



MELTON CITY COUNCIL

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

26 June 2017

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

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MELTON CITY COUNCIL

MINUTES OF THE ORDINARY MEETING OF THE MELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC CENTRE, 232 HIGH STREET, MELTON ON 26 JUNE 2017 AT 7.00PM

Present: Cr S Ramsey (Mayor)
Cr B Turner (Deputy Mayor)
Cr S Abboushi
Cr L Carli
Cr M De Santis
Cr K Hardy
Cr G Kesic
Cr K Majdlik
Cr M Mendes

Mr K Tori, Chief Executive Officer
Mr P Bean, General Manager Corporate Services
Ms C Crameri, Acting General Manager Community Services
Mr L Shannon, General Manager Planning and Development
Mr S Rumoro, Manager Finance
Ms C Denyer, Manager Legal and Governance
Ms T Spiteri, Governance Coordinator

1. OPENING PRAYER AND RECONCILIATION STATEMENT

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

2. APOLOGIES AND LEAVE OF ABSENCE

Nil.

3. CHANGES TO THE ORDER OF BUSINESS

Nil.

4. DEPUTATIONS

Nil.

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

Cr Abboushi declared that he intended to call a procedural motion to be excused from the Chamber prior to Item 19.3 of this Agenda by reason of a conflicting personal interest.

Cr Turner advised that he thought he had a conflict but was unsure of the item. Later in the meeting he confirmed that he did not have a conflict and had confused the matter with a matter heard last meeting.

Cr Hardy declared an indirect conflict of interest in Item 12.4 of this Agenda.

6. ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on 29 May 2017 be confirmed as a true and correct record.

Motion

Crs Majdlik/Carli.

That the recommendation be adopted.

CARRIED

7. RECORD OF ASSEMBLY OF COUNCILLORS

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

- 29 May 2017 Record of Assembly of Councillors
- 5 June 2017 Record of Assembly of Councillors
- 13 June 2017 Record of Assembly of Councillors
- 19 June 2017 Record of Assembly of Councillors

RECOMMENDATION:

That the Record of Assembly of Councillors dated 29 May, 5 June, 13 June and 19 June 2017 attached to this Agenda be received and noted.

Motion

Crs Majdlik/Carli.

That the recommendation be adopted.

CARRIED

LIST OF APPENDICES

1. 29 May 2017 Record of Assembly of Councillors
2. 5 June 2017 Record of Assembly of Councillors
3. 13 June 2017 Record of Assembly of Councillors
4. 19 June 2017 Record of Assembly of Councillors

8. CORRESPONDENCE INWARD

8.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR

- Natalie Hutchins MP – State Member for Sydenham – 15 hours of funded kindergarten.
- Senator the Hon Fiona Nash – Minister for Regional Development, Minister for Local Government and Territories, Minister for Regional Communications, Deputy Leader of The Nationals – Financial Assistance Grant program.

RECOMMENDATION:

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

Motion

Crs Majdlik/Carli.

That the recommendation be adopted.

CARRIED

LIST OF APPENDICES

1. Correspondence Inwards - Natalie Hutchins MP - dated 19 May 2017
2. Correspondence Inwards - Senator the Hon Fiona Nash - dated 25 May 2017

9. PETITIONS AND JOINT LETTERS

Nil.

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

Nil.

11. PUBLIC QUESTION TIME

Name	Question asked of Council
Robert Nielson	Council's Engineering department review the speed hump length standards.
Robert Nielson	Council include a pamphlet in rate notices advising of the disposal sites for the return of plastic shopping bags.
David O'Connor	Establishment of a Soccer Club in Diggers Rest and the requirements to do so.
David O'Connor	Copies of the Council's submissions in response to the 2008 and 2013 Draft Melbourne Airport Master Plan.

Procedural Motion

Crs Majdlik/Abboushi.

That the recommendations as printed in Items 12.1, 12.2, 12.11, 12.15, 12.17, 12.19, 12.20, 12.22 and 12.23 be adopted in block.

CARRIED

12. PRESENTATION OF STAFF REPORTS**12.1 AUTHORISATION OF AFFIXING THE COMMON SEAL OF COUNCIL**

Author: Dominique Roberts - Governance Officer

Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

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

RECOMMENDATION:

That the Council Seal be affixed to the documentation as detailed in the Schedule for Authorising of Affixing of the Common Seal of Melton City Council dated 26 June 2017.

Motion

Crs Majdlik/Abboushi.

That the recommendation be adopted.

CARRIED

REPORT**1. Executive Summary**

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

2. Background/Issues

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

The *Local Government Act 1989* (s.5(2) and (3)) prescribes that a Council must have a common seal, and that the common seal must –

- a. bear the name of the Council (which name may refer to the inhabitants of the municipal district) and any other word, letter, sign or device the Council determines should be included
- b. be kept at the Council office
- c. be used in accordance with the local laws of the Council.

Council's Meeting Procedure Local Law (2013) prescribes the use of Council's Common Seal and the authorized officers who must be present and sign every document to which the common seal is affixed.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. *A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability*
 - 2.6 *Ensure timely compliance with statutory and regulatory obligations.*

4. Financial Considerations

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

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

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

7. Options

Not applicable.

LIST OF APPENDICES

1. Schedule for Authorising of Affixing the Common Seal - dated 26 June 2017

12.2 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

Author: Tracy Spiteri - Governance Coordinator
Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

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

RECOMMENDATION:

That Council:

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

Motion

Crs Majdlik/Abboushi.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

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

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

2. Background/Issues

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

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

Councillor representation on Advisory Committees is generally for one year and is reviewed annually at the Statutory Meeting of Council. Councillor representation on current Council Committees and to other organisations for 2017 were adopted by Council at the Ordinary Meeting held 21 November 2016.

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

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

Meeting Date	Advisory Committee	Attached
17 May 2017	Community Safety Advisory Committee Meeting Minutes	Appendix 1
1 June 2017	Disability Advisory Committee Meeting Minutes	Appendix 2

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability

2.3 Facilitate community engagement in planning and decision making

4. Financial Considerations

Advisory Committees are not responsible for operational expenditure and cannot direct Council officers to act without the consent of Council. Operational expenses and administrative actions arising from an Advisory Committee meeting are accommodated within Council's recurrent budgets, unless otherwise requested within the minutes of the meeting and detailed in a recommendation to Council for consideration.

5. Consultation/Public Submissions

Advisory Committees are one method of Council consulting and communicating with the community. Such a Committee may be established to provide strategic level input into a broad area of Council operations, such as community safety or arts and culture. An Advisory Committee may also be established for a specific time-limited project, such as a review of a Local Law.

6. Risk Analysis

With a mandatory responsibility to report to Council and restricted to making recommendations for Council consideration, risks attached to Advisory Committee actions are substantially mitigated.

It is prudent for Council to carefully consider any and all recommendations arising from Advisory Committee minutes, as Advisory Committees may canvass significant issues and significant expenditure in their deliberations.

7. Options

Advisory Committees are a Committee of Council, therefore Council has the discretion to accept, reject, amend or seek further information on any of the Committee minutes and/or recommendations

LIST OF APPENDICES

1. Community Safety Advisory Committee Meeting Minutes - 17 May 2017
2. Disability Advisory Committee Meeting Minutes - 1 June 2017

12.3 RESPONSE TO PETITION - FIELDSTONE WAY, BROOKFIELD REQUEST FOR SPEED HUMPS

Author: Matthew Hutchinson - Design and Traffic Coordinator
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To respond to the petition tabled at the Ordinary Meeting of Council held on 3 April 2017 requesting speed humps to be installed on Fieldstone Way, Brookfield.

RECOMMENDATION:

That Council:

1. Approve the construction of a raised pedestrian crossing and associated signage in Fieldstone Way.
2. Fund the construction of the works from the 2017/18 capital works program – Traffic Management Device Construction Program.
3. Advise the lead petitioner of Council's decision.

Motion

Crs Hardy/Turner.

That the item be deferred until the next Ordinary Meeting of Council occurring after further consultation with the residents has been undertaken regarding the proposed pedestrian crossing.

CARRIED

REPORT

1. Executive Summary

At the 3 April 2017 ordinary meeting of Council a petition with 27 signatures was tabled requesting the installation of speed humps in Fieldstone Way, Brookfield. The concerns raised in the petition have been investigated and a vehicle speed survey conducted. The vehicle speed survey returned low speeds however with the proximity of the park and pedestrians, especially children, crossing the road it is recommended to install a raised pedestrian crossing.

2. Background/Issues

At the 3 April 2017 ordinary meeting of Council a petition with 27 signatures was tabled requesting the installation of speed humps in Fieldstone Way, Brookfield.

The petition followed a recent fatality of a young pedestrian, which occurred when a vehicle struck the pedestrian whilst they were walking across the road. This incident occurred in March of 2017.

Fieldstone Way is a 350m straight length of road located north of Black Dog Drive with a default speed limit of 50km/h. See **Appendix 1** and **2**.

Council's Engineering Services department conducted an investigation and arranged traffic counts over a seven day period starting Friday 28 April 2017. The count results indicate an average of 167 vehicles travel along Fieldstone Way per day, with an 85th percentile speed (the speed at which 85 percent of vehicles drive at or below) of 45.3km/h.

In accordance with Council's traffic calming policy, the 85th percentile speed would need to exceed 5km/h over the speed limit for a traffic calming device to be warranted. Considering vehicle speed in isolation, a traffic calming device would not be warranted.

Another road safety concern is a large segment of Fieldstone Way runs adjacent to a park with a playground. Concerns have been raised by residents about pedestrians, especially young children crossing the road.

To assist in providing a safe crossing point and to ensure drivers are aware of the potential for pedestrians to be crossing the road, it is recommended a raised pedestrian crossing be installed similar to that shown in **Appendix 3**. This will also assist to control speeds along Fieldstone Way. The location of the device, subject to detailed design, would be constructed at the midpoint of the road under the street light outside No. 27. See **Appendix 4**.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City
 - 1.5 Support a transport system that connects and moves our community

4. Financial Considerations

The cost to install a raised pedestrian crossing would be approximately \$8,000. The project could be funded in the 2017/18 capital works program from the Traffic Management Devices Construction program.

5. Consultation/Public Submissions

The submitted petition was signed by 27 people. The petition states 'This is a petition from the community of Brookfield requesting speed humps be installed in Fieldstone Way. It is a long straight street and since development the traffic has increased. There is also a park where children play. One tragic death has occurred already.'

Council's decision regarding this petition will be communicated to the petition facilitator.

If Option 1 is adopted the residents in the street will be consulted about the construction of the raised pedestrian crossing in accordance with the normal consultation processes.

6. Risk Analysis

The only risk associated with Option 1 is the resident who has the raised crossing outside their home may not be happy due to the noise they create and the loss of parking. This noise can be mitigated to some degree in the design of the device and the raised crossing can be located between the two adjacent crossovers to still allow one vehicle to be parked outside each property.

The risk with Option 2 is due to the high level of concern in the street, to do nothing could be viewed negatively.

7. Options

Council has the option to:

1. Install a raised pedestrian crossing and associated signage in Fieldstone Way in the 17/18 Capital Works Program.
2. Not install any form of pedestrian facility or traffic calming, as it does not meet the warrants for traffic calming.

LIST OF APPENDICES

1. Site Plan - dated 7 June 2017
2. Site Photos - undated
3. Example of raised pedestrian crossing - undated
4. Proposed location of device - dated 7 June 2017

Cr Hardy having previously declared an indirect conflict of interest left the Chamber at 7:26pm.
Cr Carli stepped out of the Chamber momentarily at 7:29pm.

12.4 RESPONSE TO PETITION – HUME AVENUE, MELTON SOUTH – SPEEDING CONCERNS

Author: Tom Lay - Traffic Engineer
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To present to Council the outcome of an investigation into speeding vehicles in Hume Avenue, Melton South, which was the subject of a petition lodged with Council.

RECOMMENDATION:

That Council:

1. Approve the installation of two speed humps in Hume Avenue, Melton South, one in the section between Exford Road and Murray Road and the other in the section between Murray Road and Lachlan Road.
2. Fund the construction of these speed humps from the 2017/18 Capital Works Program – Traffic Management Devices Construction Program.
3. Advise the lead petitioner of Council's decision.

Motion

Crs Turner/Kesic.

That the recommendation be adopted.

CARRIED

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

For:

Crs Abboushi, Carli, De Santis, Kesic, Majdlik, Mendes, Ramsey and Turner.

Against:

Nil.

The Mayor declared the Motion CARRIED

REPORT

1. Executive Summary

At the Ordinary meeting of Council held 3 April 2017, a petition was tabled requesting Council undertake a vehicle speed survey in Hume Avenue, Melton South and install appropriate traffic calming measures to reduce vehicles speeds in this road.

A vehicle speed survey was conducted along Hume Avenue between Exford Road and Lachlan Road and this survey found that the speeds are relatively high. It is recommended that additional traffic calming devices to be installed.

2. Background/Issues

Site

Hume Avenue runs in an east-west direction between Exford Road and Rees Road, Melton South. The section of Hume Avenue raised by the petition is experiencing speeding vehicles is between Exford Road and Lachlan Road, refer to **Appendix 1** for a site plan.

Within the subject section of Hume Avenue, there is a roundabout at Murray Road (approximately 230 m from Exford Road) and a roundabout at Mitchell Road (approximately 325 m from Murray Road). The default speed limit for this section of Hume Avenue is 50 km/h.

Vehicle Speed Survey

A vehicle speed survey was conducted within Hume Avenue over a two week period using automatic traffic counters.

The vehicle speed survey found that between Exford Road and Murray Street (outside No. 71 Hume Avenue):

- First week: The 85th percentile speed* for east and west bound vehicles was found to be 58.1 km/h and 51.8 km/h respectively. With the 85th percentile speed* for both directions beings 54.9 km/h.
- Second week: The 85th percentile speed* for east and west bound vehicles was found to be 57.7 km/h and 52.0 km/h respectively. With the 85th percentile speed* for both directions beings 54.9 km/h.

Between Murray Road and Lachlan Road (outside No.64 Hume Avenue):

- First week: The 85th percentile speed* for east and west bound vehicles was found to be 55.1 km/h and 54.3 km/h respectively. With the 85th percentile speed* for both directions beings 54.7 km/h.
- Second week: The 85th percentile speed* for east and west bound vehicles was found to be 54.3 km/h and 53.6 km/h respectively. With the 85th percentile speed* for both directions beings 54.0 km/h.

**The 85th percentile speed is the speed at or below which 85 percent of vehicles are travelling.*

In accordance with Council's Traffic Calming Policy, the 85th percentile speed of vehicles surveyed would need to exceed the speed limit by 5km/h for traffic calming devices to be warranted. Hume Avenue has a default speed limit of 50km/h. Based on the overall result for two way traffic, the 85th percentile speed of vehicles at both locations is just below 55 km/h. However the 85th percentile speed of vehicles travelling in an east bound direction was found to exceed 55 km/h, warranting the installation of traffic calming devices.

Traffic Calming Options

Effective traffic calming devices for installation within the subject section of Hume Avenue to reduce speeding are:

- Option 1 – Speed Humps – Would require one speed hump between Exford Road and Murray Road and one speed hump between Murray Road and Lachlan Road.
- Option 2 – Roundabouts – Construction of roundabouts at the intersections of Lachlan Road and Hume Avenue and Blaxland Road and Hume Avenue.

- Options 3 – Modified T-Intersections – Construction of modified T-intersections at the intersection of Blaxland Road and Hume Avenue and Murray Road and Lachlan Road.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City
 - 1.5 Support a transport system that connects and moves our community

4. Financial Considerations

That Council consider the following options:

- Option 1 – The estimated cost for installing two speed humps would be approximately \$15,000.
- Option 2 – The estimated cost for installing roundabouts would be approximately \$110,000.
- Option 3 – The estimated cost for installing two modified-T would be approximately \$38,000.
- Option 4 – No change.

