



## MELTON CITY COUNCIL

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Notice is hereby given that the Meeting of the Melton City Council will be held by videoconference on 13 December 2021 at 7:00pm.

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

**Maurie Heaney  
ACTING CHIEF EXECUTIVE**



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	To present to Council for its approval the recommendation of the Interview Panel which Applicant should be offered the position of Chief Executive Officer.	
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**1. OPENING PRAYER AND RECONCILIATION STATEMENT**

The Chairperson will read the opening prayer and reconciliation statement.

**Prayer**

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

**Reconciliation Statement**

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

**2. APOLOGIES AND LEAVE OF ABSENCE**

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

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

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

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

That the Minutes of the Meeting of Council held on 22 November 2021 and Special / Unscheduled Meeting of Council held on 29 November 2021 be confirmed as a true and correct record.

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

- 22 November 2021 Summary of Informal Meetings of Councillors (1)
- 22 November 2021 Summary of Informal Meetings of Councillors (2)
- 29 November 2021 Summary of Informal Meetings of Councillors
- 6 December 2021 Summary of Informal Meetings of Councillors

**RECOMMENDATION:**

That the Summary of Informal Meetings of Councillors dated 22 and 29 November and 6 December 2021 attached to this Agenda be received and noted.

**LIST OF APPENDICES**

1. Summary of Informal Meetings of Councillors - dated 22 November 2021
2. Summary of Informal Meetings of Councillors - dated 22 November 2021
3. Summary of Informal Meetings of Councillors - dated 29 November 2021
4. Summary of Informal Meetings of Councillors - dated 6 December 2021

**8. CORRESPONDENCE INWARD**

Nil.

**9. PETITIONS AND JOINT LETTERS**

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

A petition has been received by Councillor Turner and forwarded to the Acting Chief Executive Officer signed by 129 residents requesting Council to increase the parking availability in the Melton South Community Centre / Mt Carberry Reserve Carpark.

**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 AUDIT AND RISK COMMITTEE MINUTES - 17 NOVEMBER 2021

**Author: Cheryl Santoro - Senior Administration Officer**  
**Presenter: Maurie Heaney - General Manager Community Services**

#### PURPOSE OF REPORT

To present to Council the minutes of the Audit and Risk Committee meeting held on Wednesday 17 November 2021.

#### RECOMMENDATION:

That Council:

1. Note the minutes of the Audit and Risk Committee meeting held on Wednesday 17 November 2021 at **Appendix 1**.
2. Adopt the recommendations arising within the minutes.

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#### REPORT

##### 1. Executive Summary

The minutes of the Audit and Risk Committee meeting held on 17 November 2021 are appended to this report as **Appendix 1**.

The minutes contain recommendations for the consideration of Council.

##### 2. Background/Issues

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

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

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

##### 3. Council and Wellbeing Plan Reference and Policy Reference

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

- 6.3 An organisation that demonstrates excellence in civic leadership and governance.
  - 6.3.1 Maintain a high level of transparent, accountable, unbiased and representative governance.

#### **4. Financial Considerations**

Any and all financial considerations are set out within the reports and minutes of the Audit and Risk Committee.

#### **5. Consultation/Public Submissions**

Not applicable.

#### **6. Risk Analysis**

A risk analysis is contained within each report to the Audit and Risk Committee.

Risks identified by the Audit and Risk Committee and recommendations in relation to same should be carefully considered by Council as these represent an independent and forensic appraisal of the issues.

#### **7. Options**

The Audit and Risk Committee is not a delegated committee and operates in an advisory capacity to Council, therefore Council has the discretion to accept, reject or amend the Committee's recommendations.

### **LIST OF APPENDICES**

1. Minutes of the Audit & Risk Committee Meeting dated 17 November 2021

## 12.2 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM PHASE 3; PROPOSED PROJECTS

**Author: Kerry Walton - Coordinator Traffic and Transport**  
**Presenter: Sam Romaszko - Acting Executive Manager Property & Projects**

### PURPOSE OF REPORT

To outline the details of the Local Roads and Community Infrastructure Program Extension and determine Council's priority projects for submissions to the funding program.

### RECOMMENDATION:

That Council;

1. Endorse the allocation of \$2,521,836 through the Federal Government Local Roads and Community Infrastructure Program to the following projects;
 

a. Toolern Vale Public Convenience Upgrade	\$250,000
b. Street Lighting Improvement Program	\$130,000
c. Cobblestone Green Recreation Reserve	\$541,836
d. Navan Park – public lighting	\$500,000
e. Melton Recreation Reserve;	
i. Carpark, pedestrian connections and landscaping	\$750,000
ii. Renewal of netball courts, public convenience upgrade	\$350,000
  
2. Refer the following allocations to the draft 22/23 Capital Works Program to support the above projects:
 

a. Cobblestone Green Recreation Reserve, Park Upgrade	\$58,164
b. Melton Recreation Reserve; Carpark	\$150,000
c. Melton Recreation Reserve; Renewal of netball courts	\$250,000
  
3. Request officers submit the endorsed list to the Department of Infrastructure, Transport, Regional Development and Communications for final approval.

## REPORT

### 1. Executive Summary

In October 2021, the Federal Government announced an extension to the LRCI program and allocated an additional \$2,521,836 to Melton City Council. The key eligibility criteria for projects nominated include;

- Eligible local road and community infrastructure projects are projects that involve the construction, maintenance and/or improvements to council owned assets (including natural assets) that are generally accessible to the public.
- Projects must be additional to the current 2022/23 Capital Works Program
- LRCI funding cannot be used to substitute other funding sources including Council budget allocations
- Projects must be delivered on the ground by 30 June 2023

Officers have reviewed the guidelines and considered projects from within the long term Infrastructure Plan, along with other projects that have significant community benefit that would complement current projects. The following projects have been identified that align to the funding requirements and can be delivered by June 2023;

a. Toolern Vale Public Convenience Upgrade	\$250,000
b. Street Lighting Improvement Program	\$130,000
c. Cobblestone Green Recreation Reserve	\$541,836
d. Navan Park – public lighting	\$500,000
e. Melton Recreation Reserve;	
i. Carpark, pedestrian connections and landscaping	\$750,000
ii. Renewal of netball courts, public convenience upgrade	\$350,000

The proposed projects list requires submission to the Department of Infrastructure, Transport, Regional Development and Communications for final approval. This report seeks endorsement of the projects list for consideration through this program.

### 2. Background/Issues

Coronavirus (COVID-19) has resulted in far reaching implications for the Victorian community and generating jobs and economic activity will be critical to the revival of Victoria's economy.

Since the adoption of Council's 2020/21 budget, Council has been allocated \$1,260,918 as part of the Federal Government Local Roads and Community Infrastructure (LRCI) Program. This program was introduced to support local councils to deliver local road and community infrastructure projects across Australia to stimulate local economies and employment opportunities, and reinvigorate communities through the COVID-19 pandemic.

Projects were identified through the budget process and identified for delivery through this initial allocation, and subsequently approved by the Department of Infrastructure, Transport, Regional Development and Communications.

