



MELTON CITY COUNCIL

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

30 August 2021

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

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MELTON CITY COUNCIL

MINUTES OF THE MEETING OF THE
MELTON CITY COUNCIL
HELD VIA A VIDEOCONFERENCE
ON 30 AUGUST 2021 AT 7:00PM

Present:

Cr K Majdlik (Mayor)
Cr G Kesic (Deputy Mayor)
Cr S Abboushi
Cr L Carli
Cr M Deeming
Cr S Ramsey
Cr J Shannon
Cr B Turner
Cr A Vandenberg

Mr K Tori, Chief Executive Officer
Ms LJ Mellan, Executive Manager Property & Projects
Mr P Bean, General Manager Corporate Services
Mr M Heaney, General Manager Community Services
Ms S Romaszko, Acting General Manager Planning and Development
Mr B Dosser, Manager Legal and Governance
Mr D Caligari, Manager Capital Projects
Ms R Bartlett, Governance Officer

1. OPENING PRAYER AND RECONCILIATION STATEMENT

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

2. APOLOGIES AND LEAVE OF ABSENCE

Nil.

3. CHANGES TO THE ORDER OF BUSINESS

Nil.

4. DEPUTATIONS

Nil.

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

The CEO, Mr Tori, declared a Material Conflict of Interest pursuant to Section 128 of the *Local Government Act 2020* in Item 17.8, 'CEO Matters'.

6. ADOPTION AND CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION:

That the Minutes of the Meeting of Council held on 2 August 2021 be confirmed as a true and correct record.

Motion

Crs Carli/Kesic

That the recommendation be adopted.

CARRIED

7. SUMMARY OF INFORMAL MEETINGS OF COUNCILLORS

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

- 2 August 2021 Summary of Informal Meetings of Councillors
- 2 August 2021 Summary of Informal Meetings of Councillors
- 9 August 2021 Summary of Informal Meetings of Councillors
- 16 August 2021 Summary of Informal Meetings of Councillors
- 23 August 2021 Summary of Informal Meetings of Councillors

RECOMMENDATION:

That the Summary of Informal Meetings of Councillors dated 2, 2, 9, 16 and 23 August 2021 attached to this Agenda be received and noted.

Motion

Crs Carli/Ramsey

That the recommendation be adopted.

CARRIED

LIST OF APPENDICES

1. Summary of Informal Meetings of Councillors - 2 August 2021
2. Summary of Informal Meetings of Councillors - 2 August 2021
3. Summary of Informal Meetings of Councillors - 9 August 2021
4. Summary of Informal Meetings of Councillors - 16 August 2021
5. Summary of Informal Meetings of Councillors - 23 August 2021

8. CORRESPONDENCE INWARD

8.1 PARLIAMENTARIAN AND DEPARTMENTAL LETTERS RECEIVED BY THE MAYOR

- Paul Fletcher MP – Federal Member for Bradfield, Minister for Communications, Urban Infrastructure, Cities & the Arts – Intermodal terminal options in Melbourne
- The Hon Ben Carroll MP – Minister for Public Transport and Minister for Roads and Road Safety – Coburns Road and Exford Road level crossings in Melton South
- The Hon Danny Pearson MP – Acting Minister for Police and Emergency Services – Police resourcing and community safety in the City of Melton

RECOMMENDATION:

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

Motion

Crs Turner/Vandenberg

That the recommendation be adopted.

CARRIED

LIST OF APPENDICES

1. Letter from Paul Fletcher MP – Federal Member for Bradfield, Minister for Communications, Urban Infrastructure, Cities & the Arts – Intermodal terminal options in Melbourne - dated 31 July 2021
2. Letter from The Hon Ben Carroll MP – Minister for Public Transport and Minister for Roads and Road Safety – Coburns Road and Exford Road level crossings in Melton South - dated 5 August 2021
3. Letter from The Hon Danny Pearson MP – Acting Minister for Police and Emergency Services – Police resourcing and community safety in the City of Melton - dated 15 August 2021

9. PETITIONS AND JOINT LETTERS

9.1 PETITION – PLANNING APPLICATION (PA2020/7146/1)

Cr Carli tabled a petition received from residents regarding Melfin Drive Gumtrees.

The petition requests that the eucalyptus trees be removed stating, among other things, that “these trees have caused and are causing issues for the residents including the following plumbing where residents are out of pocket, nuisance birds and bats, swooping, branches falling, gumnuts causing slipping hazards, roots raising nature strips and causing hazards for posties, constant leaves filling gutters and gardens. These trees are not suitable for the street that is so narrow and with our properties only having a 5m set back the roots are sure to damage properties in the future, these trees are more suited to open reserves and park lands”

The petition contained 30 signatures.

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

Nil.

11. PUBLIC QUESTION TIME

Name	Question asked of Council
Inge Strybos	<i>“What positive actions are Councillors taking to eliminate discrimination on the basis of gender identity, as required under the Councillor Code of Conduct?”</i>
Inge Strybos	<i>“Considering that Council has advisory committees for people with a disability, intercultural people, Aboriginal people and youth, will Council consider establishing an LGBTIQ+ Advisory Committee to ensure that the City of Melton is welcoming and supportive of the LGBTIQ+ community?”</i>
Melanie Lynn	<i>“I have been writing to the Council since 2018 about the eyesore that is the huge storage container at the end of Brunton Avenue in Caroline Springs. I have been told it was temporary while the sports centre was being built and yet it is still there. I have seen it open and there is a very small amount of sports equipment inside it, not anything requiring the size of that container. It is huge, it is ugly, and it’s not temporary. I have written for almost 4 years and I receive ‘we’ve received your</i>

	<i>email' ... and then nothing. When will this rusting hunk of junk be removed please."</i>
Nishan	<i>"Exford Rd and Greigs Rd is seeing more vehicular and truck traffic with the growing areas around the council region. Exford Rd/Werribee River Bridge is getting quite dangerous with increased traffic, risk drivers are taking near peak hours and large vehicles on a small bridge is a waiting to be a future blackspot. Does the council have strategy or plan to avoid this location being a future blackspot? Or no action will be taken till this location is announced at a blackspot?"</i>
Nishan	<i>"Melton branded cars have been seen on the road batches on Exford Rd & Nerowie Rd. These batches often break apart turning into projectiles several weeks later. In my opinion, these batches of these roads are unacceptable quality, and roadwork seems to be a monthly activity. Are council's revenues being wasted for continual construction of poor road batches without councillors' knowledge?"</i>
David O'Connor	<i>"I recently wrote to the Mayor and Councillors regarding the growing situation (increasing house prices) facing many Australians, which is beginning to have an impact on our municipality, especially residents on low and fixed incomes. Although the issue is not within the realm of Council, we have all seen in recent times Council and Councillors advocate strongly for better outcomes for Melton both at a State and Federal level. Whilst this is an extremely complex issue, in my opinion local government is well placed to provide the necessary driving force required to initiate the fundamental discussions to help address this growing national problem. Therefore, in accordance with my email (See attached), does Council share my concerns and will Council undertake to support those impacted by this issue?"</i>
David O'Connor	<i>"The Victorian State Government recently introduced legislation to address rent relief for Victorian commercial tenants. In accordance with the scheme, commercial landlords are required to apply rent waivers and deferrals, including outgoings (Council Rates) to eligible leases. What</i>