5. Consultation/Public Submissions

The result of the vehicle speed survey and investigation will be notified to the petition facilitator.

Residents will be consulted as part of the design and construction process.

6. Risk Analysis

Each option proposed creates the following risks:

- Option 1 – Complaints from residents in regards to the potential noise associated with the speed humps.
- Option 2 – Complaints from residents in regards to accessing their driveways due to the placement and arrangement of roundabouts.
- Option 3 - Complaints from residents in regards to accessing their driveways due to the placement and arrangement of modified-T intersections.
- Option 4 – With any roadway, there is always an element of risk associated with potential crashes. But given the high speed identified for east bound traffic, the risk and severity would be higher.

7. Options

Council has the following options:

- Option 1 – Speed Humps – Would require one speed hump between Exford Road and Murray Road and one speed hump between Murray Road and Lachlan Road.
- Option 2 – Roundabouts – Construction of roundabouts at the intersections of Lachlan Road and Hume Avenue and Blaxland Road and Hume Avenue.

- Options 3 – Modified T-Intersections –Construction of modified T-intersections at the intersection of Blaxland Road and Hume Avenue and Murray Road and Lachlan Road.
- Option 4 – Do nothing.

LIST OF APPENDICES

1. Site Plan - undated

Cr Hardy returned to the Chamber at 7:33pm.

12.5 RESPONSE TO NOTICE OF MOTION 454 - CONSTRUCTION OF TOOLERN VALE TOWNSHIP ROADS

Author: Charles Cornish - Manager Engineering Services
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To respond to Notice of Motion 454 that sought a report on the costs of sealing Creamery Road, Burtons Road and Mechanics Road, Toolern Vale.

RECOMMENDATION:

That Council:

1. Refer the construction of Creamery Road, Mechanics Road and Burtons Road, to a rural residential standard, to the Council's Capital Works Program for funding.
2. Undertake consultation with residents who abut Creamery Road, Mechanics Road and Burtons Road, with regard to the construction of these roads.

Motion

Crs Mendes/Carli.

1. Refer the construction of Creamery Road, Mechanics Road and Burtons Road to Council's Capital Works Program for funding.
2. Undertake consultation with residents who abut Creamery Road, Mechanics Road and Burtons Road, with regard to the construction of these roads and offer residents both options for consideration.

CARRIED

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

For:

Crs Abboushi, Carli, De Santis, Hardy, Kesic, Majdlik, Mendes, Ramsey and Turner.

Against:

Nil.

The Mayor declared the Motion CARRIED

REPORT

1. Executive Summary

At the Ordinary meeting held on 6 March 2017, Council resolved to receive a report investigating the costs of sealing Creamery Road, Burtons Road and Mechanics Road, Toolern Vale.

The estimated cost of constructing these roads, which have a combined length of 1.26 km, has been determined for a Rural Residential Standard road and an Urban Residential Standard road.

A Rural Residential Standard road is one with a bitumen sprayed seal surface and table drains, with an estimated cost of \$1.59M to construct these roads to this standard.

An Urban Residential Standard road is one with an asphalt sealed surface, concrete kerb and channel and underground drainage, with an estimated cost of \$2.43M to construct these roads to this standard.

2. Background/Issues

At the Ordinary meeting held 6 March 2017 Council resolved that:

'Council officers investigate the costs of sealing Creamery, Burtons and Mechanics Roads, Toolern Vale and provide a report to Council.'

This report considers options for the sealing of these roads.

Site

The majority of properties in the Toolern Vale Township are served by three roads, being Creamery Road, Mechanics Road and Burtons Road, with these roads being managed and maintained by the City of Melton.

Creamery Road, Mechanics Road and Burtons Road provide access to some 29 properties in Toolern Vale, along with access to the Toolern Vale Primary School and Toolern Vale CFA station, which are both located in Creamery Road. Refer to **Appendix 1** for plan of the area.

At present Creamery Road, Mechanics Road and Burtons Road are all unsealed roads and in places lack any road drainage such as table drains or kerb and channel. The combined length of Creamery Road, Mechanics Road and Burtons Road is approximately 1.26 km.

Options for Construction

To provide an appropriate standard of road finish and a road pavement with an acceptable design life, the following construction options have been considered.

Option 1 – Rural Residential Standard

This option is notable by the use of table drains or swale drains for drainage, adopting a similar cross section to other streets in rural residential areas within the municipality. Refer to **Appendix 2** for photo of similar street.

Option 1 includes the following:

- Existing pavement is retained and stabilised, with additional layers of crushed rock added to the pavement. The final surface of the pavement being a bitumen spray seal.
- Table drains are excavated either side of the road pavement.
- Vehicle culvert crossovers to all properties.
- A roundabout is proposed at the intersection of Creamery Road, Mechanics Road and Burton Road.
- Pavement and sealing of parking bays outside the primary school.
- Estimated construction cost is \$1.59M.

Option 2 – Urban Residential Standard

This option would see the Toolern Vale roads constructed to an urban residential standard with concrete kerb and channeling constructed. Refer to **Appendix 2** for photo of similar street.

Option 2 includes the following:

- Existing pavement is excavated and a new pavement constructed, with the final finished surface being an asphalt layer.
- Concrete kerb and channel.
- Underground drainage pipes and pits.
- Concrete vehicle crossovers to all properties.
- A roundabout is proposed at the intersection of Creamery Road, Mechanics Road and Burtons Road.
- Pavement and sealing of parking bays outside the primary school.
- Estimated construction cost is \$2.43M.

Existing Speed Restrictions

The existing speed restrictions within the Toolern Vale township are as follows:

- Creamery Road (East Section – School) – 40 km/h.
- Creamery Road (West Section) – 50 km/h.
- Mechanics Road – 50 km/h.
- Burtons Road – 50 km/h.

The most recent traffic survey conducted within the Toolern Vale township was in March 2016, which recorded vehicle volumes and speeds as follows:

Road	Two-Way Weekday Average Vehicles per day	85 th percentile speed* km/h
Creamery Road (West Section)	65 vehicles per day	37 km/h
Mechanics Road	176 vehicles per day	29 km/h
Burtons Road	230 vehicles per day	37 km/h

**The 85th percentile speed is the speed at or below which 85 percent of vehicles are travelling.*

The recorded vehicle speeds within the Toolern Vale township are well within the posted speed limits and therefore it would be proposed that the existing speed restrictions are appropriate and remain in place.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City
 - 1.5 Support a transport system that connects and moves our community

4. Financial Considerations

Should Council determine that Creamery Road, Mechanics Road or Burtons Road is to be constructed with a sealed surface, this work will have to be referred to Councils Capital Works Program and Budget process to determine when funding will be made available.

5. Consultation/Public Submissions

Council has received representations from some Toolern Vale residents requesting the sealing of roads within the Toolern Vale township.

Should Council resolve to refer the construction of the subject roads to the Capital Works Program, it would be appropriate to consult with residents abutting Creamery Road, Mechanics Road and Burtons Road concerning the proposed road construction.

6. Risk Analysis

The risks associated from Options 1 or 2 is that the provision of a sealed surface may encourage drivers to speed in these streets resulting in requests from residents for the installation of traffic calming devices, such as speed humps.

The risks associated with maintaining these roads as unsealed roads is a reputation risk, not providing a community with an expected level of service for their basic transport infrastructure.

7. Options

a. Option 1 – Rural Residential Standard

Sealed road pavement and table drains.

Negative impacts of this option are:

- Nil.

Positive impacts of this option are:

- This type of road cross section is more in keeping with the large lot rural amenity of Toolern Vale.
- Lowest capital cost option to provide sealed pavements (Estimated construction cost is \$1.59M).

b. Option 2 – Urban Residential Standard

Sealed road pavement, concrete kerb and channel and underground drainage.

Negative impacts of this option are:

- Nil.
- Highest capital cost (Estimated construction cost is \$2.43M).

Positive impacts of this option are:

- All properties are provided with a concrete vehicle crossover.

c. Maintain as Unsealed

Maintain Creamery Road, Mechanics Road and Burton Road as unsealed roads.

Negative impacts of this option are:

- Residents in these streets will still be impacted by dust in dry months, particularly generated by higher traffic volumes associated with traffic flowing to and from the school.
- Intersection of Creamery Road, Mechanics Road and Burton Road is not treated.

Positive impacts of this option are:

- No capital expenditure.

Discussion

The option of maintaining these roads as unsealed roads for the long term does not address complaints from residents relating to dust generated by traffic.

Option 1 – Rural Residential Standard – This option provides appropriately sealed and drained roads for the Toolern Vale township, in keeping with the large lot rural amenity of this area, at lowest capital cost.

Both Options 1 and 2 provide a roundabout at the 4-way skewed intersection of Creamery Road, Mechanics Road and Burtons Road, increasing the safety of this intersection for road users.

Should Council resolve to construct the subject roads, it would be expected that the earliest this could occur would be in the 2018/19 financial year.

It should be noted that these unsealed roads are maintained regularly by Council to ensure the road surface is maintained in a good condition, with Council's current maintenance program for these roads including the following:

- Inspection of roads every 6.5 weeks.
- Grading and rolling of the roads every 13 weeks.
- Gravel re-sheeting on an as needs basis.

LIST OF APPENDICES

1. Locality Plan - dated 7 June 2017
2. Typical Rural Residential Street - undated
3. Typical Urban Residential Street - undated

12.6 RESPONSE TO NOTICE OF MOTION 466 - PEDESTRIAN CROSSING ON COLLEGE STREET NEAR HOLLAND WAY, CAROLINE SPRINGS

Author: Matthew Hutchinson - Design and Traffic Coordinator
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To respond to Notice of Motion 466 in relation to investigating pedestrian crossing options on Holland Way, Caroline Springs.

RECOMMENDATION:

That Council:

1. retain the crossing in its current form and install 'Recommended school crossing point' signs to direct children to the school crossing to the east in College Street
2. relocate the schools speed zones signs further west of the crossing.

Motion

Crs Kesic/Majdlik.

That Council:

1. retain the crossing in its current form and install 'Recommended school crossing point' signs to direct children to the school crossing to the east in College Street
2. relocate the schools speed zones signs further west of the crossing
3. review the matter again in 12 months to see if the signage has been successful
4. inform the surrounding schools, Catholic Regional College and Lakeview Senior College, of the changes that Council is proposing.

CARRIED

REPORT

1. Executive Summary

At its ordinary meeting of Council held on 6 March 2017 Council resolved via a Notice of Motion (466) "That Council Engineers investigate pedestrian crossing options on Holland Way, near the intersection of Holland Way and College Street, and present findings to Council."

Council engineers have undertaken an investigation and have found the pedestrian numbers crossing College Street at this location do not meet the warrants for a higher order of pedestrian crossing. The intersection was found to meet all standards associated with this type of crossing. It is therefore recommended the crossing remain in its current form, the 40 km/hr speed zone be extended west of the crossing and 'Recommended school crossing point' signs be installed.

2. Background/Issues

College Street intersects Holland Way, Caroline Springs, 100m west of Catholic Regional College. The default speed limit is 50km/hr.

Currently some children and other pedestrians cross College Street at an un-controlled crossing point to the east of Holland Way. A school crossing is located 180m east of the Holland Way intersection and this provides a safe crossing point for students accessing any of the schools in the precinct. It was observed the students crossing at Holland Way were doing so to cut through the reserve when walking to Caroline Springs College or Creekside Primary School.

Council Engineers conducted a pedestrian survey on Tuesday morning 2 May 2017 at the intersection of College Street and Holland Way. The peak hour results were:

Primary School Children crossing College Street	10
Secondary School Children crossing College Street	12
Opposing Vehicles on College Street	353

VicRoads warrants for a school crossing supervisor require the number of children multiplied by the number of vehicles in the hour exceed 5,000 for primary school children and 20,000 for secondary school children.

At this location the multiplication number for primary school children is 3,530 and for secondary school children the multiplication number is 4,236. This does not meet the warrants for a VicRoads funded supervised school crossing.

Other forms of formalised crossings such as flashing lights or pedestrian operated signals require a much higher number of pedestrians and these warrants would not be met.

A zebra crossing was considered but the new Austroads standards do not allow a zebra crossing to be installed within 50m of an intersection. This is to ensure drivers turning out of Holland Way and looking to the right do not have to immediately stop for a pedestrian crossing the road. A zebra crossing in this location would make the crossing less safe for pedestrians.

Accordingly it is considered a standard non controlled pedestrian crossing point is satisfactory at this location. The existing intersection was found to meet all standards associated with this type of crossing.

As nearly all children crossing at this point could easily walk to the school crossing 180m to the east, a consideration could be to install a "Recommended school crossing point" sign to direct children to the school crossing. These have been installed in other locations in Melton.

Additionally the 40 km/h school zone commences just to the east of the Holland Way crossing. It is proposed to relocate the school speed zone signage to the west of the crossing to reduce vehicles speeds as they approach the Holland Way crossing.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City
 - 1.5 Support a transport system that connects and moves our community

4. Financial Considerations

Option 1 would cost approximately \$800 for the production and installation of the signs.

There are no costs associated with option 2.

Option 3 would cost approximately \$9,000 for the capital works and \$20,500 per annum for the wages of the school crossing supervisor.

5. Consultation/Public Submissions

A Council officer contacted Catholic Regional College to see if they had any concerns with the intersection. The response via email stated 'We have not had any calls or complaints with students crossing the road at that intersection'.

6. Risk Analysis

There are no foreseeable risks associated with option 1.

The risks associated with option 2 would be if an injury to a child was to occur whilst crossing at College Street there is potential for litigation. This risk is mitigated by the fact Council have investigated and found no other form of crossing is warranted according to the relevant standards.

The risk associated with option 3 is it sets a precedent for other schools that Council will fully fund school crossings and supervisors for sites that don't meet the warrants, potentially having a significant negative impact on Councils budget.

7. Options

Council has the option to:

1. Leave the crossing in its current form and install 'Recommended school crossing point' signs to direct children to the supervised school crossing to the east and relocate the schools speed zones signs west of the crossing.
2. Leave the pedestrian crossing in its current form and not install a school crossing or any signage.
3. Install a school crossing and manage this crossing with a supervisor.

LIST OF APPENDICES

1. Site Plan - dated 5 May 2017
2. Site Photo - undated

12.7 RESPONSE TO NOTICE OF MOTION 474 - ASSESSMENT OF MORTON HOMESTEAD FOR MAJOR EVENTS

Author: Heidi Taylor - Senior Events Officer
Presenter: Peter Bean - General Manager Corporate Services

PURPOSE OF REPORT

To respond to Notice of Motion 474 by providing a detailed assessment of the capacity of Morton Homestead to host significant events.

RECOMMENDATION:

That Council note the report and the assessment of facilities at Morton Homestead.

Motion

Crs Mendes/Carli.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

Notice of Motion 474 from the Ordinary Meeting of Council held on 1 May 2017, stated:

'That Council officers' conduct a detailed assessment of the capacity of the Morton Homestead site to host a significant event, with particular reference to parking, access and facilities.'

Morton Homestead is well located (**Appendix 1**), easily accessible by both car and public transport. The Homestead offers ample space, the northern paddock lending itself as a significant space which has been utilized for a number of community events (such as outdoor movies, stage productions, ceremonies, performances, markets, information stall, Community days etc.). Officers estimate the site is suitable for events up to 1,000 people.