In October 2020, the Federal Government announced an extension to the LRCI program and allocated an additional \$5,175,180 to Melton City Council.

Officers have developed a suite of projects for consideration that align to the funding requirements and can be delivered by June 2023. These can be found in Table 1 below.

**Table 1 – Recommended List of Projects for consideration**

Project for consideration	Proposed Council Contribution	Proposed LRCI funding allocation	Total Project Cost
Toolern Vale Public Convenience Upgrade	-	\$250,000	\$250,000
Street Lighting Improvement Program	-	\$130,000	\$130,000
Cobblestone Green Recreation Reserve; Park Upgrade	\$58,164	\$541,836	\$600,000
Navan Park; Public Lighting	-	\$500,000	\$500,000
Melton Recreation Reserve; Carpark, pedestrian connections, landscaping	\$150,000	\$750,000	\$900,000
Melton Recreation Reserve; Renewal of netball courts, public convenience upgrade	\$250,000	\$350,000	\$650,000
<b>Total</b>	<b>\$458,164</b>	<b>\$2,521,836</b>	<b>\$3,030,000</b>

The proposed projects list requires submission to the Department of Infrastructure, Transport, Regional Development and Communications for final approval. This report seeks endorsement of the projects list for consideration through this program.

### 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 recommended list of projects within Table 1 above would be funded through the \$2,521,836 LRCI funding allocation, with an additional Council contribution total of \$458,164 allocation in the 2022/23 budget for the respective projects listed above.

### 5. Consultation/Public Submissions

Consultation with various stakeholders has not yet occurred. This will occur on each project as design and delivery occurs into 2022/23.

### 6. Risk Analysis

The risk associated with this report is the June 2023 deadline and not delivering nominated projects by this time.

The development of eligible projects for consideration through this program has occurred with a specific focus on deliverability to achieve this June 2023 deadline.

## 7. Options

There are two options for Council's consideration;

**Option 1** That Council endorse the project list contained within the recommendation.

**Option 2** That Council choose to replace some or all of the recommended projects. This option is not recommended, as the projects have been considered with respect to community benefit and the ability to deliver in the required time frame.

## LIST OF APPENDICES

Nil.

## **12.3 HERITAGE ADVISORY COMMITTEE - APPOINTMENT OF COMMUNITY MEMBERS**

**Author: Georgina Borg - Strategic Planner**  
**Presenter: Darren Rudd - Manager City Design & Strategy**

### **PURPOSE OF REPORT**

To consider the appointment of four community representatives to the Heritage Advisory Committee.

### **RECOMMENDATION:**

That Council approve the appointment of the following community representatives to the Heritage Advisory Committee:

- Deborah Slattery
  - Benjamin Petkov
  - Anne Wolf
  - Imran Mushtaq
- 

## **REPORT**

### **1. Executive Summary**

The City of Melton Heritage Advisory Committee (the Committee) promotes local heritage initiatives, assesses applications for the City of Melton Heritage Assistance Fund and the City of Melton Heritage Awards and drives programs that encourage an appreciation of heritage in the City of Melton.

Two community representative positions on the Committee will become vacant at the end of December 2021 and there are currently two current vacant positions on the Committee. Four community representative positions were advertised from 19 October – 19 November 2021 and four applications were received.

The applications were assessed on 22 November 2021 by three independent staff members who do not have a conflict of interest with any of the applicants.

Based on the assessment of the applications, it is recommended that Council approve the appointment of the following community representatives to the Committee:

- Deborah Slattery
- Benjamin Petkov
- Anne Wolf
- Imran Mushtaq

## 2. Background/Issues

The City of Melton Heritage Advisory Committee promotes local heritage initiatives, considers applications for the City of Melton Heritage Assistance Fund and the City of Melton Heritage Awards and drives programs that encourage an appreciation of heritage in the City of Melton.

Under the Terms of Reference, the Committee has the following responsibilities:

- Consider applications to the City of Melton Heritage Assistance Fund and make recommendations on applications to Council.
- Promote, select and advise Council on nominations to the City of Melton Heritage Awards.
- Act as a promotion and coordinating body for heritage in the community, including providing advice on marketing and promotion of the values or heritage and heritage related tourism in the City of Melton.
- Provide advice to Council on the documentation, interpretation, management and conservation of history and heritage in the City of Melton.
- Make recommendations to Council about further work required to document and protect Melton's heritage.
- Provide recommendations for the nomination of places to local, state or national heritage registers.
- Advocate in a professional manner on behalf of the community and celebrate the community history and heritage within the City of Melton.
- Assist Council in sourcing external funding or sponsorship opportunities to further heritage conservation, promotion, management and education.

### Applications

Two community representative positions on the Committee will become vacant at the end of December 2021 and there are currently two current vacant positions on the Committee. Four community representative positions were advertised from 19 October – 19 November 2021 and four applications were received.

The applications were assessed on 22 November 2021 by three independent staff members who do not have a conflict of interest with the applicants.

The assessment concluded the applicants to be suitable candidates to fill the vacant positions based on their applications submitted.

It is therefore recommended that Council approve the appointment of the following community representatives to the Heritage Advisory Committee:

- Deborah Slattery
- Benjamin Petkov
- Anne Wolf
- Imran Mushtaq

## 3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

#### **4. Financial Considerations**

There are no financial considerations associated with the Committee position.

#### **5. Consultation/Public Submissions**

Four vacancies were advertised from 19 October to 19 November 2021 including advertisements published in the *Melton and Moorabool* and Brimbank and *North West Star Weekly* newspapers on Tuesday 19 October 2020 and on Council's website and social media pages.

#### **6. Risk Analysis**

It is considered that the Heritage Advisory Committee is of limited risk to Council as the Committee has an advisory capacity only and therefore can make recommendations that Council can choose not to adopt.

#### **7. Options**

Council can choose to either:

1. Approve the appointment of Deborah Slattery, Benjamin Petkov, Anne Woof and Imran Mushtaq as community representatives to the Heritage Advisory Committee.
2. Not appoint Deborah Slattery, Benjamin Petkov, Anne Woof and Imran Mushtaq as community representatives to the Heritage Advisory Committee which would result in vacant positions.

#### **LIST OF APPENDICES**

Nil.

