



MELTON CITY COUNCIL

Notice is hereby given that the Ordinary Meeting of the Melton City Council will be held in the Council Chamber, Civic Centre, 232 High Street, Melton on 5 March 2018 at 7.00pm.

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

Kelvin Tori
CHIEF EXECUTIVE

Visitors to the Gallery please note:

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

- **Silence** must be maintained by members of the public in the gallery at all times. A visitor to the gallery must not interject or take part in the debate that occurs in the Chamber.
- Members of the public in the gallery must not operate **recording equipment** at a Council or Special Committee Meeting without the prior written consent of Council.
- **Question time** is available at every Ordinary Meeting to enable members of the public to address questions to Council. All questions must be received by the Chief Executive Officer or other person nominated for this purpose no later than:
 - i) 5 pm on the day of the Ordinary Meeting if questions are submitted into the receptacle designated for public questions outside the Council Chamber
 - ii) 5pm on the day of the Ordinary Meeting if questions are submitted by electronic medium as per Council website directions.

A person must not submit more than two (2) individual questions at a meeting, inclusive of all parts and variants as interpreted by the Chairperson or other person authorised for this purpose by the Chairperson. The person directing the question must be present in the gallery at the time the question is to be dealt with for it to be valid.

- It is an offence for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave the meeting when requested by the Chairperson to do so.
Penalty: 20 Penalty Units
- It is an offence for any person to fail to obey a direction of the Chairperson relating to the conduct of the meeting and the maintenance of order.
Penalty: 20 Penalty Units

A penalty unit for a Local Law made under Part 5 of the *Local Government Act 1989* is \$100 in accordance with s110(2) of the *Sentencing Act 1991*.

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1. OPENING PRAYER AND RECONCILIATION STATEMENT

The Chairperson will read the opening prayer and reconciliation statement.

Prayer

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

Reconciliation Statement

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

2. APOLOGIES AND LEAVE OF ABSENCE

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

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

Pursuant to Section 77A, 77B, 78A, 78B, 78C, 78D, 78E and 79 of the Local Government Act 1989, any Councillor must declare any direct or indirect interest, and any conflict of interest, in any items contained within the Notice Paper.

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

That the Minutes of the Ordinary Meeting of Council held on 5 February 2018 be confirmed as a true and correct record.

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**

- 5 February 2018 Record of Assembly of Councillors
- 12 February 2018 Record of Assembly of Councillors
- 19 February 2018 Record of Assembly of Councillors
- 26 February 2018 Record of Assembly of Councillors

RECOMMENDATION:

That the Record of Assembly of Councillors dated 5 February, 12 February, 19 February, 26 February 2018 attached to this Agenda be received and noted.

LIST OF APPENDICES

1. 5 February 2018 Record of Assembly of Councillors
2. 12 February 2018 Record of Assembly of Councillors
3. 19 February 2018 Record of Assembly of Councillors
4. 26 February 2018 Record of Assembly of Councillors

8. CORRESPONDENCE INWARD

Nil.

9. PETITIONS AND JOINT LETTERS

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

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

Nil.

11. PUBLIC QUESTION TIME

12. PRESENTATION OF STAFF REPORTS

12.1 AUTHORISING THE AFFIXING OF THE COMMON SEAL OF COUNCIL

Author: Rebecca Bartlett - Acting 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 5 March 2018.

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 authorised officers who must be present and sign every document to which the common seal is affixed.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

4. Financial Considerations

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

5. Consultation/Public Submissions

Not applicable.

6. Risk Analysis

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

7. Options

Not applicable.

LIST OF APPENDICES

1. Authorising and Affixing of the Common Seal of Council - dated 5 March 2018

12.2 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

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

PURPOSE OF REPORT

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

RECOMMENDATION:

That Council:

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

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 2018 were adopted by Council at the Ordinary Meeting held 13 November 2017.

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:

Councillors will note that the Minutes of the Culturally and Linguistically Diverse Advisory Committee contain two recommendations for Council's consideration.

The first is a recommendation to change this committee's name to the Intercultural Advisory Committee. Secondly, to amend the Committee's Terms of Reference to increase the number of community members from 7 to 13, to increase the quorum from 4 to 6 community members and to make some minor terminology changes.

These matters would normally have been considered by the Council's Policy Review Panel. The Panel meeting scheduled for 21 February 2018 was cancelled as no policies or terms of reference were submitted prior to the close of agenda deadline. As the recommendations deal with straight-forward matters and to expedite the changes, they have been sent straight to Council for its consideration.

| Meeting Date | Advisory Committee | Attached |
|------------------|----------------------------------------------------------|------------|
| 14 February 2018 | Culturally and Linguistically Diverse Advisory Committee | Appendix 1 |
| 15 February 2018 | Early Years Partnership Committee | Appendix 2 |

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2017-2021 Council and Wellbeing 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. Culturally and Linguistically Diverse Advisory Committee Meeting Minutes - dated 14 February 2018
2. Early Years Partnership Committee Meeting Minutes - dated 15 February 2018

12.3 RESPONSE TO NOTICE OF MOTION 497 - SUGARGUM ESTATE FOOTPATHS, KERB AND UNDERGROUND DRAINAGE.

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

PURPOSE OF REPORT

To respond to Notice of Motion 497 (Cr Majdlik) in relation to investigating the costs to construct kerb and channel for the Sugar Gum Estate and to provide information relating to average rates paid within the estate.

RECOMMENDATION:

That Council note the cost of the construction of footpath, kerb & channel and drainage works within Sugar Gum Drive and Boronia Drive as described in the officer's report.

REPORT

1. Executive Summary

In response to a Notice of Motion 497, construction costs have been determined for options for the construction of kerb & channel, footpath and associated works for the Sugar Gum Estate area, with costs ranging from \$1.7M to \$10.2M depending on the extent of infrastructure provided.

It is considered that the construction of footpaths on one side of the road, kerb and channel on both sides and removal of the swale on one side of the road for Boronia Drive and Sugar Gum Drive, at an estimated cost of \$3.5M, provides an effective footpath network for residents in the Sugar Gum Estate and delivers the infrastructure sought at the most economic cost. Given the current priorities within the capital works program it is noted that the funding of this option is unlikely to occur in the immediate future.

2. Background/Issues

At its ordinary meeting of Council held on 21 August 2017 Council resolved via Notice of Motion 497;

'That Council Officers prepare a report for the area known as the 'Sugar Gum Estate' outlining:

- 1. the cost and funding options to undertake full kerb and channel construction*
- 2. the history and average rate details for properties in the estate.'*

Sugar Gum Estate was subdivided in 1987 and developed as a rural residential area, which was some distance from neighboring residential development. As the Sugar Gum Estate was developed as a rural residential estate, typical urban infrastructure was not provided including footpaths, kerb & channel and underground drainage. The Sugar Gum Estate is now surrounded by standard urban development with all the normal associated infrastructure.

There have been numerous requests from residents of the Sugar Gum Estate for the installation of footpaths, kerb & channel and underground drainage. Council considered the

issue of a proposed special charge scheme to construct footpaths, kerb & channel and underground drainage for the Sugar Gum Estate at its meeting of 27 February 2006. The Council of the day resolved not to proceed with the special charge scheme and to refer the construction of footpath and drainage works in Sugar Gum Drive and Boronia Drive to the capital works program subject to Council budget approval. It is also noted that Council's rolling ten year capital works program contains an allocation of \$1.4M in financial year 2027/2028 for Sugar Gum Drive for footpath, kerb & channel and drainage.

Currently the Sugar Gum Estate does not have any footpaths and drainage is serviced by large swale drains for the most part and some underground drainage. This report considers the options and costs to provide the infrastructure and changes that residents have often requested, being construction of footpaths, construction of kerb & channel and removal of the open swale drains.

Options & Costs

| Options | Details | Cost |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Option 1 Kerb & Channel for all Sugargum Estate roads | Construction works include: <ul style="list-style-type: none"> • Concrete kerb & channel Noting that swale drains will be maintained to provide for the collection of stormwater. | \$1.7M |
| Option 2 Removal of the open swale drains for all Sugargum Estate roads | Construction works include: <ul style="list-style-type: none"> • Extensive underground drainage & pits • Sub-surface drains • Filling of swale drains • Reconstruction of vehicle crossovers | \$7.7M |
| Option 3 Footpaths for all Sugargum Estate roads | Construction works include: <ul style="list-style-type: none"> • Extensive underground drainage & pits • Sub-surface drains • Filling of swale drains • Concrete kerb & channel • Concrete footpaths • Reconstruction of vehicle crossovers | \$10.2M |
| Option 4 Sugargum Drive & Boronia Drive only | Includes the construction of a footpath on one side of the road only, the removal of the open swale drain on one side of the road only and the construction of kerb & channel to both sides of these roads. Also includes drainage and crossover works. | \$3.5M |
| Option 5 Sugargum Drive & Boronia Drive only | Includes the construction of a footpath on one side of the road only, the removal of the open swale drain on both sides of the road only and the construction of kerb & channel to both sides of these roads. Also includes drainage and crossover works. | \$5.5M |

Options 1, 2 & 3 provide for all roads within the Sugar Gum Estate.

Options 4 & 5 provides for Sugar Gum Drive and Boronia Drive only. Based on conversations with residents over time Council officers consider the most desired outcome sought by residents is the ability to walk on a footpath on one side of the road on Sugar Gum Drive and Boronia Drive. This would enable residents to easily connect to Gourlay Road, Boronia Drive Reserve, Stony Hill Creek shared path and the connecting facilities. The

courts running off the two connector roads (Sugar Gum Drive and Boronia Drive) have very low traffic volumes and residents can walk on the nature strip or roads to get to the connector roads.

