and Troy Scoble arrived at 10.58 am and after the VFMC presentation (Item 6.15) that occurred immediately following Item 6.2 at 10.35 am.

6.3 2025 AUDIT AND RISK COMMITTEE MEETING SCHEDULE

Author: Renee Hodgson - Senior Coordinator Governance
Presenter: Emily Keogh - Head of Governance

The Audit and Risk Committee confirmed the 2025 meeting schedule as follows:

- Thursday 20 February 2025: 12.30 pm – 3.00 pm
- Thursday 22 May 2025: 12.30 pm – 3.00 pm
- Thursday 21 August 2025: to be rescheduled
- Thursday 18 September 2025: (Special Meeting for Financials) 12.00 pm – 2.30 pm
- Thursday 20 November 2025: 1.00 pm – 3.30 pm

Action: Management to reschedule the 21 August 2025 meeting to a mutually suitable date and time.

MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING**5 DECEMBER 2024**

6.4 2025 AUDIT AND RISK COMMITTEE ANNUAL WORK PLAN**Author: Renee Hodgson - Senior Coordinator Governance
Presenter: Emily Keogh - Head of Governance**

The Audit and Risk Committee received and approved the Annual Work Plan for 2025 with the inclusion of VAGO recommendations, as reported in 2023-24 to the local government sector for Asset Valuations (LG2 & LG3), into the External Audit requirement for Item No. 31, with Council to note the Annual Work Plan.

6.5 REVIEW AND APPROVAL OF THE ANNUAL INTERNAL AUDIT PLAN**Author: Renee Hodgson - Senior Coordinator Governance
Presenter: Emily Keogh - Head of Governance**

The Audit and Risk Committee approved the updated Internal Audit Plan as an interim plan subject to management consideration of the inclusion/substitution of internal audits for Climate Change, Child Safety Standards and OH&S and further consideration of the organisation's approach to Cyber Security, with any changes to the interim plan to be presented to the Committee at the next meeting.

Action: Management to report back on any proposed changes to the interim Internal Audit Plan.

6.6 INTERNAL AUDIT OF FLEET MANAGEMENT - FINAL REPORT**Author: Renee Hodgson - Senior Coordinator Governance
Presenter: Wilson Tang - Internal Auditor, Moore Australia**

The Audit and Risk Committee received and accepted the Internal Audit of Fleet Management Final Report and recommended Council adopt the recommendations arising within the Report.

**6.7 INTERNAL AUDIT OF REVENUE ASSURANCE AND COLLECTION
- FINAL REPORT****Author: Renee Hodgson - Senior Coordinator Governance
Presenter: Wilson Tang - Internal Auditor, Moore Australia**

The Audit and Risk Committee received and accepted the Internal Audit of Revenue Assurance and Collection Final Report and recommended Council adopt the recommendations arising within the Report.

MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING**5 DECEMBER 2024**

6.8 INTERNAL AUDIT OF INFRINGEMENT REVIEWS - FINAL REPORT**Author: Renee Hodgson - Senior Coordinator Governance****Presenter: Wilson Tang - Internal Auditor, Moore Australia**

The Audit and Risk Committee received and noted the Internal Audit of Infringement Reviews Final Report and recommended Council adopt the recommendations arising within the Report..

**6.9 FOLLOW UP OF COUNCIL'S BUDGET AND FORECASTING COMPLETED
INTERNAL AUDIT ACTIONS - FINAL REPORT****Author: Renee Hodgson - Senior Coordinator Governance****Presenter: Wilson Tang - Internal Auditor, Moore Australia**

The Audit and Risk Committee received and noted the Follow Up of Council's Budget and Forecasting Completed Internal Audit Actions Final Report and recommended Council adopt the recommendations arising within the Report.

**6.10 SCOPE FOR THE INTERNAL AUDIT OF BUSINESS CONTINUITY AND DISASTER
RECOVERY PLANS****Author: Renee Hodgson - Senior Coordinator Governance****Presenter: Wilson Tang - Internal Auditor, Moore Australia**

The Audit and Risk Committee reviewed and approved the Scope for the Internal Audit of Business Continuity and Disaster Recovery Plans.

**6.11 SCOPE FOR THE INTERNAL AUDIT OF INFORMATION
TECHNOLOGY GENERAL CONTROLS****Author: Renee Hodgson - Senior Coordinator Governance****Presenter: Wilson Tang - Internal Auditor, Moore Australia**

The Audit and Risk Committee reviewed and approved the Scope for the Internal Audit of Information Technology General Controls.

MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING**5 DECEMBER 2024**

6.12 INTERNAL AUDIT STATUS REPORT AS AT DECEMBER 2024

Author: Renee Hodgson - Senior Coordinator Governance
Presenter: Wilson Tang - Internal Auditor, Moore Australia

The Audit and Risk Committee reviewed and noted the Internal Audit Status Report as at December 2024.

Wilson Tang left the meeting at 11.36am.

6.13 INTERNAL AUDIT RECOMMENDATIONS TRACKING REPORT FOR DECEMBER 2024

Author: Vanja Zdjelar - Governance Officer
Presenter: Emily Keogh - Head of Governance

The Audit and Risk Committee reviewed and noted the Internal Audit Status Report as at December 2024.

Action: Management to include percentage completion rates for all actions.

Action: Management to inform and update Councillor Members in relation to items 4061, 4062 and 4063 of the Internal Audit of Social Media.

6.14 INTERNAL AUDITOR - RECENT ISSUES INSIGHTS QUARTERLY REPORT

Author: Renee Hodgson - Senior Coordinator Governance
Presenter: Wilson Tang - Internal Auditor, Moore Australia

The Audit and Risk Committee received and noted the Internal Auditor - Recent Issues Insights Quarterly Report.

6.15 ATTENDANCE BY VICTORIAN FUNDS MANAGEMENT CORPORATION (VFMC) (10.30AM - 11.00AM)

The Audit and Risk Committee received and discussed the presentation by the VFMC.

Action: Management to include a copy of the Ethical Statement of Investment as an attachment to the next Quarterly Investment Holdings Report.

MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING**5 DECEMBER 2024**

6.16 QUARTERLY INVESTMENT HOLDINGS REPORT**Author: Natalie Marino - Manager Finance****Presenter: Peter Leersen - Director Organisational Performance**

The Audit and Risk Committee reviewed and noted the Quarterly Investment Holdings Report.

6.17 END OF YEAR CAPITAL EXPENDITURE REPORT FOR 2023-24**Author: Ellis Hughes - ePMO Lead****Presenter: Peter Leersen - Director Organisational Performance**

The Audit and Risk Committee received and noted the 2023-24 End of Year Capital Expenditure Report.

6.18 CHANGES TO ACCOUNTING STANDARDS AASB 13**Author: Natalie Marino - Manager Finance****Presenter: Peter Leersen - Director Organisational Performance**

The Audit and Risk Committee received and noted the overview of the recent amendments to the Australian Accounting Standards Board (AASB) 13.

6.19 FINANCE REPORT - PERIOD ENDED 30 SEPTEMBER 2024**Author: Natalie Marino - Manager Finance****Presenter: Peter Leersen - Director Organisational Performance**

The Audit and Risk Committee reviewed, discussed and noted the Finance Report for the period ended 30 September 2024.

6.20 CEO PROCUREMENT DELEGATIONS REPORT**Author: Peter Leersen - Director Organisational Performance****Presenter: Roslyn Wai - Chief Executive Officer**

The Audit and Risk Committee received and noted the CEO Procurement Delegations Report.

MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING**5 DECEMBER 2024**

6.21 COUNCILLOR EXPENSES REPORT**Author: Natalie Marino - Manager Finance****Presenter: Peter Leersen - Director Organisational Performance**

The Audit and Risk Committee received and noted the Councillor Expenses Report.