	<i>support has Council extended to our business community, including commercial rate payers during the pandemic and given the obligations associated with the new "Commercial Tenancy Relief Scheme" what additional support will be made available to business proprietors and landlords facing hardship?"</i>
Simon Vannuccini	<i>"Over the past several weeks, a surveillance camera had been installed on the light pole of Bulmans Rd and High St roundabout. I emailed council and received a response from the traffic team that this was not installed by council and possibly DoT as it "may" have to do with the Western Hwy works. I am seeking council to confirm its purpose."</i>

Procedural Motion

Crs Carli/Ramsey

That the recommendations as printed in Items 12.1, 12.5 and 12.8 be adopted en bloc.

CARRIED**12. PRESENTATION OF STAFF REPORTS****12.1 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. adopt the minutes of the Advisory Committee meetings at **Appendix 1 - 5**
2. adopt recommendations arising within the Minutes.

Motion

Crs Carli/Ramsey

That the recommendation be adopted.

CARRIED**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
13 July 2021	Youth Advisory Committee	Appendix 1
22 July 2021	Early Years Partnership	Appendix 2
29 July 2021	Policy Review Panel	Appendix 3
5 August 2021	Heritage Advisory Committee	Appendix 4
11 August 2021	Melton Transport Community Reference Group	Appendix 5

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

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. Youth Advisory Committee Meeting Minutes - dated 13 July 2021
2. Early Years Partnership Meeting Minutes - dated 22 July 2021
3. Policy Review Panel Meeting Minutes - dated 29 July 2021
4. Heritage Advisory Committee Meeting Minutes - dated 5 August 2021
5. Melton Transport Community Reference Group Meeting Minutes - dated 11 August 2021

12.2 AUDIT AND RISK COMMITTEE MINUTES FOR MEETING HELD ON 4 AUGUST 2021

Author: Cheryl Santoro - Senior Administration Officer
Presenter: Laura-Jo Mellan - Executive Manager Property and Projects

PURPOSE OF REPORT

To present to Council the minutes of the Audit and Risk Committee meeting held on Wednesday 4 August 2021.

RECOMMENDATION:

That Council:

1. Note the minutes of the Audit and Risk Committee meeting held on Wednesday 4 August 2021 at **Appendix 1**.
2. Adopt the recommendations arising within the minutes.

Motion

Crs Carli/Shannon

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The minutes of the Audit and Risk Committee meeting held on 4 August 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 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

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. Audit and Risk Committee Minutes for Meeting held on 4 August 2021

12.3 RESPONSE TO NOTICE OF MOTION 763 (CR VANDENBERG) - COVID-19 SOCIAL AND ECONOMIC IMPACTS REPORT

Author: Elyse Rider - Manager Community Planning
Presenter: Maurie Heaney - General Manager Community Services

PURPOSE OF REPORT

To present the City of Melton COVID-19 Social and Economic Impacts Report

RECOMMENDATION:

That Council note the Report and endorse its publication.

Motion

Crs Vandenberg/Ramsey

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The City of Melton COVID-19 Social and Economic Impacts Report (the report) outlines the social and economic impacts of the pandemic as experienced by the City of Melton community. The purpose of the report is to outline and inform understanding of the pandemic's impact to inform evidence-based decisions on how to best support the community through the pandemic, through recovery, and to build longer term resilience.

This Council report includes an overview of the attached report and presents it to Council for consideration to be released publicly so that it can be of use to local stakeholder organisations, partner agencies and community service providers in forming recovery responses.

2. Background/Issues

At the ordinary meeting of Council dated 7 May 2021, Council endorsed the following Notice of Motion 763 (Cr Vandenberg):

That Officers provide a report to Council on the Social and Economic Impacts of COVID-19 on the City of Melton and its impacts on local businesses, employment including social and emotional wellbeing such as health, mental health and family violence.'

The report identified significant and widespread concerns resulting from the COVID-19 impact in the City of Melton. In some cases, the hardship experienced locally is more so than in Greater Melbourne, such as for incidence of family violence and rates of unemployment. Existing social inequalities have been compounded by the pandemic and associated social distancing restrictions, resulting in impacts being experienced disproportionately by certain cohorts of the community.

The report utilised findings to develop a guiding framework for recovery and resilience - 'The City of Melton Recovery and Resilience Framework. This is a guide for responding to community need and supporting recovery through strategies for addressing immediate acute need, and existing vulnerabilities that resulted in disproportionate impacts for some cohorts.

Local services, community groups, settings and community members have shown significant strength and resilience throughout these challenging times. Council is well placed to partner with State and Federal Governments to bring together the local community and local service sector, to deliver a collaborative recovery effort and move forward together to become a resilient community in the face of future challenges.

This report is presented for data collation and information purposes only and does not present an adopted position of Council. It seeks to provide guidance for the incorporation of strategies for COVID recovery into service planning and Melton City Council's 2021 integrated strategic planning project, which has been achieved.

Please refer to the full report found at **Appendix 1** for further information.

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
- 1.2 *A safe and equitable community.*

4. Financial Considerations

The Report was developed within the 2020/21 Community Planning operational budget.

5. Consultation/Public Submissions

The Report was developed through data collection, research and analysis, with direct contribution from staff across Council, Councillors and direct community service provider and agency feedback. Direct community consultation did not inform the development of the Report.

6. Risk Analysis

No risks to Council have been identified in relation to the production of the COVID-19 Social and Economic Impacts Report.

7. Options

Nil.

LIST OF APPENDICES

1. Melton City Council - COVID-19 Social and Economic Impacts Report - 2020-2021

Cr Ramsey left the videoconference at 7:54pm.

Cr Ramsey returned to the videoconference at 7:56pm.

12.4 SUGARGUM ESTATE SPECIAL CHARGE SCHEME - PRELIMINARY CONSULTATION OUTCOME

Author: Bhavin Mehta - Principal Planning Engineer
Presenter: Sam Romaszko – Acting General Manager Planning & Development

PURPOSE OF REPORT

To provide a summary of the preliminary consultation process and community feedback received for a potential special charge scheme to deliver Sugargum Estate footpaths and associated works in Hillside.