Council officer recommendation is Option 4 (\$3.5M) as this option delivers a footpath along the connector streets of Sugar Gum Drive and Boronia Drive, along with kerb and channeling at the most economic cost. Given the current priorities within the capital works program the funding of this option is unlikely to occur in the immediate future.

Rate History

The notice of motion also asked for “the history and average rate details for properties in the estate”

There are 165 properties within the estate with the following values and rates:

| | Average | Lowest | Highest |
|---------------------|-------------|------------|-------------|
| Property valuations | \$1,130,594 | \$679,000 | \$2,112,000 |
| Rates Per Annum | \$4,570.48 | \$3,443.43 | \$7,536.45 |

The annual rate intake from the estate based on average rates would be \$754,129 PA.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

3.4 A flexible, safe and health promoting transport network that enables people to move around.

4. Financial Considerations

If Council were to resolve to fund construction works, these works would have to be referred to the capital works program and budget process. Were council to proceed with undertaking works in the future consideration to implementing a Special Charge under the Local Government Act should be considered.

5. Consultation/Public Submissions

There has been no consultation with residents at this early stage. Resident consultation will be crucial to delivering a successful project if funding was approved.

6. Risk Analysis

The risk associated with options 1 to 5 is the creation of a precedent for the upgrade of rural residential developments to urban development standards, considering the many other similar rural residential developments within the municipality (ie, Toolern Vale, Cornwall Park and Strathtullo).

Other risks associated with options 2, 3 & 5 are the increased impact on utility services. There is the possibility that underground drainage could not be constructed in some areas due to conflicts with overhead power and other utility services. Detailed design would need to be undertaken to ascertain the full impact of services upon these options. Option 4 mitigates this risk by only constructing underground drainage on one side of the road, enabling the design process to select the side of the road that avoids most services.

The risks associated with option 6 below are that pedestrians are still required to walk on the road or road verge area, leading to continued complaints from residents in this area.

7. Options

Council has the option to:

1. Refer to the capital works program \$1.7M to construct kerb and channel both sides of the road for the whole estate.
2. Refer to the capital works program \$7.7M to remove the swales on both sides of the road including underground drainage for the whole estate.
3. Refer to the capital works program \$10.2M for the construction of footpaths, kerb and channel and the removal of swales for all roads within the Sugar Gum Estate.
4. Refer to the capital works program \$3.5M to construct footpaths on one side of the road, kerb and channel both sides and removal of swale on one side for Boronia and Sugar Gum Drive.
5. Refer to the capital works program \$5.5M to construct footpaths on one side of the road, kerb and channel both sides and removal of swales on both sides for Boronia and Sugar Gum Drive.
6. Do nothing and maintain the Sugar Gum estate roads to a rural residential standard as originally developed.

LIST OF APPENDICES

1. Sugargum Estate Extents - dated 21 February 2018
2. Existing and Proposed Options - undated

12.4 RESPONSE TO NOTICE OF MOTION 498 - THE WILLOWS CARPARK UPGRADE

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

PURPOSE OF REPORT

To respond to Notice of Motion 498 (Cr De Santis) in relation to the estimated costs to seal The Willows carpark.

RECOMMENDATION:

That the sealing of The Willows carpark be included as part of the Hannah Watts Park Master Plan to be prioritised amongst the master plan works.

REPORT

1. Executive Summary

At its ordinary meeting of Council held on 21 August 2017 Council resolved via a Notice of Motion 498;

'That officers provide a brief report to Council regarding the sealing of the carpark, and any associated areas, at 'The Willows' in Melton, addressing any relevant issues including the estimated costs of the works.'

There are no issues preventing the sealing of the carpark and the estimated cost to do so is \$156,000. Council officer recommendation is to include the sealing of The Willows carpark as part of the Hannah Watts Park Master Plan to be prioritised amongst the master plan works.

2. Background/Issues

Council officers undertook a concept design and costing of the carpark (See **Appendix 1**) including seal, kerb and channel, underground drainage, footpath and lighting. The carpark would provide 34 car spaces.

The estimated cost to complete these works is \$156,000.

The Willows has a heritage listing on the property and Council's Heritage Officer has advised sealing the carpark would not contravene any of the restrictions on the property.

Council has also just commenced a master plan for Hannah Watts Park, which incorporates The Willows. Council officer recommendation is for the sealing of the carpark to be included in the master plan, so it can be consulted with the community, prioritised and completed as a project coming out of the master plan.

The Master plan is anticipated to be completed by late 2018.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

The cost to seal the carpark and all associated works is estimated to be \$156,000.

5. Consultation/Public Submissions

No consultation has been undertaken at this stage. The sealing of the carpark would form part of the Hannah Watts Master Plan and be part of the consultation with the community and affected stakeholders.

6. Risk Analysis

There are no foreseeable risks associated with option 1.

The risk associated with option 2 could be the community dissatisfaction with the carpark being sealed ahead of other components of the master plan they deem of higher priority.

7. Options

Council has the option to:

1. Refer the sealing of The Willows carpark to the master planning process for Hannah Watts Park for public consultation. The Willows carpark would be prioritised among all the master plan works.
2. Refer the sealing of The Willows carpark to the capital works program for construction and reflect this in the master plan.
3. Do nothing and let the master planning process run its course.

LIST OF APPENDICES

1. Site Plan - dated 14 February 2018.

12.5 RESPONSE TO NOTICE OF MOTION 531 - CURRENT AND POSSIBLE FUTURE INDIGENOUS EARLY YEARS PROGRAMS.

Author: Leigh Ball - Coordinator Early Years Partnerships
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To provide a brief report in response to Notice of Motion 531 (Cr De Santis) tabled at the ordinary meeting of Council on 18 December 2017.

RECOMMENDATION:

That Council note the report and continue to engage Elders in consultation regarding future Indigenous Australian programs for Early Years.

REPORT

1. Executive Summary

At the ordinary meeting of Council held on 18 December 2017, Notice of Motion 531 was carried stating:

'That Council Officers investigate current and possible future Indigenous Australian early years programs in Council managed kindergartens and early years programs. This is to occur in consultation with the Elders of the Indigenous Communities'

This report provides a response to Notice of Motion 531.

Melton City Council works closely with local Aboriginal and Torres Strait Islander community members and groups across our community.

As a municipality, we are proud to have one of the fastest growing Aboriginal communities in Victoria, and are committed to increasing engagement with, and service provision for, members of this community.

Council maintains support for Indigenous Australian Early Years programs through the provision of Early Years programs including Maternal and Child Health, Supported Playgroups, Kindergarten Central Enrolment service, Family Day Care, Vacation Care, Occasional Care and the Preschool Field Officer program. Council continues to enhance awareness of the importance of Aboriginal and Torres Strait Islander culture within the community.

On a broader level of engagement Council provides significant support to the Kirrip Aboriginal Organisation and has an Aboriginal and Torres Strait Community Engagement Officer on staff to ensure connectivity and ongoing engagement with the Indigenous community in Melton.

2. Background/Issues

The provision of services and programs that are culturally safe and inclusive of Aboriginal children is a high priority in Council services. This is currently a priority of all State funded early years services and programs including Kindergartens operating in Council owned buildings.

Council is an active participant in two key forums that as part of their brief to ensure inclusion of early years and family support for Aboriginal families is identified and responded to. These take the form of:

- a quarterly DHHS/City of Melton forum that includes senior officers from across the breadth of the departments service portfolio and the General Manager of Community Services and the Community Services senior leadership group,
- The Supporting Children and Families in the Early Years, a Compact between DET, DHHS and Local Government which is working at a high level to provide better outcomes for all children with a priority area being Aboriginal and Torres Strait Islander children.

Current programs

- The Council Supported Playgroup program commenced an Aboriginal Supported Playgroup at Kirrip House in Term 4, 2017 which provides a playgroup specifically for Aboriginal families and children. The Department of Education and Training provides ongoing funding for this playgroup with outcomes that are measured and reported quarterly. Although in the early stages, this playgroup has regular attendance by six families.
- All Council operated State funded Early Years services are required to place a high priority on the engagement of Aboriginal families in services by providing culturally safe programs and services that are aligned with the Victorian Early Years Learning and Development Framework. This framework recognises and respects the importance of Aboriginal culture for children. This includes services such as the Maternal and Child Health, Supported Playgroups, Family Day Care, Vacation Care, Occasional Care and the Preschool Field Officer program.
- Council facilitates the provision of Kindergarten through the provision of built assets and its Central Enrolment service. The kindergarten programs are delivered on behalf of Council through a partnership with external Early Years Managers who are also required to provide services in line with the Department of Education framework.
- Council provided ten Early Years Indigenous workshops at Kindergartens in 2017 which were delivered by an established Indigenous Cultural Training Organisation.

Possible future programs

- Council will continue to provide built assets for the provision of Kindergarten with two additional centres currently in the process of construction.
- Supported Playgroups will maintain engagement with Aboriginal families and children through the provision of a specifically targeted program at Kirrip.
- Further options for possible future programs are outlined in the options included in this report.

3. Council and Wellbeing Plan Reference and Policy Reference

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives
1.6 Reconciliation to support healthy communities.

4. Financial Considerations

There are no additional financial considerations associated with the recommendation made in this report.

5. Consultation/Public Submissions

Council convenes the Reconciliation Advisory Committee which meets on a bi monthly basis. Its annual action plan includes ongoing education and awareness raising activities that increase exposure to Melton's indigenous history and current community. This committee includes recognised Elders and representatives of the Melton Indigenous community.

Any expansion of early year's programs targeting Aboriginal children will continue to draw on established Indigenous Cultural Training Organisations and consultation with Elders to ensure inclusive and respectful practice remains a key focus.

6. Risk Analysis

No risk has been identified in relation to the content of this report.