The site currently services the activities of a number of Council services, predominantly PAG projects and the Taylors Hill Men's Shed. The onsite facilities make the site suitable for public/community use. The large tea room at rear would serve as an adequate event Head Quarters, the verandah and immediate gardens surrounding the Homestead (inclusive of the Men's Shed and the concreted area behind the Homestead) able to be used with minimal impact to the building.

Access and egress for emergency vehicles, suppliers and contractors for the day of the event is good. Parking facilities on site can accommodate up to 60 cars. There are options for additional parking on the land adjacent to the Homestead – up to 100 cars plus nearby Taylor's Hill Youth Centre accommodating up to 150 cars.

For events larger than 300 people, additional infrastructure and facilities would be required (i.e. toilets, drinking water, shade, seating etc.). This is consistent with current operating practices for Council events such as Australia Day at The Willows and Carols by Candlelight at Hannah Watts Park.

It is the opinion of Officers that Morton Homestead is currently underutilised and would endorse further use of the site for future community events.

2. Background/Issues

Morton Homestead is a rare example of an early 20th century farmstead. Located at the heart of the Taylors Hill Community, the property is of historical significance. Council has developed and adapted the farmhouse, conserving and integrating aspects of all original features into the landscape design where Council programs and small community activities are now taking place in the building.

In 2010, the Council spent \$2.3 million developing the entire site having received \$1.8 million in funding (and invested over \$500,000) to restore the property and surrounds to an accessible and usable community hub, which now provides services to people living with disability, careers, volunteers and community groups, as well as multipurpose spaces for various other organisations to use. In 2015, Melton City Council's second 'Men's Shed' officially opened, adding another element to this historic site.

The Homestead is surrounded by residential housing, located on a small rise at the western end of Hume Drive, Taylor's Hill (**Appendix 1**). The Homestead is situated within a dry stone walled home paddock of approximately one hectare with mature sugar gum and peppercorn trees planted on the inside (providing immediate shade to the paddock area).

The Homestead is not currently available as a facility for hire under the Communities Facilities Access Policy. The Homestead currently provides Council services and equipment. The Men's Shed and the homestead operate under Council's Community Care management.

Specifically referencing the elements within the motion, the officers have analyzed the following three logistical components – parking, access and facilities. (Please see **Appendix 2** for site images).

Parking

- There are provisions for up to sixty cars on site. With special exemption from Local Laws, any over flow of parking (up to an additional 100 cars) could be accommodated on the eastern and southern parcels of land adjacent to Morton Boulevard and Lynette Ct. The authors of this report would recommend engaging professional services (or Emergency Services) to marshal the grassed area parking if required.
- Road side parking on the Homestead side of Morton Boulevard remains an option, approximately 30 - 40 cars. For larger events, this would not be recommended due to the limited space that would be left available for emergency access/egress and the impact to accessibility for those residents living on Morton Boulevard.
- An additional 150 parking spaces exist at the Taylor's Hill Youth Centre (approximately 350m down Calder Park Drive). The option to utilise the oval at this site for additional overflow is not recommendation due to the current condition of the oval. (**Appendix 3.**)
- Parking on the nature strip of Calder Park Drive is an option, however is not suggested as a first option, as it does potentially create a traffic hazard from cars accessing/egressing that area and it may cause damage to the grassed area depending on the time of year. A Traffic Management Plan would be advisable for this.

Access

- Access to the event site is excellent, with two main driveways from Morton Boulevard, and Calder Park Drive allowing easy access to the event site. Pedestrian access is enhanced by the additional pedestrian gates within the dry stone walls along Williams Lane and Lynette Court.
- The Homestead is easily accessible by public transport with a direct bus route stop approx. 20m from the entrance along Calder Park Drive. Bus Routes run from Watergardens Train Station to Caroline Springs Train Station hourly.
- At least one drive way to the property is left clear from obstruction/infrastructure to allow for emergency vehicle access.

- The grounds are unable to be secured (locked) – as the ground remains open and accessible by pedestrians (drive way gates can limit vehicular access afterhours). Any equipment or infrastructure brought in prior to the event will require asset protection from a security provider.
- During a significant event, residents in the immediate surrounds may experience some accessibility concerns in the case of Road Closures (if a TMP were adopted and roads closed for a certain amount of time). As is standard procedure with significant Community Events, a communications plan would be required to ensure residents were given ample notice of any disruptions.

Facilities

- There are two, unisex accessible bathrooms available in the Men Shed facility.
- There two female bathrooms, one male bathroom (with urinal) and a unisex accessible bathroom in the main homestead.
- The number of existing onsite toilets would be sufficient for an event of up to 300 people. Additional toilet facilities would need be considered for events with estimated patronage over this number. There is ample space (on level, asphalt) which would be suitable for additional bathroom facilities (like trailers or ‘port-a-loos’).
- There are two existing power outlets (outside of Homestead and Men’s Shed) that would be available for event usage – these are 2 x 10AMP outlets. Significant power requirements (i.e. to run a main stage, lighting and audio) would require additional generators or similar be brought in.

The Homestead is currently being utilised as an office space for Council and as such would not be appropriate for use throughout the event (unless prior permission sought and asset protection engaged to monitor equipment). The tea room to the rear of the Homestead would be most suitable for an event Head Quarters or Emergency Management Centre.

- The veranda which encases the homestead is suitable to event purposes such as performances, stalls etc.
- The grounds (i.e. the Northern paddock) are sparse and most suitable for an event of up to 1000 people. Seating and shading would need to be factored in to planning and provided on the day.
- The lawn adjacent to the Homestead (front) is suitable for set up of small event area – or would provide a suitable seating area.

Operational expenses and administrative actions arising from event operations plans will need to be considered on an event by event basis.

The basic requirements to host an event of up to 300 people is achievable without the installing additional temporary infrastructure (i.e. toilets) or traffic management.

However, larger events (from 300 to 1000 people) will require the consideration of additional infrastructure like additional toilets, drinking fountains, seating and shade etc. (which is pursuant to the standard procedure and requirement of all event venues with the capacity to host above 500 people within the municipality). These costs should be absorbed in the operational budgets of the proposed event by the event owners.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

3. Diverse, Confident and Inclusive Communities: A culturally rich, active, safe and connected City
 - 3.3 *Develop an environment that supports imagination, creative expression and engagement in cultural experiences*

4. Financial Considerations

Nil for the development of this report.

5. Consultation/Public Submissions

Events Officers conducted internal consultations with Morton Homestead staff, service providers (electrical and plumbing) and Council's Engineering department (for advice on access/egress and traffic management for significant events) to assist in the preparation of this report.

6. Risk Analysis

There is no risk identified in respect to evaluating the assessment of Morton Homestead.

Any general endorsement of the site is subject to event and site specific safety assessments, in which detailed analysis may preclude the hosting of an event.

7. Options

Council has the option to:

1. accept the assessment of Morton Homestead as sufficient to rely upon for future deliberations
2. request additional information.

LIST OF APPENDICES

1. Morton Site Map - undated
2. Morton Homestead site photographs - undated
3. Morton Homestead Parking access - undated

12.8 RESPONSE TO NOTICE OF MOTION 475 - ASSESSMENT OF DEFIBRILLATORS IN COUNCIL KINDERGARTENS AND COMMUNITY HUBS

Author: Anthony Hinds - Risk and Performance Manager
Presenter: Peter Bean - General Manager Corporate Services

PURPOSE OF REPORT

To inform the Council on the cost of installing additional Automatic External Defibrillators in all Council kindergartens and community hubs.

RECOMMENDATION:

That Council installs 12 defibrillators in Council kindergartens and community hubs over the next three years at an annual installation cost of \$15,200.

Motion

Crs Abboushi/Majdlik.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

Council currently installs defibrillators in all new community centres, and has a program to install them in existing kindergartens and community hubs, based on risk. Sites with high usage, or used by older residents, or used by sporting groups, are classed as higher risk. Sites used by adult user groups are classed as medium risk, and sites used only by children's programs are classed as low risk. An extra 12 kindergartens and community hubs where a defibrillator is warranted have been identified, and the recommended option is for these to have defibrillators fitted over the next three years.

2. Background/Issues

At the Ordinary meeting held 1 May 2017 Council resolved that:

'Council prepare a report that investigates the costs of installing life saving defibrillators at all Council Kindergartens and community hubs'

This report outlines the costs of installing Automatic External Defibrillators (defibrillators) at those sites.

Since 2010 – 2011, Council has had a program of installing defibrillators in existing Council facilities on an annual basis (usually two per year). 17 defibrillators have been installed to date. For all new community centres being developed, the Capital Projects team includes a defibrillator in the building requirements.

The installation program has used a risk-based approach to identify sites where a defibrillator is warranted. Sites that have been assessed as higher risk are: those with high capacity, or high visitor or staff numbers; sites that cater for older residents; and sports and recreation facilities. Sites with medium risk are those that can accommodate larger groups of adults.

Children have been seen as a low priority group in regards to the potential need for defibrillation in a medical emergency; this view is supported by Life Saving Victoria.

A review of all kindergartens and community hubs that have not had a defibrillator installed has been undertaken:

- There are 32 kindergartens and community hubs in the municipality without defibrillators
 - One kindergarten is not Council run
 - 6 have only a small hireable space
 - 13 house only children's services, i.e. they are not used by other community or user groups and there are few adults on site.
- Therefore there are 12 kindergartens and community hubs without a defibrillator that warrant one.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

3. Diverse, Confident and Inclusive Communities: A culturally rich, active, safe and connected City

3.6 Create a safer community through building a sense of belonging and community pride

4. Financial Considerations

For each defibrillator there is an initial cost of \$3,800, and an estimated average annual maintenance cost of \$170.

For 12 extra units for the sites used by community groups, there would be an installation cost of \$45,600, and an annual maintenance cost of approximately \$2,040.

5. Consultation/Public Submissions

No consultation has been undertaken with the community regarding this issue. However, the Risk & Performance team receive occasional benchmarking requests from other councils; these indicate that a risk-based approach to the selection of sites for the installation of defibrillators is employed elsewhere.

6. Risk Analysis

Council currently installs defibrillators on a risk-assessed basis. The highest risk sites such as the Community Hall, 1 McKenzie St, Melton Library and Learning Hub, and Caroline Springs Leisure Centre have been prioritised and done in earlier years. The installation of the further 12 units will mean that all kindergartens and community hubs where there is a foreseeable risk of the need for a defibrillator will have such a unit.

Fitting 12 units in one year will complete the installation program but at a significant cost. Fitting 12 units over the next three years will greatly accelerate the program but at a lower annual cost.

7. Options

Council has the following options:

1. (recommended) To install 12 extra defibrillators over the next three years (with an annual installation cost of \$15,200)
2. To install 12 extra defibrillators at the current rate of two per year (therefore over 6 years, annual installation cost of \$7,600)
3. To install 12 extra defibrillators in one year (one-off installation cost of \$45,600).

LIST OF APPENDICES

Nil

Cr Carli left the Chamber at 8:06pm.

Cr Carli returned to the Chamber at 8:09pm.

12.9 RESPONSE TO NOTICE OF MOTION 480 - PROCEDURE FOR AMENDING MEETING PROCEDURE LOCAL LAW 2013

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

PURPOSE OF REPORT

To present to Council the processes required to amend the Meeting Procedure Local Law and comply with the *Local Government Act 1989*.

RECOMMENDATION:

That Council:

1. commence the process of review of the local laws/rules surrounding meeting procedures
2. develop a proposed new set of rules surrounding meeting procedures
3. incorporate the proposed new set of rules into the *General Local Law 2015* by reference (thereby requiring an amendment to the *General Local Law 2015* and repeal of the *Meeting Procedure Local Law 2013*).

Motion

Crs Majdlik/Abboushi.

That Council:

1. commence the process of review of the local laws/rules surrounding meeting procedures
2. develop a proposed new set of rules surrounding meeting procedures
3. incorporate the proposed new set of rules into the *General Local Law 2015* by reference (thereby requiring an amendment to the *General Local Law 2015* and repeal of the *Meeting Procedure Local Law 2013*).
4. appoint an experienced independent provider to assist Council in the redrafting of the General local law based on best practice.

CARRIED

REPORT

1. Executive Summary

Council currently has two local laws: the *General Local Law 2015* ('the General Local Law') and the *Meeting Procedure Local Law 2013* ('the Meeting Procedure Local Law').

On 29 May 2017 at its ordinary meeting Council resolved to consider reviewing the Meeting Procedure Local Law.

The *Local Government Act 1989* ('the Act') provides that Council must make local laws governing the conduct of meetings of the Council and special committees (s91).

Meetings are also governed by a number of provisions contained within the Act itself. A local law must not be inconsistent with the Act or any other Act or regulation (s111(2)).

As currently structured local laws concerning the meeting procedure can be reviewed, amended and adopted separately to all other local laws contained in the General Local Law.

The entire process of review, amendment and adoption will take approximately 6-8 months subject to, amongst other things, existing briefing and meeting schedules, advertising deadlines, statutory notice periods and 223 hearings (if required) etc.

As an alternative to the current structure, the meeting procedure rules could be 'incorporated by reference' into the General Local Law. The Act specifically permits incorporation by reference into local laws. To achieve this, the General Local Law would have to be amended to incorporate the reviewed meeting procedure rules document. Once incorporated, future amendments to the rules would only require a gazettal notice. The ease by which the meeting procedure rules could then be amended may be viewed as both an advantage and a disadvantage.

2. Background/Issues

On 29 May 2017 at its ordinary meeting Council resolved to consider reviewing the Meeting Procedure Local Law 2013.

The Act provides that Council must make local laws governing the conduct of meetings of the Council and special committees (s91).

Meetings are also governed by a number of provisions contained within the Act itself. A local law must not be inconsistent with the Act or any other Act or regulation (s111(2)).

Current Structure of Local Laws

Council currently has two local laws: the General Local Law and the Meeting Procedure Local Law.

Structured in this way, local laws concerning the meeting procedure can be reviewed, amended and adopted separately to all other local laws which are contained in the General Local Law. That said, the procedure is still a very formal one for even a minor amendment. The procedure for amendment of any local law is set out below.

Procedure for Making a Local Law

The procedure for making a local law is as follows:

	Step	Actual or estimated time required and any matters affecting timing
1	Legal & Governance conducts benchmarking, consultation with Councillors and research as required.	2-4 weeks, timing depending upon Councillor briefing schedule.
2	The proposed local law is developed and re-consultation with Councillors	1 to 3 months depending upon extent of changes, number of further consultations with Councillors required and Councillor briefing schedule.

3	The proposed local law is presented to Council via a report.	To fit with current schedule of ordinary Council meetings unless a special meeting called.
4	<p>The Council must resolve, amongst other things, to give a notice in the Government Gazette and via a public notice stating—</p> <ul style="list-style-type: none"> (a) the purpose and general purport of the proposed local law; and (b) that a copy of the proposed local law and any explanatory document can be obtained from the Council office; and (c) that any person affected by the proposed local law may make a submission relating to the proposed local law under section 223. <p>[note that all public notices must also be placed on Council’s website, pursuant to s82A(2)(a)]</p>	<p>Notice period of 28 days,</p> <p><u>plus</u> the time period required in each case, to meet advertising deadlines.</p> <p>Local newspaper currently requires advertisement the Thursday prior to a Monday publication (that is on the 3rd day following a Council resolution made Monday PM) and Gazette currently requires advertisement the Monday morning prior to a Thursday publication (that is, the 7th day following a Council resolution made Monday PM).</p>
5	<p>The Council must also resolve that—</p> <ul style="list-style-type: none"> (a) a copy of the proposed local law; and (b) an explanatory document setting out prescribed details in relation to the local law— <p>be made available for inspection at, and obtainable from, the Council office during ordinary business hours.</p>	These should be available until the final decision is made by Council
6	Council conducts hearings, if required, and considers any written submissions.	<p>1-2 weeks.</p> <p>223 Committee formed and hearing conducted – depending upon persons wishing to be heard, if any, and formation and availability of Committee, if required.</p>
7	The proposed local law document is amended, if required, before or while being presented to Council and is finally adopted at an ordinary meeting of Council.	To fit with current schedule of ordinary Council meetings unless a special

		meeting called.
8	After a local law has been made the Council must give a notice in the Government Gazette and a public notice specifying— (a) the title of the local law; and (b) the purpose and general purport of the local law; and (c) that a copy of the local law may be inspected at the Council office.	1 week depending upon time period required in order to meet advertising deadlines for Gazette
9	After a local law has been made the Council must send a copy to the Minister.	1-5 days depending on willingness of Minister to accept by email.