RECOMMENDATION:

That Council:

1. Note the preliminary consultation process and community feedback.
2. Do not proceed with the implementation of a special charge scheme within Sugargum Estate.

Motion

Crs Abboushi/Kesic.

That Council:

1. Note the preliminary consultation process and community feedback.
2. Do not proceed with the implementation of a special charge scheme within Sugargum Estate.
3. Undertake community consultation on an innovative trial for the provision of footpaths within low density estates that does not trigger a Special Charge Scheme.
4. A further report be presented to Council for consideration in response to point 3 above, including pricing and funding options available.

CARRIED

REPORT

1. Executive Summary

At the Ordinary Meeting of Council held on 10 May 2021, a report on a potential special charge scheme for Sugargum Estate to deliver footpaths and associated works was presented. This report can be found in **Appendix 1** and included a detailed scope of works, beneficiary assessment as well as five diverse financial options on a special charge scheme with varying degree of Council co-contribution for Council's consideration. At this meeting, the following was resolved;

That Council:

1. *Offer Options 1 and 3 as presented within this report.*
2. *Advise its intention to implement a Special Charge Scheme for Sugargum Drive allowing Council officers to commence preliminary community consultation with Options 1 and 3.*
3. *Receive a report at a future meeting of Council presenting a Special Charge Scheme Policy.*

A preliminary consultation information pack including cover letter, frequently asked questions and consultation survey form was prepared and sent to all 150 residents on the 16 June 2021. A copy of this advice can be found in **Appendix 2**.

The residents were requested to return a written response by 23 July 2021 in a prepaid envelope included in the information pack. Subsequently, two online information sessions were organised over Zoom on the 29 June and 8 July 2021.

To implement a special charge scheme, a minimum of 90 votes (90 out of 150 properties or 60%) in support of a potential special charge scheme were required. Council officers received 93 written submissions out of 150 properties with less than 4% in support of a potential special charge scheme.

An overwhelming majority of written submissions stated that footpaths would benefit the wider community and not only residents of Sugargum estate, and that Council should provide pedestrian connections in this estate.

Based on the community feedback, it is recommended not to proceed with implementation of a special charge scheme.

2. Background/Issues

At the Ordinary Meeting of Council held 22 July 2019, Notice of Motion 636 (Cr Abboushi) was carried. The resolution was:

That Council:

1. *Undertake the preparation of comprehensive functional layout plans for the provision of kerb and channel and footpaths within the Sugargum Estate to enable appropriate costings to be undertaken for these works.*
2. *Upon completion of the comprehensive functional layout plans that Council officers undertake extensive consultation with the residents within the estate regarding the potential scope of works, costings and their willingness to contribute financially through a special charge.*

Officers have prepared functional layouts as well as preliminary costings for footpath and drainage works for Sugargum Drive and Boronia Drive excluding other small court bowls within the Sugargum Estate. Preliminary costs for construction of footpath and drainage works were estimated between \$3.0M and \$4.0M, however there were several concerns in relation to service provision and cost overruns. Due to significant unknowns at the time, it was decided to develop detailed designs and tender ready documentation prior to public consultation for a Special Charge Scheme. Engineering Services completed detailed designs and total construction cost is estimated at \$3.5M, of which approximately \$500k is for footpath works and the remaining \$3.0M is attributed towards drainage and other service alternations required to facilitate this project.

A report was subsequently presented at the Ordinary Meeting of Council on 10 May 2021, detailing options for consideration relating to a potential special charge scheme within the Sugargum Estate. The report included a detailed beneficiary assessment based on 150 rate paying properties that would receive benefit only from footpath works. 76 rate paying properties out of 150 are fronting the scope for works on Sugargum Drive and Boronia Drive

were considered to benefit directly (direct beneficiary) from both footpath and drainage works. The remaining 74 properties on the side streets and courts were considered to benefit indirectly (indirect beneficiary) from the footpath works.

The report also included detailed financial assessment on five options with varying degree of Council co-contribution. The following Table summarises the options presented to Council within the report.

Options	Footpath	Drainage	Council cost	Private cost per property (direct)	Private cost per property (indirect)
Option 1: Area wide charge scheme	\$ 500,000	\$ 3,000,000	\$ 112,903	\$ 22,581	\$ 22,581
Option 2: Direct beneficiaries	\$ 500,000	\$ 3,000,000	\$ 216,049	\$ 43,210	\$ -
Option 3: Hybrid of Option 1 and 2	\$ 500,000	\$ 3,000,000	\$ 201,314	\$ 40,263	\$ 3,226
Option 4: Footpath fully funded by Council	\$ 500,000	\$ 3,000,000	\$ 500,000	\$ 39,474	\$ -
Option 5: Overall community benefit	\$ 500,000	\$ 3,000,000	\$ 1,000,000	\$ 31,272	\$ 1,667

At this meeting, the following was resolved;

That Council:

1. Offer Options 1 and 3 as presented within this report.
2. Advise its intention to implement a Special Charge Scheme for Sugargum Drive allowing Council officers to commence preliminary community consultation with Options 1 and 3
3. Receive a report at a future meeting of Council presenting a Special Charge Scheme Policy.

Officers have undertaken preliminary consultation relating to the proposed special charge scheme within Sugargum Estate in accordance with the resolution above.

Preliminary Consultation

A preliminary consultation information pack including cover letter, frequently asked questions and consultation survey form was sent to all 150 residents on the 16 June 2021. A copy of this advice can be found in **Appendix 2**.

Residents were requested to return a written response by 23 July 2021 in a prepaid envelope included within the Information pack.

- 93 survey forms with a response (including 3 late submissions)
- 16 information packs returned with no response
- Council officers did not receive responses from the remaining 41 properties.

Of the 93 survey forms returned, 5 properties were in support of a potential special charge scheme. 88 properties were not in support of a potential special charge scheme .

Two online information sessions were also scheduled over Zoom on the 29 June and 8 July 2021.

To consider implementation of a special charge scheme, a minimum of 90 responses (90 out of 150 properties, or 60%) in support of a potential special charge scheme is required. Council did not receive sufficient votes in support of a potential special charge scheme.

In summary,

- Less than 4% of residents are in support of a potential special charge scheme
- Greater than 58% of residents are opposing a potential special charge scheme
- 38% of the residents did not participate in the preliminary consultation process

In addition to the formal preference selection, the survey form also provided residents to provide written feedback. The written feedback from the residents is summarised below.