## 12.4 ADVISORY COMMITTEES OF COUNCIL - AGGREGATED MEETING MINUTES

**Author: Bradley Dosser - Manager Legal, Governance & Risk**  
**Presenter: Maurie Heaney - Acting Chief Executive Officer**

### PURPOSE OF REPORT

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

### RECOMMENDATION:

That Council:

1. adopt the minutes of the Advisory Committee meetings at **Appendix 1 – 6**.
  2. adopt recommendations arising within the Minutes.
- 

### REPORT

#### 1. Executive Summary

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

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

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

#### 2. Background/Issues

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

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

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

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

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

Meeting Date	Advisory Committee	Attached
7 October 2021	Disability Advisory Committee	Appendix 1
3 November 2021	Policy Review Panel	Appendix 2
30 November 2021	Policy Review Panel	Appendix 3
16 November 2021	Youth Advisory Committee	Appendix 4
18 November 2021	Arts and Culture Advisory Committee	Appendix 5
2 December 2021	Heritage Advisory Committee	Appendix 6

### 3. Council and Wellbeing Plan Reference and Policy Reference

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

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

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

### 4. Financial Considerations

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

### 5. Consultation/Public Submissions

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

### 6. Risk Analysis

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

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

### 7. Options

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

**LIST OF APPENDICES**

1. Disability Advisory Committee meeting minutes - dated 7 October 2021
2. Policy Review Panel meeting minutes - dated 3 November 2021
3. Policy Review Panel meeting minutes - dated 30 November 2021
4. Youth Advisory Committee meeting minutes - dated 16 November 2021
5. Arts and Culture Advisory Committee meeting minutes - dated 18 November 2021
6. Heritage Advisory Committee meeting minutes - dated 2 December 2021

## **12.5 RESPONSE TO NOTICE OF MOTION 769 (CR SHANNON) - ENGAGEMENT WITH SCHOOLS ON THE ISSUE OF VAPING IN OUR COMMUNITY**

**Author: Kristie Lawson - Coordinator Young Communities**  
**Presenter: Troy Scoble - Acting General Manager Community Services**

### **PURPOSE OF REPORT**

To respond to Notice of Motion 769 (Cr Shannon) to engage with City of Melton school principals to discuss the issue of vaping in our community, the best way to address the concern and how Council can support in the future.

### **RECOMMENDATION:**

That Council note the report.

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## **REPORT**

### **1. Executive Summary**

At the Ordinary Meeting of Council dated 28 June 2021, Council resolved via Notice of Motion 769 (Cr Shannon) as follows:

*'That Officers engage with City of Melton school principals (Primary and Secondary) to discuss the issue of vaping in our community and the best way to address the concern. A report to be provided to a future meeting of Council outlining how Council can support addressing this issue of concern in the future.'*

This report provides information on engagement undertaken with City of Melton school principals, feedback provided regarding the issue of vaping, and potential opportunities that Council can support to address concerns with vaping in the community.

### **2. Background/Issues**

At the Ordinary Meeting of Council dated 28 June 2021, Council resolved to engage with City of Melton school principals to discuss the issue of vaping in our community and the best way to address the concern.

The smoking of e-cigarettes is commonly referred to as vaping. E-cigarettes are battery operated devices that heat a cartridge of liquid (nicotine or nicotine-free) into a mist to be vaporised.

Officers have sought to engage the school community, Council's Youth Advisory Committee (YAC) and other key stakeholders to seek a greater understanding regarding the concern of vaping as a community issue and at what level of concern exists.

In July 2021, Officers liaised with the Department of Education to seek access to school principals to discuss the issue. The Department of Education advised Officers not to contact school principals at that time due to constraints and workloads of schools managing remote learning during the COVID-19 lockdown periods. Whilst a barrier to responding to the Notice of Motion at the time, through existing networks, Officers were able to engage with young people on the Youth Advisory Committee and also school liaison officers across the municipality to continue to gather relevant data.

In August 2021, at the monthly meeting with School Multicultural Liaison Officers, the issue of vaping was tabled as an agenda item, with Officer's seeking to understand the prevalence of vaping from the perspective of this group. Ten representatives from four schools were involved in this discussion.

Young People from Council's YAC were also asked about their awareness of vaping, with six of the seven young people asked, knowing of someone who vaped. When asked about ideas of Council's role in addressing the issue, suggestions included community education / awareness on vaping. Young people from YAC were asked the following questions:

- What is your understanding or experience of vaping?
- Have you come across any young person in your school or community who vape?
- Why do young people vape or choose to vape?
- What impacts or effects does vaping have on young people, their family and community?
- Do you know if there are any resources in schools or community to address this situation?
- What can Melton Council do to address this issue?

The conversations with School Multicultural Liaison Officers and YAC members have indicated whilst vaping is increasing in the community, they did not see it as a major issue over other issues such as youth mental health and wellbeing.

Following Springside West Secondary College raising the concern around vaping at the Notice of Motion 712 Roundtable in June 2021, Young Communities attended Springside West school on 24 June 2021 with Odyssey House to deliver a drug and alcohol presentation including vaping to Year 10 students.

October 2021, when schools returned to onsite learning an online survey was developed to capture feedback on the issue and distributed to all Primary and Secondary School Principals in the City of Melton. The survey focused on the perceived prevalence of vaping in and around school communities. The questions asked by the survey were:

- Do you see vaping as a major issue in your school or broader community?
- How prevalent would you say vaping is as an issue?
- Do you think this is an issue that Council needs to address?
- What is the most pressing community issue you think Council needs to actively support addressing?

Of the 40 School Principals that received the request to participate in the online survey only three (3) anonymous responses were received. Two (2) responders identified that vaping was a major issue in the school or broader community. All three responders agreed that Council had a role in addressing this issue with schools and community groups, with two responders suggesting that Council should support greater community education on this issue. The third responder did not provide any suggestions on how to address this issue.

The capacity for schools to participate in the engagement process was limited due to the significant changes experienced as a result of the COVID-19 pandemic. Due to the restrictions in place during recent periods also officers were unable to meet with school principal's onsite or face to face.

At the Melton Youth Network meeting on 2 December 2021, the same questions posed to schools were tabled for attendees regarding issue of vaping. Interestingly respondents agreed it was an issue and that education/ awareness would benefit and support the community.

Officers have also recently engaged other networks including Victoria Police who have indicated anecdotally that vaping, and the accessibility of e cigarettes (with nicotine) is a significant issue in the community.

Currently based on engagement undertaken, whilst insufficient data to suggest that vaping is a major issue for the City of Melton has been obtained, anecdotally beyond general societal perceptions and concerns it does appear that it is becoming a significant issue.

It should be noted more broadly that Nicotine containing e-cigarettes are illegal, from 1 October 2021, unless supplied under a prescription or under the travellers' exemption whereby passengers to Australia can bring in personal supply of nicotine vaping products without a prescription. Non-nicotine containing e-cigarettes can be purchased by those over the age of 18, however there is no way to determine whether e-cigarettes contain nicotine without laboratory testing, which may be problematic for law enforcement. The actual harm caused by non-nicotine containing e-cigarettes is unknown, there are some suggestions it may impact on respiratory function and increased cardiovascular disease (Greenhalgh et al. 2021) however further research is required.

Given there is a perception that vaping is an issue or a more common occurrence, the City of Melton may support other agencies to continue to play a role in the advocacy to the State Government to undertake further research and establish education / awareness campaigns that Council can in turn help support and deliver.

Additional research undertaken by officers on the issue also includes the Australian Medical Association notes 'significant concerns about e-cigarettes' (AMA 2015) and the Cancer Council Australia recommends banning the retail sale of e-cigarettes unless under Therapeutic Good Administration approval including prohibiting advertising and promotion of e-cigarettes, consistent with tobacco products (Cancer Council Australia n.d.).