Alternative Structure – Incorporation by reference

The alternative to this method would be to have a document containing the rules for meeting procedure ‘incorporated by reference’ (s112) into the General Local Law.

In the first instance, there would be a requirement to meet all of the statutory obligations set out above. However in relation to any future changes to the document (the rules for meeting procedure) Council would only need to place a notice regarding the amendment in the Government Gazette (s112(2)).

Once established, this would make future amendments easier and quicker. This could be viewed as an advantage in terms of swift change deemed necessary but could also be viewed as a disadvantage in terms of stability/predictability of the meeting procedure.

The General Local Law sunsets in 2025 (8 years) and to this end, using this structure provides slightly less time in terms of a sunset date, which would otherwise be 10 years after commencement.

Some other Councils, such as Melbourne City Council adopt this structure.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability

2.6 Ensure timely compliance with statutory and regulatory obligations

4. Financial Considerations

There are no inherent financial considerations.

5. Consultation/Public Submissions

Public consultation is provided for in the steps outlined above.

6. Risk Analysis

There are no inherent risks in the decision to, or the decision not to, review this local law at this time. It must be reviewed prior to its sunset, which is not until 2023.

7. Options

1. Resolve to commence the process for amendment to the Meeting Procedure Local Law pursuant to the *current structure* and the *procedure* outlined above.
2. Per, the Officer's recommendation, resolve to commence the process for amendment to the meeting procedure by amendment to the General Local Law whereby a meeting procedure rules document, once developed, would be incorporated by reference into the General Local Law pursuant to the *alternative structure* and *procedure* outlined above.
3. Decide not to amend the Meeting Procedure Local Law at this time.

LIST OF APPENDICES

Nil

Cr Hardy left the Chamber at 8:15pm.

12.10 RESPONSE TO NOTICE OF MOTION 485 - ELECTRONIC SCOREBOARD INSTALLATION AT BURNSIDE HEIGHTS RECREATION RESERVE

Author: Glenn Mulcahy - Recreation Coordinator

Presenter: Coral Crameri - Acting General Manager Community Services

PURPOSE OF REPORT

To provide a response to Notice of Motion 485 in relation to the installation of an electronic scoreboard at Burnside Heights Recreation Reserve.

RECOMMENDATION:

That Council:

1. note a financial contribution up to \$10,000 towards site works required to allow installation of an electronic scoreboard in the 2017-18 financial year at Burnside Heights Recreation Reserve.
2. write a letter to the Burnside Heights Football Club confirming statutory requirements to be met before construction commences.

Motion

Crs Kesic/Majdlik.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

At the Ordinary Meeting of Council of 29 May 2017, Notice of Motion 485 was tabled:

'That Council contribute up to \$10,000 towards site works required to allow installation of an electronic scoreboard at the Burnside Heights Recreation Reserve.'

2. Background/Issues

Council is supportive of community organisations undertaking enhancements on, or to, existing Council assets where appropriate consultation and adherence to statutory requirements is in place.

The Burnside Heights Football Club (BHFC) have proposed to construct and project manage an electronic scoreboard installation at Burnside Heights Recreation Reserve. Council's Recreation Unit Officers have met with club representatives on site, confirmed location, with design and construction drawings supplied by the club, being evaluated by Council's Property Services Unit. Upon completion of the evaluation, securing a building permit will be the trigger to commence construction works.

The BHFC will be required to undertake all construction works in line with routine Council conditions related to OH&S and risk management. Council Officers will be available to meet onsite before construction commences to provide any support and guidance for this project.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City

1.1 Strategically plan for a well designed and built City

4. Financial Considerations

Whilst the BHFC have secured external grant funding from the Club of \$9,314 via the Grants Program and \$15,000 from the Department of Infrastructure and Regional Development Stronger Communities Program, the BHFC are underwriting all additional costs associated with design, required permits, installation and construction of an electronic scoreboard at Burnside Heights Recreation Reserve.

5. Consultation/Public Submissions

The BHFC have been informed of Notice of Motion 485 tabled at the Ordinary Meeting of Council of 29 May 2017.

6. Risk Analysis

There is little risk to Council on this project with the BHFC responsible for any cost overruns and project delivery delays. No other user group at the reserve will be effected by the works.

7. Options

That Council note this report.

LIST OF APPENDICES

Nil

12.11 DELEGATIONS OF AUTHORITY

Author: Tracy Spiteri - Governance Coordinator
Presenter: Christine Denyer - Manager Legal and Governance

PURPOSE OF REPORT

To advise Council on the review and proposed amendment of various delegations in favour of the Chief Executive Officer and other positions at Council following on from the Local Government general election 2016.

RECOMMENDATION:

That Council:

1. in exercise of the power conferred by Section 98(1) of the *Local Government Act 1989* ('the Act'), and other legislation referred to in the attached Instrument of Delegation, delegates each duty and/or function and/or power described in column one of the schedule (and summarised in column two of the schedule) to the Chief Executive Officer and member of the Council staff holding, acting in or performing the duties of the office of each such duty and/or function and/or power in column three of the schedule within:
 - i) Instrument of Delegation, Council to Chief Executive Officer – S5
 - ii) Instrument of Delegation, Council to a member of staff – S6.
2. Note that in the exercise of the power conferred by Section 98(2) of the *Local Government Act 1989* ('the Act'), and other legislation referred to in the attached Instrument of Sub-Delegation, the Chief Executive Officer delegates each duty and/or function and/or power described in column one of the schedule (and summarised in column two of the schedule) to the member of Council staff holding, acting in or performing the duties of the office of each such duty and/or function and/or power in column three of the schedule within:
 - i) Instrument of Sub-Delegation Chief Executive Officer to a member of Council staff – S7.
3. Records that upon the coming into force of the revised Instruments of Delegations, each delegation under the former Instruments of Delegations by the Council and Chief Executive Officer are revoked.

Motion

Crs Majdlik/Abboushi.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

A Council may, by Council resolution, make an Instrument of Delegation (**Appendix 1 and 2**) and delegate to a member of its staff a range of powers, duties or functions of a Council under the *Local Government Act 1989* ('the Act') or any other applicable Act.

The Chief Executive Officer (CEO) may by delegation delegate to a matter of Council staff a range of powers, duties and functions of his/her office. (**Appendix 3**)

The schedule of delegations presented will provide for the proper and efficient use of Council's powers in allowing Council staff to undertake the day to day management of the organisation in a timely and responsive manner.

2. Background/Issues

The Act deems that within 12 months following an election a Council must review all delegations in force. The update of delegations attached to this report takes into account subsequent legislative changes and updates to the organisational structure and its delegated positions.

A Council, by Instrument of Delegation (**Appendix 1 and 2**) delegates to a member of its staff any power, duty or function of a Council under this Act or any other Act other than:

- This power of delegation
- The power to declare a rate or charge
- The power to borrow money
- The power to approve any expenditure not contained in a budget approved by the Council
- Any power, duty or function of the Council under Section 223
- Any prescribed power.

The Chief Executive may also delegate to a member of Council staff various duties, powers or functions (**Appendix 3**).

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

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. *A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability.*
 - 2.6 *Ensure timely compliance with statutory and regulatory obligations.*

4. Financial Considerations

There are no financial considerations relevant to this matter.

5. Consultation/Public Submissions

There is no requirement for public consultation in this process.

6. Risk Analysis

If the delegations are not formally reviewed by Council by 22 October 2017, Council will be in breach of the Act (s98(6)). The same risks apply in the decision making by Officers as with decisions by Council namely that the decision could be tainted by conflict of interest, ultra vires and may be subject to administrative review by a Court or Tribunal.

7. Options

Council must formally review the delegations by 22 October 2017:

1. It can do so now and in the manner suggested.
2. It can do so at another time before 22 October 2017 in the manner suggested.
3. It can do so in another manner before 22 October 2017.

LIST OF ATTACHMENTS

1. S5 Instrument of Delegation, Council to Chief Executive Officer - undated
2. S6 Instrument of Delegation, Council to Other Members of Council Staff - undated
3. S7 Instrument of Sub-Delegation from CEO to Staff - undated

Cr Hardy returned to the Chamber at 8:17pm.

Cr Kesic left the Chamber at 8:17pm.

12.12 COMMUNITY INFRASTRUCTURE PLAN 2017 - 2036

Author: Matthew Wilson - Manager Community Planning
Presenter: Coral Crameri - Acting General Manager Community Services

PURPOSE OF REPORT

To present to Council the Community Infrastructure Plan 2017-2036.

RECOMMENDATION:

That Council adopt the Community Infrastructure Plan 2017, as presented at **Appendix 1**.

Motion

Crs Turner/De Santis.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

In the face of rapid urban growth, Council commits substantial resources to the provision of community infrastructure in the expectation that this promotes community development and results in a well-serviced, resilient and strong community.

Council has an adopted Community Infrastructure Policy and Procedure outlining the commitment to have a planned and equitable approach to developing community infrastructure, and this Community Infrastructure Plan 2017-2036 ('the Plan') represents this commitment. The Plan provides an evidence based approach to the provision of community infrastructure that is timely and appropriately located for residents now and into the future. It identifies and makes recommendations over a twenty year period with both five (5) and ten (10) year planning horizons.

The Plan analyses needs and provision across the municipality through seventeen (17) localities, and makes 89 recommendations. Seven (7) of these are upgrades/refurbishments to existing buildings, 65 are new buildings predominantly consisting of Early Years rooms and community space in co-located hubs, and seventeen (17) recommendations identify opportunities to re-purpose existing spaces to cater for the forecast population in specific localities.

It is noted that the Plan makes recommendations based on currently available data and will require regular revision as population trends, government policy, and locally identified needs change and evolve.

2. Background/Issues

The need for a Community Infrastructure Plan was recognised due to the level of investment that Council makes in providing new infrastructure as a growth municipality, and the competing demands that the high number of development fronts within the municipality

create on these resources. The Plan attempts to use available data and established knowledge within the organisation to plan with more certainty to respond to the community's infrastructure needs.

Development of the Community Infrastructure Plan 2017-2036

The Plan outlines a vision and principles for planning and delivery of community infrastructure. Analysing the current and future state in localities, the Plan describes desired service standards, makes recommendations for each locality and provides an indicative project schedule to 2036 with both five (5) and ten (10) year planning horizons.

The Plan is structured to analyse existing infrastructure in specific localities, with commentary discussing options for meeting the community infrastructure requirements with predicted population growth. The recommended projects, summarised in **Appendix 1** of the Plan will service multiple residential areas across several localities.

Analysis of forecast populations and the types of infrastructure required have been calculated using the desired standards of service, such as one children's room for every 66 four (4) year olds and a minimum two (2) children's rooms in new developments.

Within the Plan, *Appendix 2: Community Infrastructure Projects Schedule* shows the intended timing of recommended new builds and some major building upgrades. The schedule is based on the existing ten (10) year capital works plan and input from the Open Space Plan for recreation infrastructure. Attempts have been made to time the build of new community infrastructure to occur prior to the growing population's need in each locality. However, it is noted that the needs identified in each locality should be considered in the context of the available infrastructure in neighbouring localities. Where there may be a current lack in one locality, there may be a current over supply in the neighbouring locality.

Implementation and Monitoring

The Community Infrastructure Policy and Procedure accompany this Plan within the Community Infrastructure Framework. A key element of the Procedure is to guide decision making when deviation from the Plan and *Appendix 2: Community Infrastructure Projects Schedule* is needed due to unplanned factors. These factors may include changes in population trend in different development fronts and opportunities for other government funding. The Plan must be reviewed regularly to ensure that it remains relevant to these external changes.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City

1.1 Strategically plan for a well designed and built City

4. Financial Considerations

The Community Infrastructure Plan does not replace the capital works planning process, nor does it act as Council budget commitment. Projects identified in the Plan are subject to the Capital Works planning process and the annual budget process before Council commitment to delivery is confirmed.

5. Consultation/Public Submissions

The Community Infrastructure Plan 2017-2036 has been developed following considerable internal engagement with staff across the organisation.

6. Risk Analysis

Failure to develop a diverse range of accessible and supportive community infrastructure in a timely manner will hamper Council's desire to create strong and resilient communities.

7. Options

Council has the following options:

1. Endorse the recommendation as presented.
2. Not adopt the Community Infrastructure Plan 2017-2036 and request Officers to undertake further work.

LIST OF APPENDICES

1. Community Infrastructure Plan 2017-2036

Cr Kesic returned to the Chamber at 8:22pm.

12.13 COUNCIL AND WELLBEING PLAN 2017-2021

Author: Kate Waters - Coordinator Social Planning and Wellbeing
Presenter: Coral Crameri - Acting General Manager Community Services

PURPOSE OF REPORT

To present the Council and Wellbeing Plan 2017-2021 including the Strategic Resource Plan, for adoption.

RECOMMENDATION:

That Council adopt the Council and Wellbeing Plan 2017-2021 including the Strategic Resource Plan, as presented at **Appendix 1**.

Motion

Crs De Santis/Majdlik.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The Council and Wellbeing Plan has been prepared in accordance with the *Local Government Act 1989* and the *Public Health and Wellbeing Act 2008*. Council has integrated its Municipal Public Health and Wellbeing Plan (MPHWP) into its Council Plan. By doing this, Council recognises the need for a high level approach to addressing poor health outcomes and preventing ill health, and acknowledges that every area of the organisation has an ability to impact positively on community health and wellbeing.

The Council and Wellbeing Plan 2017-2021 has been informed by extensive engagement with community, partner agencies, Council officers and Councillors, as well as a review and analysis of relevant research and data. Pursuant to section 129 of the *Local Government Act 1989*, the draft Council and Wellbeing Plan was placed on public exhibition for 28 days. Two submissions were received during this period. However, the subject areas of the two submissions are well covered in the Plan and no changes to the final Council and Wellbeing Plan 2017-2021 are recommended.

Under the *Public Health and Wellbeing Act 2008*, Councils are required to seek an exception from producing a stand alone MPHWP from the Department of Health and Human Services (DHHS). This exemption has been approved, following the inclusion of a reference to the Victorian Health and Wellbeing Plan.

Minor changes to the performance indicators have been made in the final Council and Wellbeing Plan 2017-2021, but these do not affect the themes, objectives or strategies that were submitted for public exhibition in the draft.

The vision statement, *A Thriving Community Where Everyone Belongs*, will be achieved through the implementation of five themes:

- Theme one: A proud, inclusive and safe community
- Theme two: A thriving and resilient natural environment

- Theme three: A well planned and built City
- Theme four: A strong local economy and lifelong learning City
- Theme five: A high performing organisation demonstrating leadership and advocacy.

Each theme has a number of objectives, strategies and performance indicators. Annual action plans will be developed to implement the Plan, with regular progress reporting to Council. The first annual action plan will be presented to the Ordinary Council Meeting on 24 July 2017.

The Strategic Resource Plan has been prepared simultaneously to the preparation of the Council and Wellbeing Plan 2017-2021 and is included within the final Council and Wellbeing Plan 2017-2021, as presented at **Appendix 1**.