6.22 REVIEW OF THE ADEQUACY AND EFFECTIVENESS OF KEY POLICIES, SYSTEMS AND CONTROLS AND THEIR CONSISTENCY WITH THE LOCAL GOVERNMENT PRINCIPLES**Author: Natalie Marino - Manager Finance****Presenter: Peter Leersen - Director Organisational Performance**

The Audit and Risk Committee received and noted the updated progress on the review of the Finance and Accounting Policies and Procedures.

6.23 INFORMATION TECHNOLOGY KEY RISKS**Author: Ajay Ravindran - Head of Technology****Presenter: Peter Leersen - Director Organisational Performance**

The Audit and Risk Committee received, discussed and noted the update on Information Technology Key Risks and the Technology Change Program Horizon 1 (TCP H1).

6.24 BUSINESS CONTINUITY MANAGEMENT - ANNUAL REPORT**Author: Peter Doyle - Emergency Management Coordinator****Presenter: Neil Whiteside - Director City Delivery**

The Audit and Risk Committee discussed and noted the annual update on Council's Business Continuity Management.

6.25 RISK AND COMPLIANCE ROADMAP STATUS**Author: Theresa Achkar - Senior Coordinator Risk & Compliance****Presenter: Emily Keogh - Head of Governance**

The Audit and Risk Committee discussed and noted the Risk and Compliance Roadmap progress status on key deliverables.

MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING

5 DECEMBER 2024

**6.26 ASSET MANAGEMENT REPORTING FRAMEWORK - STATUS REPORT
(DECEMBER 2024)**

Author: Colin Marshall - Manager Engineering and Asset Services
Presenter: Neil Whiteside - Director City Delivery

The Audit and Risk Committee discussed and noted the Asset Management Reporting Framework – Status Report (December 2024) and further noted the status report will continue in 2025.

Action: Management to provide a presentation at a future Committee meeting on Asset Management accountability and maturity.

6.27 COUNCILLOR INDUCTION PROGRAM

Author: Emily Keogh - Head of Governance
Presenter: Emily Keogh - Head of Governance

The Audit and Risk Committee received and noted Melton City Council's progress in relation to the mandatory training requirements prescribed by the *Local Government Act 2020* and the *Local Government (Governance and Integrity) Regulations 2020*.

**6.28 OPERATION LEO - MELTON CITY COUNCIL'S RESPONSE TO
RECOMMENDATION**

Author: Renee Hodgson - Senior Coordinator Governance
Presenter: Emily Keogh - Head of Governance

The Audit and Risk Committee received and noted the report in relation to the Independent Broad-based Anti-Corruption Commission (IBAC) Special Report – Operation Leo.

7. OTHER MATTERS RAISED BY THE COMMITTEE

Nil.

8. CONFIDENTIAL BUSINESS**8.1 QUARTERLY GOVERNANCE REPORT**

Author: Renee Hodgson - Senior Coordinator Governance
Presenter: Emily Keogh - Head of Governance

The Audit and Risk Committee received and noted the Quarterly Governance Report.

Action: Management to check and confirm the number of FOI applications for Q1 of 2024/25.

MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING

5 DECEMBER 2024

8.2 QUARTERLY LEGAL REPORT ON SIGNIFICANT LEGAL MATTERS

**Author: Sian Rainford - Interim Senior Lawyer and Property Advisor
Presenter: Emily Keogh - Head of Governance**

The Audit and Risk Committee received and noted the Quarterly Legal Report on Significant Legal Matters.

9. NEXT MEETING

Thursday 20 February 2025 at 12.30pm at Melton Civic Centre.

10. CLOSE OF BUSINESS

The meeting closed at 12.32pm.

Confirmed

Dated this

.....CHAIRPERSON

City of Melton Audit & Risk Committee**Summary Report of the Committee for the Meeting Held on 5 December 2024****Committee Meeting Key Outcomes**

1. The Committee reviewed its current Charter and all members agreed to a number of amendments being made to the Charter. The Committee recommended the amended Charter be presented for approval at Council's next scheduled meeting.
2. The Committee adopted its Annual Work Plan for 2025, which is to be presented to Council for noting, and the Committee confirmed dates and times for a schedule of five meetings to be held 2025 to achieve the Work Plan. The Work Plan is the basis for the Committee monitoring its progress over the year with respect to fulfilling its obligations and complying with the requirements of its Charter. Outcomes from the Work Plan will also inform the Committee's annual self-assessment of its performance for 2025.
3. The Committee received and reviewed an Internal Audit Plan detailing the internal audits proposed to be performed in 2025. The Committee endorsed it as an interim plan to enable continuity of work by the Internal Auditor while the management team consider and advise the Committee on several alternative internal audit opportunities that were suggested by Committee members. This advice will be presented at the next Committee meeting in early 2025, at which time the Committee will finalise and endorse the Internal Audit Plan for 2025, and the finalised plan will then be presented to Council for adoption.
4. The Committee received and accepted the following Internal Audit Reports that were presented by Council's Internal Auditor, Mr Wilson Tang of Moore Australia, and tabled as final reports.
 - a. *Fleet Management*: assessed the adequacy of controls in place to support processes for the governance and lifecycle management (acquisition, maintenance and disposal) of Council's fleet assets and concluded that the control environment rating was fair. Five of six audit findings were rated as medium risk and one finding rated as low risk, with 13 recommendations all agreed with management.
 - b. *Revenue Assurance and Collection*: considered key risks and effectiveness controls to mitigate for revenue loss, fraud or misappropriation across key revenue sources and concluded that a rating of fair was appropriate for the current control design for revenue assurance and collection. One of seven audit findings was rated high risk, while the remaining six findings were rated medium risk, with 17 recommendations all agreed with management.
 - c. *Infringements Review*: considered internal compliance with the key processes in place to manage infringements arising from Council's enforcement activities and benchmarked the alignment of Council's processes and practices with a good practice guide of the Department of Justice & Community Safety. The report concluded that the overall Council infringement control environment is fair. One of 10 audit findings was rated high risk, with six findings rated as medium risk and the remaining three assessed as low risk or an opportunity for improvement, and 22 recommendations all accepted by management.

- d. *Follow Up of Completed Internal Audit Actions from Council's Budget and Forecasting Internal Audit*: assessed the implementation status of 11 recommendations raised in a prior internal audit completed in early 2024 and provided independent assurance that seven recommendations are closed, while one recommendation is partially closed and three recommendations scheduled for completion by June 2025 and so are not overdue.

In accepting the four Internal Audits, the Committee further recommended that Council adopt the recommendations arising in the reports, noting that management agreed with and supported all recommendations.

5. The Committee received and approved the following Internal Audit scopes proposed under the interim Internal Audit Plan (refer to previous Point No. 3) that will commence in January 2025, with the Internal Audit Reports scheduled to be tabled at the Committee meeting in May 2025.
 - a. *Business Continuity and Disaster Recovery Plans*: a review of the plans in place to assess Council's readiness to restore service and be able to mobilise services in the event of business interruption or disruption to key functions.
 - b. *Information Technology (IT) General Controls*: assess the IT general controls of the key financial application and consider the design of the system controls in place that assure the integrity and confidentiality of sensitive data within IT systems, including the reliance placed on reports generated by these systems.

Committee Discussions

6. Representatives from the Victorian Funds Management Corporation (VFMC) met with the Committee and provided a presentation on the performance of Council's cash investments in the two investment products of the VFMC selected under Council's Investment Policy. The presentation included an investment outlook and an update on investment portfolio risk informed by capital market assumptions. The Committee noted the strong income fund returns to date in 2025 and that the trajectory of inflation, the labour market and the ongoing geopolitical environment remain in focus.
7. The Committee reviewed and discussed the progress of the implementation by Council of the recommendations from prior internal audits, with the Committee noting that 153 recommendations from 16 internal audits remain to be closed out and 43 recommendations confirmed as closed since the previous status report to the Committee in August 2024.
8. Other items of business discussed by the Committee included:
 - a. the finance report for the first quarter of 2024/25 ending 30 September;
 - b. the regular update provided by the Chief Information Officer on information technology key risks relating to Council's ICT and Digital Strategy, Cybersecurity Roadmap and the Technology Change Program;
 - c. an annual update reporting on business continuity management that included a briefing on the recent work by management and a consultant on a business impact analysis informing an update to critical business function plans;

- d. the regular updates on progress with Council's Risk and Compliance Management Roadmap and on the status of key asset management activities detailed in an Asset Management Reporting Framework for the Committee.