In Australia, the regulation of e-cigarettes is encompassed by several laws shared between the State and Commonwealth. Further research is required on the development of evidenced based campaigns and education on preventing e-cigarette use among young people

The Department of Education and Training have also taken the step to ban vaping in and around school premises

The Cancer Council of Victoria on its website has stated that the Department of Health has commissioned Quit to work with partners to develop new resources aimed at informing young people of the dangers of e-cigarette use due for distribution late 2021. This provides an opportunity for Council to obtain these resources once published for distribution to young people in the community.

Officers within the Young Communities Outreach 6801 team frequent hot spots of young people gathering throughout the municipality. A future focus will be to provide educational resources and support to young people who are engaged with through this service.

Officers will continue to work in partnership with key agency partners to seek to address these issues and raise awareness, education of the issue.

### **3. Council and Wellbeing Plan Reference and Policy Reference**

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

1. A safe City that is socially and culturally connected

*1.4 A City that promotes positive public health and wellbeing outcomes to our community.*

### **4. Financial Considerations**

There is no financial cost associated with his report.

Funding would be required to develop and deliver educational awareness around the issue of vaping.

## 5. Consultation/Public Submissions

An online survey was developed to capture feedback from both Primary and Secondary school principals in the City of Melton. The survey focused on the perceived prevalence of vaping in and around school communities.

Officers wrote to 40 School Principals asking them to participate in the online survey. Three (3) anonymous responses were received. The capacity for schools to participate in the engagement process was limited due to the significant changes experienced as a result of the COVID-19 pandemic.

A significant amount of engagement was undertaken with City of Melton School Liaison officers and other external agencies to discuss issues around vaping in the community.

At the Safe City Advisory meeting on 7 December, Victoria Police indicated that vaping in our community is a significant issues including the sale of illegal e-cigarette products. Council officers will work with Victoria Police to further explore this obtain this research and opportunities to support addressing the issue in the community.

## 6. Risk Analysis

## 7. Options

That Council note the report.

### References Supporting the Collation of the Report

- Cancer Council Australia n.d., Policy priorities, viewed 8 December 2021, Policy priorities - National Cancer Control Policy.
- Department of Education and Training 2021, Smoking and vaping ban, viewed 8 December 2021, Smoking and Vaping Ban: Resources | education.vic.gov.au.
- The Australian Medical Association [AMA] 2015, Position Statement Tobacco smoking and E-cigarettes – 2015, viewed 8 December 2021, Tobacco Smoking and E-cigarettes - 2015 | Australian Medical Association (ama.com.au).
- Tobacco in Australia 2021, 18B.8 Legal Status in Australia, viewed 8 December 2021, 18B.8 Legal status - Tobacco in Australia.
- Tobacco in Australia 2021, 18B.12 Influences on the uptake of e-cigarettes, viewed 8 December 2021, 18B.12 Influences on the uptake of e-cigarettes - Tobacco in Australia

## LIST OF APPENDICES

Nil

## 12.6 FINANCE REPORT - PERIOD ENDED 30 SEPTEMBER 2021

Author: Sam Rumoro - Manager Finance  
Presenter: Sam Rumoro - Manager Finance

### PURPOSE OF REPORT

To present the 2021/2022 Finance Report for the 3 months ended 30 September 2021.

### RECOMMENDATION:

That the Council note the report and the finance report contained at **Appendix 1**.

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## REPORT

### 1. Executive Summary

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

The purpose of this report is to provide Council with this information, comparing actuals for the 3 months ending 30 September 2021 and the approved budget for the same period as is detailed in **Appendix 1**.

### 2. Background/Issues

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

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

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

Audit & Risk Committee reviewed the report on 17 November 2021, no changes were required following that review.

The operating surplus for the 3 months ended September 2021 was \$138.2 million. This compared with a budgeted result of \$136.3 million, resulted in a favourable variance of \$1.9 million.

Council operating surplus is largely due to income remaining favourable to budget with rates revenue and statutory fees benefiting from continued strong development activity. Operating grants were also favourable to budget, while capital grants were unfavourable mainly due to timing of those grant receipts. User fees were unfavourable due to COVID lockdowns.

Employee costs were favourable to budget due mainly to unfilled vacancies, this was offset partially by increase material costs largely driven by increase in costs associated with higher than budgeted operating grants.

Council forecasted operating position is in line with projected budget based on 1st quarter forecast, given volatility in operating environment due to COVID, 2nd quarter forecast should provide a more certain indication of forecasted position.

The actual capital expenditure completed at the 30 September 2021 was \$12.5 million or 7.2% of the total budget.

Council's has a total of \$390.6 million in cash and term deposits at year end. This balance includes general and restricted investments representing carry forward expenditure, employee entitlements, and developer contributions received for future capital works. The working capital ratio for the YTD period is a healthy 1:5.81.

### **3. Council and Wellbeing Plan Reference and Policy Reference**

The Melton City Council 2021-2025 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**

Council note the operating surplus for the 3 months ended 30 September 2021 and other financial matters outlined in **Appendix 1**.

### **5. Consultation/Public Submissions**

N/A

### **6. Risk Analysis**

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

### **7. Options**

The Council can:

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

## **LIST OF APPENDICES**

1. Finance Report 30 September 2021

## 12.7 MELFIN DRIVE STREET TREE PETITION

**Author: Adrian Cope - Senior Open Space Planner**  
**Presenter: Luke Shannon - General Manager Planning & Development**

### PURPOSE OF REPORT

To provide Council with a response to the petition tabled at the Ordinary Meeting of Council 30 August 2021 requesting the removal of the street trees in Melfin Drive, Hillside.

### RECOMMENDATION:

That Council advises that the trees in Melfin Drive, Hillside are to be retained.

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### REPORT

#### 1. Executive Summary

Council received a petition signed by 30 residents requesting the removal of street trees in Melfin Drive, Hillside. The petition dated 28 August 2021 was tabled at the Ordinary Meeting of Council on 30 August 2021. Council officers have reviewed the condition and suitability of the street trees in Melfin Drive and assessed the request for tree removal against the “*Tree Planting and Removal Policy*” . petition.

The street trees present a significant amenity to both the residents of Melfin Drive and the broader community. The trees have been valued according to the *Maurer-Hoffman Formula* outlined in Council’s Tree Planting and Removal Policy and have a value of \$501,956.66. In addition to the financial value of the trees, there are intrinsic values that provide benefit to the community, including the benefit of shade/reduction of heat island effect, amenity, habitat and increased property value.

The trees are in the vicinity of 15 years old and have been assessed as being in good to excellent condition. These trees are growing within the harsh conditions that exist within the City of Melton, when compared to the broader metropolitan area which has higher rainfall. The heavy clay soils along with high levels of asphalt, concrete, and roofing, all combine to result in low levels of water entering the soils.

The upright nature of the trees provides a good vista in association with the road and naturestrips. Council’s experience is that this species of tree is well suited as a street tree, although as with all trees in the municipality, they need to be monitored and managed over time. All Council street trees are inspected on a biannual basis. Experience has demonstrated that this species of tree does not grow to its ultimate size due to the environmental conditions in the municipality, however they have a high degree of reliability as street trees.