2. Background/Issues

The Council and Wellbeing Plan 2017-2021 has been prepared in accordance with the *Local Government Act* 1989 and the *Public Health and Wellbeing Act* 2008. Every Council must develop a Council Plan within the period of six months after Council elections or by 30 June the following year, whichever is later. Likewise, every Council is required to develop a MPHWP every four years, aligning with the timing of new Council Plans.

Inclusion of the MPHWP into the Council Plan is permitted under section 27 of the *Public Health and Wellbeing Act* 2008. This is the first time Council has integrated the MPHWP into its Council Plan and by doing this aims to:

- Recognise that all areas of Council have an impact on the health and wellbeing of the community
- Ensure a whole of Council and community approach to promoting and protecting community wellbeing
- Align strategic planning, objectives and indicators.

Development of the Council and Wellbeing Plan 2017-2021

The Council and Wellbeing Plan 2017-2021 has been informed by extensive consultation with the community, partner agencies, Council officers and Councilors. In addition, a review and analysis of relevant research and data was completed.

The draft Council and Wellbeing Plan 2017-2021 was presented to the Ordinary Council Meeting on 1 May 2017, where Council authorised its public exhibition for 28 days pursuant to section 129 of the *Local Government Act* 1989.

Outcomes of the Public Exhibition

The draft Council and Wellbeing Plan 2017-2021 was placed on public exhibition for 28 days, commencing 4 May 2017 and concluding 1 June 2017. Two submissions were received during this time, one from Volunteer West and one from Women's Health West. Overall, both submissions are reflected in the content of the Council and Wellbeing Plan 2017-2021 through the Wellbeing commitment or specific objectives and strategies. Their recommendations will further be incorporated through the Council Annual Action Plans, existing regional partnerships and issue based strategies such as the Preventing Violence against Women through Gender Equity Strategy. As a result no changes to the Council and Wellbeing Plan 2017-2021 are recommended.

Under the *Public Health and Wellbeing Act* 2008, Councils are required to seek an exception from producing a stand along MPHWP from the DHHS. This exemption has been approved, following the inclusion of a reference to the Victorian Health and Wellbeing Plan.

In addition, during the public exhibition period the draft performance indicators were

rigorously tested to ensure their feasibility. This process has resulted in some indicators being replaced, adjusted or removed. The performance indicators presented in the Council and Wellbeing Plan 2017-2021 represent a comprehensive and accurate suite of indicators.

Final Council and Wellbeing Plan 2017-2021

The Council and Wellbeing Plan 2017-2021 details Council's strategic direction and how it will be achieved over the next four years. Achievement of the vision: *A Thriving Community Where Everyone Belongs*, will be delivered through the following themes, each containing a number of objectives, strategies and performance indicators:

- Theme one: A proud, inclusive and safe community
- Theme two: A thriving and resilient natural environment
- Theme three: A well planned and built City
- Theme four: A strong local economy and lifelong learning City
- Theme five: A high performing organisation demonstrating leadership and advocacy

The Strategic Resource Plan has been prepared simultaneously to the preparation of the Council and Wellbeing Plan 2017-2021 and is included within the final Council and Wellbeing Plan 2017-2021, as presented at **Appendix 1**.

Implementation and Monitoring

The Council and Wellbeing Plan is implemented through annual action plans and reviewed annually to ensure it reflects the evolving needs of our community. The Council Annual Action Plan 2017-2018 will be presented at the Ordinary Council Meeting on 24 July 2017. The progressive achievement of the Council and Wellbeing Plan is reported in Council's Annual Report.

Alignment with key strategic documents

The development of the Council and Wellbeing Plan was deliberately aligned with the development of a number of key strategic documents including *Melton City 2036 – The City We Imagine* and the *Municipal Strategic Statement*. The process to develop these documents has been shared and therefore each document reinforces and reflects the other.

This shared foundation has established a strong strategic base to develop other key documents including the amalgamated early years, youth, older people and disability strategy, and the Environment Plan over the coming four year period.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability

2.1 Build community trust through socially responsible governance for long term sustainability

4. Financial Considerations

The Council and Wellbeing Plan 2017-2021 is financed through the Strategic Resource Plan. Both the Council Plan and Strategic Resource Plan are reviewed annually and are aligned with the Annual Action Plan, Budget, and Capital Works Program.

5. Consultation/Public Submissions

The Council and Wellbeing Plan 2017-2021 has been informed by extensive community, partner agency, Council officer and Councilor engagement. Through surveys, schools visits, community festivals, events, and online forums, over 2,200 community members provided input. A further 45 community members and partner agencies attended one of two community forums, in Caroline Springs in November 2016 and the Melton township in December 2016.

Pursuant to section 129 of the *Local Government Act* 1989, the draft Council and Wellbeing Plan 2017-2021 was placed on public exhibition for 28 days, commencing 4 May 2017 and concluding on 1 June 2017. Two submissions were received and have been considered, neither submission requested to be heard at the section 223 Committee hearing of Council.

6. Risk Analysis

Endorsement of the Council and Wellbeing Plan 2017-2021 will ensure compliance with the relevant legislation and enable timely submission of the Council and Wellbeing Plan 2017-2021 to the Minister.

7. Options

Nil

LIST OF APPENDICES

1. Council and Wellbeing Plan 2017-2012 and the Strategic Resource Plan - 2017/2018 to 2020/2021

Item 12.14 was previously deferred at the Ordinary Meeting of Council held 1 May 2017.

12.14 RESILIENT MELBOURNE PROJECT - FINANCIAL CONTRIBUTION

Author: Matthew Wilson - Manager Community Planning

Presenter: Coral Crameri - Acting General Manager Community Services

PURPOSE OF REPORT

To seek endorsement of a financial contribution of \$45,000 to the Resilient Melbourne Delivery Office over three years commencing in 2017/18 and ceasing in 2019/20.

RECOMMENDATION:

That Council financially support the Resilient Melbourne Delivery Office with a \$45,000 contribution over three years commencing in 2017/18 and ceasing in 2019/20.

Cr Turner.

That the recommendation be adopted.

LAPSED for want of a seconder

REPORT

1. Executive Summary

Council has been a participant in the development of the Resilient Melbourne Project since its inception in 2014. The project is part of the 100 Resilient Cities (100RC) global initiative established by the Rockefeller Foundation and focuses on strategies to foster the long-term viability, safety and wellness of the communities in Melbourne both now and into the future. The project is about the sustainability of our way of life in Melbourne in the context of change.

The project operates under the auspice of the City of Melbourne, and covers 32 local government areas within the broader metropolitan Melbourne footprint. The City of Melton is one of these 32 local government areas.

Council endorsed the Resilient Melbourne Strategy at the Ordinary Meeting of Council on 27 June 2016. The 27 June 2016 report noted that 'if there is any future funding request related to the Strategy, this will be presented to Council via a Council report.' Presented now in this report is a formal request from the Resilient Melbourne Delivery Office to provide financial support to the project. The request is for a total of \$45,000 over a three (3) year period commencing in 2017/18 and ceasing in 2019/20.

2. Background/Issues

Melbourne is a city that spans approximately 10,000km² and will be home to an estimated 7.7 million people by 2051.

Melbourne is not immune to challenges that can affect the livability and sustainability of the city and its residents. Issues such as unemployment, housing affordability, anti-social behaviour, and family violence are examples of issues that can weaken a society. Additionally, emergency events such as a pandemic, heat wave, bushfires and flooding occur and affect the lives of Melbournians.

The impact of issues or events such as those noted above is felt across municipal boundaries, and coordinated collaborative responses are essential to ensure positive outcomes for residents. The Resilient Melbourne Delivery Office provides a coordinating role across metropolitan Councils as they work collaboratively to implement the Resilient Melbourne Strategy and proactively address these challenges. Whilst the Delivery Office operates under the auspice of the City of Melbourne, its brief is to facilitate the implementation of the Strategy across the breadth of metropolitan Melbourne inclusive of the City of Melton.

A total of 33 actions are identified in the Strategy and the actions have been designed so that Councils can choose to become further involved where benefit is identified and alignment with existing Council strategic directions and plans is achieved. Three (3) Flagship actions are identified as having potential for metropolitan wide impacts and transformational outcomes for Melbourne. The three (3) Flagship actions are:

- Metropolitan urban forest strategy,
- Emergency management community resilience framework for Victoria, and
- The metropolitan cycling network.

It is the view of officers that these flagship actions above represent potential direct benefit to the City of Melton and are consistent with Councils existing commitments in street tree planting, emergency management preparedness, and integrated transport strategy. These three actions will enhance environmental outcomes, community resilience to emergency events, and health and wellbeing through physical activity.

Council has been involved with the Resilient Melbourne project from 2014, with Mayors, Executive, and Officers participating in workshops, initiatives and the official launch. Council endorsed the Resilient Melbourne Strategy at the Ordinary Meeting of Council on 27 June 2016.

Implementation of the Strategy through the Delivery Office comes at some cost, and it is appropriate for the City of Melbourne to invite metropolitan Councils to contribute financially to the project. It was noted in the report to Council at the 27 June 2016 Ordinary Meeting that 'If there is any future funding request related to the Strategy, this will be presented to Council via a Council report.' This report now seeks Council's endorsement to make a financial contribution to the project.

The amount sought by the Delivery Office is a total of \$45,000 over a three (3) year period commencing in 2017/18 and ceasing in 2019/20. There is the option to contribute in one payment of \$45,000 in 2017/18, or in three (3) payments of \$15,000 per annum for three (3) years. It is the recommendation of this report that Council opt for the three (3) payments per annum commencing in 2017/18.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability

2.1 Build community trust through socially responsible governance for long term sustainability

4. Financial Considerations

Endorsement of the recommendation in this report will result in a new budget line being created for the support of the Resilient Melbourne Delivery Office, inclusive of \$15,000 per annum for three (3) years commencing in 2017/18.

5. Consultation/Public Submissions

Nil.

6. Risk Analysis

The subject of this report is limited to seeking Council endorsement to make a financial contribution to the Resilient Melbourne Delivery Office. Council is one of the partnering local government authorities in the project.

Endorsing the recommendation in the report carries no identified risk.

Choosing to not make a financial contribution to the project may result in limiting the scope of future involvement for Council.

7. Options

Council has the option to:

1. Endorse the recommendation in the report
2. Not make a financial contribution to the Resilient Melbourne Delivery Office.

LIST OF APPENDICES

Nil

12.15 CONTRACT 1906/0836 - LIBRARY COLLECTIONS, FURNITURE, EQUIPMENT AND ASSOCIATED REQUIREMENTS

Author: Troy Watson - Manager Libraries
Presenter: Coral Crameri - Acting General Manager Community Services

PURPOSE OF REPORT

To advise Council that the tender evaluation for Contract 1906/0836 - Library collections, furniture, equipment and associated requirements has been completed and a recommendation is presented to Council.

RECOMMENDATION:

That Council award the contract for the supply of library collections, furniture, equipment and associated requirements under the Procurement Australia contract 1906/0836, for an initial term of 2 years, commencing 1 July 2017 with 2 further options of 12 months each, the terms of which the CEO is delegated authority by Council to approve.

Motion

Crs Majdlik/Abboushi.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

Council currently utilises a Procurement Australia contract for the purchase of library books, audiovisual materials and magazines subscriptions to ensure best value and procurement compliance.

Procurement Australia has conducted a tender process on behalf of Council, other Local Government Authorities and Regional Library Corporations, out of which a panel of 61 suppliers have been awarded as preferred suppliers across 14 categories.

The tender undertaken by Procurement Australia as agent for Council is consistent with the requirements of Council's procurement policy. This type of collaborative procurement model conducted by Procurement Australia allows Council to leverage its library collections and equipment requirements as part of a much larger aggregated volume resulting in a significantly better outcome for Council than would otherwise be possible.

2. Background/Issues

Council's current contract for the supply of library books, AV media, periodicals, subscription and related services (Procurement Australia Contract No. 1504/0826) is due to expire on 30 June 2017. This contract has been in place since 3 July 2012, and included a panel of 40 suppliers for the supply of library resources.

To continue to achieve compliance with Section 186 of the *Local Government Act* 1989, and the best outcome for Council, Procurement Australia (Contract Number 1906/0836) was again appointed to act as the sole tendering agent for council, to seek and evaluate tenders

and recommend a panel of suppliers. A panel of suppliers allows for library materials to be sourced from a range of suppliers, as no single supplier is able to procure the breadth of material required by the library service.

Melton is one of 42 Councils/Library Corporations that participated in the tender. The scope of the categories within the contract was expanded to include library furniture, equipment and digital discovery tools, therefore assisting Council further in procurement compliance for these services.

The contract is for the provision of library collections, furniture, equipment and associated requirements and includes a complete range of services including provision of books, magazines, digital services, equipment and furniture. Categories include:

- Category 1 - Printed Material - English
- Category 2 - Printed Material - LOTE (Languages Other Than English)
- Category 3 - Large Print Material
- Category 4 - Printed Magazines and Newspapers - English
- Category 5 - Printed Magazines and Newspapers - LOTE
- Category 6 - Digital Collections – English & LOTE
- Category 7 - Audio/Visual Materials - English
- Category 8 - Audio/Visual Materials - LOTE
- Category 9 - Full Shelf Ready Services, Unbundled Cataloguing Services and/or Processing services
- Category 10 - Associated Support Services
- Category 11 - Library Management System (LMS)
- Category 12 - Radio Frequency Identification (RFID)
- Category 13 - Library Furniture and Shelving
- Category 14 - Digital Discovery and Evaluation Tools

The request for tender was released to market on 1 February 2017 and closed 1 March 2017. The contract was awarded by Procurement Australia on 10 May 2017 and commences from 1 July 2017.

A tender reference group was established by Procurement Australia, and included representatives from four member organisations. The reference group reviewed feedback on specifications, determined the new contract specifications, recommended evaluation criteria, evaluated the non-financial aspects of tender submissions, and made recommendations.

Weighted selection criteria for the tender included:

- Compliance with specifications
- Customer focus
- Contractors performance
- Corporate social responsibility
- Price

A full evaluation is available in the Tender Evaluation (commercial-in-confidence) at **Appendix 1** (separately circulated). Through this collaborative procurement model including 42 members committed, the contract enables Council to achieve greater buying power. The pricing structure varies across categories and generally includes discounts from suppliers of

between 5 percent and 36 percent. Discounts of this type would not be possible if Council were to conduct a sole tender.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability

2.6 Ensure timely compliance with statutory and regulatory obligations

4. Financial Considerations

The contract provides a panel of suppliers that can be accessed for purchasing. All expenditure under the contract will be in accordance with Council's adopted budget. Council's 2016/17 allocation for library books is \$360,000. Additionally, as the scope of the contract also covers digital resources, RFID equipment, magazines, subscriptions and furniture, it is expected that the contract will ensure compliance for in excess of \$200,000 expenditure of the adopted Libraries service unit budget.

5. Consultation/Public Submissions

As the supply of this category is an internal service to Council, no public consultation has been undertaken.

Procurement Australia undertook industry consultation including three industry briefing sessions prior to releasing tender information on 1 February 2017.

6. Risk Analysis

The existing supply arrangements and pricing remain valid until 30 June 2017. If contract is not awarded prior, Council risks non-compliance with the procurement policy and may incur a significant increase in expenditure if current discounts on purchase of library materials no longer apply.

7. Options

Council has the option for conducting a tender for supply of this category in isolation; however this would not provide 'best value' as Council's spend on library materials and equipment in isolation does not present an attractive offer to the library supplier market.

LIST OF APPENDICES

Nil.