Matters for Consideration by Council

9. At its next Scheduled meeting, Council is to:
 - a. receive for approval the amended Charter for Audit & Risk Committee as recommended by the Committee; and
 - b. receive and note the 2025 Annual Work Plan adopted by the Committee.
10. Council is to note that the Committee has endorsed an interim Internal Audit Plan for 2025, with the Committee to further review and finalise the plan at its first meeting in 2025. Upon endorsement by the Committee, the finalised Internal Audit Plan for 2025 will be presented to Council for adoption.

Prepared by
Jeff Rigby
Committee Chairperson
Audit & Risk Committee
City of Melton
9 December 2024



Audit and Risk Committee Charter

Recommended to Council by the Audit and Risk Committee on
5 December 2024

Adopted by Council on (insert date)

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1. Background

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

This Charter sets out the Committee's functions and responsibilities, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

The primary functions and responsibilities of the Committee are to monitor the compliance of Council policies and procedures with the Act (including any regulations), the overarching governance principles, Council's financial and performance reporting, Council's risk management and fraud prevention systems and controls and to oversee the internal audit and external audit functions.

The Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibilities. The Committee does not have or undertake any management function and is therefore independent of management.

The internal auditor, external auditor and other assurance providers support the Committee by providing independent and objective assurance on corporate governance, risk management, internal control and compliance.

A Committee Work Plan is established annually to ensure the Committee effectively discharges its responsibilities under this Charter.

2. Authority

The Committee is established by the Council, pursuant to Section 53 of the Act. It is not a delegated committee and has no delegated responsibilities. Rather, it operates in an advisory capacity to Council in the performance of which it has the ability to:

- Perform activities within the scope of this Charter;
- Require the attendance of Senior Council Officers at meetings as appropriate;
- Have unrestricted access to members of the management team, employees, and relevant information;
- Review the process for reporting pursuant to the Protected Disclosure Act 2012;
- Oversee the performance of the external auditor and appointment and performance of the internal auditor;
- Meet in private without the attendance of management; and
- Request necessary financial resources to be provided to enable the Committee to receive any necessary legal, accounting, or other professional advice.

3. Membership

The Committee will be comprised of five members as follows:

- Three (3) members who are not Councillors and these members are described in this Charter as external independent members; and
- Two (2) Councillor members.

The Chairperson of the Committee shall be appointed from the external independent members of the Committee by all members of the Committee up to a maximum of term of three years within their term of appointment and not exceeding the first year of a new term of Council.

In the absence of the appointed Chairperson from a meeting, the meeting will appoint an acting Chairperson from the external independent members present.

4. Terms of Appointment

External Independent Members

The appointment of external independent members shall be made by Council following an open market recruitment process.

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

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

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

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

The Selection Panel ('Panel') for appointment to the Committee will consist, unless a conflict of interest exists, of the Mayor, Chief Executive Officer and the Chairperson of the Audit and Risk Committee, or an alternate external independent member where a conflict of interest exists for the Chairperson. In the case of a conflict of interest for the Mayor or Chief Executive Officer, the Deputy Mayor will substitute for the Mayor and/or a Director of the Council will substitute for the Chief Executive Officer on the selection Panel.

The Panel will assess candidates against the selection criteria, and also take into account the experience of the candidates and their likely ability to apply appropriate analytical and strategic management skills. The Panel will put a recommendation before Council for a decision.

External independent members shall be appointed for a term of three years. The term of each member should be arranged so that there is an orderly rotation of membership and avoidance of more than one member retiring at the same time.

At the conclusion of their first three-year term, existing external independent members will be eligible to be reappointed at the discretion of Council for a second three-year term provided that a formal assessment of the member's performance is undertaken by the Panel to inform Council's reappointment decision. Existing members will also be eligible to apply to be reappointed for a second three-year term should Council instead decide to recruit for the position. External independent members can only serve on the Committee for two consecutive terms.

In the event of an external independent member resigning/retiring before the expiry of their term then this vacancy will be filled as soon as practicable after the vacancy occurs. Further, should the resignation/retirement of the members coincide then Council may extend the remaining members term by one year to ensure continuity.

In the event the Council proposes to remove an external independent member of the Committee, it must give 4 weeks written notice to the member of its intention to do so and provide that member with the opportunity to be heard if that member so requests via a written submission to the Chief Executive Officer. The Mayor, Chief Executive Officer and Chairperson of the Audit and Risk Committee (if not the member subject to removal from the Committee) will consider the submission and may decide to meet with the member to further clarify issues raised in the submission prior to it being submitted to Council. The decision to remove the member will then be made by, and is at the discretion of, the Council.

Remuneration will be paid to each external independent member of the Committee as determined by Council from time to time. The remuneration shall be a set sessional fee for attendance at each formal meeting with an additional amount paid to the Chairperson. Remuneration will be paid to each external independent member of the Committee after each meeting upon submission of a tax invoice.

Councillor Members

The Councillor members of the Committee shall be appointed annually by Council at its Annual Meeting where Councillor representation is decided upon.

The term of the Councillor member to the Committee shall be for a one-year term and a Councillor member may be appointed by Council for further terms.

Councillor members may appoint a substitute Councillor in the event they are unable to attend a meeting.

5. Meetings

Conduct of meetings shall be consistent with Council's Governance Rules, insofar as they can be adapted to the Committee meeting, and at the discretion of the Chairperson.

The Committee shall meet as required and according to the annual schedule adopted by Council, but must meet a minimum of five times per year, which includes a meeting to consider the audited annual Financial and Performance Statements.

A schedule of Committee meetings and the Committee's annual Work Plan will be developed and agreed to by the members and recommended to Council annually for adoption. Meetings will be arranged as much as possible to coincide with relevant Council reporting deadlines, in particular the finalisation of the annual Financial and Performance Statements and the Annual Report to the Minister for Local Government.

Additional meetings shall be convened at the discretion of the Chairperson or at the written request of any member of the Committee, Internal Auditor or External Auditor.

Members of the Committee are expected to attend every meeting of the Committee in person and, in the event that a member is unable to attend in person then, with the approval of the Chairperson,

they may attend online through arrangements made with the Head of Governance and subject to availability of any required technology.

The agenda and supporting documentation will be circulated to members of the Committee at least 3 working days in advance of each meeting.

With the approval of the Chairperson, the draft minutes of a Committee meeting will be issued to Committee members for confirmation by an out-of-session resolution to enable confirmed minutes detailing the Committee's advice and recommendations to be presented at a subsequent Council meeting following the Committee meeting.

The Committee will then ratify confirmed minutes of a meeting at the subsequent meeting of the Committee and the Chairperson will sign a printed version of the confirmed minutes that will be taken as the record of the meeting.

Council shall provide administrative support to the Committee.

The following requirements shall apply to all meetings of the Committee.

- A quorum of any meeting will be at least two external independent members and at least one Councillor member. In this instance a quorum is three (3) members.
- Only Committee members are entitled to vote at meetings. All members have full and equal voting rights on all matters considered by the Committee unless a member is unable to vote due to a conflict of interest. The Chairperson of the Committee shall have a casting vote on occasions where there is an equal number of votes on a matter. Resolutions shall pass on a simple majority vote.
- Other Councillors may attend meetings in an observation capacity, and the Committee may invite or require any persons to attend meetings as it deems necessary.
- The Chief Executive Officer, Chief Financial Officer, and the Head of Governance will represent the organisation and attend all meetings. Other Council staff may be invited to attend at the discretion of the Committee to advise and provide information when required.
- Council staff and Councillors who are not members of the Committee do not have a right to vote and may be excluded from meetings for any matter when votes are taken.
- The Internal Auditor will attend all meetings where internal audit reports are presented or as requested by the Committee, except when the Committee decides to meet in camera.
- The External Auditor (as may be appointed by the Victorian Auditor General) must attend the meeting when the annual Financial Statements and external audit management reports are considered and shall attend other Committee meetings as required.
- The External Auditor may request to meet in-camera with the Committee.
- The Committee will meet at least annually and separately with the External Auditor and Internal Auditor without management present and when required by the Committee, the auditors or Council.
- Any meeting documents provided in hard copy must be surrendered to Council and destroyed at Council premises.

