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AGENDA

Council Meeting to be held
at Darebin Civic Centre,
350 High Street Preston
on Monday, 18 September 2017
at 6.00 pm.

Public question time will
commence shortly after 6.00 pm.



ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN

Darebin City Council acknowledges the Wurundjeri people as the traditional owners and custodians of the land we now call Darebin and pays respect to their Elders, past, present and future.

Council pays respect to other Aboriginal and Torres Strait Islander communities in Darebin.

Council recognises, and pays tribute to, the diverse culture, resilience and heritage of Aboriginal and Torres Strait Islander people.

We acknowledge the leadership of Aboriginal and Torres Strait Islander communities and the right to self-determination in the spirit of mutual understanding and respect.



Italian

Questo è l'ordine del giorno della riunione del Consiglio Comunale di Darebin per la data che compare sulla prima pagina di questo documento. Se desiderate informazioni in lingua italiana sugli argomenti dell'ordine del giorno, siete pregati di chiamare la Linea Telefonica Multilingue del Comune al 8470 8888.

Greek

Αυτή είναι η ημερήσια διάταξη για τη συνεδρίαση του Δημοτικού Συμβουλίου Darebin, για την ημερομηνία που φαίνεται στο εξώφυλλο αυτού του εγγράφου. Αν θα θέλατε πληροφορίες στα Ελληνικά σχετικά με τα θέματα σ' αυτή την ημερήσια διάταξη, παρακαλούμε καλέστε την Πολυγλωσσική Τηλεφωνική Γραμμή του Δήμου στον αριθμό 8470 8888.

Chinese

這是一份戴瑞濱市議會議程表，其開會日期顯示於此文件之封面。如果您欲索取有關此議程表的中文資料，敬請致電 8470 8888 聯絡市議會的多語種電話專線。

Arabic

هذا هو جدول أعمال اجتماع مجلس بلدية داربيبن والذي سيحدد في التاريخ الوارد في الصفحة الأولى من هذه الوثيقة. إذا أردت الحصول على مزيد من المعلومات في اللغة العربية حول المواضيع المذكورة في جدول الأعمال، يرجى الاتصال برقم هاتف البلدية المتعدد اللغات
8470 8888

Macedonian

Ова е дневниот ред за состанокот на Општината на Градот Даребин, која ќе биде на датумот покажан на предната корица од овој документ. Ако Вие сакате некои информации на Македонски јазик, за предметите на овој дневен ред, Ве молиме повикајте ја Општинската Повеќејазична Телефонска Линија на 8470 8888.

Vietnamese

Đây là nghị trình cho cuộc họp của Hội đồng Thành phố Darebin; ngày họp có ghi ở trang bìa tài liệu này. Muốn biết thêm về chương trình nghị sự bằng Việt ngữ, xin gọi cho Đường dây Điện thoại Đa Ngôn ngữ của Hội đồng Thành phố qua số 8470 8888.

Bosnian

Ovo je dnevni red za sastanak Gradske općine Darebin čiji je datum održavanja naznačen na prvoj strani ovog dokumenta. Ako želite više informacija o tačkama ovog dnevnog reda na bosanskom jeziku, molimo nazovite općinsku višjejezičnu telefonsku službu na 8470 8888.

Croatian

Ovo je dnevni red sastanka u Darebin City Council za dan koji je naveden na prednjem ovitku ovog dokumenta. Ako želite informacije o tačkama ovog dnevnog reda na hrvatskom jeziku, molimo da nazovete Council Multilingual Telephone Line (Višjejezičnu telefonsku liniju) na 8470 8888.

Portuguese

Esta é a pauta para a reunião da Câmara Municipal de Darebin a ser realizada na data que consta na capa deste documento. Se você deseja informação em Português sobre os itens desta pauta, por favor ligue para a Linha Telefônica Multilíngue da Câmara no 8470 8888.

Serbian

Ово је дневни ред за састанак Darebin City Council-а (Градско веће Darebin) који ће се одржати на дан који је наведен на насловној страни овог документа. Ако желите информације на српском о тачкама дневног реда, молимо вас да назовете Council Multilingual Telephone Line (Вишејезичку телефонску линију Већа), на 8470 8888.

Somali

Kuwani waa qodobada shirka lagaga wada hadli doono ee Degmada Degaanka Darebin ee taariikhda lagu xusey boga ugu sareeya ee qoraalkan. Haddii aad doonysid wararka ku saabsan qodobadan oo ku qoran Af-Somali, fadlan ka wac Khadka Taleefanka Afafka ee Golaha oo ah 8470 8888.