#### 2. Background/Issues

There are 49 street trees in total at Melfin Drive, Hillside. This petition relates to the 40 trees that run in a north/south direction along Melfin Drive and not those that are in the east/west section of the street.

The trees relating to this petition have been identified as *Corymbia maculata* – Spotted Gum. Council's data shows that there are 8,879 *Corymbia maculata* planting as street trees throughout the municipality. The trees in Melfin Drive are in the vicinity of 12 – 15 metres high and the majority appear to be healthy and in good condition. Refer to Appendix 1.

The petition requests the trees are removed due to the following reasons:

- *Plumbing costs due to root invasion, where residence are out of pocket*
- *Nuisance (Birds and bats)*
- *Swooping*
- *Branches Falling*
- *Gum nuts causing slipping hazards*
- *Roots raising nature strips and causing hazard for Posties*
- *Constant leaves filling gutters and gardens*
- *These trees are not suitable for a street that is so narrow and with our properties only having a 5 metre setback, the roots are sure to damage properties in the future. These trees are more suited to open reserves/park land.*

Provided below is an officer assessment and comment on each of the issues raised in the petition:

#### Plumbing Costs

A review of Council's document management system has identified a number of requests that relate to drainage and plumbing issues that were received by Council.

Two insurance claims have been submitted in relation to the street trees. Details of these claims are not available for inclusion in this report, although it can be noted that these claims were assessed and denied by Council's insurer.

Trees do not actively damage pipework, but will proliferate in situations where pipe leaks occur and a ready source of water is available.

#### Nuisance (Birds and bats)

The removal of street trees will not address the issue of birds and bats. The street trees, if removed, would be replaced in accordance with Council's Street Tree Policy, and therefore present a location for these animals at a later stage. It is also noted that there are trees in private property that provide habitat for birds and bats. All Victorian native wildlife is protected by law and further information can be found at:

<https://www.vic.gov.au/wildlife-management-and-control-authorisations>

#### Swooping

Swooping is typically associated with Magpies and Plovers during spring. Plovers are ground nesting birds and the complaint is assumed to relate to Magpies in the area. Magpies are a territorial bird and are not specific to the street trees. The removal of street trees in this Melfin Drive will not necessarily reduce swooping in the area. All Victorian native wildlife is protected by law and further information regarding swooping birds can be found at: [Swooping Birds \(wildlife.vic.gov.au\)](https://wildlife.vic.gov.au)

#### Branches Falling

The Spotted Gum is described as a 'stately' tree due to the straight and tall growth. This species of tree is not known for shedding/dropping of large limbs.

A review of Council's document management system has identified two requests relating to falling branches in Melfin Drive. These are requests from 2016 and 2018. It is noted that there were some fallen branches in the street as a result of recent storms in late October when the valuation inspection was conducted on 11 November 2021. The

October storm was a significant event with a substantial number of trees and branches damaged across the municipality whilst the fallen branches in Melfin Drive appear to be minor in nature, refer to photos at Appendix 2.

#### Gumnuts causing slipping hazards

A site inspection was undertaken and whilst there was some evidence of gum nuts present at the time, this was not significant and could be explained by the time of year as gumnuts are the fruit of the tree and therefore only produced on a seasonal basis. The gum nuts are 8-13 mm in size and can be prolific. Further investigation is required to determine the likelihood of gum nuts being a hazard.

The implementation of a footpath cleaning program has been investigated at a high level to determine the likely cost and frequency to remove the hazard. The incidence of gumnuts is seasonal and can span over several months requiring up to two annual sweeps at an estimated cost of \$1000.

#### Roots raising nature strips and causing hazard for Posties

A review of Council's document management system has identified Request 2326521 – 26 April 2013 for a raised footpath and Request 6790193 – 2 October 2020 for a raised naturestrip due to tree roots. A site inspection of the naturestrips has identified some heaving around the base of the street trees, refer to photos in Appendix 3. A review of Council's document management system has not identified any request from Australia Post relating to trees or the nature strips in Melfin Drive. The site visit was unable to identify any trees that presented safety concerns relating to the heaving around the base of the street trees.

The request relating to the raised footpath in 2013 was not considered significant and was managed through the grinding of the concrete. It is noted that in 2013 the trees would have been growing for approximately 7 years and unlikely to lift footpath.

#### Constant leaves filling gutters and gardens

Trees lose leaves continually and this can be exacerbated by the time of year, weather conditions, trees being deciduous or evergreen as well as the proximity to the dwelling. It should be noted that leave in gutters are not restricted to trees in naturestrips.

A number of requests relating to one tree have been received relating to filled gutters. It is unclear if this relates to the private house gutters or street kerb and channel which are often referred to as gutters (by residents). These requests have been treated as street requests with response of street sweeping.

#### Tree Suitability

Melfin Drive is classified as a local access road/street and has a 16 metre road reserve. The road pavement is approximately 5.3 metres with a footpath on one side of the road. The road has a 5.3 metre naturestrip on the west side and a 3.4 metre naturestrip and footpath on the east side.

The current standard for a local street is a 16 metre road reserve. This includes a road pavement of 7.3 metres, footpaths of 1.5 metres on either side and naturestrips of approximately 2.8 metres.

It is noted that the petition states that the trees are not suitable for a street that is so narrow. Whilst the road pavement is narrow, the street is of a standard width, and the additional space provided in the naturestrip provides ample opportunity for the street trees to thrive without issue.

Corymbia Maculata grows well in ideal conditions with sandy soils and high rainfall but will tolerate poor soil and moisture conditions. The conditions within the City of Melton are not ideal for tree growth due to lower rainfall and poor soils. Rainfall data shows that Melton has a lower rainfall when compared to the east of Melbourne and along with heavy basaltic soils

results in lower growth rates in trees across the municipality. Despite these issues the trees remain a good choice for our local conditions.

RMIT University has undertaken research on trees in the urban environment titled 'Where Will all the Trees Be?' This research had identified that the City of Melton has high challenges in maintaining or increasing green cover across the municipality. This report identifies Melton in one of the six place types, being 'Suburban, Spacious and Low Rainfall'. The report shows that Melton has less than 10% green cover but is increasing coverage at a higher proportion when compared to other municipalities in similar place types. This report seeks to identify how Councils are dealing with the provision of green cover to ensure that the community enjoys the benefits that are associated with increased green cover.

The petition focuses on the negative impacts of trees, but it should be noted that there are numerous positive impacts/intrinsic values that come from trees. The report by AECOM - A Brilliant Cities Report: Green Infrastructure identifies air quality, carbon sink, shading, biodiversity, reduced heat island effect, amenity, and increased property value as some of the positive aspects of trees.

### **3. Council and Wellbeing Plan Reference and Policy Reference**

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

2. A vibrant and healthy natural and built environment

*2.4 A City that mitigates and adapts to climate change, and is environmentally aware.*

### **4. Financial Considerations**

Council's Tree Planting and Removal Policy identifies the financial considerations associated with the trees in the municipality. These include 1) Removal Costs, 2) Amenity Value and 3) Reinstatement Costs

The cost of removal of these trees is \$45,000 which is based on a quote received from Council's Tree Contractor which is attached to this report and excludes traffic management which is an additional \$12,000.

