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AGENDA OF THE ORDINARY COUNCIL MEETING

To be held on Monday 22 August 2022 at 6.00pm

**This Council Meeting will be held at Preston Town Hall,
284 Gower Street, Preston.**

This meeting will be open to the public in line with current health restrictions. Masks are mandatory and the number of people in the public gallery will be restricted. This meeting will also be livestreamed and may be accessed from Councils website www.darebin.vic.gov.au.

Persons wishing to submit a 'Public Question' may do so online by 12.00 noon on the day of the meeting via the Question and Submissions form.




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

Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and custodians of the land we now call Darebin and pays respect to their Elders, past, present and emerging.

Council pays respect to all 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.



(1)

English

These are the Minutes for the Council Meeting. For assistance with any of the items in the minutes, please telephone 8470 8888.

Arabic

هذه هي محاضر اجتماع المجلس. للحصول على المساعدة في أي من البنود في المحاضر، يرجى الاتصال بالهاتف 8470 8888.

Chinese

这些是市议会会议纪要。如需协助了解任何纪要项目，请致电8470 8888。

Greek

Αυτά είναι τα Πρακτικά της συνεδρίασης του Δημοτικού Συμβουλίου. Για βοήθεια με οποιαδήποτε θέματα στα πρακτικά, παρακαλείσθε να καλέσετε το 8470 8888.

Hindi

ये काउंसिल की बैठक का सारांश है। सारांश के किसी भी आइटम में सहायता के लिए, कृपया 8470 8888 पर टेलीफोन करें।

Italian

Questo è il verbale della riunione del Comune. Per assistenza con qualsiasi punto del verbale, si prega di chiamare il numero 8470 8888.

Macedonian

Ова е Записникот од состанокот на Општинскиот одбор. За помош во врска со која и да било точка од записникот, ве молиме телефонирајте на 8470 8888.

Nepali

यी परिषद्को बैठकका माइन्युटहरू हुन्। माइन्युटका कुनै पनि वस्तुसम्बन्धी सहायताका लागि कृपया 8470 8888 मा कल गर्नुहोस्।

Punjabi

ਇਹ ਕੌਂਸਲ ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਹੈ। ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਵਿਚਲੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫੋਨ ਕਰੋ।

Somali

Kuwaani waa qodobadii lagaga wada hadlay Fadhiga Golaha. Caawimada mid kasta oo ka mid ah qodobada laga wada hadlay, fadlan la xiriir 8470 8888.

Spanish

Estas son las Actas de la Reunión del Concejo. Para recibir ayuda acerca de algún tema de las actas, llame al teléfono 8470 8888.

Urdu

یہ کاؤنسل کی میٹنگ کا ایجنڈا ہے۔ ایجنڈے کے کسی بھی حصے کے بارے میں مدد کے لیے براہ مہربانی 8470 8888 پر فون کریں۔

Vietnamese

Đây là những Biên bản Hội đồng Thành phố. Muốn có người trợ giúp mình về bất kỳ mục nào trong biên bản họp, xin quý vị gọi điện thoại số 8470 8888.

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Agenda

1. OPENING OF MEETING AND MEMBERSHIP

Cr. Lina Messina (Mayor) (Chairperson)

Cr. Trent McCarthy (Deputy Mayor)

Cr. Gaetano Greco

Cr. Tom Hannan

Cr. Tim Laurence

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

2. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

3. APOLOGIES

Cr. Emily Dimitriadis is on approved leave of absence.

4. DISCLOSURES OF CONFLICTS OF INTEREST

5. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

Officer Recommendation

That the Minutes of the Ordinary Meeting of Council held on 25 July 2022 be confirmed as a correct record of business transacted.

6. 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.

Due to the current COVID-19 health crisis and associated requirements residents and interested persons are strongly encouraged to view this Council meeting online. Any persons attending this meeting will be required to observe appropriate social distancing and adhere to the directions of Council Officers in relation to public question time and the making of submissions on items on the agenda.

QUESTIONS

Members of the public can ask up to three (3) 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.

Questions from the gallery must be submitted in writing to the Council Officer in attendance in the gallery prior to the commencement of the meeting.

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 Council Governance Rules 2020, the Chairperson may disallow a question if it:

- a) relates to a matter outside the duties, functions or powers of Council;
- b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- c) may lead to a breach of Council's statutory obligations;
- d) relates to a Notice of Motion, Petition or item of urgent business;
- e) deals with a subject matter already answered;
- f) is aimed at embarrassing a Councillor or an Officer; or
- g) deals with a matter that should be, or has been, considered as a confidential matter or relates to any matter in respect of which Council may close the Meeting to the public under section 66 of the *Local Government Act 2020*.

No questions directed at an individual Councillor or Officer will be allowed

SUBMISSIONS OR COMMENTS

Members of the public may make a comment or 2 minute submission on a report listed on the Agenda (unless not permitted pursuant to the Councils Governance Rules) 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. If a person or their representative is not present in the gallery when the agenda item is considered, their submission will not be read out.

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 may register their question or submission before 12.00 noon on the day of the meeting in one of the following ways:

- (a) online at [darebin.vic.gov.au/questions and submissions](https://darebin.vic.gov.au/questions-and-submissions); or
- (b) by mail to PO Box 91, Preston 3072.

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.

7. PETITIONS

8. CONSIDERATION OF REPORTS

8.1 CLIMATE EMERGENCY PLAN COMMUNITY CONSULTATION

Author: Coordinator Climate Emergency and Environment Programs

Reviewed By: Acting General Manager City Sustainability and Strategy

EXECUTIVE SUMMARY

The [Darebin Climate Emergency Plan](#) 2017 – 2022 (the world's first Climate Emergency Plan) sunsets in 2022. The Council Plan 2021 – 25 commits Council to developing an ambitious new pathway to zero emissions by 2030 via a new Climate Emergency Plan.

The new Plan will also deliver the Council Plan action to assess current and future climate risk facing our community and will identify initiatives that can provide maximum protection for people, property and the natural environment.

Officers have reviewed the 2017 - 2022 Climate Emergency Plan to identify progress that has been made to drive climate action, including reducing Council operational and community emissions and providing protection. By the end of 2022 Darebin will have progressed or achieved five of six of the Plan's goals. Of the 156 actions listed in the Plan, 94% of these actions have been delivered or are in progress and only 6% have not yet been started.

The new Plan will be informed by in-depth community engagement, including:

- Collaborating with First Nations communities on healing country
- Working with our community to identify initiatives that rapidly move us to zero emissions, and, support the whole community to adapt and develop resilience to the impacts of climate change

Officers are planning a 2-stage approach to community engagement:

- The first stage in September – October 2022 will inform the strategic direction and the priorities for Council in preparing a Draft Climate Emergency Strategy and Action Plan
- The second stage in February – March 2023 will seek feedback on the draft Strategy and Action Plan

Officer Recommendation

That Council:

- (1) Endorses the 2017-2022 Climate Emergency Plan Review Report at [Attachment A](#) to be released as part of the Climate Emergency Plan Community Consultation.
 - (2) Endorses a two staged approach to community engagement to inform development of the new Climate Emergency Plan.
-

BACKGROUND / KEY INFORMATION

Darebin's Climate Emergency Plan 2017-2022 is sunsetting. There is a need to develop a new plan to set direction for Council's action on climate change, and to identify how we can best work with our community to take action together.

Darebin was the first jurisdiction in the world to declare a climate emergency, and the Darebin Climate Emergency Plan was the first ever attempt at articulating the action necessary to respond to the enormous challenge of the climate emergency.

Developing a revised Plan that sets out how to best achieve zero greenhouse gas emissions for Darebin by 2030 is one of 10 Big Actions included in the Council Plan.

Climate Emergency Plan 2017-22 Review

A review of the 2017-22 Climate Emergency Plan has been undertaken to help inform development of the updated Plan (**Attachment A**). There is much to celebrate, but also continued challenges.

By the end of 2022, Darebin will have progressed or achieved five of six of the Plan's goals. Of the 156 actions listed in the Plan, 94% of these actions have been delivered or are in progress and only 6% have not yet started.

Highlights include:

- Darebin's climate emergency leadership started a world-wide movement. In 2022, 108 Australian councils and the ACT have now declared a climate emergency; Worldwide: 2,248 jurisdictions in 38 countries have declared a climate emergency covering 1 billion+ people
- Darebin led the Victorian Energy Collaboration (VECO), an award-winning collaboration of 46 councils joining procurement forces to purchase 100% renewable electricity. VECO is the largest emissions reduction project ever undertaken by the local government sector in Australia, reducing emissions by 260,000 tCO₂-e per year, the same as taking 90,000 cars off the road
- Darebin became certified a carbon neutral organisation under the Climate Active Standard in 2019-20
- Darebin achieved its 5-year onsite renewable generation goal by installing an additional 447kW of solar capacity on council buildings
- Between 2017 and the end of 2022, the Darebin Solar Saver Program will have helped 1,945 homes and businesses install 9,820kW of solar
- Overall, Darebin homes and businesses have installed 58MW solar, far exceeding the 38MW target set in the 2017-22 Plan
- New council-constructed community facilities such as the redesign of Northcote Aquatic and Recreation Centre (NARC) and the new Narrandjeri Multi-Sports Stadium are designed to achieve the highest Green Star ratings

Challenges include:

- A truly united approach is needed across our society and economy, which requires large-scale, sustained action across all levels of government, businesses and the community to cut carbon emissions and adapt to living in more extreme weather conditions. Without this, responses will continue to be disjointed, and risks further isolating already vulnerable cohorts of our community

- Our experience and research show there are significant economic benefits in transitioning to a clean energy future. It is important for us to embrace these locally and on a national scale to ensure opportunities are not missed. It is also important that the cost of inaction is better understood
- An unprecedented pace of change in the way Australians use energy is underway and will continue with the rapid increase in renewables, EVs, battery storage and the move away from fossil fuels. Identifying this enormous opportunity, a unified commitment with long term funding from Federal and State governments is required to make this a successful and equitable change. There are considerable opportunities for Darebin to partner with Federal and State government to address local energy grid challenges and to continue leading local and regional transformation efforts

Officers propose releasing this report as part of the Community Engagement process, to seek community feedback and to help identify new opportunities that can achieve zero emissions, adapt to climate change and build community resilience.

Previous Council Resolution

At its meeting held on 5 December 2016, Council resolved:

‘That:

- (1) *Council recognises that we are in a state of climate emergency that requires urgent action by all levels of government, including by local councils.*

At its meeting held on 21 August 2017, Council resolved:

That Council

- (1) *Adopts the Darebin Climate Emergency Plan (the Plan) attached as Appendix B to this report subject to the following amendments:*
 - a) *In section 7 on page 78 after the first sentence the following sentence is inserted: “Given the need for emergency speed action, the Plan will be updated when necessary within this period.”; and*
 - b) *Noting the electronic submission received from climate expert Philip Sutton that identifies a number of minor edits, officers are authorised to make minor edits to the final Plan*
- (2) *Calls upon the State and Federal Governments to declare a climate emergency and for both governments to back this up with legislated programs to drive the emergency speed creation of a safe climate economy*
- (3) *Signs up to the Global Covenant of Mayors for Climate and Energy*
- (4) *Signs up to TAKE2 Victoria’s collective climate change pledge*

At its meeting held on 27 June 2022, Council passed Darebin’s *Council Plan Action Plan 2022-23 [3-2 and 3-4]*, which commits Darebin Council to:

- Develop a new Climate Emergency Plan, informed by the review of the existing Plan and in-depth community engagement
- Develop a Climate Emergency Plan that has a clear pathway to zero emissions
- Develop a Community Climate Risk Action Plan to be included in the Climate Emergency Plan review

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 3: Climate, Green and Sustainable

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 3: Climate, Green and Sustainable

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

3.1 We will adapt to climate change and build the resilience of our community, infrastructure and the built environment, with a focus on our vulnerable communities at risk of fuel poverty, and flooding

Once adopted, the Climate Emergency Plan 2023-2030 will identify key priorities and directions for the mitigation and adaptation measures we need to take to achieve zero emissions by 2030, to heal Country and to build resilience in our land, economy, infrastructure and the community to the impacts of climate change.

DISCUSSION***Developing the revised Climate Emergency Plan (including Community Risk Plan)***

A broad evidence base and strategy review will be used to develop a road map to zero emissions and a community climate risk plan. This includes:

- Community engagement program
- [Victorian Climate Projections](#)
- Recent climate plans and strategies developed by Local, State and Federal Government, Victorian Greenhouse Gas Alliances and Non-Government-Organisations developing climate solutions such as the Climate works Centre
- The Fuel Poverty research project, commissioned by officers to identify existing vulnerabilities and opportunities for protecting community against extreme heat, cold and other climate impacts. This research has also informed the design of the community engagement program
- The Council Plan and Health and Wellbeing Plan
- Towards Equality
- Statement of Commitment to Traditional Owners and Aboriginal and Torres Strait Islander People
- Darebin Advocacy Strategy
- Advice from Climate Emergency Darebin Advisory Committee

A note on Zero Emissions and Net Zero Emissions

Zero and *net zero* emissions are commonly interchanged words but have different implications.

Zero emissions (or gross zero emissions) means no emissions are generated in the Darebin Local Government Area, and no offsets are used to 'cancel out' emissions that are generated in Darebin. A breakdown of where Darebin community emissions come can be found here: [Snapshot Climate](#).

The Council Plan asks that the Climate Emergency Plan sets out how to best achieve *zero emissions*.

Net zero emissions (sometime described as carbon neutral) is often considered a more achievable target and one that is commonly adopted by organisations. Investment in offsets can also generate social, cultural and biodiversity benefits. Offsets were developed to support 'hard to abate' sectors, where time is needed to develop, commercialise, scale and deploy new or alternative technologies.

Council's operations are currently carbon neutral. In short, this means that Council has calculated the emissions it generates and has purchased offsets to 'cancel out' these emissions. Council uses the [Carbon Active](#) certification program. Council chooses certified offsets projects that have strong and transparently reported environmental, social and community benefits.

The implications of zero and net zero will be explored through this project.

Community Engagement Approach

The Climate Emergency Plan engagement is proposed to be conducted in two stages. The purpose of **stage one consultation** will be to identify community needs and priorities to respond to the climate emergency. These local priorities will shape and inform climate strategy and actions that achieve the following outcomes:

- Social inclusion and justice
- Community and economic resilience
- Healing Country
- Achieving zero greenhouse emissions
- Community adaptation and resilience

Where actions to support these objectives are out of the control of local government the Climate Emergency Plan will identify key advocacy platforms.

Engagement objectives are:

- To undertake meaningful engagement with Traditional Owners and Aboriginal and Torres Strait Islander People which places connection to, and healing of, Country, culture and climate justice at the heart of our response to the climate emergency
- Identify priorities and actions that support a robust and resilient Darebin economy through transitioning to zero emissions and adapting to climate change
- To involve the community in identifying priorities, strategic directions and solutions we can implement as a community to achieve zero emissions by 2030
- To engage widely and deeply across our diverse community to ensure meaningful involvement in providing input to the Climate Emergency Plan 2022-2030 on strategic directions for achieving adaptation and building community resilience to climate impacts
- To progress Council's climate and renewable energy advocacy priorities

Community feedback will be analysed and used to inform development of a draft Climate Emergency Plan.

For **stage two consultation**, a draft Plan will be presented back to the community for feedback on how and in what ways it captures the concerns, priorities and understandings of the community about mitigation measures and priorities as well as best ways forward to adapt and build resilience for the land, economy, infrastructure and people who live in Darebin.

In depth engagement with the community will:

- Support development of strong ownership of the Climate Emergency Strategy by the community towards our collective goal of achieving zero emissions by 2030
- Produce a co-designed set of strategic priorities that enables effective and timely delivery of actions in collaboration with community, state and Federal Governments and business partners
- Support ongoing development of community literacy on the climate emergency: the act of engagement is a learning exercise that enriches our collective knowledge and builds capacity for delivering climate action

Please see below “Community Engagement” section for details on how this consultation will be delivered and with who.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

Council supports the recommendations of the Task Force on Climate-related Financial disclosure (TCFD), which has developed voluntary, consistent, climate-related financial disclosures for organisations and is committed to providing the local community and customers with information in relation to how Council is managing climate change risks.

Council recognises that it is on a journey to progressively improve its disclosures in line with the TCFD’s recommended framework for voluntary and consistent climate-related reporting. A Climate Risk Assessment is in development which will help identify climate-related financial risks. This will also inform the development of the Climate Emergency Plan.

Community Engagement

Officers have developed a plan to deliver an accessible and inclusive Community Engagement program. Engagement activities include:

Community wide survey via Your Say page

- A short, simple survey will feature on the Your Say Page. The purpose of the survey is to gather information about community preparedness in meeting the challenges of climate change at home and in their neighbourhoods, businesses and communities. This information will support the development of Council’s new Climate Emergency Plan, which will set out how best to achieve net zero emissions for Darebin by 2030 and to prepare and protect the community from the impacts of climate change.
- As part of collecting these responses, we will be collecting personal and standard demographic information (age, gender, disability status, indigenous, language spoken at home) which will let us know if we have a representative sample.

- This page will be promoted via a comprehensive communications campaign including through Darebin's existing community contacts, social media, posters, and newsletters. This comprehensive communications campaign will reach a wide and diverse cross section of the community including individuals, businesses and community groups.
- Details of the project will be available on the Your Say page, taking advantage of the google translate feature. Face to Face engagements will be supported by an interpreter where possible.

Targeted community workshops

- First, meeting people in their regular places of gathering such as weekly lunches, conversation cafes, recognises that conversation about climate with familiar, trusted friends and community leaders enhances learning, understanding and builds confidence and willingness to participate through the shared experience
- Second, convening groups with specific interests, shared experiences or needs recognises that the climate emergency impacts unevenly across our community. Housing type, socio-economic status, language proficiency, age, among other social differences, significantly impact opportunity to talk about the impacts of climate change and the support which is required to both mitigate and adapt to ensure people stay safe and well
- Third, workshop discussions with special interests, skills and knowledge will enable a deeper conversation on the issues raised through the community survey
- Examples of targeted community workshops include renters, public housing tenants, language groups, health and welfare groups, transport users, communities unlikely to respond to the survey because of digital divide and/or language barriers, young people, climate action groups, businesses and industry groups
- Co-design of these workshops in collaboration with community leaders and internal stakeholders will be undertaken to ensure discussion is fun, accessible and relevant to the needs and interests

Aboriginal and Torres Strait Islander engagement

- Consultation with Wurundjeri Council Cultural Heritage to understand how Wurundjeri might wish to be involved in developing the Climate Emergency Plan, to seek their advice on cultural matters and those pertaining to climate justice. In addition, leveraging the work and incorporating relevant aspects of the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation Country Plan
- Building on learnings from the Darebin Fuel Poverty Research project, consultation with Darebin Aboriginal Advisory Committee to identify key community leaders and Aboriginal Community Controlled Organisations with whom we can explore ways to meaningfully engage with local Aboriginal and Torres Strait Islander communities in Darebin
- Co-design targeted conversations and/or workshops with elders and community members to deeply understand how climate change is impacting the First Nations community in Darebin, both in daily lives and in relation to culture

Internal Stakeholder engagement

- Work with all Departments across Council to identify priorities and opportunities to embed climate change action and address climate risks

Other Principles for consideration

- **Overarching Governance Principles and Supporting Principles**

- (c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;

Public Transparency Principles

- (c) Council information must be understandable and accessible to members of the municipal community;

Service Performance Principles

- (a) services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community;

COUNCIL POLICY CONSIDERATIONS**Environmental Sustainability Considerations (including Climate Emergency)**

Darebin was the first jurisdiction in the world to declare a climate emergency (now 2248 in 39 countries) and to develop a Climate Emergency Plan. Officers have recently reviewed the existing Plan and now plan to, along with input from the community, develop the new strategy.

Council leadership on responding to climate change is well recognised. This new strategy will enable council to accelerate and adjust our ongoing mitigation and adaptation programs and collaborations with the community to support broad engagement and action towards zero emissions by 2030.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

An Equity Impact Assessment and Gender Impact Assessment will be completed after the initial engagement and when a draft Climate Emergency Plan has been prepared and take a whole of project view to the engagement process and the Strategy.

The approach to participation in engagement is closely following the goals and principles of the Darebin Community Engagement Policy and carefully reflects social justice, equity and gender considerations.

Collaboration across the organisation to reach diverse communities will support and enrich the comprehensive communications campaign to promote the engagement opportunity.

Operational Impacts

Climate change has operational impacts across all Council services. Through internal stakeholder engagement and in developing the new plan, officers will develop a better understanding of these impacts and report to Council at a future briefing. An operational climate risk review is underway and will complement the Plan.

IMPLEMENTATION ACTIONS

	<u>From</u>	<u>To</u>
Evidence base and strategy review	March 2022	December 2022
Stage one		
Delivery of engagement on broad directions/priorities with community	August 2022	September 2022
Collate engagement outcomes and draft CE Strategy	October 2022	December 2022
Stage two		
Present first round of findings to Council and seek endorsement to consult on draft Plan	Feb 2023	Feb 2023
Consult on draft of new Plan	Feb 2023	Mar 2023
Evaluate Stage 2 consultation feedback	April 2023	April 2023
Finalise Climate Emergency Plan 2022-2030	April 2023	May 2023
Council Report to seek adoption of Climate Emergency Plan 2022-2030	June 2023	June 2023

RELATED DOCUMENTS

- Darebin Climate Emergency Plan 2017-22

Attachments

- Draft Climate Emergency Plan 2017-22 Review (**Appendix A**)

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of 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.



Introduction

On 5 December 2016, Darebin Council led the world by unanimously voting to recognise we are in a state of climate emergency that requires urgent action by all levels of government. In August 2017, after extensive community consultation, this was followed by the adoption of Darebin’s Climate Emergency Plan 2017-2022 (*The Plan*).

The Darebin Climate Emergency Plan was the first ever attempt at articulating the action necessary to respond to the enormous challenge of the climate emergency. In doing so, The Plan:

- defined new terms and definitions relevant to the climate emergency response;
- established six overarching goals as key indicators of progress and success; and
- prioritised action into nine key directions with 156 accompanying actions to be undertaken to reach these goals.

The Darebin Climate Emergency Plan was ambitious, and it acknowledged that some of the goals and actions were contingent on a fully engaged community, as well as deep collaboration with, and commitment by, all levels of government.

In reviewing Darebin’s progress, there is much to celebrate. Darebin’s historic climate emergency declaration started a global movement, with 108 Australian councils and 2,082 world-wide jurisdictions so far following suit covering 1 billion+ people¹.

Council led the largest emissions reduction project ever undertaken by local government in Australia – the Victorian Energy Collaboration (VECO). Council’s innovative Solar Saver program helps residents install solar and has led the way for the sector. Council has supported local business through enabling Environment Upgrade Finance mechanisms, and its Light\$mart Program.

By the end of 2022, Darebin will have progressed or achieved five of six of the Plan’s goals. Of the 156 actions, 73% of these actions have been delivered, 21% in progress and only 6% have not yet been started.

Despite this success, the need has never been greater to act with even more urgency. The latest IPCC reports have laid bare the fact that the world is heading toward catastrophic warming of over 2°C. Australia is ill-prepared to cope with current climate impacts, let alone more significant ones.

DAREBIN COUNCIL PLAN 2021-2025

BIG ACTION #3

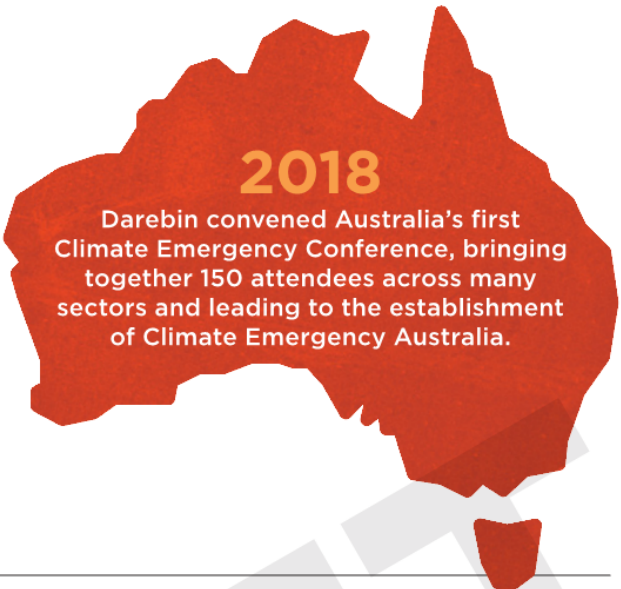
“Continue to lead with our response to the climate emergency by updating our Climate Emergency Plan to set out how to best achieve zero greenhouse gas emissions for Darebin by 2030, offering solar installations and energy retrofits to pensioners and vulnerable communities, delivering new business and community power purchase partnerships, supporting a shift to a circular economy and massively reducing our waste going to landfill, and delivering projects and programs aimed to improve safety for people cycling, walking and wheeling, increasing active travel which will also reduce transport emissions”

Highlights

Advocacy and engagement

1 billion+ people

Climate Emergency action gained significant momentum. In 2022, 108 Australian councils (and ACT) have subsequently declared. Worldwide: 2,248 jurisdictions in 39 countries covering 1 billion+ people.



Leadership

Darebin led the award-winning Victorian Energy Collaboration (VECO): a collaboration of 46 Councils to switch to 100% renewable energy, from two wind farms in regional Victoria. VECO is the largest emissions reduction project ever undertaken by the local government sector in Australia.



VECO launch May 2021



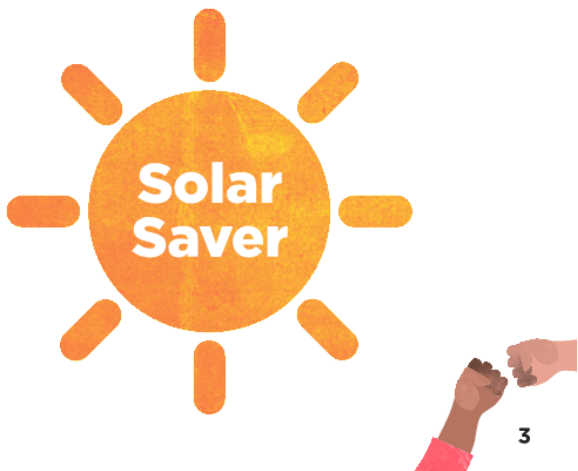
Darebin became a certified carbon neutral organisation under the Climate Active Standard in 2019-20.

Innovation

New Council-constructed community facilities such as the redesign of Northcote Aquatic and Recreation Centre (NARC) and the new Narrandjeri Multi-Sports Stadium are designed to be fully electric as well as achieve the highest Green Star ratings.



The continued roll out of the Darebin Solar Saver program has helped 1,945 homes and businesses install 9,820KW of solar, with 10+ Victorian Councils replicating the model.



Progress on Darebin's Climate Emergency Plan

Progress on the six plan goals

The Darebin Climate Emergency Plan includes six goals as indicators of progress for both Council and the community as a whole. At the time the Plan was developed, Darebin Council committed to continue to aim for zero greenhouse gas emissions for both our Council and community by 2020, recognising that we would not achieve this without urgent leadership and action from other levels of government.

Thanks to both the Darebin Solar Saver and the State Government Solar Victoria programs, and the continued popularity of rooftop solar, Darebin businesses and residents exceeded the local renewable energy generation goal by 16MW (an extra 50%).

Meanwhile, Council's leadership in regards to its own performance delivered a number of milestones, including nearly doubling its own onsite generation from solar and reaching its net zero emissions goal, by becoming certified carbon neutral under the Climate Active program. Furthermore, it is projected Darebin will meet its goal of 45% reduction in

overall gross greenhouse gas emissions by December 2022, largely due to making our electricity purchases 100% renewable through VECO.

Reducing community-wide emissions, and drawing down historical emissions from Council operations, remains a huge challenge, with slow progress made.

This lack of progress is particularly impacting Darebin's vulnerable communities, as the renewable energy and electrification gap widens and exacerbates fuel poverty.

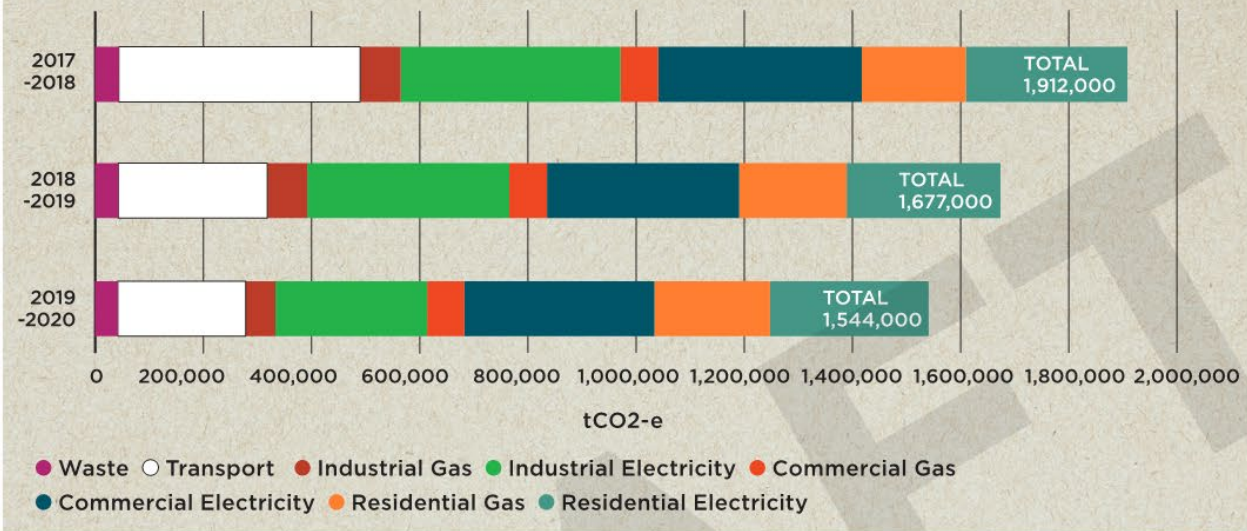
The quickening pace of global climate emergency together with many years of insufficient action by the Federal and at times State Governments are making targets difficult to achieve. We need a new level of collaboration with all levels of Government to urgently make progress. Council has committed to develop a roadmap to zero emissions by 2030 in its new Climate Emergency Plan. Council is calling on the Federal and State Governments to fix the electricity grid and establish an urban renewable energy zone in Darebin.

Figure 1: Progress against the six plan goals

GOAL	RESULT	RATING
COUNCIL		
45% reduction of gross greenhouse gas emissions by 2022 (baseline 16,860tCO2-e) ²	16% (14,100tCO2-e)	In progress ●
Net greenhouse gas emissions for Council operations by 2020	Zero net emissions	Achieved ●
An additional 440KW of on-site renewable energy generation by 2022 (baseline 377KW)	824KW total capacity	Achieved ●
Negative emissions (drawdown)	N/A	Not yet started ●
COMMUNITY		
Zero net emissions (baseline 1.951 MtCO2-e) by 2020	21% reductions (1,544 MtCO2-e)	In progress ●
Double local renewable energy generation (baseline 19MW) by 2022	54MW	Achieved ●

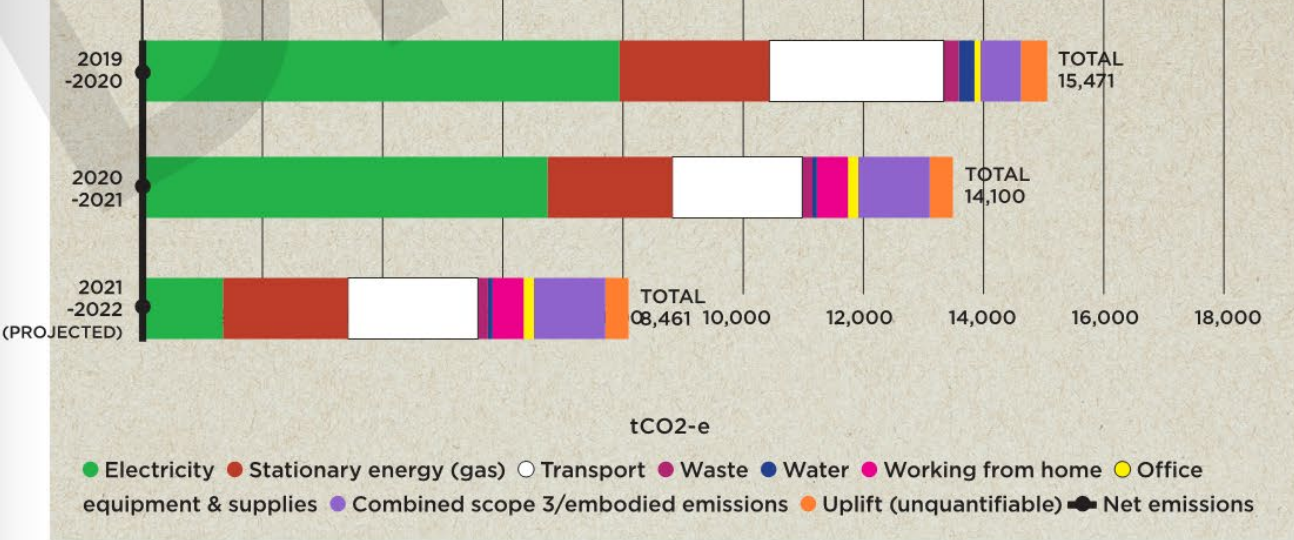
Council and community emissions over time

Figure 2: Darebin community emissions over time



NB: the significant drop in transport emissions between 2017-18 and 2018-19 are primarily due to improved accounting. 2019-20's figures are impacted by the first quarter impacts of COVID-19, reflected in the rise in residential energy usage and decrease in industrial energy and transport emissions.

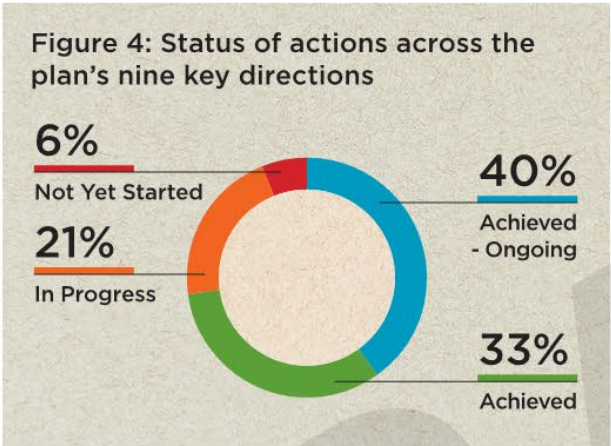
Figure 3: Darebin Council operations gross and net emissions (after renewable energy and offset purchases)



NB: emissions from previous years are not included as Darebin adopted a more comprehensive method of carbon accounting, since becoming carbon neutral (zero net emissions) under the Climate Active program in the 2019-20FY.

Progress on nine key directions

In early 2022, each of the 156 actions across the nine key directions of the Darebin Climate Emergency Plan were assessed in terms of its completion status and given a rating: *Achieved - Ongoing*, *Achieved*, *In Progress*, or *Not Yet Started*.



Key directions

- #1 Climate Emergency Mobilisation
- #8 Engaging the Community
- #9 Climate Emergency Darebin



These directions acknowledge that the scale and speed of transformation needed requires building a broad consensus across society on the need to adopt an emergency response to climate change. From our local community in Darebin, to other Councils around Australia, to other levels of government, industry, organisations and communities around the world.

Overall, 94% of all actions were deemed achieved or in progress, with only 6% not yet started.

They also recognise local government can play a role in being a trusted organisation to support the community to take action on the Climate Emergency.

Council has successfully delivered the vast majority of actions under these directions; from establishing Climate Emergency Australia to joining international efforts like the Global Covenant of Mayors, to providing grants and support to empower on-the-ground local climate organisations and increasing climate awareness and commitment to effective emergency action.

A continued focus on supporting and working with the community in the future will be required to ensure the delivery on municipal goals and protection of all.

Key directions

- #2 Energy Efficiency
- #3 Renewable Energy and Fuel Switching
- #6 Fossil Fuel Divestment



Recognising the role of climate change mitigation, a significant portion of the Plan was apportioned to actions aimed at reducing energy use and transitioning to 100% renewable energy. Investing in energy efficiency and renewable energy in the community helps families and businesses adapt to a changing climate and can help alleviate fuel poverty among our vulnerable community members.

Darebin led several innovative projects, such as VECO, a divestment initiative that saw Council move away from it banking activities being associated with fossil fuel investments, new facilities are being designed and built to be fully electric and the expansion of the Darebin Solar Saver program.

Whilst significant progress was made, including nearly tripling the solar PV capacity within the municipality, sustained efforts at the local, state and national levels will be required in the coming decade, to make the substantial shift needed to avoid the catastrophic impacts of climate change.

Key directions

- #4 Zero Emissions Transport
- #5 Consumption and Waste Minimisation
- #7 Adaptation and Resilience



By including a climate emergency perspective to themes such as transport, waste and consumption- new ways of thinking and increased outcomes were able to be realised. Many adaptation initiatives were also implemented to prepare the community against warmer, more intense climate conditions in future years. However, we recognise that more work is needed.

Many longer-term actions were initiated by Council during the term of the Plan, including significant stormwater harvesting, wetland projects and increasing tree-canopy. Policy adoptions that support actions in the future, such as improvements in Environmentally Sensitive Design in Darebin led-projects such as the 6 star Green Star redevelopment of Northcote Aquatic and Recreation Centre, as well as requirements in private developments and in council capital projects.

During the term of the Plan, Council adopted a new Waste and Recycling Strategy and introduced of kerbside food waste recycling as part of the existing green waste service.

Council commenced its transition away from internal combustion engines to electric vehicles.

Challenges

Despite the considerable progress made since Council's initial climate emergency declaration in 2016, significant obstacles to addressing this issue remain.

Post-COVID environment

The environment that Darebin and its community will experience in the future as a result of the COVID-19 pandemic remains unclear.

A collaborative approach to climate emergency action

As was recognised in the Darebin Climate Emergency Plan, a truly united approach is needed across our society and economy, which requires large-scale, sustained action across all levels of government, businesses and the community to both cut carbon emissions and adapt to living in more extreme weather conditions. Without this, responses will continue to be disjointed, and risk further isolating already vulnerable cohorts of our community.

A clear standout issue where this approach is needed is transitioning to a 100% renewable grid, along with localised initiatives to maximise local renewable generation and deliver on zero net emissions communities. These will be core drivers of our advocacy to the State and Federal Government.

Economic opportunities of transition

Our experience in delivering projects such as VECO and the work of others such as the Clean Energy Council and Beyond Zero Emissions show us that transitioning to a clean energy future also has significant economic benefits.

For example, several vital industries such as food and beverage production are well placed to benefit from the adoption on electrified hot water sources (e.g. heat pumps) powered by renewable energy, rather than from natural gas supplies. By adopting these approaches now, businesses can cut

operating costs and future proof themselves against price rises, whilst reducing emissions.

There are considerable opportunities for Darebin to partner with federal and state government to address local energy grid challenges and to continue leading local and regional transformation efforts.

A rapid transformation

The way in which Australians use energy and where it will be sourced from is rapidly changing. The Draft 2022 Integrated System Plan published by The Australian Energy Market Operator (AEMO) identifies this once-in-a-century transformation that includes, consumers embracing electrification, a continued uptake in rooftop solar, and a rapid transition away from fossil fuel energy sources and significant uptake of renewables and much more.

Identifying this enormous opportunity, a unified commitment with long term funding from federal and state governments is required to make this a successful and equitable change.



Murra Warra Wind Farm powering VECO

Moving forward

In 2022 and 2023 Council will work on updating its response to the climate emergency with a new Climate Emergency Strategy and Action Plan that aligns with Darebin's 2041 Community Vision:

- Darebin is an equitable, vibrant and connected community.
- Darebin respects and supports First Nations People, values country, our diverse communities and places.
- Darebin commits to mitigating the climate emergency, creating prosperity for current and future generations.

Advocacy

Darebin City Council is calling on the Federal and State Governments to deliver on their respective net zero targets as soon as possible, for our community to transition and thrive in a zero-carbon economy, whilst giving us all the best chance of avoiding the catastrophic impacts of climate change.

Darebin is also calling for an Urban Renewable Energy and Circular Economy precinct to be established in the North East of Melbourne, where it would help power the La Trobe National Employment and Innovation Cluster. This ensure the NEIC can access competitive and secure renewable energy close to where it is needed.

Engagement and Community Consultation

It is vital that Council, the Darebin community and other levels of government all work together to deliver on zero emissions for Darebin by 2030, assess current and future climate risks facing our community and identify initiatives that can provide maximum protection for people, property and the natural environment.

At the core of Council's next update to the climate emergency will be an in-depth engagement across our community. This will include the diverse voices of Darebin to ensure our ambitions coincide with the needs of the community.

These voices will be reflected in our new Climate Emergency Strategy and Action Plan. This engagement will reflect our values to create an equitable, vibrant and connected community and will include a deep and ongoing engagement with Aboriginal and Torres Strait Islander people.



¹ <https://climateemergencydeclaration.org/climate-emergency-declarations-cover-15-million-citizens>

² Darebin adopted a more comprehensive method of carbon accounting in the 2019-20FY. This reduction is calculated against this adjusted baseline from 2019-20FY using projected emissions from 2021-22FY.





ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE AND THE CLIMATE EMERGENCY

Darebin City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and custodians of the land and waters we now call Darebin, and that sovereignty has never been ceded.

This acknowledgement and meaningful engagement with Traditional Owners and the Aboriginal and Torres Strait Islander people in our community was a significant gap in the first Climate Emergency Plan. We recognise that climate change has impacted and continues to threaten country and Aboriginal and Torres Strait Islander people. There is important indigenous knowledge and experience that needs to be considered to heal country and protect community as we approach the challenge of the climate emergency together.

Council wishes to reaffirm its commitment to working closely with and alongside the Traditional Owners, the Darebin Aboriginal Advisory Committee and Aboriginal and Torres Strait Islander communities in Darebin on the new Climate Emergency Strategy and Action Plan.

CITY OF DAREBIN

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National Relay Service
relayservice.gov.au

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service.



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T 8470 8470

العربية	Italiano	Soomalii
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Ελληνικά	नेपाली	اردو
हिंदी	ភាសាខ្មែរ	Tiếng Việt

8.2 RENAMING OF THE FORMER RUTHVEN PRIMARY SCHOOL SITE - RESULTS OF COMMUNITY CONSULTATION

Author: Senior Property Officer
Coordinator Parks Management & Strategy

Reviewed By: General Manager, Governance and Engagement

EXECUTIVE SUMMARY

This report provides information on the outcome of the statutory process for the proposed naming of the former Ruthven Primary School Site, at 74-76 Glasgow Avenue, Reservoir (the Park) and recommends that Council endorse the naming recommendation for the Park to be named, and to lodge the naming proposal with Geographic Names Victoria (GNV).

Officer Recommendation

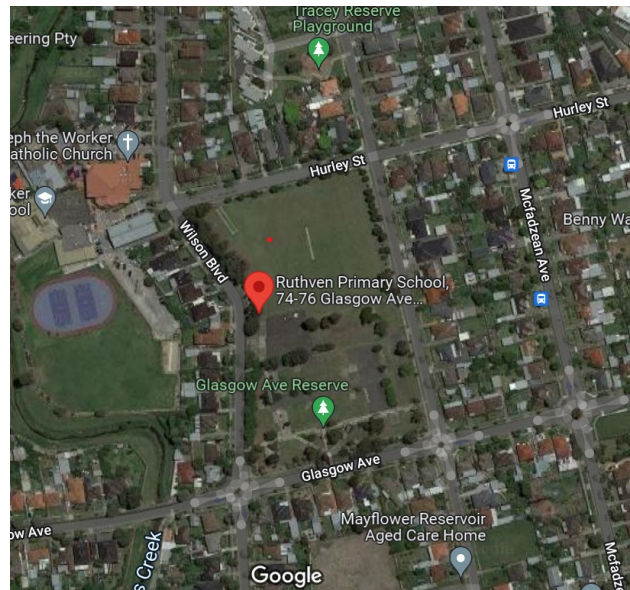
That Council:

Having completed the statutory process in accordance with the requirements of the *Geographic Place Name Act 1998* and the Naming Rules for places in Victoria – Statutory requirements for naming roads, features and localities 2022 and given notice of the voting poll on Council's webpage:

- (1) Endorses the preferred name from the voting poll results, for the Park to be named Wat Ganbo Park;
 - (2) Delegates the Manager, Property and Asset Strategy to lodge the application to the Geographic Names Victoria for the naming of the site of the former Ruthven Primary School at 74-76 Glasgow Avenue, Reservoir to Wat Ganbo Park; and
 - (3) Writes to the Wurundjeri Council to advise of this decision and thank them for their support to date
-

BACKGROUND / KEY INFORMATION

The former Ruthven Primary School site was purchased by Council from the State Government in July 2017 to provide more open space for the community. The site is located at 74-76 Glasgow Avenue, Reservoir, and is bounded by Glasgow Avenue to the South, Wilson Boulevard to the West, Hurley Street to the North and Tracey Street to the East as shown in the aerial plan below.



In the spirit of reconciliation with the Darebin Aboriginal and Torres Strait Islander community, Darebin City Council (Council) through the *Breathing Space; The Darebin Open Space Strategy* made a commitment, that when naming 50% of new public open spaces a name would be chosen in collaboration with the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation (Wurundjeri Council) of a significant Aboriginal and Torres Strait Islander people, figures, symbols or items.

Through the Reimagining Ruthven Masterplan, Council has committed to: *Rename the park in the Woi wurrung language, recognising the Wurundjeri, the Traditional Custodians of the land and waters.*

Council made an application to the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation and received the following list of suggested names for the Park (including pronunciation and meaning):

- Booboop Park – “boo-boop” (young people/children)
- Nganga Nyinguwa Park – “gan-ga nee-in-gah-wa” (see & do)
- Narngon Park – “narn-gon” (reading)
- Wat Ganbo Park – “what gan-bow” (we are one)
- Biik Guljin Wayi Park – “bik gul-jin way-ee” (land – people – us)

Wurundjeri Elders decided upon the names having regard for the earlier consultation process, the work with the DAAC and the adopted Ruthven masterplan.

In April 2022 Council Officers, in consultation with Council’s Aboriginal Partnerships Officer, invited the Darebin Aboriginal Advisory Committee (DAAC) members to select their preferences. The following names were chosen by DAAC to be selected by the Community through the consultation period:

- Nganga Nyinguwa Park
- Wat Ganbo Park
- Biik Guljin Wayi Park

(Booboop Park could not be included due to a similarly named kindergarten within 5km)

Previous Council Resolution

At its meeting held on day month year, Council resolved:

That Council:

- (1) *Endorses, for inclusion in the voting poll, the following names for the former Ruthven Primary School site at 74-76 Glasgow Avenue, Reservoir, bounded by Glasgow Avenue to the South, Wilson Boulevard to the West, Hurley Street to the North and Tracey Street to the East:*
 - a. *Nganga Nyinguwa Park – “gan-ga nee-in-gah-wa” (see & do)*
 - b. *Wat Ganbo Park – “what gan-bow” (we are one)*
 - c. *Bilik Guljin Wayi Park – “bik gul-jin way-ee” (land – people – us)*
- (2) *Commences the statutory process in accordance with the requirements of the Geographic Place Names Act 1998 and the Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities 2016;*
- (3) *As part of its community engagement process gives notice of the voting poll for the preferred name by way of*
 - a. *An online survey,*
 - b. *On Council’s webpage*
 - c. *Posters to be placed at the main entrances to the Park and via circulation to local networks;*
- (4) *Receives a further report with the results of the voting poll and recommendation for Council to consider proposing the name for the former Ruthven Primary School site at 74-76 Glasgow Avenue; and*
- (5) *Formally thanks the Wurundjeri Corporation and, in particular, the Wurundjeri Elders who provided Council with the proposed naming options*

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 1: Vibrant, Respectful and Connected

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 1: Vibrant, Respectful and Connected

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

1.5 We will prioritise and respect the voices and aspirations of Traditional Owners and Aboriginal and Torres Strait Islander communities in Darebin

DISCUSSION

At its ordinary meeting on 23 May 2022, Council authorised the commencement of the statutory process for the proposed naming of the Park. The statutory process commenced on 1 June 2022, ending on 3 July 2022. A copy of the Voting Poll is attached at **Appendix A**.

Results:

A total of 101 voting submissions were received; 96 via the online survey and 5 by paper vote, as follows:

- Nganga Nyinguwa Park - 21 votes
- Wat Ganbo Park - 53 votes
- Biik Gulgin Wai Park - 16 votes

Wat Ganbo Park received the most votes with a clear majority, being the preferred name.