Table of Contents

Item Number	Page Number
1. MEMBERSHIP	1
2. APOLOGIES	1
3. DISCLOSURES OF CONFLICTS OF INTEREST	1
4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS	1
5. QUESTION AND SUBMISSION TIME	2
6. CONSIDERATION OF REPORTS	3
6.1 BUSINESS AWARD FOR COMMUNITY CONTRIBUTION.....	3
6.2 OCTOPUS SCHOOL	8
6.3 ADOPTION OF GOVERNANCE LOCAL LAW 2017	12
6.4 DELEGATION OF POWERS, DUTIES AND FUNCTIONS TO CHIEF EXECUTIVE OFFICER	17
6.5 DELEGATIONS OF POWER, DUTIES AND FUNCTIONS TO COUNCIL STAFF	20
7. CONSIDERATION OF RESPONSES TO PETITIONS, NOTICES OF MOTION AND GENERAL BUSINESS	23
NIL	
8. NOTICES OF MOTION	23
NIL	
9. URGENT BUSINESS	23
10. GENERAL BUSINESS	23
NIL	
11. PETITIONS	23
12. REPORTS OF STANDING COMMITTEES	23
NIL	
13. RECORDS OF ASSEMBLIES OF COUNCILLORS.....	24
13.1 ASSEMBLIES OF COUNCILLORS HELD.....	24
14. REPORTS BY MAYOR AND COUNCILLORS	25
15. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL	26
16. CLOSE OF MEETING.....	27

Agenda

1. MEMBERSHIP

Cr. Kim Le Cerf (Mayor) (Chairperson)

Cr. Steph Amir

Cr. Gaetano Greco (Deputy Mayor)

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

2. APOLOGIES

Cr. Tim Laurence is on an approved leave of absence.

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

Recommendation

That the Minutes of the Ordinary Meeting of Council held on 4 September 2017 be confirmed as a correct record of business transacted.

5. QUESTION AND SUBMISSION TIME

Members of the public can lodge questions for Council to answer or make a Comment or Submission prior to a specific item listed on the Agenda of an Ordinary Council meeting.

QUESTIONS

Members of the public can ask up to two (2) questions at an Ordinary Council meeting.

Questions submitted online will be responded to in the first instance. If you are not present at the meeting, the Chairperson will read the question and provide a response. The Chairperson may then take questions from members in the gallery.

Any question not answered at the meeting will be taken on notice and a written response will be provided to the person asking the question.

In accordance with the Darebin Governance Local Law, the Chairperson may disallow a question if it:

- is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance; or
- deals with a subject matter already answered; or
- is aimed at embarrassing a Councillor or an officer.

If you are unable to submit your question prior to the Ordinary Council meeting, the Chairperson may take questions from the floor.

SUBMISSIONS OR COMMENTS

Members of the public may make a comment or 2 minute submission on a matter listed on the Agenda prior to the item being debated.

A person who is unable to stay at the meeting until the Agenda item is heard, may make their comment or submission during Question Time.

HOW TO SUBMIT YOUR QUESTION OR MAKE A COMMENT OR SUBMISSION

Members of the public who wish to ask a question, or make a comment or submission to an agenda item, at an Ordinary Council meeting are encouraged to do so in one of the following ways:

- (a) online at darebin.vic.gov.au/questionsandsubmissions by 3pm on the day of the meeting; or
- (b) by email to Q&S@darebin.vic.gov.au; by 3pm on the day of the meeting; or
- (c) in person at the Preston Customer Service Centre, 274 Gower Street, Preston; or
- (d) by mail to PO Box 91, Preston 3072; or
- (e) with a Council officer prior to a Council meeting.

Council meetings can be viewed at the Watch Council and Planning Committee meetings page.

Agenda's will be available for viewing on Council's website at the 'Meeting Agendas and Minutes' page by 5pm, up to 6 days prior to the date of the meeting. Copies are also available at Customer Service centres and libraries.

6. CONSIDERATION OF REPORTS

6.1 BUSINESS AWARD FOR COMMUNITY CONTRIBUTION

Author: Industry Development and Employment Officer

Reviewed By: Director City Futures and Assets

Report Background

The Darebin Business Award for Community Contribution recognises local businesses that have made noteworthy community contributions to the Darebin community. Initially funded and delivered through the Better Neighbourhood Awards, Council made a decision to extend the Business Award for another two years and it was integrated into the Economic Development program and provided \$5,000 to assist with promotion and support.

Previous Council Resolution

At the Council meeting held 7 March 2016 it was resolved:

'That Council:

- 1) *Continue the Business Award for Community Contribution in 2016 and 2017.*
- 2) *Cease the Better Neighbourhood Awards and incorporate funds into the Community Support Program funding pool.*
- 3) *Receive a briefing paper in April 2016 on strategies to better promote the Business Award to the wider business community in Darebin.'*

Previous Briefing(s)

Councillor Briefing – 24 August

Council Plan Goal/Endorsed Strategy

Goal 4 - A strong economy

Summary

The Darebin Business Award for Community Contribution has been funded over the previous two years (2016 and 2017). Over this time the Economic Development unit have delivered the program increasing the awareness and number of nominees. There were challenges with respect to the eligibility, nomination and judging elements of the award, including:

- Difficulty in differentiating the contribution made by a social enterprises and not for profit businesses (who undertake community related contributions as part of their core business) and comparing this to a for profit businesses.
- The quality and number of nominations received (14 in 2016 and 13 in 2017).
- Assessment of the contribution of a micro business to that of a company with over 100 employees.
- Businesses who contribute to the community often do not wish to be recognised.
- The low profile of this Award which limits the perceived value and participation compared to other regional, state and/or national awards.