6. Performance

The Committee will collectively evaluate and discuss its own performance against the Charter and provide a copy of the annual assessment to the Chief Executive Officer for tabling at the next Council meeting subsequent to that evaluation. The evaluation will include feedback from both Committee members and senior officers who have regular interactions with the Committee.

7. Indemnity

The Council will indemnify and keep indemnified each external independent member of the Committee against all actions or claims whether arising during or after their term of appointment has concluded in respect of anything necessarily done or reasonably done or omitted to be done in good faith:

- a. in the performance of a duty or function or the exercise of an any matter under the Act, regulations, a local law or this charter; or
- b. in the reasonable belief that the act or omission was in the performance of a duty or a function or the exercise of a matter under the Act, regulations, a local law or this charter.

8. Committee Member Regulatory Obligations

Committee members are expected to be aware of their obligations under Section 53 of the Act. These obligations relate to misuse of position as a member of the Committee (Section 123), confidential information (Section 125) and conflict of interest (Sections 126 to 131). Details about these obligations are included as guidance for Committee members in Appendix A to this Charter.

9. Reporting

The Committee shall after every meeting provide the minutes of that meeting to the next Scheduled Meeting of Council.

The Committee shall provide advice and report to Council on any matters of significance as determined by the Committee and for the Chairperson and/or Committee Members to be available to meet with Council as required.

The Chairperson will twice per annum prepare on behalf of the Committee a report to Council on the Committee's activities and provide the report through the Chief Executive Officer. One of these reports will be prepared after the meeting at which the annual Financial and Performance Statements have been considered and recommended to Council for adoption. Each report will advise Council how the Committee has discharged its responsibilities as set out in this Charter for the reporting period.

The Melton City Council Annual Report will contain information on Committee members, the number of meetings held and member attendance record, the audit processes and the results of work completed by the Internal Auditor and External Auditor.

The Committee Charter and details of Committee members will be published on Council's website.

10. Duties and Responsibilities

A. External Audit

The Committee will:

1. Review the External Auditor's proposed audit scope and approach to be applied each year in light of Council's present circumstances and changes in regulatory and other requirements.
2. Review with the External Auditor Council's draft annual Financial Statements focusing on:

- a. Changes to accounting policies and Approved Accounting Standards;
 - b. Significant adjustments to the financial statements (if any) arising from the audit process;
 - c. Compliance with accounting standards and other reporting requirements of financial and non-financial information; and
 - d. Significant variances with explanations from prior years.
3. Review with the External Auditor Council's draft annual Performance Statement and consider the results in the context of the quarterly reports received throughout the year and explanations of any unusual or unexpected results.
 4. Discuss and review with the External Auditor issues arising from the audit including all Management Letters and reports issued by the auditor for completeness and appropriateness.
 5. Receive and discuss findings and recommendations made by the External Auditor and management's proposed responses and monitor the progress of actions to be taken.
 6. Meet separately with the External Auditor to discuss any matters that the Committee or External Auditor consider should be discussed without management in attendance.
 7. Ensure the External Auditor has access to the Committee Chairperson or the Committee when required.
 8. Consider the independence of the External Auditor in the context of any other services provided to Council, with a preference that the External Auditor does not provide services other than external audit functions.
 9. Review on an annual basis the performance of the External Auditor.

B. Internal Audit

The Committee will:

1. Review the level of resources allocated to internal audit functions and activities.
2. Review the three year strategic plan and annual program of the Internal Auditor to ensure that it takes into consideration the risk profile of Council.
3. Review the scope of the internal audit plan and the effectiveness of the function, evaluating whether the plan addresses the following issues:
 - a. Effectiveness of internal controls over significant areas of risk, including non-financial management control systems;
 - b. Effectiveness of internal controls over key processes relating to revenue, expenditure, assets, and liabilities;
 - c. Efficiency and effectiveness of significant Council programmes; and
 - d. Compliance with legislation, policies, best practice guidelines and contractual arrangements.
4. Receive, review, and approve or otherwise of the scope of work for each proposed audit prior to the audit being undertaken.
5. Monitor that the significant findings and recommendations made by the Internal Auditor and management's proposed responses are received, discussed, and appropriately acted upon, and monitor the progress of actions to be taken.

6. Review the appropriateness of special internal audit assignments by the internal audit services provider at the request of Council or Chief Executive Officer.
7. Consider the independence of the Internal Auditor in the context of any other services provided to Council.
8. Monitor the effectiveness of the internal audit function on an ongoing basis.
9. Monitor that there are no unjustified restrictions or limitations placed on the Internal Auditor.
10. Meet with the Internal Auditor annually or as required to consider any matters that the Committee or Internal Auditor should discuss privately.
11. Review on an annual basis the performance of the Internal Auditor, and where performance is not considered satisfactory, discuss with Council and management appropriate steps to take, which could include the appointment of a new Internal Auditor.
12. Through the Committee Chairperson, be party to the process of appointment of the Internal Auditor.

C. Financial and Performance Reporting

The Committee will:

1. Review Council's financial position via the presentation of Council's Quarterly Financial Management reports and report to Council on any material issues which may require action or attention.
2. At least annually review changes to the Local Government Performance Reporting Framework and understand the impact of those changes on Council's performance indicators;
3. Review significant accounting and reporting issues, including complex or unusual transactions and areas requiring professional judgment, and recent professional and regulatory pronouncements, and understand their impact on financial reports.
4. Review the audited annual Financial Statements prior to their approval by Council to determine whether the Committee considers them appropriate and is satisfied with the information known to the Committee, and assess whether the Financial Statements reflect appropriate accounting policies and comply with all relevant standards and regulatory requirements.
5. Review with management and the External Auditor all matters required to be communicated to the Committee under the Australian Auditing Standards.
6. Monitor the progress of any litigation, claim or contingency which could have a material effect on Council's financial position or operating result.
7. Recommend to Council the approval in principle of the annual Financial Statements and Performance Statement to Council, and review any significant changes and the reasons for the changes that may arise subsequent to that advice but before the Statements are adopted by Council.

D. Internal Control Environment

The Committee will:

1. Review the adequacy and effectiveness of key policies, systems, and controls for providing a sound internal control environment. This should be done on a rotational basis over a three to four year period.

2. Determine whether systems and controls are reviewed regularly and updated where deficiencies are identified and improvements required.
3. Monitor significant changes to systems and controls to assess whether those changes significantly impact Council's risk profile.
4. Monitor that a program is in place to test compliance with systems and controls.
5. Assess whether the control environment is consistent with Council's Governance Principles.

E. Risk Management

The Committee will:

1. Monitor the risk exposure of Council by determining if management has in place appropriate risk management processes and adequate management information systems.
2. Review Council's Risk Management Policy and Framework and risk profile.
3. Monitor the process of review of Council's risk profile to ensure that material risks are dealt with appropriately.
4. Receive status reports on a regular basis of the risk register and actions being taken to manage identified risks.
5. Review the insurance programme annually prior to renewal.
6. Monitor the progress of any significant and/or material legal action either against or being taken by Council.
7. Monitor the effectiveness of Council's business continuity and disaster recovery processes and practices.