An overview of the demographics of the participants is attached at **Annexure B**.

There were 11 objections received, with reasons relating to people's ability to pronounce the names, preferences for the name Ruthven to be retained, and preferences for alternative names. A summary of the objections is provided as **Appendix C**.

None of these objections are valid objections under the naming rules which require that an objection is valid only if it can be shown it does not comply with the naming rules, or that the statutory process has not been followed.

Recommendation:

Officers recommend that the name Wat Ganbo Park is used in the application to Geographic Names Victoria as the preferred new name for the site.

Next steps:

Following Council endorsement, the Manager, Property and Business Improvement will lodge an application to Geographic Names Victoria to name the site of the former Ruthven Primary School at 74-76 Glasgow Avenue, Reservoir 'Wat Ganbo Park.'

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES**Financial Management**

Subject to Geographic Names Victoria approving the use of Wat Ganbo Park, Officers will take the necessary steps to update all databases and provide new signage at the site. Financial consequences of this decision will be funded through existing operating budget.

Community Engagement

Community engagement on the naming of the site was undertaken between 1 June 2022 and 3 July 2022. It included the following activities:

Engagement activity	Number of participants/people engaged	Target group	Demographic information
Letters to households - mandatory	913	Residents/ratepayers living within 500m of site	Varied
Your Say page	7 followers 753 visitors	Community	Varied – translated information available in 12

Engagement activity	Number of participants/people engaged	Target group	Demographic information
			languages on page
Voting poll 1 June – 3 July 2022	101 online surveys 5 paper surveys	All community and users of the site	See engagement report for full details
2 x drop in sessions at the site • 23 June 2022 • 29 June 2022	5	Park visitors	Varied
Invitation to participate – stakeholders • Friends of Ruthven • Darebin Nature Trust • Local businesses • Local schools and church • Reservoir Lodge assisted living • Local sports clubs • Victorian Aboriginal Health Service • Aboriginal Advancement League • Advisory committees	200+	Advisory committees Stakeholder groups Newsletter subscribers	Varied
Invitation to participate – community • Your Darebin article	Over 7,000 subscribers	All Darebin	Varied
CALD information	Information translated in five languages	CALD	CALD specific
Social media	Information only	Facebook, Instagram and LinkedIn	Various – automatic translation available
Radio – 3KND ad	Multiple	Aboriginal and Torres Strait Islander community All Darebin	Various
Print media – The Age	Multiple	All Darebin	Various

The demographics of survey participants was varied and included:

- 66% female, 22% male
- 26% aged 25-34, 17% aged 45-54 (two most common age brackets)
- 75% Reservoir residents (most common location)
- 15% spoke a language other than English
- 7% identify as having a disability

Overarching Governance Principles and Supporting Principles

- (a) Council decisions are to be made and actions taken in accordance with the relevant law;

Public Transparency Principles

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;

COUNCIL POLICY CONSIDERATIONS

Environmental Sustainability Considerations (including Climate Emergency)

This decision does not relate to Environmental Sustainability. The broader Masterplan for the site has several relevant considerations for biodiversity and climate emergency which are being addressed in an ongoing manner with relevant teams.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

Officers worked with the equity impact team as part of a broad communications and implementation plan for the community engagement and consultation. At several check points during the consultation, further advice was sought for aspects relating to Traditional Owners.

In relation to CALD community participation, participants were asked if they speak a language other than English at home. Overall, 15% of respondents indicated that they speak another language.

Economic Development and Cultural Considerations

The naming decision does not impact economic development opportunities.

Operational Impacts

There are no operational impacts related to the naming of this park.

Legal and Risk Implications

Naming of the site is based on Geographic Names Victoria's Naming Rules, and the statutory process prescribed in the Naming Rules has been followed. Using the guidelines in the Naming Rules has mitigated any legal risks.

IMPLEMENTATION ACTIONS

Key dates as follows:

- October 2022 – Application to Geographic Names Victoria for endorsed name
- December 2022 to February 2023 – Notification of outcome and communication with stakeholders
- March/April 2023 – New signage installed in park and associated activities (TBC)

RELATED DOCUMENTS

- Council's Road and Place Naming Policy 2014
- Geographic Place Names Act 1998
- Local Government Act 2021
- Naming Rules for Places in Victoria – Statutory requirements for naming roads, features and localities 2022
- Darebin's Community Engagement Policy 2021
- Breathing Space; The Darebin Open Space Strategy

Attachments

- Voting Poll (**Appendix A**)
- Voting poll results - overview of demographics (**Appendix B**)
- List of objections - de-identified (**Appendix C**)

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of 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.



We're naming Reservoir's newest park



The park at the former Ruthven Primary School site (74-76 Glasgow Avenue, Reservoir) currently doesn't have a proper name. We need your help picking one!

We've consulted with the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation and Darebin Aboriginal Advisory Committee to narrow it down to three potential names in Woiwurrung language.

Tell us which name you'd like to see given to the park. The options are:

- Nganga Nyinguwa Park – “gan-ga nee-in-gah-wa” (meaning ‘see and do’ in Woiwurrung language)
- Wat Ganbo Park – “what gan-bow” (meaning ‘we are one’ in Woiwurrung language)
- Biik Guljin Wayi Park – “bik gul-jin way-ee” (meaning ‘land – people – us’ in Woiwurrung language)

Vote for your favourite name via the survey included. You can also formally object to the names through this survey. You must explain why you do not support the name(s).

Voting closes at **5pm on Sunday 3 July 2022**. All votes will be counted, and the name with most votes will become the official name of the park. Naming is subject to approval by Council and Geographic Names Victoria (GNV). After voting ends, we'll start a formal process to change the site's name with GNV.

All votes and name submissions must comply with *the Naming rules for places in Victoria 2022*.

Please contact our Senior Property Officer on **8470 8888** or email property.management@darebin.vic.gov.au for enquiries

the place
to live

Naming the former Ruthven Primary School site- survey

Privacy Statement

The collection and handling of personal information is in accordance with Council's Privacy Policy which is displayed on [Council's website](#) and available for inspection at, or collection from, Council's Customer Service Centres.

The personal information that we collect from you in this survey will be treated confidentially in accordance with the Privacy and Data Protection Act 2014. It will only be used for the primary purpose of this engagement and for no other purpose without your consent. The information is being collected for data integrity purposes to minimise the risk of multiple submissions. Your personal information will not be linked with any of your responses provided in this engagement. When making any comments, please do not include any personal information if you would not like it to be accessible for public viewing, and please do not identify specific people by name for the sake of their privacy.

In order for your vote to be valid you must provide the following information:

Name: _____

Postal Address: _____

What is your preferred name for the park?

() Nganga Nyinguwa Park – “gan-ga nee-in-gah-wa” (meaning ‘see and do’ in Woiwurrung language)

() Wat Ganbo Park – “what gan-bow” (meaning ‘we are one’ in Woiwurrung language)

() Biik Guljin Wayi Park – “bik gul-jin way-ee” (meaning ‘land – people – us’ in Woiwurrung language)

() None of the above- I object to this proposal



3) If you objected to this proposal please explain your objection:

About you

The following questions will help us understand more about you.

4) What is your connection to Darebin? (choose all that apply)

- ☐ Live
- ☐ Work
- ☐ Own a business
- ☐ Study
- ☐ Visit

5) What is your age group?

- ☐ 15 and under (note: please let a parent or guardian know you are completing this survey)
- ☐ 16-19
- ☐ 20-24
- ☐ 25-34
- ☐ 35-44
- ☐ 45-54
- ☐ 55-64
- ☐ 65-74
- ☐ 75 and over
- ☐ I prefer not to say

6) What is your gender?

- ☐ Male
- ☐ Female
- ☐ I identify as: _____



☐ I prefer not to say

7) Do you speak a language other than English at home?

☐ No - English only

☐ Yes (please specify): _____

☐ I prefer not to say

8) Are you Aboriginal or a Torres Strait Islander?

☐ Yes

☐ No

☐ I prefer not to say

9) Do you identify as having a disability?

☐ Yes

☐ No

☐ I prefer not to say

Thank you for your feedback. Your response is very important to us.

Your Say Daresbri

Report Type: Form Results Overview
Date Range: 01-06-2022 - 03-07-2022
Exported: 05-07-2022 16:23:52

Closed

Vote for a name

Naming the former Ruthven Primary School site

96

Contributors

98

Contributions

Key Statistics

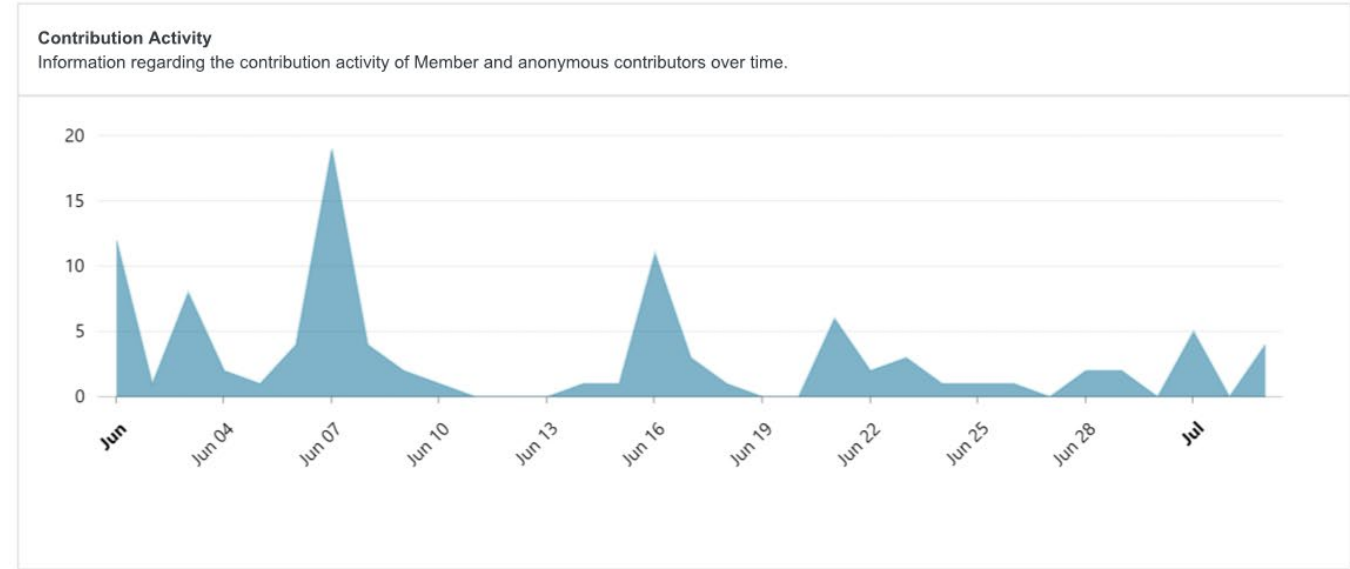
Information regarding the split of contributors and contributions between Members and non-Members.

96 (100%)
Member contributors

0 (0%)
Anonymous contributors

98 (100%)
Member contributions

0 (0%)
Anonymous contributions



Technology

Information relating to the types of technology used by your participants in the engagement activity.

Device type

Information showing what devices were used by participants in the engagement activity.

Mobile

Desktop

Tablet

Browsers

Information showing what web browsers versions were used by participants in the engagement activity.

Chrome

Facebook

Mobile Sa...

Chrome ...

Others

POWERED BY

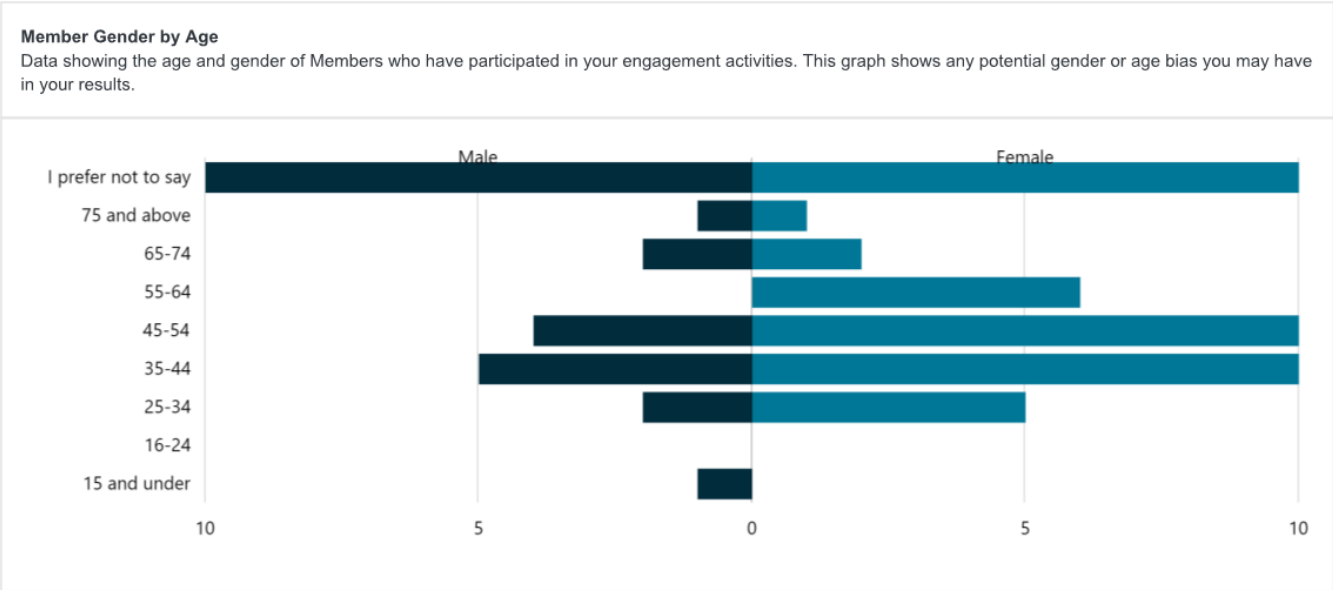
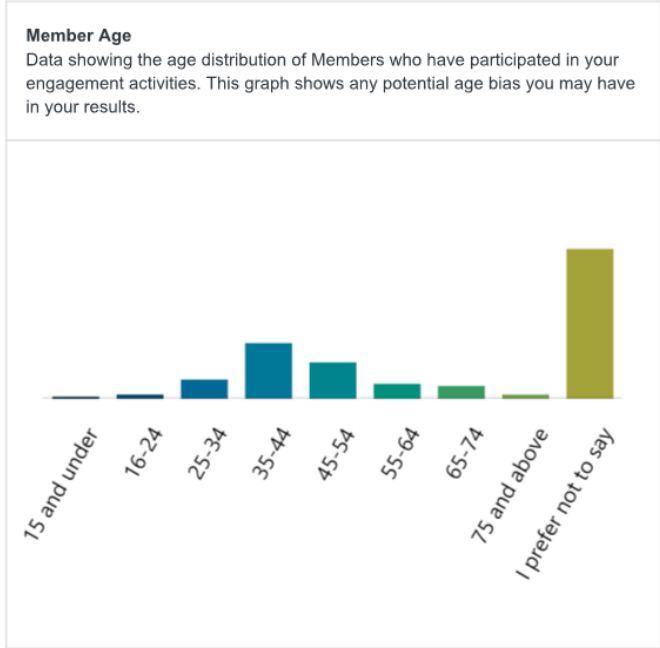
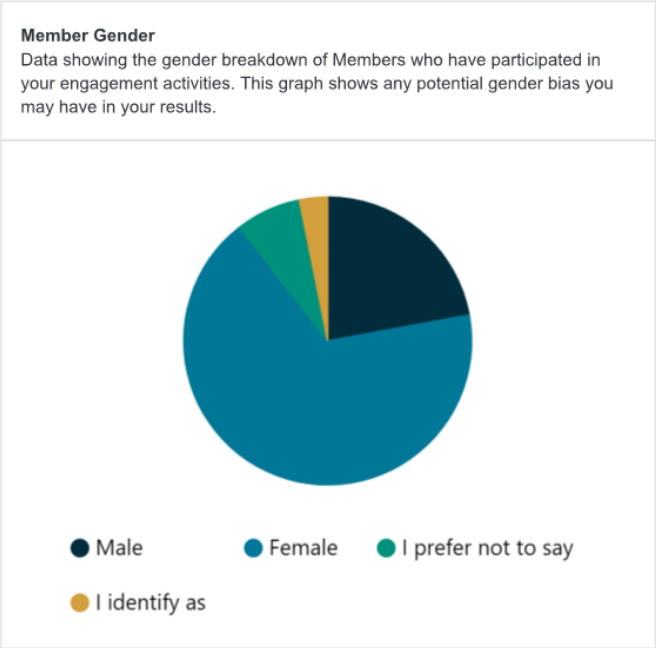
Your Say Daresbri - Form Results Overview (01-Jun-2022 to 03-Jul-2022)

Item 8.2 Appendix B

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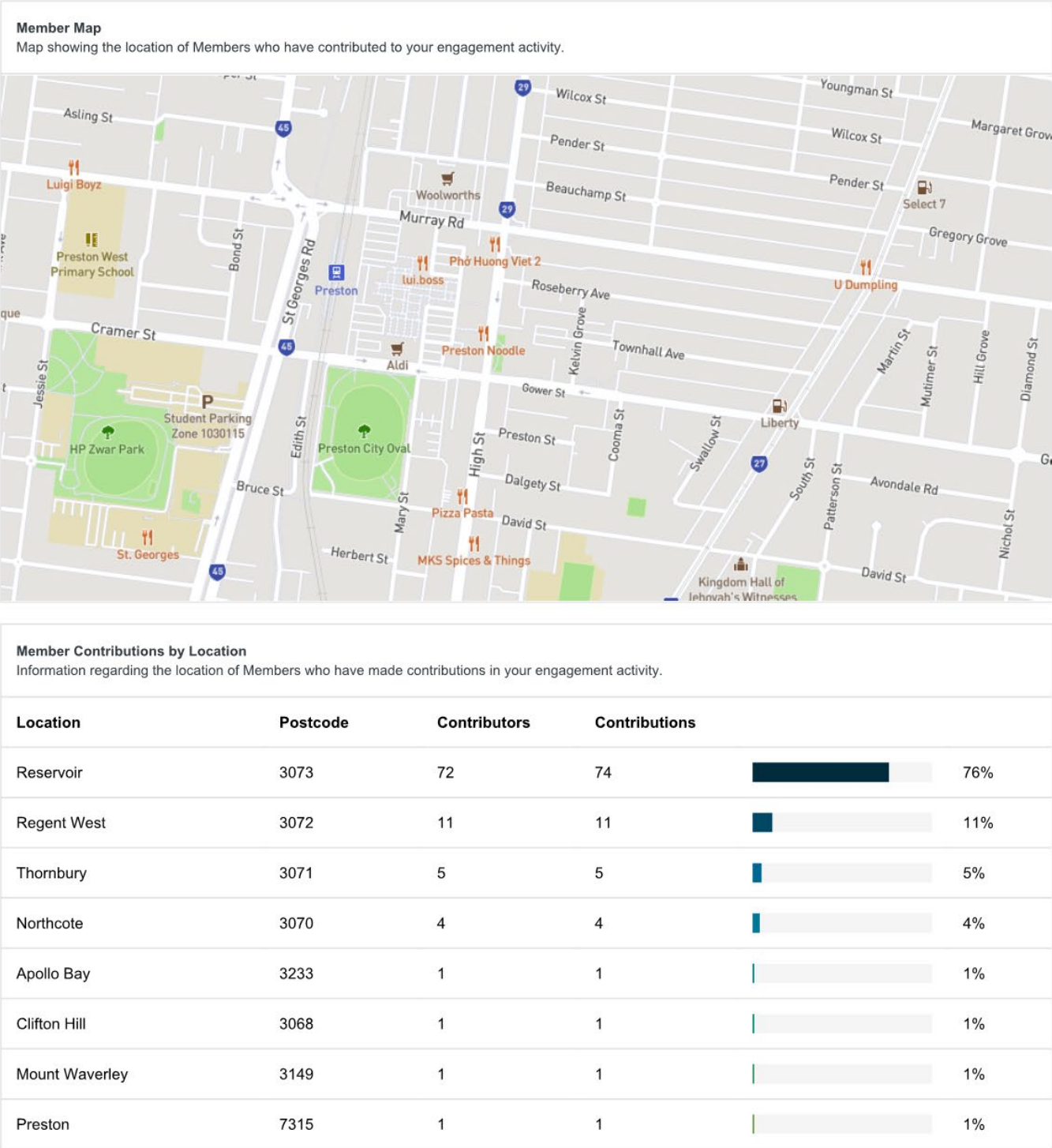
Member Demographics

Information regarding the demographic characteristics of the Members who have participated in your engagement activities.



Member Locations

Information regarding the geographic location (e.g. postcode) of Members who have contributed to your engagement activity.



No	Date Submitted	Please explain your objection	What is your connection with Darebin? (Choose all that apply)	What is your Suburb?
Online voting poll				
1	Jul 03, 2022, 10:47 PM	<p>The naming process for the park situated at the former Ruthven Primary School started in 2019 and fell into a hole for several years with no explanation. This meant that the briefing that Terry Mason, who is Aboriginal, provided to the Darebin Aboriginal Advisory Committee on behalf of the Friends group in September 2019 was effectively lost due to the long delay and incomplete minutes.</p> <p>For more than a year I tried to get the naming process underway to no avail (search my blog with the keyword 'Woi' and you'll see what I mean - link is below.) Then suddenly the process was rushed to the finish line, probably because there was a deadline for a photo op with the Minister as part of the funding agreement for the new playground.</p> <p>The Friends group was not consulted again, as required by a resolution of Council (24 May 2021, Minute No 21-047), before we were presented with the list of three names as a fait accompli in April this year. We asked to speak with Wurundjeri Elders but by then it was all too late. The result is that the names are generic and don't speak to the natural features of the park as originally requested by the Friends group. I have promoted the names on my Facebook Page and asked people to 'choose their favourite' but have had a lukewarm response.</p> <p>The best of the names is Nganga Nyinguwa Park (see & do) which has some relevance to the site as continuing place of learning. It also sounds nice when spoken aloud. Therefore, this is the name the Friends group would like to see put forward.</p> <p>However, I personally strongly object to the name Wat Ganbo Park (we are one). This name presents as a political statement which I read as assimilationist. Perhaps unintentionally, it calls to mind the chorus of the song "I am Australian" (i.e. "We are one but we are many.")</p> <p>Many Aboriginal people do not identify as 'Australian' which is a post-invasion political construct, particularly considering the oppression still experienced (e.g. poverty, high incarceration rates, continued child removals, highest suicide rates in the world and so on). Until their position as structural outsiders is effectively addressed many Aboriginal people will continue to reject</p>	I live in Darebin	Reservoir VIC 3073

No	Date Submitted	Please explain your objection	What is your connection with Darebin? (Choose all that apply)	What is your Suburb?
		<p>the notion that they are 'one' in this country.</p> <p>Unfortunately, I am concerned that people will choose this name, not because it is the best name for the park, but because it is the easiest to pronounce. This would be a lost opportunity because we in the Friends group want people to extend themselves and make more than a token effort to learn some words from the Woiwurrung language.</p> <p>Over the past six years I fought to save the park from developers and, once that was achieved, for it to be a natural place of tranquility and respite within the urban environment. I hope that my words carry weight as someone who has invested a great deal into the future of the park and who will continue to work for its enjoyment by the community.</p>		
2	Jun 21, 2022, 06:53 PM	I would like to see the name of someone who contributed to the growth of Reservoir.	I live in Darebin	Reservoir VIC 3073
3	Jun 16, 2022, 09:24 PM	Unfortunately none of these names are easy to pronounce or remember for the everyday person. No doubt it will commonly be referred to as the park in Glasgow Avenue if one of these names are chosen. Surely practicality needs to be considered when naming places, happy to honour the indigenous community and culture but the naming process of such places should consider all communities ability to pronounce them.	I live in Darebin	Reservoir VIC 3073
4	Jun 16, 2022, 05:29 PM	<p>Ruthven Park.</p> <p>I went to Ruthven Primary, my older sister also. It was a diverse multicultural school, my sister was in Grade 6 when I began prep 1974. I value the years, making life long friends of all cultures. It was named after William Ruthven. We all learnt of him, symbol on our school shirts was his VC Victoria Cross, we sang god save the Queen weekly, then Advance Australia Fair. Some things are worth remembering and showing respect to people who fought for this country. Show a bit of respect for them once in awhile. My parents were first house built</p>	I live in Darebin; I own a business in Darebin	Reservoir VIC 3073

No	Date Submitted	Please explain your objection	What is your connection with Darebin? (Choose all that apply)	What is your Suburb?
		in O'Donnell street, I built and am still a resident of Reservoir. I will call it Ruthven Park. No matter what you decide, it will continue to be Ruthven to me and my friends.		
5	Jun 15, 2022, 07:10 PM	I believe the park should retain the name of Ruthven in its title as many locals who have lived in the area for years have their own history there. Alternatively, if an indigenous name is the preferred option, I believe it should revert to its original indigenous name.	I live in Darebin	Reservoir VIC 3073
6	Jun 07, 2022, 07:42 PM	Keeping the name as Ruthven Park seems like an easy choice	I live in Darebin	Reservoir VIC 3073
7	Jun 01, 2022, 03:59 PM	They are difficult to pronounce	I live in Darebin	Reservoir VIC 3073
8	Jun 01, 2022, 11:32 AM	The suggested names will not be accepted in the long term. They are cumbersome and anti Anglo. Try this: How about a game of football at Bilk Guljln Wayi Park? It simply won't work. it must be named after the war hero Bill Ruthven. Simply Ruthven Park.	I visit Darebin	Mount Waverley VIC 3149

No	Date Submitted	Please explain your objection	What is your connection with Darebin? (Choose all that apply)	What is your Suburb?
<i>Paper voting poll</i>				
9		You suggested three name: Nganga Nyinguwa Park; Wat Ganbo Park; and Biik Guljin Wayi Park. I think these names are too long for residents & visitors to remember. They are too hard to pronoun. They are also not popular name, which are not attracting people wanting to know. I would suggest that to use a well-known popular name such as Ruthven Park or Glasgow Park or Reservoir Park. People hear that can know the location of the Park immediately.		
10		I believe that the site of the former Ruthven Primary School should retain the name honouring William Ruthven V.C. If in your wisdom you wish to change the name to honour Aborigines why not select a name that honours an Aboriginal hero of WW1. Perhaps William Reginald Rawlings M.M. Harry Thorpe M.M. or Raymond Charles Runga M.M. All of whom enlisted in Victoria, or one of the many other winners of medals under fire from the Aboriginal community.	I live in Darebin;	Mill Park
11		I am disappointed as to why Darebin Council is considering renaming Ruthven Park. The gentleman after whom the Park was named had a distinguished career. He fought in WW1, was awarded the Victoria Cross, served as Mayor for the City of Collingwood, sat on the Victorian Legislative Assembly and formed the Ruthven Soldiers Club. The Park was obviously named 'Ruthven' in honour of this gentleman who had served his community and country so bravely and with commitment. Why would council want to now disregard his contribution and take away the honour that previous council committees and the community of Darebin decided that he deserved? As to the names proposed by Darebin- the names are impossible to pronounce. Darebin is a very multi-cultural community whose first language is not English. How does council propose that many in the Darebin community will pronounce Aboriginal names? I am a retired school teacher and I would find those names difficult to remember and pronounce correctly. The name Ruthven is considerably easier to remember and pronounce. Even members of the community whose first language is not English may have a better chance at trying to pronounce Ruthven than any of the proposed Aboriginal names. Why does there need to be a name change? Cannot we respect the Aboriginal Community in some other way other than changing names that the community has grown up with and know so well. Is it not as disrespectful to eliminate the name of a person who has served that community well as not to rename a site with an Aboriginal name? I hope that common sense prevails and the name Ruthven remains. It seems that at the moment many councils are on this band wagon of 'let's change names of site and council!' Why?	I own a business	

8.3 DRAFT MEMORIALS POLICY 2022 - REVIEW OF THE CIVIC RECOGNITION (MONUMENTS AND MEMORIALS) POLICY

Author: Acting Coordinator Council Business

Reviewed By: General Manager, Governance and Engagement

EXECUTIVE SUMMARY

On 18 April 2011, Council adopted the Civic Recognition (Monuments and Memorials) Policy. The Policy was used to assess proposals by individual or community groups for civic recognition.

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The Memorial Policy (*formerly the Civic Recognition (Monuments and Memorials) Policy*) is now due for review. Following consultation with key internal stakeholders the policy has been reviewed and updated to reflect contemporary practices. The draft Memorial Policy 2022 (**Policy**) has been subject of an Equity Impact Assessment (EIA) and Gender Impact Assessment (GIA) with all feedback incorporated into the draft Policy.

The draft Policy was presented to Councillor briefing on 18 July 2022 for seeking Councillor feedback before it is presented to Council to be endorsed in principle and placed on public exhibition for community consultation prior to adoption by Council.

Officer Recommendation

That Council:

- (1) Endorse the draft Memorial Policy 2022 (Policy) attached at **Appendix A** to this report to proceed to community consultation.
 - (2) Note that the draft Policy will be reported to Council in October 2022 for adoption following the community consultation period and consideration of community feedback.
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BACKGROUND / KEY INFORMATION

The current Policy addressing memorials was established in 2011. As part of work to strengthen management systems across the organisation, this Policy has been identified as requiring review. Responsibility was transferred to the Governance and Engagement Division to take carriage of this policy providing greater governance skillset and foundation for this review, and oversight of the Policy into the future.

Council has expressed strong intent via its Council Plan Strategic Goals, through Strategies such as the Open Space Strategy, and via informal feedback, to reflect its diverse community more effectively in the naming of places and other ways it acknowledges contributions to the local community.

The draft policy prioritises applications that recognise underrepresented and marginalized people or communities (i.e. CALD communities, women, non-binary people, LGBTIQ+ people, people with disabilities etc.) and proposals commemorating First Nations individuals or communities will be prioritized (in alignment with the Towards Equality Framework). However, there remains a risk that if Council does not receive proposals for memorials from underrepresented groups, it may not be able to approve them.

Following consultation with key internal stakeholders the policy has been reviewed and updated to reflect contemporary practices.

Previous Council Resolution

At its meeting held on 18 April 2011, Council resolved:

*'That Council adopts the Civic Recognition (Monuments and Memorials) Policy March 2011 attached as **Appendix A** to this report and use this policy when assessing proposals by individual or community groups for civic recognition.'*

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 1: Vibrant, Respectful and Connected

Strategic Direction 2: Prosperous, Liveable and Flourishing

Strategic Direction 3: Climate, Green and Sustainable

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

4.3 We will transform our services and service delivery models to ensure they meet the current, emerging and future needs of our community

DISCUSSION

The draft Policy prioritises applications that recognise underrepresented and marginalised people or communities i.e. CALD communities, women, non-binary people, LGBTIQ+ people, people with disabilities etc. and proposals commemorating First Nations individuals or communities will be prioritised (in alignment with the Towards Equality Framework).

Following consultation with key internal stakeholders the policy has been reviewed and updated to reflect contemporary practices. The draft Policy has been the subject of an Equity Impact Assessment (EIA) and Gender Impact Assessment (GIA) with all feedback incorporated into the draft Policy.

When matters relating to commemorating people and events are raised there are often sensitivities that heighten the need for a clear policy position. Additionally, when proposals are generated by the community (or Council) it is helpful that an approach to their consideration and approval (or not) exists. This policy review and update provides the opportunity for Council to reset its approach to these matters with a better alignment to its equality and inclusion framework.

The policy has been drafted with the following issues and considerations in mind;

1. Individual or community group recognition must only occur where there is a clear connection between the person or group and the public open space;
2. Minor / adhoc proposals are best dealt with at an operational level by teams / officers responsible for the public open space
3. Larger / more significant proposals need preliminary co-ordination to ensure proponents are clear on the processes that must be undertaken to even get a proposal to be contemplated by Council. This is where the Corporate Governance Department play a key role
4. The underlying principle is that all proposals must comply with the rules articulated in the policy
5. Council's Towards Equality and Inclusion Framework provides a useful lens to consider the recognition of individuals, groups and events and to this end the policy seeks to move away from traditional held views of who or what is recognised and celebrated

Following a review of the Memorials and Monuments Policy 2011 and discussion at Councillor Briefing on 18 July 2022, officers have prepared a draft Policy (attached at **Appendix A**) for Council's consideration and endorsement 'in principle' to enable community consultation to be undertaken prior to adoption by Council in a future Council Meeting.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

The draft Policy attached at Appendix A of this report has been drafted with consideration to the financial implications for Council associated with memorials.

Community Engagement

Community engagement is proposed to commence in September 2022 for a period of 3 weeks.

The Your Say Darebin page (website) will be the primary source of information for the community. It will include a link to the draft Policy for community members to review and will provide the various ways for our diverse community to provide feedback. This will be supported by various communications channels used to raise public awareness about the availability of the draft Policy for inspection and the opportunity to provide feedback.

Other Principles for consideration

Overarching Governance Principles and Supporting Principles

- (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;

Public Transparency Principles

- (c) Council information must be understandable and accessible to members of the municipal community;

Strategic Planning Principles

- (e) strategic planning must provide for ongoing monitoring of progress and regular reviews to identify and address changing circumstances;

Service Performance Principles

- (d) a Council should seek to continuously improve service delivery to the municipal community in response to performance monitoring;

COUNCIL POLICY CONSIDERATIONS**Environmental Sustainability Considerations (including Climate Emergency)****Equity, Inclusion, Wellbeing and Human Rights Considerations:**

An Equity Impact Assessment (EIA) / Gender Impact Assessment (GIA) has been undertaken with all the feedback incorporated into the draft policy.

Economic Development and Cultural Considerations

There are no apparent economic development or cultural considerations associated with this matter

Operational Impacts

The policy ensures any proposal is appropriately evaluated including referral to all internal units and stakeholders.

Legal and Risk Implications

There are no apparent legal or risk considerations associated with this matter

IMPLEMENTATION ACTIONS**Next Steps**

Subject to Councils endorsement the draft Policy will be placed on public exhibition in August. A subsequent Council report will be provided in October incorporating community feedback received prior to the Policy being formally adopted.

Timeline

August	22 August - Council Meeting – endorsement to proceed to consultation
September	Community Consultation will be in September for a period of 3 weeks
October	Adoption of the Policy – Council Meeting - 24 October 2022 after consideration of any feedback from the community

RELATED DOCUMENTS

- Aboriginal and Torres Strait Islander Statement of Commitment
- Towards Equality Framework
- Breathing Space - The Darebin Open Space Strategy
- Asset Management Strategy
- Public Art Framework
- Community Engagement Policy

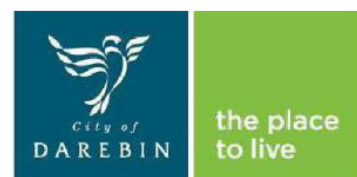
Attachments

- Draft Memorial Policy 2022 (**Appendix A**)

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

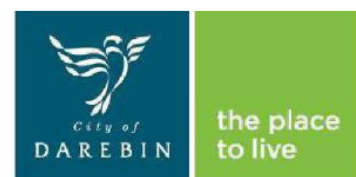
The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.



Memorial Policy

Purpose	<p>To ensure memorial requests from third parties and initiatives by Council on public land in the City of Darebin are assessed in a consistent and considerate manner with the aim of ensuring memorials are:</p> <ul style="list-style-type: none"> • Strategically planned regarding the location and future maintenance requirements • Appropriate to their context, respectful in the delivery of their message and compatible with the streetscape/environment in which they are placed • Relevant to the local community in terms of content and meaning • Supported by the local community (its purpose/meaning as well as its specifications, design, size, location) • Of excellent quality and high aesthetic value (made of durable materials, respectful in its design) • No danger to the community or the environment (does not present unacceptable levels of risk) • Reflective of Council's commitment to social justice, equity and wellbeing • Respectful to Traditional Owners
Scope	<p>This policy covers memorials proposed for public land within the City of Darebin; including temporary roadside memorials on Council owned or managed road reserves.</p> <p>Memorials proposed for privately owned spaces or spaces owned / managed by another authorities (e.g. VicRoads) are outside the scope of this policy but may be subject to the requirements of the City of Darebin Planning Scheme and other controls including landowner consent and Native Title requirements for Crown land.</p>
Definitions and Abbreviations	<p>Permanent memorial: any object designed and established specifically in memory of a person who has died, an organisation or event. Permanent memorials may include artworks (noting that requests for public art installations will be separately approved in accordance with Councils separate but aligned Darebin Public Art Framework), gardens, trees, monuments and plaques on buildings, plinths or other infrastructure</p> <p>Public land: includes parks, gardens, reserves, sporting grounds, community building forecourts and road reserves owned by Council and other land under Council's care, control or management such as Crown land.</p>

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	<p>Temporary roadside memorial: a marker within a road reserve owned by Council or under Council's care, control or management that commemorates the site where a person died in a road accident. Roadside memorials are an expression of grief from family and/or friends of the deceased and can include flowers, messages, memorabilia (often attached to existing infrastructure) and/or a symbol. These memorials are temporary and are required to be removed within specified timeframes. As Council often manages the ancillary areas of the road reserve that contain temporary memorials Council has a vested interest in a consistent approach to the management of roadside memorials.</p> <p>Memorials Committee</p> <p>The Memorials Committee is an internal Officer group that will be convened when appropriate to ensure appropriate input from relevant internal areas. Recommendations, either to support or decline a request, of the Memorials Committee will be made to Council's Executive Management Team (EMT) for consideration prior to approval by the Chief Executive Officer. The Chief Executive officer has the discretion to refer a request to the Council for a formal decision based on the nature of the proposal, its scale and scope, and any sensitivities associated with the request.</p> <p>Where a proponent request a formal review of a decision made by the Chief Executive officer, the request will be referred to the next available Council meeting for review and decision.</p> <p>The Memorials Committee is not expected to be convened for minor proposals, rather it is anticipated it would be involved in proposals necessitating input from a broad range of areas across Council.</p>
Policy Statement(s)	<p>The City of Darebin (Council) occasionally receives requests from individuals and community groups for approval to erect memorials to commemorate an individual, organisation or events on public land within the City.</p> <p>Public land is an important community resource and as such memorials should be carefully considered to ensure a positive impact is achieved in these spaces. With respect to memorials in Darebin parks and open spaces, Council must balance the need to provide a safe environment for all people who visit Council's open space network and the legitimate social and cultural benefit in commemorating significant individuals, organisations and events.</p> <p>The use of public spaces to recognise individuals, organisations or historic events must be responsive to the connection of the individual, organisation or event to the space either directly or indirectly. Proposals must demonstrate a clear and relevant community benefit and must not attribute achievement / significance to historical processes that contribute to</p>

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	<p>structural harm and marginalisation (i.e. colonisation, racism, discrimination)</p> <p>Proposals which recognise underrepresented and marginalized people or communities (i.e. CALD communities, women, non-binary people, LGBTIQ+ people, people with disabilities etc.) and proposals commemorating First Nations individuals or communities will be prioritized (in alignment with the Towards Equality Framework).</p> <p>This policy will apply to all future memorial proposals and initiatives and will not specifically be a mechanism for the revisiting of rationale for past memorials and or the naming of these.</p> <p>Council is committed to ensuring the guiding principles of its 'Towards Equality and Inclusion Framework' are appropriately considered ie</p> <p>Principle 1: Recognising Australia's First peoples and the right to self-determination for Aboriginal and Torres Strait Islander people as a foundation for equity and fairness Principle 2: Upholding human rights Principle 3: Advancing social justice Principle 4: Delivering meaningful, equitable and inclusive community engagement Principle 5: Championing health equity Principle 6: Supporting climate justice</p>
Policy Principles	<p>Council is committed to providing a clear and compassionate approach to requests for permission to place memorials on public land whether they are permanent or temporary.</p> <p>In considering memorial requests, Council will follow these guiding principles:</p> <p>Respect and integrity – Commemorative messages are related sensitively, accurately, respectfully and do not further entrench structural discrimination. That the planning process is open and transparent and well documented and respects both the applicant and the community.</p> <p>Sense of place – The design and location of the memorial will respect indigenous heritage, local history, express the local identity, enhances the public space, is accessible and is compatible with the streetscape / environment. It does not present a safety risk now or in the future or interfere with the intended purposes or amenity of the City's public land.</p> <p>Sense of community – That the proposal reflects community interests, expresses local identity and is relevant to the community in its intent. That community is involved in the planning and delivery of the project. In the case of war memorials, that relevant bodies such as the RSL Victorian Branch and local sub branches and local heritage advisors are supportive of the proposal.</p> <p>Value for money and good financial management - Avoids duplication of memorials and rather enhances / restores existing memorials where possible. The project has an adequate budget (not reliant on Council</p>

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	<p>funding) to ensure quality design and implementation. The budget has considered the maintenance and repair costs of the memorial going into the future.</p> <p>Quality Outcomes – That the end product reflects a quality of workmanship in fitting with the significance of the commemoration purpose and of high aesthetic value. In the case of war memorials that the proposal adheres to the advice of the Department of Premier and Cabinet (found on their Veterans webpages).</p>
War Memorials	<p>War memorials are a category of memorial covered by this policy which includes a diverse array of monuments including obelisks, pillars, cairns, cenotaphs, windows, statuary, flagstaffs, headstones, natural features and ornamental structures. In some contexts plaques, tablets and honour rolls are also considered to be war memorials.</p> <p>These types of objects can also be accompanied by landscaping/gardens.</p> <p>War memorials are made from a wide variety of materials, often in combination:</p> <ul style="list-style-type: none"> • Stone (usually sandstone, marble, limestone, slate, bluestone or granite) • Metal (usually bronze, brass, copper or lead) • Gilding (gold or brass) • Concrete • Mortar (usually lime mortar) • Paint • Wood. <p>The quality of the materials used reinforce the significance and sacred nature of war memorials for communities and the intention for them to be long lasting. Plaques are often made from the same material as war memorials. They are flat factual or ornamental plates or tablets fixed to a stand, wall or other surface, used to commemorate a significant event, person or group of people.</p> <p>Proposed variations from the above design standards (sourced from the Department of Premier and Cabinet/Veterans website) are not likely to be approved by Council.</p>

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Public Art requests	Requests for approval of public artworks are covered by Council's separate but aligned Darebin Public Art Framework.
Memorials associated with streetscape infrastructure and the establishment of memorial trees	<p>From time to time, Council receives requests from individuals and organisations wishing to donate through payment for an item of infrastructure such as a park bench to be placed in a designated location (and sometimes with a plaque attached) to commemorate an individual who has died. Council is sensitive to such requests and recognises the importance of such proposals to a family or organisation, however we will generally encourage alternatives to permanent monuments and plaques, including the staging of events (in accordance with Council's events in parks procedure) or the placement of a specimen tree in a designated position.</p> <p>Any commemorative plaques will be strictly limited to proposals where a demonstrated connection to and community benefit exists. In this regard the connection must be driven by significant service to the community, relevance to the specific area and open space and be substantiated by a comprehensive written application demonstrating the connection and broader community support. Matters that will be taken into consideration where relevant will include (but not be limited to) the nature of the connection, the years of voluntary service (if concerning an individual), and the educational, cultural, environmental and spiritual contribution involved.</p> <p>Where there is no connection between the individual, organisation or event, the placement of the item of infrastructure ie a park bench, or the planting of a specimen tree may still occur (subject to all the other conditions set out in this policy) however no plaque or identification will be permitted.</p> <p>While these requests do not require a full Memorial Policy Submission, as detailed in Section 10 of this policy interested parties are encouraged to approach Council and share the details of their proposal.</p> <p>Council's Parks and Open Space team (depending on the location) will consider such requests, taking into account all necessary regulatory obligations and reach a decision about the suitability of the proposal. All proposals are based on the premise that the items location must be agreed by Council and must be installed by Council at the applicants cost with a maximum Council maintenance period of five years, after which the item may be retired without consultation with the donor.</p> <p>In the case of requests for the planting of a specimen tree to commemorate an individual who has died the tree type and precise location must be agreed by Council, it must be planted by Council at the applicants cost and no responsibility is borne by Council should the tree not survive. Tree planting requests will involve standalone trees that are not accompanied by a plaque. Council can work with applicant on selecting the species from a Council approved list.</p> <p>Should future Council works require the removal of the tree / plaque / memorial, Council may remove or relocate the memorial to complete the works. Council will take no responsibility if the memorial is damaged in the</p>

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	removal / relocation process. Each request will be considered on a case by case basis and approval for one such request does not set a precedent for future requests to be approved.
Streetscape/ Environmental Enhancements	<p>Streetscapes and environmental surrounds are an essential part of a pleasant functioning environment and therefore their values need to be protected and enhanced by requests for new memorials. Enhancing streetscapes / surrounds through memorial projects means designing the right memorial for the right place. To achieve this outcome considerations will include:</p> <ul style="list-style-type: none"> • Appropriate design and form • Appropriate scale of the memorial in its context • Consideration of where there is space for people to naturally gather, or stop and rest as determinant of its location • How it aligns with the existing dominant theme of the streetscape/environment • How its design mitigates impact to existing assets including but not limited to all drains, paths, roads, services, trees etc • How it enhances the existing character of the streetscape/environment or adds to the identity of the precinct (through its shape, colour, form and scale) • How it enhances and protects heritage values including indigenous culturally sensitive sites (where appropriate) • How its design mitigates risk to people and the environment including that it does not obstruct sight clearances at intersections or vehicle/pedestrian crossings • No use of reflective materials if located within a road reserve <p>Any required permits/approvals the site may trigger</p>

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Cultural and Equity Considerations	<p>Council is committed to acknowledging Darebin's Traditional Land Owners and the contribution of Aboriginal and Torres Strait Islanders and will seek to ensure that there is balanced representation across memorials to reflect Darebin's cultural heritage.</p> <p>Council is committed to acknowledging the cultural diversity of our community and will seek to ensure that there is balanced representation across memorials to reflect Darebin's cultural heritage.</p> <p>Council is committed to gender equity and acknowledging the contribution of all peoples who have made significant contribution to the Darebin community, and will seek to ensure there is balanced gender representation across plaques and memorials. Proposals must demonstrate a clear and relevant community benefit and should prioritise underrepresented and marginalized people and not attribute significance and value to individuals who have been complicit in the discrimination and marginalization of others.</p> <p>Any memorial designed and established specifically in memory of a person who has died, or an organisation or event should be cognisant of the views, opinions and actions of the person or organisation and or the nature of the event in the context of current community perceptions and standards.</p>
Businesses	<p>Memorials linked to businesses, either through their content or location, must demonstrate that the business has had an enduring social impact on Darebin, whether it is currently trading or not.</p> <p>Logos and or branding are not permitted on memorials.</p>
Temporary Placement of Memorials on Road Reserves	<p>It is acknowledged that as a result of tragic incidents on our roads that people occasional wish to temporarily commemorate the life of a deceased person at the location of the incident. Council acknowledges this and it sensitive to this objective, and in the interests of ongoing road users and public safety any temporary memorials on Council controlled roads must comply with the current VicRoad policy guidelines.</p> <p>The VicRoads 'Roadside Memorial Policy – Operations Policy' August 2015 will be used as the benchmark for the assessment of any approval sought for or response to a temporary memorial installed on a road reserve. This policy establishes the following policy principles that will be considered.</p> <p>Family wellbeing principles</p> <ul style="list-style-type: none"> • The wishes and needs of the family are a key consideration. • The form of a memorial can be personal; and may reflect religion or culture. <p>Community wellbeing principles</p> <ul style="list-style-type: none"> • Members of the community affected by the fatal crash are a key consideration. • When a community member raises a concern regarding a roadside memorial, then action is to be taken in consultation with affected parties to address concerns. • Roadside memorials are to respect broader community values.