7. Options

Council has the option to;

1. expand the provision of Supported Playgroups for aboriginal families by increasing the number of sessions available at a cost of \$ 10,000 per group. This would provide an additional two hour playgroup for one year.
2. provide Indigenous Australian Early Years programs delivered by recognised cultural agencies. Indicative costings for the provision of cultural programs delivered per Kindergarten group is \$ 3000 (Approx. 60 groups)

Should Council proceed with option 2, it is recommended that detailed consultation occur with the relevant Elders in the Wurundjeri and Bunurong Councils, with endorsement of cultural programs being sought.

LIST OF APPENDICES

Nil

12.6 RESPONSE TO NOTICE OF MOTION 532 - PROVIDE ADVICE ON SUITABILITY OF INSTALLING FAIRY LIGHTS TO TREES ON CAROLINE SPRINGS CIVIC LAWN.

Author: Wayne Kratsis - Parks and Open Space Coordinator - Operations

Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To respond to Notice of Motion 532 (Cr Abboushi) in relation to the installation of fairy lights to existing trees at Caroline Springs Civic lawn between Caroline Springs Civic Centre and Lakeview Senior Campus.

RECOMMENDATION:

That Council refer the funding of the installation of uprights to 6 trees within the Caroline Springs Civic precinct to the 2018/2019 budget process for consideration.

REPORT

1. Executive Summary

There are a number of poor outcomes that have been achieved with fairy lights in the municipality where adequate ongoing maintenance has not been included within the project scope. Council officers support fairy lighting being installed for short term projects where lighting is required for six months or less.

Where a permanent lighting solution is required up lighting is considered a more viable option with benefits including cost efficiency, greater reliability and extended life. There is also reduced visual and physical impact on the tree asset as infrastructure is contained below ground level.

2. Background/Issues

At the Ordinary Meeting of Council on 18 December, 2017 Notice of Motion 532 was tabled by Cr Abboushi. The notice read *'That Council Officers provide a brief report outlining the suitability of installing outdoor fairy lights in the trees of the grassed area between the Caroline Springs Civic Centre/Library and Lakeview Senior Campus'*.

The Caroline Springs Civic lawn is a prominent, high profile space and could well be enhanced with additional lighting. There is currently lighting within this space to provide for safe pedestrian movement after dark. Fairy lighting would serve a decorative purpose and not necessarily improve safety or visibility at this location.

Historically Council have installed fairy lights to existing trees in various locations with limited success. The main challenges associated with this are the growth and movement of the tree, which can compromise the integrity of the electrical cabling and health of the tree over time. There is also a loss in visual amenity resulting from the power cable being affixed to the trunk of the tree. In particular this is most apparent during the day when lighting offers no amenity value to offset this loss.

Whilst officers support installation of fairy lights for short term events and occasions, where lighting is to remain in situ for more than 6 months, commercial up lighting offers a more robust long term solution.

The trees on the Civic lawn are commonly known as 'Black Wattle'. These trees are of mature size and remain in good health. The undulating terrain of the mounded lawn would cause some access limitations for mobile plant however officers do not foresee any significant impediment for installation or ongoing maintenance of lighting.

The trees are notably approaching the end of their useful life and would need to be progressively replaced over the next 3 to 5 years. To this end, Council is again advised to consider the benefits of up lighting which can be reconfigured on subsequent replacement trees offering the project an extended life and ultimately greater value. Whilst fairy lights remain a viable option, they encounter a higher purchase cost and ongoing maintenance requirements. This is further expressed in the financial considerations of this report.

Maintenance by a suitable technician every 6 months would be necessary to ensure that the fairy lights remained functional without causing damage to the tree assets. This is likely to entail removal and replacement of all nylon cable ties to support normal tree growth using a scissor lift or similar plant.

In summary, Council officers are supportive of fairy lighting being used for short term applications. Where lighting is required for a period of six months or more, up lighting remains our preferred lighting option.

3. Council and Wellbeing Plan Reference and Policy Reference

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives
 - 1.1 *A community where all people feel welcome, valued and proud.*

4. Financial Considerations

The following table outlines the capital costs of year 1 for the lighting project in full.

The annual maintenance costs would commence in year 2 and be funded from the recurrent maintenance budget.

| | Year 1 (Capital) | Annual Maintenance (Recurrent) |
|----------------------------|---------------------|-----------------------------------|
| Fairy Lights | | |
| Supply, Install, Maintain. | \$50,000 | \$3,000 |
| Uplights | | |
| Supply, Install Maintain. | \$40,000 | \$300 |

5. Consultation/Public Submissions

Council has not received any request from community members requesting illumination of these trees.

A range of electricians from Councils plant and labour hire contract and external lighting consultants were contacted in formulating this report.

6. Risk Analysis

Underground trenching to enable power cables to be installed will have some detrimental effect on the Civic lawn for a short period of time. Arboricultural advice will also be sought to ensure that trenching is done carefully within the critical root zone of the subject trees. There is also some risk to underground infrastructure such as the irrigation system. We will seek to mitigate these risks in delivery of works and have allowed for some repair work within the costing model.

7. Options

Council has the option to:

1. Do not illuminate trees in the Caroline Springs Civic precinct.
2. Install Fairy Lights in trees within the Caroline Springs precinct.
3. Install Uplights at the base of trees within the Caroline Springs precinct.

LIST OF APPENDICES

Nil

12.7 RESPONSE TO JOINT LETTER RE: TURF CLUB BOULEVARD RESERVE

Author: Adrian Cope - Open Space Planning Coordinator
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To provide Council with a response to the Joint Letter tabled at the Ordinary Meeting of Council 18 December 2017 relating to the Belle Gardens development.

RECOMMENDATION:

That Council advise the residents that further development of the play equipment is not supported at this stage of the development.

REPORT

1. Executive Summary

At the Ordinary Meeting of Council of 18 December 2017 a Joint Letter (**Appendix 1**) signed by approximately 25 local residents of the Belle Gardens development in Melton South was tabled for Council consideration. The letter requested that Council consider upgrading the playground to provide more opportunities for families to utilise the space.

The reserve has been assessed using the parks development principles for open space development and determined to be appropriately developed for the existing population, although further lighting could be provided along the path network and tree planting throughout the reserve.

The standard of maintenance is appropriate, although the appearance of the reserve is constrained by the fact that this reserve, like the majority of Council's local reserves, is unirrigated and therefore the turf growth is limited especially during the summer period.

2. Background/Issues

Turf Club Reserve is a local reserve located at the corner of Turf Club Boulevard and Stockwell Street, Melton South. The reserve is 1.029 hectares in area. See **Appendix 2**.

Construction of the reserve occurred in early 2012 in accordance with the endorsed plans. The plans required the provision of the following elements:

- Paths
- Lighting
- Fencing
- Shelter
- Seating
- Play equipment
- Tree planting
- General landscaping

The reserve services a community that is bounded by Bridge Road to the north, Exford Road to the south and undeveloped land to the east and south. The community that the reserve caters for consists of 300 residential properties and approximately 845 residents.

Development is planned in the undeveloped land to the east and south as part of the Toolern Precinct Structure Plan with a recreation reserve approximately 200 metres to the south and a linear reserve along Toolern Creek to the east.

Based on Council's adopted Open Space Plan 2016, a typical one hectare local reserve caters for 1,000 residents and should be developed to provide for the recreational and social needs of the community.

The reserve, like many local reserves in the municipality, is unirrigated and as a consequence deteriorates over the summer period.

The tree planting around the reserve has struggled and the species selected would not be recommended if development occurred now. Further tree planting is warranted at the reserve.

Three solar lights have been provided at the reserve, predominantly at the shelter and path.

The play equipment is appropriate for a local reserve. A typical local reserve is provided with a range of elements that caters for a broad age range. District level reserves, such as the nearby Mt Carberry Reserve, would cater for a higher number of users and specific age groups.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

Nil.

5. Consultation/Public Submissions

No additional consultation has been undertaken at this time with residents in the local area.

6. Risk Analysis

Not applicable.

7. Options

That Council:

1. Endorse the Officer's recommendation as presented.
2. Review this site (play equipment) as part of the 2018/19 Parks Development Program.

LIST OF APPENDICES

1. Joint Letter - Turf Club Boulevard Reserve - dated 10 November 2017
2. Location Map - dated 29 December 2017

12.8 INTERCULTURAL CITIES

Author: Essan Dileri - Intercultural Development Officer
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To inform Council about the successful outcome of the application to the Council of Europe's Intercultural Cities Program, and the resulting declaration of the City of Melton as an Intercultural City.

RECOMMENDATION:

That Council:

1. Note the successful outcome of Council's application to be recognised as an Intercultural City in the Results of the Intercultural Cities Index as attached at **Appendix 1**, and
 2. Sign the Intercultural Cities Statement of Intent as attached at **Appendix 2**.
-

REPORT

1. Executive Summary

Council's Intercultural Plan 2017-2021 includes an action to join the Intercultural Cities network that is a worldwide initiative of the Council of Europe. Specifically, the action is listed under theme four (4) as follows:

Theme 4 – Support Leadership and Advocacy.

Action 4.2.2 Join the Intercultural Cities network to share resources and information with other cities globally

Melton City Council will be the second city in Australia to become part of the Intercultural Cities Program (ICC).

The program supports cities in reviewing their policies through an intercultural lens and developing comprehensive intercultural strategies to help them manage diversity positively and create advantage for citizens.

Officers submitted an application to have Melton declared an Intercultural City and become part of the program, and the successful outcome of the application is attached at **Appendix 1**. The Intercultural Cities Statement of Intent is attached at **Appendix 2** for signing.

2. Background/Issues

Melton City Council has actively promoted and celebrated our community's cultural diversity for many years and is continually striving to improve awareness and understanding of the economic, educational, social and cultural benefits of diversity and to mitigate the effects of discrimination and cultural isolation.