12.16 MINUTES OF THE SECTION 223 SUBMISSION COMMITTEE HELD 6 JUNE 2017, ADOPTION OF 2017/18 BUDGET.

Author: Sam Rumoro - Manager Finance
Presenter: Peter Bean - General Manager Corporate Services

PURPOSE OF REPORT

This report advises Council of the minutes of the Section 223 Submissions Committee Meeting held on 6 June 2017, 2017/18 Budget.

RECOMMENDATION:

That Council:

1. notes the minutes of the Section 223 Submissions Committee meeting held Tuesday, 6 June 2017.
2. adopts the recommendations arising within the minutes at **Appendix 1**.

Motion

Crs Hardy/Kesic.

That the recommendation be adopted.

CARRIED

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

For:

Crs Abboushi, Carli, De Santis, Hardy, Kesic, Majdlik, Mendes, Ramsey and Turner.

Against:

Nil.

The Mayor declared the Motion CARRIED

REPORT

1. Executive Summary

At the Ordinary Meeting of Council held on 3 April 2017, after reviewing the 2017/18 Proposed Budget, Council resolved that:

- Proposed Budget will be placed on public display as required by the *Local Government Act 1989* ('Act') and submissions will be received up until 3 May 2017.
- The 'Section 223 Submission Committee' of Council consider any submissions made in accordance with Section 223 of the Act and report these submissions to Council.

The Section 223 Submission Committee met on 6 June 2017 to hear from the submitters and consider the submissions received.

A total of 12 submissions were received on the proposed budget and 2 submissions were received on the revised Council Plan.

The Minutes of the Section 223 Submissions Committee Meeting held on 6 June 2017 are attached at **Appendix 1**.

2. Background/Issues

The Proposed Budget for 2017/18 was presented to Council at the Ordinary Meeting of the Council on 3 April 2017. Council resolved that the proposed Budget be displayed for 28 days as required by the Act, inviting public submission.

Council received a total of 12 submissions on the Proposed Budget, primarily from organisations seeking an allocation of additional funding for Council facilities. Two submissions were received on the Council Plan.

The Section 223 Submissions Committee meeting was held on 6 June 2017 to consider the submissions received. The Committee reviewed the submissions received, of which 7 verbal presentations were made in support of their written submission.

3. Financial Considerations

Costs associated with advertising and exhibiting the 2017/18 Proposed Budget have been provided for in the current budget.

4. Consultation/Public Submissions

Council, in accordance with section 223 of the *Local Government Act* 1989, invited submissions from the community, for consideration by Council on 6 June 2017 before adopting the 2017/18 Proposed Budget.

The Section 223 Committee considered all submissions received on 6 June 2017 and made recommendations to Council before formally adopting the 2017/18 Municipal Budget and the revised Council Plan 2017-2021.

5. Risk Analysis

Council's process of endorsing the 2017/18 Proposed Budget and seeking public submissions is in accordance with in the *Local Government Act* 1989 and poses no risk to Council.

6. Options

Council is required to have the 2017/18 Budget adopted by 30 June 2017.

LIST OF APPENDICES

1. Draft Section 223 Submission Committee Meeting Minutes - 6 June 2017

12.17 STATE AND COMMONWEALTH BUDGET 2017/18

Author: Kwabena Ansah - Executive Officer - Advocacy
Presenter: Peter Bean - General Manager Corporate Services

PURPOSE OF REPORT

To inform Council of locally significant outcomes of the 2017/18 State and Commonwealth Budgets.

RECOMMENDATION:

That Council note the report.

Motion

Crs Majdlik/Abboushi.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

On 2 May 2017, the Andrews Labor Government handed down its third budget, overview attached at **Appendix 1**.

Key policy areas for funding included Education, Infrastructure and Law Enforcement. The Budget also made a \$1.9bn provision over four years to address the issue of family violence.

Direct investment in the City of Melton was predominately limited to education. Local investment highlights include:

- Burnside Proposed P6 - New school construction
- Diggers Rest Primary School - Upgrade and modernisation
- Kurunjang Primary School - Upgrade and modernisation
- Land acquisition for a new school within the Melton area (Eynesbury)
- Melton Secondary College - Upgrade and modernisation
- Taylors Hill Secondary College (interim name) - New school construction
- 16 additional police drawn from a pool of 100 across four western municipalities.

Other items of note include:

- Halving of the Growing Suburbs Fund (previously the Interface Growth Fund) from \$50m to \$25m, in which Melton City Council has previously been a significant beneficiary for local infrastructure delivery
- Abolition of stamp duty for first home buyers, which may have a stimulus effect on local residential home construction
- \$311 million for 39 new V/Line carriages which may assist Ballarat Line capacity
- \$61.3 million for major works for the Footscray and Sunshine hospitals.

On 9 May 2017, the Turnbull Liberal Government handed down its second budget, overview attached at **Appendix 2**.

Key policy areas included economic management and national infrastructure, employment, essential services, housing affordability and integrity measures for taxation and welfare.

The City of Melton received no direct funding, but other budget items have implications for Council and local government as a national sector:

- Extension of the Roads to Recovery program for a further two years
- Establishment of a \$472 million Regional Growth Fund for regional infrastructure and community projects
- \$200 million for the Building Better Regions Fund
- Funding to support 15 hours of kindergarten a week until the end of 2018
- Indexation applied to the Financial Assistance Grants program for the first time since 2014
- Funding for the National Disability Insurance Scheme proposed through a 0.5 percent increase in the Medicare Levy, calculated as \$9.1 billion cost over the forward estimates
- \$500 million for Victorian passenger rail.

2. Background/Issues

State Budget 2017/18

New Capital Projects funded under the 2017/18 Victorian Budget include the following:

Burnside Primary School

New school construction
Total estimated investment \$13,806,000
2017/18 investment \$2,664,000
Completion Q4 2018/19

Diggers Rest Primary School

Upgrade and modernisation
Total estimated investment \$151,000
2017/18 investment \$45,000
Completion Q1 2018/19

Kurunjang Primary School

Upgrade and modernisation
Total estimated investment \$1,005,000
2017/18 investment \$49,000
Completion Q2 2019/20

Melton Secondary College

Upgrade and modernisation
Total estimated investment \$2,500,000
2017/18 investment \$1,262,000
Completion Q3 2018/19

Taylors Hill Secondary College (interim name)

New school construction
Total estimated investment \$23,296,000

2017/18 investment \$1,738,000
Completion Q3 2019/20

Land acquisition for schooling – Eynesbury

Pool of \$70,450,000
Across eleven sites within cities of Ballarat, Cardinia, Casey, Hume, Melton, Mitchell, Whittlesea, Wyndham, and Yarra.

Stronger Bridges, Stronger Economy program

Pool of \$40.8 million
Upgrade 17 bridges throughout the State, including Diggers Rest.

Victoria State Emergency Service Facility Upgrades

\$34.3 million for new vehicles and to modernise VICSES buildings, including establishment of new units in Caroline Springs/Plumpton, Clyde, Craigieburn North, Cranbourne, Officer and Point Cook.

Existing Capital Projects funded under the 2017/18 Victorian Budget include the following:

Melton Specialist School

Total estimated investment \$5,400,000
2017/18 estimated investment \$2,788,000
Completion Q2 2018/19

Proposed Capital Projects under the 2017/18 Victorian Budget include the following:

Metropolitan Park

Over the next two years, the Government will start the process of acquiring land to establish three new metropolitan parks in Melbourne's growth areas, specifically Rockbank, Werribee and Cranbourne.

Commonwealth Budget 2017/18

Items of note include:

Regional Growth Fund

Investment of \$472 million over four years in regional infrastructure projects to adapt to the changes taking place in the economy. This includes the Building Better Regions Fund.

Building Better Regions Fund

\$200 million increase to support regional communities across Australia by funding infrastructure and community investment project – project are eligible for funding in the western corridor of the City.

Roads to Recovery

\$4.4bn over 8 years maintenance of the nation's local road infrastructure assets. Melton City Council will receive;

Total allocation over program \$7,050,343
Estimated 2017/18 allocation \$1,539,948
Estimated 2018/19 allocation \$784,820

Financial Assistance Grants

Provided to local government nationally since 1974/5, the 2014/15 budget froze indexation, and has been reinstated in this budget. It is reported that the freeze in indexation cost the Victorian local government sector approximately \$200m in funding.
In 2016-17, Victorian councils received a total of \$542.1 million in financial assistance grants, comprising;

\$397.1 million in general purpose grants
\$145.0 million in local roads grants.

National Disability Insurance Scheme

Proposed that the Medicare levy will rise by 0.5 percent to 2.5 percent from July 2019, raising an estimated \$7.8 billion over two years to fund the National Disability Insurance Scheme.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability

2.5 Advocate in the best interests of our community and region

4. Financial Considerations

None.

5. Consultation/Public Submissions

N/A

6. Risk Analysis

N/A

7. Options

N/A

LIST OF APPENDICES

1. State Budget 2017/18 Overview - dated May 2017
2. Federal Budget 2017/18 Overview - dated 9 May 2017

Cr Carli momentarily left the Chamber at 8:35pm.

12.18 MUNICIPAL EMERGENCY MANAGEMENT PLAN

Author: Peter Doyle - Coordinator Emergency Management
Presenter: Peter Bean - General Manager Corporate Services

PURPOSE OF REPORT

To notify Council that the 3 year audit of the Municipal Emergency Management Plan (MEMPlan) is occurring on 9 August 2017.

RECOMMENDATION:

That Council:

1. endorses the attached Municipal Emergency Management Plan whilst also allowing updates to occur throughout the three year life of the plan.
2. Affix the Common Seal of Melton City Council to the Municipal Emergency Management Plan.

Motion

Crs Turner/Kesic.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The Municipal Emergency Management Plan (MEMPlan) for the City of Melton is audited every three years by the State Emergency Service. It is not a council plan rather a municipal plan describing the Emergency Management arrangements for the local government area.

An endorsed plan is required prior to audit. As the plan is an operational document Council endorses the attached MEMPlan whilst also allowing updates to occur throughout the three year life of the plan.

2. Background/Issues

Attached is an updated Municipal Emergency Management Plan (MEMPlan) that requires the common seal of Council.

The MEMPlan has been updated with the assistance of local emergency services agencies and is based on the previous document that was rewritten in conjunction with Brimbank, Hobsons Bay, Wyndham and Maribyrnong to ensure that a standardised approach to emergency management is adopted within the region.

The MEMPlan is the primary planning document in case of a Municipal Emergency and is implemented by the independent Municipal Emergency Management Planning Committee, which is composed of representatives from Victoria Police, Country Fire Authority (CFA), State Emergency Service (SES), Department of Health and Human Service (DHHS),

Victorian Council of Churches, Red Cross, Council and a range of other State Government and non-government agencies.

Councillor Bob Turner is currently chair of the Municipal Emergency Management Planning Committee.

Since the original MEMPlan was prepared and endorsed in 2008, regular updates to contact details and minor amendments have taken place.

The following amendments have been approved by the Municipal Emergency Management Planning Committee (MEMPC) on 17 February 2017 and have been endorsed by Council:

- Children and Young People in Emergencies (endorsed by the MEMPC 24 August 2016)
- Risk Register, Community Emergency Risk Assessment (assessed and approved by MEMPC 19 February 2016 reviewed by MEMPC 18 May 2017)
- Updated Maps and Demographics
- Changes made in response to the *Emergency Management Act 2013* and the *Emergency Management Manual for Victoria*
- Migration of all operational documents as soft copy to Crisisworks a web based platform to record and track the use of resources during any incident
- Referencing and linking the MEMPlan to the Melton City Council Crisis Management Plan, in order to manage Council's critical business functions during a disruption that would adversely affect Council Business Continuity.

The three year audit of the MEMPlan is set to take place on the 9 August 2017. Prior to this date the various amendments that have been endorsed by the MEMPC, since the MEMPlan was last endorsed by Council, must be included in the MEMPlan, and the MEMPlan document must receive the Common Seal. As has been previous practice, the actual MEMPlan document in its entirety is not formally presented to Council for endorsement, just those updated sections as they are developed (listed above). This process has been in place to ensure that the MEMPlan can be continually updated throughout the year and not require each minor update to be formally endorsed by Council and the entire document altered and sealed.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability

2.6 Ensure timely compliance with statutory and regulatory obligations

4. Financial Considerations

NA

5. Consultation/Public Submissions

An accessible version of the MEMPlan is available on Council's website. The plan is an operational document; consultation occurs through the Municipal Emergency Management Planning Committee.

6. Risk Analysis

There are no foreseen risks should Council choose to endorse the MEMPlan.

There are also no foreseen risks should Council choose to allow updates to occur throughout the three year life of the plan, given that a Councilor chairs the Committee that approves all amendments, and amendments are endorsed by Council.

Should Council not choose to allow updates to occur as above then there will be delays in updating the MEMPlan, and each minor update will require the whole document to be altered and sealed every time.

If Council does not endorse the MEMPlan we will receive an unfavorable audit as an endorsed plan is required prior to audit. There is a reputational risk that Council may be viewed as not understanding or accepting its roles and responsibilities within Part 4 of the *Emergency Management Act 1986* sections 6, 7 and 8 of the *Local Government Act 1989* and the *Country Fire Authority Act 1958*.

7. Options

Council has the option to:

1. Endorse the MEMPlan (**Appendix 1**), which is the recommended option. We require CEO and Mayor signature at the location marked along with the Council Common Seal.
 - a. Council also has the option to allow updates to occur throughout the three year life of the plan. This is recommended.
2. Not endorse the MEMPlan (**Appendix 1**), which is not recommended.

LIST OF APPENDICES

1. Municipal Emergency Management Plan for the City of Melton - undated

12.19 ANIMAL MANAGEMENT DE-SEXING OF CATS

Author: Ian Stewart - Manager Compliance
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

For Council to resolve in accordance with section 10A of the *Domestic Animals Act* 1994 to not register or renew the registration of a cat unless it is de-sexed.

RECOMMENDATION:

That Council:

1. In accordance with section 10A (1) of the *Domestic Animals Act* 1994 ('the Act') will not register or renew the registration of any cat unless it has been de-sexed except for the following:
 - a. A cat that was registered prior to the 11 December 2011 and has continued to be registered with this Council
 - b. A cat that is owned by a person or body that conducts a Registered Domestic Animal Business, under which cats are bred and the cat is used for breeding purposes in connection with the business
 - c. A cat that is owned by a person who is a current member of an Applicable Organisation, and the cat is registered with that organisation
 - d. A cat that is subject of written veterinary advise, which states that the health of the cat is liable to be significantly prejudiced if it is de-sexed.
2. In accordance with *Section 10A (3) of The Domestic Animals Act 1994*
 - a. publish a notice in the Government Gazette and in a newspaper circulating in the municipal district of the Council, the resolution.
3. Undertake a media campaign advising residents of the benefits of de-sexing their animals.

Motion

Crs Majdlik/Abboushi.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The purpose of this report is to ensure the current de-sexing rate of cats within this municipality is increased and the impact of stray and feral cats on wildlife is reduced.

The report seeks Council endorsement to continue the requirement for residents to only being able to register de-sexing cats subject to some exceptions.

2. Background/Issues

At its ordinary meeting held on 11 August 2011 (Animal Management De-sexing of Cats), Council considered a report for the mandatory de-sexing of cats. This resolution required all cats from the 11th August 2011 to be de-sexed unless they were exempted by the resolution.

The *Domestic Animals Act* 1994 ('the Act') section 10A states that a Council may resolve that it will not, after a specific future date, register or renew the registrations of a dog or cat unless that dog or cat is de-sexed or is exempted under this 'Act' from any requirement to be de-sexed. This requirement to only register de-sexed animals could also be undertaken by amending the General Local Law but 'the Act' gives greater flexibility for Council.