- An overwhelming majority of residents believe that footpaths will benefit wider community, and not just residents within Sugargum Estate.
- Boronia Drive Recreation Reserve and the dog park has increased demand for pedestrian movements within the estate.
- An overwhelming majority of residents believe Council should pay for the footpaths.
- A large proportion of the residents believe that Sugargum residents pay the highest rates across the municipality.
- 10% of residents do not want footpaths and have bought into the estate for its rural lifestyle appeal.
- Some residents oppose all development and other land use occurring within Sugargum Estate.
- Some residents requested that piped sewage be considered by Council as part of this project.

Based on the community feedback, it is recommended not to proceed with implementation of a potential special charge scheme.

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

There are no financial implications associated with this report.

5. Consultation/Public Submissions

The preliminary consultation process included consultation with affected property owners of the proposed special charge scheme. Detailed advice relating to the submissions can be found in the Background section of this report.

This included provision of formal correspondence as detailed in **Appendix 2** and two community meetings that were held online via Zoom on 29 June and 8 July 2021.

6. Risk Analysis

Not applicable.

7. Options

Note the contents of this report.

LIST OF APPENDICES

1. Sugargum Estate; Minutes from Meeting of Council on 10 May 2021
2. Sugargum Estate; Information Pack - undated

12.5 2020-2021 COUNCIL AND WELLBEING ANNUAL ACTION PLAN YEAR-END REPORT

Author: Bob Baker - Corporate Planning and Performance Coordinator
Presenter: Laura-Jo Mellan - Executive Manager Property and Projects

PURPOSE OF REPORT

To present to Council the 2020/21 Council and Wellbeing Annual Action Plan Year-end Report

RECOMMENDATION:

That Council receive and note the 2020/21 Council and Wellbeing Annual Action Plan Year-end Report as per **Appendix 1**

Motion

Crs Carli/Ramsey

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The 2017-2021 Melton City 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 initiatives that Council will take in response to the objectives and strategies identified in the Council Plan.

Progressive achievements against actions from the Plan were reported following the conclusion of the first three quarters of the financial year, and this cumulative report is compiled following the conclusion of each financial year. Updates on select initiatives are also reproduced in Council's Annual Report.

Appendix 1 to this report provides details of Council's activities and achievements during 2020/21.

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 over the course of its four-year term of office. The Council and Wellbeing Plan contains objectives, strategies and strategic indicators.

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

Council provides the community with quarterly progress reports in support of Council's commitment to transparency, through public access to relevant information, decision making and strategic documents.

Annual Action Plan 2020/21

The 2020/21 Annual Action Plan identified 107 actions that Council committed to deliver.

Appendix 1 provides a detailed summary on the status of each action in the 2020/21 Annual Action Plan, inclusive of the reporting period from 1 July 2020 to 30 June 2021.

The following table provides summary of progress against actions for 2020/21:

Status	Description	Number of Actions
Achieved	The Action is completed.	86
On Track	The action is on track and expected to be completed by the current timeline	11
Not on Track	The Action has been delayed impacting on the current timeline.	10
Postponed	The Action has been deferred for the financial year.	0
Total		107

Several actions have been assessed as Not on Track this year as they have been impacted by Covid-19 and subsequent restrictions initiated by the Federal and State Governments.

Of the actions not on track, six of them were impacted by Covid-19 causing delays in completing the actions. Other explanations include:

- The Melton Youth grants and awards were deferred until later in 2021 due to the Terms of Reference (ToR) and Grants Policy requiring amendment.
- Implementation of the Housing Diversity Strategy was delayed where changes to State Government guidelines for applying residential zones requires a revision of previous strategic work, complicating and delaying the implementation of the remaining actions of Housing Strategy. Work has commenced to re-scope the Housing Strategy project.
- The review of Councils tree planting and removal policy was delayed due to prioritisation of the implementation of the Local Government Act 2020.
- The Western Plains South Green Wedge Management Plan was delayed because of DELWP conducting a review of the State Government Planning for Melbourne's Green Wedge and Agricultural Land Policy. Covid-19 impacted on the State Government completing the review. This has effectively changed the scope of our Management Plan. Work has now recommenced on the Management Plan.

Major achievements from the end of year report include:

Construction of:

- 130km of new footpaths in the City.

Finalisation of the following key strategic documents:

- The Climate Change Adaptation Plan has been completed and published and now forms part of Council's pledge under the Climate Change Act.
- Completed the business model for the Cobblebank Indoor Sport Stadium.
- Council's Investment Attraction Strategy was completed.

The implementation of new program and service initiatives, including:

- The Eynesbury Station Early Learning Centre commenced operations in January this year and was officially opened in March.
- Delivery of the Water Sensitive Urban Design Program is now complete.
- Several advocacy activities addressing key infrastructure, education, transport, and health issues were undertaken during the year.
- The 2017/2021 Domestic Animal Management (DAM) Plan has been completed.
- Conferred citizenship to 364 residents of the City of Melton which is well down on the previous year because of Covid restrictions.
- The Reconciliation Roadmap 2018-2021 was successfully completed and reported on at the 8 February Council Meeting. The focus of the plan was to support the creation of an Aboriginal Community Hub, increase Council staff's understanding of Aboriginal and Torres Strait Islander cultures, investigate ways to better promote the history and heritage of the City of Melton, and develop an Indigenous Employment Strategy.
- An Outdoor Dining program has been completed with more than 50 installations across the City.
- The Venture Melton Business Network ended 2020/21 with over 1,200 members.
- A Youth Traineeship program has been established in partnership with AFL Sports Ready.

Upon Council's receipt of this update, the 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

Activities from the Annual Action Plan 2020/21 were funded via Council's 2020/21 budget process and supported by Government grants.

5. Consultation/Public Submissions

The 2017-2021 Council planning process involved extensive consultation of 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 and subsequent 2020/21 Annual Action Plan.

6. Risk Analysis

Nil

7. Options

That Council:

1. Adopt the 2020/21 Annual Action Plan Year-end Report as detailed at **Appendix 1**; or
2. Provide an alternative option at Council's discretion.

LIST OF APPENDICES

1. 2020-2021 Council and Wellbeing Annual Action Plan Year-end Report - undated

The meeting was adjourned at 8:04pm.

The meeting resumed at 8:15pm.

12.6 PROPOSED LEASE TO WERN - 23 WESTWOOD DRIVE, RAVENHALL

Author: Cole Sloan - Legal Officer
Presenter: Bradley Dosser - Manager Legal & Governance

PURPOSE OF REPORT

For Council to make a decision to enter into a new lease with Western Emergency Relief Network Incorporated for (part) 23 Westwood Drive, Ravenhall.