Building on the great work in the intercultural area, Council is advancing further to become a member of the Council of Europe's Intercultural Cities program which is a significant milestone now achieved.

Intercultural Cities acknowledged Council's thoroughly completed application which included many examples and information sources. In particular it was stated that *'The colleague who did the report said that she has rarely seen such a thoroughly completed questionnaire with so many examples and information sources – working on the report was a pleasure. Many thanks for your excellent work.'*

The Results of the Intercultural Cities Index presents a comprehensive analysis of Council's initiatives and highlights strong and positive aspects of the work carried out by Council as a local government organisation.

Some examples sighted in the Results of the Intercultural Cities Index include the following:

- *According to the overall index results, Melton has been positioned 27th among the 93 cities in the sample, with an aggregate intercultural city index of 66 per cent, along with Neukölln, Germany (66 per cent), Offenburg, Germany (66 per cent), Lewisham, United Kingdom (66 per cent), after Sumy, Ukraine (67 per cent), and before Duisburg, Germany (67 per cent).*

Melton has been ranked 10th among the cities with less than 200,000 inhabitants and 19th among cities with more than 15 per cent of foreign-born residents.

It is commendable that the city scored a rate higher than the city sample in the following fields: commitment, education, public services, intelligence/competence, governance, neighbourhood policies, business and labour market, mediation, and media.

Melton achieved the score of 100 per cent in the field of media policy. Considerably higher than the city average result of 46 per cent. The city undertakes actions to improve the visibility of migrants/minorities in the media.

- *The City of Melton supports an independently incorporated not-for-profit group, the Greater Melton Chamber of Commerce which, in turn, supports all business owners to grow their profitability and productivity regardless of the cultural, language or faith background of local business owners.*

In this field, the Council operates explicitly under International, National and State legislation.

Furthermore, the Western BACE (Business Accelerator and Centre of Excellence) was established in May 2015. This purpose built business incubator and accelerator has attracted a diverse range of clients and tenants and through the common purpose of generating business growth has actively been bringing people together. The Western BACE is planning to implement a migrant and refugee entrepreneurship program.

- *As the analysis reveals, Melton City Council is committed to lifelong learning by fostering a community culture that encourages the continuity of learning at all age levels and providing high quality learning opportunities for all residents of the municipality.*

The Council of Europe founded in 1949 is the continent's leading human rights organisation. It includes 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

3. Council and Wellbeing Plan Reference and Policy Reference

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives.

1.1 A community where all people feel welcome, valued and proud.

Intercultural Plan 2017-2021

Melton City Council's Intercultural Plan 2017-2021 commits to joining the Intercultural Cities Program under *Theme 4 – Support Leadership and Advocacy*.

Action 4.2.2 Join the Intercultural Cities network to share resources and information with other cities globally

4. Financial Considerations

Costs associated with the ICC are included in the draft 2018/19 budget.

5. Consultation/Public Submissions

The development of the ICC Index document included consideration of the consultation undertaken for the Intercultural Plan and the Interfaith Strategy. Council departments were consulted and relevant literature was reviewed alongside Council's strategic directions.

6. Risk Analysis

There is no risk identified in noting this work and endorsing the recommendation contained in this report.

7. Options

Council has the option to:

1. Endorse the recommendations of this report.
2. Decline the opportunity to become declared an Intercultural City.

LIST OF APPENDICES

1. Results of the Intercultural Cities Index - dated December 2017
2. Intercultural Cities Statement of Intent - undated

12.9 INTERFAITH STRATEGY - 2018-2021

Author: Essan Dileri - Intercultural Development Officer
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To present the Interfaith Strategy 2018-2021 for Council consideration and adoption.

RECOMMENDATION:

That Council adopt the Interfaith Strategy 2018-2021 as presented at **Appendix 1**.

REPORT

1. Executive Summary

The Interfaith Strategy 2018-2021, attached at **Appendix 1**, has been developed as a key action of the adopted Intercultural Plan 2017-2021, namely 1.3.3 Develop City of Melton Interfaith Strategy to guide Council's direction in serving increasingly diverse faith communities.

The Interfaith Strategy supports and contributes to the vision and themes of the Council and Wellbeing Plan 2017-2021 which sets out Council's commitment towards working with the people from diverse backgrounds with diverse faiths and beliefs.

The Strategy was developed to compliment the work of the Intercultural Plan, and the timeframe has been set at 2018-2021 to ensure that the review period coincides and to enable the option of combining the two documents into the future. The content has been developed following consultation with community members, key agencies, and faith groups within the municipality.

2. Background/Issues

The Intercultural Plan recognised the need to respond to the diversity in Melton's faith communities through the creation of an Interfaith Strategy to guide Council's work to 2021. Under the Intercultural Plan section 1.3: Promote religious harmony, dialogue and cooperation between various faith groups, and sub-section 1.3.3: Develop City of Melton Interfaith Strategy to guide Council's direction in serving increasingly diverse faith communities, Officers undertook to develop the Interfaith Strategy.

The Strategy aims to work towards an inclusive community that embraces and values faith diversity, promotes interfaith harmony, and religious pluralism through the following key focus areas:

- Build sustainable relationships
- Enhance interfaith capacity
- Foster collaborative partnership

This Strategy provides a direction for Council's work in the interfaith area. The Strategy concentrates on the three (3) key focus areas to enhance Council's capacity to meet the growing needs of our faith and general communities through the lenses of interfaith dialogue and religious pluralism, and by building relationship, capacity, collaboration and partnership.

Through this Strategy, and with collaborative work with the Melton Interfaith Network, Council will provide a platform where individuals and community groups from different faith communities and the general public can learn more about the values, beliefs and traditions of each other.

3. Council and Wellbeing Plan Reference and Policy Reference

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives.

1.1 A community where all people feel welcome, valued and proud.

4. Financial Considerations

As detailed in the Strategy, the majority of the associated initiatives of the Strategy will be enacted within the existing recurrent budget and a few of the actions will be subject to external funding application.

5. Consultation/Public Submissions

Melton City Council recognises that community participation and engagement are a vital part of local democracy. Consultations with community and key stakeholder agencies were held to give them a meaningful way to participate and contribute to the development of the strategy.

Focus groups and individual interviews were the main ways that information was collected.

Community and key stakeholder agencies consulted included faith based organisations, networks and groups, local service providers, relevant state government bodies, local community leaders and Council staff.

Themes covered during consultation included community challenges, interfaith, interfaith/religious literacy, capacity building, social cohesion, community harmony, collaboration and partnership.

In-depth Interviews and focus groups were conducted with representatives from a range of faith groups and organisations.

In addition, internal in-depth interviews were conducted with relevant Council departments.

6. Risk Analysis

There is no risk identified in endorsing the recommendation contained in this report.

7. Options

Council has the option to:

1. Endorse the recommendation in this report.
2. Not adopt the Interfaith Strategy 2018-2021.

LIST OF APPENDICES

1. Interfaith Strategy 2018/2021 - undated.

12.10 VIETNAM VETERANS MELTON MEMORIAL INSCRIPTIONS

Author: Matthew Wilson - Manager Community Planning
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To inform Council about correspondence from the Melton and District Sub-branch of the Vietnam Veterans Association of Australia (VVAA) seeking Council support and agreement in developing a process to ensure that the names of eligible veterans get inscribed on the Vietnam Veterans War Memorial on High Street, Melton.

RECOMMENDATION:

That Council:

1. Note the correspondence from the Melton and District Sub-branch of the Vietnam Veterans Association of Australia,
 2. Endorse the development of a process where Council will support the Sub-branch to ensure that the names of eligible veterans are inscribed on the black marble Vietnam Veterans Memorial on High Street, Melton, and
 3. Endorse that it will take responsibility to have the names of eligible veterans inscribed on the memorial at a time when the Sub-branch officially ceases to operate under the terms of its articles of association.
-

REPORT

1. Executive Summary

The Melton and District Sub-branch of the Vietnam Veterans Association (VVAA) wrote to Council on 12 February 2018 (attached at **Appendix 1**) requesting Council support and agreement to develop a process to ensure that the names of eligible veterans get inscribed on the black marble Vietnam Veterans War Memorial on High Street, Melton.

The VVAA is responsible for inscribing the names of eligible veterans on the memorial once the veteran has passed away. They are concerned that there will not be a process in place to ensure that this continues at the future point in time when the VVAA membership is too low for it to continue operating.

The VVAA is hoping that Council will agree to take the responsibility for inscribing the names of eligible veterans after the organization winds up in the future. If Council agree to this request, the VVAA will provide Council with a complete register of all eligible veterans, and ensure that the responsibility to enact the inscription rests with the family and/or loved one of the veteran at the time his passing.

2. Background/Issues

Council has a long standing relationship with the Melton and District Sub-branch of the Vietnam Veterans Association of Australia, and currently provides a lease arrangement at Mac's Cottage in the Willows Historical Park. Council also supported the VVAA to deliver the glass Vietnam Veterans Memorial on High Street, Melton, that lists the names of every Australian Serviceman killed in action during the Vietnam War. The relationship between

Council and the VVAA is one of mutual respect and joint focus on broad community benefit. This request from the VVAA for Council to take the responsibility to ensure the names of VVAA members are inscribed on the black marble Vietnam Veterans Memorial in High Street, Melton, is in the spirit of this relationship. In many ways, it represents what would be the final stage in Council's recognition of the VVAA and of the service that its members have given to Australia and our local community.