The previous resolution of Council was advertised in the Government Gazette on 14 September 2011 with an effective date of the 11 August 2011.

Currently 97 percent of cats registered in this municipality are de-sexed. By continuing this mandatory de-sexing of cats this will eventually reduce the impact cats have on our wildlife, the number of stray and feral cats in the wild, as well as lower euthanizing rates of cats.

This proposed resolution would complement the de-sexing voucher scheme that was adopted by Council on the 3 April 2017.

The *Domestic Animals Act* 1994 sets out the penalty offence for a breach of Section 10 (failing to register a domestic animal) as two (2) penalty units (currently \$311) which may be dealt with as an on-the-spot fine.

Once advertised the resolution would take effect immediately. Most Victorian Councils have similar requirements in place which helps achieve consistency across the state.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability

2.6 *Ensure timely compliance with statutory and regulatory obligations*

4. Financial Considerations

As the majority of cats are already de-sexed at the time of registration there is a minimal financial implication. The inability of people to register non de-sexed cats promotes de-sexing and thus arrests this cost to the community.

The de-sexing voucher scheme will also assist in increasing the number of de-sexed cats registered with Council.

5. Consultation/Public Submissions

When Council undertook the previous process via section 223 of the *Local Government Act* 1989 in 2011 no submissions were received by Council. Currently as mentioned before over 97 percent of cats within this municipality are de-sexed.

Under the provisions of the *Domestic Animal Act* 1994 Council must cause a copy of the resolution to be published in the Government Gazette and in a newspaper circulating in the municipal district of the Council.

6. Risk Analysis

The implementation of this resolution will have no impact to the owners of cats currently registered with Council.

The introduction of the de-sexing voucher scheme at the April Council meeting will also assist in reducing any potential risk to Council.

With further promotion of the resolution this should continue the decrease in the number of feral and unwanted cats in the municipality.

7. Options

The Council has a number of options and they are:

1. Accept the recommendation as outlined at the beginning of the report.
2. Not accept the recommendation and allow residents to register their cats without de-sexing.

LIST OF APPENDICES

Nil

12.20 CORONER'S POOL FINDINGS

Author: Paul Brush - Building Services Coordinator
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To inform Council of the Coroner's findings and recommendations from the Inquest into the drowning of a young child on the 14 September 2015 in Melton, and Council's involvement in the subsequent coronial investigation and of the ongoing proactive pool audit program over the past four years.

RECOMMENDATION:

That Council:

1. Note the Coroner's finding and recommendations.
2. Endorse the ongoing Swimming Pool Fence Audit Program.

Motion

Crs Majdlik/Abboushi.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

On 14 September 2015 a two year old child drowned in a backyard pool in the City of Melton.

Subsequent to the drowning in September 2015, an Emergency Order was issued to return the safety barrier to its compliant condition as in January 2012 which was promptly achieved.

The pool at the property first came to Council's attention in late 2011 as there was no safety barrier. Council issued a notice to ultimately install a complying pool safety barrier. This was achieved in January 2012 and the notice was cancelled.

Council's diligence and recording of the events in 2011 to bring into compliance the pool barrier at the location of the drowning passed scrutiny by the Coroner, confirming the Council Municipal Building Surveyor at the time followed due process.

The Coroner's findings caused considerable public reaction and media scrutiny. In response the Victorian Government announced that the current regulations for pool safety barriers are being reviewed and were available for public review during May 2017.

2. Background/Issues

Council for the past four years has been conducting a pool audit which has gained even greater relevance due to the tragic events of September 2015.

Council acknowledged that as a result of a high profile Coroner's findings and recommendations in 2013 that potentially the Melton Council area had many pools and spas

that may be noncompliant exposing young children aged 0-5 to unacceptable dangers within their own home environment.

In that time approximately nearly 800 pools and spas have been inspected of which a large proportion had noncompliant safety barriers which have been now been made compliant.

Inspecting hundreds of pools and spas of which a high proportion were noncompliant or had no building permit resulted in almost 3,000 site inspections over four years. The contracted Building Inspector to perform the pool audit is employed on a part time basis of 2-3 days a week which emphasizes the considerable intense concentrated effort by council to ensure that hundreds of pools and spas inspected are now compliant.

It is calculated there are nearly 3,000 pools and spas in Melton of which nearly 25 percent have been inspected.

It is hard to quantify the success or otherwise of the audit due to the relatively small number of deaths attributed to pools and spa drownings compared with for example the road toll but inspecting nearly 800 properties may have not only saved a child not only from drowning but other associated injuries resulting from near drowning incidents.

The proactive pool audit is ongoing and also encompasses an education element to pool and spa owners of the responsibility of owning a pool or spa.

Council is optimistic the proposed changes to the pool safety regulations in conjunction with council's ongoing pool audit program will improve safety for young children to a degree but nothing can replace diligent adult supervision in the vicinity of a domestic pool.

Since 1993 all domestic pools and spas in Victoria are required to have a compliant pool safety barrier installed and to be maintained by the occupier. The pool safety barrier standards are focused on the age group 0-5 years so the death of a two year old child raised concerns of how this could happen.

Council's Involvement in the Inquest

As part of the investigation the Coroner requested Council's paperwork for examination.

No Council employee was interviewed by the Coroner or Victoria Police.

Coroner's Comments in Summary

In summary the Coroner found:

- Perpetual inadequate regulation of swimming pools in Victoria.
- There is no single factor wholly responsible for the child's death.
- The investigation revealed the pool safety barrier was badly damaged and this was not reported to the managing agent.
- There has been an unacceptable delayed response by the Victorian Government to recommendations and reform of the Building Regulations 2006 after an inquest in 2014 into the death of another young child by the Deputy State Coroner.
- Tenants are made especially vulnerable by the current regulations.
- It's relatively simple for properties with pool safety barriers and gates that do not meet regulatory standards to remain undetected.
- The death of the child was preventable.

The Coroner has recommended

- The Minister of Planning adopt elements of the framework enacted in Queensland, including requiring a pool safety certificate to be obtained prior to a property with a pool being sold or leased.

- The recommendations made by Deputy State Coroner Iain West in 2014 for the creation of a state-wide pool register.
- Enhancing the role of real estate agency staff in detecting malfunctioning pool safety pool barriers in rental properties.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

2. A Well Governed and Leading Organisation: Operating with innovation, transparency, accountability and sustainability

2.6 Ensure timely compliance with statutory and regulatory obligations

4. Financial Considerations

As Council is undertaking this pool audit this has the potential to reduce Council's legal liability in the future.

5. Consultation/Public Submissions

This report provides feedback to the community on the process.

6. Risk Analysis

By continuing the current Swimming pool audit program this will reduce the risk to the community.

7. Options

N/A

LIST OF APPENDICES

Nil

12.21 CONTAINER DEPOSIT SCHEME

Author: Les Stokes - Manager Operations

Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To inform Council about Container Deposit Schemes, their implementation across the country and request Council support to advocate for a scheme in Victoria.

RECOMMENDATION:

That Council write to the Minister for Energy, Environment & Climate Change, and the Minister for Local Government advocating for the implementation of a Container Deposit Scheme for Victoria.

Motion

Crs Majdlik/Hardy.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

A Container Deposit Scheme (CDS) is where the consumer pays a deposit on certain beverage containers that is refunded when the container is returned to a collection deposit site.

Container Deposit Schemes already exist or are in the process of being implemented across the country. By 2018 Victoria will be the only mainland state not to have a scheme. The MAV and other Local Governments are commencing advocacy on this issue. A Scheme will have benefits to Melton City Council, its residents and the environment.

2. Background/Issues

A Container Deposit Scheme (CDS) is where the consumer pays a deposit on certain beverage containers that is refunded when the container is returned to a collection deposit site.

CDS's have existed in Australia since 1977 when the South Australian government introduced a scheme and the associated legislation. Since then, Northern Territory introduced a scheme in 2012 and NSW, Queensland and Western Australia will all have a scheme by 2018. This will leave Victoria as the only mainland state not to have an operating CDS.

Schemes have also been adopted by a range of jurisdictions across Canada, Europe and the United States and shown to deliver a range of benefits.

In 2011, a report was prepared by the office of Ms Colleen Hartland MLC, *Turning Rubbish into Community Money – The benefits of a 10c deposit on drink containers in Victoria*. The report identifies Local Government as a major financial beneficiary of a CDS in Victoria, reducing costs in the provision of waste and recycling services and decreased litter collection costs. A CDS will:

- Reduce materials sent to landfill, both containers and Paper (currently contaminated during the kerbside recycling process).
- Reduced tonnage of recyclables being processed through the kerbside collection stream will reduce gate fees paid by Council.
- Fewer glass bottles in kerbside collections will lead to less broken glass contamination (and loss in value) of recyclable paper collected.
- Reduced volumes of material in kerbside bins will would allow a higher number of households per collection run, reducing operating costs.

The 2011 report also sought to calculate the likely savings financial benefits to each Local Government Area in Victoria. The table below depicts the data specific to Melton City Council:

	2009	2017*
Lost Commodity Sales Income	-\$225,137	-\$332,630
New Income from 10¢ refunds	\$248,309	\$366,865
Additional income from paper sales	\$28,783	\$42,526
Savings in landfill fees	\$67,875	\$142,592
Savings in lower gate fees at recyclers	\$54,193	\$80,068
Reduced landfill (in tonnes)	1,508	2,228
Total savings, based on Local Gov't Survey	\$174,023	\$299,421

* 2017 figures have been adjusted using a 5 percent p.a. increase allowing for CPI and growth, due to Council's significant population growth over his period these figures are a conservative estimate and would most likely be greater.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City
 - 1.4 Value and protect the natural environment for future generations

4. Financial Considerations

There are no financial implications to Council in advocating for the introduction of a CDS. If the State Government decides to implement a Scheme there will some initial costs, in other states Councils are usually supported through allocations from Landfill Levies.

5. Consultation/Public Submissions

At the recent Municipal Association of Victoria (MAV) State Council Meeting held on 12 May 2017, the Council resolved the following:

That MAV:

- re-iterate its support for the introduction of a Container Deposit Scheme in Victoria, and throughout Australia, because of its financial, social and environmental benefits
- write to the Premier, relevant Minister and all Members of Parliament urging them to support any new Container Deposit Bill presented to the Parliament
- promote the benefits of a Container Deposit Scheme to the community.

Melton City Council also recently received a letter from the CEO of Moorabool Shire Council, calling for support for a CDS, this letter is attached in **Appendix 1**.

6. Risk Analysis

Given the overall benefits of implementing a CDS there is little to no risk to Council in advocating for its introduction.

7. Options

Council could choose not to write advocate for this initiative at this time.

LIST OF APPENDICES

1. Letter from Moorabool Shire Council - dated 11 May 2017

12.22 LANDSCAPE ASSESSMENT AND SUPERVISION FEES AND CHARGES

Author: Marshall Kelaher - Coordinator City Design
Presenter: Laura-Jo Mellan - Manager City Design, Strategy & Environment

PURPOSE OF REPORT

To present to Council the proposal, included in the draft Council Budget 2017/18, to levy a charge for the assessment of landscape design plans and supervision of the construction of new landscape assets that will be vested in Council as permitted under the *Subdivision Act 1988*.

RECOMMENDATION:

That Council:

1. note the report
2. authorise the General Manager, Planning & Development to notify known and potentially affected land owners and developers that Council will be levying a Landscape Assessment and Supervision fee from 1 July 2017 should the 2017/18 Annual budget be endorsed by Council.

Motion

Crs Majdlik/Abboushi.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

Currently, Council exercises its right to charge fees under the *Subdivisions Act 1988* for the assessment of engineering designs and the supervision of construction of new engineering assets (including roads and drains) that will be vested in Council.

Under the *Subdivisions Act 1988*, Council also has the ability to charge fees for the assessment of landscape design plans and the supervision of construction of new landscape assets (including parks and streets trees) that will be vested in Council. Melton City Council is currently the only growth area council (except Mitchell Shire Council) not currently charging fees for this activity. Council currently employs one Landscape Development Supervisor to assess plans and monitor the construction of landscape assets. Council absorbs the cost of this in its operational budgets. However, the increasing rate of residential development means that Council can no longer reasonably provide the same level of service.

In this context, it is proposed to charge a fee of 0.75 percent of the estimated costs of works for checking landscape plans and 2.5 percent of the cost estimate of works for the supervision of landscape construction works where the works create a landscape asset that will be vested in Council. The proposed fees are consistent with the *Subdivision Act 1988* Users Guide produced by the Department of Planning and Community Development (2012). These fees are also consistent with other Growth Area Councils.

The proposed fees will substantially offset the cost of increased Landscape Supervision resourcing to ensure that landscape assets continue to be created for Council that are of a high quality.

2. Background/Issues

Currently, Council exercises its right to charge fees under the *Subdivisions Act* 1988 for the assessment of engineering designs and the supervision of construction for the creation of new assets that will be vested in Council. These assets include roads and drainage infrastructure.

The assessment of designs ensures that proposed infrastructure meets Council's requirements. The supervision of construction further ensures that infrastructure that is built to be transferred to council is built to an appropriate standard and meets the requirements set down in the approved design plans.

In addition to roads and drainage infrastructure Council also receives parks and gardens infrastructure that are built by land developers and transferred to Council. This infrastructure includes hard landscape elements such as pavements, structures, playgrounds, drainage, lighting, and soft landscape elements including trees, plants and grass. This infrastructure is subject to Council Officers approval of design plans and carrying out supervision of construction activities to ensure that appropriate landscape infrastructure is built to Council requirements.

Council does not currently charge for assessment of landscape design plans and the supervision of associated works including construction and the required two year establishment and maintenance period.

However, with significant land development growth being experienced, Council can no longer absorb the cost to provide a service that will continue to meet the needs of Council and the land development industry to ensure that assets that are designed and constructed will meet the communities future needs.

In order to ensure that our service remains at a high level it is proposed to exercise Council's ability to levy a fee for service for the checking of landscape plans and supervision of landscape works.

The proposed additional fees are in accordance with Council's Fees and Charges policy - section 2 and Council's Fees and Charges guidelines – sections 6 and 8.

Subdivision Act

To assist in determining what the fee rates would be an investigation has occurred to determine what could be charged under the *Subdivision Act* 1988.

According to the document 'Subdivision Act User Guide' produced by the Department of Planning and Community Development (2012), in Section 9.2 and 9.3 it states the following:

9.2: Can a council or referral authority charge for the preparation or checking of plans?

Yes. Under regulations 7 and 9 of the Subdivision (Fees) Interim Regulations 2012 a council may charge a fee of not more than 3.5 per cent of the estimated cost of works if it prepares an engineering plan for an applicant, and up to 0.75 per cent of the estimated cost of works for checking plans prepared by or on behalf of the applicant. The council's capacity to charge a fee is under section 15 of the Subdivision Act.

A referral authority, through council, may charge for the checking of plans.

9.3: Can a council or referral authority charge for the supervision of works?

Yes. A council or referral authority may appoint a person to supervise any required works and charge an applicant for the supervision of works an amount not exceeding 2.5 per cent of the estimated value of the works for under regulation 8 of the Subdivision (Fees) Interim Regulations.

Section 17 of the Subdivision Act enables a council or referral authority to charge a fee for supervision of works.

Bench-marking

Council Officers have undertaken bench-marking against other Melbourne Metropolitan growth area Councils and found the following landscape fees being applied:

Council name	Plan checking fee	Supervision fee
Cardinia	0.75% of cost estimate of works	2.5% of cost estimate of works
Casey	0.75% of cost estimate of works	2.5% of cost estimate of works
Whittlesea	0.75% of cost estimate of works	2.5% of cost estimate of works
Wyndham	0.75% of cost estimate of works	2.5% of cost estimate of works
Hume	<ul style="list-style-type: none"> 0.75% for plan checking and 2.5% for supervision of streetscape works. \$16,000 per hectare for all reserves. 	