A decision on the future of the Award is required.

Recommendation

That Council cease the Award and instead focus resources on assisting businesses to nominate themselves for other notable awards which have regional, state and/or national recognition.

Introduction

The Darebin Business Award for Community (Award) Contribution recognises local businesses that have made noteworthy community contributions to the Darebin community. Initially funded and delivered through the Better Neighbourhood Awards, Council made a decision to extend the Business Award for another two years and it was integrated into the Economic Development program and provided \$5,000 per annum to assist with promotion and support.

Issues and Discussion

Eligibility

In 2017, the Award criteria was simplified and opened to any business that make any community contribution based on the following:

- Desire for a united community.
- Contributes to and supports the cultural diversity of the community.
- Promotes equality and equity.
- Positively enhances the lives of those who live, work, study and visit Darebin.
- Sustainable practices both environmental and ethical.

Nominations

The Award is widely promoted across the community through various marketing channels including posters, newspaper adverts and editorial, online and social media, direct email to business, traders associations and community databases. In the past two years the numbers of nominations for the Award doubled with the additional promotion undertaken.

However, despite extensive promotion of the Award program it has been a challenge to receive nominations. Many of the businesses that were encouraged to nominate for their contribution preferred not to be recognised through an award process. In addition, the low profile of this Award limits the enthusiasm, perceived value and participation compared to other regional, state and/or national awards.

In 2017, the Award received 13 nominations from a wide variety of businesses including freelancers, retail and hospitality businesses as well as not for profits and organisations. The judging panel highlighted the following challenges in deciding a winner for the Award:

- Some nominees have extensive resources to undertake community activities.
- It was difficult to differentiate the contribution made by a social enterprises and not for profit businesses (who undertake community related contributions as part of their core business) and comparing this to a for profit businesses.

- The varying quality and number of nominations received (12 in 2016 and 13 in 2017).
- It was difficult to assess the contribution of a micro business to that of a company with over 100 employees.
- Businesses who contribute to the community often do not wish to be recognised.

The diversity of nominations made it difficult for the judging panel to decide on an ultimate winner for the Award and therefore three organisations were announced as joint recipients.

Below is a table of the number of entries and winners of the award for the past three years.

Table 1: Business Award for Community Contribution

Year	Number of entries	Announced Finalists	Winner
2015	6		Northland
2016	14	Melbourne City Northland Snap Printing	Melbourne City
2017	13		Westside Circus Melbourne City FC Miss Margaret Café

Award Ceremony

The three winners of the 2017 Award were announced at Business Connect, the annual event to celebrate business in Darebin which was held on 6 June. Nominees and winners were invited to attend and network at the event with the wider business community.

Other business awards

Awards provide opportunities for Darebin businesses to be recognised for their products, business achievements or contribution. In 2016/2017 Council promoted the following additional awards programs to Darebin businesses: Northern Business Achievement Awards, Social Traders Awards, Northern Multicultural Small Business Awards, RACV Victorian Tourism Awards, Victorian Manufacturing Hall of Fame, Telstra Business Awards and Australian Retail Association Awards.

Options for Consideration

Options for Council's consideration for the future of the Business Award for Community Contribution are:

Option 1: Business as usual.

Council continues to coordinate the Award in 2017/2018. This will require the allocation of \$7,000 (increased cost to cover additional targeted marketing/promotion). A new initiative will be submitted to continue the Award for 2018 onwards.

Option 2: Revise the current Award and incorporate into Council's annual awards.

Council could decide to combine the award with other current awards to maximise exposure and attempt to increase nominations. This may reduce the significance of the Award to the business community.

Option 3: Cease the Award and promote other award opportunities to businesses.

Council could cease the award and instead focus resources on assisting businesses to nominate themselves for other notable awards which have regional, state and/or national recognition.

Financial and Resource Implications

Option 1:

This will require the allocation of \$7,000 (increased cost to cover additional targeted marketing/promotion). A new initiative will be submitted to continue the Award for 2018 onwards.

Option 2:

Consideration will need to be made to allocating additional funds to the order of \$5,000 to the Council's annual award to produce the award and undertake targeted marketing/promotion to businesses.

Option 3:

Cease the Award and promote other award opportunities to businesses. No expense.

Risk Management

Nil

Policy Implications

Economic Development

This program is a positive opportunity to showcase those businesses who contribute to the community of Darebin. It is important to ensure that we promote and recognise the contribution of business to community.

Environmental Sustainability

There are no Environmental Sustainability impacts related to this report.

Human Rights, Equity and Inclusion

There are no Human Rights impacts related to this report.

Future Actions

Business Development to promote and assist businesses to nominate themselves for other notable awards which have regional, state and/or national recognition.