RECOMMENDATION:

That Council:

1. Decide to enter into a new lease with Western Emergency Relief Network Incorporated for part of the land situated at 23 Westwood Drive, Ravenhall for a term of twenty (20) years, on a peppercorn rental of \$1 per annum, subject to the tenant providing Council with a development contribution of \$400,000 (inclusive of GST).
2. Authorise the CEO to execute a lease in substantially the same form as that attached at **Appendix 1**.

Motion

Crs Abboushi/Kesic

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

At its Meeting on 15 March 2021, Council resolved to publish its intention to enter into a new lease with Western Emergency Relief Network Incorporated (WERN) for part of the land at 23 Westwood Drive, Ravenhall (the premises).

On 23 March 2021, a public notice was published in the Melton & Moorabool and Star Weekly newspapers as well as on Council's website, with submissions closing at 5pm on 21 April 2021.

Council received one submission during the submission period requesting further information about the proposal. A copy of the Council Minutes were provided to the enquirer, and no further submissions were received. Accordingly, with all statutory processes completed Council is now in a position to make a decision to enter into the new lease.

Significant delays to Council's constructions works has required the parties to commit to a later practical completion & lease commencement date. Further due to the costs incurred by WERN to lease alternative premises, Corporate Services have offered the tenant pay a reduced development contribution of \$400,000 (inclusive of GST). The Officers Recommendation has been amended accordingly on the instructions of GM Corporate Services, and CEO approval.

2. Background/Issues

At its Meeting on 14 September 2020, Council resolved to award Contract 21/008 for the design and construction of two warehouses at 23 Westwood Drive.

Council is overseeing the construction of the facilities which will see the delivery of two warehouses with associated internal fit outs, car spaces and all other sundry works including landscaping. Practical completion of the works for this premises (warehouse 2) were planned to occur on or about 20 August 2021. However due to a delay to the Council works, the updated date for practical completion is 1 February 2022.

The actual commencement date of the lease will be 10 days following the date on which Council gives the tenant written notice the Council works are practically complete in accordance with Special Condition 2.2 of the lease. As soon as practicable after practical completion of Council works a Condition report will be prepared by Council and included as an attachment to the executed lease, with the tenant being provided an updated copy.

At its Meeting on 15 March 2021, Council resolved to commence the process of its intention to enter into a lease of the premises with WERN.

WERN is a not-for-profit community organisation initiative in partnership with the Rotary Club, which provides emergency relief and assistance through supplying good quality second hand furniture, electronic and whitegoods, to people in need due to homelessness, mental health, family violence, refugee, fire or flood situations.

The proposed lease would see WERN relocate to the City of Melton to better service its current demands for support and also allowing for the projected growth over the next 20 years.

The proposed lease to WERN is set out in **Appendix 1** and would contain the following revised key terms:

- a) Commencement date: 10 business days following practical completion of the construction of the premises;
- b) Term of 20 years; and

Peppercorn Rental of \$1 per annum subject to receipt of WERN's contribution of \$400,000 (inclusive of GST) on or before the date of occupancy.

with all other terms to be in line with Council's standard leases.

Pursuant to sections 190 and 223 of the *Local Government Act* 1989 ("the Act") a public notice was required to be published four (4) weeks prior to the lease being made outlining Council's intention to enter into a new lease with WERN.

On 23 March 2021, a public notice was published in the Melton & Moorabool and Star Weekly newspapers as well as on Council's website, with submissions closing at 5pm on 21 April 2021.

Council received one submission during the submission period, requesting further information about the proposal. A copy of the Council Minutes were provided to the enquirer, and no further submissions were received for Council's consideration.

As mentioned above, significant delays to Council's constructions works required the parties to commit to a later practical completion & lease commencement date than what was set out

in the Public Notice, and due to the costs incurred by WERN to lease alternative premises Corporate Services have offered a reduced development contribution of \$400,000 (inclusive of GST). The necessary amendment to these terms remain compliant with the LGA, without requiring an additional public consultation period, and the updated Officer Recommendation has been approved by the CEO and GM for Corporate Services.

With all statutory obligations therefore complete, Council must now make a decision as to the whether or not to enter into a lease with WERN for the premises and it is recommended that the lease be granted in substantially the same form of that attached at **Appendix 1**.

If Council is not minded to offer a new lease, then WERN will need to be informed of this decision.

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 proposed lease is for a peppercorn rental of \$1.00 per annum subject to the tenant providing Council with a development contribution of \$400,000 (inclusive of GST) on the commencement of the lease. The costs associated with the public notice and preparation of the lease can be absorbed from within the recurrent Legal & Governance budget.

5. Consultation/Public Submissions

Pursuant to sections 190 and 223 of the *Local Government Act* 1989 ("the Act") a public notice was required to be published four (4) weeks prior to the lease being made outlining Council's intention to enter into a new lease with WERN.

On 23 March 2021, a public notice was published in the Melton & Moorabool and Star Weekly newspapers as well as on Council's website, with submissions closing at 5pm on 21 April 2021.

Council received one submission during the submission period requesting further information about the proposal. A copy of the Council Minutes were provided to the enquirer, and no further submissions were received for Council's consideration

6. Risk Analysis

Should Council not be minded to enter into the new lease, WERN will be required to seek alternative premises which may impact on their service delivery including that within the City of Melton municipality

7. Options

1. Adopt the recommendation as set out, or
2. Decide not to enter into the lease with WERN and notify WERN accordingly.

LIST OF APPENDICES

1. Draft Lease to WERN - 23 Westwood Drive, Ravenhall - undated

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

Author: Cole Sloan - Legal Officer
Presenter: Bradley Dosser - Manager Legal & Governance

PURPOSE OF REPORT

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

RECOMMENDATION:

That Council:

1. Commence the process to enter into a Deed of Variation to the existing lease with City Circle Recycling Pty Ltd (City Circle) over the land situated at 17-31 and Part 33-41 Ferris Road, Melton South. Proposed variation as follows:
 - a) Council grant an additional further term option of **5 years** from 2035 to 2040.
 - b) City Circle partially surrender the leased area, in accordance with the updated plan at **Appendix 2** removing the pond at the north-east section from the leased area and relocate the current City Circle operations from the southern section including the Car Park & Office at the current entry of Tree Leaf Lane.
 - c) City Circle agrees to carry out all works required to give effect to the partial surrender of land, including constructing a new crossover and driveway to the Land from Tree Leaf Lane (Tenant's Works) at its own cost, by **January 2022**.

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

2. Place a public notice in the Melton & Moorabool Star Weekly as well as on Council's website of its intention to vary the existing lease with City Circle.
3. Convene, if required, a meeting of the Section 223 Submissions Advisory Committee to hear from anyone who states in their submission a desire to be heard in person, at 6:15pm on 11 October 2021. If required, the meeting will be conducted via videoconference.
4. Receive a further report following the close of the submission period to enable Council to make a final decision on the matter.