The amenity value of the street trees is \$501,956.66, calculated in accordance with Maurer-Hoffman Formula - Value (V) = Basic Value (\$) x Species (S) x Aesthetics (A) x Locality (L) x Condition (C) as identified in Council's Tree Planting and Removal Policy (Appendix 4).

The replacement cost trees is estimated to be \$17,400 and it is noted that the removal and replacement of these street trees will have a time impact in addition to the financial impact.

The trees were originally planted in 2006 and therefore will take 15 years to provide a comparable asset to that which currently exists.

The total cost to the community for the removal and replacement of the *Corymbia Maculata* in Melfin Drive is \$558,476.66 - Detail is provided at Appendix 5

### **5. Consultation/Public Submissions**

No consultation has been undertaken at this time although two residents have contacted Council expressing opposition to the removal of the trees.

### **6. Risk Analysis**

The risks with the removal or non-removal of these street trees are associated with the expectation of the community. The removal of street trees in this street may result in a precedent and therefore result in increased requests for tree removal.

Removal of these street trees may also result in significant backlash from the broader community and damage to Council's reputation, especially given the low level of canopy cover across the municipality and the recent State Government \$5million funding program of More Trees for a Cooler Greener West.

Council has committed to the greening of the municipality and as such was successful in obtaining state government funding to support this goal through the More Trees for a Cooler Greener West. The removal of these trees will be at odds with the Council's acceptance of funding and associated commitments.

Not removing the trees will likely see an ongoing issue with claims alleging that tree roots are causing damage to private infrastructure, leaf litter and dropping of gumnuts.

## 7. Options

- 1) Remove the trees in line with the petition request. Should Council wish to further consider this option it is strongly recommended that community consultation be undertaken first as to fully understand community views on the issue.

Please note that tree replacement is problematic due to the inability to provide the replacement planting in the exact location of the removed tree. The issue is that former tree roots takes approximately 3 years to properly decompose, posing challenges for street tree replacement in the short to medium term.

- 2) Advise the lead petitioner that the trees will not be removed and that Council will pursue a managed response including pavement sweeping and appropriate mitigating measures where required.

## LIST OF APPENDICES

1. Melfin Drive Street Trees
2. Fallen Branches
3. Tree Base Heaving
4. Tree Planting and Removal Policy
5. Melfin Drive Tree Valuation
6. Letter and Petition
7. Quotation on Tree Removal cost

**12.8 ROAD DISCONTINUANCE FOR PART OF MURRAY RD, THORNHILL PARK**

**Author: Cole Sloan - Legal Officer**  
**Presenter: Bradley Dosser – Manager Legal, Governance and Risk**

**PURPOSE OF REPORT**

To consider a proposed road discontinuance for part of Murray Rd, Thornhill Park including removal from Council's Public Register of Roads

**RECOMMENDATION:**

That Council:

1. pursuant to Section 17(4) of the Road Management Act 2004 (Vic), resolves that the road parcel shown hatched on the plan at Appendix 1, being part of the land contained in certificate of title volume 9829 folio 174 and known as part of Murray Road, Thornhill Park (the Road), be removed from Council's Register of Public Roads on the basis that the section of Road is no longer reasonably required for general public use, for the reasons set out in this report.
2. pursuant to Clause 3 of Schedule 10 of the Local Government Act 1989:
  - (a) resolves that the required statutory procedures be commenced to discontinue the Road;
  - (b) directs that, under in accordance with Section 115(4) of the Local Government Act 2020, and Council's Community Engagement Policy, a Public Notice of the proposed discontinuance be published in the Melton & Moorabool Star Weekly newspaper, and on Council's Website;
  - (c) resolves that the public notice should state that if the Roads are discontinued, Council proposes that the title be consolidated into the neighbouring lot at 121 Murray Rd, to facilitate Council's delivery of the Payne's Rd Community Hub comprising of a Community Centre and Kindergarten in 2022.
3. convene, if required, a meeting of the Section 223 Submissions Advisory Committee to hear from anyone who states in their submission their desire to be heard in person. If required, the meeting will be conducted via videoconference, with anyone requesting to be heard in person being notified in advance of the date.
4. receive a further report following the close of the submission period to enable Council to make a final decision on the matter.

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

The purpose of this report is for Council to consider entering into the formal road discontinuance process and remove part of Murray Road, Thornhill Park (the Road) from Council's Roads Register, specifically an area of 840 square metres being part of the land contained in certificate of title volume 9829 folio 174 and on plan of subdivision (Road) LP204344V.

Council has powers under section 17(4) of the Road Management Act 2004 to remove roads from the Register, and Clause 3 of Schedule 10 of the Local Government Act 1989 to discontinue roads if they are considered no longer reasonably required for public use. The relevant section of road is no longer required due to the reconfiguration of the Thornhill Park Development, and has instead been marked for Council's delivery of a Community Facilities in the Payne's Rd Precinct Structure Plan.

Council may commence the necessary statutory process by advertising its intention to discontinue the Roads by Public Notice calling for submissions and/or those wishing to be heard in person (via videoconference) on the matter.

Council would then take those submissions (including any hearings) into account, with a further report to be brought back to Council to make a final decision as to whether to discontinue the Road.

## 2. Background/Issues

Council has committed to delivering a new Community Hub comprising of a Community Centre and Kindergarten on the corner of Murray Rd and Tower St, as part of the Payne's Rd Precinct Structure Plan. Council is currently tendering for the construction works with a view to deliver the project in 2022.

Council staff have identified that part of the land required for the construction of the Community Hub remains a road reserve, with the discontinuation being required to enable Council to deliver the project. It is proposed that Council discontinue the parcel of land designated a road shown hatched on the plan (**at Appendix 1**), being part of the land contained in certificate of title volume 9829 folio 174 and on plan of subdivision (Road) LP204344V, comprising a total area of approximately 840 square metres, and known as part of Murray Road, Thornhill Park (the Road).

The section of road is no longer required due to the reconfiguration of the Thornhill Park Development.

Council has powers under section 17(4) of the Road Management Act 2004 to remove roads from the Register if they are considered no longer reasonably required for public use. In this instance, the Road:

- (a) consists of land allocated for the court head when Murray Rd was a cul-de-sac;
- (b) the cul-de-sac was deconstructed when the road was upgraded to an urban connector road standard which now connects to Wiltshire Blvd;
- (c) the part of Murray Rd to be discontinued is no longer required to provide vehicle access to property at 123 Murray Rd; and
- (d) the land has been set aside for public use in the Payne's Rd Precinct Structure Plan (PSP) for the delivery of a community facilities.

Council continues to have residual powers over roads pursuant to Section 206,207B(1) and Clause 3 of Schedule 10 of the Local Government Act 1989, which were not repealed in the transition to the 'new' Local Government Act 2020. If Council is minded to discontinue the road it must first give public notice for a defined period of 28 days, and give proper consideration of any submissions received in that period in accordance with section 115(4) of the Local Government Act 2020, and Council's Community Engagement Policy.