Consultation and Advocacy

- Melbourne Innovation Centre
- Into Work Australia
- Clean Force
- Executive Manager City Plan and Transformation
- Business Development Coordinator
- Manager Creative Culture and Events
- Civic Events and Engagement Officer

Related Documents

- Council Minutes – 7 March 2016

Attachments

Nil

Disclosure of Interest

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

6.2 OCTOPUS SCHOOL**Author:** Safe Travel Officer**Reviewed By:** Director City Futures and Assets

Report Background

This report regards the appointment of a Councillor to the selection panel, in order to select a school to receive funding and support through the Octopus School pilot program in 2018.

The Octopus School framework aims to create a 'safe school precinct' for increasing the number of students walking and cycling to and from school, through the implementation of a range of physical infrastructure and behaviour change projects. This will be piloted in 2018, with the intention to develop an 8-level achievement system that can be rolled out more broadly in the future.

Previous Council Resolution

This matter is not the subject of a previous Council resolution.

Previous Briefing(s)

Councillor Briefing – Monday 28th August, 2017

Council Plan Goal/Endorsed Strategy

Goal 1 - A sustainable city

1.2 We will increase sustainable transport through safer streets for walking and cycling, and advocacy for public transport.

Summary

The Transport Strategy team have been working with Darebin primary schools since 2011 to determine safe travel routes to school with the purpose of encouraging walking and cycling to and from school. These audits have resulted in recommendations to improve infrastructure and maintenance of safe travel routes, many which have been implemented to date.

31 of 35 relevant primary schools, and 1 high school (a trial), have been audited since 2011, with 5% of total recommendations delivered and a further 5% under current consideration, including refuge islands, footpath repair/replacement, and raised crossings.

Aligned with this, one Darebin school will be selected based on an expression of interest to receive significant Council investment and support in 2018 as a pilot "Octopus School". This will result in the development of a model school for safe travel work with schools in Darebin. The pilot program will improve pedestrian and cyclist safety around the school with provision for consultation, signage, line marking, physical works and project management, along with partnership with the school and local community on engagement activities, with a budget of \$120,000. Before and after monitoring, and evaluation throughout the program will determine the effectiveness of the approach.

Recommendation

That Council appoint to be on the panel for the selection of a school to participate in the pilot program for Octopus Schools.

Introduction

What is an Octopus School?

- The Octopus School framework will consist of 8 levels of achievement with the lower levels being short-term, lower cost options, and the higher levels requiring more funding and engagement.
- The Octopus School precinct being trialled in 2017/2018 will include physical infrastructure, such as raised wombat crossings, traffic management and other interventions to make it safer to walk and cycle, and behaviour change programs such as active travel counts, Bike Ed programs, and the development of active travel maps for families. Small items will be deliverable in 2018, with larger more complex items referred to future funding.
- School staff are often at capacity, making engagement with safe travel to school programs a lower priority. Schools will be offered support from Council to gain 8 star status. Additionally, in this first year of the program schools will be offered funding to cover regular teacher time for the project, so the model school can have a dedicated Safe Travel Champion (approx.. \$2,000 a year – one period TA per week for first year, with school committing to ongoing coverage where needed after initial implementation).
- Thorough before and after monitoring and evaluation will be carried out to determine how this investment has changed active transport use, traffic around the school, and the general perception of safety for children to travel and from school.

Issues and Discussion

Process to engage an Octopus School:

- Information sent to schools outlining scope of project and levels of achievement aligned to current programs including Walk to School Month, Bike Ed etc. Invite questions from schools.
- Invite schools to submit an expression of interest. Promote directly to schools, through social media and news media to maximise the likelihood of strong school participation.
- Selection of pilot school through selection committee.
- Finalise MoU agreement with pilot school. Notify unsuccessful schools.
- Publish details of successful school and arrange media release.

Selection panel

- The selection panel will include at least two relevant officers, and given the direct budget allocation to this project, and community focus on school safety, a Councillor may be appointed to the panel to assist in selecting the successful school.
- Selection criteria will include current engagement with active travel, ability and willingness to actively commit to the program, and demonstration of support from parents.

- The selection panel will also consider what each school could bring to the program, what commitment they are making to the success of the program, equity and diversity across the municipality, and replicability.

What the selected school will be asked to commit to:

- Designated Safe Travel Champion – a staff member who leads school participation.
- Participation in at least 4 active/safe transport programs in first year
- Have a column in each newsletter promoting active/safe travel to school
- Promote activities on social media
- Engage School Council and Student Council in activities and achieving aims
- Meet with Council once a term for ongoing evaluation and support
- Work with Council to develop a guide for other schools
- Act as an informal mentor to other schools in the municipality
- Weekly/monthly counts (hands up survey)

Options for Consideration

1. A Councillor is appointed to be on the selection panel for the Octopus School pilot program.

This is the preferred option.

2. An officer panel to be used for selection of the school for the Octopus School pilot program.

Financial and Resource Implications

Funding has been allocated to this project through the 2017/2018 adopted budget.

The selection process will take approximately three hours (depending on the number of EOIs received), including reviewing applications and meeting to agree the successful school.