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	<p>Transitional timeframe principle</p> <ul style="list-style-type: none"> Roadside memorials can be temporary in nature and a transitional approach may be appropriate. <p>Road management principles</p> <ul style="list-style-type: none"> When placing a roadside memorial, the memorial maker's details are encouraged to be included on the memorial for contact purposes. A roadside memorial should not interfere with road management or maintenance activities. When Council needs to undertake any works in the vicinity of a roadside memorial, requiring its modification, relocation or removal, Council will endeavour to contact the memorial maker. <p>Road safety principle</p> <p>Roadside memorials are to be non-hazardous to road users and be placed in a location that enables people to visit safely.</p>
Roadside Memorial Options	<p>The following roadside memorial options are generally considered appropriate with respect to the policy principles.</p> <p>The guidance outlined for each option is recommended to ensure the safety and wellbeing of all members of the community.</p> <p>Flowers - Flowers may be considered as a temporary memorial and placed in line with all policy principles. Plastic or other wrapping materials that may be dangerous to wildlife or become litter are discouraged.</p> <p>Crosses or similar - Crosses or similar may be considered in line with all policy principles.</p> <p>Personalised Memorial – It is understood that sometimes family and friends wish to create a personalised memorial. Unique and personal memorials are to align with all policy principles.</p> <p>Plaque - Plaques may be considered an appropriate longer term memorial in certain circumstances. Placing a plaque would need to be discussed with nearby residents, and Councils Transport Engineering Unit in the first instance. Council will advise the applicant if they also need to consult with the Department of Transport.</p> <p>Roadside plaques are subject to permission from Council as the local Road Authority, and / or the Department of Transport</p> <p>Where a plaque is considered appropriate, it is not to be attached to road infrastructure or non-road related infrastructure (such as utility poles)</p> <p>A roadside memorial should not interfere with road management or maintenance activities, and are to be non-hazardous to road users and be placed in a location that enables people to visit safely.</p>

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	<p>Memorials on roads must comply with this policy with applications addressing the criterion as set out in the application template 'Temporary roadside memorial on Council owned or managed road reserves' provided in this policy.</p> <p>Memorials on arterial and other State owned and / or controlled roads are also subject to any relevant State Government policy</p>
Council Initiated Proposals	A proposal for memorial that is initiated by Council will be subject to the same principles as articulated in this policy.
Responsibilities	<p>How are individuals responsible for the success of the policy?</p> <p>All employees are expected to read and understand this policy and to work within their teams to support and enable.</p> <p>How are managers responsible for the success of the policy?</p> <p>All Direct Managers are expected to understand, effectively implement and both support and demonstrate a positive commitment to the policy.</p>
Breach of Policy	Breaches of policies are treated seriously. Any concerns about non-compliance should be reported immediately to the owner of this policy.

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GOVERNANCE

Parent Strategy/ Plan	
Related Documents	<p>This policy should be read in conjunction with Council's:</p> <ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander Statement of Commitment • Towards Equality Framework • Breathing Space - The Darebin Open Space Strategy • Asset Management Strategy • Public Art Framework • Community Engagement Policy
Legislation/ Regulation	For any major memorials there is likely to be a requirement to comply with the Geographic Place Names Act 1998 and the associated Naming Rules
Author	Coordinator Council Business
Policy Owner/ Sponsor	Manager Corporate Governance
Date Effective	XXX
Review Date	XXX
Version Number	XXX
Document ID	XXX

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THE REMAINDER OF THIS DOCUMENT IS PROCEDURAL AND SHOULD BE READ IN CONJUNCTION WITH THE POLICY.

10. Process

Requests for memorials will be considered on a case by case basis. Any existing memorial cannot be taken as a precedent for future approvals. Council may remove a memorial that does not comply with the assessment criteria.

The complexity of the memorial proposal, the diversity of its stakeholders, and its likely political / community consequences will inform the level of detail required in a formal submission to Council. Requests for enhancements to existing memorials for example may be less complex than a new memorial proposal.

The process for gaining Council permission can be summarised as the following steps:

1. Gain landowner approval / in principle support
2. Obtain any required permits / approvals related to the proposed site
3. Submit a proposal to Council using the Council template (attaching required approvals/permits)
4. Obtain approval from Council
5. Proceed to project implementation

Memorials proposed for land owned/managed by another authority (e.g. VicRoads or the Department of Environment, Land, Water and Planning) are subject to a two tiered approval process.

1. Firstly an applicant must obtain evidence of 'in-principle' support from the public land owner, then
2. The applicant can proceed to Council and follow the process outlined above.

In addition to this process, some memorial requests may also be subject to the requirements of the City of Darebin Planning Scheme and other controls triggered by the proposed location of the memorial. If the proposed memorial is on Crown land, land owners consent from the state government and assessment of Native Title requirements will be required; and a cultural heritage site assessment may also be required. State government policy will apply to proposals.

We encourage all persons or organisations wishing to explore a memorial proposal to discuss their proposal with the Coordinator Council Business (who has co ordinating stewardship of this policy) who will refer the proposal ie site and memorial concept to the relevant Council's Units ie Building and Statutory Planning Units, and other relevant Units. They can then make the determination what, if any, permits are required. In the case where these are required, the Coordinator Council Business will outline the additional process the applicant will be required to go through.

Initial contact with Council – Statutory Approvals Process

The first point of contact for discussing a proposed memorial is the Coordinator Council Business. Initial discussions will clarify the process for obtaining approval based on the proposed location.

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In cases where the site for the proposed memorial encompasses land owned / managed by another party, the applicant will first need to negotiate permissions with that landowner / manager. Council must obtain evidence of 'in-principle support from the landowner before proceeding further with the memorial request. Should the site for the proposed memorial be Council owned / managed land leased to another party, the applicant will also need to negotiate permissions with that lessee.

Memorials proposed for public land are subject to the requirements of the City of Darebin Planning Scheme and other controls depending on the proposed location (for example Crown land may require additional processes including negotiations with the relevant Registered Aboriginal Party). There may be specific user groups impacted by the proposed location and these groups will be identified at this time and referred to the community consultation process.

When required, the Coordinator Council Business will refer the proposed site and memorial concept to Council's Local Laws, Building and Statutory Planning Units. They can then make the determination what, if any, permits are required. When required, the Coordinator Council Business will outline the additional process the applicant will be required to undertake and if other authorities need to be consulted (e.g. Heritage Victoria, Registered Aboriginal Party). These permits / approvals will need to be obtained before the applicant proceeds to the next step. There is no guarantee a planning permit or other approval will be granted and in the case were a required permit is refused, the proposal cannot proceed.

The Coordinator Council Business will facilitate discussions with other relevant Council Units (e.g. Creative Culture, Equity and Wellbeing, Sustainable Transport, Parks & Open Space, Local Laws, City Futures and Statutory Planning) as required. At the end of this stage applicants will have obtained all required approvals / permits and Council officers will have a broad understanding of the memorial being proposed.

Note that approval obtained at this stage in the process be it via the 'non objection' by a specific Council functional area or other land manager or the issuance of a regulatory permit does not mean that a proposal is approved by Council.

Additionally, please note that groups wishing to fund the memorial via a grant need to have initiated the memorial policy process seeking approval for their proposal, before securing grant funding (to ensure support for the proposal is in place before engaging with a funding body and assuming Council support).

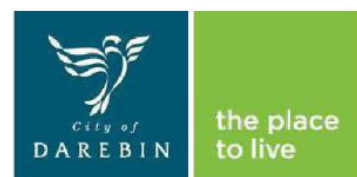
Development of the proposal

After discussing the proposed memorial with the Coordinator Council Business and obtaining the required permits / approvals, a proposal and supporting documentation will need to be prepared by the applicant.

A proposal must use the Council template and adequately address the assessment criteria and also reflect the scope, purpose and principles listed within the policy. Supporting documentation should also be gathered as evidence of addressing the criteria where appropriate.

Of particular note is the need to develop an agreed consultation plan to be conducted by the applicant that ensures relevant stakeholders are given the opportunity to share their views on the proposal and demonstrate their support or otherwise. Council officers will support the applicant in its preparation, identifying stakeholders and developing the tools / methods of consultation for stakeholders. The scale of this plan will depend on and reflect the complexity of the proposal. Council's Coordinator Council Business can offer support to individuals/groups wishing to develop a proposal and in interpreting the policy.

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Council assessment of the proposal and decision making

Proposals (including evidence of the required permits / approvals) received by Council will be assessed initially by Council's Governance & Corporate Strategy area (as the area who has co ordinating stewardship of this policy) and will include the convening of the Memorials Committee (an internal Officer group) that will ensure appropriate input for relevant internal areas including but not limited to

City Futures
Parks & open Space
Creative Culture & Events
Recreation and Libraries
Assets & Capital Delivery
Property, Assets and Business Improvement
Economic Development
Communications and Engagement

Recommendations of the Memorials Committee will be made to Council's Executive Management Team, who will determine if the request needs to progress to Council.

Should there be insufficient time for the proposal to be heard by the Memorials Committee the matter will be referred directly to Council's Executive Management Team. Groups will be notified of the outcome of their request in writing. Permission may be granted with conditions and these will be outlined to the applicant. In the event a proposal is not granted approval, Council will outline the grounds of their decision.

Timelines

Requests will be considered at any time. The time it takes to process and assess formal applications will vary depending on the complexity of the request / land ownership details and where applicable the timing of the request in relation to Council's budget planning and meeting cycle.

The Coordinator Council Business will provide an indicative timeframe during initial discussions.

11. Criteria

Council's Memorials Committee and Executive Management Team will assess requests for memorials against the following criteria (refer to the Council template)

Permanent Memorial

Criterion

Applicant details

Evidence Required

Written explanation covering:
– Purpose of group or individual
– Involvement in similar projects
(demonstrating project management skills)

Community interest - the memorial will be of lasting value to the community for social,

Written explanation of how the proposed memorial will be of lasting value to the

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cultural, historical, educational or aesthetic reasons.

Community consultation - the memorial's purpose, location and design has broad community support obtained through an agreed consultation program.

Council will work with the applicant to design a consultation plan that identifies relevant stakeholders and proposed ways of consultation.

Avoiding duplication – Council will support the restoration or enhancement of an existing memorial or feature over proposals to erect a new structure (e.g. new garden around an existing memorial, addition of new plaques or reinstatement of deteriorated features).

Location and design - the location and design of the memorial is appropriate to its purpose and does not present a safety risk or interfere with the intended purposes of the public land. The memorial will enhance the streetscape/ environment, is in keeping with the cultural identity of the area / location (e.g. heritage values) and will enhance the aesthetic value of the public space where it's located.

The design reflects the solemn and sacred nature of memorials.

The design uses materials that are durable and will create a lasting feature worthy of its purpose.

Compliance with relevant planning documents and considerations, access by Council's operations crews or emergency services vehicles will be assessed before approval is considered.

community and how it relates to the local community (250 words)

Written evidence that the applicant has implemented the consultation plan and can demonstrate broad community support. For example:

- Letters of support
- Results from community survey
- Report from community meeting
- Petition

Evidence needs to demonstrate support for all of the following elements of the plan:

- The memorial's purpose
- The proposed location
- The design (including pictorial representations, the materials used to create it, its position in the surrounding landscape)

Either

A description of the enhancement works to be undertaken on an existing memorial
OR

Written explanation of why the proposed commemoration cannot be achieved through restoration or enhancement of an existing memorial (250 words)

Provision of:

- scaled plans and elevations of the proposed structure (including measurements);
- description of proposed materials including their source (e.g. local) and how it will be built;
- assessment of its durability, including plans for securing it via footings;
- site map of its location;
- the preferred siting (direction its faces) at the preferred location;
- proposed text or images that will accompany the memorial via plaques/signs etc;
- description of how it will integrate with existing features at the preferred location (the finishes to be completed around the object);
- strategies to reduce risk to community (e.g. barriers, bollards, reinforcement);
- Details of who will be constructing it and

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Wording of memorials and accompanying interpretive signage must be approved by Council and submitted at the time of the memorial proposal.

Planning and construction - the individual or community group can demonstrate that all aspects of design and construction have been considered and are funded.
Demonstration that the land owner has provided approval for the proposal.
Any permits/approvals triggered by the location have been obtained.

Maintenance - the responsibility for maintenance and repair costs of memorials is clear.
There must be no ongoing maintenance costs to Council (unless otherwise decided by Council).
When proposing a war memorial, maintenance regimes must follow the guidelines provided by Dept. Premier and Cabinet/Veterans

Financial Management - Financial capacity to deliver the project to the expected standard of quality and workmanship without a reliance on Council funds.
Confirmation of funding sources. In the case of seeking grant money, approval for the proposal needs to be in place before seeking Council support for a grant to fund the project

Budget breakdown detailing all planned costs for delivering the project.

installing it (and their qualifications/insurance coverage);

- Details of the planned in-kind contributions that will contribute to the memorial project;
- and any other relevant information; and
- Record of discussions/site visits with Council's Operations staff regarding access to location (e.g. email, letter).

Plans should include consideration of relevant Council's policies associated with Infrastructure Construction

Record of discussion with Council's Local Laws, Building and Statutory Planning Units regarding permit requirements (e.g. email, letter).
Evidence of land owner approval and copies of required permits (where appropriate).
Budget plan for funding the memorial including budget for design works, statutory approvals, professional drawings (if required), construction and installation costs.

Written explanation of plans for funding the ongoing maintenance of the memorial including graffiti removal and general repair.
Adherence to Veterans guidelines regarding the ongoing maintenance of war memorials.

Evidence of income to complete the project (e.g. sourced via a grant, individual's contributions etc).

Provision of a detailed budget for:

- Design
- Construction
- Installation
- Maintenance

Provision of quotes to support your budget figures

Temporary roadside memorial on Council owned or managed road reserves

Criterion

Location and design - the location and design

Evidence required

Drawing of location and design of proposed



of the memorial does not present a safety risk and must be approved by Council. See below for specific location and design considerations.

memorial.

Timeframe - the memorial removal date (within 3 months of erection) must be approved by Council

Record of approved removal date (e.g. email, letter)

Neutral cost - the memorial does not impact negatively on the expenditure of Council.

Demonstrated capacity of individual or community group to fund the proposed memorial including budget for planning, construction and removal

Temporary roadside memorial location and design considerations:

- a. A roadside memorial can only be located in the immediate vicinity to the accident site.
- b. Only one memorial is to be erected in respect of each incident.
- c. The placement of a roadside memorial must not distract drivers' attention, be hazardous to road users (vehicles, bicycles and pedestrians) or interfere with traffic control measures.
- d. The placement of a roadside memorial must not interfere with maintenance of the road reserve.
- e. The roadside memorial must not restrict access for utility or emergency services.
- f. Roadside memorials must not exceed a height and width of 300mm. The material composition and location of these memorials will be considered in respect to their potential risk to road users.
- g. Memorials must be secured to prevent dispersion by wind or rain.
- h. Persons erecting or visiting a roadside memorial do so at their own risk.
- i. The location of a memorial should not detract from the amenity of the local area for adjacent landowners or tenants and other members of the public.
- j. Council may remove, without notice, any roadside memorial that does not comply with these considerations or is past the approved timeframe.

CASE STUDY EXAMPLES

A local ethnic group approaches Council seeking approval to erect a large memorial in a prominent public space to recognise and honour the contributions of their community members as Australian participants in wartime conflicts. The group has significant funds to support the proposal.

Likely process..... *The Group needs to be connected to the 'a single point of contact' within Council ie the Co Ordinator Council Business as steward of this policy who can explain the process that must followed, including the responsibilities of the group and to assist navigating the process. The process outlined in Section 6 and criteria outlined in Section 7 of this policy will be discussed with any proponent to ensure they understand clearly the planning, preliminary approvals required, and consultation and engagement required to prepare an application to Council. Proponents of such proposals must receive clear and understandable advice that proposals however meritorious and whether funded or not will not be approved unless a comprehensive application and approval process is followed as detailed in this policy*

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Natasha was a Life and Founding member of the Reservoir Lakes Friends Group (RLFG) Inc that has worked on improving the waterways and natural environment around the Lake. For 30 years Natasha has coordinated planting days, liaised with Council and key stakeholders and was well known as an advocate for the lake and waterways. On his passing the RLFG has requested Council approval for a seat to be installed overlooking the Lake with a small plaque recognising Natasha's contribution over 30 years.

Likely outcome.....

Council's Parks and Open Space Team in accordance to the Asset Provision Framework will assess whether an additional seat can be installed at this site. In consultation with the RLFG a suitable location that warrants another seat and using the donation of funds from the RLFG Council plans, purchases and installs the seat to Councils standard. The RLFG arrange a small plaque (approved and installed by Council) that appropriately recognises Roys contribution to the Lake and area.

Charles, a retired judge, had lived for 4 years opposite a waterway open space area in the south of the City and in his last years greatly enjoyed walking along the creek and sitting to enjoy the wonderful natural environment. On Charles passing his family requested Council approval to create a garden in the open space area to be named 'Charles's Paddock'. The proposal was for the family to donate the required funds for the quarter acre indigenous plant garden and to also donate from Charles Estate an annual contribution of \$50,000 to the Friends Group who worked with Council to maintain and develop the waterways

Likely outcome.....

Whilst Council is sensitive to the circumstances and Officers engage with the family in a respectful manner – it is not appropriate that an individual with limited connection to an area of open space be recognised in this manner, irrespective of monetary donations. The family would be encouraged to make the donation to the Friends group with no formal garden or public recognition

8.4 REVIEW OF SALE OF MINOR COUNCIL PROPERTY ASSETS POLICY

Author: Manager Property & Asset Strategy

Reviewed By: General Manager, Governance and Engagement

EXECUTIVE SUMMARY

The Sale of Minor Council Property Assets Policy was adopted in 2015. Following a Notice of Motion at the Council meeting on 26 July 2021 to update the policy, the Sale of Minor Council Property Assets Policy (2015) was reviewed in August and September 2021.

The review of the policy had regard to the new Local Government Act together with additional considerations towards social justice, equity for long term occupation and environmental factors that arose from a Council resolution on 26 July 2021.

Following the Policy review, the draft Sale of Minor Council Property Assets Policy (Appendix A) was endorsed by Council on 27 September 2021 to proceed to community consultation. Consultation which commenced on 12 November 2021 and ended on 31 January 2022.

This policy review provided minimal changes, with the main revision being:

1. The inclusion of a provision to benefit those who have occupied a property for more than 12 years to address the intent of fairness within the existing policy

Subsequent to considering the feedback from the Community Engagement, the following additional substantive changes were made:

1. The Purchaser will reimburse Council for 50% of the sale costs incurred by Council to facilitate the sale of land
2. The Purchaser will be required to consolidate the purchased land with its current land title within twelve months of acquiring the minor council property asset
3. Land can be sold for less than market value where a quantifiable community interest exists or where there is another equitable interest in the land, such as an adverse possession claim
4. Unless there is a Community Benefit the sale of land must provide a positive financial return to Council

Officer Recommendation

That Council:

- (1) Note the outcomes of community consultation (**Appendix B**) on the draft Sale of Minor Council Property Assets Policy.
 - (2) Adopt the Sale of Minor Council Property Assets Policy (**Appendix C**), revoking the Sale of Minor Council Property Assets Policy adopted on 18 May 2015.
-

BACKGROUND / KEY INFORMATION

Council (on behalf of the Darebin community) possesses and/or has responsibility for a diverse and extensive portfolio of property assets which includes parcels both large and small. Smaller parcels of land include roads, reserves, revenge strips, hiatus and other pieces of land of unusual shape and/or limited usefulness that are less than 200m² in area.

As Council has obtained ownership or stewardship of these smaller parcels through various means over more than a hundred-year period, some of these property assets no longer provide benefit to the community and/or are not used or required for the purposes for which they were originally acquired. In these situations, such Minor Council Property Assets may be considered surplus and suitable for sale.

The Sale of Minor Council Property Assets Policy was adopted by Council on 18 May 2015 and is due for review. The draft Sale of Minor Council Property Assets Policy (Appendix A) was endorsed by Council on 27 September 2021 to proceed to community consultation. Consultation commenced on 12 November 2021 and ended on 31 January 2022.

Previous Council Resolution

At its meeting held on 27 September 2021, Council resolved:

“That Council:

- (1) Endorse the Sale of Minor Council Property Assets Policy (Appendix A) to proceed to community consultation*
- (2) Receives a report that includes the outcomes of community consultation on the draft Sale of Minor Council Property Assets Policy at its November meeting.”*

At its meeting held on 26 July 2021, Council resolved:

‘That Council officers report back to Council in September 2021 with recommendations for the review of Council’s ‘Sale of Minor Council property assets policy’ that considers but is not limited to the following key matters:

- Social justice considerations of current DCC policy in regard to disused laneway transfers;*
- Consideration of adjustments to the broad approach to equity within the current policy to provide different treatment for land parcels that have been cared for and maintained for over 12 years by residential owners;*
- Consideration of introducing an ‘environmental criteria’ in the ‘Sale of minor Council property assets policy’ to maximise the preservation of green private open space and private gardens when disused unmade laneways are transferred and to ensure there is ‘a net increase in green open space’ from the disposal of unmade discontinued’*

At its meeting on 18 May 2015, Council resolved:

‘That Council:

- (1) Note that a review has been undertaken of the 1997 Discontinuance, Closure and Sale of Rights-of-Way policy and that this policy will be superseded by the 2015 Sale of Minor Council Property Assets Policy.*
- (2) Adopt the Sale of Minor Council Property Assets Policy as provided at Appendix A of this report.’*

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 2: Prosperous, Liveable and Flourishing

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

4.2 We will ensure our assets are optimised for the benefit of our community

DISCUSSION

The Sale of Minor Council Property Assets Policy was reviewed and updated to ensure the Policy aligned to the Local Government Act 2020, is current to Council's principles of fairness, equity and justice, and responded to the items raised at the Council meeting on 2021.

Key policy changes community consultation sought specific feedback on through the draft Sale of Minor Council Property Assets Policy included:

Council will offer a 'first right of purchase' to landowners who can demonstrate 12 years of exclusive occupation of the unused / discontinued road

Council's existing policy did not recognise occupation of the land in terms of preference to purchase the land, nor reward the informal occupancy of the land via a discounted purchase price.

Council's previous policy from 1997 provided a discount to the market value where occupation of the land could be evidenced for a period longer of 10 to 15 years, 25% discount, and exceeding 15 years received 50% discount.

The draft Sale of Minor Council Property Assets Policy (Appendix A) that has been subject to community consultation allows for a property owner who can demonstrate continuous and exclusive occupation of Council's land for a period of 12 years or more, the first offer to the land being sold. Of the 13 responses received, this was supported by 38.5% of respondents strongly agreeing and 15.4% agreeing, with 7.7% strongly disagreeing and 7.7% disagreeing. It is noted that there is the potential for direct and personal benefit through this change for some respondents, as participants of current purchase processes relating to minor council property assets.

In balancing this feedback, the inclusion of the first right to purchase is consistent with applying an equity lens to the opportunity to purchase. In these instances, the equal and fair offering of parcels of land for sale would fail to recognise historical care and maintenance of Council owned land.

The Sale of Minor Council Property Assets Policy (Appendix C) incorporates this change and consistently applies this based on 12 years of exclusive occupation. It is noted that there were inconsistencies in the draft Policy (Appendix A), which stated both 12 years and 15 years interchangeably. This error was identified through the consultation period, and the consultation process itself sought specific feedback on 12 years of exclusive occupation.

Council will in principle grant fair and equitable opportunity to purchase the unused/discontinued road (where permitted)

The draft Sale of Minor Council Property Assets Policy (Appendix A) that has been subject to community consultation allows for Council to in principle grant fair and equitable opportunity to purchase the unused / discontinued road (where permitted). Of the 13 responses received, this was supported by 46.2% of respondents strongly agreeing and 15.4% agreeing. It is noted that there is the potential for direct and personal benefit through this change for some respondents, as participants of current purchase processes relating to minor council property assets.

In balancing this feedback with that received for priority for those who have cared and maintained land for more than 12 years, the inclusion of priority is recommended to be retained and considered to be consistent with a fair and equitable opportunity. Other than these circumstances, Council will grant fair and equal opportunity to purchase such parcels.

The Sale of Minor Council Property Assets Policy (Appendix C) incorporates providing fair and equitable opportunity to purchase such parcels, acknowledging priority for those who have cared and maintained land exclusively for 12 years where this can be demonstrated.

Council will sell unused/discontinued road at full market value

The sale of Council owned land must be in accordance with the 'Sale of Land Best Practice Guidelines'. This essentially requires Council to sell the land at full market value unless there is a quantifiable community benefit that exists, or the land is restricted under a section 173 agreement. The draft policy allowed for this provision but must be tested/applied on a case-by-case basis.

If land was discounted for social justice considerations, it would need to be applied under a fair and equitable lens and must not create a situation where adjoining landowners are paying different values for parcels of land that essentially mirror each other (subject to size and underground assets that may exist in the vicinity of the land).

The draft Sale of Minor Council Property Assets Policy (Appendix A) that has been subject to community consultation allows for Council to sell unused or discontinued roads at full market value. Of the 13 responses received, 23.1% strongly agreed and 7.7% agreed, whilst 53.8% strongly disagreed and 15.4% disagreed. This presents a view of 30.8% supportive and 69.2% not supportive of continuing to sell these minor land parcels owned by Council at full market value.

It is acknowledged that a number of the respondents are also in current processes involving acquisition of similar land parcels and balancing this with Council's fiscal obligations to act in the best interests for the broader community.

On balancing the feedback and Council's obligations, and with consideration to the low numbers of residents or ratepayers that provided feedback on the draft Policy, it is recommended that the sale of property should be retained at full market value, with the only priority being given to be an advantage for residential owners to receive priority over equitable options, when care and maintenance for 12 years or more can be demonstrated. This ensures that Council is not rewarding informal occupancy with a financial benefit and is consistent with Council's obligations under the *Local Government Best Practice Guideline for Sale/Exchange of Land* June 2009.

The Sale of Minor Council Property Assets Policy (Appendix C) retains the sale of minor Council property assets at full market value with exceptions being where a quantifiable community interest exists to apply a discount to the full market value or where there is another equitable interest in the land, such as an adverse possession claim.

Council will request that the landowners reimburse all advertising and land transfer costs incurred as part of the process

The draft Sale of Minor Council Property Assets Policy (**Appendix A**) that has been subject to community consultation allows for Council to request reimbursement for all advertising and valuation, surveying, legal, government charges land transfer costs incurred as part of the process. Of the 13 responses received, 15.4% strongly agreed and 15.4% agreed, whilst 46.2% strongly disagreed and 23.1% disagreed. This presents a view of 30.8% supportive and 69.3% not supportive of landowners purchasing minor Council property assets to reimburse Council for advertising and land transfer costs.

Having regard to:

1. The feedback received from community consultation where 69.3% did not support the reimbursement of Council's costs to facilitate the sale of minor assets
2. In real estate conventions, vendors do not seek reimbursement of its sales costs from purchasers
3. Council has municipal responsibilities relating to financial management and use of council funds
4. Council's values equity and fairness

The Sale of Minor Council Property Assets Policy (Appendix C) incorporates a change whereby Fifty (50%) of the costs for public notices, legal fees, surveyor's fees, valuation fees conveyancing costs, State Government fees and charges are to be recovered from the purchaser. With consideration to this being a new inclusion, and given there were 87 landowners already involved in a purchase at the time of consultation, it is recommended that this particular policy change be implemented for all new applications relating to the purchase of minor Council property assets received following the adoption of the Policy by Council. This is reflected in the Policy directly.

Further, the introduction of the 50% reduction in the recovery of Council's sale costs will assist Purchaser's with alleviating the additional expense it will incur due to Council's requirement of Purchaser to consolidate the purchased land with the purchaser's abutting land. The requirement to Consolidate titles protects the Purchaser in ensuring that any small parcels of land are not missed or forgotten in its, or its estate's future dealings with the land and discourages the on selling of purchased minor council property assets.

Council will continue to offer a payment instalment option to help ease the financial burden of the purchase

The draft Sale of Minor Council Property Assets Policy (Appendix A) that has been subject to community consultation allows for instalment plans to pay Council over a four-year period, and at Manager discretion this can be extended to six years. Whilst an additional administration charge is payable for this service to set up the payment plan initially, no interest is charged nor any ongoing fees.

Of the 13 responses received, 53.8% strongly agreed and 7.7% agreed, whilst 15.4% disagreed. This is supportive of continuing to offer payment instalment options.

The Sale of Minor Council Property Assets Policy (Appendix C) incorporates the option of payment instalments relating to purchases.

Council may independently review any application and assess the sale costs where exceptionally circumstances prevail (i.e. financial hardships)

The draft Sale of Minor Council Property Assets Policy (Appendix A) that has been subject to community consultation did not include this provision.

Of the 13 responses received, 46.2% strongly agreed and 30.8% agreed. This is supportive of introducing the independent review of sale costs where exceptional circumstances such as financial hardship prevails.

A key challenge with this consideration is the detailed personal financial information that would be required to inform such an independent assessment of a home owners financial circumstanced. Having regard to Council's responsibilities under the *Local Government Best Practice Guideline for Sale/Exchange of Land* June 2009, it is recommended that the policy not be extended to incorporate this change. Financial Hardship is addressed through the payment plan option, and the opportunity for the 4-year payment plan provision to be extended to 6 years at the discretion of the Manager Property and Asset Strategy.

Council will not influence the use of the unused/discontinued road as part of the sale process (unless permitted under law).

Through community consultation feedback was requested seeking feedback on Council's influence on the use of unused or discontinued road as part of the sale process. This was included to understand community sentiment on considerations requested by Council regarding limitations on future use (i.e. retaining as open space).

Of the 13 responses received, 38.5% strongly disagreed, 30.8% disagreed and 23.1% neither agreed nor disagreed.

The Sale of Minor Council Property Assets Policy (Appendix C) does not incorporate any change in relation to prescriptive requirements for the future use of the land. Future use of the land will be subject to existing planning and building controls.

The Sale of Minor Council Property Assets Policy provides Council with the ability to encumber the land with a drainage easement in circumstance where council assesses that there is a future requirement for the installation of council infrastructure. In such circumstances, the drainage easement restricts the purchaser's ability to construct improvements over the land thereby providing private open space on the land to be sold. This will be assessed on a case by case basis for each application in consultation with relevant Departments.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

The draft Sale of Minor Council Property Assets Policy will not alter or affect the financial outcomes relating to the sale of minor property assets other than

1. A reduction of 50% in the recovery of Council's costs to affect the sale of minor Council assets

2. Where a quantifiable community interest exists to apply a discount to the full market value or where there is another equitable interest in the land, such as an adverse possession claim

It is noted that consultation is continuing with the Wurundjeri Woi-wurrung Corporation in how the policy may acknowledge that Aboriginal people never ceded sovereignty of the land across the Darebin municipality. There may be financial implications arising from the outcome of this consultation and future recommended change to the policy. An update to the Policy will be provided in due course.

Community Engagement

Consultation on the draft Sale of Minor Council Property Assets Policy commenced on 12 November 2021 and ended on 31 January 2022.

Through the consultation period, the draft Sale of Minor Council Property Assets was promoted through the *Your Say Darebin* website. In addition, the 87 property owners involved in pending or current processes were directly informed of the consultation by letter. Due to a delay in the communication to property owners involved in purchase processes, the planned consultation period was extended to 31 January 2022 to ensure sufficient time for contribution from residents directly and immediately affected by the Policy.

Officers contacted the Wurundjeri Woi-wurrung Corporation during the consultation period to explore the opportunity to inform the draft Policy in how the policy may acknowledge that Aboriginal people never ceded sovereignty of the land across the Darebin municipality. This work is continuing and an update to the policy will be presented to Council at a future date when an approach has been established in partnership with the Wurundjeri Woi-wurrung Corporation for recommendation. This remains within the planned consultation that has been undertaken.

In total there were 18 responses - 16 submissions were received, and 2 partial submissions were received. 11.1% of respondents did not consent to providing personal information as required by the Community Engagement Policy. Of the submissions received, at least ## submitters are currently involved in a process to purchase a minor Council property asset.

The summary report on community consultation is provided as Appendix B, providing an overview of submissions received.

Other Principles for consideration

Overarching Governance Principles and Supporting Principles

- (a) Council decisions are to be made and actions taken in accordance with the relevant law;
- (g) the ongoing financial viability of the Council is to be ensured;
- (i) the transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;

Strategic Planning Principles

- (c) Strategic planning must take into account the resources needed for effective implementation;
- (d) strategic planning must identify and address the risks to effective implementation;

Service Performance Principles

- (a) services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community;

COUNCIL POLICY CONSIDERATIONS**Environmental Sustainability Considerations (including Climate Emergency)**

Land considered under the Sale of Minor Council Property Assets Policy is generally an unused road and will be transferred into a property owners land as passive open space. Any future use of the land will be guided by planning and building controls and regulations.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

The draft Sale of Minor Council Property Assets Policy has undertaken an Equity Impact Assessment.

The assessment ensures that all adjoining landowners are:

- Afforded an equal opportunity to purchase the land
- Had financial capacity to purchase
- Protect their current and future property rights
- Ensure that each adjoining landowner were not prohibited by language barriers or Covid related issues (which affected their ability to respond)

The recommendation arising from the Equity Impact Assessment is that as the policy relates to the sale of land, the policy should acknowledge that Aboriginal people never ceded sovereignty of the land. This work is continuing with the Wurundjeri Woi-wurrung Corporation to inform the policy on this regard.

Economic Development and Cultural Considerations

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

Operational Impacts

The draft Sale of Minor Council Property Assets Policy (Appendix C) does not alter or affect the operational impacts relating to the sale of minor property assets.

The draft Sale of Minor Council Property Assets Policy will ensure that all drainage/asset rights will be reserved in favour of the relevant authority. This will be done on a case by case basis.

Legal and Risk Implications

The draft Sale of Minor Property Assets Policy (Appendix A) does not present any legal or risk implications. The policy update is aligned to the updated Local Government Act and is in accordance with *Local Government Best Practice Guideline for Sale/Exchange of Land June 2009*.

IMPLEMENTATION ACTIONS

Timeline

Upon adoption of the Policy, the policy will be published on Council's website and will be implemented in full for all future requests or considerations relating to the Sale of Minor Council Property Assets.

RELATED DOCUMENTS

- *Local Government Act 2020*
- *Local Government Act 1989*
- *Subdivision Act 1988*
- *Road Management Act 2004*
- *Transfer of Land Act 1958*
- *Planning and Environment Act 1987*
- *Goods and Services Tax Act 1999*
- *Local Government Best Practice Guideline for Sale/Exchange of Land June 2009*
- *Community Engagement Policy*

Attachments

- DRAFT 2021 Sale of Minor Assets Policy for consultation (**Appendix A**)
- Summary Report on Consultation (**Appendix B**)
- Sale of Minor Council Property Assets Policy - Final (**Appendix C**)

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of 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.



Sale of Minor Council Property Assets Policy

A policy is the guiding principle that helps the organisation to take logical decisions. It is a set of common rules to inform decisions and behaviours and commonly has supporting procedures and guidelines.

Purpose

This policy governs the process for assessment and sale of surplus Minor Council Property Assets that will *protect* Council's interests in a *fair* manner.

Through this policy, Council is demonstrating its commitment to the responsible management of its property portfolio in accordance with the strategic property objectives set out in the 2014 Property Asset Management Strategy:

1. Property assets contribute to economic growth
2. Property assets contribute to the health and social wellbeing of the community
3. Property assets can promote a balance between development and sustainability
4. Property assets contribute to the creative culture of the City
5. Council will optimise the service potential of its property assets

Council has acquired ownership and/or responsibility for these property assets by various means, including:

- acquisition by purchase, agreement or compulsory acquisition
- donation
- Crown grants
- open space contribution
- reserved by subdivision (e.g. roads, drainage reserves, revenge strips)
- vesting (e.g. through the road discontinuance process)

As the means by which Council has obtained ownership of land is varied and has occurred over the past century, some Minor Council Property Assets may no longer provide benefit to the community or may not be used or required for the purpose for which they were originally acquired.

From an asset management perspective, Council's property portfolio must meet current service needs whilst providing the flexibility to meet future requirements. This includes taking up the opportunity to sell surplus property assets.

Roads, reserves, revenge strips, hiatus and other pieces of land of unusual shape and/limited usefulness that are less than 200m² in area (collectively referred to as Minor Council Property Assets in this policy) were originally set aside in early plans of subdivision for a particular purpose such as access or drainage. In many cases these parcels of land are still required for that purpose and need to remain open and available to the public. In situations where a Minor Council Property Asset is no longer reasonably required, it may be considered surplus and suitable for sale in accordance with this policy.

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Scope	<p>This Policy applies to Council's small property assets including roads, reserves, revenge strips, hiatus' and other pieces of land of unusual shape and/limited usefulness that are less than 200m² in area.</p> <p>Roads, reserves, revenge strips, hiatus and other pieces of land of unusual shape and/limited usefulness that are less than 200m² in area (collectively referred to as Minor Council Property Assets in this policy) were originally set aside in early plans of subdivision for a particular purpose such as access or drainage. In many cases these parcels of land are still required for that purpose and need to remain open and available to the public. In situations where a Minor Council Property Asset is no longer reasonably required, it may be considered surplus and suitable for sale.</p>
Definitions and Abbreviations	<p>Hiatus is a gap in the property cadastre created by measurement errors in plans of subdivision.</p> <p>Minor Council Property Asset includes Roads, Reserves, Revenge Strips, Hiatus and other pieces of land of unusual shape and/limited usefulness that are less than 200m² in area.</p> <p>Reserve means land reserved on title for the purposes of drainage or other purposes, including Revenge Strips, but not land which is set aside for recreational purposes. For the purposes of clarity, this does not include land which would be commonly considered to be a 'park'. The sale of 'park' land would be investigated through a different process to that described within this policy.</p> <p>Revenge Strip means a small parcel of land or a reserve which has been created by subdivision, generally for the purpose of separating subdivisions.</p> <p>Road for the purposes of this policy has the same definition as that contained within the <i>Local Government Act 1989</i> and the <i>Road Management Act 2004</i>.</p>
Policy Statement(s)	<p>1. PRINCIPLES</p> <p>The key principles that underpin this policy for reviewing, identifying and evaluating Council's property portfolio and determining whether a Minor Council Property Asset is surplus to Council's requirements and suitable for sale (having regard to legislative requirements and existing Council policies, strategies and guidelines) are as follows:</p> <p>These principles include the key concepts of protecting Council's interests in a fair manner:</p> <p>2.1 Protect</p> <p>(i) Environment - The sale of surplus Minor Council Property Assets should aim to improve the environment and encourage sustainable activities.</p> <p>(i) Community Interest/Use - The sale of surplus Minor Council Property Assets should be in the best interest of the wider community having full regard to needs and expectations.</p> <p>(ii) Legal - Council will ensure compliance with relevant legislation and statutory obligations in the disposal of surplus Minor Council Property Assets.</p> <p>(iii) Financial - The sale of any Minor Council Property Asset should represent value for money with the aim to achieve a minimum of market value for the land except where there is a clearly demonstrated community benefit in selling the land for less than market value.</p>

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3.2 Fair

- (i) **Consultation** - Ensure appropriate consultation with the community and key stakeholders and that all relevant comments and representations are taken into consideration.
- (ii) **Transparency** - Provide an efficient, consistent and transparent process that will be open to public scrutiny while maintaining appropriate levels of commercial confidentiality.
- (iii) **Equality** - Land from surplus Minor Council Property Assets will generally be offered to adjoining property owners on the basis of equitable distribution, except in circumstances where present occupation of greater than 15 years can be demonstrated.

2.0 POLICY FRAMEWORK

Throughout the life of a Minor Council Property Asset's, there may be a time when it is considered surplus to Council requirements as it is no longer required for access, infrastructure or other strategic purposes.

When a Minor Council Property Asset is declared surplus, Council will consider their discontinuance and sale according to this policy. A Council resolution is required prior to the discontinuance and sale of any Minor Council Property Asset.

2.1 Application for Discontinuance

The process for the sale of a Minor Council Property Asset can be initiated by an adjoining property owner, other interested parties or Council officers. Those parties external to Council will need to complete an Application to Purchase a Minor Council Property Asset form.

2.2 Declaring a Minor Council Property Asset Surplus Prior to Council considering a Minor Council Property Asset for discontinuance and disposal, it must be assessed using the Decision Logic Map and Decision Logic Matrix contained within the Property Asset Management Strategy as well as taking into consideration the review criteria and general principles contained in this policy.

If the assessment identifies that the Minor Council Property Asset may no longer be reasonably required for the purpose it was originally set aside for or any other strategic purpose, it may be deemed surplus to Council requirements and the Minor Council Property Asset may be considered suitable for discontinuance and sale. From this point onwards the potential sale of the Minor Council Property Asset would be progressed depending on the status of the land, i.e. Road or Reserve.

On the other hand, if the sale of the Minor Council Property Asset is not considered feasible, any applicant or interested party would be notified in writing of the decision and the reasons for the decision, and no further action would be taken.

2.2.1 Property Assessment Tool

Council's Property Asset Management Strategy details a structured process to guide decision making for property assets which involves the assessment of a property via a Decision Logic Map to determine how critical that property is to Council's core property functions and the role of that property asset in meeting Council's current and future service requirements. The Decision Logic Map provides a series of questions about a property asset to determine the most appropriate management action to undertake (see Appendix B).

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The outcome of the Decision Logic Map process is a result that is consistent with the Decision Logic Matrix (see figure below) identifying an appropriate management action for a given property asset based on its ability to provide service and its development potential.

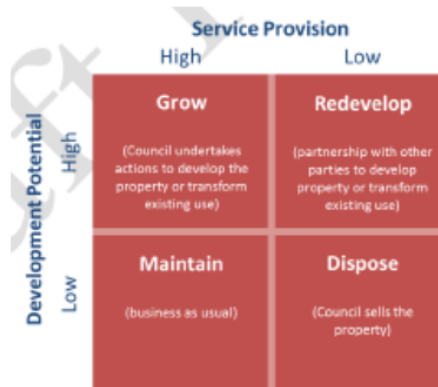


Figure 1 – Decision Logic Matrix

2.2.2 Review Criteria for the Sale of Minor Council Property Assets

The Minor Council Property Asset will be investigated to ascertain its status and whether it may be suitable for sale. This investigation should address the following:

- (i) Certificate of Title, including Council ownership and registered encumbrances.
- (ii) Unregistered encumbrances, including unregistered easements in favour of service authorities.
- (iii) Zoning: land zoned for public purposes must be appropriately rezoned prior to being offered for sale.
- (iv) Reasons for the original acquisition and any related obligations.
- (v) Potential uses of the site, including the highest and best use of the land and considering the optimum development potential of the land.
- (vi) Environmental Issues: a historical view and site inspection should be carried out and, if required, a site contamination assessment undertaken. If the land that Council is selling is deemed to be contaminated, a strategy will need to be prepared for the management of that contamination.
- (vii) Lease and licence agreements, including all associated rights.
- (viii) Any encroachments on the land and/or rights of adverse possession.
- (ix) Determining enhancements which may need to be undertaken on the land.
- (x) Presentation of the land to expose its best attributes: considerations include repairs, cleaning, clearing of vegetation, painting, pegging of boundaries and associated works.
- (xi) Servicing of the site, including service authority requirements.
- (xii) The appropriateness of subdivision of the site and the anticipated costs of any associated public works.

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- (xiii) Preparation of an agreement under section 173 of the *Planning and Environment Act 1987* may be necessary where Council wishes to control the future use of the land.
- (xiv) Town planning permits should be obtained where required.
- (xv) Structural and engineering reports may be required.
- (xvi) Land to be offered for sale with disclosure of relevant information to enable full and proper due diligence inquiry.

2.2.3. General Principles for the Sale of a Minor Council Property Asset

The following policy principles will be taken into account when considering the sale of a Minor Council Property Asset:

- (i) Discontinuances would generally only proceed where, and entire section Road or Reserve can be discontinued.
- (ii) The discontinuance of roads that are constructed (i.e. have a surface of bluestone, concrete or asphalt) will only be considered in cases where the road is demonstrably not required for access or where an alternate access can be provided to the satisfaction of adjoining property owners. If the constructed road is on the Council's Register of Public Roads, it will need to be removed from the Register prior to the discontinuance taking effect.
- (iii) Land from the discontinuance of the road or reserve status of a Minor Council Property Asset may be retained by Council for its own purposes.
- (iv) Land from surplus Minor Council Property Assets will be sold to abutting property owners in accordance with legislative requirements.
- (v) Land from surplus Minor Council Property Assets will be offered for sale at market value plus costs.
- (vi) Land from surplus Minor Council Property Assets may be sold for less than market value in cases where a quantifiable community benefit exists, or the land is proposed to be used for services that would otherwise be provided by Council or are complementary to Council services.
- (vii) Land from surplus Minor Council Property Assets that are sold for less than market value, will be sold with appropriate measures in place (such as an agreement under section 173 of the *Planning and Environment Act 1987*) to ensure that the land will continue to be used for this purpose.
- (viii) Land from surplus Minor Council Property Assets may be sold subject to an easement registered on title in favour of a public authority or Council to protect any right, power or interest in, on, under or over the land.
- (ix) Council may remove any bluestone pitchers or other reusable materials upon a Minor Council Property Asset prior to sale.
- (x) Land from surplus Minor Council Property Assets is sold on an as-is basis at the time of transfer with the purchaser responsible for removal of any biological or physical material that may be present.
- (xi) Purchasers of land from surplus Minor Council Property Assets will be responsible for arranging for fencing of the land (in accordance with the mutual neighbourly responsibilities set out in the *Fencing Act 1968*) once the transfer is complete. This would include removal/relocation/reinstatement of fencing along the new boundaries.
- (xii) Proposed divisions of Minor council Property Assets may be longitudinal, latitudinal, diagonal or other methods as determined necessary given existing conditions.

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2.3 Consultation

Council is committed to an inclusive and transparent consultation process with its community and stakeholders that ensures compliance with relevant legislation, internal policies/strategies and Community Engagement Policy.

As a minimum, all consultation will ensure public notice of the proposal is given in the Local newspapers and on Council's website as well as written notification to all abutting property owners, providing its community and stakeholders with the opportunity to make submissions. The requirement for a public submission process only applies where land requires discontinuance and sale.

Council will ensure that it notifies all relevant internal services and all statutory authorities (both written and via 'Dial Before You Dig' searches) and all asset rights are reserved under any Title Plan.

Council will undertake a further review of the appropriateness of the application (and land allocation) based on the results of this consultation.

2.4 Costs

2.4.1 Sale Price

The sale of land from all Minor Council Property Assets is to be transacted on the basis of achieving the current market value for the land as determined by the Council's appointed valuer.

Deviation from this procedure would only be considered by Council where a community benefit can be documented, and the community benefit outweighs any loss in financial return. On this basis, an amount lower than the current market value **may** be accepted pursuant to formal resolution at an Ordinary Meeting of the Council after consideration by Council.

The sale price for a Minor Council Property Asset will be established based upon the following considerations:

- the current market value of the land as determined by the Council's appointed valuer
- where a sale price less than market value is sought, demonstration and documentation that the sale of the land will provide benefit to the wider community and that these benefits outweighs any loss in financial return
- any ownership rights which may have already accrued by the purchaser for Reserves that are in the name of original subdividers.

It is understood that the market value for any given Minor Council Property Asset may vary based on the size of the land, its location, its relationship to the purchaser's land, the size of the purchaser's land and whether or not any easements may be required to be placed on title.

The market valuation will be determined on the current status of the land and not adjusted in light of any 'improved benefit' or the future use. Whilst it is recognised that many discontinued laneways will be encumbered and retained as private open space, Council cannot enforce the future use of the land through the sale process (or adjust its values to suit this). Any proposal to use the land for any other purpose

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than private open space would be guided by planning and building controls/regulations.

The market valuation will not be determined on Council obtaining the personal financial records of the Applicant and assessing their financial capacity to purchase the land (and meet all associated costs). It is not Council's role or responsibility to undertake this process and the ability to purchase should be solely at the discretion of the Applicant and/or their financial advisors.

Council must abide by the *Local Government Best Practice Guideline For Sale/Exchange of Land June 2009* to obtain the maximum value for the property (in the best interests of its community and ratepayers).

2.4.2 Recovery of Sale Costs

Costs include publication of public notices, legal fees, surveyors fees, valuation costs, conveyance costs, State Government fees and charges (such as stamp duty, title registration costs and lodgement fees), and any costs associated with the relocation of fences.

Costs incurred as part of the sale of a Minor Council Property Asset, are to be recovered from the purchaser.

Costs will be shared equally by the purchasers and would be paid at the same time as the purchase price. It is projected that these costs will be approximately \$8,000.

All costs must be agreed by all parties and formalised under a countersigned 'Letter of Offer'.

2.4.3 Payment Terms

The full purchase price and all other costs must be paid by the purchaser to Council prior to the signing of the Transfer of Land documents.

Instalment plans are available to extend the terms of payment, allowing for equal annual payments for a period of up to four (4) years. An additional administration charge as detailed within Council's annual schedule of fees and charges, would be added to cover the administration costs required to facilitate such instalment plans.

At the discretion of the Manager, Property & Business Improvement, after taking into consideration any personal circumstances and financial hardship, the instalment period may be extended up to six (6) years in order to reach agreement to purchase land.

Instalment plans are made available at no interest or additional cost (other than the setup fee).

2.4.4 Goods and Services Tax

In accordance with the provisions of the *Goods and Services Tax Act 1999*, the sale of Council property (other than the sale of existing residential premises), including the sale and discontinuance and sale of roads, attracts GST. Council must ensure that GST is added to the sale price or that the sale price is inclusive of GST.