Motion

Crs Turner/Deeming

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

The purpose of this report is for Council to consider entering into a Deed of Variation to alter the essential terms of the existing lease with City Circle Recycling Pty Ltd (City Circle) over the land at 17-31 and part 33-41 Ferris Road, Melton South.

The Environment and Waste Business Unit in conjunction with the Capital Projects Business Unit are seeking a variation of the terms of the existing lease on behalf of Council, to facilitate the Melton Recycling Facility (MRF) Expansion Project.

If Council decides to consider entering into the Deed of Variation, it would be required to commence the statutory process in accordance with section 115 of the *Local Government Act 2020* (The Act) and Council's Community Engagement Policy. This includes advertising Council's intention to vary the relevant key terms, calling for submissions, and convening a meeting for those wishing to be heard on the matter.

If Council is not minded to offer the Deed of Variation, the Existing Lease will remain in place and continue until the current expiry date, or at the end of the further term. The MRF Expansion Project will need to be suspended until a re-design is settled on that does not encroach on the land leased to City Circle.

2. Background/Issues

Council currently leases the land situated at 17 – 31 and Part 33-41 Ferris Road, Melton South, to City Circle Recycling Pty Ltd (the Existing Lease). City Circle was the successful tenderer to Council's EOI (Tender 12/044) and the Lease was entered into following the Resolution of the Property Development Advisory Committee (PDAC) on 6 October 2014.

PDAC adhered to the appropriate public consultation process to give notice of Council's intention to enter into the lease, pursuant to s190 and s223 of the *Local Government Act 1989*. The site received its initial statutory planning approval in 2014, and the amended permit plans were endorsed on 22 June 2015 (PA2014/4295/1).

Accordingly, the lease was entered into on the following key terms:

- a) Commencement date of 1 May 2015
- b) Term of 15 years, with one further term option of 5 years
- c) Market Rent of \$24,000 per annum (GST Excluded), plus:
 - \$0.25 (plus GST) royalty payment for each cubic metre of incoming recyclable construction and demolition waste approved and accepted by the Tenant acting reasonably; and
 - \$0.25/tonne (plus GST) royalty payment for each tonne of recycled product sold from the Land, subject to the Tenant's reasonable and proper determination of the tonnes sold.
- d) Fixed 1% per annum Rent increase
- e) Market Rental Review on the commencement date of each further term.

The 2018 MRF Master Plan and the current design for the Stage 2 upgrade works identified that Council requires a portion of the leased area to be surrendered for the project to go ahead as planned. The 'surrendered area' is shown in the attached plan at **Appendix 1**, and the updated lease area is provided in the plan at **Appendix 2**.

As a part of the proposal City Circle will be required to relocate a substantial portion of their operation including the carpark and offices from the balance lot at 33-41 Ferris Rd.

The tenant works to relocate their operation, construct a new crossover and rehabilitate the land for Council's use will be at an estimated cost to City Circle of \$1 Million.

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

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

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

It is noted that this proposal was prepared at the request of and in consultation with Council's two business units; Environment & Waste and Capital Projects; to ensure that the variations to the lease align with the future strategic planning for the Toolern Industrial Park and the 2018 MRF Master Plan.

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

- 4.1 If the Deed of Variation is entered into, the current lease agreement would be in place for an additional 5 years. A market rental assessment will be undertaken prior to the commencement of the further term, so the exact rental amounts will vary but are assumed to be no less favourable than the existing lease.
- 4.2 The existing lease yields an income of \$24,000 (excluding GST) per annum with a 1% increase payable on each anniversary of the commencement date. Council receives royalty charges of an average of approx \$170,000 (inc GST) per annum based on 25c per cubic metre of incoming recyclable construction and demolition waste, and 25c for each tonne of recycled product sold from the Land.
- 4.3 If Council is not minded to enter into the Deed of Variation, the MRF expansion project will need to be suspended and Council will risk forfeiture of funding under the Growing Suburbs Fund (\$3 Million) and Sustainability Victoria Infrastructure Funding (\$100,000).
- 4.4 Regardless of the option Council takes, the cost of lease preparation is borne by Council and cannot be passed on to the tenant due to the Retail Leases Act 2003 applying to this lease. The Act does not allow landlords to seek a reimbursement of legal costs from a tenant.

5. Consultation/Public Submissions

If Council is minded to consider entering into the Deed of Variation, and granting what is essentially a 'new' lease (at law) 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.

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 revised lease with City Circle on 25 October 2021.

6. Risk Analysis

If Council is not minded to offer the Deed of Variation, the Existing Lease will remain in place and continue until the current expiry date, or at the end of the further term.

If Council does not enter into the Deed of Variation, the MRF Expansion Project will need to be suspended and any plan to award contracts for construction works postponed until there can be a re-design, that does not encroach on the leased area to City Circle.

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

7. Options

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

LIST OF APPENDICES

1. Plan of Leased Area to be surrendered - Annexure B of Existing Lease - undated
2. (Draft) Proposed Update to the Plan of Leased Area - dated 6 August 2021

12.8 NEW AND REVISED INSTRUMENTS OF DELEGATION AND INSTRUMENT OF APPOINTMENT & AUTHORISATION

Author: John Whitfield - Governance Coordinator
Presenter: Bradley Dosser - Manager Legal & Governance

PURPOSE OF REPORT

To seek the approval of Council of the:

- S11B Instrument of Appointment & Authorisation – Under the Environment Protection Act 2017
- S5 Instrument of Delegation to the Chief Executive Officer
- S6 Instrument of Delegation to Members of Council Staff, and
- S18 Instrument of Sub-Delegation to Members of Council Staff - Under the Environment Protection Act 2017

RECOMMENDATION:

- 1, In the exercise of the power conferred by s 242(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, Melton City Council (Council) RESOLVES THAT -
 - 1.1 The members of Council staff referred to in the instrument attached at **Appendix 1** be appointed and authorised as set out in the instrument.
 - 1.2 The instrument comes into force immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.
2. In the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* (the Act), Melton City Council (Council) RESOLVES THAT –
 - 2.1 There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *S5 Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument. (refer **Appendix 2**)
 - 2.2 The instrument comes into force immediately the common seal of Council is affixed to the instrument.
 - 2.3 On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
 - 2.4 The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
3. In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation Melton City Council (**Council**) RESOLVES THAT –
 - 3.1 There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *S6 Instrument of Delegation to Members of Council Staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument. (refer **Appendix 3**)