Risk Management

The selection criteria and panel will be designed to manage low level risks around reputation and relationships, that is, risks associated with the selection of the school that may result in dissatisfaction from the unsuccessful schools. The selection criteria and panel will be transparent through the selection process.

Policy Implications**Economic Development**

There are no factors in this report which will impact upon economic development.

Environmental Sustainability

The Octopus School pilot program will increase environmental sustainability in the precinct by facilitating and managing a transport mode shift from car to active travel.

Human Rights, Equity and Inclusion

Sustainable transport supports equity, as many low-income earners rely on more sustainable modes of transport due to cost. Therefore safety for sustainable transport is an equity issue.

The selection criteria will maintain equity for those schools unable to address all selection criteria by providing an opportunity to describe past barriers to program inclusion.

Other

Safe Travel Strategy:

Action A14 – Assist schools to develop school travel plans that consider the safety and sustainability of students travelling to school.

Action A16 – Help raise schools' awareness and use of programs and resources to improve travel safety for their students, particularly around skills as pedestrians, cyclists and public transport users.

Future Actions

- 20 September – Expression of interest released to all schools
- 13 October – Expression of interest closing date (following school holidays)
- Late October – Panel decides pilot school
- November 2017 – Start working with selected school, undertake any further infrastructure audits of school

Consultation and Advocacy

- Community Renewal Officer – Families Diversity and Community

Related Documents

- Safe Travel Strategy
- Darebin Transport Strategy

Attachments

Nil

Disclosure of Interest

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

6.3 ADOPTION OF GOVERNANCE LOCAL LAW 2017**Author:** Manager Governance and Corporate Information**Reviewed By:** Director Civic Governance and Compliance

Report Background

Section 111(1) of the *Local Government Act 1989*, provides Council with the power to make local laws.

At its Meeting of Council on 17 July 2017, Council resolved to commence the statutory procedures and give public notice in accordance with section 223 of the *Local Government Act 1989* (the Act).

Following the completion of the statutory obligations including consideration of submissions, the final version of the Governance Local Law 2017 is being presented for Council to consider adopting.

Previous Council Resolution

At its meeting held on 19 August 2013, Council resolved:

That:

- 1) *Council adopts the Governance Local Law 2013 attached at Appendix A to this report.*
- 2) *Council notes the Governance Local Law 2013 comes into effect from the date it is published in the Government Gazette.*
- 3) *As part of the adoption of the Governance Local Law 2013, Council accepts the following amendments as a result of the written submission received.*
 - a. *Clause 8 (1)(b) in years in which there is no general election of Councillors, as soon as practicable after the fourth Saturday in November in each such year; The word 'November' is substituted with the word 'October'.*
 - b. *An additional point (d) be added to clause 60 'Procedure for a Division'. Clause 60(3)(d) would read as follows: 'Declare the result to the meeting'.*
- 4) *Council gives notice in the Government Gazette and public notice as specified under section 119(3) of the Local Government Act 1989.*
- 5) *Council submits a copy of the Governance Local Law 2013 to the Minister for Local Government in accordance with section 119(4) of the Local Government Act 1989.*
- 6) *Council writes to the person who made a written submission advising of the outcome.'*

Previous Briefing(s)

- Councillor Briefing – 20 February 2017
- Councillor Briefing - 6 March 2017
- Councillor Briefing - 26 May 2017
- Councillor Briefing - 14 September 2017

Council Plan Goal/Endorsed Strategy

Goal 6 - We will be a leading, modern, and open council to meet our challenges, now and in the future

6.1 We will implement the best delivery models to optimise efficiency and value.

Summary

At its meeting of 17 July 2017, Council resolved to commence the statutory procedures and give public notice in accordance with section 223 of the *Local Government Act 1989* (the Act).

Responses to the proposed Local Law closed at midnight on Wednesday 16 August 2017. In addition to the public exhibition, the draft was on display at the Darebin Civic Centre, available online with an electronic submission form and promoted via social media and at Darebin Libraries.

The Governance Local Law 2017 is to replace the Governance Local Law 2013.

This report recommends that Council adopt the attached Governance Local Law 2017 without any change and that public notice be given of the decision in accordance with the Act.

Recommendation

That Council:

- (1) Adopts the Governance Local Law 2017 attached at **Appendix A** to this report.
 - (2) Notes the Governance Local Law 2017 comes into effect from the date it is published in the Government Gazette.
 - (3) Notes public notice will be given in the Government Gazette and public notice as specified under section 119(3) of the *Local Government Act 1989*.
 - (4) Notes a copy of the Governance Local Law 2017 will be submitted to the Minister for Local Government in accordance with section 119(4) of the *Local Government Act 1989*.
 - (5) Notes officers will write to community members who made a written submission thanking them and advising them of the outcome.
-

Introduction

Section 91(1) of the *Local Government Act 1989* (the Act), requires Councils to make a local law which regulates the use of the common seal and governs the conduct of meetings of Council and Special Committees.

In the process of developing the Local Law, Councillors and lawyers were consulted and the draft local law was exhibited to the public in accordance with section 223 of the Act.