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2.5 Land Division

When offering land for sale, Council:

2.5.1 will first offer parcels of land to those property owners adjoining the Minor Council Property Asset that can demonstrate continuous and exclusive occupation of those parcels for 12 years or more. This rule does not apply if there is a change in ownership of the Applicant's land.

2.5.2 where 2.5.1 does not apply, the land will be offered on the basis of equal distribution to abutting property owners, taking into account:

- (i) Existing property boundaries (try to make neat parcels and maximise street frontage where possible)
- (ii) Existing structures and the surrounding land (consider how land can be used by purchasers)
- (iii) The presence of any underground assets (determining the future fence alignment so that it does not encroach on the easement reserved for the underground assets).

2.5.3 will keep the offer open to an abutting property owner for a period of 28 days. Council officers will undertake a site inspection and physically meet with the owner (where possible) where an adjoining owner fails to respond to Council's invitation (or successive notices),.

It is essential that Council undertake an equity impact assessment and ensure all owners are afforded the same access to information/right to purchase and not be limited by other factors such as language barriers, financial capacity and Covid related issues.

If the owner still fails to respond, it may result in Council offering the land to another abutting property owner.

2.5.4 if multiple abutting property owners want to purchase the same portion of land and it cannot be divided in a suitable way or an agreement cannot be reached by the parties involved with regards to the division, Council may invite each party to make a tender for purchase of the whole section of land abutting their property within a specific timeframe. The tender process will generally conform with Council's tender submission process.

2.5.5 will take title to the land created through the discontinuance or removal of the status of Minor Council Property Assets, where no abutting property owners wish to purchase the land.

2.6 Easements, Caveats and Covenants

Council reserves the right to place any easement, caveat or covenant on or over the land to be sold from a Minor Council Property Asset as it deems fit in order to protect its interests or the interests of other service authorities who may have assets on, below or above the subject land.

2.7 Other Provisions

2.7.1 Adverse Possession

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Adverse possession is a legal principle that may enable an occupier of a piece of land to obtain titled ownership of that land if they can prove uninterrupted and exclusive possession of the land for at least 15 years. Where the land is encumbered with an easement (such as right of carriageway, road or drainage) proof of non-use for at least 30 years is required to extinguish the easement. The validity of an adverse possession claim is assessed by Registrar of Titles via section 60 of the *Transfer of Land Act 1958*, however the assessment may be challenged through Court action.

If Council receives a claim for adverse possession over a Minor Council Property Asset, Council may:

- undertake investigations and assessment of the Minor Council Property Assessment to ascertain the status of the land
- seek legal advice on potential options available to Council, including establishing title over the land, placing a caveat on the land; potentially opening up the land for its registered purpose, and possibly evicting occupiers
- take action in Court to defend Council's property rights, if required.

2.7.2 Occupation of a Minor Council Property Asset

Council discourages the unauthorised occupation or encroachment of Minor Property Assets and may take the necessary steps to remove such occupation.

(i) Occupation of Minor Council Property Assets – Council titled land

Where Council becomes aware of occupation of Council titled land, Council may undertake the assessment contained in section 2.7 of this policy to determine if the Minor Council Property Asset is surplus.

If the assessment identifies the land is *required*, the occupier may be requested to remove all buildings and obstructions from the land and reinstate their fence along the correct property boundary. If the occupier fails to comply with the initial letter of request to remove and reinstate, use the power contained in Council's General Local Law to make this request and also to recover costs from occupiers who refuse to comply.

If the assessment identifies that the land is *surplus* to service requirements, commence a process to discontinue and sell the Minor Council Property asset or lease or licence the land to abutting property owners for a nominal annual fee that will be determined on a case by case basis, having due regard to the type of occupation.

Section 7B of the *Limitation of Actions' Act 1958* protects Council titled land from being adversely possessed by an occupier.

(ii) Occupation of Minor Council Property Assets – non-Council titled land

Where Council becomes aware of occupation of non-Council titled land, Council may undertake investigations and assessment of the Minor Council Property Asset to ascertain the ownership and the status of the land; seek legal advice on how to protect Council's interest in the land, including establishing title over the land, saving easements over the land, potentially opening up the land for its

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registered purpose, and possibly evicting occupiers; and consider the potential discontinuance and sale of the land at a future date.

(iii) Exceptions

Exception to this section is where an abutting property owner that is occupying a Minor Council Property Asset, has agreed 'in writing' to purchase the land from Council following discontinuance, or has entered into a lease or licence with Council to use the land.

2.7.3 Fencing and Gates

Council has no obligation to construct or maintain fencing on land abutting Roads (Schedule 5 Section 4 of the *Road Management Act 2004*), and Reserves, where Council is not the registered owner on title.

Council will consider the approval/construction of fencing and non-lockable gating of Minor Council Property Assets, for which it is the owner or they vest in Council, when they are sold or licensed to an abutting property owner and where the installation of such will not be detrimental to the access needs of Council, service authorities, emergency services or other property owners, or to stormwater.

3. STATUTORY PROCEDURES – LGA

3.1 Discontinuance/Sale and Public submissions

Section 189 (Restriction on power to sell land) of the *Local Government Act 1989* (Act) was revoked on 1 July 2021 and replaced by Section 114 of the *Local Government Act 2020*.

Section 114 of the *Local Government Act 2020* is similar to section 189, however the exemption from compliance with section 223 (the right to make a submission) has been removed.

Because section 223 does not apply under the 2020 Act, from 1 July 2021, any sale of land from a discontinued road must first comply with the community engagement provisions of Council's Community Engagement Policy.

Accordingly, from 1 July 2021 Council will be required to undertake a 2 staged process of first resolving to discontinue a road and sell the land under clause 3 of Schedule 10 of the Act and then propose the sale of the land under section 114 of the 2020 Act

The statutory procedures under section 114 of the *Local Government Act 2020* requires that Council publish a notice of its intention to sell the Land on the Council's website and undertake a community engagement process in accordance with its community engagement policy.

In contrast to the now repealed s. 189 of the *Local Government Act 1989*, Section 114 of the *Local Government Act 2020* does not require Council to publish a public notice in a newspaper circulated within the municipality nor provide for the lodgement of submissions to Council and the consideration

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	<p>of those submissions, pursuant to section 223 of the <i>Local Government Act 1989</i>.</p> <p>Nevertheless, in order to provide a mechanism for feedback from interested parties as part of Council's community engagement process, it is recommended that Council invite both written and verbal submissions on the proposal, and deal with any submissions received, in line with the principles set out in section 223 of the <i>Local Government Act 1989</i>.</p> <p>Under the principles, the notice of intention to sell the Land will afford affected parties the right to lodge a written submission with Council. Submitters may request to be heard by Council prior to a decision being made to proceed or otherwise with the proposal. Any verbal submissions received will be considered by Council's Hearing of Submissions Committee.</p> <p>3.2 Removal / Vesting of Drainage Reserves (SDA section 20, 24 & 24A) If the surplus Council Property Asset is a Reserve, Council officers will prepare a report for Council consideration and decision to apply for a planning permit, for removal and/or vesting of the reserve status from the land in accordance with section 24A of the <i>Subdivision Act 1988</i>.</p> <p>A section 24A plan of subdivision will be prepared for certification by Council and lodging at Land Registry. This subdivision plan will remove the reserve status and vest the land in Council.</p> <p>Council's obligations in accordance with sections 20 and 24 of the <i>Subdivision Act 1988</i> with respect to how the proceeds of sale are applied and whether replacement open space must be provided, will depend upon whether this section 24A process is undertaken prior to or as part of the sale process.</p> <p>3.3 Exemptions Council is exempt from this process (with or without consideration) under Section 116 of the <i>LGA 2020</i> if the land is being transferred to any of the following organisations:</p> <ul style="list-style-type: none"> • the Crown; • a Minister; • public body; • trustee appointed under any Act to be held on trust for public or municipal purposes; • public hospitals detailed in the <i>Health Services Act</i>; • Other hospitals carried on by an association or society that is not for profit to members. <p>3.4 Valuation of Minor Council Property Asset (LGA section 114(2)(c)) In accordance with section 114 of the <i>Local Government Act 2020</i>, a Valuer qualified in accordance section 13DA (1A) <i>Valuation of Land Act 1960</i> will be instructed to carry out a market valuation of the Minor Council Property Asset. This must be carried out not more than six months prior to the sale of the property.</p> <p>Council may choose to keep the valuation confidential prior to the sale of the Minor Council Property Asset.</p>
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	<p>3.5 Council Report to Determine the Sale A report will proceed to Council, summarising the submissions and provide a précis of the Hearing of Submissions Committee meeting.</p> <p>Council will consider the submissions and make a decision whether the Minor Council Property Asset will be sold, retained or considered for some other alternative.</p> <p>All parties who have made a submission will be notified in writing of the resolution of Council and the reasons for the decision.</p>
Responsibilities	<p>How are individuals responsible for the success of the policy?</p> <p>Each officer is appointed in accordance with Council's Instrument of Delegation August 2020</p> <p>Manager, Property & Business Improvement:</p> <ul style="list-style-type: none"> - implementation and management of this Policy, including review of the policy. - management of the discontinuance and sale of roads as outlined in this policy, to carry out the referral stage and negotiate 'in-principle' agreements for their potential sale. - review of any application for the removal of the reserve status received by the Subdivisions Officer. <p>Strategic Planners, Statutory Planners and Subdivisions Officer</p> <ul style="list-style-type: none"> - management of issuing a permit for removal of the reserve status over land and to vest the land in Council, in consultation with the Manager Property and business Improvement. The removal of the reserve status of land via Section 24A of the Subdivisions Act 1988 will only be exercised in accordance with a Council resolution, Council policy or strategy that identifies the land being surplus to Council requirements. <p>CEO</p> <ul style="list-style-type: none"> - responsible for the signing and sealing of any documents relating to the sale and undertakings in accordance with a Council resolution. <p>Council</p> <ul style="list-style-type: none"> - The decision to give public notice and the final decision to discontinue Minor Council Property Assets and any subsequent sale is not delegated to officers and requires Council resolution.
Breach of Policy	<p>Breaches of policies are treated seriously. Any concerns about non-compliance should be reported immediately to the owner of this policy.</p>

GOVERNANCE

Parent Strategy/ Plan	2014 Asset Management Strategy
Related Documents	<p>This policy should be read in conjunction with Council's:</p> <ul style="list-style-type: none"> • Community Engagement Strategy and Framework 2019 - November 2019 • Council Plan 2017-2021 - June 2017 • Council Plan Action Plan 2020-2021 - July 2020

September 2021



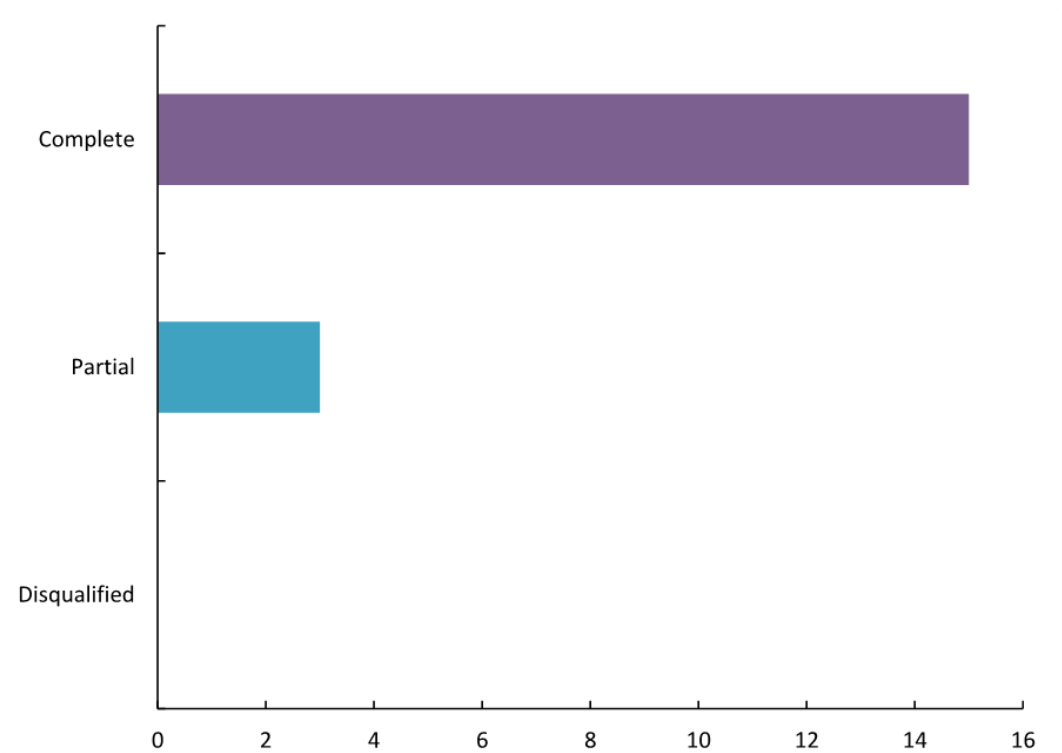
	<ul style="list-style-type: none"> • COVID-19 Financial Hardship Policy - March 2020 • Road and Place Naming Policy - June 2014 • Road Asset Management Plan - June 2016
Supporting Procedures and Guidelines	
Legislation/ Regulation	<ul style="list-style-type: none"> • <i>Local Government Act 2020</i> • <i>Local Government Act 1989</i> • <i>Subdivision Act 1988</i> • <i>Road Management Act 2004</i> • <i>Transfer of Land Act 1958</i> • <i>Planning and Environment Act 1987</i> • <i>Goods and Services Tax Act 1999</i> • <i>Local Government Best Practice Guideline For Sale/Exchange of Land June 2009</i>
Author	Coordinator Property Services
Policy Owner/ Sponsor	General Manager Governance and Engagement
Date Effective	TBC – September 2021
Review Date	September 2024
Version Number	1
Document ID	A6123413
Content enquiries	Coordinator Property Services

All Darebin policies and procedures must be developed through the lens of key Darebin strategies, plans and related considerations. See the **Darebin Policy Review Lens** to inform and guide policy development and review.

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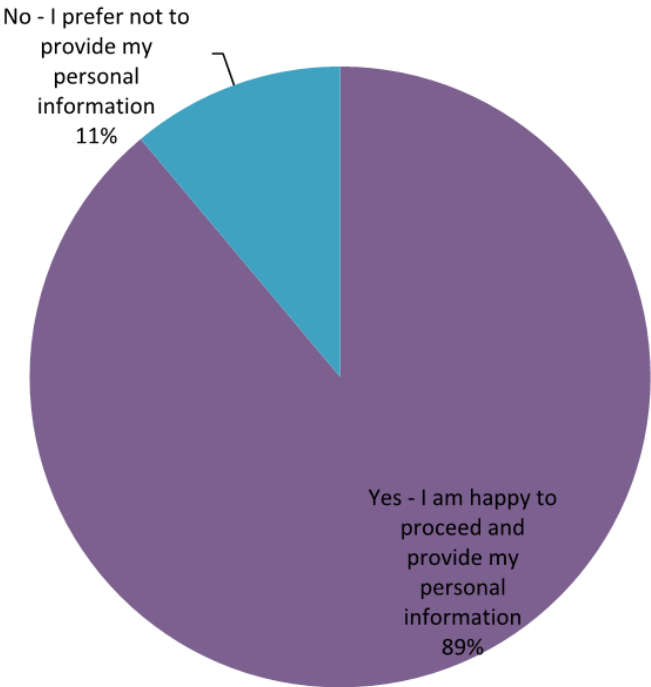
Report for Seeking feedback on draft Sale of Minor Council Property Assets Policy 2021

Response Statistics



	Count	Percent
Complete	15	83.3
Partial	3	16.7
Disqualified	0	0
Totals	18	

1.Darebin Council has introduced a new approach for all engagements with the community and is collecting some personal information from all participants, such as name and email address or postal address, and postcode.



Value	Percent	Count
Yes - I am happy to proceed and provide my personal information	88.9%	16
No - I prefer not to provide my personal information	11.1%	2
	Totals	18

2. The following statements reflect the proposed changes that Council will make as part of the draft Sale of Minor Council Property Assets Policy. Please indicate your level of the agreement with each of these statements from Strongly disagree to Strongly agree. If you have comments you would like to include about any of these statements, please include them in the comments box below.

	Strongly disagree	Disagree	Neither agree or disagree	Agree	Strongly agree	Cannot Say	Responses	Average
	Row %	Row %	Row %	Row %	Row %	Row %	Count	
Council will offer a 'first right of purchase' to landowners who can demonstrate 12 years of exclusive occupation of the unused/discontinued road	7.7%	7.7%	23.1%	15.4%	38.5%	7.7%	13	3.8
Council will in principle grant fair and equitable opportunity to purchase the unused/discontinued road (where permitted)	7.7%	7.7%	15.4%	15.4%	46.2%	7.7%	13	3.9
Council will sell unused/discontinued road at full market value	53.8%	15.4%	%	7.7%	23.1%	%	13	2.3
Council will request that the landowners reimburse all advertising and land transfer costs incurred as part of the process	46.2%	23.1%	%	15.4%	15.4%	%	13	2.3
Council will continue to offer a 'payment instalment option to help ease the financial burden of the purchase	%	%	15.4%	23.1%	53.8%	7.7%	13	4.4
Council may independently review any application and assess the sale costs where	%	%	15.4%	46.2%	30.8%	7.7%	13	4.2

exceptionally circumstances prevail (i.e. financial hardships)								
Council will not influence the use of the unused/discontinued road as part of the sale process (unless permitted under law).	7.7%	%	23.1%	30.8%	38.5%	%	13	3.9
Total Responses							13	

3. Do you have any other comments about the draft Sale of Minor Council Property Assets Policy?

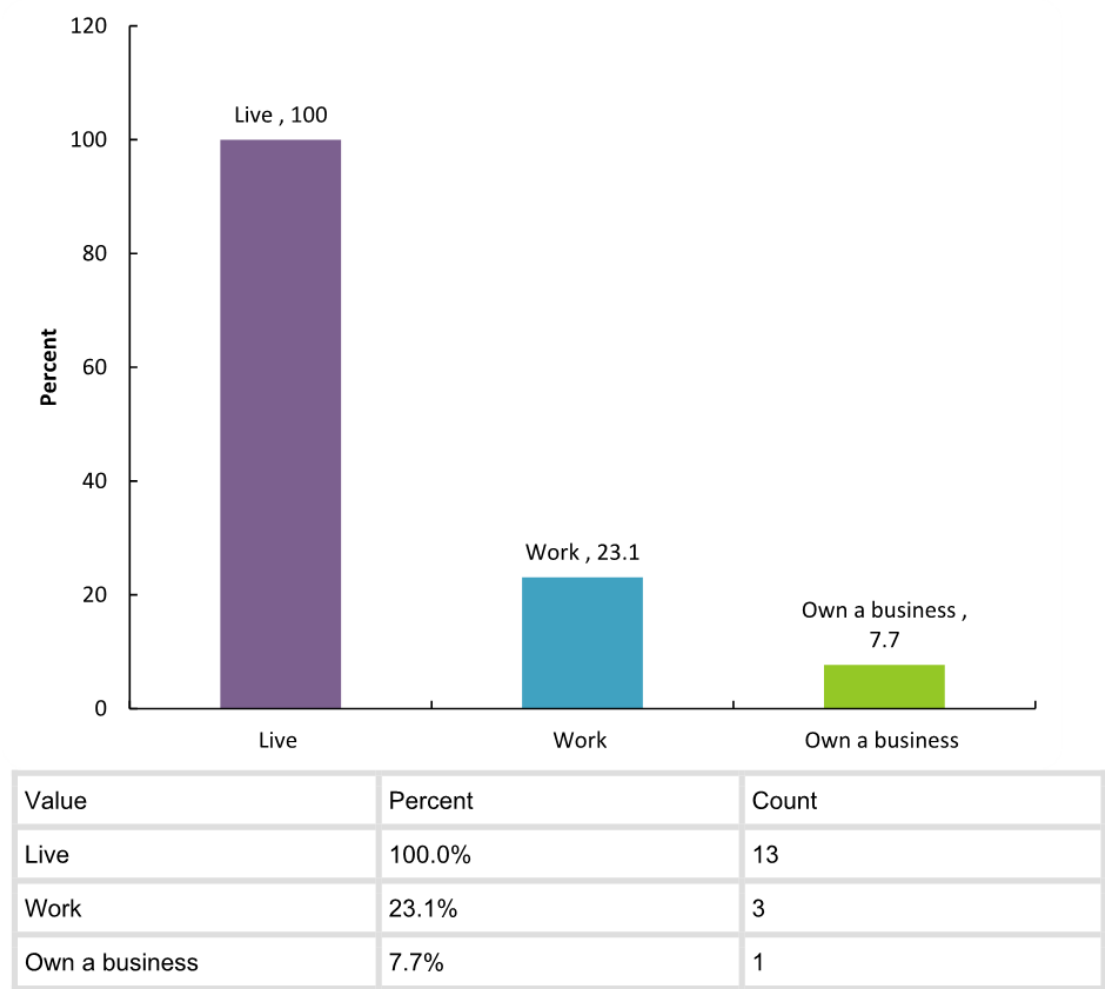
ResponseID	Response
7	Would be great if any of these have the potential for new housing to be built on them, for that to be a priority.
8	I do not believe that Council should be selling off laneways. These can be useful links for people walking and cycling especially. There are many instances where landowners have illegally occupied laneways/roads for years but have remained undiscovered. Council should do an audit of all roads/laneways to see if they are occupied or not and if they are, remove the occupiers from the laneway. It is public land and should remain so. We'll never be able to get them back.
9	Carparks are not minor property we need this to shop at Northcote plaza and by privatizing it, I would never pay to park there Businesses will suffer and lead to the demise neighbourhood shopping as seen in city if the Yarra Richmond. Additionally Golf courses are not minor land. I am sick of my lazy neighbour who was on TV stating why should I walk to Mayer Park when I live across the road from the Golf course and just wants to walk in and use it. Now that everyone is back at work parks are not being utilised for picnics and we certainly do not need cancel culture to get rid of the golf course that provides undisturbed habitat for native Animals. The first nation's people feel that entitled individuals will cause major damage to the golf course and habitats. I am not for it. I don't even play golf but cancel culture is rife and clearly people want to cancel everything including golf courses. I find if I wanted to use the golf course they are inclusive but it doesn't need to be changed. It's like people on Victoria road saying why should swimmers exclusively be able to use the land where the YMCA is. Now that it's flattened we should turn it into a park because they are too lazy to walk to the park behind, which is ample.
11	To advance, assist and enhance community services for the people of Darebin, I would propose Council consider 'Community Agency or Service' provisions whereby any not-for-profit non-governmental or not-for-profit governmental (ie excluding GBEs) Community Agency or Community Service could acquire disposed of land that abuts existing premises at a nominal amount plus transfer and legal fees. This would mean organisations such as: - Headspace (C'wlth Gov Community Agency) - NFP

	<p>Childcare services - NFP Community Services such as INNLEN (State Gov supported) - Schools - Health care services - Women's health and violence prevention services (eg Women's Health in the North) - Self-managed Aboriginal Services (eg: VACCA, VAEAI, VACHO) with presence in Darebin could purchase Council disposed of assets that abut existing premises at a nominal fee to support their Community work rather than paying full market rates. The inclusions of self-managed Aboriginal organisations such as those listed with existing premises in Darebin would possibly assist the engagement requirements outlined in the supporting material. This proposal would be cost neutral (at worst) for Council and could significantly support Community Agencies and Services.</p>
15	<p>With the proposed discontinuance behind my residence I do not think the council has adequately considered the security issues this creates (as fencing is not possible due to the nature of the fall-off) and the council has not in any fashion answered the issues surrounding soil erosion and water drainage - both of which remain a hazard to the properties that abut the proposed discontinuance. There is no consideration of these issues in the Sale of Minor Assets Policy which in the residents' view is a method for the Council to continue to avoid these responsibilities. A dysfunctional council asset (which creates hazards for the abutting properties) should not be sold until these hazards have been resolved. There is no mention in this Policy of the impact of the Sale on the well being, safety and privacy of the existing residents. Any proposed sale of minor assets should not impact the existing privacy and safety of the residents which abut the asset.</p>
16	<p>Unused laneways should not be sold at market value, especially if they have an easement underneath. Market value should be for land that is available to anyone to purchase. Laneways are only useful to the immediate homeowners. Market value should not be charged on unused laneways where the home owners have cared and maintained this land for many years and even decades.</p>
19	<p>Unused assets will be cared for and attended to by landowners as their own. Should be sold to adjoining landowners if possible. The adjoining landowners have a vested interest in owning and maintaining these areas. If they are prepared to take the responsibility for that (as well as pay the rates for the extra land) and pay</p>

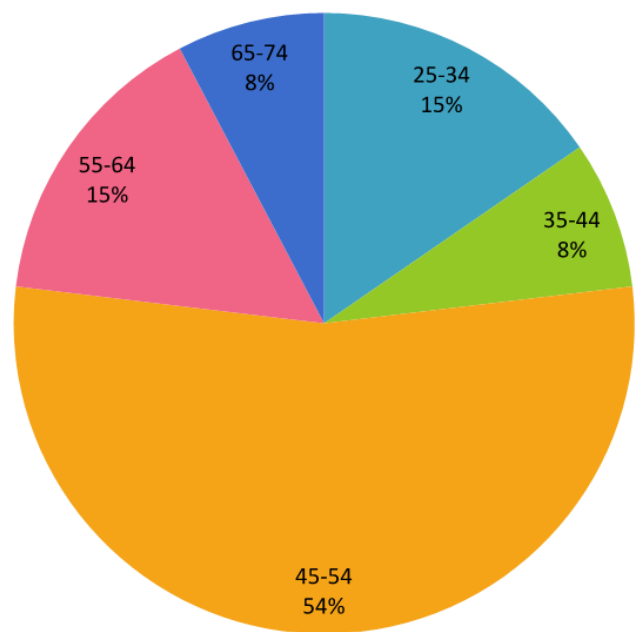
	a reasonable cost to council, they should be allowed to easily purchase the land
20	I personally think that there should be no cost to the property owner that have maintained a parcel of land at the rear of their property where the council has not carried out any maintenance in past 40 years. One queries the social justice that the council can decide to sell something that ownership is by default (ie left over from a past subdivision) and if ultimately deciding to ask for payment make it at a reduced percentage for those that have cared for the land in question.
21	1 While individual residence stand to gain through Sale of Minor Council Property Assets, it will be developers who stand to gain the most financially. Developers, we know, will often outbid an individual resident and could potentially be land banking holding on to land for many years to maximise outcomes. How will Council deal with such a scenario that is not rare? 2. There has been no mention of how/where the funds raised through this process will be spent. Presumably, if Minor Council Property Assets are regarded as public open space, funds can be redirected to wherever Council deems fit. This is an issue that is of concern, since it will continue to see funds raised north of Bell being drained to south of Bell.
22	1. "Council will in principle grant fair and equitable opportunity to purchase the unused/discontinued road (where permitted)" - I require clarification to this question. If the intent of this question is to PREVENT a long term resident of Darebin with limited financial means to compete against a developer with "deep pockets" and motivated solely by profit in the purchase of the land I would strongly agree to this question. If the intent of this question is other than what I have written above then I am requesting someone from your office to contact me and explain what the council is asking. 2. "Council will sell unused/discontinued road at full market value" - I strongly disagree to with this when it relates to a resident who has occupied the land for over 12 years as they have maintained the land. I would strongly agree if the land was purchased in whole or in part by a developer as they are solely motivated by profit, they have deeper pockets and do not have a vested interest in the community as a long term resident of Darebin does. 3. "Council will request that the landowners reimburse all advertising and land transfer costs incurred as part of the process" - I strongly disagree to with this when it relates to a resident who has

	<p>occupied the land for over 12 years as they have maintained the land. I would strongly agree if the land was purchased in whole or in part by a developer as they are solely motivated by profit, they have deeper pockets and do not have a vested interest in the community as a long term resident of Darebin does. 4. "Council will not influence the use of the unused/discontinued road as part of the sale process (unless permitted under law)." - I require clarification with this question as it is not clear to me. If council influence is permitted under law this question is rhetorical. Under the Local Government Act the city of Darebin has a statutory obligation to adhere to and enforce laws.</p>
25	<p>Previously we have attempted to buy this parcel of land. Unfortunately now: 1. value of land has increased because of the time delays 2. Council previously offered a discount for owners if they owned the property for over 7 or 10 years? We request that Council honour previously offered discounts to owners/ratepayers of the property. Who can pay this sort of money in today's climate and during a covid pandemic. There needs to be an offer from Council of instalments on your rates over perhaps 20 years?</p>

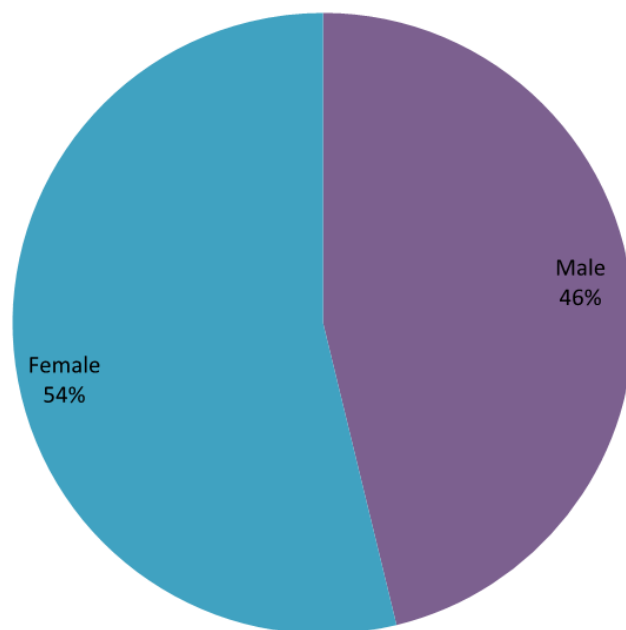
4.What is your connection to Darebin? (choose all that apply)



5.What is your age group?



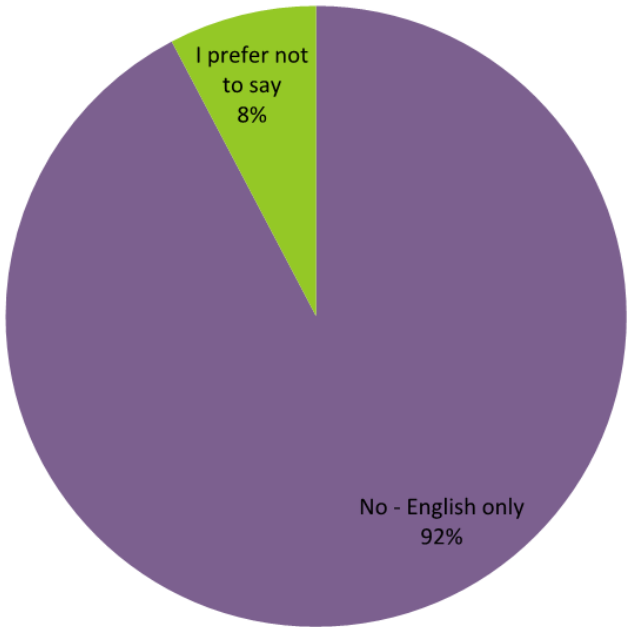
Value	Percent	Count
25-34	15.4%	2
35-44	7.7%	1
45-54	53.8%	7
55-64	15.4%	2
65-74	7.7%	1
	Totals	13

6.What is your gender?

Value	Percent	Count
Male	46.2%	6
Female	53.8%	7
	Totals	13

I identify as	Count
Totals	0

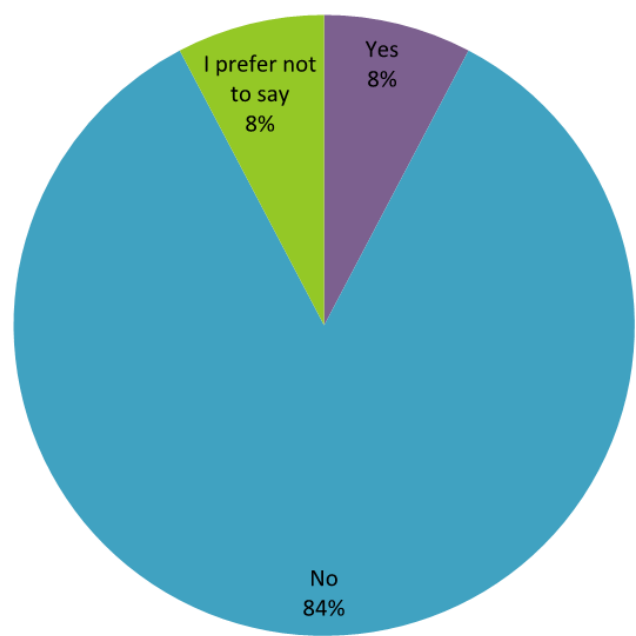
7.Do you speak a language other than English at home?



Value	Percent	Count
No - English only	92.3%	12
I prefer not to say	7.7%	1
	Totals	13

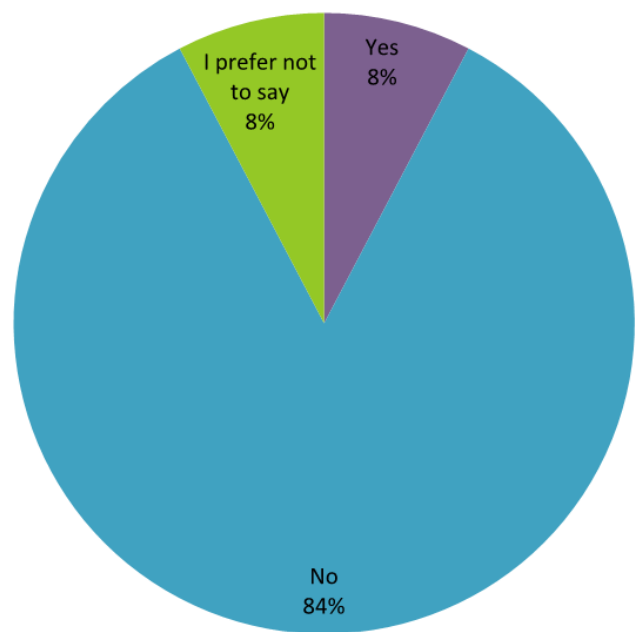
Yes (please specify)	Count
Totals	0

8.Are you Aboriginal or a Torres Strait Islander?



Value	Percent	Count
Yes	7.7%	1
No	84.6%	11
I prefer not to say	7.7%	1
	Totals	13

9.Do you identify as having a disability?



Value	Percent	Count
Yes	7.7%	1
No	84.6%	11
I prefer not to say	7.7%	1
	Totals	13



Sale of Minor Council Property Assets Policy

Purpose

This policy governs the process for assessment and sale of surplus Minor Council Property Assets that will protect Council's interests in a fair and transparent manner.

Through this policy, Council is demonstrating its commitment to the responsible management of its property portfolio in accordance with the strategic property objectives set out in the Property Asset Management Strategy:

1. Property assets contribute to economic growth
2. Property assets contribute to the health and social wellbeing of the community
3. Property assets can promote a balance between development and sustainability
4. Property assets contribute to the creative culture of the City
5. Council will optimise the service potential of its property assets

Council has acquired ownership and/or responsibility for these property assets by various means, including:

- acquisition by purchase, agreement or compulsory acquisition
- donation
- Crown grants
- open space contribution
- reserved by subdivision (e.g. roads, drainage reserves, revenge strips)
- vesting (e.g. through the road discontinuance process)

As the means by which Council has obtained ownership of land is varied and has occurred over the past century, some Minor Council Property Assets may no longer provide benefit to the community or may not be used or required for the purpose for which they were originally acquired.

From an asset management perspective, Council's property portfolio must meet current service needs whilst providing the flexibility to meet future requirements. This includes taking up the opportunity to sell surplus property assets.

Roads, reserves, revenge strips, hiatuses and other pieces of land of unusual shape and/or limited usefulness that are less than 200m² in area (collectively referred to as Minor Council Property Assets in this policy) were originally set aside in early plans of subdivision for a particular purpose such as access or drainage. In many cases these parcels of land are still required for that purpose and need to remain open and available to the public. In situations where a Minor Council Property Asset is no longer reasonably required, it may be considered surplus and suitable for sale in accordance with this policy.

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Scope	<p>This Policy applies to Council's small property assets including roads, reserves, revenge strips, hiatuses and other pieces of land of unusual shape and/limited usefulness that are less than 200m² in area (collectively referred to as Minor Council Property Assets in this policy) that are surplus to Council's requirements. It documents the principles to be adopted in determining what constitutes surplus Minor Council Property Assets and how the sale of these are to be undertaken.</p>
Definitions and Abbreviations	<p>Hiatus is a gap in the property cadastre created by measurement errors in plans of subdivision.</p> <p>Minor Council Property Asset includes Roads, Reserves, Revenge Strips, Hiatuses or other pieces of land of unusual shape and/limited usefulness that are less than 200m² in area.</p> <p>Reserve means land reserved on title for the purposes of drainage or other purposes, including Revenge Strips, but not land which is set aside for recreational purposes. For the purposes of clarity, this does not include land which would be commonly considered to be a 'park'. The sale of 'park' land would be investigated through a different process to that described within this policy.</p> <p>Revenge Strip means a small parcel of land or a reserve which has been created by subdivision, generally for the purpose of separating subdivisions.</p> <p>Road for the purposes of this policy has the same definition as that contained within the <i>Local Government Act 1989</i> and the <i>Road Management Act 2004</i>.</p>
Policy Statement(s)	<p>1 PRINCIPLES</p> <p>The key principles that underpin this policy for reviewing, identifying and evaluating Council's property portfolio and determining whether a Minor Council Property Asset is surplus to Council's requirements and suitable for sale (having regard to legislative requirements and existing Council policies, strategies and guidelines) are as follows:</p> <p>These principles include the key concepts of protecting Council's interests in a fair manner:</p> <p>1.1 Protect</p> <ul style="list-style-type: none"> a. Environment - The sale of surplus Minor Council Property Assets should aim to improve the environment and encourage sustainable activities. b. Community Interest/Use - The sale of surplus Minor Council Property Assets should be in the best interest of the wider community having full regard to needs and expectations. c. Legal - Council will ensure compliance with relevant legislation and statutory obligations in the disposal of surplus Minor Council Property Assets. d. Financial - The sale of any Minor Council Property Asset should represent value for money with the aim to achieve a minimum of market value for the land except where there is a clearly demonstrated community benefit in selling the land for less than market value.
	<p>1.2 Fair</p> <ul style="list-style-type: none"> a. Consultation - Ensure appropriate consultation with the community and key

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stakeholders and that all relevant comments and representations are taken into consideration.

- b. Transparency - Provide an efficient, consistent and transparent process that will be open to public scrutiny while maintaining appropriate levels of commercial confidentiality.
- c. Equality - Land from surplus Minor Council Property Assets will generally be offered to adjoining property owners on the basis of equitable distribution, except in circumstances where present occupation of greater than 12 years can be demonstrated.

2 POLICY FRAMEWORK

Throughout the life of a Minor Council Property Asset's, there may be a time when it is considered surplus to Council requirements as it is no longer required for access, infrastructure or other strategic purposes.

When a Minor Council Property Asset is declared surplus, Council will consider its discontinuance or change of status (as appropriate) and sale according to this policy. If the Minor Council Property Asset is a Road, a Council resolution is required prior to the discontinuance and sale. A decision to sell any other form of Minor Council Property Asset may be made under delegation.

2.1 Application for Purchase

The process for the sale of a Minor Council Property Asset can be initiated by an adjoining property owner, other interested parties or Council officers. Those parties external to Council will need to complete either an

- Application to Purchase a Minor Council Property Asset – Right of Way; or
- Application to Purchase a Minor Council Property Asset - Revenge Strips, Reserves or Land Size less than 200m2,

on Council's website. The application process may require payment of a non-refundable application fee to Council prior to Council commencing preliminary investigations.

2.2 Declaring a Minor Council Property Asset Surplus

Prior to Council considering a Minor Council Property Asset for disposal, it must be assessed using the Decision Logic Map and Decision Logic Matrix contained within the Property Asset Management Strategy as well as taking into consideration the review criteria and general principles contained in this policy.

If the assessment identifies that the Minor Council Property Asset is no longer be reasonably required for the purpose it was originally set aside for or any other strategic purpose, it may be deemed surplus to Council requirements and the Minor Council Property Asset may be considered suitable for sale. From this point onwards the potential sale of the Minor Council Property Asset would be progressed depending on the status of the land, i.e. Road or Reserve.

On the other hand, if the sale of the Minor Council Property Asset is not considered feasible, any applicant or interested party would be notified in writing of the decision and the reasons for the decision, and no further action would be taken.

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2.2.1 Property Assessment Tool

Council's Property Asset Management Strategy details a structured process to guide decision making for property assets which involves the assessment of a property via a Decision Logic Map to determine how critical that property is to Council's core property functions and the role of that property asset in meeting Council's current and future service requirements. The Decision Logic Map provides a series of questions about a property asset to determine the most appropriate management action to undertake (see Appendix A).

The outcome of the Decision Logic Map process is a result that is consistent with the Decision Logic Matrix (see Figure 1) identifying an appropriate management action for a given property asset based on its ability to provide service and its development potential.

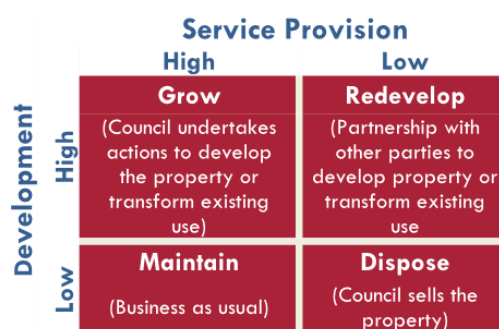


Figure 1 – Decision Logic Matrix

2.2.2 Review Criteria for the Sale of Minor Council Property Assets

The Minor Council Property Asset will be investigated to ascertain its status and whether it may be suitable for sale. This investigation should address the following:

- a. Certificate of Title, including Council ownership and registered encumbrances.
- b. Unregistered encumbrances, including unregistered easements in favour of service authorities.
- c. Zoning: land zoned for public purposes must be appropriately rezoned prior to being offered for sale.
- d. Reasons for the original acquisition and any related obligations.
- e. Potential uses of the site, including the highest and best use of the land and considering the optimum development potential of the land.
- f. Environmental Issues: a historical view and site inspection should be carried out and, if required, a site contamination assessment undertaken. If the land that Council is selling is deemed to be contaminated, a strategy will need to be prepared for the management of that contamination.
- g. Lease and licence agreements, including all associated rights.
- h. Any encroachments on the land and/or rights of adverse possession.
- i. Determining enhancements which may need to be undertaken on the land.
- j. Presentation of the land to expose its best attributes: considerations include repairs, cleaning, clearing of vegetation, painting, pegging of boundaries and associated works.
- k. Servicing of the site, including service authority requirements.
- l. The appropriateness of subdivision of the site and the anticipated costs of

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	<p>any associated public works.</p> <p>m. Whether the land should be sold subject to an agreement under section 173 of the Planning and Environment Act 1987 in circumstance where Council wishes to control the future use or development of the land.</p> <p>n. Town planning permits should be obtained where required.</p> <p>o. Structural and engineering reports may be required.</p> <p>p. Land to be offered for sale with disclosure of relevant information to enable full and proper due diligence inquiry.</p> <p>q. There is a positive financial return to council after consideration of sale costs unless the land is sold for community benefit.</p>
	<p>2.2.3 General Principles for the Sale of a Minor Council Property Asset</p> <p>The following policy principles will be taken into account when considering the sale of a Minor Council Property Asset:</p> <p>a. Discontinuances would generally only proceed where an entire section of Road can be discontinued or the reserve status removed from an entire Reserve.</p> <p>b. The discontinuance of roads that are constructed (i.e. have a surface of bluestone, concrete or asphalt) will only be considered in cases where the road is demonstrably not required for access or where an alternate access can be provided to the satisfaction of adjoining property owners. If the constructed road is on the Council's Register of Public Roads, it will need to be removed from the Register prior to the discontinuance taking effect.</p> <p>c. Land from the discontinuance of the road or removal of reserve status of a Minor Council Property Asset may be retained by Council for its own purposes.</p> <p>d. Land from surplus Minor Council Property Assets will be sold to abutting property owners in accordance with legislative requirements.</p> <p>e. Land from surplus Minor Council Property Assets will be offered for sale at market value plus costs.</p> <p>f. Land from surplus Minor Council Property Assets may be sold for less than market value in cases where a quantifiable community benefit exists, or the land is proposed to be used for services that would otherwise be provided by Council or are complementary to Council services or where there is another equitable interest in that land</p> <p>g. Land from surplus Minor Council Property Assets that are sold for less than market value, as it is to be used for a purpose which provides a community benefit, will be sold with appropriate measures in place (such as an agreement under section 173 of the Planning and Environment Act 1987) to ensure that the land will continue to be used for this purpose.</p> <p>h. Land from surplus Minor Council Property Assets may be sold subject to an easement registered on title in favour of a public authority or Council to protect any right, power or interest in, on, under or over the land.</p> <p>i. Council may remove any bluestone pitchers or other reusable materials upon a Minor Council Property Asset prior to sale.</p> <p>j. Land from surplus Minor Council Property Assets is sold on an as-is basis at the time of transfer with the purchaser responsible for removal of any biological or physical material that may be present.</p> <p>k. Purchasers of land from surplus Minor Council Property Assets will be responsible for arranging for fencing of the land (in accordance with the mutual neighbourly responsibilities set out in the Fencing Act 1968) once the transfer is complete. This would include removal/relocation/reinstatement of fencing along the new boundaries.</p> <p>l. Proposed divisions of Minor council Property Assets may be longitudinal, latitudinal, diagonal or other methods as determined necessary given</p>

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	<p>m. existing conditions and facilitating management and creation of easements. The Purchaser, at its cost, must consolidate the land purchased from council into its abutting land title. The consolidated of the titles must occur within 12 months of the transfer of the land from the Council to the purchaser and the Purchaser must provide evidence to Council to confirm the consolidation of the titles.</p>
	<p>2.3 Consultation</p> <p>Council is committed to an inclusive and transparent consultation process with its community and stakeholders that ensures compliance with relevant legislation, internal policies/strategies and Council's Community Engagement Policy. The Statutory requirements for consultation in respect of the sale of Minor Council Property Assets are set out in section 3 of this policy.</p> <p>Council will ensure that it notifies all relevant internal services and all statutory authorities (both written and via 'Dial Before You Dig' searches) and all asset rights are reserved under any Title Plan.</p> <p>Council will undertake a further review of the appropriateness of the application (and land allocation) based on the results of this consultation.</p> <p>2.4 Costs</p> <p>2.4.1 Sale Price</p> <p>The sale price for a Minor Council Property Asset will be established based upon the following considerations:</p> <ol style="list-style-type: none"> the current market value of the land as determined by the Council's appointed valuer where a sale price less than market value is sought, demonstration and documentation that the sale of the land will provide benefit to the wider community and that these benefits outweighs any loss in financial return where the sale of the land at a sale price less than market rent is outweighed by the legal costs to enforce Council's equitable interest in this land any ownership rights which may have already accrued by the purchaser for Reserves that are in the name of original subdividers. <p>It is understood that the market value for any given Minor Council Property Asset may vary based on the size of the land, its location, its relationship to the purchaser's land, the size of the purchaser's land and whether or not any easements may be required to be placed on title.</p>
	<p>The market valuation will not be determined on Council obtaining the personal financial records of the Applicant and assessing their financial capacity to purchase the land (and meet all associated costs). It is not Council's role or responsibility to undertake this process and the ability to purchase should be solely at the discretion of the Applicant and/or their financial advisors.</p> <p>The <i>Local Government Best Practice Guideline For Sale/Exchange of Land June 2009</i> provides that a transfer of Council land should generally occur at not less than the market value. Deviation from this policy would only be considered by Council where:</p>

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- a community benefit can be documented, and the community benefit outweighs any loss in financial return; or
- another party has a claim of equitable interest in the land

On this basis, an amount lower than the current market value **may** be accepted pursuant to formal resolution at an Ordinary Meeting of the Council after consideration by Council.

2.4.2 Recovery of Sale Costs

Sale Costs are the costs that have been incurred by Council to facilitate the sale of Minor Council Property Assets. Sale Costs include but are not limited to the publication of public notices, legal fees, surveyors fees, valuation costs, conveyancing costs, Council's State Government fees and charges (such as stamp duty, title registration costs and lodgement fees) and any reasonable cost incurred by Council to facilitate the sale of Minor Council Property Assets.