- 3.2 The instrument comes into force immediately the common seal of Council is affixed to the instrument.
 - 3.3 On the coming into force of the instrument all previous delegations to Members of Council Staff (other than the Chief Executive Officer) are revoked.
 - 3.4 The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
4. In the exercise of the power conferred by s 437(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under that Act dated 4 June 2021, Melton City Council (**Council**) RESOLVES THAT -
- 4.1 There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *S18 Instrument of Sub-Delegation to Members of Council Staff - Under the Environment Protection Act 2017*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument. (refer **Appendix 4**)
 - 4.2 The instrument comes into force immediately the common seal of Council is affixed to the instrument.
 - 4.3 The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
5. That Council note the following Instruments have been reviewed and updated by as required by section 11(7) of the *Local Government Act 2020* and approved by the Chief Executive Officer –
- 5.1 S7 Instrument of Sub-Delegation from CEO to Council staff
 - 5.2 S13 Instrument of Delegation of CEO powers, duties and functions
 - 5.3 S14 Instrument of Delegation by CEO for VicSmart Applications under the Planning and Environment Act 1987
 - 5.4 Instrument of Sub-Delegation from CEO to Council staff – Toolern Development.

Motion

Crs Carli/Ramsey

That the recommendation be adopted.

CARRIED

REPORT**1. Executive Summary**

A Council may, by Council resolution, make an Instrument of Delegation and delegate to a member of its staff a range of powers, duties or functions of a Council under the Local Government Act 2020 ('the 2020 Act'), or any other applicable Act.

This report to Council presents a *S11B Instrument of Appointment & Authorisation – Under the Environment Protection Act 2017* for its approval. Under recent changes to the Environment Protection Act 2017 (EPA 2017), the Environment Protection Authority has given Councils the power to appoint authorised officers under the EPA 2017 and, once appointed, those officers can also be delegated some of the EPA's powers.

This S11B Instrument goes hand-in-hand with the *S18 Instrument of Sub-Delegation to Members of Council Staff - Under the Environment Protection Act 2017* outlined below.

This report also presents three Instruments of Delegation for the approval of Council. They are:

- the unchanged *S5 Instrument of Delegation to the Chief Executive Officer*,
- the updated *S6 Instrument of Delegation – Members of Staff*; and
- the new *S18 Instrument of Sub-Delegation to Members of Council Staff - Under the Environment Protection Act 2017*.

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

2. Background/Issues

Well-constructed Instruments of Delegation are important as a person exercising a delegation is effectively 'standing in the shoes of the Council'. A decision made under delegation is a decision of the Council. A delegation in force does not prevent Council from making the decision.

This report to Council presents a *S11B Instrument of Appointment & Authorisation – Under the Environment Protection Act 2017* for its approval.

This report also presents three Instruments of Delegation for the approval of Council. They are:

- the unchanged *S5 Instrument of Delegation to the Chief Executive Officer*,
- the updated *S6 Instrument of Delegation – Members of Staff*; and
- the new *S18 Instrument of Sub-Delegation to Members of Council Staff - Under the Environment Protection Act 2017*.

There are two main reasons why these 3 delegations are presented for Council's approval.

Firstly, section 11(7) of the *Local Government Act 2020* (the 2020 Act) states that:

A Council must review, within the period of 12 months after a general election, all delegations which have been made under this section and are still in force.

Secondly, they take account of the new, changed and deleted legislative provisions affecting local government. In this regard, Council has a subscription with Maddocks Lawyers who provide updates to legislative provisions in Instruments each six months; in January and July, as part of their Delegations and Authorisations Service.

S11B Instrument of Appointment & Authorisation – Under the Environment Protection Act 2017

Under recent changes to the Environment Protection Act 2017 (EPA 2017), the Environment Protection Authority has given Councils the power to appoint authorised officers under the EPA 2017 and, once appointed, those officers can also be delegated some of the EPA's powers.

To do this the Council must appoint authorised officers under s.242(2) of the EPA 2017 who must exercise the powers in accordance with the EPA's Instrument of Direction dated 4 June 2021.

The Instrument of Delegation by the EPA to Councils is limited for the purpose of regulating:

- i. onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
- ii. noise from the construction, demolition or removal of residential premises.

S18 Instrument of Sub-Delegation to Members of Council Staff - Under the Environment Protection Act 2017

The S18 Instrument is a new Instrument of Sub-Delegation not previously adopted by Council.

In recent months the Environment Protection Act 1970 was repealed, and significant changes made to the Environment Protection Act 2017 (EPA 2017). These changes include the introduction of an Instrument of Delegation of the Environment Protection Authority dated 4 June 2021.

This Instrument gives Councils the power to exercise the EPA's powers and functions under the EPA 2017 for the purpose of regulating:

- onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
- noise from the construction, demolition or removal of residential premises.

By virtue of s.437(2) of the EPA 2017, Councils have the power to sub-delegate these powers to members of Council staff.

In order to be granted those delegations, members of staff are firstly designated as authorised officers by Council using the S11B Instrument of Appointment & Authorisation – Under the Environment Protection Act 2017. (See above)

S5 Instrument of Delegation to the Chief Executive Officer

This Instrument was most recently adopted by Council at its meeting held 17 August 2020. It was adopted at that time to meet the new *Local Government Act 2020* requirements.

This Instrument has been reviewed as required by s.11(7) of the 2020 Act as mentioned above. There are no changes proposed in this Instrument and it is presented to Council for re-adoption.

S6 Instrument of Delegation - Members of staff

The S6 Instrument covers a range of powers, duties and functions under specific Acts and Regulations where, in Maddocks' opinion, the delegation must be from the Council direct to the position, rather than through a sub-delegation from the Chief Executive Officer. In Maddocks' view these delegations must be direct from Council as the legislation or provisions contained in this instrument do not allow for sub-delegation.

The draft *S6 Instrument of Delegation – Members of staff* is presented to Council at this meeting for both reasons mentioned above. Firstly, in order to take account of s.11(7) of the 2020 Act and secondly to take account of the new, changed and deleted legislative provisions in the Maddocks update.

The principal change in this Instrument was the removal of provisions under the *Environment Protection Act 1970* on its repeal. Other changes were around updating the Instrument to reflect changes in the Council's current organisational structure.

Other Instruments of Delegation and Sub-Delegation

The three Instruments of Delegation listed above all require Council resolution. There are a

number of other Instruments that are approved by the Chief Executive Officer under either the delegation provided in the *S5 Instrument of Delegation to the Chief Executive Officer* or where legislation provides powers, duties and functions to the CEO rather than to the Council.