The Council invited interested parties and members of the community to submit comments on the proposed Local Law for the consideration of Council. Following this public consultation period, in accordance with statutory process, the Council made provision to consider the submissions ahead of any final determination. Three written submissions were received however no requests to be heard at a Hearing of Submissions were made.

Issues and Discussion

Changes to the Local Law were mainly to promote and encourage community participation by providing improved mechanisms for Council to ascertain the community's views and ensure that the community has an ongoing voice to inform Councillors on decision making that affect them.

Submission Process

The Public Notice advising that any person may make a written submission in relation to the draft Local Law was given in The Age newspaper on 19 July 2017 with copies in the Northcote and Preston Leader newspapers on 25 and 26 July 2017 respectively and the Government Gazette on 27 July 2017. The Public Notice also allowed for any person to be heard in support of the written submission.

Additionally, notification was given on Council's website and online at Darebin's 'YourSay' website with an electronic submission form. The draft Local Law was also displayed at the Darebin Civic Centre, Darebin's Customer Service Centres and promoted via social media.

As at midnight 16 August 2017, only two written submission were received through our "Your Say" website. A late submission was received via email and subsequently accepted. These suggestions were circulated to Councillors for consideration at a briefing on 14 September 2017. The key issues raised by the submitters are as follows:

Submitter	Summary of Written Submission
Marcia Lewis	<ul style="list-style-type: none"> • Amendments requiring written submissions considered a retrograded step. • Considered a contradictory process and arbitrary. • Concerns that the changes were not highlighted to the public.
Anne Laver	<ul style="list-style-type: none"> • Minutes of the meeting and the video of the proceedings to be held for more than 6 months on the website and the video to be retained indefinitely as a record of proceedings. • Thanked Council for allowing submissions to be made during the Council Meeting.
Serena O'Meley	<ul style="list-style-type: none"> • Extend the limit of two questions with two sub-parts to at least three questions. • Minutes record any tabled submissions and background information provided with questions. • Ability to ask a follow up question in response to a question - both should be recorded in the minutes. • Clarify that members of the public may ask their own question/s from the gallery or that they may request that the questions be read out by the Mayor. • Mayor should be supplied with proposed answers to questions prior to the meetings if the questions have been supplied ahead of time. • Moving Petitions to the front of the Agenda and allowing the community to speak to the petition.

Addressing the Issues

Officers have reviewed and considered the submissions made to the draft Local Law. A number of minor amendments have been made as a result of the submissions reflecting Council's current governance practices. The changes also improve clarity, remove out of date requirements and terminology and renumber clauses.

It is recommended that Council adopt the attached Governance Local Law 2017 without further change and that public notice be given of the decision in accordance with the Act.

Options for Consideration

The Governance Local Law 2017 be adopted and Public Notice be given in accordance with sections 119 of the *Local Government Act 1989*.

Financial and Resource Implications

Nil

Risk Management

The proposed Local Law prescribes common governance procedures to be followed by Council and prescribes standards of behaviour for those participating in or present at Council and Committee meetings.

Failure to have a local law governing the conduct of meetings of the Council and special committees of the Council and the use of the Council's Common Seal is a failure to comply with the Act and is a compliance risk.

Policy Implications

Economic Development

There are no factors in this report which impact upon economic development.

Environmental Sustainability

There are no environmental sustainability policy implications arising from this report.

Human Rights, Equity and Inclusion

Council as a 'public authority' under the *Charter of Human Rights and Responsibilities Act 2006* (the Charter) must also ensure that a local law made by it is not incompatible with a human right.

If a proposal restricts or interferes with a right, consideration will need to be given to determining whether the restrictions are reasonable and demonstrably justified under the Charter.

Many of the provisions in the Local Law may restrict freedom of expression of the Charter. This is because the provisions restrict how and when members (or the public through submission of public questions and speaking at meetings) can participate in meetings.

To the extent to which the Local Law places limitations on freedom of expression, the limitations are considered reasonable and justifiable pursuant to section 7(2) of the Charter.

The restrictions are intended to provide for the efficient and orderly conduct of Council meetings. This is balanced against and is proportionate to the ability for Councillors to debate motions and for members of the public to participate in the decision making process in a timely and appropriate manner.

Other

Nil

Future Actions

- Give notice in the Government Gazette.
- Send a copy of the Governance Local Law 2017 to the Minister of Local Government.
- Write to the submitters advising them of the outcome of their written submission.
- Make the Governance Local Law available for inspection during ordinary business hours.

Consultation and Advocacy

- Councillors
- Maddocks Lawyers
- Community

Related Documents

- Governance Local Law 2013
- *Local Government Act 1989*
- Appendix A – Governance Local Law 2017
- Minutes of Council – 19 August 2013
- Minutes of Council – 17 July 2017

Attachments

- Governance Local Law 2017 (**Appendix A**) [⇒](#)

Disclosure of Interest

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

6.4 DELEGATION OF POWERS, DUTIES AND FUNCTIONS TO CHIEF EXECUTIVE OFFICER

Author: Coordinator Council Business

Reviewed By: Director Civic Governance and Compliance

Report Background

The current *Instrument of Delegation* (the Delegation) of powers, duties and functions to the Chief Executive Officer (CEO) was approved by Council on 3 July 2017.