From the date of adoption of this policy, the purchaser of any new sale of Minor Council Property Asset must reimburse to Council 50% of the Sale Costs at the earlier of:

- a. payment of the purchase price at settlement of the sale; or
- b. at or prior to execution of any payment plan agreement

Where land is to be subdivided and sold to multiple purchasers, Sale Costs will be shared equally by the purchasers.

Where all the lots in a discontinued road are not sold, the expenses involved in discontinuing and subdividing the road will be adjusted proportionally in accordance with the proposed subdivision plan.

The allocation of the estimated Sale Costs between multiple purchasers must be agreed by all parties and formalised in a signed 'Letter of Offer'.

2.4.3 Payment Terms

The full purchase price and the purchaser's share of the Sale Costs must be paid by the purchaser to Council prior to the signing of the Transfer of Land documents.

Instalment plans are available to extend the terms of payment of the purchase price, allowing for equal annual payments for a period of up to four (4) years. An additional administration charge as added to the annual payments in order to cover the administration costs required to facilitate such instalment plans.

At the discretion of the Manager, Property & Business Improvement, after taking into consideration any personal circumstances and financial hardship, the instalment period may be extended up to a period of six (6) years.

Instalment plans are made available at no interest or additional cost (other than Council's Administration fee).

2.4.4 Goods and Services Tax

In accordance with the provisions of the *Goods and Services Tax Act 1999*, the sale of Council property (other than the sale of existing residential premises), including the sale and discontinuance and sale of roads, attracts GST. Council must

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	ensure that GST is added to the sale price or that the sale price is inclusive of GST.
	<p>2.5 Land Division</p> <p>When offering land for sale, the following principles set out below will apply:</p> <p>2.5.1 Council will first offer parcels of land to those property owners adjoining the Minor Council Property Asset that can demonstrate continuous and exclusive occupation of those parcels for 12 years or more. This rule does not apply if there is a change in ownership of the Applicant's land.</p> <p>2.5.2 Where 2.5.1 does not apply, the land will be offered on the basis of equal distribution to abutting property owners, taking into account:</p> <ul style="list-style-type: none"> (i) Existing property boundaries (try to make neat parcels and maximise street frontage where possible) (ii) Existing structures and the surrounding land (consider how land can be used by purchasers) (iii) The presence of any underground assets (determining the future fence alignment so that it does not encroach on the easement reserved for the underground assets), noting that land will not be subdivided longitudinally where there is an easement running longitudinally along the land. <p>2.5.3 Council will keep the offer to an abutting property owner open for a period of 28 days. Council officers will undertake a site inspection and physically meet with the owner (where possible) where an adjoining owner fails to respond to Council's invitation (or successive notices).</p> <p>2.5.4 It is essential that Council undertake an equity impact assessment and ensure all owners are afforded the same access to information/right to purchase and not be limited by other factors such as language barriers, financial capacity and Covid related issues.</p> <p>2.5.5 If the owner still fails to respond, it may result in Council offering the land to another abutting property owner.</p> <p>2.5.6 If multiple abutting property owners want to purchase the same portion of land and it cannot be divided in a suitable way or an agreement cannot be reached by the parties involved with regards to the division, Council may invite each party to make a tender for purchase of the whole section of land abutting their property within a specific timeframe. The tender process will generally conform with Council's tender submission process.</p> <p>2.5.7 Council will take title to the land created through the discontinuance of a Road or removal of the reserve status of Minor Council Property Assets, where no abutting property owners wish to purchase the land.</p> <p>2.6 Easements, Caveats and Covenants</p> <p>Council reserves the right to place any easement, caveat or covenant on or over the land to be sold from a Minor Council Property Asset as it deems fit in order to protect its interests or the interests of other service authorities who may have assets on, below or above the subject land.</p> <p>2.7 Other Provisions</p>

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	2.7.1 Adverse Possession
	<p>Adverse possession is a legal principle that may enable an occupier of a piece of land to obtain titled ownership of that land if they can prove uninterrupted and exclusive possession of the land for at least 15 years. Where the land is encumbered with an easement (such as right of carriageway, road or drainage) proof of non-use for at least 30 years is required to extinguish the easement. The validity of an adverse possession claim is assessed by Registrar of Titles via section 60 of the <i>Transfer of Land Act 1958</i>, however the assessment may be challenged through Court action.</p> <p>Section 7B(1) of the <i>Limitation of Actions' Act 1958</i> protects Council from a claim for adverse possession for land which is registered in the name of Council. This does not protect land which is vested in Council, such as a discontinued Road, but not registered in Council's name.</p> <p>If Council receives a claim for adverse possession over a Minor Council Property Asset, Council may:</p> <ul style="list-style-type: none"> • undertake investigations and assessment of the Minor Council Property Assessment to ascertain the status of the land • seek legal advice on potential options available to Council, including establishing title over the land, placing a caveat on the land; potentially opening up the land for its registered purpose, and possibly evicting occupiers • take action in Court to defend Council's property rights, if required. • resolve the claim by selling the land to the occupying party at either the current market value, or a lesser amount. <p>2.7.2 Occupation of a Minor Council Property Asset</p> <p>Council discourages the unauthorised occupation or encroachment of Minor Property Assets and may take the necessary steps to remove such occupation.</p> <p>2.7.2.1 Occupation of Minor Council Property Assets – Council titled land</p> <p>As noted in section 2.7.1, section 7B(1) of the <i>Limitation of Actions' Act 1958</i> protects Council from a claim for adverse possession for land which is registered in the name of Council</p> <p>Where Council becomes aware of occupation of Council titled land, Council may undertake the assessment contained in section 2.7 of this policy to determine if the Minor Council Property Asset is surplus.</p> <p>If the assessment identifies the land is required by Council, the occupier may be requested to remove all buildings and obstructions from the land and reinstate their fence along the correct property boundary. If the occupier fails to comply with the initial letter of request to remove and reinstate, use the power contained in Council's General Local Law to make this request and also to recover costs from occupiers who refuse to comply.</p> <p>If the assessment identifies that the land is <i>surplus</i> to Council's service requirements, it may commence a process to sell the Minor Council Property asset or lease or licence the land to abutting property owners for a nominal annual fee that will be determined on a case by case basis, having due regard to the type of occupation.</p>

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	<p>2.7.2.2 Occupation of Minor Council Property Assets – non-Council titled land</p> <p>Where Council becomes aware of occupation of non-Council titled land, Council may undertake investigations and assessment of the Minor Council Property Asset to ascertain the ownership and the status of the land; seek legal advice on how to protect Council's interest in the land, including establishing title over the land, saving easements over the land, potentially opening up the land for its registered purpose, and possibly evicting occupiers; and consider the potential discontinuance of the road or removal of the reserve status and the subsequent sale of the land at a future date.</p>
	<p>2.7.3 Exceptions</p> <p>An exception to this section is where an abutting property owner that is occupying a Minor Council Property Asset, has agreed 'in writing' to purchase the land from Council following discontinuance or removal of reserve status, or has entered into a lease or licence with Council to use the land.</p> <p>2.7.4 Fencing and Gates</p> <p>Council has no obligation to construct or maintain fencing on land abutting Roads (Schedule 5 Section 4 of the <i>Road Management Act 2004</i>), or public parks or reserves (section 4(2)(c) of the <i>Fences Act 1968</i>).</p> <p>Council will consider the approval/construction of fencing and non-lockable gating of Minor Council Property Assets, for which it is the owner or they vest in Council, when they are sold or licensed to an abutting property owner and where the installation of such will not be detrimental to the access needs of Council, service authorities, emergency services or other property owners, or to stormwater.</p> <p>3 STATUTORY PROCEDURES – LGA</p> <p>3.1 Discontinuance and Sale of Roads (Local Government Act 1989)</p> <p>Pursuant to clause 3 of schedule 10 and sections 206, 207A and 223 of the Local Government Act 1989, Council has the power to discontinue and sell roads.</p> <p>Council officers will prepare a report for Council consideration and decision to:</p> <ul style="list-style-type: none"> • declare that the Road is no longer required as a road and, if the Road is listed on Council register of public roads, remove it from the register; and • commence the statutory procedures. <p>Should Council resolve to commence the statutory procedures, it will give publish notice of the proposed discontinuance and sale and the submission process by public notice, including a title plan and details of any easements, in a newspaper generally circulating in the municipality. Such public notice will allow for submissions to be considered in accordance with Section 223 of the Local Government Act 1989.</p> <p>If submissions are received a Committee of Council will hear submissions.</p> <p>Whether or not submissions are received, a report will be provided to Council to determine whether the Road will be discontinued and sold.</p>

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	<p>All submitters will be notified of the resolution of Council and the reasons for the decision. If a decision is made not to proceed with the discontinuance and sale, the interested parties will be notified.</p> <p>If Council resolves to proceed with the discontinuance and sale of the land, the matter will advance to the final stages.</p> <p>If the discontinued Road is not sold at the time it is discontinued, its subsequent sale must be carried out in accordance with section 114 of the Local Government Act 2020, rather than the Local Government Act 1989.</p>
	<p>3.2 Sale of Land other than Roads (Local Government Act 2020)</p> <p>Section 114 of the <i>Local Government Act 2020</i> provides that Council has the power to sell land.</p> <p>The statutory procedures under section 114 of the <i>Local Government Act 2020</i> require that Council:</p> <ul style="list-style-type: none"> publish a notice of its intention to sell the land on the Council's website at least 4 weeks prior to the sale of the land; and undertake a community engagement process in accordance with its community engagement policy. <p>In contrast to the now repealed Section 189 of the <i>Local Government Act 1989</i>, Section 114 of the <i>Local Government Act 2020</i> does not require Council to publish a public notice in a newspaper circulated within the municipality nor provide for the lodgement of submissions to Council and the consideration of those submissions, pursuant to section 223 of the <i>Local Government Act 1989</i>.</p> <p>Nevertheless, in order to provide a mechanism for feedback from interested parties as part of Council's community engagement process, it is recommended that Council invite both written and verbal submissions on the proposal, and deal with any submissions received, in line with the principles set out in section 223 of the <i>Local Government Act 1989</i>.</p> <p>Under the principles, the notice of intention to sell the Land will afford affected parties the right to lodge a written submission with Council. Submitters may request to be heard by Council prior to a decision being made to proceed or otherwise with the proposal. Any verbal submissions received will be considered by Council's Hearing of Submissions Committee.</p> <p>3.3 Valuation of Minor Council Property Asset (LGA section 114(2)(c))</p> <p>In accordance with section 114(2)(c) of the <i>Local Government Act 2020</i>, a Valuer qualified in accordance section 13DA (1A) <i>Valuation of Land Act 1960</i> will be instructed to carry out a market valuation of the Minor Council Property Asset. This must be carried out not more than six months prior to the sale of the property.</p> <p>Council may choose to keep the valuation confidential prior to the sale of the Minor Council Property Asset.</p>
	<p>3.4 Exemptions</p> <p>Under section 116 of the <i>Local Government Act 2020</i>, Council is exempt from complying with section 114 in respect of the sale of land to any of the following bodies (with or without consideration):</p>

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- the Crown;
- a Minister;
- public body;
- trustee appointed under any Act to be held on trust for public or municipal purposes;
- public hospitals detailed in the *Health Services Act*;
- other hospitals carried on by an association or society that is not for profit to members.

3.5 Removal / Vesting of Drainage Reserves (SDA section 20, 24 & 24A)

If the surplus Council Property Asset is a Reserve, Council officers will prepare a report for Council consideration and decision to apply for a planning permit, for removal and/or vesting of the reserve status from the land in accordance with section 24A of the *Subdivision Act* 1988.

A section 24A plan of subdivision will be prepared for certification by Council and lodging at Land Registry. This subdivision plan will remove the reserve status and vest the land in Council.

Council's obligations in accordance with sections 20 and 24 of the *Subdivision Act* 1988 with respect to how the proceeds of sale are applied and whether replacement open space must be provided, will depend upon whether this section 24A process is undertaken prior to or as part of the sale process.

3.6 Council Report to Determine the Sale

Following completion of the community engagement process, a report will proceed to Council, summarising the submissions and provide a précis of the Hearing of Submissions Committee meeting where applicable.

Council will consider the submissions and make a decision whether the Minor Council Property Asset will be sold, retained or considered for some other alternative.

All parties who have made a submission will be notified in writing of the resolution of Council and the reasons for the decision.

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Responsibilities	<p>How are individuals responsible for the success of the policy?</p> <p>Each officer is appointed in accordance with Council's Instrument of Delegation August 2020</p> <p>Manager, Property & Business Improvement:</p> <ul style="list-style-type: none"> - implementation and management of this Policy, including review of the policy. - management of the discontinuance and sale of roads as outlined in this policy, to carry out the referral stage and negotiate 'in-principle' agreements for their potential sale. - review of any application for the removal of the reserve status received by the Subdivisions Officer. <p>Strategic Planners, Statutory Planners and Subdivisions Officer</p> <ul style="list-style-type: none"> - management of issuing a permit for removal of the reserve status over land and to vest the land in Council, in consultation with the Manager Property and business Improvement. The removal of the reserve status of land via Section 24A of the Subdivisions Act 1988 will only be exercised in accordance with a Council resolution, Council policy or strategy that identifies the land being surplus to Council requirements. <p>CEO</p> <ul style="list-style-type: none"> - responsible for the signing and sealing of any documents relating to the sale and undertakings in accordance with a Council resolution. <p>Council</p> <ul style="list-style-type: none"> - the decision to give public notice and the final decision to discontinue Minor Council Property Assets and any subsequent sale is not delegated to officers and requires Council resolution.
Breach of Policy	<p>Breaches of policies are treated seriously. Any concerns about non-compliance should be reported immediately to the owner of this policy.</p>

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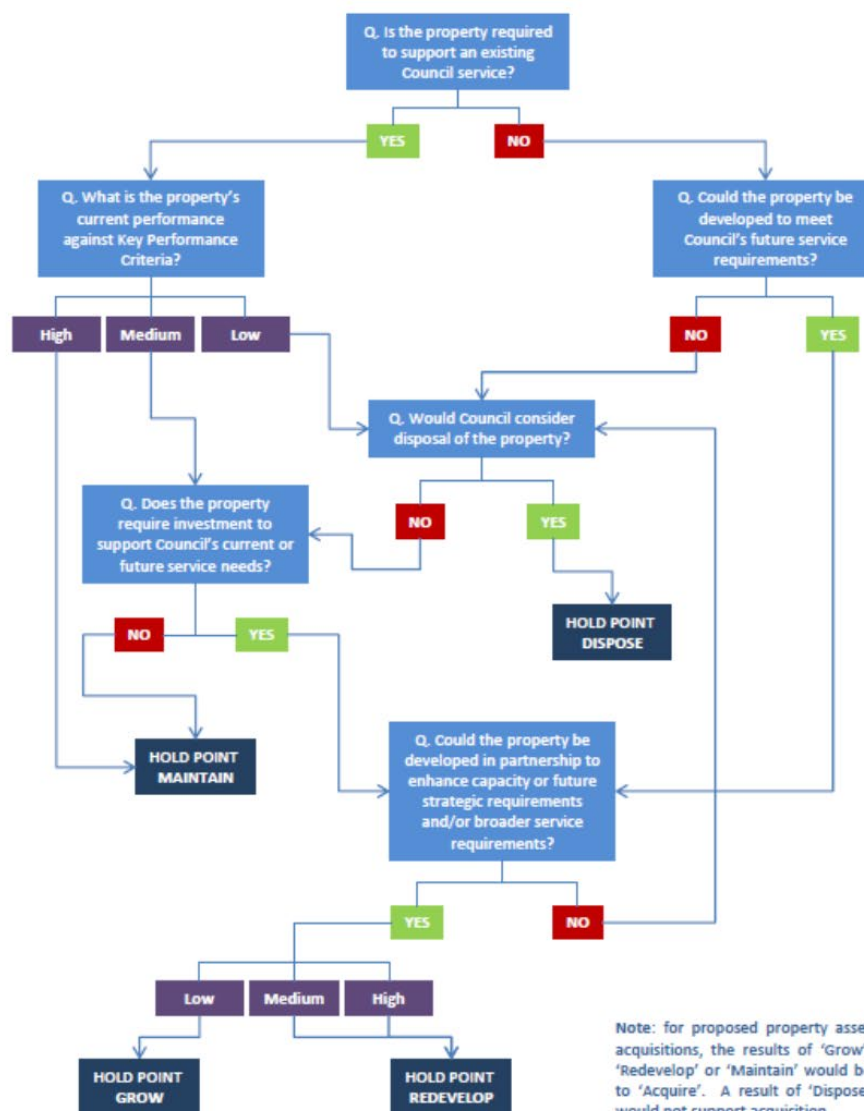
GOVERNANCE

Parent Strategy/ Plan	2014 Asset Management Strategy
Related Documents	<p>This policy should be read in conjunction with Council's:</p> <ul style="list-style-type: none"> • Community Engagement Policy • Council Plan 2021-2025 • Covid-19 Financial Hardship Policy – March 2020 • Road and Place Naming Policy - June 2014 • Road Asset Management Plan - June 2016
Supporting Procedures and Guidelines	
Legislation/ Regulation	<ul style="list-style-type: none"> • <i>Local Government Act 2020</i> • <i>Local Government Act 1989</i> • <i>Subdivision Act 1988</i> • <i>Road Management Act 2004</i> • <i>Transfer of Land Act 1958</i> • <i>Planning and Environment Act 1987</i> • <i>Goods and Services Tax Act 1999</i> • <i>Local Government Best Practice Guideline For Sale/Exchange of Land June 2009</i>
Author	Manager Property and Asset Strategy
Policy Owner/ Sponsor	General Manager Governance and Engagement
Date Effective	22 August 2022
Review Date	August 2026
Version Number	2
Document ID	A6123413
Content enquiries	Manager Property and Asset Strategy

May 2022



Decision Logic Map – Appendix A



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8.5 PROPERTY MATTERS**Author:** Senior Property Officer**Reviewed By:** General Manager, Governance and Engagement

EXECUTIVE SUMMARY

This report seeks Council approval to declare the 3.05m wide road at the rear of 955 to 961 High Street and adjoining 2 Barry Street, Reservoir, a public highway pursuant to section 204(1) of the *Local Government Act 1989*.

Officer Recommendation

That Council:

- (1) Having given public notice of a proposal to declare the Road at the rear of 955 to 961 High Street and adjoining 2 Barry Street, Reservoir, a public highway and having received no submissions, declares the Road, shown hatched on the site plan in **Appendix A**, to be a public highway for the purposes of section 204(1) of the Local Government Act 1989 as and from the date of publication of the declaration in the Victoria Government Gazette.
 - (2) Directs that notice of the declaration be published in the Victoria Government Gazette.
 - (3) Delegates the Manager, Property and Business Improvement to arrange for publication of the notice of the declaration.
-

BACKGROUND / KEY INFORMATION

Council is required to consider a range of property and other relevant matters for decision. These include matters such as property acquisitions and disposals, statutory naming processes, right of way disposals and proposed road declarations. In accordance with best practice and good governance principles, the reporting of all relevant property and legal matters has been consolidated into this one single standing report.

Of particular importance for Council in determining whether the road adjoining the rear of 955 to 961 High Street and adjoining 2 Barry Street, Reservoir (the **road**) should be declared to be a public highway for the purposes of the Local Government Act 1989 (the **1989 Act**) and otherwise will be a consideration of the present and past use of the land as a road. Additionally, the extent and type of past use will have some relevance, as well as a range of land use, development, and planning considerations, any alternative means of other access, and the relationship of the road to the wider public road network.

In preparing this report, Council, officers have had regard to all these considerations. Council officers consider that the road is reasonably required for public use and that its status should be formalised as a public highway.

Relationship between Local Government Act 1989 and Local Government Act 2020

Sections 207A(c) and 223 of the 1989 Act apply to the making of a public highway declaration under section 204(1) of the 1989 Act. This requires Council to publish a public notice in a chosen newspaper and on its Internet website and to consider any written submissions which Council may receive in respect to the proposal before Council makes final decision in the matter.

The statutory procedures applicable to the proposed exercise of powers under section 204(1), 207A(c) and 223 of the 1989 Act are dealt with, as Council officers consider to be appropriate, in the recommendation set out in this report.

In relation to the Local Government Act 2020 (the **2020 Act**), it is confirmed that Council has already determined a 'community engagement process' in accordance with its Community Engagement Policy, and that the policy must be followed where required by the 2020 Act or where otherwise determined by Council in the exercise of its discretions as it sees fit.

As part of Council's community engagement process, Council may separately choose to invite both written and verbal submissions on the proposal and to deal with any submissions received. Through these procedures, any interested/affected/impacted persons will have the right to lodge a written submission with Council. Submitters may request to be heard by Council or a Committee of Council, prior to a final decision being made by Council to proceed or not to proceed with the proposal. Any verbal submissions received will be considered by Council's Hearing of Submissions Committee at a date, time and place to be determined. This approach, as mentioned, will align to the statutory requirements of section 223 of the 1989 Act, and as and if determined by Council, any additional or supplementary consultation requirements as they are set out in Council's community and engagement policy.

Previous Council Resolution

At its meeting held on 28 March 2022, Council resolved:

'That Council:

- (1) Commences the statutory procedures under section 204(1) of the Local Government Act 1989 (the Act) to declare the 3.05m wide road adjoining the rear of 955 to 961 High Street and adjoining 2 Barry Street, Reservoir, shown hatched in the site plan in Appendix A, to be a public highway for the purposes of the Act.*
- (2) In accordance with sections 207A(c) and 223 of the Act, gives public notice in a Melbourne newspaper and on the Internet website of Council of the proposal to declare the road shown hatched in the site plan in Appendix A to be a public highway.*
- (3) As part of Council's community engagement process, give separate notices to interested/affected/impacted persons of the proposal to declare the road shown hatched in the site plan in Appendix A to be a public highway.*
- (4) That any submissions received be considered by Council's Hearing of Submissions Committee on 16 May 2022.'*

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 2: Prosperous, Liveable and Flourishing

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

2.2 We will design and create public spaces where our people feel safe, welcome, and respected, including improving lighting and safety for people walking, wheeling, cycling and driving

DISCUSSION

Council's property portfolio must meet current service needs of its community while providing flexibility to meet future requirements. Roads, reserves, revenge strips and other similar pieces of land (and sometimes being of unusual shape and of limited usefulness e.g., where they are less than 200m² in area) have, in most cases, originally been set aside in early plans of subdivision for a particular purpose, such as access or drainage.

In this matter, the developer of 955-961 High Street Reservoir (the **current development**), was required to construct the subject road to Council's satisfaction in accordance with the conditions of the planning permit (D/674/2019) for the current development. Council inspected and approved the construction of the road on 27 August 2021.

The inspection and approval of the road and its standard of constructions is important because once Council declares the land at the rear of 955 to 964 High Street and adjoining 2 Barry Street, Reservoir to be a public highway for the purposes of the 1989 Act, the road will automatically vest in Council. As such, it will become a public road for the purposes of the Road Management Act 2004, and Council will assume a statutory responsibility/duty to inspect, repair and maintain the road in accordance with the requirements and standards specified in Council's road management plan.

It is considered that, based on a site inspection, the general history of the road, the requirements of the area and the Darebin community more generally, and the completion of the current development, the road is reasonably required for public use and that it should be formally declared to be a public highway. This assessment is based on a range of relevant considerations, but including and in particular a consideration of the present and past use of the land as a road, and the extent and type of its past use, as well as other land use, development, and planning considerations, and any alternative means of other access, and the relationship of the road to the wider public road network.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES**Financial Management**

The applicant, being the developer of 955 to 961 High Street, Reservoir, has met all of the costs associated with Council undertaking this exercise.

Community Engagement

Public Notice of Council's intention to declare the road a public highway appeared in the Herald Sun newspaper on 14 April 2022 and on Council's website for the duration of the submission period. In addition, written notification was given to all adjoining property owners and occupiers.

A copy of the advertisement is in **Appendix B**.

No submissions were received.

Other Principles for consideration

Overarching Governance Principles and Supporting Principles

(a) Council decisions are to be made and actions taken in accordance with the relevant law;

Public Transparency Principles

(c) Council information must be understandable and accessible to members of the municipal community;

Strategic Planning Principles

(d) strategic planning must identify and address the risks to effective implementation;

Service Performance Principles

(a) services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community;

COUNCIL POLICY CONSIDERATIONS

Environmental Sustainability Considerations (including Climate Emergency)

The construction of the road in a concrete surface will a long-life cycle and will require minimal maintenance over that period.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

An Equity Impact Assessment (EIA) / Gender Impact Assessment was not conducted for this matter as there was no impact on either the *Gender Equality Act 2020* or the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Economic Development and Cultural Considerations

There are no factors in this matter which impacted upon economic development considerations.

Operational Impacts

There are no operational impacts attributed to the declaration of this road as a public highway.

Legal and Risk Implications

Council engaged a solicitor to act on its behalf in this matter to mitigate its legal and risk implications.

IMPLEMENTATION ACTIONS

- Arrange for a notice to be published in the Victoria Government Gazette
- Arrange for the road to be entered on Council's Register of Public Roads following publication

RELATED DOCUMENTS

- Local Government Act 1989
- Local Government Act 2020
- Road Management Act 2000

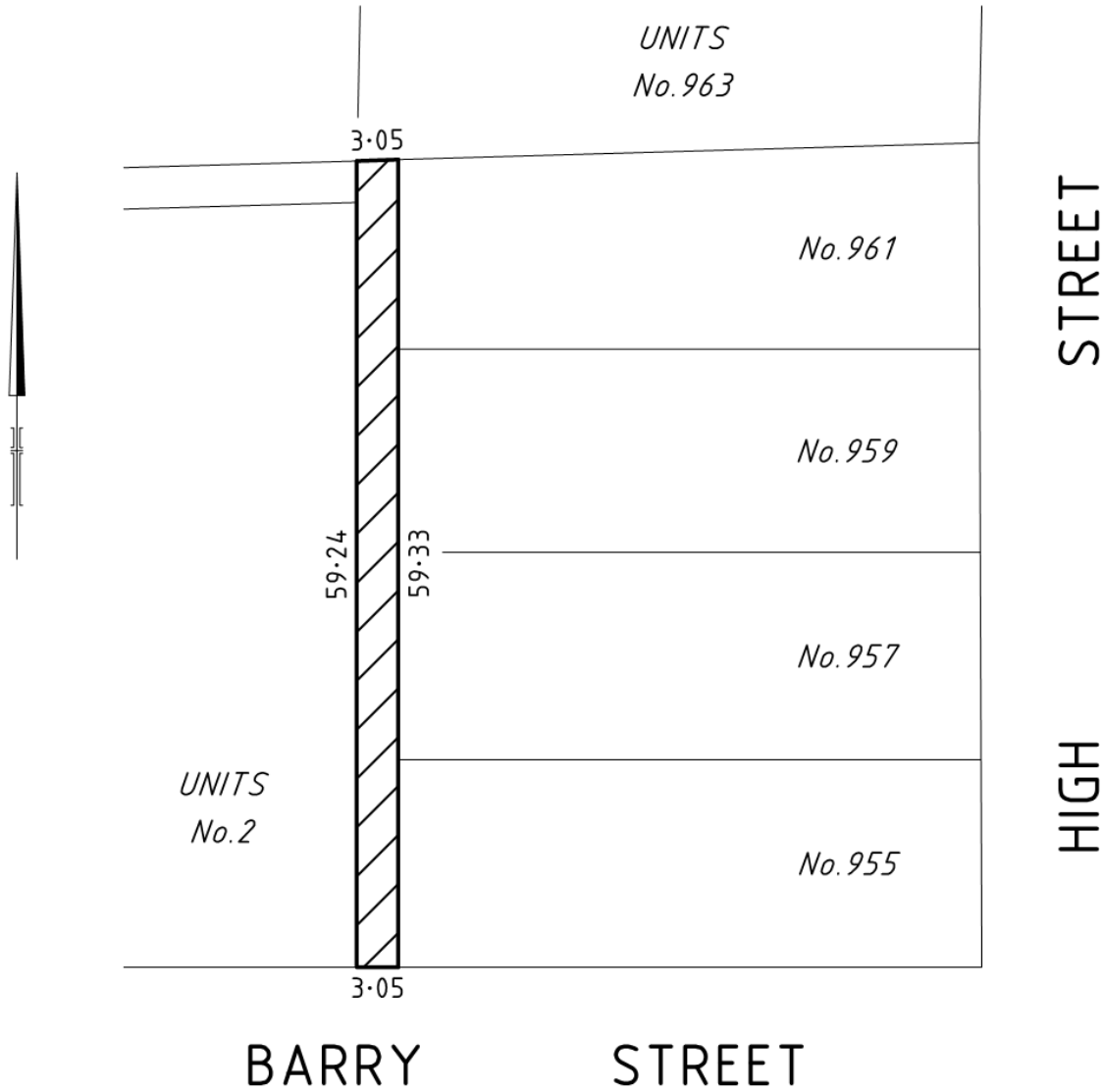
Attachments


- Site Plan (**Appendix A**)
- Public Notice (**Appendix B**)

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of 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.





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PROPOSED DECLARATION OF A PUBLIC HIGHWAY

The Darebin City Council, acting under section 204(1) of the *Local Government Act 1989* ("the Act"), proposes to declare the road at the rear of 955 to 961 High Street and adjoining 2 Barry Street, Reservoir, to be a public highway.

As part of its Community Engagement process Council is inviting submissions on this proposal. Any person wishing to make a submission must do so in writing to the undersigned no later than **Thursday 12 May 2022**.

A person making a submission is entitled to request in the submission that they wish to appear in person, or to be represented by a person specified in the submission, in support of the submission at a meeting of the Council or its Committee on a date, time and place to be determined by the Council.

All submissions will be considered in accordance with section 223 of the *Local Government Act 1989*.

Following the consideration of any submissions, Council may decide to declare the road to be a public highway, part of the road to be a public highway or not to declare the road a public highway.

Any person making a written submission is advised that all submissions and personal information in the submission will be handled by Council in accordance with the provisions of the *Privacy and Data Protection Act 2014*.

A copy of this notice, including a plan showing the section of road proposed to be declared a public highway is available on Council's website <https://www.darebin.vic.gov.au>.

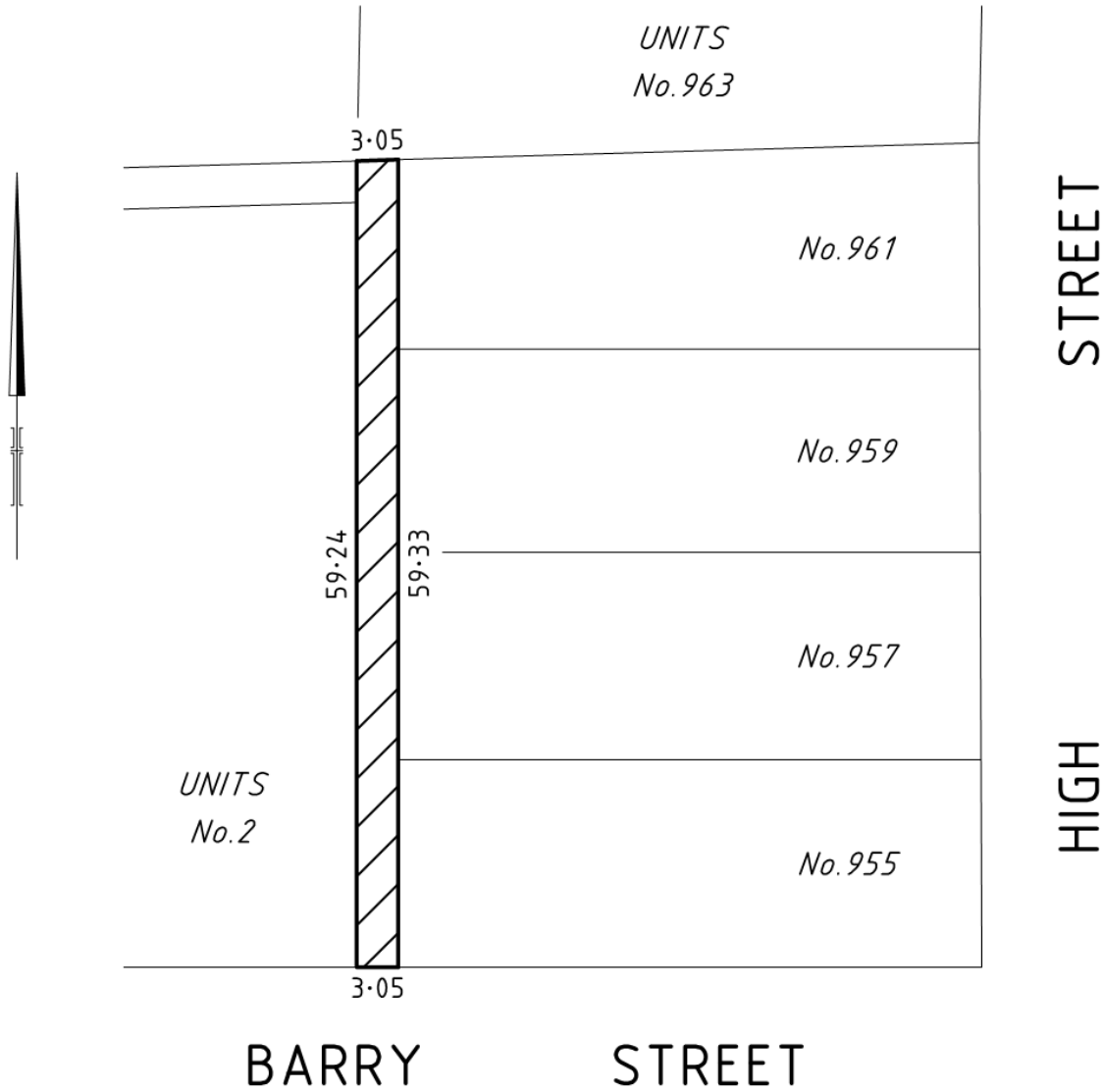
Submissions quoting reference No **fA214871** should be addressed to the Chief Executive Officer, Darebin City Council, PO Box 91, Preston 3072, or delivered to the Municipal Offices, 274 Gower Street, Preston or emailed to mailbox@darebin.vic.gov.au.

**Enquiries to: Macquarie Local Government Lawyers
on 9650 6700 or 0402 325 178**

**Sue Wilkinson
Chief Executive Officer**

MV1642

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Herald Sun



8.6 PROPOSED GOVERNANCE RULES

Author: Manager Corporate Governance

Reviewed By: General Manager, Governance and Engagement

EXECUTIVE SUMMARY

To meet legislative requirements Council is required to implement permanent electronic (virtual) meeting procedures into its Governance Rules no later than 2 September 2022.

This report seeks approval of the Proposed Governance Rules (Rules) that incorporate permanent electronic ('virtual') meeting procedures relating to electronic attendance and participation, and other general amendments and refinements to the existing Rules.

The proposed Rules have taken into consideration feedback following Community Consultation.

Officer Recommendation

That Council:

- (1) Approve the proposed Governance Rules
 - (2) Note the amended Governance Rules will take effect from 23 August 2022
 - (3) Note the feedback provided by the community in relation to the proposed Governance Rules as they apply to electronic meetings and attendance
 - (4) Note that officers will thank individuals who provided feedback
-

BACKGROUND / KEY INFORMATION

The COVID-19 pandemic has highlighted the need for, and usefulness of, a more flexible and modern approach to conducting certain required local government meetings.

The Victorian Government's *Regulatory Legislation Amendment (Reform) Act 2022* ('Reform Act') introduces into the *Local Government Act 2020* ('the Act') provisions relating to electronic attendance and participation in council meetings and delegated committees on a permanent basis. The new provisions take effect on 2 September 2022.

The new provisions provide that Councillors, and members of delegated committees, may attend and be present by electronic means (virtual) of communication provided they comply with the Governance Rules (section 61(6A)).

Under section 66 of the Act, a council or delegated committee must keep a meeting "open to the public" except in specified circumstances. New provisions insert a definition of "open to the public" to mean, in the case of a council or joint meeting of councils, or a delegated or joint delegated committee:

- Either, attendance in person by a member of the public, or a meeting that is broadcasted live on the council internet site; or

- A recorded meeting that is published on the council internet site as soon as practicable after the meeting (in the case of a delegated or joint delegated committee only); or
- Any other prescribed means of meeting

In considering the permanent electronic meeting procedures, officers took into consideration the *Equal Opportunity Act 2010* as it applies to Councillors requesting approval to attend meetings via electronic means, and the *Gender Equality Act 2020* when considering flexibility with respect to participation at council meetings and to enhance access for people with health issues and/or caring responsibilities, or who are unable to travel long distances.

Previous Council Resolution

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

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 1: Vibrant, Respectful and Connected

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

1.3 We will embrace diversity and ensure everyone is included in our society, and no one is left behind – by combating discrimination, and championing equity, inclusivity and diversity

DISCUSSION

The Governance Rules are key to how Council and Delegated Committees are governed. In developing the Rules there needs to be a balance between Councillors making important decision at the scheduled meetings on behalf of the municipality and having community participation at the meetings.

The changes to incorporate electronic mechanisms give Councillors and the public who may face barriers attending meetings to take part, while also allowing those who prefer attending in-person the opportunity to continue doing so.

At the time of closing the community consultation 17 of 22 completed feedback was received (5 responses were disqualified due to not completing the survey). Consideration was given to all feedback received with the preferred method of conducting future council meetings being hybrid (online). Some comments indicated the public were not clear that if they submit a public question or register to present a submission by 12 noon whether they could still ask their submitted question or present their submission personally. The Rules allow for the public to read out their public question personally if they are in attendance and have submitted it by 12 noon on the day of the meeting. Similarly, for submission, if a member of the public has registered their interest by 12 noon on the day of the meeting, they or their representative can present it at the meeting. Other general feedback was the meetings need to be shorter and conducted in a timely manner with a focus on decision-making.

Overall, support was provided by the community for the permanent inclusion of electronic meeting procedures.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

There is no financial impact in adopting the proposed Governance Rules.

Community Engagement

On 2 August 2022, community consultation opened via Council's 'Your Say' internet page. In addition, notifications were sent directly to 43 'Your Say Darebin' members, social media posts via Council's LinkedIn, Facebook and Twitter platforms providing links to Council's website and to promote and encouraged community feedback. Engagement hardcopy brochures were distributed across various Darebin locations encouraging our community to provide feedback.

The inclusion of permanent electronic meeting procedures provides many opportunities that will improve the capacity of community members to actively participate in meetings and also for Councillors to elect to attend in person or virtually. These changes are significant in the context of our democracy and have the capacity to 'open up' Council and Civic activities to people who have previously been structural excluded, including people with disabilities, younger and older people and people with caring responsibilities.

While the community consultation was open it was identified that the Rule around electing the Mayor and Deputy Mayor needed to be changed to ensure consistency with the *Local Government Act*. While this change was a late amendment, the update did not affect the rights or interest of the community and their participation at meetings. In addition, it had no effect on the consultation process.

A summary of the community consultation results is attached at Appendix A to this report.

Other Principles for consideration

Overarching Governance Principles and Supporting Principles

- (i) the transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;

Service Performance Principles

- (b) services should be accessible to the members of the municipal community for whom the services are intended;

COUNCIL POLICY CONSIDERATIONS**Environmental Sustainability Considerations (including Climate Emergency)**

There are no environmental sustainability considerations required for the proposed amendments.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

A verbal discussion was held with the Equity, Wellbeing and Economic Development team. Due to the nature of the amendments to the Governance Rules to incorporate electronic means for attending Council and Planning Committee meetings, it was decided assessments were not required. This was on the basis the Rules were incorporating additional options for Councillors and the community to participate in meetings.

Operational Impacts

Officers will ensure the technology required to host hybrid meetings are implemented prior to the first hybrid meeting.

Legal and Risk Implications

There are no legal or risk implications with the adoption of the Governance Rules.

IMPLEMENTATION ACTIONS

Publish the Governance Rules on Council's web site

RELATED DOCUMENTS

- Local Governance Act 2020 (Vic)
- Minister's Good Practice Guideline MGPG-3: Virtual Meetings

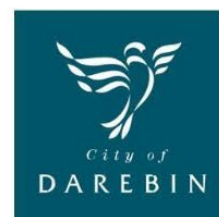
Attachments

- Governance Rules (**Appendix A**)
- Community Survey Results (**Appendix B**)

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of 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.



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GOVERNANCE RULES 2020

July 2020

darebin.vic.gov.au



These Governance Rules 2020 are made in accordance with Section 60 of the *Local Government Act 2020* and adopted by resolution of Darebin City Council on 20 July 2020.

Version	Date Adopted by Council	Amendment
1.0	20 July 2020	
1.1	22 August 2022	Incorporate the Minister for Local Government Good Practice Guideline MGP-3: Virtual Meetings Various refinements to enhance clarity and consistency

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AUTHORISATION

- 1) The Darebin City Council at its Meeting on 20 July 2020 has established these Governance Rules in accordance with section 60 of the *Local Government Act 2020*.

Date of Commencement

- 2) These Governance Rules commence on 20 July 2020.

COMMITMENT

Good governance and integrity underpin local government democracy, accountability and conduct. Adherence to these principles enables our community to hold the Council to account for its performance and reflects the obligations of the *Local Government Act 2020* (the Act).

The principles of good governance are to be applied throughout all decision making, corporate governance and democratic governance by adherence to these Governance Rules. The principles of good governance incorporate the overarching governance and supporting principles outlined in section 9 of the Act¹.

Council decision making will also be conducted with transparency. The process by which decisions will be made is transparent and clearly articulated in these Governance Rules for the scrutiny of our community and accountability of Councillors and Council officers.

¹ 9 Overarching governance principles and supporting principles

- (1) A Council must in the performance of its role give effect to the overarching governance principles.
- (2) The following are the overarching governance principles—
 - (a) Council decisions are to be made and actions taken in accordance with the relevant law;
 - (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
 - (c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
 - (d) the municipal community is to be engaged in strategic planning and strategic decision making;
 - (e) innovation and continuous improvement is to be pursued;
 - (f) collaboration with other Councils and Governments and statutory bodies is to be sought;
 - (g) the ongoing financial viability of the Council is to be ensured;
 - (h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
 - (i) the transparency of Council decisions, actions and information is to be ensured.
- (3) In giving effect to the overarching governance principles, a Council must take into account the following supporting principles—
 - (a) the community engagement principles;
 - (b) the public transparency principles;
 - (c) the strategic planning principles;
 - (d) the financial management principles;
 - (e) the service performance principles.

CHAPTER 1 – INTRODUCTION

1. Purpose

These Rules determine the way in which *Council* (including persons acting with the delegated authority of *Council*), *Council must make a decision*:

- i. in the best interest of the Darebin community
 - ii. fairly and on the merits of the question
 - iii. in a way that ensures any person whose rights will be directly affected by a decision will be entitled to communicate their views and have their interests considered.
- (a) elect its *Mayor* and *Deputy Mayor*, Acting Mayor and Chairpersons of Committees
 - (b) conduct meetings of *Council* and *Delegated Committees*
 - (c) give notice of meetings (including access arrangements) and record and make available meeting minutes
 - (d) be informed in its decision making through community engagement, input from advisory committees and Council officer reports
 - (e) require the disclosure and management of conflicts of interest
 - (f) regulate the form and availability of meeting records

These Rules also include:

- (a) rules for the conduct of *Council* and Councillors during Election periods, through the Election Period Policy
- (b) an overview of alignment of these Rules within *Council's* democratic and corporate governance

CHAPTER 2 - CONTEXT

2.1 Affected Persons Rights and Interests

Before making a decision that affects a person's rights, *Council* will identify whose rights may be affected and provide an opportunity for that person (or persons) to convey those views regarding the effect on their rights and consider those views.

This includes but is not limited to the rights outlined in the Charter of *Human Rights and Responsibilities Act 2006* and *Towards Equality, Equal Opportunity Act 2010*, *Gender Equality Act 2020*, Darebin City Council's Equity, Inclusion and Human Rights Framework 2019-2029. The opportunity provided for a person whose rights have been affected to contribute their views will be documented in any relevant report put before the Council. A Council officer making a decision under delegation that affects the rights of a person will record in writing the opportunity provided to the person to have their views considered.²

2.2 Context

These Rules are to be read in the context of and in conjunction with:

- (a) the overarching governance principles specified in section 9(2) of the *Act*; and
- (b) the following documents adopted or approved by *Council*:
 - Community Engagement Policy Public Transparency Policy;
 - Councillor Code of Conduct;
 - Employee Code of Conduct;
 - Other relevant policies.

Any Guidance, Overview Notes and Footnotes within these rules are intended to be explanatory and do not form part of these Governance Rules. They will be monitored and updated as required to reflect changes to legislation or to assist interpretation and understanding.

2.3 Definitions

- (1) In these Governance Rules, unless the context suggests otherwise the following words and phrases mean:

Act means the *Local Government Act 2020*.

Absolute Majority means the number of Councillors which is greater than half the total number of the Councillors of a Council. In the case of a Delegated Committee an absolute majority is the number of members which is greater than half the number members appointed to the Delegated Committee.

Advisory committee means a committee established by the Council, that provides advice to Council.

² Section 60(2) *Local Government Act 2020*

The Governance Rules must provide for a Council to—

- (a) consider and make decisions on any matter being considered by the Council fairly and on the merits; and
- (b) institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.

Attend, attending and in attendance include attend, attending or in attendance by electronic means.

Authorised Officer means a Member of Council staff who is authorised by *Chief Executive Officer* or by the Council either generally or in a particular case.

Chairperson means the Chairperson of a Meeting and includes an acting, temporary and substitute Chairperson.

Chamber means any room where the Council holds a *Council Meeting*.

Chief Executive Officer includes an Acting *Chief Executive Officer*.

Committee means a Committee established by Council, including a Delegated Committee.

Common Seal means the common seal of Council.

Council means *Darebin City Council*.

Council Meeting has the same meaning as in the Act.

Council staff means a person who is appointed (other than an independent contractor under a contract for services or a volunteer) to enable the functions of the Council to be carried out.

Delegate means a member of Council staff whose powers, functions and duties have been delegated by an instrument of delegation from the *Chief Executive Officer*.

Delegated Committee means a delegated committee established by Council under section 63 of the Act, or a joint delegated committee established by 2 or more Councils under 64.

Deputy Mayor means the *Deputy Mayor* of Council.

Disorder means any disorderly conduct of a member of the Gallery or a Councillor and includes:

- interjecting when another person is speaking, except, in the case of a Councillor, to raise a Point of Order;
- making comments that are defamatory, malicious, abusive or offensive;
- refusing to leave the Meeting when requested, ordered or directed to do so by the Chairperson in accordance with these Governance Rules; and
- engaging in any other conduct which prevents the orderly conduct of the Meeting;

Electronic Means includes email or facsimile transmission or similar electronic means of communication including utilising in house, hosted or cloud-based file and document sharing software or systems and includes the virtual attendance at Council or Delegated Meetings.

General Manager means a senior officer of Council staff holding the position of General Manager or another position (however designated) reporting directly to the *Chief Executive Officer*.

Majority of the Votes means a majority of Councillors or members of a Delegated Committee present at the time of a vote voting in favour of a matter.

Mayor means the *Mayor* of Council, and any person appointed by Council to be acting as *Mayor*.

Member means a Councillor or member of a Delegated Committee.

Special Council Meeting means a meeting of the Council convened for a particular purpose or matter that cannot conveniently be dealt with in the next Ordinary *Council Meetings*.

These Rules means these Governance Rules.

Rule or Sub-rule means a rule or sub-rule included in these Rules.

CHAPTER 3 – MEETING RULES

In accordance with s 60 of the *Act* these Rules are for and with respect to:

- (a) the conduct of *Council Meetings*;
- (b) the conduct of meetings of delegated committees;
- (c) the form and availability of meeting records;
- (d) the election of the *Mayor* and the *Deputy Mayor*;
- (e) the appointment of an Acting Mayor.

PRELIMINARY

Italicised Notes

Italicised notes are to be found through the Meeting Rules. These are explanatory notes only and are provided as guidance. They do not form part of the Meeting Rules.

The italicised notes may be updated from time to time to reflect changes to legislation or to assist understanding.

Overview

The Preliminary chapter of the Meeting Rules outlines the title, purpose, authority and the application of the Meeting Rules.

It also defines key terms used throughout the Meeting Rules.

Title

These are the Darebin City Council Meeting Rules 2020 which forms part of Council's Governance Rules made under section 60 of the *Act*.

Application of the Meeting Rules

- (1) These Rules apply at all times throughout the Municipality.
- (2) Where applicable these Rules must be read in conjunction with the Councillor Code of Conduct.
- (3) These Rules will apply to all Ordinary and Special meetings of Council and any Delegated Committees established by Council under the *Act*.