F. Fraud Prevention Systems and Controls

The Committee will:

1. Monitor the effectiveness of fraud and corruption prevention policies and fraud detection processes throughout the organisation.
2. Identify and refer specific actions or investigations deemed necessary to the Chief Executive Officer, the Internal Auditor or the Council, as appropriate.
3. Review reports in relation to any subsequent investigation, including the investigation of any suspected cases of fraud or corruption.
4. Review internal controls over revenue, expenditure, assets and liability processes.
5. Review internal controls over significant areas of risk including non-financial management control systems.
6. Receive reports by management about the actions taken by Council to report such matters to the appropriate integrity bodies.

G. Compliance Management

The Committee will:

1. Review the systems and processes implemented by Council for monitoring compliance with relevant legislation and regulations and the results of management's follow up of any instances of non-compliance.
2. Receive briefings on any significant compliance matters.
3. Receive reports from management on the findings of any examinations by regulatory or integrity agencies (whether related to investigations at Council or other agencies), such as the Ombudsman, IBAC, the Local Government Inspectorate, etc. and monitor Council's responses.

11. Review of the Committee Charter

The Committee will review the Charter at least biennially and recommend changes to Council for approval.

Appendix A

Committee Member Regulatory Obligations

Guidance to Members

LGA Section	LGA Requirement
Misuse of Position	
123(1)	A Committee member must not intentionally misuse their position to: <ol style="list-style-type: none"> a) Gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or b) Cause, or attempt to cause, detriment to the Council or another person
123(3)	Circumstances involving misuse of a position by a member of the Committee include: <ol style="list-style-type: none"> a) Making improper use of information acquired as a result of being a member of the Committee; or b) Disclosing information that is confidential information; or c) Directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or d) Exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or e) Using public funds or resources in a manner that is improper or unauthorised; or f) Participating in a decision on a matter in which the member has a conflict of interest.
Confidential Information	
125	A member of the Committee must not intentionally or recklessly disclose information that the member knows, or should reasonably know, is confidential information. There are some exemptions to this requirement, the key one being that if the information disclosed by the member has been determined by Council to be publicly available.
Conflicts of Interest	
126	A member of the Committee has a conflict of interest if the member has: <ol style="list-style-type: none"> a) A general conflict of interest as described in Section 127; or b) A material conflict of interest as described in Section 128.
127	A member of the Committee has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the members private interests could result in that member acting in a manner that is contrary to their public duty as a member of the Committee.
128	A member of the Committee has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
<p>Please Note</p> <p><i>The above guidance is not verbatim from the Act and does not include all details as explained in Part 6, Division 1 of the Act. For a full understanding of the requirements of the Act in relation to the matters summarised above, members are expected to make themselves fully aware of the requirements of the Act.</i></p>	



Audit and Risk Committee Charter

Recommended to Council by the Audit and Risk Committee on
~~10 August 2023~~ 5 December 2024

Adopted by Council on ~~28 August 2023~~ (insert date)

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1. Background

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

This Charter sets out the Committee's functions and responsibilities, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

The primary functions and responsibilities of the Committee are to monitor the compliance of Council policies and procedures with the Act (including any regulations), the overarching governance principles, Council's financial and performance reporting, Council's risk management and fraud prevention systems and controls and to oversee the internal audit and external audit functions.

The Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibilities. The Committee does not have or undertake any management function and is therefore independent of management.

The internal auditor, external auditor and other assurance providers support the Committee by providing independent and objective assurance on corporate governance, risk management, internal control and compliance.

A Committee Work Plan is established annually to ensure the Committee effectively discharges its responsibilities under this Charter.

2. Authority

The Committee is established by the Council, pursuant to Section 53 of the Act. It is not a delegated committee and has no delegated responsibilities. Rather, it operates in an advisory capacity to Council in the performance of which it has the ability to:

- Perform activities within the scope of this Charter;
- Require the attendance of Senior Council Officers at meetings as appropriate;
- Have unrestricted access to members of the management team, employees, and relevant information;
- Review the process for reporting pursuant to the Protected Disclosure Act 2012;
- Oversee the performance of the external auditor and appointment and performance of the internal auditor;
- Meet in private without the attendance of management; and
- Request necessary financial resources to be provided to enable the Committee to receive any necessary legal, accounting, or other professional advice.

3. Membership

The Committee will be comprised of five members as follows:

- Three (3) members who are not Councillors and these members are described in this Charter as external independent members; and
- Two (2) Councillor members.

The Chairperson of the Committee shall be appointed from the external independent members of the Committee by all members of the Committee up to a maximum of term of three years within their term of appointment and not exceeding the first year of a new term of Council.

In the absence of the appointed Chairperson from a meeting, the meeting will appoint an acting Chairperson from the external independent members present.

4. Terms of Appointment

External Independent Members

The appointment of external independent members shall be made by Council following an open market recruitment process.

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

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

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

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

The Selection Panel ('Panel') for appointment to the Committee will consist, unless a conflict of interest exists, of the Mayor, ~~and the~~ Chief Executive Officer and the Chairperson of the Audit and Risk Committee, or an alternate external independent member where a conflict of interest exists for the Chairperson-. In the case of a conflict of interest for the Mayor or Chief Executive Officer, the Deputy Mayor will substitute for the Mayor and/or a Director of the Council will substitute for the Chief Executive Officer on the selection Panel.

The Panel will assess candidates against the selection criteria, and also take into account the experience of the candidates and their likely ability to apply appropriate analytical and strategic management skills. The Panel will put a recommendation before Council for a decision.

External independent members shall be appointed for a term of three years. The term of each member should be arranged so that there is an orderly rotation of membership and avoidance of more than one member retiring at the same time.

At the conclusion of their first three-year term, existing external independent members will be eligible to be reappointed at the discretion of Council for a second three-year term provided that a formal assessment of the member's performance is undertaken by the Panel to inform Council's reappointment decision. Existing members will also be eligible to apply to be reappointed for a second three-year term should Council instead decide to recruit for the position. External independent members can only serve on the Committee for two consecutive terms.

In the event of an external independent member resigning/retiring before the expiry of their term then this vacancy will ~~either be filled for the remainder of that term as soon as practicable after the vacancy occurs, or if the vacancy occurs within 12 months of the expiry of the term, then Council may choose not to fill the vacancy.~~ Further, should the resignation/retirement of the members coincide then Council may extend the remaining members term by one year to ensure continuity.

In the event the Council proposes to remove an external independent member of the Committee, it must give 4 weeks written notice to the member of its intention to do so and provide that member with the opportunity to be heard if that member so requests via a written submission to the Chief Executive Officer for distribution to the Council. The Mayor, Chief Executive Officer and Chairperson of the Audit and Risk Committee (if not the member subject of removal from the Committee) will consider the submission and may elect to meet with the independent member to further clarify issues raised in the submission prior to it being submitted to Council; however, the decision to remove an independent member will then be made by, and remains at the discretion of, the Council.

Remuneration will be paid to each external independent member of the Committee as determined by Council from time to time. The remuneration shall be a set sessional fee for attendance at each formal meeting with an additional amount paid to the Chairperson. Remuneration will be paid to each external independent member of the Committee after each meeting upon submission of a tax invoice.

Councillor Members

The Councillor members of the Committee shall be appointed annually by Council at its Annual Meeting where Councillor representation is decided upon.

The term of the Councillor member to the Committee shall be for a one-year term and a Councillor member may be appointed by Council for further terms.

Councillor members may appoint a substitute Councillor in the event they are unable to attend a meeting.

5. Meetings

Conduct of meetings shall be consistent with Council's Governance Rules, insofar as they can be adapted to the Committee meeting, and at the discretion of the Chairperson.

The Committee shall meet as required and according to the annual schedule adopted by Council, but must meet a minimum of five times per year, which includes a meeting to consider the audited annual Financial and Performance Statements.

A schedule of Committee meetings and the Committee's annual Work Plan will be developed and agreed to by the members and recommended to Council annually for adoption. Meetings will be arranged as much as possible to coincide with relevant Council reporting deadlines, in particular the finalisation of the annual Financial and Performance Statements and the Annual Report to the Minister for Local Government.