The other Melbourne metropolitan growth area councils, with the exception of Hume City Council, apply fees in accordance with the *Subdivision Act* 1988 and consider the landscape plans and works as part of the broader engineering plans and works for a subdivision.

Current workload and staff number

It is considered that the proposal to levy the fees & charges for this service will benefit both the land development industry and Council for the reasons outlined below.

Currently Council employs one Landscape Development Supervisor who oversees the implementation of developer funded works associated with landscaping including;

- assessing planning applications, landscape master plans, and detailed landscape plans
- supervising landscape construction works
- inputting or verifying data in Council's asset management system
- carrying out quarterly inspections of landscape works during the required two year maintenance period
- undertaking final inspections of assets to be handed over to Council.

By undertaking the above works the Landscape Development Supervisor is ensuring that landscape assets created for the community are of a type and quality that will benefit the community and will optimise future asset renewal needs.

Council has funded the Landscape Development Supervisor role since 2013. However the rate of development has increased substantially since that time. The following table indicates past and projected development activity.

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Lots Released	1068	1145	1091	1122	1688	2237	2063	2431	2666	2805	2758
	Actual						Projected (Urbis 2014)				

The table indicates a doubling of lots released between 2014 and 2016 and forecast rate of release of between 2000 and 2805 in the five year forecast.

The projected increase in lots release also correlates with an increase in landscape works being undertaken by land developers.

To maintain quality control of the landscape assets that will be designed and delivered Council will need to increase its resourcing of plan checking and construction supervision activities. This will ensure that landscape assets that Council receive continue to be of a high quality. The cost of this resourcing would be substantially offset by the imposition of the proposed fees and charges

Land developers will benefit as there will be resourcing within Council to assess plans and supervise construction that is commensurate with the volume of development activities.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City
 - 1.1 Strategically plan for a well designed and built City

4. Financial Considerations

It is proposed to levy landscape fees of 0.75 percent of the estimated value of works for plan checking and 2.5 percent for construction supervision. This is consistent with the *Subdivisions Act* 1988 and with industry practise. If these fees are applied they could yield potential income as shown in the following table.

Year	2016	2017	2018	2019	2020	2021
Potential income extrapolated from 2016 landscape construction costs multiplied by projected lots released	\$87,656	\$80,856	\$95,245	\$104,450	\$109,906	\$108,087

The proposed landscape fees would be levied as part of the broader engineering fees required from developers consistent with the schedule of fees and charges under Council's annual budget. already contains a proportionate amount for the plan-checking fee (0.75 percent of the estimated value of works) and supervision fee(2.5 percent of the estimated value of works) of engineering works, the fee would not need to be included as a new fee unless it were not consistent with the fee for engineering works under the *Subdivision Act* 1988. In this case, we would not be seeking a different fee.

The proposed fees have been included and exhibited in the draft 2017/18 Annual Budget for Councils consideration.

5. Consultation/Public Submissions

Council Officers have consulted with five growth area Councils to benchmark fees and charges for landscape works as outlined above.

A letter will be sent to known or potentially affected landowners/developers and information provided on Councils website advising them of the introduction of the fees & charges.

6. Risk Analysis

The levying of the proposed fee will increase the cost of land development in the City of Melton. However the increase in cost:

- is consistent with the *Subdivision Act 1988* and other growth area Councils
- will offset the cost to Council of providing this service to land developers
- will enable Council to adequately resource this service and ensure that quality assets continue to be vested on Council from land development activity.

7. Options

Council has the option to:

1. approve the introduction of landscape fees & charges in accordance with the *Subdivision Act 1988*
2. not proceed with the introduction of landscape fees and charges
3. explore alternative fees and charges options which may not be consistent with the *Subdivisions Act 1988*.

LIST OF APPENDICES

Nil

12.23 PLANNING APPLICATION PA 2017/5551/1 - PACKAGED LIQUOR LICENCE ASSOCIATED WITH A RETAIL PREMISES AT 29 CRADLE ROAD, DIGGERS REST

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

PURPOSE OF REPORT

To consider and determine the above planning application.

RECOMMENDATION:

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

Motion

Crs Majdlik/Abboushi.

That the recommendation be adopted.

CARRIED

REPORT

1. Background

Executive Summary

Applicant:	Thanh Tran
Proposal:	Licensed Bottle shop
Existing Land Use:	Vacant shop
Zone:	Commercial 1
Overlays:	Nil
Number of Objections:	Twenty
Key Planning Issues:	Amenity impact on surrounding residential properties
Recommendation:	Approve application subject to conditions

The Land and Surrounding Area

The subject site has an area of 179.76m² and is located on the south west side of Cradle Road. Other features of the site are as follows:

- The site is regular in shape.
- It contains a vacant shop which has a net floor area of 126.2m².
- The site is within a small group of shops that offer a local convenience function.
- The site fronts an unmarked shared car parking area with approximately 8 car spaces. The car parking area has a 15 minute parking restriction.

- The restricted car parking area fronting the site is currently used by a pharmacy and a take away food premises (fish and chip shop). Two tenancies within the commercial strip are currently vacant.
- Access to the site is from Cradle Road and the rear laneway.
- A small public park adjoins the site.

The surrounding area can be characterised as predominantly residential.

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

The Application

The application proposes the sale of packaged liquor (bottle –shop) from one of the existing premises.

The area where liquor will be offered for sale is shown on a proposed red line plan that was submitted with the application.

The proposed operating hours are:

- Monday to Saturday - 9am to 11pm.
- Sunday – 10am to 11pm.
- Anzac Day – 12pm to 11pm.

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

Planning Controls

Zone	(Clause 34.01 – Commercial 1 Zone)	A permit is not required under the zone to use land for the sale of packaged liquor.
Overlays	Nil	
Particular Provisions	(Clause 52.27 – Licensed Premises)	A planning permit is required to use land to sell or consume liquor if a licence is required under the Liquor Control Reform Act 1998. A packaged liquor licence requires a licence under the relevant Act.

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

Is the land affected by a Restrictive Covenant?

The land is not affected by a Restrictive Covenant.

Is the land of Cultural Heritage Sensitivity?

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

2. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth.

1.1 Strategically plan for a well designed and built City.

3. Financial Considerations

No Council related financial considerations are involved with the application.

4. Consultation/Public Submissions

Public notification of the application

The application was subject to notification. The notification was satisfactorily completed and 20 proforma objections were received.

The grounds of objection may be summarised as follows:

- Adequacy of on-site car parking.
- Sufficient number of liquor outlets in the surrounding area.
- Location inappropriate for the sale of packaged liquor particularly in a centre where there is a limited sense of ownership, pride and identity.
- Use of the nearby public park for alcohol consumption.
- Safety of staff and adequacy of site supervision.
- Amenity concerns (i.e. deliveries, rubbish, noise and broken empty bottles).

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

Referral of the application

The application was referred to Council's Community Planning Department for comment and advice. The application was also referred to Melton Police.

Concerns were expressed by Council's Social Planning Officer in relation to the commencement time for the sale of liquor and whether the operator of the packaged liquor outlet would have adequate supervision arrangements to prevent patrons from using the nearby public park for alcohol consumption.

A complete list of responses is included in **Appendix 5**.

5. Issues

Planning Assessment

The principal issue relevant to the application is the impact on the amenity of the surrounding area which is predominantly residential. The use of the land for the sale of packaged liquor is considered appropriate subject to conditions that protect the amenity of surrounding properties. Additionally, given the licence sought is a packaged liquor licence for off-premises consumption, localised amenity impacts are unlikely to be detrimental.

Clause 52.27 requires consideration, as appropriate, of the cumulative impact of existing and proposed liquor licences, the hours of operation and number of patrons, on the amenity of the area. The process of a cumulative impact assessment is explained in Practice Note 61, Licensed Premises: Assessing Cumulative Impact (March 2011). The guidelines apply to all applications for new or expanded licensed premises that will be licensed and open after 11pm and are located in an area where there is a cluster of licensed premises.

A cluster is defined as a concentration of licensed premises consisting of three or more licensed premises within a radius of 100 metres or 15 or more licensed premises within a radius of 500 metres.

In this case it is not mandatory that a cumulative impact assessment be undertaken as the proposed licensed premises will not operate after 11pm and is not located in an area where there is a cluster of licensed premises. However the guidelines may be used for any planning application that would benefit from their use.

A cumulative impact assessment considers both positive and negative cumulative impacts. The positive impact of the proposal will be a net economic benefit, albeit relatively small, of employment creation through the opening of a licensed premises.

Council's Community Planning Department has raised concerns regarding the commencement time for the sale of packaged liquor at 9am. It is considered that 10am is a reasonable time for commencement of the sale of liquor and 10pm is a more appropriate closing time in a largely residential area. As such, should a permit be issued the operating hours will be from 10am to 10pm, Sunday to Saturday and 12pm to 10pm, Anzac Day.

It is considered that the proposal is acceptable given the type of licence sought, location of the site and the nature of uses in the commercial strip. As a condition of approval, installation of mirrors and CCTV cameras is required to enhance safety and address any safety concerns in the commercial area.

One of the concerns raised by objectors relates to the use resulting in people consuming alcohol within the adjoining local park. While it is acknowledged that this is a possibility, it is an issue which can be addressed through enforcing Council's Local Law and having in place a security management plan, which at the very least obligates the operator to contact relevant authorities when required.

It is important to note that there are seven permanently licensed premises in Diggers Rest within the proximity of the site which include Diggers Rest Burras Football Club (0.4km), Foodworks (0.65km), Houdini's Café and Wine Bar (1km), Diggers Bowling Club (1.4km), Slovenian Australian Social and Sports Club (5.7km) and Russo Estate (7km). Foodworks is the only licensed premises in the area with a packaged liquor licence. For this reason, it is considered that the proposed packaged liquor outlet in Diggers Rest will not cause adverse amenity impacts to the area.

The application was referred to Melton Police who did not raise any objections to the proposal.

The proposal complies with the decision guidelines of Clause 52.27 and Council's Liquor Licence Assessment Policy (2012).

6. Options

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

7. Conclusion

The application has been assessed against the State Planning Policy Framework, Local Planning Policy Framework, Clause 52.17 and Clause 65 of the Melton Planning Scheme.

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

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

LIST OF APPENDICES

1. Plans of Proposal - dated 12 May 2017
2. Locality Plan - dated 7 June 2017
3. Assessment against relevant Planning Controls - undated
4. Response to Objections - undated
5. Referral Comments - undated
6. Conditions of Approval - undated

13. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES

Verbal reports were received from Crs Majdlik, Carli, Hardy, De Santis, Abboushi, Mendes, Turner, Ramsey.

Cr Abboushi left the Chamber at 9:18pm.

14. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS

Crs Turner, Hardy, Mendes, Kesic, Majdlik, De Santis, Carli, Abboushi, Ramsey addressed the Chamber in respect to a variety of matters of significance.

Motion

Crs Ramsey/De Santis

That Council write to Wyndham City Council Mayor Cr Henry Barlow and CEO Kelly Grigsby, congratulating the Council, and in particular Dr Adam Mowlam, Natalie Walker, Ben Sinnott and Cr Aaron An, Portfolio Holder Smart Cities, on winning the 2017 National Award for Excellence in Local Government for the *WynLens - Visualization, Analysis and Modelling of a Holographic City* project.

CARRIED

Cr Abboushi returned to the Chamber at 9:20pm.

15. NOTICES OF MOTION**15.1 NOTICE OF MOTION 486 (CR ABBOUSHI)****Councillor: Steve Abboushi - Councillor****NOTICE:**

That Council officers prepare a report to Council providing options for the use of a social procurement criteria (which may include, amongst other things, the use of local labour and local suppliers) in every contract for which it conducts a tender.

Motion

Crs Abboushi/Majdlik.

That Council officers prepare a report to Council providing options for the use of a social procurement criteria (which may include, amongst other things, the use of local labour and local suppliers) in every contract for which it conducts a tender.

CARRIED

15.2 NOTICE OF MOTION 487 (CR ABBOUSHI)**Councillor: Steve Abboushi - Councillor****NOTICE:**

That Council write to the member for Gorton, the Hon Brendan O'Connor MP thanking him for advocating for federal funding needed for the upgrade to the Western Highway between Caroline Springs and Melton.

Motion

Crs Abboushi/Carli.

That Council write to the member for Gorton, the Hon Brendan O'Connor MP thanking him for advocating for federal funding needed for the upgrade to the Western Highway between Caroline Springs and Melton.

CARRIED

15.3 NOTICE OF MOTION 488 (CR RAMSEY)**Councillor: Sophie Ramsey - Councillor****NOTICE:**

That Council, in conjunction with VORT (Victims of Road Trauma), the Road2Zero Committee and the Community Safety Committee, plant a mature tree at an appropriate location with a plaque that reads 'In memory of those who have lost their lives on our roads.'

The Mayor vacated the Chair and the Deputy Mayor filled the position of Chairperson.

Motion

Cr Ramsey/Kesic.

That Council, in conjunction with VORT (Victims of Road Trauma), the Road2Zero Committee and the Community Safety Committee, plant a mature tree at an appropriate location with a plaque that reads 'In memory of those who have lost their lives on our roads.'

CARRIED

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

For:

Crs Abboushi, Carli, De Santis, Hardy, Kesic, Majdlik, Mendes, Ramsey and Turner.

Against:

Nil.

The Deputy Mayor declared the Motion CARRIED

The Mayor resumed the Chair.

Cr Hardy left the Chamber at 9:25pm.

Cr Hardy returned to the Chamber at 9:27pm.

16. COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Nil.

17. MOTIONS WITHOUT NOTICE

17.1 MOTION WITHOUT NOTICE

Cr Mendes.

Council note the Officer's report and request:

1. Officers undertake a comprehensive study of additional infrastructure and facilities to cater for a significant event at the Morton Homestead.
2. That an Australia Day Celebration event be held at the Morton Homestead during the current term of this Council.

17.2 MOTION WITHOUT NOTICE

Cr Carli.

That Council install bollards around a section of the reserve at the corner of Wattle Valley Drive and Pilgrim Drive, Hillside to prevent vehicles from driving over the grass reserve.

17.3 MOTION WITHOUT NOTICE

Cr Majdlik.

That Council contribute \$10,000 towards an electronic scoreboard in the 2017/18 financial year at the Ian Cowie Reserve in Rockbank in conjunction with the Rockbank Football Club.

17.4 MOTION WITHOUT NOTICE

Cr De Santis.

That Council officers provide a brief report regarding Council's current resourcing and support for working with the Aboriginal and Torres Strait Island community and organisations within the municipality.

18. URGENT BUSINESS

Nil.

19. CONFIDENTIAL BUSINESS

Procedural Motion

Crs Majdlik/Carli

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

19.1 Minutes of the Property Development Advisory Committee

This report is confidential in accordance with s89(2)(d) (e) as it relates to contractual matters; AND proposed developments.

19.2 Melton Waves Leisure Centre Service Delivery Plan 2017/2018

This report is confidential in accordance with s89(2)(d) as it relates to contractual matters.

19.3 Melbourne Regional Landfill Expansion - Issue of Planning Permit

This report is confidential in accordance with s89(2)(f) as it relates to legal advice.

CARRIED

Cr Abboushi returned to the Chamber at 9:55pm.

Procedural Motion

Crs Majdlik/Carli.

That the meeting be opened to the public.

CARRIED

20. CLOSE OF BUSINESS

The meeting closed at 9.56pm.

Confirmed

Dated this

.....CHAIRPERSON