1. ORDINARY COUNCIL MEETINGS, SPECIAL COUNCIL MEETINGS AND DELEGATED COMMITTEES OF COUNCIL

1.1. Notice of Meetings and Agenda Distribution

Overview:

Ordinary Meetings are held regularly to conduct the ongoing business of the Council.

Special Council Meetings are unscheduled meetings of the Council and are held when called to deal with the specific business detailed in the notice or resolution requesting the Chief Executive Officer to call them

Delegated Committee Meetings are meetings of :

- *a Delegated Committee established by Council pursuant to, and in accordance with, section 63 of the Act; or*
- *a joint delegated committee established by 2 or more Councils under section 64 of the Act.*

Wherever possible, an agenda for each type of Meeting must be provided to Councillors in advance so that they can prepare adequately for the Meeting.

In the case of Delegated Committees that are not comprised solely of Councillors, the Chairperson must provide reasonable notice to the public of meetings of the Delegated Committee. Council must ensure that public notice of any meeting is also published on Council's website).

1.1.1. Calling and Scheduling of Ordinary Council Meetings and Special Council Meetings

- (1) The dates, times and locations of *Council Meetings* will be fixed by Council from time to time.
- (2) Notwithstanding sub clause (1) the date, time and location of a *Council Meeting* may be altered by Council resolution, or the *Chief Executive Officer*, may change the date, time and place of, or cancel, any Meeting which has been fixed and must provide notice of the change to the public.
- (3) A schedule of *Council Meetings* must be prepared and published in publications that are distributed throughout the municipality (including Council publications) and on Council's website at least once each year or with such greater frequency as the *Chief Executive Officer* determines.

1.1.2. Calling and Scheduling of Special Council Meetings

- (1) A notice to call a *Special Council Meeting* must be delivered to the *Chief Executive Officer* in enough time to enable the provisions of this section to be observed.
- (2) Any resolution of Council to call a *Special Council Meeting* must specify the date and time of the *Special Council Meeting* and the business to be transacted. The date and time of the *Special Council Meeting* must not be prior to 6pm on the day following the *Council Meeting* at which the resolution was made.
- (3) Council must at least seven (7) days before the holding of a *Special Council Meeting* give public notice.
- (4) If urgent or extraordinary circumstances prevent the Council from giving the prescribed notice, Council must give such public notice as is practicable and specify in the minutes of the Meeting the urgent or extraordinary circumstances which prevented Council from complying with the seven (7) day notice.

1.1.3. Process to Call a Special Council Meeting

- (1) The *Mayor* or at least 3 Councillors may by written notice call a *Special Council Meeting*.
- (2) The notice must specify the date and time of the *Special Council Meeting* and the business to be transacted.
- (3) The Council may by resolution call a *Special Council Meeting*.
- (4) The resolution must specify the date and time of the *Special Council Meeting* and the business to be transacted.
- (5) The *Chief Executive Officer* must call the delegated meeting as specified in the notice or resolution.
- (6) Unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in the notice or resolution is to be transacted.
- (7) The *Chief Executive Officer* may call a *Special Council Meeting* within 14 days of the result of a Council election being declared.

1.1.4. Agenda Distribution for Ordinary Meetings and Special Meetings

- (1) At least six (6) days prior to a scheduled meeting, an Agenda incorporating the business to be dealt with must be:
 - (a) discussed between the *Chief Executive Officer* and *Mayor* prior to distribution;
 - (b) delivered to each Councillor by electronic means; and
 - (c) published on Council's website.
- (2) If it not possible to comply with sub-clause (1) for any reason, the *Chief Executive Officer* must ensure delivery and publication of the Agenda as soon as reasonably possible.

1.1.5. Adjourned, Cancelled or Postponed Meetings

- (1) The *Chief Executive Officer* may cancel or postpone any Meeting by giving such notice to Councillors via electronic means and the public via publication on Council's website as soon as is reasonably practicable, where they are satisfied that the cancellation or postponement is warranted because:
 - (a) of an emergency;
 - (b) a quorum will not be achieved due to apologies received ahead of the Meeting;
 - (c) there is insufficient material in the Agenda to justify a Meeting being held;
 - (d) holding the Meeting would give rise to a risk to health and / or safety; or
 - (e) of any other circumstances have arisen which make the holding of the Meeting undesirable.
- (2) If a Meeting is adjourned, cancelled or postponed to another day for any reason, clauses 1.1.4(1), (2) and (3) apply to the extent that is reasonably practicable.

1.2. Quorums

Overview:

No business can be transacted at any Meeting unless a majority of the Councillors are present (Quorum).

If there is no Quorum at the commencement of a Meeting or if a Quorum cannot be maintained during a Meeting, the Meeting is to be adjourned to another date and/or time.

1.2.1. Quorum to be present

- (1) No business may be conducted at any *Council Meeting* unless a Quorum is present.
- (2) Quorum means presence by a majority of Councillors.

1.2.2. Failure to Raise a Quorum

- (1) If a Quorum is not present within 30 minutes of the time appointed for the commencement of a Meeting, the *Chief Executive Officer* or, in their absence, another Officer, will adjourn the Meeting to a later time on the same day, or to another date and time not more than 14 days from the original date of the Meeting.
- (2) Unless the Meeting is adjourned to a later time on the same day, the *Chief Executive Officer* or, in their absence, another Officer, must give notice to all Councillors of the adjourned Meeting in accordance with clause 1.1.5 of these Rules.

-
- (3) The requirement in sub-clause (2) does not apply in respect of any Councillor who has been granted leave obtained from the Council pursuant to section 35(1)(e) of the *Act* and who has not requested the *Chief Executive Officer*, in writing, to continue to give notice of Meetings to be held during the period of leave of absence.

1.2.3. Inability to Maintain a Quorum

- (1) If a quorum is lost after a Meeting has commenced, the *Chief Executive Officer* or, in their absence, another Senior Officer, must immediately adjourn the Meeting for a period not exceeding 30 minutes, at which time, if a quorum is:
- (a) present, the Meeting resumes; or
 - (b) not present and, after using their best endeavors to regain a quorum, and they cannot do so, they must announce that the Meeting has closed.
- (2) If a Meeting closes under sub-clause (1)b), the undisposed business must be listed at:
- (a) the next Ordinary *Council Meeting*; or
 - (b) a subsequent *Special Council Meeting* convened for this purpose; or
 - (c) a subsequent Meeting where the undisposed business is included in the business to be transacted for that Meeting.
- (3) All business transacted prior to the closure of a Meeting due to loss of a quorum is valid and capable of being acted upon.

1.2.4. Inability to Achieve or Maintain a Quorum Due to Conflicts of Interest of Councillors

- (1) The Chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors that will cause a quorum to be lost, and direct the *Chief Executive Officer* to include that item of business on an Agenda for a future Meeting. This does not require a resolution of Council.
- (2) If a Quorum cannot be achieved or maintained due to the declaration of conflicts of interest by the majority of Councillors, the *Chief Executive Officer* or, in their absence, another Officer, may adjourn the Meeting for a length of time sufficient to enable exemption for the affected Councillors to be obtained from the Minister.

1.3. Time Limits for Meetings

1.3.1. Time Limits for Meetings

- (1) A Meeting must not continue for more than three (3) hours from the time that the Meeting started unless a Procedural Motion for a Continuance is carried (with a mover and seconder, and no debate).
- (2) A Continuance of a Meeting will be in a block period of 30 minutes.
- (3) After the initial 30-minute Continuance, the Meeting must not continue unless a Procedural Motion for a further Continuance is carried.
- (4) A Meeting may only be continued for a maximum of two (2) 30-minute Continuances.
- (5) In the absence of a Continuance or in the event there is further business to be transacted at the completion of two Continuances, the Meeting must stand adjourned and be re-convened in accordance with this Meeting Rules.
- (6) If sub-clause (5) applies, clause 1.1.5 operates with respect to the provision of notice of the adjourned Meeting.
- (7) Notwithstanding sub-clause (5), the Chairperson may seek the agreement of Councillors not to adjourn the Meeting to a subsequent day, if the Chairperson reasonably believes the remaining business will take less than 15 minutes to transact.
- (8) In the absence of a Continuance under this clause:
 - (a) Council may, during the time allowed for the Meeting, resolve that the Meeting be adjourned; or
 - (b) at the conclusion of the time allowed for the Meeting, the Meeting must stand adjourned and any undisposed business must be disposed of in accordance with clause 1.2.3(2).

1.4. Chairperson may Temporarily Adjourn a Meeting

The Chairperson may adjourn a Meeting for up to 10-minutes, at any point in proceedings. This does not require a Council resolution.

1.5. Business Transacted Valid

All business transacted at the Meeting before any adjournment will remain valid and be capable of being acted upon.

2. Business of Meetings

Overview:

The business to be transacted at a Council Meeting is contained in the Agenda provided to Councillors and available to the public on Council's website.

The Chief Executive Officer oversees preparation of the Agenda and determines with the Mayor the content and order of business to facilitate open, efficient and effective processes of government. Council can, admit an item of urgent business after the distribution of the Agenda.

Relevant Provisions of the Local Government Act – Conflict of Interest

Part 6 Division 2 of the Act defines when a Councillor will have a conflict of interest. Any Councillor who has a conflict of interest must comply with the requirements of the Part of the Act and with the Governance Rules of the Council relating to procedures for the disclosure of a conflict of interest.

Among these requirements is the requirement to disclose the existence of a conflict of interest and the type of interest and nature of the interest. This must be done immediately before the consideration or discussion of the item in which the Councillor has a conflict of interest, unless the type and nature of the conflict of interest have been disclosed to the Chief Executive Officer in writing before the Meeting. If the type and nature of the interest have been disclosed to the Chief Executive Officer in writing before the Meeting, only the existence of the conflict of interest and the type of interest must be disclosed in the Meeting.

Whilst a Councillor must disclose the conflict of interest at the commencement of the Meeting when conflicts of interest are called for, the existence of the conflict of interest and the class and nature of the interest must again be disclosed immediately before any consideration or discussion of the relevant Agenda item occurs.

2.1. Order of Business

- (1) The *Chief Executive Officer* is responsible for preparation and delivery of the Agenda, including the determination of the order of business.
- (2) Once the Agenda has been circulated, no further changes will be made to the Agenda, unless the *Chief Executive Officer* determines to issue a supplementary report.
- (3) The Agenda for each Ordinary Meeting (only) must contain the following items:
 1. Opening of Meeting
 2. Acknowledgement of Traditional Owners
 3. Apologies
 4. Disclosures of Conflicts of Interest
 5. Confirmation of the Minutes of *Council Meetings*
 6. Council's Occupational Health & Safety Responsibilities

7. Public Question Time
8. Petitions
9. Consideration of Reports
10. Notices of Motion
11. Urgent Business
12. Records of Assemblies of Councillors
13. Reports by *Mayor* and Councillors
14. Consideration of Reports Considered Confidential
15. Close of Meeting

- (4) The items to be listed on the Agenda of any Meeting of a Delegated Committee will be determined by the *Chief Executive Officer*.

2.2. Change to the Order of Business

- (1) A change to the order of business may only be made by through a Procedural Motion. (with a mover and seconder, and no debate)
- (2) Changes to the order of business through a Procedural Motion may be made more than once during a Meeting.

2.3. Business at Meetings

- (1) No business can be dealt with at an Ordinary Meeting or Special Meetings unless:
 - (a) it is contained on the Agenda; or
 - (b) it is admitted as urgent business in accordance with 8.1.

2.4. Conflict of Interest

Councillors, members and officers must provide a full disclosure of any conflict of interest in accordance with Chapter 5 of these Rules under Part 6 Division 2 of the Act.

2.5. Presence of Councillors

Councillors must be either physically or electronically in attendance for the *Council Meeting* in order to participate in the meeting and vote. Councillors must comply with the provisions of these Rules in respect to Physical and Remote Attendance (refer Clause 11.1 of these Rules).

Note:

To the extent that there may be any conflict or inconsistency between these Rules and the Act, the Act will prevail.

3. Role of the Chairperson

Overview:

In accordance with the Act, the role of the Mayor is to Chair Council Meetings. If the Mayor is absent, the Deputy Mayor (if any) must take the Chair and if both are absent, Council must elect one of the Councillors as temporary Chairperson.

The way in which Council and Committee Meetings are conducted makes a significant contribution to good governance. The Chairperson plays a crucial role in facilitating an orderly, respectful, transparent and constructive meeting by ensuring all Councillors and members of Committees have the opportunity to be heard, matters are adequately discussed, meeting procedures are followed and statutory requirements are adhered to.

The Chairperson is an independent leader of meetings and generally does not participate in debate or move or second motions. Specific duties and discretions of the Chairperson are outlined throughout this Meeting Rules.

3.1. Mayor to Take Chair

- (1) The Mayor must take the chair at all *Ordinary Council Meetings* and other Meetings conducted by or on behalf of *Council* at which they are present unless:
 - a) they are precluded from doing so because of a conflict of interest;
 - b) they step down from the chair for a short period with the consent of the Meeting; or
 - c) in the case of a Delegated Committee Meeting, Council or the Delegated Committee has appointed someone else as a Chairperson for that Delegated Committee.
- (2) If the *Mayor* is unable to take the chair or steps down in accordance with sub-clause (1), the *Deputy Mayor* must take the chair.
- (3) If the *Deputy Mayor* is not present or is unable to take the chair, an acting or temporary Chairperson will be appointed.

3.2. Appointment of an Acting or Temporary Chairperson

- (1) The election of an acting or temporary Chairperson will be made by through a procedural motion. (requiring a mover and seconder, and with no debate)
- (2) While considering a motion to appoint of an acting or temporary Chairperson, the Meeting will be chaired by:
 - a) the *Mayor*; or where the *Mayor* is not present
 - b) the *Deputy Mayor*; or where the *Deputy Mayor* is not present
 - c) a Councillor elected by the Council
 - d) *Chief Executive Officer*.

3.3. The Chairperson's Duties and Discretions

In addition to the specific duties and discretions provided in these Rules, the Chairperson has the following duties.

- (1) The Chairperson must not accept any motion or amendment which is determined by the Chairperson to be:
 - (a) defamatory, malicious, abusive or objectionable in language or substance;
 - (b) vague or unclear in intention;
 - (c) outside the powers of Council;
 - (d) irrelevant to the item being considered;
 - (e) purporting to be an amendment but is not;
 - (f) the same as, or similar in intent to, a Notice of Motion or other motion (including lost and lapsed motions) that were considered by Council in the preceding six (6) months, unless the majority of the whole Council consents to it being accepted and debated;
 - (g) it includes a misleading or false statement; or
 - (h) unclear in its intent or may be subject to misinterpretation, the Chairperson must lay the motion on the table until the next *Council Meeting* when advice will be provided by the *Chief Executive Officer* as to the meaning or the motion as worded.
- (2) The Chairperson must allow the *Chief Executive Officer* the opportunity to correct factual errors or incorrect assertions that arise during the Meeting.
- (3) The Chairperson must ensure that silence is preserved in the public galley during a Meeting.
- (4) The Chairperson must call to order any person if their behaviour is disruptive or unruly or interferes with the conduct of the business of Council.
- (5) The Chairperson must call to order any member of the public who approaches the Council table during the Meeting, unless invited by the Chairperson to do so.
- (6) The Chairperson must decide on all points of order in accordance with clause 10.3.

3.4. Chairperson's Ruling

Where the Meeting Rules do not provide for a procedure for a Meeting, the Chairperson will determine the procedure to be followed.

4. Motions

Overview:

This section describes the procedure for introducing a motion or amendment, the rules of debate, foreshadowing a motion or amendment and the duty of the Chairperson in relation to accepting motions and amendments.

A Councillor may move any motion related to an item included in the Agenda. In the interests of transparency and informed decision making, motions or amendments should not introduce new matters to a debate that have not been the subject of the report or background of the motion being considered by Council.

As a resolution must be able to be acted upon, a motion must clearly state what is intended and what its impact will be. This provides clarity for the implementation of Council decisions.

4.1. Moving a Motion

The procedure for moving any motion is as follows.

- (a) A Councillor who wishes to move a motion must raise their hand (not stand).
- (b) The Chairperson will call on the Councillor they determine raised their hand first.
- (c) The mover must state the motion without speaking to it.
- (d) The motion must be seconded by a Councillor other than the mover by raising their hand (not standing).
- (e) The Chairperson is unable to move or second a motion.
- (f) If the Chairperson wishes to move or second a motion, then:
 - i. The *Deputy Mayor* must take the chair or, if there is no *Deputy Mayor* or the *Deputy Mayor* is absent or is the current Chairperson, the Meeting must elect a temporary Chairperson; and
 - ii. Whereupon the Chairperson must vacate the chair and not return to it until the motion has been resolved upon.
- (g) If a motion is not seconded, the motion lapses for want of a seconder. There will be no discussion or debate on a motion that has not been seconded.
- (h) If there is a seconder, the Chairperson must call on the mover to speak to the motion prior to any amendment. This signals the beginning of the debate.
- (i) Prior to the commencement of debate on a motion or an amendment a Councillor may, when no other Councillor is speaking, ask any question of Officers concerning or arising out of the motion for the purposes of clarification. A Councillor may not ask a question of Officers once debate has commenced on a motion
- (j) After the mover has spoken to the motion, the seconder (unless they reserve their right to speak later in the debate) may also speak to the motion prior to any amendment.

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- (k) Except for the mover of a motion who has a right of reply in accordance with clause 4.5 check of the Meeting Rules, all other Councillors can only speak once to the motion.
 - (l) The Chairperson may only speak to a motion when all Councillors who wish to speak to it have done so, and just before closure of debate by the mover of the motion.
 - (m) After the seconder has spoken to the motion (or after the mover has spoken to the motion if the seconder does not speak to the motion), the Chairperson must call on any Councillor who wishes to speak against the motion, then on any Councillor who wishes to speak for the motion, alternating with all Councillors wishing to speak.
 - (n) After waiting until all Councillors wishing to speak to the motion have spoken, the Chairperson will put the matter to the vote or, if no Councillor indicates opposition or a desire to speak to the motion, the Chairperson will put the matter to the vote immediately.
 - (o) Before putting a motion to the vote, the Chairperson may require the *Chief Executive Officer* or their delegate to read out the text of the motion.

4.2. Debate Must be Relevant

- (1) Debate must always be relevant to the motion or amendment before the Meeting and, if not, the Chairperson must request the speaker to confine debate to the motion or amendment.
- (2) If, after being requested two times by the Chairperson to confine debate to the motion or amendment before the Meeting, the speaker continues to debate irrelevant matters, the Chairperson may direct the speaker to be seated and not speak further in respect of the motion or amendment. The speaker must immediately comply with any such direction.

4.3. Miscellaneous Rules of Debate

- (1) A Councillor must not, in any debate, make any defamatory, indecent, abusive, offensive or disorderly statement or comment about any Councillor, Officer or other person.
- (2) If a statement or comment described in sub-clause (1) is made, the Chairperson may, without a point of order being raised, direct the Councillor to withdraw it and the Councillor concerned must immediately and unreservedly do so.
- (3) Failure to comply with Chairpersons direction in relation to clause (1) may result in a warning pursuant to clause 11.4 of these Rules.
- (4) In cases where there is competition for the right to speak at a Meeting, including moving or seconding a motion or amendment, the Chairperson must decide the order in which Councillors may speak.

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- (5) If a debate is adjourned by Procedural Motion, then the Councillor who moved the adjournment has the right to speak first when the debate is resumed.
 - (6) A Councillor must not be interrupted except by the Chairperson or upon a point of order being taken.
 - (7) A mover and seconder of a motion or amendment are not permitted to withdraw their moving and seconding of the motion or amendment after debate has commenced.

4.4. Right to Ask Questions

- (1) Prior to the commencement of debate on a motion (including a procedural motion) or an amendment a Councillor may, when no other Councillor is speaking, ask any question of Officers concerning or arising out of the motion for the purposes of clarification. A Councillor may not ask a question of Officers once debate has commenced on a motion.
- (2) A Councillor must not ask any question that is in any way defamatory, indecent, abusive, offensive or disorderly about any Councillor, Officer or other person.
- (3) The Chairperson has the right to limit questions and direct that debate be commenced.
- (4) A Councillor asking a question under sub-clause (1) is not deemed to be speaking to the motion before the Meeting.

4.5. Right of Reply

- (1) The mover of a motion that has not been amended may, once debate has been exhausted, exercise a right of reply to matters raised during debate immediately before the vote is taken.
- (2) No new matters may be raised in the right of reply.
- (3) If no Councillor has spoken against a motion, there will be no right of reply.
- (4) The mover of a motion loses their right of reply if an amendment to the motion is carried.
- (5) The mover of an amendment to a motion does not have a right of reply.
- (6) After the right of reply has been exercised, the motion must immediately be put to the vote without any further questions, discussion or debate.

4.6. Time Limits for Debate

A Councillor must not speak on any one motion for a time longer than that stated below:

the mover of a motion:	3 minutes
any other speaker:	2 minutes
the mover of a motion exercising a right of reply:	2 minutes

4.7. Moving an Amendment

- (1) A motion that has been moved and seconded may be amended by leaving out, inserting or adding words that are relevant to the subject of the motion.
- (2) An amendment must not be directly Opposite to the motion.

Note:

If a proposed amendment is ruled by the Chairperson to be directly opposite or substantially contrary to the motion, it should be treated as an alternative motion to be considered only in the event that the motion before the Council is lost.

- (3) An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original motion and the Chairperson.
- (4) If a Councillor proposes an amendment and the original mover and seconder of the motion both indicate their agreement with the amendment, the amended motion becomes the substantive motion without debate or vote.
- (5) A motion to confirm a previous resolution of Council cannot be amended.
- (6) The procedure for moving any amendment is as follows.
 - i. Councillor who wishes to move an amendment must raise their hand (not stand).
 - ii. The Chairperson will call on the Councillor they determine raised their hand first.
 - iii. The mover must state the amendment without speaking to it.
 - iv. The amendment must be seconded by a Councillor other than the mover by raising their hand (not standing).
 - v. The Chairperson is unable to move or second an amendment.
 - vi. If the Chairperson wishes to move or second an amendment, then:
 - vii. the *Deputy Mayor* must take the chair or, if there is no *Deputy Mayor* or the *Deputy Mayor* is absent or is the current Chairperson the Meeting must elect a temporary Chairperson; and
 - viii. whereupon the Chairperson must vacate the chair and not return to it until the amendment has been resolved upon.
 - ix. If an amendment is not seconded, the amendment lapses for want of a seconder. There will be no discussion or debate on an amendment that has not been seconded.
 - x. If there is a seconder, the Chairperson must call on the mover to speak to the amendment. This signals the beginning of the debate.
 - xi. Prior to the commencement of debate on an amendment a Councillor may, when no other Councillor is speaking, ask any question of Officers concerning or arising out of the motion for the purposes of clarification. A Councillor may not ask a question of Officers once debate has commenced on an amendment

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- xii. After the mover has spoken to the amendment, the seconder (unless they reserve their right to speak later in the debate) may also speak to the amendment.
 - xiii. After the seconder has spoken to an amendment (or after the mover has spoken to the amendment if the seconder does not speak to the amendment), the Chairperson must call on any Councillor who wishes to speak against the amendment, then on any Councillor who wishes to speak for the amendment, alternating with all Councillors wishing to speak.
 - xiv. After waiting until all Councillors wishing to speak to the amendment have spoken, the Chairperson will put the amendment to the vote or, if no Councillor indicates opposition or a desire to speak to the amendment, the Chairperson will put the amendment to the vote immediately.
 - xv. Before putting an amendment to the vote, the Chairperson may require the *Chief Executive Officer* or delegate to read out the text of the amendment.

4.8. Miscellaneous Rules for an Amendment

- (1) A Councillor may speak on any amendment once, whether or not they have spoken to the motion, but debate must be confined to the terms of the amendment.
- (2) Any number of amendments may be proposed to a motion, but only one amendment may be accepted by the Chairperson at any one time.
- (3) No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with and voted on.
- (4) The mover of an amendment does not have any right of reply.
- (5) Any one Councillor cannot, without the leave of the Chairperson, move more than two amendments in succession.
- (6) If an amendment is carried, the motion as amended then becomes the substantive motion before the Meeting.
- (7) Neither the mover of the original motion, nor the mover of the amendment, has a right of reply to that amended motion.

4.9. Time Limits for Debate for an Amendment

A Councillor must not speak on an amendment for a time longer than stated below, unless granted an extension by the Chairperson:

the mover of an amendment:	3 minutes
any other speaker:	2 minutes

4.10. Foreshadowing Motions

- (1) At any time during debate, a Councillor may foreshadow a motion so as to inform Council of their intention to move a motion at a later stage in the meeting, however, this does not extend any specific right to the foreshadowed motion.
- (2) A motion foreshadowed may be prefaced with a statement that, in the event of a particular motion before the Meeting being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (3) Notwithstanding sub-Rule 4.10 (2), the Councillor foreshadowing a motion must not do more than preface the motion with a brief statement.
- (4) The *Chief Executive Officer* or person taking the Minutes of the Meeting is not required to record a foreshadowed motion in the Minutes until the foreshadowed motion is formally moved.
- (5) A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a Meeting.
- (6) A Councillor foreshadowing a motion under this clause is not deemed to be speaking to the motion or amendment before the Meeting.

4.11. Motions Moved in a Block

The Chairperson may direct that like motions be moved in a block (en bloc) if the motions note actions already taken by Council and / or will not commit Council to take any further action, incurring any expenditure or making any changes to policy.

4.12. Motions and amendments in writing

- (1) The Chairperson may require that any motions and amendments be submitted in writing.
- (2) The Chairperson may adjourn a Meeting while a motion or an amendment is being written or may request Council to defer the matter until the motion or amendment has been written, allowing the Meeting to proceed uninterrupted.
- (3) Any motions and amendments must clearly state the intention and effect of the proposed resolution.

Note:

This is generally interpreted to mean that a resolution must be capable of standing alone, that is, a person reading the decision of Council in the minutes will be able to understand what Council is seeking to achieve without reference to other sources.

5. Voting

Overview:

At the conclusion of debate on a matter before the Meeting, the Chairperson must put the motion or amendment to the vote. Each Councillor is entitled to one vote and voting must be by show of hands. The vote is determined by a majority of the Councillors present at the meeting at the time the vote is taken voting in favour of the motion or amendment.

If a vote is tied, the Chairperson has a casting vote.

5.1. How a Motion or an Amendment is Determined

- (1) To determine a motion or amendment before a Meeting, the Chairperson must first call for those voting in favour of the motion or amendment, then those voting against the motion or amendment. Except for procedural matters the Chairperson will call the names of all those voting in favour of the motion or amendment, then those voting against the motion or amendment and these will be recorded in the minutes of the meeting.
- (2) Voting on any matter is by a show of hands.
- (3) Voting must take place in silence.
- (4) The Chairperson may direct that a vote be recounted to satisfy themselves of the result.
- (5) When a vote is tied, the Chairperson has a second, casting vote and may use this vote as they see fit.
- (6) Pursuant to the Act, for the purpose of determining the result of a vote, a Councillor in attendance at the meeting who does not vote is to be taken to have voted against the motion or amendment.
- (7) Once a vote on a motion or amendment has been taken, no further discussion relating to the motion or amendment is permitted.

5.2. Separation of Motions

- (1) Where a motion contains two or more parts, a Councillor may request at any time before a vote is taken that the Chairperson put each part of the motion to the vote separately.
- (2) The Chairperson may grant or refuse such a request at their discretion. This does not require a Council resolution.
- (3) The Chairperson may decide to put any motion to the vote in separate parts of their own volition.
- (4) A part of a motion that is put to the vote separately will not otherwise be considered a separate motion for the purpose of this clause.

6. Notices of Motion

Overview:

A Notice of Motion is a request (in the form of a Council motion) prepared by a Councillor which intends to require the Council to discuss a particular matter and/or make a decision for action to be taken.

Notices of Motion can only be considered at an Ordinary Meeting.

A Notice of Motion is a useful way for Councillor to raise an issue which doesn't require advice or a lot of consideration on an Agenda. For example, it might involve asking Council to recognise a significant achievement of a local community member which is already generally known.

This section outlines the rules and processes that govern the submission of Notices of Motion.

6.1. Notice of Motion Arrangements

- (1) A Councillor may submit a Notice of Motion for consideration at an Ordinary Meeting.
- (2) A Notice of Motion must be lodged in accordance with this clause 6.1.
- (3) The Councillor proposing a Notice of Motion must circulate the draft Notice of Motion (including a brief rationale) to all Councillors for information before lodging it with the *Chief Executive Officer*.
- (4) Evidence that a draft Notice of Motion has been circulated to all Councillors prior to being lodged with the *Chief Executive Officer* must be provided to the *Chief Executive Officer* at the time of lodging the Notice of Motion.
- (5) The full text of any Notice of Motion (including the written rationale) accepted by the *Chief Executive Officer* must be included in the Agenda for the next Ordinary Meeting.
- (6) The *Chief Executive Officer* must cause all Notices of Motion to be sequentially numbered, dated and entered in a register.
- (7) Each Notice of Motion must be considered in the order in which it is entered in the Notice of Motion register.

Note:

A draft Notice of Motion circulated to all councillors should be deemed to be confidential information in accordance with section 3 of the Act until it is determined by the Chief Executive Officer to be valid in accordance with Clause 6.2 and subsequently distributed in the agenda.

6.2. Valid Notices of Motion

A Notice of Motion must:

- (a) be submitted in writing and be accompanied with a brief written rationale prepared by the Councillor outlining any relevant background for the proposed motion;
- (b) be signed (including by electronic means) and dated by the Councillor;
- (c) relate to the objectives, role and functions of Council as outlined in the Act and align with the Council Plan;
- (d) do no more than call for a Council report if the Notice of Motion:
 - i. affects the levels of Council service;
 - ii. is inconsistent with the strategic objectives of the Council as outlined in the Council Plan;
 - iii. commits Council to expenditure greater than \$5,000 that is not included in the Budget;
 - iv. proposes to establish, amend or extend an adopted Council policy or position;
 - v. commits Council to any contractual arrangement;
 - vi. concerns any litigation in respect of which Council is a party; or
 - vii. impacts on perceived procedural fairness to a person or entity which is the subject of a pending decision by Council;
- (e) not be the same as, or similar in intent to, a Notice of Motion that has been listed on the Agenda of an Ordinary Meeting within the 6 (six) months preceding the due date for lodgment as set out in sub-clause f); and
- (f) be lodged with the *Chief Executive Officer* no later than 12 noon at least fourteen full days prior to the Ordinary Meeting at which it is intended to be considered to allow enough time to include it on the Agenda.

6.3. Rejection of Notice of Motion

- (1) The *Chief Executive Officer* must reject any Notice of Motion (including the written rationale) if they are of the opinion that:
 - (a) it is the same as, or similar in intent to, a Notice of Motion or other motion (including lost and lapsed motions) that has been considered by Council in the preceding six (6) months;
 - (b) it is defamatory;
 - (c) it is objectionable in language or nature;
 - (d) it is inconsistent with Councillor Code of Conduct;
 - (e) it is vague or unclear in intention;
 - (f) it is outside the powers of Council;
 - (g) evidence of circulation to other Councillors has not been provided to the *Chief Executive Officer*, as required by sub-clause 6.1 4);
 - (h) it relates to a matter that can be addressed through the operational service request process. Or

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- (i) does not comply with clause 6.2; or
 - (j) it includes a misleading or false statement.
- (2) If rejecting a Notice of Motion (including the written rationale), the *Chief Executive Officer* must:
- (a) inform the Councillor who lodged it of the rejection and the reasons for it;
 - (b) provide the Councillor who lodged it 24 hours to amend and lodge a revised Notice of Motion; and
 - (c) if the Notice of Motion cannot be amended to the satisfaction of the *Chief Executive Officer*, notify the Councillor who lodged it of the rejection in writing and the reasons for the rejection.

6.4. Debating a Notice of Motion

- (1) The Councillor who is the author of the Notice of Motion must move the Notice of Motion if the Councillor is present at the Ordinary Meeting at which it is to be considered.
- (2) If the author of the Notice of Motion is not present at the Ordinary Meeting at which it is to be considered, any Councillor present at the Meeting, except for the Chairperson, may move the Notice of Motion.
- (3) If a Notice of Motion is not moved and seconded at the Ordinary Meeting at which it is to be considered, it lapses.
- (4) Except where the Notice of Motion is to confirm a previous resolution of Council, the Notice of Motion may be amended.
- (5) If a Councillor who has lodged or is moving a Notice of Motion wishes to amend it, they may only do so by seeking leave of the Chairperson to amend it prior to it being seconded.
- (6) Once a Notice of Motion has been moved and seconded, neither the mover nor the seconder may amend it.
- (7) A mover and seconder of a Notice of Motion are not permitted to withdraw their moving and seconding of the Notice of Motion after debate has commenced.
- (8) Notwithstanding sub-clause 6), another Councillor may move an amendment to a Notice of Motion, which may be accepted by the mover and seconder, and must be dealt with in accordance with Section 6 of this Meeting Rules.
- (9) Any amendment made to the Notice of Motion must not be directly Opposite to the Notice of Motion.
- (10) No member of the public may make a submission on a Notice of Motion when it is presented at an Ordinary Meeting.

7. Notice of Rescission or Amendment

Overview:

A notice of rescission or amendment is a form of Notice of Motion. Accordingly, all provisions in the Meeting Rules regulating Notices of Motion equally apply to notices of rescission and amendment.

This section describes the circumstances and procedures under which a Council decision can be rescinded or amended.

7.1. Procedure for a Notice of Rescission or Amendment

- (1) Motions to rescind or amend a previous resolution of Council can be made by:
 - (a) a Councillor submitting a Notice of Motion in accordance with section 6 of the Meeting Rules, which is signed by three or more Councillors; or
 - (b) a recommendation contained in an Officer's report included in the Agenda.
- (2) A Councillor may propose a motion to rescind or amend a previous resolution of Council, provided that:
 - (a) the previous resolution has not been acted on, and
 - (b) a written notice, signed by three or more Councillors is delivered to the *Chief Executive Officer* or their delegate setting out:
 - i. the relevant previous resolution to be rescinded or amended; and
 - ii. the Meeting and date when the relevant previous resolution was carried.
- (3) The *Chief Executive Officer*, or other Officer with responsibility for the subject matter of a resolution, may implement a resolution of Council at any time after the close of the Meeting at which it was made.
- (4) A resolution of Council will be deemed to have been acted on if:
 - (a) its content or substance has been formally communicated to a person whose interests are materially affected by it, including by publishing the proposed Minutes of a Meeting on Council's website; or
 - (b) a statutory process has been commenced so as to vest enforceable rights in, or obligations on, Council or any other person.
- (5) The *Chief Executive Officer* or other Officer must defer implementing a resolution which:
 - (a) has not been acted on; and
 - (b) is the subject of a Notice of Motion to rescind or amend it which has been delivered to the *Chief Executive Officer* in accordance with Section 6 of the Meeting Rules, unless deferring implementation of the resolution would have the effect of depriving the resolution of usefulness, giving rise to non-compliance with a legal obligation or placing Council at legal, financial or other risk.

- (6) The lodgment and acceptance by the *Chief Executive Officer* of a Notice of Motion to rescind or amend a previous resolution of Council does not prevent the *Chief Executive Officer* or other Officer from giving notice to any person that the Notice of Motion to rescind or amend has been lodged.
- (7) If a Notice of Motion to rescind or amend a previous resolution of Council is lost or lapses, a similar motion must not be put before Council for at least 6 (six) months from the date it was lost.
- (8) If a Notice of Motion to rescind or amend a previous resolution of Council is not moved and/or seconded at the Meeting for which it is listed, it lapses.
- (9) A Notice of Motion to rescind or amend a previous resolution of Council listed on an Agenda must be moved by the Councillor who submitted the Notice of Motion.
- (10) Notwithstanding sub-Rule 7.1 (9) the *Chair* may allow another Councillor to move the Notice of Motion if the Councillor who submitted the Notice of Motion is not in *attendance*. If the original submitter of the Notice of Motion is not in attendance, the Notice of Motion must not be amended.

7.2. Rejecting a Notice of Motion to Rescind or Amend

If rejecting a Notice of Motion to rescind or amend a previous resolution of Council, the *Chief Executive Officer* must inform the Councillor who lodged it of the rejection and the reasons for it.

8. Urgent Business

8.1. Urgent Business

- (1) Business can only be admitted as urgent business at an Ordinary *Council Meeting* or *Special Council Meeting*.
- (2) Business can only be admitted as urgent business through a Procedural Motion with the exception of matters of urgency as determined by the *Chief Executive Officer* pursuant to Clause 8.1 (3)(g).
- (3) A Procedural Motion to admit an item of urgent business can only be approved by *Council* if the proposed motion of urgent business:
 - (a) relates to or arises out of a matter which has arisen since the distribution of the Agenda deadline to submit Notices of Motion; and
 - (b) cannot safely or conveniently be deferred until the next Ordinary Meeting; and
 - (c) cannot be addressed through an operational service request process; and
 - (d) does not, if passed, commit the Council to any direct expenditure; and
 - (e) will not, if passed, alter the Council Plan or Budget; and
 - (f) will not, if passed, directly and significantly affect the exercise of a person's rights;
 - (g) involves a matter that has been determined by the *Chief Executive Officer* as being required to be dealt with as Urgent Business and which the *Chief Executive Officer* admits to the agenda; or
 - (h) has not been rejected as a Notice of Motion in accordance with Clause 6.3.
- (4) A proposed item of urgent business must:
 - (a) be submitted in writing to the *Chief Executive Officer* no later than 12 noon on the day of the Ordinary Meeting at which it is to be considered,
 - (b) be circulated to all Councillors for information before or at the same time as lodging it with the *Chief Executive Officer*;
 - (c) be signed (including by electronic means) and dated by the Councillor;
 - (d) not be derogatory, defamatory, indecent, abusive or objectionable in language or substance;
 - (e) not be aimed at embarrassing a Councillor or an Officer;
 - (f) relate to the objectives, role and functions of Council as outlined in the Act and align with the Council Plan; and
 - (g) do no more than call for a Council report if the matter:
 - i. affects the levels of Council service;
 - ii. commits Council to any contractual arrangement; or
 - iii. concerns any litigation in respect of which Council is a party.
- (5) Any amendment to a motion of Urgent Business must be compliant with Clause 8.1 (4)(e).

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- (6) Evidence that the proposed urgent business item has been circulated to all Councillors must be provided to the *Chief Executive Officer* at the time of lodging the proposed urgent business item.
 - (7) The *Chief Executive Officer* will advise the *Mayor* of any matter they determine is appropriate for Council to consider admitting as urgent business.
 - (8) No member of the public may make a submission on an item of urgent business when it is presented at an Ordinary Meeting.

9. Procedural Motions

Overview:

Procedural Motions allow for the process of the Meeting to be changed, within certain parameters. Suspension of standing orders is a type of Procedural Motion.

Standing orders are the rules made to govern the procedure at Meetings contained in the Meeting Rules.

The standing orders cover a range of matters including the order of business, rules of debate, Procedural Motions and election procedures. Standing orders can be suspended to facilitate the business of a Meeting but should not be used purely to dispense with the processes and protocol of the government of Council.

9.1. Process for Procedural Motions

- (1) Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) All procedural motions require a mover and seconder.
- (3) The Chairperson may reject a procedural motion if they believe the motion before the Meeting at the time that it is moved has not been adequately or sufficiently debated.
- (4) Notwithstanding any other provision in these Rules, procedural motions must be dealt with in accordance with the provisions of the Schedule of Procedural Motions in clause 9.2.
- (5) A procedural motion may be moved and seconded by any Councillor except the Chairperson.
- (6) Unless otherwise prescribed, debate on a procedural motion is not permitted and the mover does not have a right of reply.
- (7) A procedural motion must not be amended.

9.2. Schedule of Procedural Motions

MOTION	FORM (WORDING OF THE MOTION)	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION IS PROHIBITED	CAN THERE BE DEBATE	EFFECT IF CARRIED	EFFECT IF LOST
1. Changes to the order of business	That the order of business be amended as follows:	Any matter, except the - Acknowledgement of Traditional Owners, - Apologies, Disclosures of Conflicts of Interest and Confirmation of the Minutes	Not applicable	No	Change to the order of business	No change to the order of business
2. Deferral of an item of business	That consideration of [Item No, Name of Item] be deferred to [date, time]	Any matter, except the Acknowledgement of Traditional Owners, Apologies, Disclosures of Conflicts of Interest and Confirmation of the Minutes	When debate has commenced on the item of business	Yes but limited to the reasons for deferral. No right of reply	Consideration of the matter will be deferred as set out in the motion	The item of business is considered
3. Adjournment of debate to later time or date	That the debate on this matter be adjourned to [date, time]	Any matter	When another Councillor is speaking	Yes but limited to the time and date. No right of reply	Debate on motion and amendments postponed to the stated date and time	Debate continues unaffected
4. Adjournment of Meeting to later time or date	That the Meeting be adjourned to [date, time]	Any Meeting	When another Councillor is speaking	Yes but limited to the time and date. No right of reply	Meeting adjourns immediately until the stated date and time	The Meeting continues unaffected

MOTION	FORM (WORDING OF THE MOTION)	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION IS PROHIBITED	CAN THERE BE DEBATE	EFFECT IF CARRIED	EFFECT IF LOST
5. The closure	That the motion be now put	Any matter	When the Chairperson believes the motion on which it has been proposed has not been adequately or sufficiently debated.	No	Motion or amendment in respect of which the closure is carried is put to the vote immediately without further debate	Debate continues unaffected
6. Continuance of Meeting	That the Meeting continue for a further 30 minutes	Any Meeting	When the Meeting has already been extended to the maximum time allowed	No	The Meeting will continue for the additional time resolved	Where all business is not disposed of, the Meeting will stand adjourned at the time of the scheduled closure
7. Extending speaking time	That the time available for the speaker be extended by a further _____ minutes	Any matter	Not applicable	No	Extend the time available for the speaker	No change to the time available for speaker
8. Urgent business	That the matter of _____ be admitted as urgent business	Any matter, subject to clause 8	If the provisions of clause 8 are not met	Yes but limited to the provisions of clause 8. No right of reply	The item is admitted to Agenda for discussion as urgent business	No change to the Agenda
9. Election of temporary Chairperson	That [name] be elected as temporary Chairperson	Not applicable	When the Chair is occupied	No	Temporary Chairperson is appointed and takes the Chair	The Meeting is unable to proceed due to the inability to appoint a Chairperson

MOTION	FORM (WORDING OF THE MOTION)	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION IS PROHIBITED	CAN THERE BE DEBATE	EFFECT IF CARRIED	EFFECT IF LOST
10. Extending Public Question Time	That Public Question Time be extended by 30 minutes	Not applicable	Public Question Time may only be extended once per meeting	No	Public Question Time is extended by 30 minutes	Public Question Time must cease at the end of the initial 30-minute period
11. To close the Meeting pursuant to section 66(1) of the Act	That the meeting be closed pursuant to section [state relevant section] to consider [state matter]	Any matter	Not applicable	No	Meeting closed to the public	Meeting continues
12. To lay a motion on the table	That the motion be laid on the table until the next <i>Council Meeting</i>	Any motion that is unclear in its intent or subject to misinterpretation	Not applicable	No The Chairperson must lay the motion down in accordance with clause 3.3(h) if they consider the motion to be unclear in its intent or subject to misinterpretation	Motion carried to the next <i>Council Meeting</i>	Meeting continues

10. Points of Order

Overview:

A point of order is taken when a Councillor draws the attention of the Chairperson to an alleged irregularity in the proceedings. Valid points of order and the process for raising and ruling on a point of order are described in this section.

10.1. Valid Points of Order

- (1) A point of order may be raised in relation to anything which:
 - (a) is contrary to the Meeting Rules;
 - (b) is irrelevant to the matter under consideration;
 - (c) is outside the powers of Council;
 - (d) constitutes improper behaviour;
 - (e) is offensive;
 - (f) constitutes a tedious repetition of something already said; or
 - (g) ~~disorder~~; or
 - (h) is a misleading or false statement
- (2) Councillors must refrain from raising purposely disruptive and without proper basis points of order.
- (3) Rising to express a difference of opinion or contradict a speaker is not grounds for raising a point of order.

10.2. Procedure for a Point of Order

- (1) A Councillor raising a point of order must:
 - (a) clearly state the point of order in accordance with the provisions of sub-clause 10.1(1), and briefly describe the nature of why the point of order is being called; and
 - (b) state any section, clause, paragraph or provision relevant to the point of order before resuming their seat.
- (2) If the Councillor raising the point of order does not follow the process in sub-clause (1), the point of order will not be considered.
- (3) The *chairperson* has discretion to refuse a point of order (without discussion) where two (2) points of order against the same Councillor has already been raised while they remain within their current allocated speaking time.
- (4) Notwithstanding sub-Rule 10,2 (3) where the *Chairperson* reasonably believes a Councillor is breaching any sub-Rules under Rule 10.1 the *chairperson* must ask the Councillor to either refrain from such behaviour or retrack their comments. The Councillor must not unreasonably refuse to do so.
- (5) A Councillor raising a point of order under this clause is not deemed to be speaking to the motion or amendment before the Meeting.

10.3. Chairperson to Decide

- (1) The Chairperson must decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point raised without entering into any discussion or comment.
 - (2) The Chairperson's ruling on a point of order is final.
-

10.4. Chairperson May Adjourn to Consider

- (1) The Chairperson may adjourn the Meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- (2) All other questions before the Meeting are suspended until the point of order is decided.

10.5. Dissent from Chairperson's Ruling

- (1) A Councillor may move a motion of dissent in the Chairperson's ruling on a point of order, without speaking to it, by moving:

“That the Chairperson's ruling [setting out that ruling or part of that ruling] be dissented from.”

- (2) A motion of dissent must be seconded, otherwise it will lapse.
- (3) If a motion of dissent is moved and seconded:
 - (a) the Chairperson must leave the chair and the *Deputy Mayor* must chair the Meeting as the temporary Chairperson; or
 - (b) if there is no *Deputy Mayor*, the Chairperson must leave the chair after the Meeting has elected a temporary Chairperson, and the motion must immediately be put to the vote.
- (4) There will be no debate on a motion of dissent.
- (5) The temporary Chairperson must invite the mover of the motion of dissent to state the reasons for her or his dissent.
- (6) The temporary Chairperson must then invite the Chairperson to respond.
- (7) The mover of the motion of dissent and the Chairperson must not speak on the motion for a time longer than one (1) minute each.
- (8) No other speakers can address a motion of dissent.
- (9) The temporary Chairperson must put the motion to the vote in the following form: “That the Chairperson's ruling be dissented from.”
- (10) If the vote is in the negative, the Chairperson resumes the Chair and the Meeting proceeds.
- (11) If the vote is in the affirmative, the Chairperson resumes the Chair and must reverse or vary (as the case may be) their previous ruling and proceed.
- (12) The defeat of the Chairperson's ruling is in no way a vote of no-confidence in the Chairperson and should not be so regarded by the Meeting.

11. Meeting Conduct

Overview:

This section provides clear guidance on the expectations of behaviour by Councillors, Officers and members of the public. This supports an environment that is conducive to effective decision-making and good governance.

Physical and Remote Attendance

11.1 Mode of Attendance

- 11.1.1 Each notice of meeting must indicate whether the relevant *Council Meeting* is to be conducted:
 - (a) wholly in person;
 - (b) wholly by electronic means; or
 - (c) partially in person and partially by electronic means.
- 11.1.2 The indication in the notice of meeting must be consistent with any Resolution of *Council* that has expressed a preference for, or otherwise specified, when *Council Meetings* are to be conducted:
 - (a) wholly in person;
 - (b) wholly by electronic means; or
 - (c) partially in person and partially by electronic means.
- 11.1.3 If a *Council Meeting* is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means.
- 11.1.4 Any request made under sub-Rule 11.1.3 must:
 - (a) be in writing;
 - (b) be given to the *Chief Executive Officer* no later than 24 hours prior to the commencement of the relevant *Council Meeting*; and
 - (c) specify the reasons why the Councillor is unable or does not wish to attend the *Council Meeting* in person.
- 11.1.5 The *Chief Executive Officer* must ensure that any request received in accordance with sub-Rule 11.1.4 and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant *Council Meeting*.
- 11.1.6 *Chief Executive Officer* must not unreasonably refuse any request.
- 11.1.7 A Councillor who is *attending* a *Council Meeting* by electronic means is responsible for ensuring that they are able to access such equipment and are in such an environment that facilitates participation in the *Council Meeting*.
- 11.1.8 Without detracting from anything said in sub-Rule 11.1.7 a Councillor who is *attending* a meeting by electronic means must be able to:
 - (a) hear the proceedings;
 - (b) see all Councillors and members of Council staff who are also *attending* the *Council Meeting*, at least while a Councillor or member of Council staff is speaking;

- (c) must ensure they are in a confidential environment away from all other persons when dealing with any confidential agenda items;
- (d) if sub-Rule 11.1.8 (c) cannot be met, the Councillor must leave the meeting and not participate in the confidential item;
- (e) test their IT equipment is working at least 15 minutes prior to the commencement of the scheduled meeting time;
- (f) be seen by all Councillors, members of Council staff and members of the public who are physically present at the *Council Meeting*; and
- (g) be heard when they speak.