Additional meetings shall be convened at the discretion of the Chairperson or at the written request of any member of the Committee, Internal Auditor or External Auditor.

Members of the Committee are expected to attend every meeting of the Committee in person and, in the event that a member is unable to attend in person then, with the approval of the Chairperson, they may attend online through arrangements made with the Head of Governance, and subject to availability of any required technology.

The agenda and supporting documentation will be circulated to members of the Committee at least 3 working days in advance of each meeting.

With the approval of the Chairperson, the draft minutes of a Committee meeting will be issued to Committee members for confirmation by an out-of-session resolution to enable confirmed minutes detailing the Committee's advice and recommendations to be presented

~~The minutes containing the Committee's advice and recommendations will be presented to the Council~~ at a subsequent Council meeting following the Committee meeting.

The Committee will then ratify confirmed ~~the~~ minutes of a meeting at the subsequent meeting of the Committee and the Chairperson will sign a printed version of the confirmed minutes that will be taken as the record of the meeting.

Council shall provide administrative support to the Committee.

The following requirements shall apply to all meetings of the Committee.

- A quorum of any meeting will be at least two external independent members and at least one Councillor member. In this instance a quorum is three (3) members.
- Only Committee members are entitled to vote at meetings. All members have full and equal voting rights on all matters considered by the Committee unless a member is unable to vote due to a conflict of interest. The Chairperson of the Committee shall have a casting vote on occasions where there is an equal number of votes on a matter. Resolutions shall pass on a simple majority vote.
- Other Councillors may attend meetings in an observation capacity, and the Committee may invite or require any persons to attend meetings as it deems necessary.
- The Chief Executive Officer, Chief Financial Officer, and the Head of Governance will represent the organisation and attend all meetings. Other Council staff may be invited to attend at the discretion of the Committee to advise and provide information when required.
- Council staff and Councillors who are not members of the Committee do not have a right to vote and may be excluded from meetings for any matter when votes are taken.
- The Internal Auditor will attend all meetings where internal audit reports are presented or as requested by the Committee, except when the Committee decides to meet in camera.
- The External Auditor (as may be appointed by the Victorian Auditor General) must attend the meeting when the annual Financial Statements and external audit management reports are considered and shall attend other Committee meetings as required.
- The External Auditor may request to meet in-camera with the Committee.
- The Committee will meet at least annually and separately with the External Auditor and Internal Auditor without management present and when required by the Committee, the auditors or Council.
- Any meeting documents provided in hard copy must be surrendered to Council and destroyed at Council premises.

6. Performance

The Committee will collectively evaluate and discuss its own performance against the Charter and provide a copy of the annual assessment to the Chief Executive Officer for tabling at the next Council meeting subsequent to that evaluation. The evaluation will include feedback from both Committee members and senior officers who have regular interactions with the Committee.

7. Insurance Indemnity

~~Members of the Committee will be covered by Council's professional indemnity insurance policy.~~

ALTERNATIVE WORDING FOR CONSIDERATION

The Council will indemnify and keep indemnified each external independent member of the Committee against all actions or claims whether arising during or after their term of appointment has concluded in respect of anything necessarily done or reasonably done or omitted to be done in good faith:

- a. in the performance of a duty or function or the exercise of an any matter under the Act, regulations, a local law or this charter; or
- b. in the reasonable belief that the act or omission was in the performance of a duty or a function or the exercise of a matter under the Act, regulations, a local law or this charter.

8. Committee Member Regulatory Obligations

Committee members are expected to be aware of their obligations under Section 53 of the Act. These obligations relate to misuse of position as a member of the Committee (Section 123), confidential information (Section 125) and conflict of interest (Sections 126 to 131). Details about these obligations are included as guidance for Committee members in Appendix A to this Charter.

9. Reporting

The Committee shall after every meeting provide the minutes of that meeting to the next Scheduled Meeting of Council.

The Committee shall provide advice and report to Council on any matters of significance as determined by the Committee [and for the Chairperson and/-or Committee Members to be available to meet with Council as required.](#)

The Chairperson will twice per annum prepare on behalf of the Committee a report to Council on the Committee's activities and provide the report through the Chief Executive Officer. One of these reports will be prepared after the meeting at which the annual Financial and Performance Statements have been considered and recommended to Council for adoption. Each report will advise Council how the Committee has discharged its responsibilities as set out in this Charter for the reporting period.

The Melton City Council Annual Report will contain information on Committee members, the number of meetings held and member attendance record, the audit processes and the results of work completed by the Internal Auditor and External Auditor.

The Committee Charter and details of Committee members will be published on Council's website.

10. Duties and Responsibilities

A. External Audit

The Committee will:

1. Review the External Auditor's proposed audit scope and approach to be applied each year in light of Council's present circumstances and changes in regulatory and other requirements.
2. Review with the External Auditor Council's draft annual Financial Statements focusing on:
 - a. Changes to accounting policies and Approved Accounting Standards;
 - b. Significant adjustments to the financial statements (if any) arising from the audit process;
 - c. Compliance with accounting standards and other reporting requirements of financial and non-financial information; and
 - d. Significant variances with explanations from prior years.
3. Review with the External Auditor Council's draft annual Performance Statement and consider the results in the context of the quarterly reports received throughout the year and explanations of any unusual or unexpected results.
4. Discuss and review with the External Auditor issues arising from the audit including all Management Letters and reports issued by the auditor for completeness and appropriateness.

5. Receive and discuss findings and recommendations made by the External Auditor and management's proposed responses and monitor the progress of actions to be taken.
6. Meet separately with the External Auditor to discuss any matters that the Committee or External Auditor consider should be discussed without management in attendance.
7. Ensure the External Auditor has access to the Committee Chairperson [or the Committee](#) when required.
8. Consider the independence of the External Auditor in the context of any other services provided to Council, with a preference that the External Auditor does not provide services other than external audit functions.
9. Review on an annual basis the performance of the External Auditor.

B. Internal Audit

The Committee will:

1. Review the level of resources allocated to internal audit functions and activities.
2. Review the three year strategic plan and annual program of the Internal Auditor to ensure that it takes into consideration the risk profile of Council.
3. Review the scope of the internal audit plan and the effectiveness of the function, evaluating whether the plan addresses the following issues:
 - a. Effectiveness of internal controls over significant areas of risk, including non-financial management control systems;
 - b. Effectiveness of internal controls over key processes relating to revenue, expenditure, assets, and liabilities;
 - c. Efficiency and effectiveness of significant Council programmes; and
 - d. Compliance with legislation, policies, best practice guidelines and contractual arrangements.
4. Receive, review, and approve or otherwise of the scope of work for each proposed audit prior to the audit being undertaken.
5. [Ensure-Monitor that](#) the significant findings and recommendations made by the Internal Auditor and management's proposed responses are received, discussed, and appropriately acted upon, and monitor the progress of actions to be taken.
6. Review the appropriateness of special internal audit assignments by the internal audit services provider at the request of Council or Chief Executive Officer.
7. Consider the independence of the Internal Auditor in the context of any other services provided to Council.
8. Monitor the effectiveness of the internal audit function on an ongoing basis.
9. [Ensure-Monitor that](#) there are no unjustified restrictions or limitations placed on the Internal Auditor.
10. Meet with the Internal Auditor annually or as required to consider any matters that the Committee or Internal Auditor should discuss privately.
11. Review on an annual basis the performance of the Internal Auditor, and where performance is not considered satisfactory, discuss with Council and management appropriate steps to take, which could include the appointment of a new Internal Auditor.