The details about a process to do this are yet to be finalized. However, the VVAA will take full responsibility to communicate with its members and their families about the creation of a register of eligible veterans. This register will be comprehensive and complete, and ensure that there is no potential for future confusion on the part of Council in undertaking the responsibility. The VVAA will also ensure that the families and/or loved ones of the veterans are aware that it is their responsibility to contact Council at the time when the veteran passes and their name is to be inscribed on the memorial. The families will be advised in writing of the date of Council's resolution to take this responsibility so that future Council officers are able to reference the resolution. Council will hold the register on the corporate record and officers of the day will be able to verify the details before engaging a stone mason to inscribe the name. Importantly, Council will not be responsible for chasing the families of the veterans under this agreement.

Officers recommend that Council consider agreeing to this request from the VVAA, and endorse Officers to support them in creating the process as described.

3. Council and Wellbeing Plan Reference and Policy Reference

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives
1.4 A resilient community promoting social cohesion.

4. Financial Considerations

There are no immediate financial considerations involved with endorsing the recommendation in this report. However, there may be minor costs involved with engaging a stone mason to inscribe the names in the future.

5. Consultation/Public Submissions

This matter has been brought to Council by the VVAA, and it represents the views of its membership. Broader community consultation or public submission process is not required to proceed with this matter.

6. Risk Analysis

The risk identified relates to the future process to inscribe the names of eligible veterans. There is a risk that future Council Officers may not be aware of the decision of Council to support the VVAA in this way. This risk is overcome by the creation of a complete register and sound process, making sure it is the responsibility of veteran's families to notify Council to enact the agreement, and use of Council's record management practices for the register of veterans names.

7. Options

Council has the option to:

1. Endorse the recommendation in this report
2. Decline the request from the VVAA as outlined in this report.

LIST OF APPENDICES

1. Correspondence from Vietnam Veterans Association of Australia dated 12 February 2018

12.11 2017-18 COUNCIL AND WELLBEING ANNUAL ACTION PLAN SECOND QUARTER PROGRESS REPORT

Author: **Bob Baker - Corporate Planning and Performance Coordinator**

Presenter: **Peter Bean - General Manager Corporate Services**

PURPOSE OF REPORT

To provide the second quarter update on the progressive achievement of the 2017-18 Council and Wellbeing Annual Action Plan.

RECOMMENDATION:

That Council receive and note the 2017-18 Council and Wellbeing Annual Action Plan Second Quarter Progress Report (1 October – 31 December 2017) as presented at **Appendix 1**.

REPORT

1. Executive Summary

The 2017-2021 Council and Wellbeing Plan is prepared in accordance with the *Local Government Act* 1989. The Plan is reviewed on an annual basis to adapt to the evolving needs of our growing community.

Each year, Council produces an Annual Action Plan identifying the activities and initiatives that Council will work towards achieving, which respond to the strategic outcomes and strategies identified in the Council and Wellbeing Plan. This is aligned with the Council's annual budget development process.

The progressive achievement of the Annual Action Plan is reported at the conclusion of each quarter of the financial year, with a final summary provided at the conclusion of each financial year, through the production of Council's Annual Report.

Appendix 1 provides detail on activity for the second quarter (1 October – 31 December 2017), in the progressive achievement of the 2017-18 Council and Wellbeing Annual Action Plan.

2. Background/Issues

The Council and Wellbeing Plan is Council's primary vision and strategic planning document that establishes the direction Council has committed to for its term of office (4 years). The Council and Wellbeing Plan contains objectives, strategies and performance indicators.

Each year Council provides a range of services, activities and initiatives for the community. These key strategic activities and new initiatives are included in the development of an Annual Action Plan.

The 2017-18 Council and Wellbeing Annual Action Plan provides 153 actions that Council has committed to deliver. Council provides the community with quarterly progress reports that support Council's commitment in providing transparency, through public access to relevant information, decision making and strategic documents.

Appendix 1 provides a detailed summary on the status of each action in the 2017-18 Council and Wellbeing Annual Action Plan, inclusive of the period from 1 July-31 December 2017.

The following table provides summary of progress against actions.

| Status | Description | Number of actions |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Achieved | The Action is completed. | 15 |
| On track | The action is on track and expected to be completed by the current timeline | 137 |
| Not On Track | The Action has been delayed impacting on the current timeline. An explanation and any remedial action and revised due date, where appropriate, is provided in the 'progress comments' column | 0 |
| Postponed | The Action has been deferred for the financial year. An explanation is provided in the 'progress comments' column | 1 |
| Total | | 153 |

Key achievements this quarter include:

- Melton: A City for All People, an integrated plan that combines four individual Council strategies; the Disability Action Plan, the Municipal Early Years Plan, Youth Strategy and the Ageing Well Strategy was adopted by Council in November
- Delivered Seniors Festival Week activities
- The MacPherson Park Future Directions Plan was adopted by Council in December
- The Domestic Animals Plan was adopted by Council in December
- Completed Stage Three of the Pride of Melton project

Upon Council receipt of this update, the Progress Report will be published on Council's website.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

4. Financial Considerations

Initiatives and activities delivered from the Action Plan are contained within the Council approved 2017-18 Budget.

5. Consultation/Public Submissions

The 2017-2021 Council and Wellbeing planning process involved extensive consultation with stakeholders including the community, Council staff, government agencies, community organisations and private industry. This process resulted in the publication of the 2017-2021 Melton City Council and Wellbeing Plan. The 2017-18 Council and Wellbeing Annual Action Plan is prepared from internal consultation of Council management.

6. Risk Analysis

Nil

7. Options

Nil

LIST OF APPENDICES

1. 2017/18 Council and Wellbeing Annual Action Plan Second Quarter Progress Report - dated 1 October 2017 to 31 December 2017

12.12 CONTRACT FOR AWARD - 18/022 ASPHALT TREATMENTS - ROAD RESURFACING PROGRAM 2017-2018

Author: Jacqueline Stephenson - Civil Projects Officer
Presenter: Luke Shannon - General Manager Planning & Development

PURPOSE OF REPORT

To seek Council's approval for the award of Contract No. 18-022 for the construction of Asphalt Treatments – Road Resurfacing Program 2017-2018 at Council's discretion.

RECOMMENDATION:

That Council:

1. Award Contract No. 18-022 for Asphalt Treatments – Road Resurfacing Program 2017-2018 submitted by Asphaltech Pty Ltd as a schedule of rates with a maximum value of \$2,000,000.00 (excl. GST)
2. Delegate to the Chief Executive Officer the execution of all contract documents.

REPORT

1. Executive Summary

This report seeks Council resolution for the award of Contract No. 18-022 for the Asphalt Treatment portion of the Road Resurfacing Program for 2017-2018. Council has committed to the delivery of the 2017-2018 Road Resurfacing Program in the 2017/18 budget, with a total budget allocation of \$2,739,938.00 with \$2,000,000 allocated to the Asphalt Treatments portion.

The project involves the resurfacing of asphalt roads throughout the municipality.

The tender was advertised on 20 January 2017 and two responses were received.

The contractor is required to commence construction by no later than the third week of March 2018 and complete the works by no later than May 2018.

The assessment panel is recommending that the contract be awarded to Asphaltech Pty Ltd as a schedule of rates contract with a maximum value of \$2,000,000.00 (excluding GST).

The tender evaluation summary is provided in the **Confidential Appendix** separately circulated to this report.

2. Background/Issues

Melton City Council is committed to delivering safe road infrastructure to the community in a fiscally responsible manner. As part of this commitment Council undertakes an annual asphaltting program through its Capital Works and Maintenance programs in order to maximise the useful life of road based assets and to maintain best possible condition of roads throughout their life-cycle.

Resealing and replacing road surfaces through the asphalt and reseal program are two activities which contribute to extending seal life and maintaining condition in a higher order for much of that life-cycle.

A priority list of roads is compiled using condition data, local knowledge and modelling from predictive software to determine the asphalt program. The modelled roads are then inspected and confirmed by Council Officers in the Engineering and Operations departments. This process ensures that the roads have been selected using a robust analysis and are prioritised in accordance with defect, hazard and risk.

Tenders for the above contract were advertised in The Age on 20 January 2018 and closed on 12 February 2018.

A total of two tenders were received and assessed on the basis of the evaluation criteria described in the tender documents.

All tenders conformed to the requirements of the tender documentation and were evaluated. The tender evaluation is contained in Confidential Appendix 1 – Tender Evaluation Report for Asphalt Treatments – Road Resurfacing Program 2017-2018.

The contractor is required to commence construction by no later than the third week of March 2018 and complete the works by no later than May 2018.

The assessment panel is recommending that the contract be awarded to Asphaltech Pty Ltd as a schedule of rates contract with a maximum value of \$2,000,000.00 (excluding GST).

3. Council Plan Reference and Policy Reference

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

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

3.4 A flexible, safe and health promoting transport network that enables people to move around

4. Financial Considerations

The Road Resurfacing Program for 2017-2018 has an overall budget of \$2,739,938.00. Of this budget, \$2,000,000.00 is allocated to asphalt treatments.

Table 1.0

| Funding Body | \$ |
|----------------|----------------|
| City of Melton | \$2,000,000.00 |
| TOTAL | \$2,000,000.00 |

A financial assessment of Asphaltech was undertaken by Corporate Scorecard and returned a satisfactory result.

This contract was tendered as a schedule of rates contract. Works will not exceed the allocated budget of \$2,000,000.00.

5. Consultation/Public Submissions

Consultation on the overall Capital Works plan, which includes the Road Resurfacing 2017-2018 Program, was carried out internally and approved by Council. Further Consultation will be conducted with affected stakeholders during the construction of each project.

6. Risk Analysis

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

a. Engagement of a suitably qualified civil construction companies:

- Advertised open tenders to construction companies via The Age and on the Tendersearch website
- Required companies tendering for the construction phase to comply with Council's occupational health and safety requirements.
- To assist in the selection of a construction company with suitable occupational health and safety work practices, Council requires construction companies invited to tender to provide evidence of a third party certified occupational health and safety management plan.
- Conducted referee checks for the appointment of the construction company.

b. Engagement of a financial capable construction company:

- The engagement of an independent and expert consultant to conduct a financial review of the short-listed companies.