11.1.9 If the conditions of sub-Rule 11.1.8 cannot be met by one or more Councillors *attending a Council Meeting*, whether because of technical difficulties or otherwise:

- (a) the *Council Meeting* will nonetheless proceed as long as a quorum is present; and
- (b) the relevant Councillor (or Councillors) will be treated as being absent from the *Council Meeting* or that part of the *Council Meeting*

unless the *Council Meeting* has been adjourned in accordance with *these Rules*.

11.1.10 Nothing in this Rule 11.1 prevents a Councillor from joining (or re-joining) a *Council Meeting* at the time that they achieve compliance with sub-Rule 11.1.8 even if the *Council Meeting* has already commenced or has continued in their absence.

11.2 Meetings Conducted Remotely

If a *Council Meeting* is conducted wholly or partially by electronic means:

- (a) councillors connecting by electronic means must be in *attendance* 5 minutes prior to the scheduled commencement time of the meeting.
- (b) the *Chair* may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

11.3 Display of Placards and Posters

- (1) A person must not display any placards or posters in the Council Chamber or in any building where a Meeting is being or is about to be held that give rise to a risk to the health and safety of persons in the Council Chamber or building where the Meeting is being held.
- (2) A person must not:
 - (a) display any offensive, indecent, insulting or objectionable item or words, including words that are racist, sexist or homophobic, in the Council Chamber; or
 - (b) obstruct the entrance to the Council Chamber or a building where a Meeting is being, or is about to be, held.
- (3) The Chairperson may order and cause the removal of any placard or poster that is deemed by the Chairperson to be contrary to sub-clause 1) or 2) or is objectionable, disrespectful or otherwise inappropriate.

11.4 Addressing the Meeting

- (1) A Councillor or any other person who addresses a Meeting must do so in a courteous and respectful manner and must take direction from the Chairperson whenever called on to do so.
- (2) Any person addressing the Chairperson must refer to her or him as:

Mayor(surname), or Chairperson.

- (3) All Councillors, other than the *Mayor*, must be addressed as Cr.(surname).
- (4) All Officers must be addressed as Mr or Ms(surname) as appropriate, or by their official title.
- (5) Except for the Chairperson, any Councillor who addresses a Meeting must stand and direct all remarks through the Chairperson.
- (6) It will not be necessary for Councillors to rise when speaking to the Chairperson in a Meeting that is closed to the public (Confidential Business) in accordance with the *Act*.
- (7) Despite sub-clause 5), the Chairperson may permit any Councillor or person to remain seated while addressing the Chairperson at a Meeting for reasons of sickness, infirmity, disability or otherwise at her or his discretion.
- (8) Any member of the public attending a Meeting must not interject or take part in the debate.
- (9) Any member of the public physically attending a Meeting must not utter any offensive, indecent, insulting or objectionable item or words, including words that are racist, sexist or homophobic, or interject or gesticulate offensively in the Council Chamber.
- (10) Silence must be preserved by the gallery (other than by a person in the gallery who is invited to address the Meeting) at all times during a Meeting.
- (11) If any member of the public engages in conduct that is improper or disorderly, the Chairperson may direct that person to cease their conduct and the person must comply with that direction.

11.5 Chairperson May Remove a Member of the Public

- (1) The Chairperson may order and cause the removal of any person, other than a Councillor, who disrupts any Meeting or fails to comply with a direction of the Chairperson.
- (2) In causing a person's removal under sub-clause (1), or the removal of an object or material under clause 11.1, the Chairperson may ask the *Chief Executive Officer*, an Authorised Officer or a member of Victoria Police to remove the person or the object or material.
- (3) A person must not refuse or neglect to leave a Meeting, or to remove an object or material, when ordered by the Chairperson.

11.6 Disorderly Conduct by Councillors

- (1) The conduct of Councillors at Meetings is governed by the *Act*, these Rules and the Councillor Code of Conduct.
- (2) Where a Councillor engages in improper or disorderly conduct or acts in a way that otherwise disrupts a Meeting, or impedes its orderly conduct, *Council* may, by resolution, suspend that Councillor from a portion of the Meeting or from the

balance of the Meeting where the Chairperson has first warned the Councillor to cease that behaviour.

- (3) Where Council suspends a Councillor under sub-clause
- (4) (2), the Councillor will take no active part in the portion of the Meeting from which they have been suspended.
- (5) The Chairperson, or Council by resolution, may order and cause the removal of a Councillor who has been suspended under sub-clause (2) from the Meeting for the duration of the suspension.

-
- (6) In causing the removal of a Councillor under sub-clause (4), the Chairperson may ask the *Chief Executive Officer*, an Authorised Officer or a member of Victoria Police to remove the Councillor.
 - (7) A Councillor must not refuse or neglect to leave a meeting when ordered to do so under sub-clause (4).

11.7 Chairperson May Adjourn Disorderly Meeting

- (1) The Chairperson may adjourn the Meeting for either a short time, or to resume another day, if the behaviour at the Council table or in the gallery is significantly disrupting the Meeting.
- (2) If the Chairperson adjourns the Meeting to another day, clause 1.1.5 applies with respect to the provision of notice of the adjourned Meeting.

12. Minutes

12.1. Keeping Minutes

The *Chief Executive Officer* shall ensure that Minutes are kept of each Meeting.

12.2. Confirmation of Minutes

- (1) When confirming the Minutes of a Meeting, opposition can only be expressed on the basis that the record contained in the Minutes is incomplete or inaccurate.
- (2) The Chairperson must not allow discussion or motions on any issue other than an alleged omission from, or inaccuracy of, the Minutes.
- (3) If no Councillor indicates opposition, the Chairperson must, after seeking a mover and seconder, declare the Minutes to be confirmed.
- (4) If any Councillor indicates opposition, they must specify the item or items in the Minutes concerned and can, after asking any questions to clarify the matter, only move a motion to rectify the alleged error(s) in the record.
- (5) A copy of the Minutes shall be sent electronically to every Councillor and placed on the Council website no later than seven (7) days after the Meeting to which they relate.
- (6) The minutes of an Ordinary or *Special Council Meeting* or of a meeting of any Delegated Committee comprised entirely of Councillors will be defined as 'unconfirmed minutes' until they are formally confirmed at the next Ordinary Meeting.
- (7) Once the Minutes are confirmed, they must be signed by the Chairperson of the Meeting at which they were confirmed.

13. Webcasting and Recording of Proceedings

13.1. Webcasting and Recording of Proceedings

- (1) The *Chief Executive Officer* (or their delegate or nominee) may, for the purposes of minute taking, transparency and accessibility of Meetings to the public, record on suitable audio recording equipment all proceedings of a Meeting.
- (2) The *Chief Executive Officer* (or such other person authorised by the *Chief Executive Officer* for that purpose) will conduct a live webcast of the proceedings of a Meeting.
- (3) A recording of a Meeting that is webcast will be made available to the public on Council's website for viewing or listening for a period of four years from the date of the Meeting.
- (4) With the exception of officers responsible for webcasting and recording of the proceedings, any person, including councillors, physically or virtually present at *Council Meetings*, *Special Council Meetings* or Committee meetings, must not operate film, photographic, tape or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson. In deciding whether to give such consent, the Chairperson is to ask whether any person present at the Meeting objects.
- (5) Consent given under sub-clause 4) may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease, at which time the recording must cease.
- (6) This clause does not apply to any part of a Meeting that is closed to the public in accordance with section 66(1) of the Act.

14. Submissions

Overview:

There are several powers conferred on Council which require a public submissions process— these include the adoption of key Council documents (such as the Council Plan and Budget), proposals to sell Council land, the closure of roads and the making of Local Laws or Rules. This public submission process will be defined in Councils Community Engagement Policy and requires Council to give public notice of the proposal and to consider (and hear if requested) submissions received before making a final decision on the particular matter. The hearing of these submissions are generally dealt with by Councils Hearings Committee (a Delegated Committee of Council pursuant to the Act).

In addition to these statutory public submissions processes, and the process established in relation to planning matters (i.e. where Applicants and Objectors to Planning Matters are afforded the opportunity to make submission before Councils Planning Committee (a Delegated Committee of Council pursuant to the Act). Council has also established a submission process at Ordinary Meetings that enables community members to provide input on certain matters listed on the Agenda, prior to their consideration by Council.

14.1. Community Submissions

- (1) Members of the public may only address an Ordinary Meeting in accordance with the provisions of the Meeting Rules.
- (2) Members of the public will be given the opportunity to make a submission in relation to matters listed on the Agenda for an Ordinary Meeting except for Notices of Motion, Petitions and urgent business.
- (3) Submissions may be presented immediately prior to the Agenda item being considered and prior to any motions relating to the item being accepted.
- (4) Notwithstanding sub-Rule 14.1 (3) Submissions on an agenda item may, at the discretion of the Chairperson, be made once Public Question Time is completed, and in accordance with 14.5 of these Rules.
- (5) Where a separate *Hearing of Submissions* meeting is called to hear public submission on big topics, no public submissions will be taken on that particular item at the relevant *Ordinary Council meeting*.
- (6) Submissions are not able to be made during:
 - (a) any period when a Meeting is closed to the public in accordance with section 66(1) of the Act; or
 - (b) a local government election or caretaker period as defined in Council's Election Period Policy.

14.2. Submissions to Delegated Committees

Submissions to any Delegated Committee will be governed by the processes outlined in the Delegated Committee's Charter or as determined by the Delegated Committee.

14.3. Registering to Make a Submission

- (1) Members of the public wishing to make a submission must register their intention to do so before 12 noon on the day of the *Ordinary Council Meeting or Hearing of Submissions* Meeting and be in attendance on the day of the Meeting to make their submission.
- (2) Submissions can be lodged using one of the following methods:
 - online at www.darebin.vic.gov.au/questionsandsubmissions;
 - by email to Q&S@darebin.vic.gov.au;
 - in person at the Preston Customer Service Centre, 274 Gower Street, Preston; or
 - by mail to PO Box 91, Preston 3072.

14.4. Validity of Submissions

- (1) A submission will be disallowed by the Chairperson if they determine that it:
 - (a) relates to a matter outside the duties, functions or powers of Council;
 - (b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - (c) may lead to a breach of Council's statutory obligations;
 - (d) does not relate to a matter listed on the Agenda;
 - (e) relates to a Notice of Motion, Petition or item of urgent business;
 - (f) is aimed at embarrassing a Councillor or an Officer; or
 - (g) deals with a matter that should be, or has been, considered as a confidential matter or relates to any matter in respect of which Council may close the Meeting to the public under section 66(1) of the *Act*.
- (2) No submissions directed at an individual Councillor or Officer will be allowed.

14.5. Making a Submission

- (1) Persons wishing to make a submission must be in attendance during the Meeting, either in person or by representative.
- (2) If the person wishing to make a submission or their representative is not in attendance when the Agenda item is to be considered, their submission will not be read out.
- (3) Submissions must be directed through the Chairperson and must not be directed to individual Councillors or Officers.
- (4) Submissions must be as brief as possible (not longer than two (2) minutes).
- (5) The Chairperson may, at their absolute discretion, extend the time for an individual's submission beyond two (2) minutes.
- (6) The person making the submission must clearly state their name and their suburb.
- (7) The name of the submitter must be recorded in the Minutes, as an official record.
- (8) The content of submissions and any subsequent discussion will not be recorded in the Minutes.

15. Public Questions

Overview:

As outlined in the purpose of the Meeting Rules, Council Meetings are held for Council to make its decisions. Members of the public who wish to address Council must do so under the provisions of Sections 15 and 16 of these Rules.

This section sets out the procedures to be followed to submit a question, the circumstances under which a question may be disallowed.

15.1. Public Question Time

- (1) Subject to sub-clause (2), and any resolution of Council to the contrary, there must be Public Question Time at every Ordinary Meeting to enable members of the public to submit questions to Council.
- (2) Public Question Time will not be held during:
 - (a) any period when a Meeting is closed to the public in accordance with section 66 of the Act; or
 - (b) a local government election or caretaker period as defined in the Councils Election Period Policy
- (3) Public Question Time will not exceed 30 minutes in duration unless extended by resolution of Council through a procedural motion, in which case, it may only be extended for one (1) period of up to 30 minutes.

15.2. Lodging a Question

- (1) Members of the public wishing to ask a question must register their question using the Public Question Time form before 12 noon on the day of the meeting.
- (2) Questions can be lodged using one of the following methods:
 - online at darebin.vic.gov.au/questions and submissions;
 - by email to Q&S@darebin.vic.gov.au;
 - in person at the Preston Customer Service Centre, 274 Gower Street, Preston; or
 - by mail to PO Box 91, Preston 3072.
- (3) Questions that have not been lodged by 12 noon on the day of the *Council Meeting* will not be accepted, and no questions will be taken from people in *attendance* on the night of the *Council Meeting*..
- (4) A maximum of three (3) questions is permitted per person (with no sub parts).
- (5) If more than three (3) questions are received from one person, only the first three questions will be considered.

- (6) A further question arising out of anything said in response to a question will be allowed.

A question may not be split into sub-parts.

- (7) Like questions will be grouped together and the *Chairperson* will ask the person from whom the first like question was received to come forward and read their question. A single response will be given by the Chairperson.
- (8) In the event the person whom submitted the first like question is not in *attendance*, the Chairperson will read out the like questions in accordance with sub-clause 15.4 (1), name the persons who submitted like questions and provide a response.

15.3. Questions Not Permitted

- (1) A question may be disallowed by the Chairperson if the Chairperson determines that it:
- (a) relates to a matter outside the duties, functions or powers of Council;
 - (b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - (c) may lead to a breach of Council's statutory obligations;
 - (d) relates to a Notice of Motion, Petition or item of urgent business;
 - (e) deals with a subject matter already answered;
 - (f) is aimed at embarrassing a Councillor or an Officer; or
 - (g) deals with a matter that should be, or has been, considered as a confidential matter or relates to any matter in respect of which Council may close the Meeting to the public under section 66 of the Act.
- (2) No questions directed at an individual Councillor or Officer will be allowed.

15.4. Asking a Question

- (1) If a person submitting a question is not in *attendance* during Public Question Time, their question(s) may be read out and a response provided at the Meeting.
- (2) When invited by the Chairperson, the person asking their question(s) may do so, without taking longer than two (2) minutes in total.
- (3) The *Chairperson* will not permit any introductory or background statements to be made in relation to their question..
- (4) Questions must be directed through the Chairperson and must not be directed to individual Councillors or Officers.
- (5) The person asking the question must clearly state their name and their suburb.
- (6) The Chairperson may elect to answer the question themselves or request the *Chief Executive Officer* or any other Officer to respond to a question.
- (7) The name of the person(s), if like questions are grouped together, the question (excluding introductory or background comments) and the response must be recorded in the Minutes, as an official record of the questions submitted to the Meeting.

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16. Petitions

Overview:

Petitioning is a long-established process for members of the community to demonstrate community support for a request or views on a matter, and for that request or view to be presented directly to Council. This section sets out the procedures to be followed to submit a petition.

16.1. Lodging a Petition

- (1) Members of the public wishing to lodge a petition via a Councillor must do so before 12 noon on the day of the Council meeting.
- (2) The Councillor proposing to table the petition must circulate a copy of the petition to all Councillors and the *Chief Executive Officer* for information no later than 4 pm on the day of the Council meeting.
- (3) Where a petition is submitted in hardcopy, the Councillor receiving the petition must provide either a scanned copy or photo/s clearly showing the nature of the petition in accordance with 16.1 (2).

16.2. Valid Petitions

- (1) Every Petition submitted to Council must:
 - (a) be in legible and in a permanent form of writing, typing or printing;
 - (b) not be derogatory, defamatory, indecent, abusive or objectionable in language or substance;
 - (c) not aimed at embarrassing a Councillor or an Officer;
 - (d) not relate to matters outside the powers of Council;
 - (e) clearly state the request or describe the action that Council is asked to undertake on each page of the Petition and include the name, address and signature of petitioners; and
 - (f) include the names, full addresses (either postal or electronic) and original signatures of at least 10 people.
- (2) Where a petition is deemed to be invalid, the *Chairperson* at their discretion may grant or refuse such a request for the petition to be tabled. This does not require a Council resolution.
- (3) Where a Petition has been signed by fewer than 10 people, it will be treated as a joint letter and forwarded directly to the appropriate Officer for action as an operational item. These will not be tabled at Ordinary Meetings.
- (4) A petition generated via an online or electronic process that does not contain the signatures of the persons who are represented as having supported it will be accepted only if it complies with all other provisions of sub-clause (1).
- (5) A person must not inscribe upon a Petition a name or signature purporting to be the name or signature of another person.
- (6) Any signature appearing on a page which does not bear the text of the

whole of the Petition or request will not be considered by Council.

- (7) Every page of a Petition must be a single-or double-sided page of paper and not be attached to any piece of paper other than another page of the Petition.

16.3. Tabling Petitions

- (1) A petition may only be presented to an Ordinary Meeting by a Councillor.
- (2) Any Councillor presenting a Petition is responsible for ensuring that:
- (a) they are familiar with the contents and purpose of the Petition; and
 - (b) the Petition meets the requirements of clauses 16.1 and 16.2.

- (3) Any Councillor, except the Chairperson, may present a Petition to an Ordinary Meeting and must confine themselves to a statement of the:
- (a) persons from whom it comes;
 - (b) number of signatories to it;
 - (c) material matters expressed in it; and
 - (d) text of the Petition.
- (4) A Petition tabled by a Councillor at an Ordinary Meeting may be dealt with as follows:
- A motion may be proposed to accept and note the Petition and resolve to:
- i. deal with it in conjunction with an item on the Agenda; or
 - ii. refer it to the *Chief Executive Officer* for consideration and response; or
 - iii. call for a report on the subject matter of the Petition.
- (5) If a Petition relates to an operational or service matter, Council must only resolve to refer it to the *Chief Executive Officer* for consideration.
- (6) Where the *Chief Executive Officer* deems a petition to be valid in accordance with Rules 16.1 and 16.2, the originator of a petition may make a submission for a period of 2 minutes once the petition has been formally tabled. No other member of the public is permitted to speak to a Petition when presented at an Ordinary Meeting or ask a question pertaining to the Petition during Public Question Time.

17. Election Procedures

Overview:

The role and functions of the Mayor are provided in the Act. The holder of this significant office is the Chairperson at Council Meetings, is the leader of the Councillors, acts as the principal spokesperson for Council and carries out civic and ceremonial duties.

The purpose of this section is to regulate proceedings for the election of the Mayor and the Deputy Mayor (if any).

17.1. Procedures for Election of the Mayor

- (1) The election of the *Mayor* must be facilitated by the *Chief Executive Officer* in accordance with the provisions of the Act.
- (2) The *Mayor* must be elected by an absolute majority of the Councillors.

Method of Voting

The election of the *Mayor* must be carried out by a show of hands or such other visual or audible means as the *Chief Executive Officer* determines.

Determining the election of the Mayor

- (3) The *Chief Executive Officer* must open the meeting at which the *Mayor* is to be elected and invite nominations for the office of *Mayor*.
- (4) Any nominations for the office of *Mayor* must be:
 - (a) seconded by another Councillor.
- (5) Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*:

Single Nomination

- (6) If there is only one nomination, the candidate nominated is deemed to be duly elected.

Multiple Nominations

- (7) If there is more than one nomination, the Councillors *in attendance* at the meeting must vote for one of the candidates.
- (8) If one candidate receives an absolute majority of Councillors, that candidate is declared to have been duly elected.
- (9) If an absolute majority of the Councillors cannot be obtained at the meeting:
 - (a) the Council may resolve to conduct a new election at a later specified time and date.
 - (b) sub-Rule 17.1 (9)(a) will continue to apply until an absolute majority of Councillors is achieved.
- (10) Notwithstanding sub-Rule 17.1 (9)(b) in the event an absolute majority of

Councillors cannot be achieved after conducting three new election processes, and does not resolve to conduct a new election at a later specified time and date, the election of the *Mayor* will be determined by lot.

- (11) If a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:
- (a) each candidate will draw one lot;
 - (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the candidates who received an equal number of votes, except that, if two or more candidates' surnames are identical, the order will be determined by the alphabetical order of the candidates' first names;
 - (c) as many identical pieces of paper as there are candidates who receive an equal number of votes must be placed in a receptacle;
 - (d) the word 'Defeated' shall be written on one of the pieces of paper;
 - (e) the candidate who draws the paper with the word 'Defeated' written on it must be declared the defeated candidate (in which event a further vote will be held for the remaining candidates and the above process repeated if necessary, unless there is only one candidate remaining, in which case that candidate will be declared duly elected); and
 - (f) the *Chief Executive Officer* will declare the result of the election and the successful candidate.

17.2. Ceremonial *Mayoral* Speech

- (1) Upon being elected, the *Mayor* may make a ceremonial speech.
- (2) The purpose of the ceremonial speech is to outline priorities for the year ahead based on the adopted Council Plan.
- (3) The ceremonial speech must not exceed five (5) minutes.

17.3. *Mayor* to Take Chair

After the election of the *Mayor*, the *Mayor* must take the chair in accordance with section 18 of the *Act*.

17.4. Role and Procedures for Election of *Deputy Mayor*

- (1) At the Meeting at which the *Mayor* is to be elected, Council may resolve to establish the position of *Deputy Mayor* and elect a Councillor to the position of *Deputy Mayor*.
- (2) The term of a *Deputy Mayor* is to be identical to the term of the *Mayor* as resolved by Council.
- (3) If Council has not resolved to establish the position of *Deputy Mayor*, any provisions in the Meeting Rules relating to the *Deputy Mayor* have no effect.
- (4) The procedure used for the election of *Mayor* will be used to elect the *Deputy Mayor*, except that:
 - (a) the *Mayor* will conduct the election of *Deputy Mayor*; and
 - (b) any references to the office of the *Mayor* shall be taken as a reference to the *Deputy Mayor*.

Relevant Provisions of the Local Government Act 2020

The Act has specific provisions governing the election of the Mayor and the term of office for the Mayor:

Section 25 - Election of Mayor

- (1) *At a Council Meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.*
- (2) *Subject to section 167, any Councillor is eligible for election or re-election to the office of Mayor.*
- (3) *The election of the Mayor must—*
 - (a) *be chaired by the Chief Executive Officer; and*
 - (b) *subject to this section, be conducted in accordance with the Governance Rules.*
- (4) *Subject to subsections (5) and (6), the Mayor must be elected by an absolute majority of the Councillors.*
- (5) *If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.*
- (6) *If only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.*
- (7) *In this section, **absolute majority** means the number of Councillors which is greater than half the total number of the Councillors of a Council.*

Section 26 - When is a Mayor to be elected?

- (1) *A Mayor is to be elected no later than one month after the date of a general election.*
- (2) *The Mayor of the Greater Geelong City Council must be elected for a 2-year term.*
- (3) *Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2-year term.*
- (4) *If the Mayor is elected for a 1-year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1-year term as is reasonably practicable.*
- (5) *If the Mayor is to be elected for a 2-year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2-year term as is reasonably practicable.*

-
- (6) *A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.*
- (7) *The election of a Mayor after the period specified in this section does not invalidate the election.*
- (8) *A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one year or a 2-year term serves the remaining period of the previous Mayor's term.*

27 - Election of Deputy Mayor

- (1) *Section 25, other than subsection (3)(a), applies to the election of a Deputy Mayor by the Councillors as if any reference in that section to the Mayor was a reference to the Deputy Mayor.*
- (2) *Section 26 applies to the election of a Deputy Mayor as if any reference in that section to the Mayor was a reference to the Deputy Mayor.*

CHAPTER 4 – DELEGATED COMMITTEES

Overview Notes:

Council may establish Delegated Committees and Advisory Committees as part of its governance framework. Delegated Committees can comprise Councillors, members of Council staff and others and must be chaired by a Councillor. As Council may delegate specific powers, duties and functions to Delegated Committees, their meeting procedures need to be formal.

- (1) If Council establishes a Delegated Committee, these Rules will apply to the Delegated Committee Meetings with any necessary modifications.
- (2) For the purpose of sub-rule (1):
 - (a) a *Council Meeting* is to be read as a reference to a Delegated Committee Meeting;
 - (b) a Councillor is to be read as a reference to a Member of the Delegated Committee;
and
 - (c) a reference to the *Mayor* is to be read as a reference to the Chairperson of the Delegated Committee.
- (3) If Council establishes a Delegated Committee, Council may resolve that a provision of these Governance Rules and, including the Meeting Rules, does not apply to that Committee

CHAPTER 5 – CONFLICTS OF INTEREST

Overview Notes:

The Act in sections 127 and 128 defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances.³

The Act also provides Council must include in its Governance Rules procedures for disclosures of Conflicts of interest, including at meetings conducted under the auspices of Council that are not Council Meetings. Meetings conducted under the auspices of Council include those meetings arranged or hosted by Council.

These Rules provide the procedures for disclosures of conflicts of interest.

5.1 Obligations with regard to conflict of interest:

Councillors, members of Delegated Committees and Council staff and contractors are required to:

- (1) avoid - if possible, situations which may give rise to conflicts of interest;
- (2) identify - any conflicts of interest; and
- (3) disclose or declare - all conflicts of interest.

³ 127 General conflict of interest

(1) Subject to section 129, a relevant person has a

general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.

(2) For the purposes of subsection (1)—

private interests means any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief;

public duty means the responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person.

128 Material conflict of interest

(1) Subject to section 129, a relevant person has a

material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

(2) The benefit may arise or the loss incurred—

- (a) directly or indirectly; or
- (b) in a pecuniary or non-pecuniary form.

(3) For the purposes of this section, any of the following is an **affected person**—

- (a) the relevant person;
- (b) a family member of the relevant person;
- (c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;
- (d) an employer of the relevant person, unless the employer is a public body;
- (e) a business partner of the relevant person;
- (f) a person for whom the relevant person is a consultant, contractor or agent;
- (g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;
- (h) a person from whom the relevant person has received a disclosable gift.

5.2 Councillors and Members of Delegated Committees

- (1) May not participate in discussion or decision-making on a matter in which they have a conflict of interest.
- (2) When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.
- (3) All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee Meeting.

5.3 Procedure at a Council Meeting

A Councillor who has a conflict of interest in a matter being considered at a *Council Meeting* or Delegated Committee or Community Asset Committee at which they:

- (1) are in *attendance* must disclose the conflict of interest by fully explaining the nature of the conflict of interest to those present at the *Council Meeting* at the point in the meeting where Chairperson requests 'Declarations of Conflicts of Interest to be Made' and immediately before the matter is considered;

or

- (2) intends to in *attendance* must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council Meeting* commences a written notice:
 - (a) advising of the conflict of interest;
 - (b) fully explaining the nature of the conflict of interest; and
 - (c) detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:
 - i. name of the other person;
 - ii. nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - iii. nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that they have a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Council Meeting* immediately after giving the explanation or making the announcement (as the case may be) and not be in *attendance* at the meeting until after the matter has been disposed of.

5.4 Procedure at other meetings held under the auspices of the Council

A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of *Council* at which they are in *attendance* must:

-
- (1) disclose that conflict of interest by fully explaining the nature of the conflict of interest to those in *attendance* at the meeting immediately before the matter is considered;
 - (2) absent themselves from any discussion of the matter; and
 - (3) as soon as practicable after the meeting concludes provide to the *Chief Executive Officer* a written notice recording that the disclosure was made and accurately summarising the explanation given to those in *attendance* at the meeting.
 - (4) the *Chief Executive Officer* or delegate will maintain a register of such conflict of interest disclosures.

5.5 Council staff

- (1) Must act in accordance with the Employee Code of Conduct.
- (2) Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- (3) May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 5.6 and the Employee Code of Conduct.

5.6 Procedures for disclosures of conflicts of interest by Council Staff

Disclosure by Members of Council Staff Preparing Reports for Meetings

- (1) A member of Council staff who, in their capacity as a member of Council staff, has a conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a Report for the consideration at a:
 - (2) *Council Meeting*;
 - (3) *Delegated Committee* meeting;
 - (4) *Community Asset Committee* meetingmust, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* disclosing the conflict of interest, fully explaining the nature of the conflict of interest and comply with any process or procedure required by the *Chief Executive Officer* to appropriately manage the conflict of interest
- (5) The *Chief Executive Officer* must ensure that the Report referred to in sub-Rule 5.6 (1) records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

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- (6) If the member of Council staff referred to in sub-Rule 5.6(1) is the *Chief Executive Officer*:
 - (a) the written notice referred to in sub-Rule 5.6 (4) must be given to the *Mayor*; and
 - (b) the obligation imposed by sub-Rule 5.6 (5) may be discharged by any other member of Council staff responsible for the preparation of the Report.

5.7 Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power

- (1) A member of Council staff who has a conflict of interest in a matter where they are the delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* fully explaining the nature of the conflict of interest and comply with any process or procedure required by the *Chief Executive Officer* to appropriately manage the conflict of interest
- (2) If the member of Council staff referred to in sub-Rule 5.7 is the *Chief Executive Officer*, the written notice must be given to the *Mayor*.

5.8 Disclosure by a Member of Council Staff in the Exercise of a Statutory Function

- (1) A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act and they are the delegate must, upon becoming aware of the conflict of interest, immediately provide a written notice to the *Chief Executive Officer* fully explaining the nature of the conflict of interest and comply with any process or procedure required by the *Chief Executive Officer* to appropriately manage the conflict of interest
- (2) If the member of Council staff referred to in sub-Rule 5.8 is the *Chief Executive Officer*, the written notice must be given to the *Mayor*.

5.9 Retention of Written Notices

The *Chief Executive Officer* must retain all written notices received under this Chapter for a period of five years.

5.10 Contractors and Consultants

- (1) All Contractors and consultants engaged by Council to provide advice to the decision-making process will be required to disclose conflicts of interest.
- (2) A Contractor or consultant who discloses a conflict of interest will not be engaged to provide advice on that matter unless;
 - (a) the conflict is so remote or insignificant it could not be considered to influence the advice being provided; or

-
- (b) there are no other contractors or consultants reasonably available and qualified to provide the technical advice required; and
 - (c) the conflict of interest is documented in all advice provided by that contractor or consultant.

CHAPTER 6 – DELEGATIONS

Overview Notes:

Council can make decisions (act) in two ways

- *by resolution at a Council Meeting or*
- *by delegation (others acting on its behalf).*

The Act provides for Council to delegate to the Chief Executive Officer. Delegation of Council powers to the Chief Executive Officer and other members of Council staff is a long-established practice to enable day to day operational decisions to be made efficiently.

Delegation of Council powers is primarily enabled and regulated by the Act, however powers, duties and functions may be delegated from a range of other Acts, Regulations and local laws.

Additionally, the Act and other legislation confers some powers duties and functions directly to the Chief Executive Officer. These may also be delegated by the Chief Executive Officer to various positions in the organisation's structure.

Delegations are to a position in the organisational structure rather than to a person.

- (1) A delegate must exercise their duties and perform the duties and functions set out in the Instrument of delegation subject to any specified limitations and in accordance with any guidelines or policies of Council.
- (2) A delegate making a decision that will affect any person's rights, will identify whose rights may be affected and provide an opportunity for that person (or persons) to convey their views regarding the effect on their rights, and consider those views.
- (3) Delegates must keep appropriate records of decisions and actions taken under delegation.
- (4) The *Chief Executive Officer* may designate certain decisions made under delegation as matters to be reported to Council.
- (5) Council's public register of delegations will be available on its website.

CHAPTER 7 - JOINT COUNCIL MEETINGS

Overview Notes:

Regional collaboration provides benefits to the Darebin community through collective procurement, increased advocacy and alignment for major projects. While on some matters that are worked on in partnership it's possible for the participating Councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold Joint Council Meetings as are provided for in section 62 of the Act⁴.

- (1) Council may resolve to participate in a *Joint Council Meeting*.
- (2) If Council has resolved to participate in a *Joint Council Meeting*, the *Chief Executive Officer* (or delegate) will agree on governance rules with the participating Councils.
- (3) Where the participating Councils agree that Darebin will chair a *Joint Council Meeting*, the *Mayor of Darebin* will Chair the *Joint Council Meeting*.

⁴ 62 Joint meetings of Councils

- (1) Two or more Councils may determine to hold a joint meeting.
- (2) A joint meeting is a *Council Meeting* of each Council for the purposes of this Act and the provisions of this Act, except section 61(3), (4) and (5)(d), apply accordingly.
- (3) A joint meeting is to be constituted by the Councillors of the Councils holding the joint meeting consisting of—
 - (a) the total number of Councillors determined by the Councils holding the joint meeting; and
 - (b) at least 3 Councillors from each of the Councils holding the joint meeting.
- (4) A quorum at a joint meeting is constituted by the number of Councillors that is equal to at least a majority of the Councillors from each of the Councils holding the joint meeting.
- (5) Subject to subsections (2) and (6), the procedures for conducting a joint meeting are to be determined by the Councils holding the joint meeting.
- (6) A joint meeting must comply with any requirements prescribed by the regulations.

CHAPTER 8 – WHAT INFORMS DECISION MAKING

Overview Notes:

Advisory Committees play a key role in connecting community views and experts with the decision-making processes of Council.

These committees:

- *provide advice to Council and to Council officers exercising delegation to make decisions or implement policy;*
- *are usually comprised of community members and Councillors, and may sometimes include representatives of community organisations; and*
- *are essential forums to provide input to the development of Council policy and decision making in their areas of focus.*

Reporting of the activities of these committees to Council is a transparency mechanism.

Council also has Councillor representatives on numerous external committees and organisations to ensure Council's voice is heard in key priority areas. These committees and organisations also inform Council, via its representatives, in regard to sector and/or expert views.

This section also provides for the appointment of Councillors as members of committees established by the Council, and as Council representatives or delegates on external committees and organisations.

Council will seek the views of community members whose rights or obligations may be affected before making a decision. Community engagement on each issue will be undertaken in accordance with the Community Engagement principles of the Act and Council's Community Engagement Policy.

In certain circumstances Council will establish a formal opportunity for members of the community to address a committee established to hear from the community in regard to a specific issue.

Councils Audit and Risk Committee is an advisory committee established in accordance with section 53 and 54 of the Act to assist Council in fulfilling its responsibilities relating to external financial and performance reporting, risk and financial management, corporate governance, internal controls systems and providing advice to drive continuous improvement. It does not have any delegated powers, including executive powers, management functions, or delegated financial responsibility.

8.1 Advisory Committees

8.1.1 Role and Term of Advisory Committees

- (1) In the first year of each Council term, Council will establish its Advisory Committees for the next four years.
- (2) Advisory Committees established by Council will be consulted for input on related policy, strategy or major operational proposals.
- (3) Advisory Committees established by Council, other than the Audit and Risk Committee established by the Council will be chaired by a Councillor, or where appropriate by a community member appointed in accordance with Rule 8.1.2.

- (4) Each Advisory Committee will be established in accordance with Model Terms of Reference for Advisory Committees endorsed by Council that at a minimum will prescribe:
 - (a) membership terms that provide for renewal of membership and continuity of contribution, with provision for initial appointments to support rotation of memberships.
 - (b) inclusive and transparent recruitment processes for community member membership and participation.
 - (c) requirements for disclosures of conflicts of interest.
 - (d) a description of the roles of members including attendance and participation requirements, role of the committee, Councillor or appropriate community member chair, reporting requirements and confidentiality.
 - (e) frequency and detailed reporting obligations back to the Council.
- (5) Any person appointed to an Advisory Committee that nominates for election to Council, State Parliament or Federal Parliament must take leave of absence from their Committee position from the time of declaring they have nominated (or intend to nominate). If elected, they will be deemed to have resigned from the Committee.
- (6) In order to maintain transparency of Advisory Committee operations, the following information is to be published on Council's website in respect of each Advisory Committee:
 - (a) the Terms of Reference
 - (b) the names of all members
 - (c) reports of Committee activities (as reported biannually to Council)
- (7) All Advisory Committees established by Council, except the Audit and Risk Committee, will sunset on 30 June following each General Council election, unless they have been re-established in the new Council term.

8.1.2 Appointment of Councillors to Advisory Committees and External Committees and Organisations

At the next Ordinary *Council Meeting* after the Meeting at which the *Mayor* is elected, or at a *Council Meeting* held as soon as practicable after that Meeting, Council must:

- (1) appoint Councillors as members of, or representatives on, committees established by Council;
- (2) appoint Councillors as delegates to external committees and organisations; and

8.2 Council Reports

- (1) The *Chief Executive Officer* will determine the form of reports to Council prepared for inclusion in the agenda for a Council or Delegated Committee meeting.
- (2) Reports presented to Council for consideration and decision will address where relevant the following report template headings:
 - Executive Summary
 - Background / Key Information
 - Previous Council resolutions
 - Communications and Engagement
 - Analysis

-
- Alignment to Council Plan / Council Policy
 - Environmental & Sustainability Considerations
 - Cultural Considerations
 - Economic Development Considerations
 - Financial and Resource Implications
 - Legal and Risk Implications
 - Operational Impacts
 - Discussion
 - Options for Consideration
 - Implementation Strategy
 - Related Documents
 - Attachments

CHAPTER 9 – OTHER MEETINGS OF COUNCILLORS / CONFIDENTIAL INFORMATION

(1) Advisory Committees and other Informal Meetings of Councillors

For any meeting of an Advisory Committee established by Council attended by at least one Councillor or a scheduled or planned meeting to discuss the business of *Council* or to brief Councillors, and which is attended by at least half of the Councillors and one member of Council staff; and which is not a *Council Meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting the *Chief Executive Officer* must ensure that a summary of the meeting is:-

- (a) Tabled at the next convenient *Council Meeting*; and
- (b) Recorded in the minutes of that *Council Meeting*.

The summary of the meeting will include

- (a) The time, date and location of the meeting.
- (b) The councillors in attendance.
- (c) The topics discussed.
- (d) The positions of council officers in attendance
- (e) The organisation that any attendees external to council are representing; and
- (f) Any conflicts of interest declared, including the reason

(2) Confidential Information

If, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, they may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.

Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.

CHAPTER 10 – COMMUNITY ASSET COMMITTEES

Overview Notes:

The Act provides for Council to establish a community asset committee for the management of a community asset such as a hall.

Council may appoint members of the community to the committee and delegate to it powers, duties or functions.

The powers delegated to a community asset committee must be limited in the amount and purpose of any financial delegation.

- (1) These Rules will apply to any Community Asset Committee established by Council.
- (2) Council may resolve, in establishing a Community Asset Committee, that the meeting procedure chapter of these Rules do not apply.
- (3) A Community Asset Committee must report the minutes of all Committee Meetings to the next practicable *Council Meeting*.
- (4) A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation, any Terms of Reference adopted by Council, and the Act (in particular, sections 65 and 47⁵)

⁵ **65 Community Asset Committee**

(1) A Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable the Community Asset Committee to achieve the purpose specified in subsection (2).

(2) A Council may only establish a Community Asset Committee for the purpose of managing a community asset in the municipal district.

Note - See section 47 for delegation to members of a Community Asset Committee by the Chief Executive Officer.

47 Delegations by Chief Executive Officer

(1) The Chief Executive Officer may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to—

- (a) a member of Council staff; or
- (b) the members of a Community Asset Committee.

Note - This means Council may not delegate directly to a Community Asset Committee.

CHAPTER 11 – ELECTION PERIODS

Overview Notes:

The Election Period Policy governs the conduct of Council, Councillors and members of Council staff during an election period to ensure appropriate decision-making in the lead up to a Council election.

The Election Period prohibits the use of Council resources for any election campaign and puts in place a procedure to ensure Council does not print, publish or distribute any material that may influence the outcome of the election.

11.1 Election Periods Generally

- (1) Council in accordance with section 69 of the Act⁶ will have in place an election period policy that:
 - (a) governs decision making during a local government election period, including what may be considered at a *Council Meeting*;
 - (b) prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
 - (c) sets out the conditions for any community engagement required to be undertaken during an election period, including consultations and Civic events sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
 - (d) defines roles and responsibilities in relation to who is the spokesperson for Council during an election period; and
 - (e) sets out the requirements for a Councillor who is a candidate in an election including a Federal, State or Council election.
- (2) At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its election period policy.
- (3) The Election Period Policy forms part of these Rules.
- (4) The operation of Council Advisory Committees shall be suspended upon the commencement of the election period ahead of a general Council election.

⁶ 69 Governance Rules to include election period policy

- (1) A Council must include an election period policy in its Governance Rules.
- (2) An election period policy must prohibit any Council decision during the election period for a general election that—
 - (a) relates to the appointment or remuneration of the *Chief Executive Officer* but not to the appointment or remuneration of an Acting *Chief Executive Officer*; or
 - (b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
 - (c) the Council considers could be reasonably deferred until the next Council is in place; or
 - (d) the Council considers should not be made during an election period.
- (3) An election period policy must prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

- (5) Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

11.2 Election Period Policy

1. Introduction

The *Local Government Act 2020* (the Act) in section 60 requires Council to develop, adopt and keep in force Governance Rules for or with respect to an election period policy in accordance with section 69 of the Act.

2. Context

Under Section 69(2) of the Act, an election period policy must prohibit any Council decision during the election period for a general election that:

- (a) relates to the appointment or remuneration of the *Chief Executive Officer* but not to the appointment or remuneration of an Acting *Chief Executive Officer*; or
- (b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- (c) the Council considers could be reasonably deferred until the next Council is in place; or
- (d) the Council considers should not be made during an election period.

A Council decision made in contravention of subsection (a) or (b) above is invalid. And any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of it contravening Section 69(2) is entitled to compensation from the Council for that loss or damage.⁷

Under Section 69(3) of the Act the election period policy must prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

Section 304 of the Act states:

- (1) a Councillor or member of Council staff must not use Council resources in a way that—
 - (a) is intended to; or
 - (b) is likely to—affect the result of an election under this Act; and
- (2) a Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council.

⁷ Section 69(5)

This does not include material that only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

Section 123 of the Act prescribes serious penalties for any Councillor who inappropriately makes use of their position or information obtained in their role, to gain an advantage, or disadvantage another (Misuse of Position).

3. Objectives

To support and ensure the conduct of good governance for Council and the organisation during Election Periods through the transparency and accountability of Councillors, Council officers, and candidates during an election period.

4. Application

Candidates for Elections

Councillors must comply with this policy, regardless of whether they intend to nominate or have already nominated as candidates for election.

Council Officers who are candidates for a general election must comply with this policy and in addition:

- (a) take leave from their duties for the duration of the election period in accordance with section 256(8) of the Act (if not enough paid leave is accrued, unpaid leave will be available).
- (b) return any council equipment (including, but not limited to, motor vehicles, telephones and computers), documents or information which is not available to the public for the duration of the election period.
- (c) immediately resign upon election in accordance with s 256(8) of the Act.

Council committee members who are candidates for election are expected to comply with this policy and in addition:

- (d) submit apologies for any committee meetings or other activities held during the election period.
- (e) return any council equipment, documents or information which is not available to the public for the duration of the election period.
- (f) immediately resign from the committee upon election.

Other candidates for election are expected to comply with the obligations of this policy where they apply.

5. Policy Details

5.1 Election Caretaker Period

During the 'Election Period' for a General Election the Council will be deemed to be in 'Caretaker Mode'.

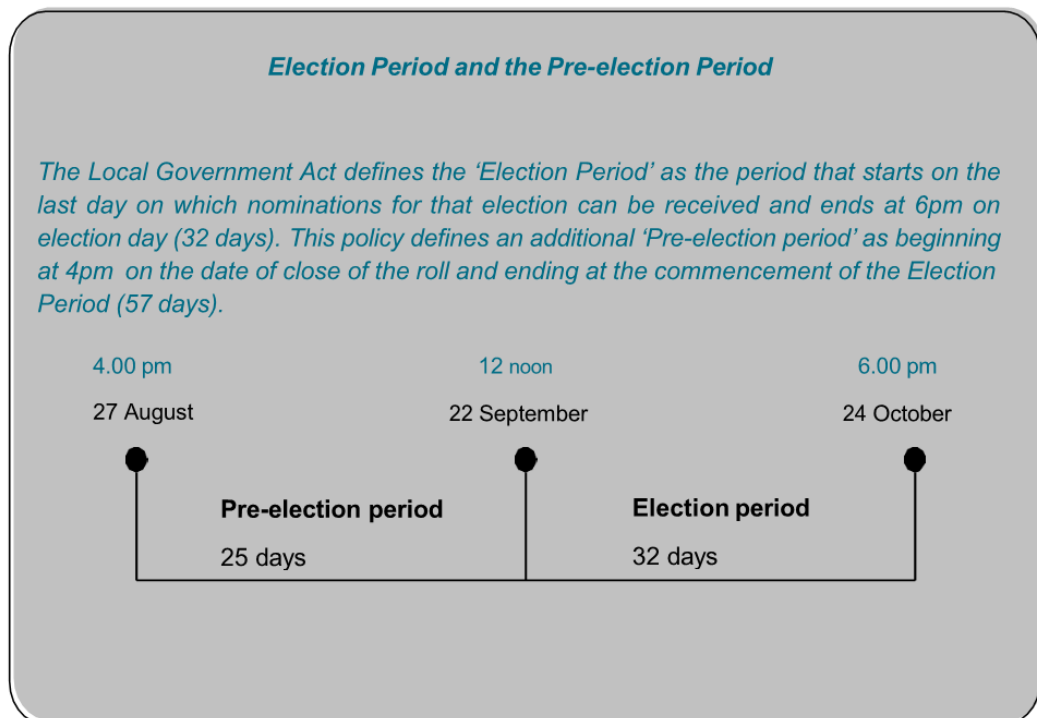
The Act defines the Election Period to mean the period that—

- (a) starts at the time (i.e. noon) that nominations close on nomination day; and
- (b) ends at 6 p.m. on election day.

This policy defines an additional 'Pre-Election Period' – in addition to the 32 days – which will commence on the date legislated for the close of the roll – 57 days before the election day.

The Election Period and Pre-Election Period are graphically depicted below.

This approach is consistent with the Election Period Policy adopted by Council prior to the 2016 General Elections.



During this extended election period Councillors:

- Will continue to fulfil their duties
- Will continue to engage, and communicate with, the community in their Councillor role
- Must comply with the Act and Councillor Code of Conduct, and

- Must not use their position to influence Council officers, or access Council resources or information, in support of any election campaign or candidacy

5.2 Inappropriate Decisions

Section 69(2) of the *Act* requires that this Policy must prohibit any Council decision during the election period for a general election that—

- (a) relates to the appointment or remuneration of the *Chief Executive Officer* but not to the appointment or remuneration of an Acting *Chief Executive Officer*; or
- (b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- (c) the Council considers could be reasonably deferred until the next Council is in place; or
- (d) the Council considers should not be made during an election period.

If the Council considers that there are extraordinary circumstances where the municipality or the local community would be significantly disadvantaged by the Council not making a particular Major Policy Decision, the Council will, by resolution, request an exemption from the Minister for Local Government, in accordance with section 177 of the *Act*.

It shall be the ultimate responsibility of the *Chief Executive Officer* to determine if a matter is a major policy decision. Where possible, the *Chief Executive Officer* will ensure that matters are scheduled for Council to ensure that major policy decisions are resolved prior to the commencement of the Election Period or scheduled for determination by the incoming Council.

Council will avoid making decisions that would affect voting at an election or decisions that may unreasonably bind an incoming Council and could be deferred until after the election. These are defined in the *Act* as inappropriate decisions.

Examples of inappropriate decisions include:

- Allocating community grants or other direct funding to community organisations
- Major planning scheme amendments
- Changes to strategic objectives and strategies identified in the Council Plan
- Adopting policy
- Setting advocacy positions.

Council will however, allow an exception to this principle where:

- A decision will be considered only if absolutely necessary for Council operational purposes or pursuant to a statutory requirement.

The only items to be considered at an Ordinary Council or Delegated Committee Meeting held during the election period, will be of an administrative nature. For the avoidance of doubt any report considered at an Ordinary Council or Delegated Committee Meeting held during the election period will be subject of certification (i.e. a Caretaker Statement) by the *Chief Executive Officer* in accordance with 5.3 below.