For the Council's information, the following Instruments have all been reviewed and updated within 12 months of the 2020 general election as required by s.11(7) of the 2020 Act. They have also been updated where necessary to take into account the new, changed and deleted legislative provisions in the Maddocks six monthly update. They are:

- S7 Instrument of Sub-Delegation from CEO to Council staff
- S13 Instrument of Delegation of CEO powers, duties and functions
- S14 Instrument of Delegation by CEO for VicSmart Applications under the Planning and Environment Act 1987
- Instrument of Sub-Delegation from CEO to Council staff – Toolern Development.

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 relevant to this matter.

5. Consultation/Public Submissions

There is no requirement for public consultation in this process.

6. Risk Analysis

The same risks apply in decision making by Officers as for decisions by Council. Namely that the decision could be tainted by conflict of interest, be ultra vires and may be subject to administrative review by a Court or Tribunal.

7. Options

Council has the options to:

1. Adopt the Recommendation as presented.
2. Amend the Instrument of Delegations as presented.

LIST OF APPENDICES

1. S11B Instrument of Appointment & Authorisation - under the Environment Protection Act 2017 - undated
2. S5 Instrument of Delegation to the Chief Executive Officer - undated
3. S6 Instrument of Delegation from Council the Members of Staff - undated
4. S18 Instrument of Sub-Delegation to Members of Staff - under the Environment Protection Act 2017 - undated

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

Verbal reports were received from Crs Kesic, Carli, Shannon, Vandenberg, Turner, Ramsey, Deeming, Abboushi, and Majdlik

14. NOTICES OF MOTION**14.1 NOTICE OF MOTION 774 (CR ABBOUSHI)****Councillor: Steven Abboushi - Councillor****NOTICE:**

That Council waive the permit application fees associated with outdoor dining applications under the Local Law, through until 30 June 2022, so as provide further encouragement and support for outdoor dining activities in the City of Melton during the current COVID-19 pandemic.

Motion

Crs Abboushi/Carli.

That Council waive the permit application fees associated with outdoor dining applications under the Local Law, through until 30 June 2022, so as provide further encouragement and support for outdoor dining activities in the City of Melton during the current COVID-19 pandemic.

CARRIED

The Mayor, Cr Majdlik vacated the Chair.

The Deputy Mayor, Cr Kesic took the Chair.

14.2 NOTICE OF MOTION 775 (CR MAJDLIK)

Councillor: Kathy Majdlik - Councillor

NOTICE:

That Council develop and adopt a 'Council Branding Policy' via the Policy Review Committee and Councillor briefing meetings.

Motion

Crs Majdlik/Carli.

That Council develop and adopt a 'Council Branding Policy' via the Policy Review Committee and Councillor briefing meetings.

CARRIED

The Deputy Mayor, Cr Kesic vacated the Chair.

The Mayor, Cr Majdlik took the Chair.

14.3 NOTICE OF MOTION 776 (CR DEEMING)

Councillor: Moira Deeming - Councillor

NOTICE:

That Council condemns the removal of the community's, and Local Councils rights under VC187 and VC190 of the Planning and Environment Act to object or appeal a planning decision. We call upon the Municipal Association of Victoria and the Victorian Local Governance Association to make representation on behalf of the Local Government Sector against these changes, to defend local democracy in Victoria.

Motion

Crs Deeming/Shannon.

That Council

1. Notes that the Victorian government has made a number of changes to the planning system in the last 18 months and is currently considering further significant planning reform, and condemns the removal of all changes which removes or hinders the communities and Local Council's rights to have proper consultation about and to appeal or object to planning decisions.
2. Strongly voice its concern that:
 - a. consultation with community and with local government on any reform proposals must occur before reforms are considered or introduced.
 - b. the community's voice must remain central in planning decisions
 - c. strong community consultation must be a core part of major planning decisions
 - d. community voice is critical for ensuring a transparent planning system that strengthens local neighbourhoods and economies
3. Urgently calls on the Minister for Planning to include full consultation with local governments and community before any planning reform decisions are made.
4. Urgently writes to the Minister for Planning, the shadow Minister for Planning and all local Members of the Victorian Parliament to advocate Council's position.
5. Request the CEO or delegate coordinate with other local governments in regards to advocacy.
6. Call on the MAV and the VLGA to make representation on behalf of the Local Government Sector to defend local democracy in Victoria.
7. Requests a report to Council, within 3 months, with an update and advice on any action Council could take to advocate effectively on this matter.

CARRIED

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

For:

Crs Abboushi, Carli, Deeming, Kesic, Majdlik, Ramsey, Shannon and Turner

Against:

Cr Vandenberg

The Mayor declared the Motion CARRIED

15. COUNCILLOR'S QUESTIONS WITHOUT NOTICE**15.1 COUNCILLOR'S QUESTIONS WITHOUT NOTICE**

Cr Kesic

Has Council staff including the CEO been asked to sign confidentiality agreements with DELWP in connection with the briefing on Amendments VC187 and VC190 of the Planning and Environment Act?

15.2 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Deeming

Will Melton Council's submission to the Governments consultation on the decriminalisation of sex work be made available for our constituents and if so, where?

15.3 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Deeming

Can you please confirm whether or not the whole of the municipality of the City of Melton is zoned as a metro region for the purposes of the Victorian Government's COVID-19 lockdown restrictions as there has been some community angst over this issue?

15.4 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

Cr Vandenberg

What is Council's current policy regarding smoking ceremonies at official Council business and is there any scope to increase?

16. URGENT BUSINESS

Nil.

17. CONFIDENTIAL BUSINESS

Procedural Motion

Crs Ramsey/Carli

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 Melton City Council Occasional Care Service**
(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- 17.2 Recommendations from the Semi-Annual Grant Assessment Panel Meeting**
(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- 17.3 Recommendations of The Club Caroline Springs Grant Assessment Panel Meeting**
(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;
- 17.4 Contract No. EC8310-2021 - Small Market Natural Gas Supply**
(g) private commercial information, being information provided by a business, commercial or financial undertaking that—
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- 17.5 Contract No. 20/011 - Boundary Road, Mt Cottrell - Road Reconstruction**
(g) private commercial information, being information provided by a business, commercial or financial undertaking that—
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- 17.6 Contract No. 21/057 - Diggers Rest Community Pavilions**
(g) private commercial information, being information provided by a business, commercial or financial undertaking that—
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- 17.7 Contract No. 22/003 - Solar Retrofit Program (Install)**
(g) private commercial information, being information provided by a business, commercial or financial undertaking that—
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- 17.8 CEO Matters**
(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;

CARRIED

Procedural Motion

Crs Ramsey/Carli

That the meeting be opened to the public.

CARRIED

18. CLOSE OF BUSINESS

The meeting closed at 9:57pm

Confirmed

Dated this

.....CHAIRPERSON