7. Options

Council has the options to:

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

LIST OF APPENDICES

CONFIDENTIAL APPENDIX – Separately circulated.

12.13 CONTRACT 18/025 - PANEL OF COUNCIL TRADES AND SERVICES PROVIDERS

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

PURPOSE OF REPORT

To seek Council's approval for the award of Contract No. 18/025 for Panel of Council Trades and Services Providers commencing 16 March 2018 for a period of three years.

RECOMMENDATION:

That Council awards Contract No. 18/025 for Panel of Council Trades and Services Providers to the panel of Contractors identified in the **Confidential Appendix** separately circulated for a period of three years effective from 16 March 2018.

REPORT

1. Executive Summary

This report seeks Council resolution for the award of Contract No. 18/025 for Panel of Council Trades and Services Providers.

This contract is for the supply of a wide range of trades, plant and labour hire to facilitate the delivery of scheduled maintenance services, recurrent works, emergency response and minor capital works projects. The contract rates are fixed for the first year and subject to Consumer Price Index (CPI) increase in subsequent years.

The services within this contract will enable Council to respond to scheduled maintenance and emergency response in regards to the essential services program across Councils asset base. The award of this contract will ensure compliance with legislative requirements, adherence to risk, occupational health and safety and response to emergency services where that may arise at short notice.

The Contractors appointed by Council will be placed on a panel of service providers available for Council to call upon via a standing order arrangement.

Through the award of Contract No. 18/025 Council is seeking to achieve the following objectives:-

- To establish a panel of trades and services providers with tendered rates with the capability to meet all of the specified service requirements.
- To establish a panel of service providers for competitive quoting purposes capable of delivery of projects in accordance with specified service requirements.
- To engage service providers that are operationally reliable, safe and cost efficient.
- To provide services that accord with industry best practice, Council standard specifications, as periodically amended, and applicable State and Federal legislation and policies.
- Achieve excellence in customer service.
- Establish a panel of resources that are available in emergency situations.

The Contractor's performance will be assessed by reference to the achievement of these objectives.

The tender evaluation summary is provided in the **Confidential Appendix** separately circulated to this report.

2. Background/Issues

The predecessor to this contract was the Plant and Labour Hire Contract (14/045) and this concluded on the 30th June 2017.

This tender has been called to enable Council to conduct minor civil, environmental works and various trade services including the provision of labour, plant and equipment in emergency situations, using a panel of contractors. This contract enables Council Officers to manage works under \$180,000 through the panel of contractors by way of quotation or tendered rates submitted under the contract. The contractors must meet minimum obligations relating to insurance, work cover, occupational health and safety, environmental and quality management systems.

The initial brief listed all the services in the table below for inclusion in the process.

| | |
|-------------------------------------|-----------------------------------|
| Civil Works | Concrete Works |
| Line-marking | Weed & Pest Animal Control |
| Re-vegetation Works & Tree Planting | Pest Control (insects & vermin) |
| Land Clearance | Plumbing Works |
| Electrical Works | Minor Building Construction |
| Painting | MAC Services |
| Fencing | Asbestos Removal & Disposal |
| Landscaping Works | General Building Maintenance |
| Roof, Gutter & Drain Servicing | Liquid Waste Disposal |
| Glazing | Tree Planting |
| Security Equipment | Synthetic Maintenance and Repairs |
| Irrigation | Rubber Component Works |
| Earthworks | Ad-hoc Cleaning Services |

The Tender for Contract No. 18/025 was advertised on Saturday 20th January 2018 and closed at 5.00PM AEST on Friday 9th February 2018. The tender required digital submissions only, via Council's tendering portal.

A total of 69 tenders were received for the trades and services contract with 66 of the submissions conforming to the tender requirements as evidenced in Appendix 1.

The tender evaluation panel consisted of the following Officers:

- Les Stokes - Manager Operations
- Darren Gray - Property Services Coordinator
- Donna Schembri – Waste Services Coordinator
- Rishi Viner - Civil Operations Coordinator
- Tony Herwerth – Senior Land Management Officer
- Justin Moulton – Parks Officer

Tenders were evaluated against these minimum criteria;

- Conformance to the Invitation to Tender
- Conformance with Council's Contractor Framework for Occupational Health and Safety
- Financial capacity and viability, risk and insurance.

The initial assessment by the tender evaluation panel identified some deficiencies in the information submitted by some of the Tenderers. The deficiencies identified included;

- Contractors submitted incomplete responses leaving some required schedules unanswered. As such, Contractors were requested to complete these schedules and provide these to Council.
- Contractors submitted \$10 Million Public Liability Insurance instead of the requested \$20 Million. As such, Contractors were requested to obtain the required the required Public Liability insurance and evidence of the certification provided to Council.
- Contractors did not submit all the requested accompanying evidence. As such, Contractors were requested to submit copies of all the requested accompanying evidence to Council.

Given that the proposed contract was a schedule of rates contract rather than a lump sum contract, the panel agreed to request the Tenderers to submit the information which had been omitted as they considered the omission as not being material.

Council's Procurement Policy and Procedures makes reference of the right to accept non-conforming tenders provided the tender evaluation panel undertakes a detailed analysis of the submission. The tender evaluation panel was also guided by the "The Victorian Local Government Best Practice Procurement Guidelines 2013" in requesting for further information from the Tenderers. As per the guidelines, the tender evaluation panel can request Tenderers to submit the information which has been omitted if it is not material. An oversight or non-material omission (such as an unsigned schedule) can be resolved with a request for further information or rectification of the omission.

To ensure a broad range of plant, equipment and resources are available an extensive panel is required. Provided that the Tenderer was able to clearly demonstrate the minimum requirements as detailed in the evaluation criteria and that this could be confirmed by the evaluation panel, the tender would qualify for registration.

Of the sixty nine tender submissions, one company, Cummins South Pacific did not provide adequate information that could be reasonably assessed against the minimum criteria as specified within the invitation to tender. As such this company was deemed not to have met the minimum requirements and cannot be recommended for inclusion in the panel of service providers. Two tenderers (both temporary fencing providers) have put forward contract departures or non-conformances and these are currently being assessed for suitability by Council's Legal Services unit and are therefore not included in the panel at this stage. If deemed suitable these two tenderers will be included on the Panel via a separate report to Council at a later date.

If during the course of the contract a registered contractor's performance is deemed as no longer meeting the minimum requirements or the contractor fails to maintain the required insurances and management systems, the Contractor will be removed from the panel list until such a time as they can demonstrate to Council that they can once again meet the minimum requirements.

This provides Council with some surety that the minimum requirements will be maintained at all times and that adequate plant and resources are available at any given time.

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

3. Council Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

Council's recurrent budgets for the three year contract period commencing 2017/18 will have committed allocations for the provision of the services referred to in this report.

5. Consultation/Public Submissions

Not Applicable

6. Risk Analysis

The tender process and thorough evaluation of the submissions by the tenderers reduces any risk posed to Council for undertaking these services. All tenderers need to ensure compliance with Council's Occupation Health and Safety procedures and Safety standards.

7. Options

Council has the options to:

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

LIST OF APPENDICES

CONFIDENTIAL APPENDIX - separately circulated.

12.14 PLANNING APPLICATION PA 2017/5918 - REMOVAL OF RESERVE STATUS FROM A PORTION OF THE RESERVE ADJOINING PROPERTIES OFF PINNACLE CRESCENT IN BROOKFIELD TO FACILTATE ITS CONSOLIDATION WITH A SITE AT 54 PINNACLE CRESCENT

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.

REPORT

1. Background

Executive Summary

| | |
|-----------------------|-------------------------------------------------|
| Applicant: | Breese Pitt Dixon Pty Ltd |
| Proposal: | Removal of reserve status |
| Existing Land Use: | Public open space |
| Zone: | Part General Residential and part Public Use |
| Overlays: | Nil |
| Number of Objections: | 23 |
| Key Planning Issues: | Removal of reserve status Loss of open space |
| Recommendation: | Support planning application |

The Land and Surrounding Area

The application essentially involves three land parcels: 54 Pinnacle Crescent which contains existing facilities previously used for aged care known as 'Reg Geary House'; and two adjoining public open space reserves which are located between Pinnacle Crescent and the Western Freeway.

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

The Application

The application will facilitate the transfer of 1,251m² from the adjoining Council reserve and its consolidation with 54 Pinnacle Crescent. This requires the reserve status to be removed from this Council owned land. The transferred land contains the current access way and car parking associated with 54 Pinnacle Crescent. Council is currently in the process of selling this land to Autism Plus.

It is also proposed to concurrently consolidate the remaining reserved land with a smaller Council reserve off Park Edge Way, into one larger reserve.

It is proposed that Council would gain access to the reserve for maintenance purposes from the existing access point off Park Edge Way or Sandstock Place.

The proposal is summarised as follows:

- The transfer of land to the land known as 54 Pinnacle Crescent which will increase its size from 4,894m² to 6,145m².
- 2.427 hectares will remain as a Council reserve.

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

Planning Controls

| | | |
|-----------------------|-----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Zone | (Clause 32.08 – General Residential Zone) | A planning permit is not required under the zone to remove the reserve status. |
| | (Clause 36.01 – Public Use Zone – Education (PUZ2)) | |
| Particular Provisions | (Clause 52.02 Easements, Restrictions and Reserves) | Section 24A of the <i>Subdivision Act 1988</i> confers on Council the power to remove the reservation from land shown or set aside as a reserve on a certified and registered plan (of subdivision). However, before proceeding under Section 24A of the <i>Subdivision Act 1988</i> a planning permit must be obtained, in accordance with Part 4 of the <i>Planning and Environment Act 1987</i> , to authorise the removal of the reservation from the subject land. |

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. The land is however affected by a restriction which expired on 1 January 2010.