A follow up report will be provided to Council to make a final decision on whether to discontinue the Road. The formal process of vesting the land in Council involves publishing a notice in the Government Gazette, with the attached Gazettal Plan. Once the land has

vested in Council the title to the land will be consolidated into the neighbouring lot at 121 Murray Rd, in order to facilitate Council's plan to construct the new Community Hub.

### **3. Council and Wellbeing Plan Reference and Policy Reference**

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

5. A community that is actively engaged in the City

*5.1 Deliberative engagement and communication with the community informs planning and decision making.*

### **4. Financial Considerations**

The costs involved in procedurally undertaking a road discontinuance are minor, and Council will bear its own costs as the proposal is for Council to retain the land following the road discontinuance. The associated expenses in advertising the public notice, and the fees for publication in the Government Gazette notice are included in the recurrent Legal, Governance & Risk budget. The surveyors cost in preparing the Gazette Plan have been included in the Capital Projects budget in connection with the delivery of the Payne's Rd Community Hub

### **5. Consultation/Public Submissions**

If Council is minded to enter into the required statutory road discontinuation process, then in accordance with section 115(4) of the Local Government Act 2020, and Council's Community Engagement Policy, a Public Notice will be placed in the local newspaper and on Council's Website inviting written submissions in relation to the proposal for a period of 4 weeks (28 days).

If any person wishes to be heard in support of their written submission then Council will convene a Section 223 Submission Advisory Committee Meeting in order for the submitters to be heard in person (via video conference), a proposed time and date has been included in the Officer's recommendation to this report.

Council would then take those submissions (including any hearings) into account in making a final decision as to whether to enter into a road discontinuation when a further report is brought back before council in the new year, in early 2022

### **6. Risk Analysis**

The discontinuance of the Road will facilitate Council's delivery of the Payne's Road Community Hub and key service delivery within the Thornhill Park Development. Council will bare its own costs, as part of the project. If the Road is not discontinued Council will be planning to construct a community facility on land that has not properly vested to Council in fee simple.

## 7. Options

Council may:

1. Adopt the recommendation as set out; or
2. Decide not to commence the process to discontinue the road and be required to redesign the Payne's Road Community Centre and suspend tendering for the construction works.

## LIST OF APPENDICES

1. Gazettal Plan

## 12.9 RESPONSE TO PETITION - BRIDGETTS DOG SCHOOL

**Author: Elyse Rider - Manager Community Planning**  
**Presenter: Troy Scoble - Acting General Manager Community Services**

### PURPOSE OF REPORT

To respond to the petition tabled at the Ordinary Meeting of Council dated Monday 22 November 2021, in relation to Bridgette's Dog School usage of The Willows Historical Park.

### RECOMMENDATION:

That Council note the report.

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### REPORT

#### 1. Executive Summary

At the Ordinary Meeting of Council dated 22 November 2021, a petition was tabled by Cr Ramsey signed by 109 residents requesting that Council reconsider the decision made and allow Bridgette's Dog School to continue to have use of The Willows Historical Park for Dog Obedience activities.

#### 2. Background/Issues

Brigitte's Dog School has been hiring the use of Dunvegan Cottage at the Willows Historical Park for the use of dog training since 2004. Whilst the school utilised the public open space within the grounds during this time, ground usage has not been included within the hire agreement.

In 2021 Bridgette's Dog School sought information to support their planning application to remain at this site. This included requesting a letter from the Public Land Manager (Council) for the use of Willow's Historical Park that forms part of their Planning Application to provide use of the grounds.

Bridgette's Dog School was advised by email dated 14 September 2021 that Melton City Council will not endorse future use of the public open space at the Willows Historical Park for this purpose because it is a high profile public open public space, and supporting commercial use of this community space would limit the ability for community activation in the future.

Officers have been engaging with Bridgette's Dog School to identify and support transition to a suitable alternative venue within the municipality. A number of sites were identified with written confirmation provided from Council dated 18 October 2021 that they can apply for a planning permit for use of Cambrian Way Reserve in Melton to continue to undertake Dog Obedience activities.

Whilst the petition process is continuing to proceed and be considered by Council, it is encouraged that Bridgette's Dog School continue to pursue Cambrian Way Reserve as an option through the appropriate planning process. Council has informed Bridgette's Dog School that the application fee for the permit for Cambrian Way Reserve has been waived (\$1,337) to support their transition.

Council has also granted the use of The Willows Historical Park temporarily until 31 March 2022. This temporary extended access has been granted on the basis to allow time for Bridgette's Dog School to progress the planning permit process for Cambrian Way Reserve and for the petition to be tabled and considered by Council. It should be noted that due to Council approved events at the Willows during this period, Council will engage with Bridgette's Dog School as early as possible to mitigate any potential issues.

### **3. Council and Wellbeing Plan Reference and Policy Reference**

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

1. A safe City that is socially and culturally connected

*1.3 Local neighbourhoods are socially and culturally connected.*

### **4. Financial Considerations**

- Council has informed Bridgette's Dog School that the application fee for the permit process for Cambrian Way Reserve would be waived (\$1,337) to support a transition to the new venue.
- Bridgette's Dog School have been paying a total of \$44.25 for their 1.5 hour booking each week at the Dunvegan Cottage. This is the 2020/21 commercial rate of hire which is \$29.50phr. There has been no open space charge applied during the term of the schools tenure.

### **5. Consultation/Public Submissions**

There has been significant consultation with Bridgette's Dog School to support the organisation to understand the reasons as to why usage is no longer supported and to facilitate transition to other suitable venues. Several venues have been proposed to the organisation to consider to meet their needs.

This report is an outcome from the tabled petition from 22 November 2021.

### **6. Risk Analysis**

- Reputational risk to council in not supporting a long-standing dog training school at this site
- Limited capacity for local residents to access dog training if the school closes
- Less dogs trained in the community if the school closes with potential dangerous or antisocial animal behaviours resulting
- Inconvenience for school operator and clients in relocation and potential need for temporary fencing.
- Council's ability to activate the Willows Historical Park is limited due to the ongoing booking of the grounds each week and the logistics to relocate activities should events or community activities be planned.
- If Bridgettes Dog School was to continue to use this high profile public open space site for Dog Obedience as a commercial operator, this may open up an opportunity for other organisations to request use of this space also from an equity perspective.

### **7. Options**

That Council note the petition.

**LIST OF APPENDICES**

1. Petition - Save Bridgett's Dog School - undated

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

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

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

**14. NOTICES OF MOTION****14.1 NOTICE OF MOTION 791 (CR SHANNON)****Councillor: Julie Shannon - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 13 December 2021

**MOTION:**

That Council Officers brief Councillors twice a year, in June and December, on the operation of the Council's new Complaints Policy including, among other things, the details of the number of Complaints received and resolved under it (and at what tier of the Complaints process set out in the Policy) as well as the number of complaints rejected pursuant to the Policy.

**OFFICER'S COMMENTS:**

The details of all complaints received under the new Complaints Policy will be entered into Council's document management system as a matter of course. It would, therefore, be possible for Council Officers to summarise this information for the consideration of Councillors if this Notice of Motion is endorsed by Council.