12. Through the Committee Chairperson, be party to the process of appointment of the Internal Auditor.

C. Financial and Performance Reporting

The Committee will:

1. Review Council's financial position via the presentation of Council's Quarterly Financial Management reports and report to Council on any material issues which may require action or attention.
2. At least annually review changes to the Local Government Performance Reporting Framework and understand the impact of those changes on Council's performance indicators;
3. Review significant accounting and reporting issues, including complex or unusual transactions and areas requiring professional judgment, and recent professional and regulatory pronouncements, and understand their impact on financial reports.
4. Review the audited annual Financial Statements prior to their approval by Council to determine whether the Committee considers them appropriate and is satisfied with the information known to the Committee, and assess whether the Financial Statements reflect appropriate accounting policies and comply with all relevant standards and regulatory requirements.
5. Review with management and the External Auditor all matters required to be communicated to the Committee under the Australian Auditing Standards.
6. Monitor the progress of any litigation, claim or contingency which could have a material effect on Council's financial position or operating result.
7. ~~Advise~~ ~~Recommend to~~ Council ~~on~~ the ~~adoption~~ ~~approval in principle~~ of the annual Financial Statements and Performance Statement to Council, and review any significant changes and the reasons for the changes that may arise subsequent to that advice but before the Statements are adopted by Council.

D. Internal Control Environment

The Committee will:

1. Review the adequacy and effectiveness of key policies, systems, and controls for providing a sound internal control environment. This should be done on a rotational basis over a three to four year period.
2. Determine whether systems and controls are reviewed regularly and updated where deficiencies are identified and improvements required.
3. Monitor significant changes to systems and controls to assess whether those changes significantly impact Council's risk profile.
4. ~~Ensure~~ ~~Monitor~~ that a programme is in place to test compliance with systems and controls.
5. Assess whether the control environment is consistent with Council's Governance Principles.

E. Risk Management

The Committee will:

1. Monitor the risk exposure of Council by determining if management has in place appropriate risk management processes and adequate management information systems.
2. Review Council's Risk Management Policy and Framework and risk profile.
3. Monitor the process of review of Council's risk profile to ensure that material risks are dealt with appropriately.
4. Receive status reports on a regular basis of the risk register and actions being taken to manage identified risks.
5. Review the insurance programme annually prior to renewal.
6. Monitor the progress of any significant and/or material legal action either against or being taken by Council.
7. Monitor the effectiveness of Council's business continuity and disaster recovery processes and practices.

F. Fraud Prevention Systems and Controls

The Committee will:

1. Monitor the effectiveness of fraud and corruption prevention policies and fraud detection processes throughout the organisation.
2. Identify and refer specific actions or investigations deemed necessary to the Chief Executive Officer, the Internal Auditor or the Council, as appropriate.
3. Review reports in relation to any subsequent investigation, including the investigation of any suspected cases of fraud or corruption.
4. Review internal controls over revenue, expenditure, assets and liability processes.
5. Review internal controls over significant areas of risk including non-financial management control systems.
6. Receive reports by management about the actions taken by Council to report such matters to the appropriate integrity bodies.

G. Compliance Management

The Committee will:

1. Review the systems and processes implemented by Council for monitoring compliance with relevant legislation and regulations and the results of management's follow up of any instances of non-compliance.
2. Receive briefings on any significant compliance matters.
3. Receive reports from management on the findings of any examinations by regulatory or integrity agencies (whether related to investigations at Council or other agencies), such as the Ombudsman, IBAC, the Local Government Inspectorate, etc. and monitor Council's responses.

11. Review of the Committee Charter

The Committee will review the Charter at least biennially and recommend changes to Council for approval.

Appendix A

Committee Member Regulatory Obligations

Guidance to Members

LGA Section	LGA Requirement
Misuse of Position	
123(1)	A Committee member must not intentionally misuse their position to: <ol style="list-style-type: none"> a) Gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or b) Cause, or attempt to cause, detriment to the Council or another person
123(3)	Circumstances involving misuse of a position by a member of the Committee include: <ol style="list-style-type: none"> a) Making improper use of information acquired as a result of being a member of the Committee; or b) Disclosing information that is confidential information; or c) Directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or d) Exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or e) Using public funds or resources in a manner that is improper or unauthorised; or f) Participating in a decision on a matter in which the member has a conflict of interest.
Confidential Information	
125	A member of the Committee must not intentionally or recklessly disclose information that the member knows, or should reasonably know, is confidential information. There are some exemptions to this requirement, the key one being that if the information disclosed by the member has been determined by Council to be publicly available.
Conflicts of Interest	
126	A member of the Committee has a conflict of interest if the member has: <ol style="list-style-type: none"> a) A general conflict of interest as described in Section 127; or b) A material conflict of interest as described in Section 128.
127	A member of the Committee has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the members private interests could result in that member acting in a manner that is contrary to their public duty as a member of the Committee.
128	A member of the Committee has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
<p>Please Note</p> <p><i>The above guidance is not verbatim from the Act and does not include all details as explained in Part 6, Division 1 of the Act. For a full understanding of the requirements of the Act in relation to the matters summarised above, members are expected to make themselves fully aware of the requirements of the Act.</i></p>	

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

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

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

14. NOTICES OF MOTION**14.1 NOTICE OF MOTION 940 (CR DR ZADA) - LEAKES ROAD TRAFFIC LIGHTS****Councillor: Dr Phillip Zada**

I hereby give notice of my intention to move the following motion at the Scheduled Meeting of Council to be held on 16 December 2024.

MOTION:

That Council writes to the Minister for Roads and Road Safety and the local Member for Kororoit, urging immediate action in the upcoming Victorian budget to prioritise the implementation of traffic lights at the intersection of Western Highway and Leakes Road, a known hotspot for traffic incidents, to address the significant safety risks and prevent further collisions, and to request an update on the Western Highway Business Case which is exploring options to upgrade the Western Freeway between Harkness Road and Christies Road.

COUNCILLOR'S PREAMBLE:

Leakes Road has become a notorious hotspot for traffic incidents, posing significant risks to motorists and residents. Many community members have expressed their concerns, recounting the dangers they face, particularly when attempting to make right-hand turns at this intersection.

During the recent election campaign, while discussing issues near Rockbank Station with the then-Mayor, Cr Kathy Majdlik, and Deputy Mayor, Cr Steve Abboushi, we witnessed a major collision occur at this intersection before our very eyes. It was a stark reminder of the urgent need for action to ensure the safety of all road users.

This issue can no longer be ignored. The implementation of traffic lights at this critical intersection is essential to safeguarding lives and improving public safety, and we call on the State Government to deliver this practical and overdue solution.

OFFICER'S COMMENTS:

Council officers will action in accordance with the Notice of Motion, subject to Council decision.

14.2 NOTICE OF MOTION 941 (CR DR ZADA) - ROCKBANK STATION**Councillor: Dr Phillip Zada**

I hereby give notice of my intention to move the following motion at the Scheduled Meeting of Council to be held on 16 December 2024.

MOTION:

That Council writes to the Minister for Public and Active Transport, the Minister for Transport and Infrastructure and VicTrack to:

1. Raise Council's and the community's significant concerns with the safety and amenity issues at Rockbank Train Station, including insufficient parking, safety concerns, lack of essential amenities, and inadequate public transport services, which are critically impacting the station and the residents who rely on it.
2. Seek that they meet the Mayor and Chief Executive Officer to formulate an achievable plan to address the urgent issues of Rockbank Train Station and broader public transport provision to address the concerns detailed above.

COUNCILLOR'S PREAMBLE:

Rockbank Station serves as a crucial transport hub for residents of the Mount Atkinson Ward and neighbouring suburbs. However, significant challenges hinder its accessibility, functionality, and safety, adversely affecting the community.

The station's car park is perpetually at capacity, forcing residents to resort to illegal parking across Leakes Road and nearby streets. This creates hazardous conditions, obstructing visibility and compromising road safety. The absence of visible Public Safety Officers (PSOs) further exacerbates safety concerns, while locked toilet facilities deprive commuters of essential amenities.

Moreover, the lack of reliable public bus services leaves residents with limited transport options, intensifying the demand for parking and reducing overall accessibility. Addressing these issues is critical as the surrounding areas continue to experience rapid residential growth.