Is the land of Cultural Heritage Sensitivity?

The land is considered to be of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*; however the proposal constitutes an exempt activity which does not require a cultural heritage management plan.

2. Council and Wellbeing Plan Reference and Policy Reference

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

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

3.1 A City that strategically plans for growth and development.

3. Financial Considerations

No Council related financial considerations are involved with the application.

4. Consultation/Public Submissions

Public notification of the application

The application was subject to notification. The notification was satisfactorily completed and 23 objections were received.

The grounds of objection seem to be based on confusion that Council is removing the reserve status to facilitate the future disposal of the reserve to a developer. Council officers subsequently wrote to the objectors to clarify the proposal and to try to allay their fears about the future status of the open space reserve.

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

Referral of the application

The application was referred to Council's Engineering Services for comment and advice. Its response is included in **Appendix 5**.

5. Issues

Planning Assessment

The application is essentially procedural in nature to enable Council to sell the former Reg Geary House and its facilities to Autism Plus. The land to be transferred is currently used to access the site and accommodates part of the existing car park. It has an area of 1,251m², with 2.427 hectares remaining as reserve.

The concerns of residents is understandable given the technical nature of the proposal, however Council officers have assured objectors that there is no intention by Council to use or develop the reserve for other than open space purposes.

Access to the reserve will continue to be maintained from Park Edge Way.

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, Zone/Particular provisions 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. Locality Plan - dated 13 February 2018
2. Plans for the Proposal - dated 15 January 2018
3. Assessment against Planning Scheme - undated.
4. Response to Objections - undated.
5. Referral Comment - undated.
6. Conditions - undated.

12.15 PROPOSED SALE OF 54 PINNACLE CRESCENT, BROOKFIELD (FORMER REG GEARY HOUSE)

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

PURPOSE OF REPORT

To present to Council all relevant information for it to make a decision as to whether or not to sell certain property as detailed in the report.

RECOMMENDATION:

That Council:

1. sell the property at 54 Pinnacle Crescent, Brookfield to Wiltis Pty Ltd (trading as Autism Plus) for the sum of \$1,500,000 plus GST (provided it has resolved to approve permit application PA2017/5918 (Item 12.14 in this agenda));
 2. authorise the Chief Executive Officer to sign all the necessary documentation to effect the sale.
-

REPORT

1. Executive Summary

The purpose of this report is for Council to consider proceeding with the proposed sale of the property known as 54 Pinnacle Crescent, Brookfield (the Property) to Autism Plus trading as Wiltis Pty Ltd (the Purchaser) for \$1,500,000 plus GST (the Purchase Price).

A report was presented to the Ordinary meeting of Council held on 3 February 2015 in respect of which it was resolved that Council enter into a lease with Autism Plus for a period of up to three (3) years with a commitment to sell the premises to the lessee at the end of the lease. The sale, for the Purchase Price, was subject to certain conditions precedent including obtaining planning approval (the subject of Item 12.13 of this Council meeting) and satisfaction of all statutory requirements set out in the *Local Government Act 1989* ("the Act").

Accordingly, the proposed sale can only be considered subsequent to a decision by Council to approve the permit application at Item 12.13 of this Council meeting.

If Council decides at this Council meeting to refuse the permit application then the decision to proceed with the sale is not only irrelevant but, by reason of there then being no valid permit, could not be complied with in any event.

If the planning permit is approved, then, with the valuation and public notice requirements having been met, Council make the decision as to whether or not to sell the Property.

2. Background/Issues

A report was presented to the Ordinary meeting of Council held on 3 February 2015 in respect of which it was resolved that Council enter into a lease with Autism Plus for a period of up to three (3) years with a commitment to sell the Property (formerly known as Reg

Geary House) to the Lessee/Purchaser at the end of the lease. The sale, for the Purchaser Price, was subject to certain conditions precedent including obtaining planning approval (the subject of Item 12.14 of this Council meeting) and satisfaction of all statutory requirements set out in the Act.

Those statutory requirements include the obtaining of a valuation, public notice, and the ultimate and unfettered decision to sell the land, taking into account any public submissions. A valuation has been obtained and a public notice has appeared in both a State and regional newspaper. No submissions were received. The final statutory requirement is for Council to decide whether or not to sell the Property to the lessee for the sum of \$1,500,000 plus GST.

The Property is an area measuring approximately 6,145 square metres in total being all the land presently described in Certificate of Title Volume 10191 Folio 555 known as 54 Pinnacle Crescent, Brookfield and part of the land described in Certificate of Title Volume 10181 Folio 761 and known as 52B Pinnacle Crescent, Brookfield as shown in **Appendix 1**.

The Property consists of a carpark and the former Reg Geary House. Reg Geary House has been in operation for approximately 21 years in the municipality. It was previously operated by Western Health as a nursing home until June 2014. The current Lessee and proposed purchaser; Wiltis Pty Ltd, trading as Autism Plus provides a support service for individuals within the autism and disability sector.

In the Report to Council of 3 February 2015 it was noted that:

By facilitating the location of an Autism Plus service in the City of Melton the municipality would gain a high quality disability service that would support a number of residents who currently have no services, or have to travel or even relocate to other areas.

The proposed service would combine activity programs, skills development and community access with much needed respite and low cost residential facilities.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

The sale of the premises will see Council receive \$1,500,000 plus GST with settlement likely to take place on 12 March 2018 or thereabouts.

The legal costs likely to be incurred by Council in proceeding with the sale and effecting settlement is estimated to be \$800 plus GST and disbursements with the disbursements not likely to exceed \$300. Council will be responsible for its legal costs.

A valuation has been obtained from Matheson Stephen Valuations for the premises in accordance with section 189(2)(b) of the Act at a cost of approximately \$5,000.

5. Consultation/Public Submissions

Expressions of Interest

A report was presented to the Ordinary meeting of Council held on 26 August 2014 of which it was resolved to advertise Council's intention to seek Expressions of Interest (EOI) from organisations whom may wish to lease and/or purchase the Property.

Advertisements were published on Saturday 27 September 2014 in The Age newspaper and on 30 September 2014 in the local newspapers / Melton Leader (since discontinued) with submissions open until 5:00pm Friday 31 October 2014.

Council received three (3) EOI's from Mambourin Enterprises, Autism Plus and Jackson Holding. Upon review by the assessment panel, it was determined that Jackson Holding lacked the requirements set out in Council's brief. Further, the assessment panel received correspondence on 19 December 2014 from Mambourin Enterprises advising of its decision to withdraw from the EOI.

At the Ordinary meeting on 3 February 2015, Council resolved to delegate authority to the Chief Executive to enter into and carry out all the necessary statutory requirements in respect of a lease with a commitment to purchase the Property.

Lease of the Property

Following the resolution made at the Ordinary meeting on 3 February 2015, Council advertised its intention to enter into a lease with the Lessee on 7 February 2015 in The Age newspaper and on 10 February 2015 in the Melton Leader newspaper (since discontinued).

No objections were received during the 28 day period that followed the notice.

Sale of the Property

Further, Council advertised its intention to sell the Property to the Purchaser on 20 January 2018 in The Age newspaper and on 23 January 2018 in the Melton & Moorabool Star Weekly newspaper.

No objections were received during the 28 day period that followed the notice.

Council has completed the statutory obligations under sections 189, 190 and 223 of the *Local Government Act 1989*.

6. Risk Analysis

In its valuation (January 2018) the Valuer notes that the Property has not been maintained to a high standard since it has been in operation and given its current state and with Public Use Zoning restrictions, the Property will generally only appeal to a very narrow market cross section.

Accordingly, if Council decides not to sell the Property to the Purchaser there is a reasonable chance that another buyer would not be easily found or, if found, may yield a lower price.

7. Options

Council has the option to:

1. Adopt the recommendation as set out.
2. Decide not to proceed with the sale of the Property to the Purchaser for the Purchase Price. Council would then continue to manage the land as part of its broader land portfolio and/or attempt to market the property for sale again.

LIST OF APPENDICES

1. Plan of Property - undated

12.16 LEASE - MELTON COUNTRY CLUB

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

PURPOSE OF REPORT

To advise Council in relation to an approach by Essendon Football Club in relation to the lease of Melton Country Club

RECOMMENDATION:

That Council:

1. consider entering into a new lease with Essendon Football Club (EFC) to replace the Existing Lease in relation to the property known as the Melton Country Club:
 - a) for a period of 4 years with 5 x 5 further terms;
 - b) with a rental based on a market valuation;
 - c) and with a form of lease reflecting updated leasing practice and plain english
 2. communicate its willingness to consider the new lease on the above terms to EFC
 3. obtain a market valuation and place a public notice in a local newspaper (provided EFC are agreeable to the terms set out in 1 above)
 4. bring a report back to Council to consider any submissions and make a final decision on the matter.
-

REPORT

1. Executive Summary

The purpose of this report is for Council to consider entering into a new lease with Essendon Football Club (EFC) to replace the existing lease in relation to the property known as the Melton Country Club.

EFC are seeking greater security of tenure of the premises given it is now in the process of negotiating the next round of gaming machine entitlements for the venue with the State Government, for the period of August 2022 to August 2042.

If Council decides to consider a new lease Council would need to proceed with the cost involved in getting a market valuation that would be approximately \$5,000.00. The cost of a deed of surrender would be in the order of \$2,000.00 and the public notice requirements.

If Council decides at this council meeting to not consider a new lease then the existing lease will expire on the 28th February 2022.