Previous Council Resolution

At its meeting held 3 July 2017, Council resolved:

That in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) in the attached Instrument of Delegation, Darebin City Council (Council) resolves that:

- (1) There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation to the Chief Executive Officer attached as **Appendix A** to this report, subject to the conditions and limitations specified in that Instrument;*
- (2) The Delegation comes into force immediately the common seal of Council is affixed to the Delegation;*
- (3) On the coming into force of the Delegation the previous Delegation to the CEO, dated 17 March 2015, is revoked;*
- (4) The duties and functions set out in the Delegation must be performed, and the powers set out in the Delegation must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt; and*
- (5) It is noted that the Delegation includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.*

Previous Briefing(s)

This matter has not previously been to a Councillor Briefing.

Council Plan Goal/Endorsed Strategy

Goal 6 - A well governed Council

Summary

The current *Instrument of Delegation* (the Delegation) of powers, duties and functions to the Chief Executive Officer (CEO) was approved by Council on 3 July 2017.

The S5 Instrument of Delegation from Council to the CEO is submitted for Council approval concurrently with the approval of the S6 Instrument of Delegation from Council to Council Staff so that both instruments remain up to date and capture the most recent powers, duties and functions that are capable of being delegated.

Recommendation

That in the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) in the attached *Instrument of Delegation*, Darebin City Council (Council) resolves that:

- (1) There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the *Instrument of Delegation to the Chief Executive Officer* attached as **Appendix A** to this report, subject to the conditions and limitations specified in that Instrument;
 - (2) The Delegation comes into force immediately the common seal of Council is affixed to the Delegation;
 - (3) On the coming into force of the Delegation the previous Delegation to the CEO, dated 6 July 2017, is revoked;
 - (4) The duties and functions set out in the Delegation must be performed, and the powers set out in the Delegation must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt; and
 - (5) It is noted that the Delegation includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.
-

Introduction

The current Instrument of Delegation (the Delegation) of powers, duties and functions to the Chief Executive Officer (CEO) was approved by Council on 3 July 2017.

Issues and Discussion

Instrument of Delegation to Chief Executive Officer

The format and substance of the Delegation is based on the Maddocks Lawyers model delegations used by the majority of Victorian councils.

The proposed Delegation is identical to the one approved by Council on 3 July 2017. It is being submitted for Council approval in line with Maddocks' recommendation that its best practice for Council to re-make the S5 Instrument of Delegation from Council to the CEO and the S6 Instrument of Delegation from Council to Council Staff concurrently. This is to ensure that they remain up to date and capture the most recent powers, duties and functions that are capable of being delegated.

Options for Consideration

There are no options associated with this information.

Financial and Resource Implications

Nil

Risk Management

Nil

Policy Implications

Economic Development

There are no factors in this report which impact upon economic development.

Environmental Sustainability

There are no factors in this report which impact upon environmental sustainability.

Human Rights, Equity and Inclusion

There are no factors in this report which impact on human rights, equity and inclusion.

Other

The delegation of Council powers to the CEO and other members of Council staff is a long established practice facilitated and regulated by the Act to enable day-to-day operational decisions to be made. The proposed Delegation is based on the model developed by Maddocks Lawyers and used by a majority of Victorian councils.

Future Actions

- The signed copy of the Instrument of Delegation to the Chief Executive Officer is to be included in the Register of Delegations to be available for inspection by the public.

Consultation and Advocacy

- Chief Executive Officer
- Maddocks Lawyers

Related Documents

- Council Minutes 3 July 2017

Attachments

- Instrument of Delegation to the Chief Executive Officer (**Appendix A**) [⇒](#)

Disclosure of Interest

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

6.5 DELEGATIONS OF POWER, DUTIES AND FUNCTIONS TO COUNCIL STAFF

Author: Coordinator Council Business

Reviewed By: Director Civic Governance and Compliance

Report Background

In seeking to achieve its purposes under the *Local Government Act 1989* (Act), one of Council's objectives is to delegate decision making to appropriate levels within the organisation.

The Act allows both Council and the Chief Executive Officer to delegate to members of staff, by instrument of delegation, certain powers, duties and functions under any Act administered by Council.

Previous Council Resolution

At its meeting held on 3 July 2017, Council resolved:

'That in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached Instrument of Delegation, Darebin City Council (Council) resolves that:

- (1) There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that Instrument attached as **Appendix A**, subject to the conditions and limitations specified in that Instrument.*
- (2) The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.*
- (3) On the coming into the force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.*
- (4) The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.'*

Previous Briefing(s)

This matter has not previously been to a Councillor Briefing.

Council Plan Goal/Endorsed Strategy

Goal 6 - A well governed Council

Summary

In the context of local government, delegation is the giving of decision-making power by Council or the Chief Executive Officer to members of staff.