The question to be determined in due course is whether the information captured is sufficiently detailed to address the specific requests of the Notice of Motion and also whether this information would be considered confidential under the Local Government Act 2020 or not.

In the event of the latter, this information would still be able to be provided to Councillors by way of a briefing but not made available to the public.

**14.2 NOTICE OF MOTION 792 (CR RAMSEY)****Councillor: Sophie Ramsey - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 13 December 2021

**MOTION:**

That Council write to the Federal Government, the Opposition and to local Members to reaffirm its support for the continuation and expansion of the National Disability Insurance Scheme ("NDIS"), confirming that Council continues to advocate for members of our community living with a permanent disability, and asking the recipients of this correspondence to continue this vital support with empathy and care- acknowledging that people diagnosed with a permanent disability find it demoralising to have to continue to tell and retell their story and "prove" their disability year after year to continue to receive the support they need under the NDIS.

**OFFICER'S COMMENTS:**

If this Notice of Motion is endorsed by Council, Officers will prepare correspondence to the Federal Government, the Opposition and local Members to reaffirm support for the continuation and expansion of the National Disability Insurance Scheme

**14.3 NOTICE OF MOTION 793 (CR RAMSEY)****Councillor: Sophie Ramsey - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 13 December 2021

**MOTION:**

That Council write to the Honourable Martin Foley, the Minister for Health, and to the Department of Health and Human Services asking for clarification as to what forms of COVID-19 vaccination certificates are deemed by them to be valid, particularly for community members without the required technology to obtain digital copies of the certificate and whether it could be considered to introduce a driver's license / credit card sized form of vaccination certificate complete with a photo of the holder.

**OFFICER'S COMMENTS:**

There are currently 5 ways you can show COVID-19 proof of vaccination to gain entry to businesses and venues in Victoria under existing Chief Health Office Directions and associated regulations etc, including:

- COVID-19 digital certificate via the Service Victoria app;
- COVID-19 digital certificate saved to a smartphone wallet;
- Printed copy of COVID-19 digital certificate;
- Printed copy of immunisation history statement;
- Eligible proof of vaccination exemption.

If this Notice of Motion is endorsed by Council, Officers will prepare correspondence to the Honourable Martin Foley, the Minister for Health, and to the Department of Health and Human Services asking for clarification as to what forms of COVID-19 vaccination certificates are deemed to be valid.

**14.4 NOTICE OF MOTION 794 (CR VANDENBERG)****Councillor: Ashleigh Vandenberg - Councillor**

I hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council to be held on 13 December 2021

**MOTION:**

That Council request an initial scoping report be presented to it by Council Officers on the need and opportunity for a future, Aboriginal controlled, Aboriginal Community Hub in the City of Melton, considering the following matters:

- Current and future community needs and potential benefits of establishing an Aboriginal Community Hub;
- Council's role in supporting co-design, collaboration and partnerships with Aboriginal Controlled Community Organisations, Registered Aboriginal Parties, and Aboriginal and Torres Strait Islander communities in Melton City;
- Summaries of other relevant Aboriginal Community Hubs in Victoria, identifying service models, governance models, and co-located services and infrastructure; and
- Potential funding streams and advocacy opportunities that could support the planning and development of a future Aboriginal Community Hub.

**OFFICER'S COMMENTS:**

Officers will prepare the initial scoping report outlined in the Notice of Motion, if endorsed by Council, and present findings and recommended actions to the Reconciliation Advisory Committee and Council in mid-2022.

**14.5 NOTICE OF MOTION 795 (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 13 December 2021

**MOTION:**

That Council staff liaise with Councillors to write a submission to the Municipal Association of Victoria ("MAV") in relation to the 2021-22 Rules Review which it is currently undertaking with the view to presenting that report to Council for its approval at the February 2022 Ordinary Council Meeting.

**OFFICER'S COMMENTS:**

In November 2021, MAV released a Discussion Paper relating to the commencement of a review of its Rules of Association signalling this review would be one of the more significant and comprehensive reviews that the MAV rules has undergone in the past decade.

It is anticipated that the review will be undertaken in stages over the next 10 months with written submissions from Council's being due on 28 February 2022.

The MAV Board will consider submissions received and endorse the proposed direction for the draft Rules thereafter.

MAV's State Council will then also have to vote in favour of proposed amendments (with a minimum 60% in favour being required to pass any changes).

The entire project is being overseen from a Governance perspective by a Board Steering Committee and Officer Working Group.

External participants in the review include:

- Mr Phil Shanahan, Consultant, to conduct the review;
- Capire Consulting Group, to oversee engagement informing the review;
- Mr Mark Hayes, Partner, Public Law, Maddocks, to advise the review and draft the new Rules.

If this Notice of Motion is endorsed by Council, Officers will liaise with Councillors to write a submission to MAV 2021-22 Rules Review with the view to presenting that submission to Council for its approval at the February 2022 Ordinary Council Meeting.

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

**16. URGENT BUSINESS**

## 17. CONFIDENTIAL BUSINESS

### Recommended Procedural Motion

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

- 17.1 Contract 22/019 - Parks & Open Space Asset Maintenance**  
(g) as it relates to private commercial information, being information provided by a business, commercial or financial undertaking that—  
(i) relates to trade secrets; or  
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- 17.2 Contract 22/021 - Sportsgrounds Asset Maintenance**  
(g) as it relates to private commercial information, being information provided by a business, commercial or financial undertaking that—  
(i) relates to trade secrets; or  
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- 17.3 Contract 22/020 - Trees Asset Maintenance**  
(g) as it relates to private commercial information, being information provided by a business, commercial or financial undertaking that—  
(i) relates to trade secrets; or  
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- 17.4 Contract 22/018 - Roads & Drainage Asset Maintenance**  
This report is confidential in accordance with s89(2)(g) as it relates to private commercial information, being information provided by a business, commercial or financial undertaking that—  
(i) relates to trade secrets; or  
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- 17.5 Contract No. 22/012 - Troups Road South, Mount Cottrell - Road Construction**  
(g) as it relates to private commercial information, being information provided by a business, commercial or financial undertaking that—  
(i) relates to trade secrets; or  
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- 17.6 Contract 22-024 Annual Path Renewal Program (Concrete) 2021/2022**  
(g) as it relates to private commercial information, being information provided by a business, commercial or financial undertaking that—  
(i) relates to trade secrets; or  
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- 17.7 Contract 22/014 - Provision of Building and Public Amenity Cleaning**  
(g) as it relates to private commercial information, being information provided by a business, commercial or financial undertaking that—  
(i) relates to trade secrets; or  
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

- 17.8 Appointment of Independent Audit and Risk Committee Member**  
(f) as it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.
- 17.9 Expression of Interest - Melton Courthouse Cafe**  
(a) as it relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.
- 17.10 Contract No. 20/012 - Pedestrian Signals Package**  
(g) as it relates to private commercial information, being information provided by a business, commercial or financial undertaking that—  
(i) relates to trade secrets; or  
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- 17.11 Appointment of Chief Executive Officer**  
(f) as it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

**18. CLOSE OF BUSINESS**