The State Government's collaboration is needed to deliver sustainable, long-term solutions that enhance safety, accessibility, and public transport services. The Minister for Public Transport is invited to experience the daily reality faced by many hard-working residents by commuting from one of the new estates in Mount Atkinson, Rockbank, or Thornhill Park to the city without the use of a car. This lived experience would underscore the pressing need for improvements and foster a deeper understanding of the challenges faced by our community.

OFFICER'S COMMENTS:

Council officers will action in accordance with the Notice of Motion, subject to Council decision.

14.3 NOTICE OF MOTION 943 (CR TURNER) - SOUNDWALL FOR SILVERDALE ESTATE**Councillor: Bob Turner**

I hereby give notice of my intention to move the following motion at the Scheduled Meeting of Council to be held on 16 December 2024.

MOTION:

That Council receive a report at a future Council Meeting explaining the cost involved in constructing a sound wall for the Silverdale Estate including any possible timeline and any other options that may be available.

OFFICER'S COMMENTS:

Council officers will action in accordance with the Notice of Motion, subject to Council decision.

14.4 NOTICE OF MOTION 944 (CR MORRIS) - TRAFFIC MANAGEMENT PLAN AND FEASIBILITY REPORT FOR EXFORD & WILSONS RD INTERSECTION**Councillor: Brandi Morris**

I hereby give notice of my intention to move the following motion at the Scheduled Meeting of Council to be held on 16 December 2024.

MOTION:

That Council:

1. Requests Officers explore the feasibility of installing traffic lights at the corner of Exford Road and Wilsons Road, with the aim of reducing congestion and enhancing safety for all road users during peak school hours.
2. Request Officers provide a report to a briefing of Councillors on the outcome of the feasibility of installing traffic lights at the corner of Exford Road and Wilsons Road and outline any other traffic treatment options and associated costs.

COUNCILLOR'S PREAMBLE:

With four schools in the immediate vicinity, during school morning drop-off and afternoon pickup, Exford Road and Wilsons Road Intersection becomes heavily congested, creating significant safety risks for motorists and pedestrians alike. The lack of adequate traffic control measures at this busy crossing poses a particular danger to families and young children who use this route to access local schools. Community concerns regarding public safety and the potential for accidents at this intersection have escalated.

OFFICER'S COMMENTS:

Council officers will action in accordance with the Notice of Motion, subject to Council decision.

**14.5 NOTICE OF MOTION 945 (CR SHANNON) - ADVOCACY ON FUTURE
SECONDARY SCHOOLS****Councillor: Julie Shannon**

I hereby give notice of my intention to move the following motion at the Scheduled Meeting of Council to be held on 16 December 2024.

MOTION:

That Council writes to the Minister and Shadow Minister for Education (and any other relevant ministers) requesting:

1. Information on all future planned public Secondary Schools in the City of Melton, including planned location and timing for construction; and
2. An urgent review of the provision of secondary schools in the City of the Melton considering the rate of growth and number of babies born.

OFFICER'S COMMENTS:

Council officers will action in accordance with the Notice of Motion, subject to Council decision.

**14.6 NOTICE OF MOTION 946 (CR VANDENBERG) - ROCKBANK STATION
TEMPORARY CAR PARK****Councillor: Ashleigh Vandenberg**

I hereby give notice of my intention to move the following motion at the Scheduled Meeting of Council to be held on 16 December 2024.

MOTION:

That Council receive a report at a future Council Meeting, outlining available Council land options within a 5km radius of Rockbank Station for use as a temporary car park, with the report to include the costing for any remediation or construction costs.

COUNCILLOR PREAMBLE:

During my door knocking many residents raised the need for increased parking at Rockbank station and while this is a state government matter it wouldn't be the first time a council worked with state government to support our community. While we wait for state government to expand the public car park council can help by utilising it's own vacant land to provide that need. Residents shouldn't be getting fined trying to get to work to feed their families and keep a roof over their heads. As a council we must do as much as possible to ensure our residents success.

OFFICER'S COMMENTS:

The provision of car parking at train stations is the responsibility of the State Government. The availability of Council land and the cost of works can be provided for Council consideration, noting however that it is not a Council responsibility.

14.7 NOTICE OF MOTION 947 (CR CARLI) - HONOURING MICHAEL JOHNSTONE**Councillor: Lara Carli**

I hereby give notice of my intention to move the following motion at the Scheduled Meeting of Council to be held on 16 December 2024.

MOTION:

That Council:

1. Receives a briefing which considers naming a component of the Hillside Recreation Reserve Sporting Facilities (such as an oval or club rooms etc..) after Michael Johnstone, the founder of Sydenham Hillside Football Club once the Memorial and Recognition Policy is approved by Council.
2. In developing the briefing paper, engages in discussions with the Johnstone family, Hillside Sharks Football Club and Sydenham Hillside Cricket Club about this proposal.

OFFICER'S COMMENTS:

Council officers will action in accordance with the Notice of Motion, subject to Council decision.

14.8 NOTICE OF MOTION 948 (CR ABBOUSHI) - BUS STOP SHELTER UPGRADE**Councillor: Steven Abboushi**

I hereby give notice of my intention to move the following motion at the Scheduled Meeting of Council to be held on 16 December 2024.

MOTION:

That Council send a letter to Public Transport Victoria (PTV) and the Minister for Public and Active Transport, the Hon Gabrielle Williams, requesting the immediate upgrade of the bus stop located at the corner of Neals and Hopkins Road, Deanside, which serves both Deanside Village residents and those from the surrounding area. The upgrade should include the installation of a shelter to provide protection for users from adverse weather conditions.

OFFICER'S COMMENTS:

Council officers will action in accordance with the Notice of Motion, subject to Council decision.

**14.9 NOTICE OF MOTION 949 (CR MAJDLIK) - PLUMPTON AQUATIC CENTRE
PROGRESS****Councillor: Kathy Majdlik**

I hereby give notice of my intention to move the following motion at the Scheduled Meeting of Council to be held on 16 December 2024.

MOTION:

That Council endorse, support and acknowledge the works undertaken thus far for the Plumpton Aquatic and Leisure Centre and Function space and that a briefing of Councillors be provided to review the current Aquatic Strategy to review if it is still fit for purpose.

COUNCILLOR'S PREAMBLE:

The vision of building a second Aquatic facility in the City of Melton particularly in the Eastern corridor, has been an inspiration and initiative of mine since around 2010. It had come about by the community's growing need to access an Aquatic facility that was accessible and fit for purpose. Since then, every council term there has been tremendous support from elected Melton City Councillors and from our current Council CEO & Staff, such that the project is progressing well. The need for this cohort of Councillors to also support this major piece of infrastructure is imperative for the project to continue without delay. Therefore, support for this project is crucial to ensure that there are no delays in the delivery of the Aquatic Leisure and Function Centre. As well as this, it is timely for a review of Council's current Aquatic strategy, to ensure it is still relevant for our growing community.

OFFICER'S COMMENTS:

Council officers will action in accordance with the Notice of Motion, subject to Council decision.

15. URGENT BUSINESS

16. 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:

- 16.1 Appointment of Independent Audit and Risk Committee Member**
(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.
- 16.2 Mt Atkinson Active Open Space - Project Update**
(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.
- 16.3 Land Acquisition - Rockbank**
(a) as it relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.
- 16.4 Land Acquisition - Deanside**
(a) as it relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.
- 16.5 Provision of Land for Active Open Space**
(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.
- 16.6 Contract No. 21-058 - Melton Recycling Facility Resource Recovery Precinct Design & Construct - Update**
(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.
- 16.7 Contract No. 25-044 - Mt Carberry Childrens & Community Centre - Head Consultant Services**
(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.
- 16.8 Contract No. 25-052 - Deanside Children's and Community Centre - Head Consultant Services**
(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.

16.9 Contract No. 25-064 - MacPherson Park Rugby Pavilion - Head Contractor

(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.

16.10 Contract No. 25-066 - Diggers Rest Community Centre - Head Consultant Services

(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.

17. CLOSE OF BUSINESS