The previous *Instrument of Delegation* was approved by Council on 3 July 2017.

This report takes into account recent legislation amendments and seeks approval by Council for the revised *Instrument of Delegation*.

Recommendation

That in the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached *Instrument of Delegation*, Darebin City Council (Council) resolves that:

- (1) There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that Instrument attached as **Appendix A**, subject to the conditions and limitations specified in that Instrument.
 - (2) The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
 - (3) On the coming into the force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
 - (4) The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
-

Introduction

Under the *Local Government Act 1989* (Act), one of Council's objectives is to delegate decision making to appropriate levels within the organisation. Councils also have a raft of powers, duties and functions under various other acts such as *Planning and Environment Act 1987*, *Road Management Act 2004*, *Domestic Animals Act 1994* and many more.

Amendments to legislation are made from time to time, therefore to ensure officers are operating and enforcing under the current legislation, all Councils are required to update delegations conferred on various positions within the organisation by Council.

Issues and Discussion

Delegations from Council to other members of Council staff

This *Instrument of Delegation* to members of Council staff refers specifically to the delegation of (statutory) powers under various Acts and Regulations which (because of the terms of the particular legislation) require a delegation direct from the Council to the nominated members of Council staff.

The *Instrument of Delegation* describes in each case the power, duty or function being delegated, the source of power and lists the position to which the delegation is to be conferred.

The delegations provide the necessary authority for day-to-day planning, health and road management matters.

Options for Consideration

There are no options associated with this information.

Financial and Resource Implications

Nil

Risk Management

If Council does not confer updated delegation on positions within the organisation, officers will not be able to fulfil the obligations of their roles especially in relation to enforcement.

Policy Implications

Economic Development

There are no factors in this report which impact upon economic development.

Environmental Sustainability

There are no factors in this report which impact upon environmental sustainability.

Human Rights, Equity and Inclusion

There are no factors in this report which impact on human rights, equity and inclusion.

Other

The delegation of Council powers to the members of Council staff is a long established practice facilitated and regulated by the *Local Government Act 1989* to enable day to day statutory and operational decisions to be made. The proposed *Instrument of Delegation* is based on the model developed by Maddocks Lawyers and used by a majority of Victorian councils.

Future Actions

- The signed copy of this Instrument of Delegation to be included in the Register of Delegations available for inspection by the public.
- This Instrument of Delegation be reviewed as required to address changes in legislation.

Consultation and Advocacy

- Chief Executive Officer, relevant Directors, Managers and Coordinators
- Maddocks Lawyers

Related Documents

- Delegations and Authorisations Service – Maddocks Lawyers
- Council Minutes – 3 July 2017

Attachments

- Instrument of Delegation to members of Council staff (**Appendix A**) [⇒](#)

Disclosure of Interest

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

7. CONSIDERATION OF RESPONSES TO PETITIONS, NOTICES OF MOTION AND GENERAL BUSINESS

Nil

8. NOTICES OF MOTION

Nil

9. URGENT BUSINESS

10. GENERAL BUSINESS

Nil

11. PETITIONS

12. REPORTS OF STANDING COMMITTEES

Nil

13. RECORDS OF ASSEMBLIES OF COUNCILLORS

13.1 ASSEMBLIES OF COUNCILLORS HELD

An Assembly of Councillors is defined in section 3 of the *Local Government Act 1989* (the Act) to include Advisory Committees of Council if at least one Councillor is present or, a planned or scheduled meeting attended by at least half of the Councillors and one Council Officer that considers matters intended or likely to be the subject of a Council decision.

Written records of Assemblies of Councillors must be kept and include the names of all Councillors and members of Council staff attending, the matters considered, any conflict of interest disclosures made by a Councillor attending, and whether a Councillor who has disclosed a conflict of interest leaves the assembly.

Pursuant to section 80A (2) of the Act, these records must be, as soon as practicable, reported at an ordinary meeting of the Council and incorporated in the minutes of that meeting.

An Assembly of Councillors record was kept for:

- Councillor Briefing Session – 28 August 2017

Recommendation

That the record of the Assembly of Councillors held on 28 August 2017 and attached as **Appendix A** to this report, be noted and incorporated in the minutes of this meeting.

Related Documents

- *Local Government Act 1989*

Attachments

- Assembly of Councillors - 18 September 2017 (**Appendix A**) [⇒](#)

14. REPORTS BY MAYOR AND COUNCILLORS

Recommendation

That Council note the Reports by Mayor and Councillors.

15. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

The Chief Executive Officer, pursuant to section 77(2)(c) of the *Local Government Act 1989* (the Act), has designated the following items to be confidential:

15.1 Solar Saver Program 2017 - 2019

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.

CLOSE OF MEETING

Recommendation

That in accordance with section 89(2) of the *Local Government Act 1989*, Council resolves to close the meeting to members of the public to consider the items designated confidential by the Chief Executive Officer.

RE-OPENING OF MEETING

Recommendation

That the meeting be re-opened to the members of the public.

16. CLOSE OF MEETING