2. Background/Issues

Council currently leases the Premises at 28-30 Reserve Road, Melton, Victoria 3337, known as the Melton Country Club to Essendon Football Club (EFC) ("the Existing Lease"). The Existing Lease was initially entered into on the 29th of December 1995 and is currently in its final term. The final extension was entered into on the 1st March 2016 and is due to expire on the 28th of February 2022.

In December 2017 EFC had a meeting with Council's CEO Mr Kelvin Tori and Legal & Governance Manager Ms Christine Denyer regarding the current lease. EFC are seeking greater security of tenure of the premises given it is now in the process of negotiating the next round of gaming machine entitlements for the venue with the State Government, for the period of August 2022 to August 2042.

More specifically (and subject to execution of final terms), EFC is seeking to replace the current lease with a new lease to reflect the following:

- a new lease to replace the existing lease
- with a term of 4 years with 5 further options of 5 years each
- initial term of the lease commencing 1st September 2018 to the 31st August 2022
- commencing rent based on Existing Lease
- terms of new lease based on Existing Lease

Insofar as the rental is concerned, the current lease provides for a market valuation upon further term and therefore this should be obtained in relation to any new lease.

Insofar as the form of lease is concerned the Existing Lease was drafted in 29th December 1995. It's drafting style and language and indeed some of the clauses are outdated. There have been significant legislative changes since its drafting including but not limited to the introduction of *Retail Leases Act*. Accordingly, it is recommended that a fresh lease using current style and form be used.

The *Local Government Act 1989* ('the Act') requires the for any lease of 10 years of more or where the annual rental is \$50,000 or more that Council must place a public notice in a newspaper circulated in the municipality.

If Council is not minded to offer a new lease then the current lease would expire on the 28th February 2022 and has no further options.

3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

4. Financial Considerations

The current lease yields \$287,184.62 pa plus GST

The cost of a valuation would be approximately in the order of \$5,000 and would need to be borne by Council.

Costs of a deed of surrender would be in the order of \$2,000 and would need to be borne by Council.

The cost of lease preparation may or may not be able to be borne by the tenant depending upon the applicability of the *Retail Leases Act*.

5. Consultation/Public Submissions

If Council is minded to consider EFC's request for a new lease then Council must put a public notice in a local newspaper calling for submissions in relation to the proposed lease. If any submitters wish to be heard then a hearing will be conducted. Council would then take

those submissions (including any hearings) into account in making a final decision as to whether to enter into the lease.

6. Risk Analysis

If Council does not consider a new lease then the existing lease will expire on the 28th February 2022.

We have nothing to indicate that if Council did not accede to EFC'S request that it would try and end the lease early. If EFC did want to end the lease early Council would need to find a new tenant.

7. Options

1. Decide to consider EFCs proposal but ensuring rental is based on a current valuation and therefore publicly advertise is consideration of this possibility in line with the officer's recommendation;
2. Decide to reject EFCs proposal and ask EFC to consider a different term or different commencement time/rent/terms;
3. Decide to let the Existing Lease lapse (or continue on overhold) on 28 February 2022.

LIST OF APPENDICES

Nil

12.17 LEASE OF LAND 26 CRESTMONT DRIVE, MELTON SOUTH - HOPE ST YOUTH AND FAMILY SERVICES

Author: Kel Tori - Chief Executive Officer
Presenter: Kel Tori - Chief Executive Officer

PURPOSE OF REPORT

To determine on the proposed lease of land at 26 Crestmont Drive Melton South to Hope St Youth and Family Services Limited for the purpose of construction and operation of a facility to provide crisis accommodation and associated support programs for vulnerable persons experiencing, or at risk of, homelessness.

RECOMMENDATION:

That Council

1. Decide to lease 26 Cresmont Drive Melton South to Hope St Youth and Family Services Limited for a term of 50 years at a peppercorn rent of \$1 payable on demand.
2. Notes that the CEO will exercise his delegation to execute the lease and any other relevant documents.

REPORT**1. Executive Summary**

Council resolved at the Ordinary Meeting held on 27 June 2016 to commence negotiations for the provision of land, via a maximum term lease, at 26 Cresmont Drive Melton South to Hope St Youth and Family Services Limited, and to undertake all necessary statutory steps in relation to same.

Council has now completed the statutory requirements relating to “change of purpose” of the land, and advertising its intention to lease the land. Planning permits have also issued for the proposed use.

No submissions in relation to the intention to lease were received.

2. Background/Issues

Council resolved at the Ordinary Meeting held on 27 June 2016 to commence negotiations for the provision of land, via a maximum term lease, at 26 Cresmont Drive Melton South to Hope St Youth and Family Services Limited, and to undertake all necessary statutory steps in relation to same.

Negotiations have now been completed, as have all statutory requirements to enable Council to finally determine on the matter.

Councillors should note that in addition to the lease there is also to be a tri-partite agreement between Council, Hope St Youth and Family Services Limited and the Director of Housing, primarily to protect the interests of the Director of Housing as the principal funding agency for the construction and operation of this facility. This tri-partite agreement is consistent with the

terms of the lease and will be approved myself as CEO under existing delegation, once the Director of Housing has approved the agreement.

3. Council and Wellbeing Plan Reference and Policy Reference

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

1. A proud, inclusive and safe community: A City of people leading happy and healthy lives

1.3 Equitable, inclusive and accessible community and health infrastructure and services.

4. Financial Considerations

Council has absorbed the legal and statutory compliance costs associated with this matter within its operating budget as part of its contribution to achieving this significant facility for support of the local community.

5. Consultation/Public Submissions

As required public notice of Council's intention to lease the land has been given, and no submissions received.

6. Risk Analysis

There is a minor risk that Hope St may not be able to meet the conditions of the lease, however council's interests are protected in part by a Council officer project managing the construction, and in part through the tri-partite agreement with the Director of Housing who will identify an alternate provider should Hope St be unable to fulfill funding conditions.

7. Options

Council has the option to not proceed with the proposed lease.

LIST OF APPENDICES

Nil.

13. REPORTS FROM DELEGATES APPOINTED TO OTHER BODIES

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

14. COUNCILLOR REPRESENTATIONS AND ACKNOWLEDGEMENTS

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

15. NOTICES OF MOTION

15.1 NOTICE OF MOTION 537 (CR DE SANTIS)

Councillor: Melissa De Santis - Councillor

Notice was given at the Ordinary Meeting of Council held on 5 February 2018 of my intention to move the following motion at the Ordinary Meeting Council to be held on 5 March 2018.

MOTION:

That Council officers provide a brief report on the status of the Toolern Regional Park state government funded initiative.

OFFICER'S COMMENTS:

If the motion is adopted, Council Officers will prepare a future Council Report for consideration.

15.2 NOTICE OF MOTION 538 (CR ABBOUSHI)

Councillor: Steve Abboushi - Councillor

Notice was given at the Ordinary Meeting of Council held on 5 February 2018 of my intention to move the following motion at the Ordinary Meeting Council to be held on 5 March 2018.

MOTION:

That Council officers investigate additional parking options around the Kororoit Creek Primary School area and report to Council.

OFFICER'S COMMENTS:

If the motion is adopted, Council Officers will prepare a future Council Report for consideration.

15.3 NOTICE OF MOTION 539 (CR KESIC)

Councillor: Goran Kesic - Councillor

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 5 March 2018.

MOTION:

That Council officers provide a report identifying suitable Council or private land for the Caroline Springs Leisure Centre with space for a minimum of an indoor and outdoor swimming pool.

OFFICER'S COMMENTS:

If the motion is adopted, Council Officers will prepare a future Council Report for consideration.

15.4 NOTICE OF MOTION 540 (CR MAJDLIK)**Councillor: Kathy Majdlik - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 5 March 2018.

MOTION:

That officer's prepare a report;

1. Revising the location of the proposed Aquatic Centre in the Eastern Corridor and provide alternative locations in or closer proximity to Caroline Springs than what is currently proposed.
2. Provide a list of possible sites that Council owns or could potentially purchase within the year in the Eastern Corridor to build the Aquatic Centre; Example; Sites along or near Taylors Road.
3. That consideration be given for the 2018/19 Budget deliberations for the purchase of the land for the aquatic centre to expedite the project and bring it forward in the capital works program.

OFFICER'S COMMENTS:

If the motion is adopted, Council Officers will prepare a future Council Report for consideration.

15.5 NOTICE OF MOTION 541 (CR MAJDLIK)

Councillor: Kathy Majdlik - Councillor

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 5 March 2018

MOTION:

That Council officer's prepare a report outlining the requirements, scope and costs to extend the 'Add-On' pavilion at Caroline Springs Leisure Centre and that consideration be given for an allocated budget amount for the design work in the 2018/19 budget deliberations.

OFFICER'S COMMENTS:

If the motion is adopted, Council Officers will prepare a future Council Report for consideration.

15.6 NOTICE OF MOTION 542 (CR CARLI)**Councillor: Lara Carli - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 5 March 2018.

MOTION:

That Council write to VicRoads requesting that they:

1. Undertake a thorough investigation into the incidents that have occurred on Vineyard Road and provide Council with the findings and any proposed improvements needed to address the issues.
2. Reduce the speed limit from 80km to 60km on Vineyard Rd.
3. Immediately install safety barriers along Vineyard Rd in Diggers Rest, particularly next to the Diggers Rest Medical Centre and the Diggers Rest Early Learning Centre.

OFFICER'S COMMENTS:

If the motion is adopted, Council officers will write to VicRoads regarding these Vineyard Road issues.

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

19. CONFIDENTIAL BUSINESS

Recommended Procedural Motion

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 Landfill - VCAT matter

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

19.2 Atherstone Landfill Inert Material Removal

This report is confidential in accordance with s89(2)(e) as it relates to proposed developments.

Recommended Procedural Motion

That the meeting be opened to the public.

20. CLOSE OF BUSINESS