At a Meeting designated to consider Planning and Related Matters, only permit applications that may otherwise be subject of an application to VCAT on the grounds Council has failed to determine within the prescribed time will be considered.

Considerations for Officers with Delegated Authority

Before making decisions under delegated authority during the election period, officers should consider the following:

- Whether the decision is 'significant'
- The urgency of the issue (that is, can it wait until after the election?)
- The possibility of financial repercussions if it is deferred
- Whether the decision is likely to be controversial
- The best interests of Council.

Officers requiring assistance in determining whether a decision is likely to be inappropriate should seek advice from the Manager Governance in the first instance.

5.3 Caretaker Statement

During the election period, the *Chief Executive Officer* will ensure that a Caretaker Statement is included in every report submitted to the Council or to a delegated committee of Council for a decision.

The Caretaker Statement will specify one or more of the following:

- The recommended decision is not an Inappropriate Decision, as defined in section 69(2) of the *Local Government 2020*, or an Inappropriate Decision within the meaning of the Election Period Policy.
- The recommended decision is an Inappropriate Decision within the meaning of the Election Period Policy, but the following negative consequences of a failure to make a decision on this matter outweigh the consequences of binding an incoming Council. [*Insert description of negative consequences of failure to make decision*].
- The recommended decision is a Major Policy Decision, as defined in section 69(2) of the *Local Government 2020*, but an extraordinary circumstances exemption was granted by the Minister for Local Government on [insert date].

During the election period, the Council will not make a decision on any matter or report that does not include one of these Caretaker Statements.

Councillors will refrain from moving motions or raising matters at a meeting that could potentially influence voting at the election.

5.4 Candidacy

A Councillor must not use Council resources for candidacy, or any purpose that may be perceived as being used for candidacy (individual or political party). This applies to a Councillor standing in local, state, or federal government elections, and for any other elected positions, for example, positions on boards. Such use would constitute misuse of position by the Councillor.

5.5 State and Federal Government Elections

Councillors will ensure there is a demonstrable distinction between their obligations to Council and their personal interests as a candidate, or member of a political party, in an election period prior to a state or federal election.

In accordance with the adopted Councillor Guidelines for State and Federal Elections 2018 a Councillor who becomes an endorsed candidate of a registered political party or publicly expresses an intention to run as a candidate in a state or federal election, is a 'Prospective Candidate' and will provide written advice to the *Chief Executive Officer*, as soon as practicable, who will then advise all Councillors.

Councillors must comply with the provisions of the adopted Councillor Guidelines for State and Federal Elections 2018

5.6 Council Publications

Public resources, including Council Publications, must not be used in a way that would influence the way people vote in elections.

Electoral matter

The Council will ensure that it complies with section 304(2) of the *Act* which requires that a Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any *Act* or regulation.

The following definitions from the *Act* are noted:

Section 3(1) '**electoral material**' means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting; '**publish**' means publish by any means including by publication on the Internet;

Section 3(4) 'electoral matter' means matter, which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election.

Section 3(5) without limiting the generality of the definition of 'electoral matter', matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on -

- (a) the election; or
- (b) a candidate in the election, or
- (c) an issue submitted to, or otherwise before, the voters in connection with the election.

The *Chief Executive Officer* (or delegate) must certify that any Council publication does not include 'electoral matter' before it can be issued.

For the purpose of this Policy, 'publications' include hard copy and electronic advertisements, social media posts, promotional media releases, fliers, posters, newsletters/updates, booklets, surveys, invitations and group mailouts/emails.

Any publications to be issued during the election period are to be forwarded to the relevant General Manager for approval, and then sent to the Council Business / Governance Unit for vetting for electoral matter. Once vetted, the publication will then be submitted to the *Chief Executive Officer* (or delegate) for certification. Appendix 1 contains the certification memorandum required for a publication during the election period.

Council publications available in Council facilities will be reviewed before the election period to identify and temporarily remove anything that might reasonably influence the election.

The *Chief Executive Officer*, or delegate, will be the primary spokesperson for Council communications during an election period.

Media and social media responses and statements will only be issued during an election period in the name of the *Chief Executive Officer*. These will be subject to certification by the *Chief Executive Officer*.

Council officers will not make any public statement that could be construed as influencing the election.

Annual Report

It is a requirement of the *Act* (s 100) that the *Mayor* must report on the implementation of the Council Plan by presenting the annual report at a *Council Meeting* open to the public.

In the year of a general election the *Council Meeting* must be held on a day not later than the day before election day.

As this is a statutory requirement, it does not require certification by the *Chief Executive Officer*.

5.7 Council Resources

It is a requirement of the *Act* (s 304(1)) that a Councillor or member of Council staff must not use Council resources in a way that—

- (a) is intended to; or
- (b) is likely to—

affect the result of an election under this *Act*.

This means that the Council will also ensure other Council resources are not used inappropriately in ways that may influence voting in an election. This includes financial, human and material resources. Any staff member who considers that a particular use of Council resources may influence voting in the election must advise their General Manager or the *Chief Executive Officer* and obtain approval before authorising, using or allocating the resource.

In applying these principles, the Council understands that the following will be the normal practice during the election period:

- Council resources, including offices, support staff, hospitality services, equipment and stationery will be used exclusively for normal Council business during the Caretaker Period, and will not be used for the personal advantage of any Councillor or candidate in connection with any election. This does not apply to the provision of space for the Returning Officer.
- No new publications or pamphlets, including Darebin Community News will be published by Council during the election period.
- Speeches for Councillors will only be prepared by Council staff in relation to events that are part of the normal services or operations of the Council and such speeches will not be circulated or available for publication.
- No Council logos, letterheads, business cards, photos or other City of Darebin Council branding will be used for, or linked in any way, to a candidate's election campaign.
- Candidates will not be provided access to databases, contact lists, property counts, email addresses or any other information that would assist in mailing or other distribution of election material
- It is recommended that staff who are either following Councillors / candidates Facebook pages or who are friends with them unfriend the Councillor / candidate during this period.
- There will be no Ward or Councillor 'Meet and Greet' meetings held.
- The Executive Officer to the *Mayor* and Councillors or any other Council staff member will not be asked to undertake any tasks connected directly or indirectly with electioneering.

- Reimbursements of Councillors' out-of-pocket expenses during the Election Period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.
- Where Councillors have Council funded equipment, including laptops, tablets, printers and mobile phones, these are not to be used for election purposes or in a manner that could be perceived as supporting or being connected with a candidate's election campaign.

Council Facilities and Meeting Rooms

Council Facilities / Halls for Hire can be hired by Federal and State political members and officers, and local candidates (including Councillors) at the normal corporate hire rate determined for the facility, in the lead up to an election, but not during the election period.

To avoid a perception that Council facilities are being used to promote any candidacy, no promotional material related to the event / hired use, apart from directional signage, can be displayed in the common public areas of the facility being hired. This will be advised at time of booking.

Use of the Title 'Councillor'

Councillors may use the title Councillor in their election material, as they continue to hold office during the election / caretaker period.

While a Councillor can refer to themselves as Councillor in all communication issued by the Councillor (verbal or written), it must be made clear that it is the communication of a candidate and not a position of Council.

Photographs and Images

Photographs and images paid for by Council or taken by Council officers are not to be used in electoral material for any candidate. This includes images of Councillors, Council events, and Council owned or maintained infrastructure.

Photographs taken by Councillors, their family or friends, or professional photos they have directly commissioned and paid for, may be used in electoral material.

5.8 Election Signage on Council and Electioneering Practices

In order to ensure Council resources including buildings and land are not used to support any electioneering activity Council has adopted an 'Electoral Advertising Signage and Electioneering Policy'. This policy provides clear direction on

- (a) The placement of electoral advertising signs on any Council land, municipal building or road; and
- (b) The requirements for candidates or their supporters electioneering in public places.

A copy of the policy will be provided to all candidates and is available of Councils website.

5.9 Public Consultation and Council Events

Public consultation is an integral part of Council's policy development process and operations, however, there are concerns that consultation undertaken close to a general election may become an issue and influence voting.

Council events in the lead up to an election can also raise concerns over the potential use of sitting Councillors using them for electioneering purposes.

If consultation must be undertaken or an event held during this time, the Council must explain to the community the special circumstances making it necessary and how the risks influencing the election will be mitigated or prevented.

Therefore:

- No formal public consultation like previously specified in section 223 of the 1989 Act will be conducted during this period.
- Consultation for the purpose of planning permit applications and operational issues such as canvassing residents' views on small-scale traffic treatments, installation of single trees and the like will be allowed as they are operational in nature and are unlikely to impact the conduct of the election.
- Consultation on larger projects and initiatives, strategies or plans will not occur during the election period.
- Civic Events will cease during this time.
- No election material or active campaigning is to be conducted at Council sponsored festivals.

Councillors may attend external events as a representative of Council however must not to use the opportunity to promote their election campaign.

5.10 Equitable Access to Council Information

The Council recognises that all election candidates have a right to information from the Council administration. However, it is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles. Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns, and transparency will be observed and practised in the provision of all information and advice during the election period.

Information and briefing material prepared by staff for Councillors during the election period will relate only to factual matters or to existing Council policies and services. All such requests are to be issued through the offices of the responsible Council General Manager who will maintain a register of requests made and advice provided. Such information will not relate to new policy development, new projects or matters that are the subject of public or election debate or that might be perceived connected with a candidate's election campaign.

A copy of the document / advice will then be passed to the Manager Governance as issued during the Election Period. The document / advice will be emailed or provided in a hardcopy format to all sitting Councillors and candidates to access. Candidates will be advised of this process in writing.

An Information Request Register will be maintained by the Council Business / Governance Unit during the Election Period. This Register will be a public document that records all requests for information by Councillors and candidates, and the responses given to those requests. Only information that can be reasonably accessed will be released.

All requests for information are to be directed to the Manager Governance

5.11 Publicity

It is recognised that Council publicity is intended to promote normal services or operations of the Council. Council publicity will not be used in any way that might be construed as intended to influence the outcome of the Council election.

- During the election period, no Council employee may make any public statement that could be construed as influencing the election. This does not include statements of clarification that are approved by the *Chief Executive Officer*.
- During the election period, publicity campaigns, other than for the purpose of conducting the election, will be avoided. Where a publicity campaign is deemed necessary for a Council service or operation, it must be approved by the *Chief Executive Officer*. In any event Council publicity during the election period will be restricted to promoting the normal services or operations of the Council.
- Any requests for media advice or assistance from Councillors during the election period will be channeled through the *Chief Executive Officer* or the Manager Communications Engagement. In any event, no media advice and/or assistance or media releases will be provided in relation to election campaign matters, or regarding publicity that involves specific Councillors.
- Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of matters that could be construed as relating to an election campaign.

Information published on Council's website with regard to sitting Councillors will be limited to statements of facts about their roles and responsibilities as a Councillor. For example, contact details, roles and responsibilities as assigned by Council resolution.

Council Websites and Social Media

Councillors may use the title Councillor in their election material, as they

The only new material published on Council's websites or social media sites during an election period will be:

- The Agenda and Minutes for any Council or Special Committee meetings
- The Annual Report
- Key service disruption information

Service information already published on the website will be reviewed to ensure it does not include anything that might be seen as likely to influence the election.

5.12 Assistance to Candidates

A copy of this Policy must be given to each Councillor as soon as practicable after it is adopted, be available for inspection by the public at the Council office and be published on Council's website. The *Chief Executive Officer* will ensure that all Councillors, Managers and staff are informed of the requirements of this policy.

The Council affirms that all candidates for the Council election will be treated equally.

Any assistance and advice to be provided to Candidates as part of the conduct of the Council Election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to all candidates in advance.

All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the *Chief Executive Officer*.

5.13 Conduct of Council Meetings

Public Question Time and Submissions will be suspended at all *Council Meetings* during the election period.

During the election period, Councillors will limit their discussion during debate to the topic under consideration and will avoid raising electoral matter where possible.

During the election period Notices of Motions will be suspended at all *Council Meetings*.

Urgent Business will be listed however only admitted in accordance with Councils Governance Rules.

6 Miscellaneous

During the Pre-election period or the Election period, the *Chief Executive Officer* may, at her or his absolute discretion, introduce additional provisions to this policy where they believes they are necessary to support the achievement of its stated policy objectives.

Any changes made by the *Chief Executive Officer* will be reflected in an update to this policy and published on *Councils* website and sent to all Councillors and candidates.

7 Monitoring, Evaluation and Review

The requirements of this policy will be monitored throughout the caretaker period to ensure compliance.

The policy will be further reviewed and updated not later than 12 months before the commencement of each subsequent general election period.

8 Associated Documents

Local Government Act 2020

Summary of Election Period Restrictions – Appendix 1

Certification Memo – Appendix 2

Appendix 1 - Summary of Election Period Restrictions

		Pre-election Period 57 days before election	Election Period 32 days before election
4	Council staff standing as a candidate	No restriction	Must take leave and return all Council equipment and information
4	Committee member standing as a candidate	No restriction	Must lodge apologies for meetings and return all Council equipment and information
5(7)	Council resources used in conjunction with an election campaign	Not permitted	Not permitted
5(7)	Reimbursement of out of pocket expenses to Councillors	Cannot include expenses that could be perceived as electoral expenses	Cannot include expenses that could be perceived as electoral expenses
5(7)	Use of Council logo, branding of phone number in campaign material	Not permitted	Not permitted
5(7)	Officer assistance in preparing campaign material	Not permitted	Not permitted
5(7)	Officer provision of databases and contact lists	Not permitted	Not permitted
5(10)	Maintenance of an Information Request Register	Not required	Required
5(9)	Routine community consultation	Permitted	Permitted
5(9)	Significant community consultation	Permitted	Not permitted
5(6)	Printing, publishing or distributing a handbill, pamphlet or notice containing electoral matter	Permitted	Not permitted
5(6)-	Printing, publishing or distributing a handbill, pamphlet or notice <u>not</u> containing electoral matter	Permitted	Permitted following certification by the Chief Executive
5(7)	Publication of the Darebin News or similar publication	Permitted, subject to restrictions	Not permitted
5(11)	Councillor details on Council's website	Restricted to names, contact details and committee or other appointments	Restricted to names, contact details and committee or other appointments

		Pre-election Period	Election Period
5(11)	Employee of Council or subsidiary organisation making a public statement that could be construed as influencing the election	Not permitted, apart from clarifications made by the Chief Executive	Not permitted, apart from clarifications made by the Chief Executive
5(11)	Publicity campaigns for Council services or functions	Should be avoided where possible, and otherwise approved by the Chief Executive	Should be avoided where possible, and otherwise approved by the Chief Executive.
5(11)	Councillor requests for media assistance	Must be approved by the Chief Executive or delegate but cannot relate to election campaigns or promote individual Councillors	Must be approved by the Chief Executive or delegate but cannot relate to election campaigns or promote individual Councillors
5(2)	Council making Major Policy Decisions	Permitted	Not permitted, except in accordance with the Act
5(2)	Council making Significant Decisions (defined in Act as inappropriate decisions)	Permitted	To be avoided, except where it is urgent and cannot be deferred
5(13)	Public Question Time / Submissions at <i>Council Meetings</i>	Continues as normal	Suspended
5(13)	Discussion of matters and raising of Urgent Business	Continues as normal	Comments by Councillors not to include Electoral Matter. Urgent Business permitted
5(9) 5(11)	Councillor attendance at meetings, events and functions	Permitted	Permitted
5(9)	Speeches by Councillors at Council events	Permitted	Limited to a short welcome, with no reference to the election.
5(9)	Annual <i>Mayoral</i> fundraising event (or similar)	Not permitted	Not permitted
5(9)	Attendance by Councillors at external events as representatives of Council	Permitted, but Councillors not to use the opportunity to promote their election campaign.	Permitted, but Councillors not to use the opportunity to promote their election campaign.
5(12)	Enquiries to Council from candidates	Shall be referred to the Returning Officer	Shall be referred to the Returning Officer
6	Introduction of additional provisions by the Chief Executive	Permitted	Permitted

Appendix 2 – Request for Certification of Publication During the Election Period

2024 Council Elections



REQUEST FOR CERTIFICATION OF PUBLICATION DURING THE ELECTION PERIOD

1. Author to Complete

Document Description
(attach document):Intended Distribution
Channel:

I declare that the material contained in the attached document has been checked by me and to the best of my knowledge, it does not contain any electoral matter.

Name & Title

Signature

Date

2. General Manager to Complete

I have reviewed the material contained in the attached document and can advise that to the best of my knowledge, it does not contain any electoral matter.

Name & Title

Signature

Date

Once signed, return to Manager Corporate Governance for vetting.

3. Chief Executive Officer to complete

In accordance with Chapter 12 of the Governance Rules adopted by Council on _____ 2020, I certify that the attached advertisement, handbill, pamphlet or notice may be printed, published or distributed during the election period on behalf of the City of Darebin.

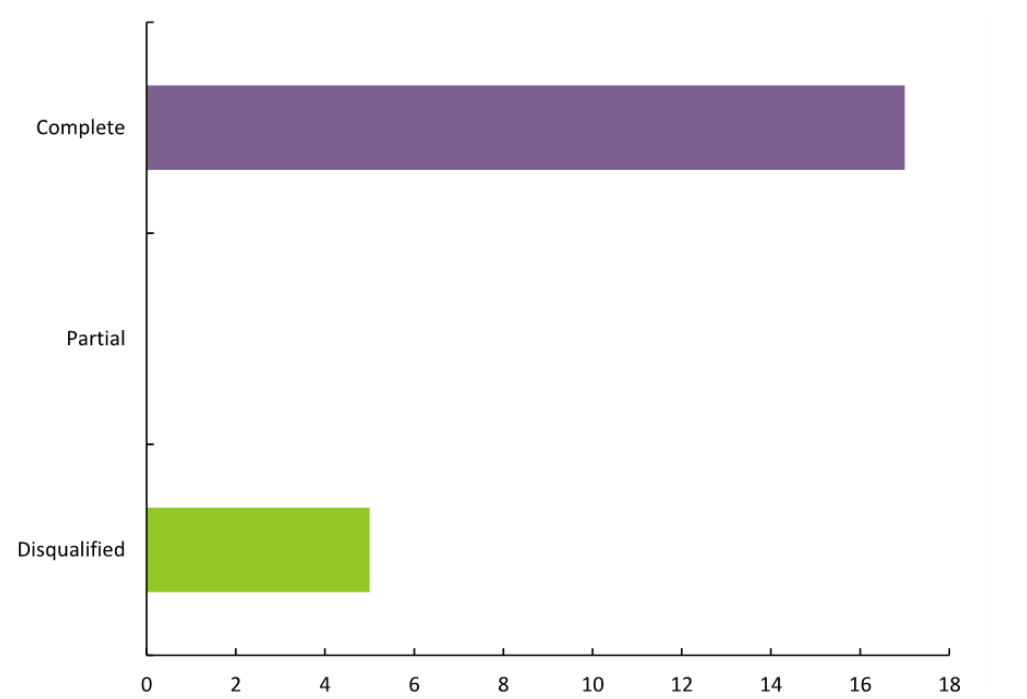
CEO Name.....Chief Executive Officer

Signature

Date

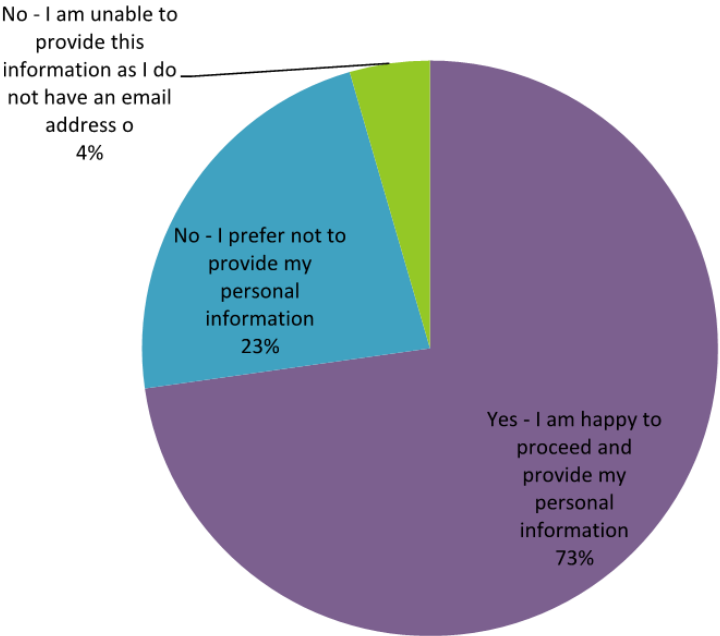
Report for Council Meetings Review

Response Statistics



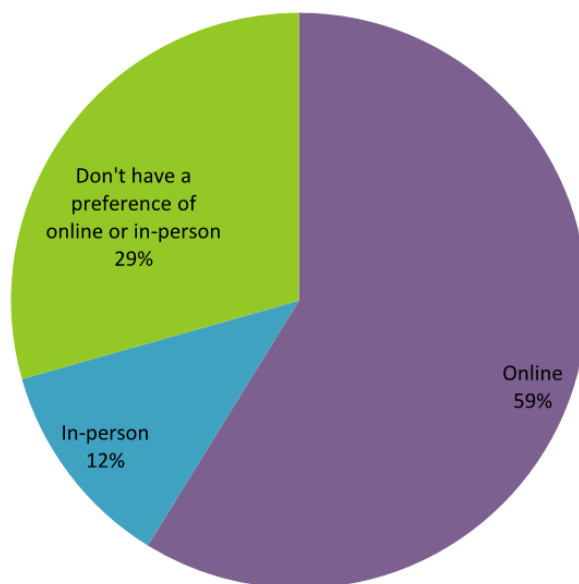
	Count	Percent
Complete	17	77.3
Disqualified	5	22.7
Totals	22	

1.Darebin Council has introduced a new approach for all engagements with the community and is collecting some personal information from all participants, such as name and email address or postal address, and postcode.



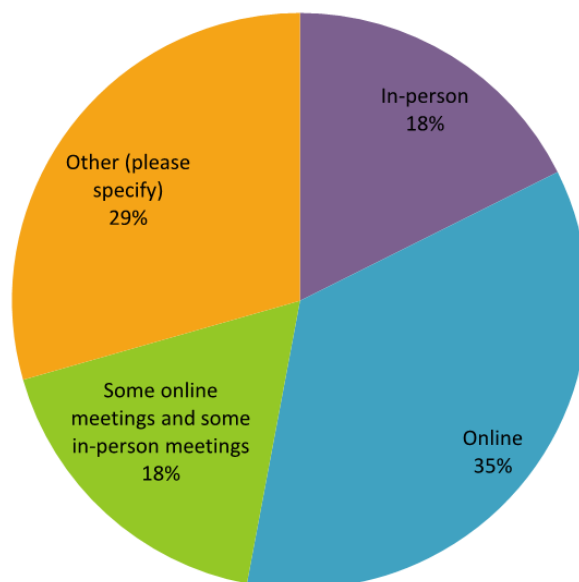
Value	Percent	Count
Yes - I am happy to proceed and provide my personal information	72.7%	16
No - I prefer not to provide my personal information	22.7%	5
No - I am unable to provide this information as I do not have an email address or postal address and postcode	4.5%	1
	Totals	22

2.If you were to attend a Darebin Council meeting, would you prefer to attend the meeting online or in-person?



Value	Percent	Count
Online	58.8%	10
In-person	11.8%	2
Don't have a preference of online or in-person	29.4%	5
	Totals	17

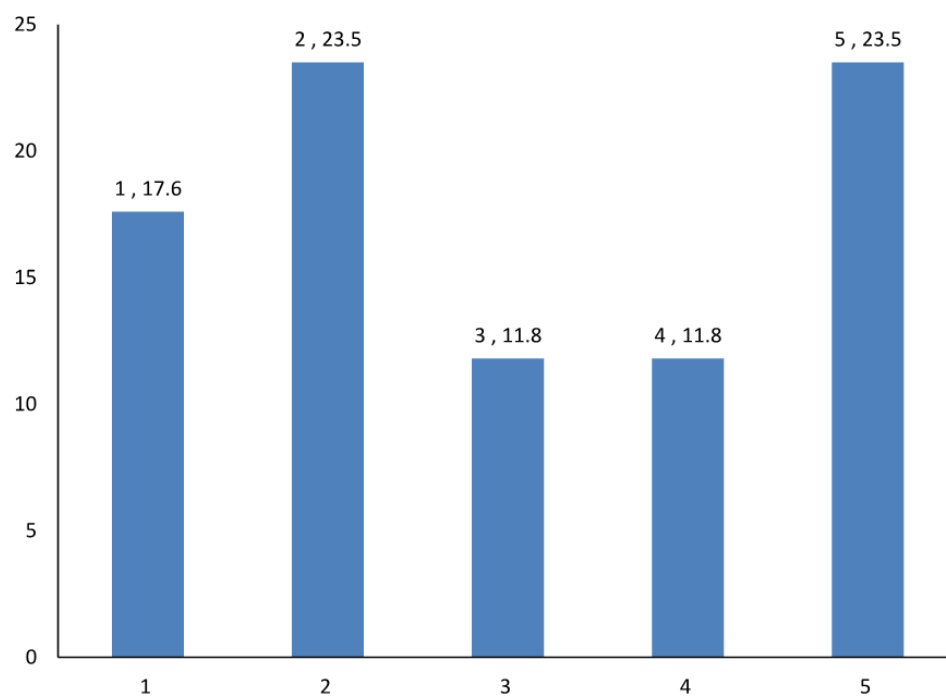
3.What would be your preferred format for future Darebin Council meetings?



Value	Percent	Count
In-person	17.6%	3
Online	35.3%	6
Some online meetings and some in-person meetings	17.6%	3
Other (please specify)	29.4%	5
	Totals	17

Other (please specify)	Count
All meetings should be a hybrid of both	1
Either/hybrid	1

Hybrid meeting	1
I would like in person and on-line to run consecutively.	1
both online (so I can watch) and in person (I would prefer to attend in person if I was presenting or making a submission)	1
Totals	5

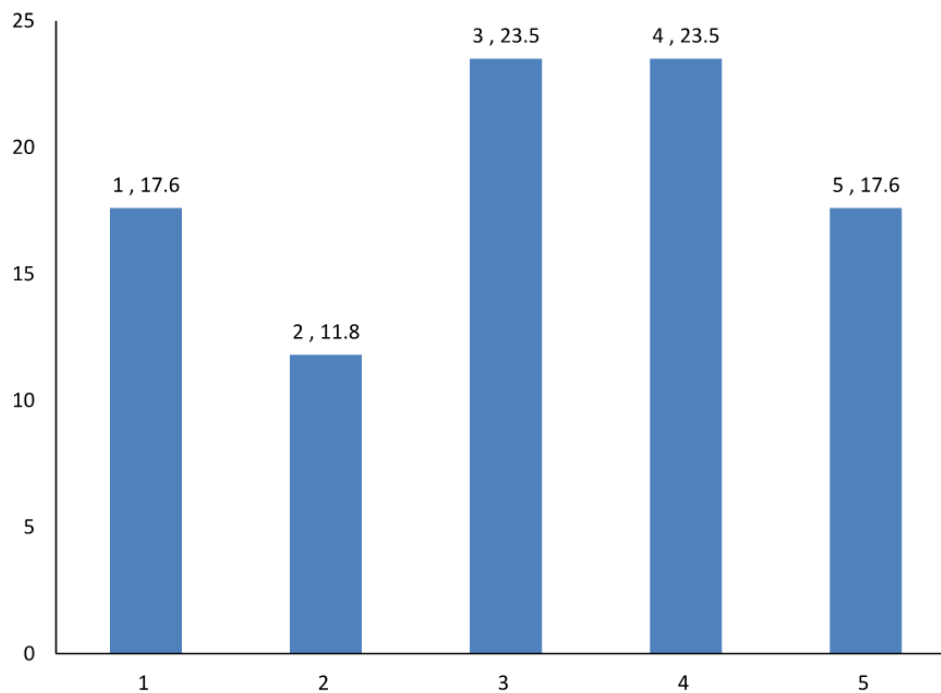
4.How easy is it for you to find the recordings of past council meetings?

4.How easy is it for you to find the recordings of past council meetings?

Count	Response
3	1
4	2
2	3
2	4
4	5

Statistics	
Total Responses	17.0
Average	2.6

5. How easy it for you to find the agendas of past and upcoming council meetings? Please use the sliding scale to rate from Very difficult to Very easy. If you have any comments, please include them in the comments box below.



5. How easy it for you to find the agendas of past and upcoming council meetings? Please use the sliding scale to rate from Very difficult to Very easy. If you have any comments, please include them in the comments box below.

Count	Response
3	1
2	2
4	3
4	4
3	5

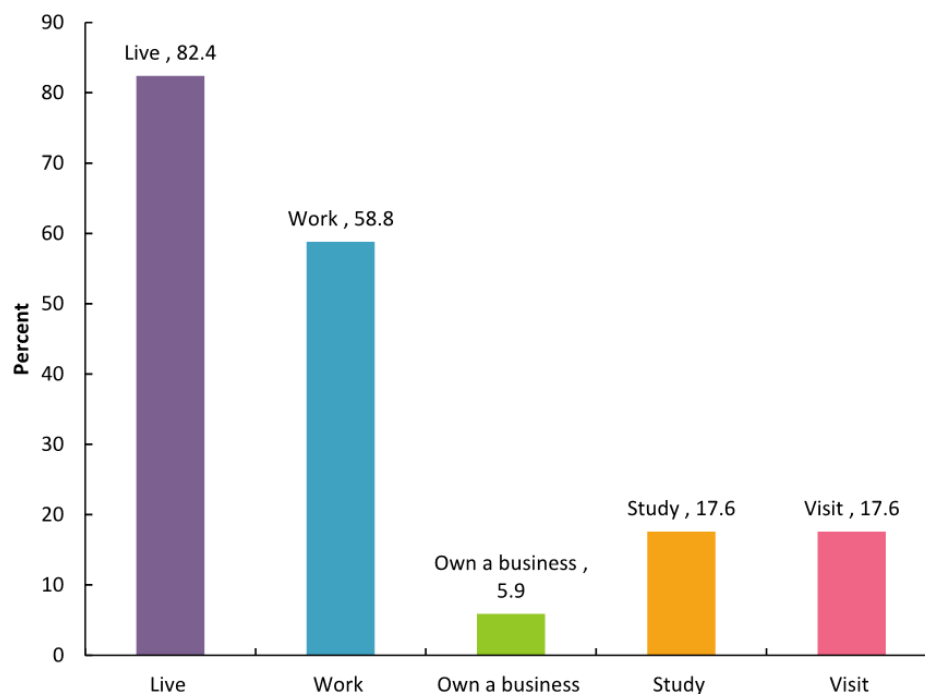
Statistics	
Total Responses	17.0
Average	2.9

6. Do you have any other comments about the proposed changes to Council meetings or the proposed Governance Rules?

ResponseID	Response
18	Why do we need to change this? By not allowing community to present either online or in person council is avoiding scrutiny and becoming less transparent by screening and only reading questions they want on public record.
19	Give the community both options
20	All Council meetings, including community meetings and other events, need to be run as a hybrid live-streamed model for the widest audience and most accessibility.
28	I find council meetings extremely frustrating. The chair needs to learn to chair a meeting and other councillors need to understand how to participate in a timely manner. Generally these meetings go for far too long and lose concentration.
30	Question 7 and Question 8 has narrow responses. I would prefer people had option to present questions online OR in person. This is reducing access to the council. Having the chair present questions poses the problem of interpretation or misinterpretation. Very dangerous. You are determining the outcome to both these questions. I do not agree with any of the options for questions 7 and 8. I'm forced to choose I response I do not agree with.
38	Having things online is a balance between accessibility and privacy. Unfortunately, some things cannot be online or in electronic form, such as things under the PDP Act, and parts of the Planning and Environment 1987 Act. I'd like to know more about how the policies are updated for this.
39	Regarding the answer to q7 my preference would be to provide all the options relevant to the way in which a person participated in a meeting. Asking a question can be very empowering for community members and enable them to participate in a democratic process that governs Darebin CC. However, if

	<p>someone chooses to have their q read out (if participating online or not feeling comfortable to do that when participating in person) that also should be accommodated. Re q 8, I don't know much about the process governing submissions. Do they need to be tabled in person? I couldn't find any info about it in the YS page. If yes, this may create problems for those community members who might like to table submissions but are not able to attend a meeting in person. So, there also may need to be some flexibility built in this process here. I think the rules around councillors' virtual attendance at the meetings need to be really thought through, and have a specific allowances for number of times when a councillor can attend online, so we do not have situations where all the councillors happen to attend a hybrid meeting virtually, as this would be disrespectful for the community members present at the meeting. These rules need to be clear and accessible to community so everyone knows what to expect and why things are happening in a certain way. Council also needs to ensure that irrespective of how the meetings are delivered or community members choose to participate, the meetings and all relevant papers are accessible to people with additional access needs (information in clear language, and if needed delivered in different formats and languages other than English to cater for our multilingual groups and Auslan speakers, and accessible to assistive technologies).</p>
40	<p>The attendance at Council meetings is generally low and online is very low, considering a population of 160,000. There needs to be more work done to make the meetings more engaging or presenting the meetings better through online and social media. The meetings need to be shorter, and I think the governance rules should make it easier and quicker to get through Council business with a focus on decision-making. Continuing to enhance the online element to meetings is good thing.</p>
47	<p>Council meetings should cater and support the participation of all residents Therefore Council meetings should be both in person and available online.</p>

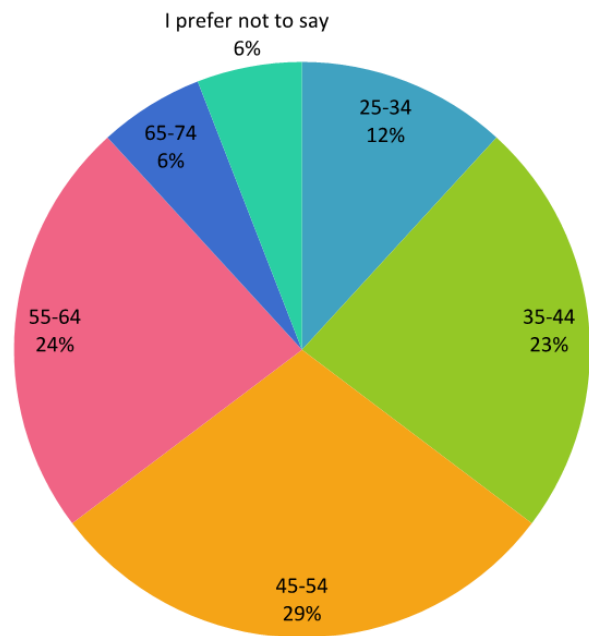
7.What is your connection to Darebin? (choose all that apply)



Value	Percent
Live	82.4%
Work	58.8%
Own a business	5.9%
Study	17.6%
Visit	17.6%

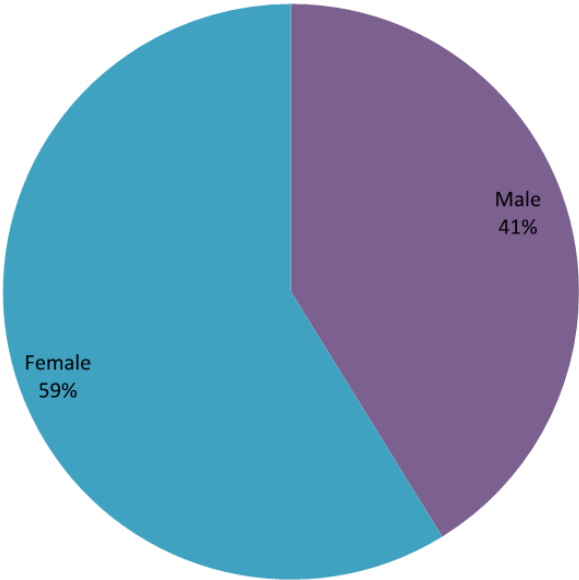
Statistics	
Total Responses	17.0

8.What is your age group?



Value	Percent	Count
25-34	11.8%	2
35-44	23.5%	4
45-54	29.4%	5
55-64	23.5%	4
65-74	5.9%	1
I prefer not to say	5.9%	1
	Totals	17

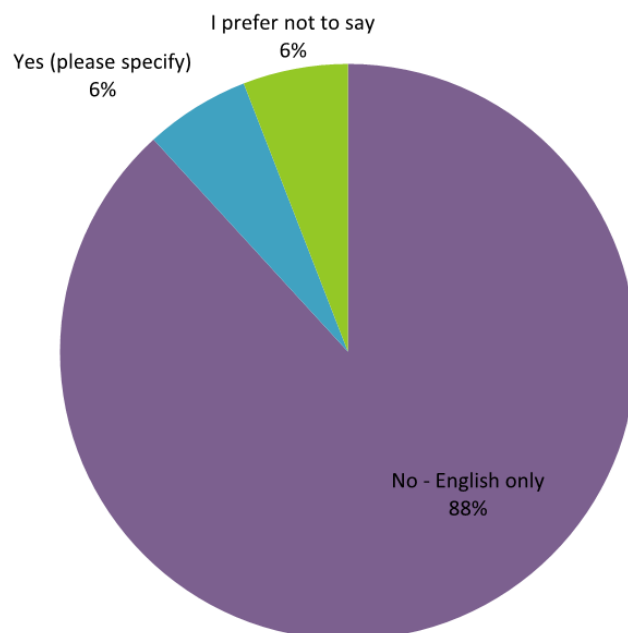
9.What is your gender?



Value	Percent	Count
Male	41.2%	7
Female	58.8%	10
	Totals	17

I identify as	Count
Totals	0

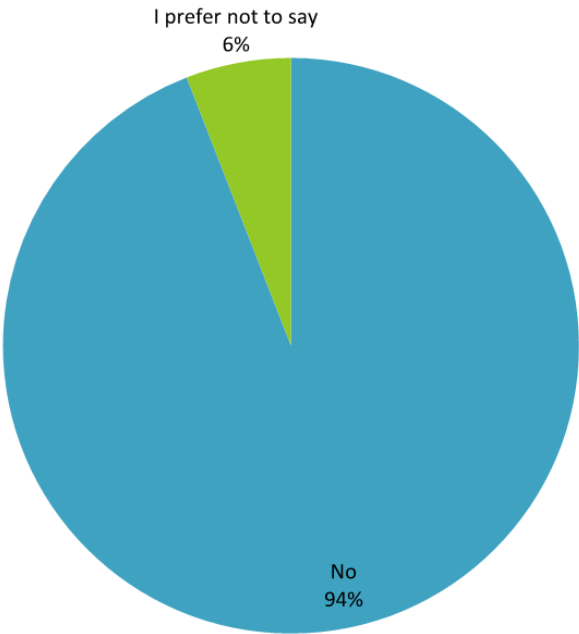
10. Do you speak a language other than English at home?



Value	Percent	Count
No - English only	88.2%	15
Yes (please specify)	5.9%	1
I prefer not to say	5.9%	1
	Totals	17

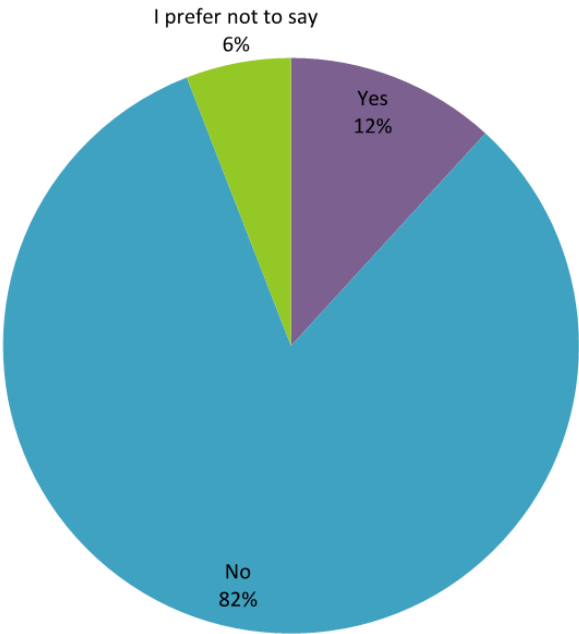
Yes (please specify)	Count
Italian	1
Totals	1

11.Are you Aboriginal or a Torres Strait Islander?



Value	Percent	Count
No	94.1%	16
I prefer not to say	5.9%	1
	Totals	17

12.Do you identify as having a disability?



Value	Percent	Count
Yes	11.8%	2
No	82.4%	14
I prefer not to say	5.9%	1
	Totals	17

8.7 GOVERNANCE REPORT - AUGUST 2022

Author: Acting Coordinator Council Business

Reviewed By: General Manager, Governance and Engagement

EXECUTIVE SUMMARY

The matters covered under the Governance Report for the month of August 2022 are:

- Summary of Advisory Committees, Councillor Briefing and other informal meetings of Councillors
- Reports by Mayor and Councillors
- Responses to questions taken on notice during Public Question Time at the Council Meeting held on 25 July 2022
- 2023 Council & Planning Meeting Schedule
- Extension of the Memorandum of Understanding (MOU) with the Islamic Society of Victoria (Omar Bin Al Khattab Mosque)
- CEO Corporate Credit Card expenses for approval
- The conclusion of the Covid Parklet program

Officer Recommendation

That Council:

- (1) Notes the Governance Report – August 2022.
- (2) Notes the Summary of Advisory Committees, Councillor Briefings and other Informal Meetings of Councillors at **Appendix A** to this report, for incorporation in the minutes of this meeting
- (3) Notes that reports by Mayors and Councillors submitted prior to the meeting and circulated to Councillors, will be incorporated in the minutes of this meeting
- (4) Notes the responses to questions taken on notice during Public Question Time at the Council meeting held on 25 July 2022, at **Appendix B** to this report
- (5) Resolves to hold the Ordinary Council, Planning Committee and Special Council Meetings for the remainder of 2022 until December 2023 as outlined in **Table 1** in this report
- (6) Endorses the extension of the Memorandum of Understanding (MOU) with the Islamic Society of Victoria (Omar Bin Al Khattab Mosque) from 2022-2025 to align with Council's term at **Appendix C** to this report
- (7) Notes that Council and Islamic Society of Victoria (Omar Bin Al Khattab Mosque) will conduct an official signing ceremony and authorise the Mayor to sign the MOU on behalf of the Council
- (8) Notes that an Action Plan will be developed between Council and Islamic Society of Victoria (Omar Bin Al Khattab Mosque) and reviewed annually
- (9) Approve the CEO Credit Card expenses for the period 1 January 2022 – 30 June 2022
- (10) Note that no further extensions for temporary 'parklets' will be offered beyond 30 September 2022 and that the 21 parklets currently in place across the Municipality shown in **Appendix D** will be removed in October 2022.

- (11) Thank the State Government for their support and funding for local businesses through the 'Parklet' program, enabling them to trade in accordance with density quotients through the worst of the pandemic.

BACKGROUND / KEY INFORMATION

In accordance with Council's Governance Rules 2020, the agenda for each Ordinary Meeting is required to list certain governance / administrative matters in addition to other specified items. These include Reports of Standing Committees i.e. Hearing of Submissions Committee, Summary of Meetings i.e. Briefings, Advisory Committee, responses to Public Questions taken on notice and reports by Mayor and Councillors.

In accordance with best practice, good governance principles, transparent and account reporting, officers deem it appropriate to consolidate governance / administrative type nature reports into one standing report to provide a single reporting mechanism for a range of statutory compliance, transparency and governance matters. This also ensure compliance with the requirements of the *Local Government Act 2020* ('the Act'), Council's Governance Rules and related regulations.

Additionally, this report incorporates matters including but not limited to reporting of advisory committees, items relating to the delegation of Council powers, policy and strategy reporting, and the reporting on Councillors' expenses.

Matters covered in this report for the month of July 2022 are:

Summary of Advisory Committees, Councillor Briefing and other informal meetings of Councillors

Council's Governance Rules 2020 require any meeting of an Advisory Committee established by Council and attended by at least one Councillor, or a scheduled or planned meeting to discuss the business of Council, including briefing Councillors, and which is attended by at least half of the Councillors and one member of Council staff (excluding Council, Delegated Committee or Community Asset Committee meetings), the Chief Executive Officer must ensure that a summary of the meeting is:

- a) Tabled at the next convenient Council meeting; and
- b) Recorded in the minutes of that Council meeting

The summary of the meeting should include:

- a) Time, date and location of the meeting;
- b) Councillors in attendance;
- c) Topics discussed;
- d) Positions of council officers in attendance;
- e) The organisation that any attendees external to council are representing; and
- f) Conflicts of interest declared, including the reason

The following Advisory Committees, Councillor Briefings or other Informal Meetings of Councillors are summarised at **Appendix A**:

- Councillor Briefing Session – 18 July 2022
- Councillor Briefing Session – 1 August 2022

- Councillor Briefing Session – 8 August 2022

Reports by Mayor and Councillors

By 4.00pm on the day of each Ordinary Council Meeting, the Mayor and Councillors submit a report detailing their attendance at various functions and activities since the last Council Meeting. These reports will be recorded in the minutes of this meeting.

Responses to Public Questions taken On Notice – Council meeting 25 July 2022

Councils Governance Rules require responses to question from the public taken on notice to be recorded in the minutes of the next Ordinary Council meeting.

Questions taken on notice at the Ordinary Council meeting held on 25 July 2022, and subsequently responded to are provided at **Appendix B**.

2023 Council and Planning Meeting Schedule

In accordance with the Council's Governance Rules 2020, Council must fix the date, time and place of all Council meetings. The schedule of Council Meetings must be published in publications that are distributed throughout the municipality (including Council publications) and on Council's website at least once each year or with such greater frequency as the Chief Executive Officer determines.

The schedule has been developed, based on the following approach:

- One Ordinary Council Meeting on the 4th Monday each month with the exception of January (refer Note 1)
- One Planning Committee on the 2nd Monday each month with the exception of January (refer Note 1)
- Councillor Briefings being scheduled on the 1st and 3rd Monday of each month (refer Note 2)
- For months with 5 weeks (i.e. May, July, October) the intention is to not schedule Briefings and enable Councillors to consider these 'free weeks', unless by agreement with the Mayor in consultation with Councillors.
- Special Council Meetings and Hearing of Submissions Committee meetings will be scheduled on an as-needs basis in accordance with the provisions of the *Local Government Act 2020* and Council's *Governance Rules 2020*

Note 1. An analysis of the last six January Council Meetings shows that 4 have been cancelled 1 had minimal business and only 2022 had a significant number of items. It is proposed that if there is a need for a January Council Meeting it be determined at the preceding months Council meeting. There has not been a Planning Committee in January for the last 5 years

Note 2. Council is not required to formally set Councillor Briefing Schedules however, to enable Councillors to plan their time, briefing frequency will remain on 1st and 3rd Monday of each month.

In determining the way meetings will be conducted, legislative requirements surrounding permanent 'electronic' (virtual) meetings have been taken into consideration, as has the feedback received via the Governance Rules Community Consultation process. As such the schedule of meetings in **Table 1** below includes the date, time, conduct method and location for all meetings from September 2022 to end December 2023.

It is proposed to convene Council and Planning Meetings physically in person and hybrid to allow for greater community participation and to provide flexibility to Councillors who may, on occasion need to attend virtually when meetings are scheduled at in person. The Chief Executive Officer has discretion to schedule Special Council Meetings as virtual meetings or change the method of conduct outlined in Table 1 to virtual meetings, when and if required.

Further, it is proposed to hold 3 Council meetings across different location within our municipality in March, July & October 2023.

Special Council Meetings and Hearing of Submissions Committee meetings will be scheduled on an as-needs basis in accordance with the provisions of the *Local Government Act 2020* and Council's *Governance Rules 2020*

Table 1 below outlines the proposed schedule of the Council and Planning Committee meetings from September 2022 through to December 2023.

Table 1

Meeting	Date	Time	Meeting Conduct Method	Location
Planning Committee	12 September 2022	6.30 pm	Wholly in person	Council Chamber
Ordinary Council	26 September 2022	6.00 pm	Wholly in person	Preston Civic Centre / Preston Town Hall
Planning Committee	10 October 2022	6.30 pm	Wholly in person	Council Chamber
Ordinary Council	24 October 2022	6.00 pm	Hybrid	Preston Civic Centre / Preston Town Hall
Planning Committee	14 November 2022	6.30 pm	Hybrid	Council Chamber
Ordinary Council	28 November 2022	6.00 pm	Hybrid	Virtual/Council Chamber
Special Council Meeting (Mayor & Deputy Mayor election)	30 November 2022	6.00 pm	Wholly in person	Preston Civic Centre / Preston Town Hall
Planning Committee	5 December 2022	6.30 pm	Wholly in person	Council Chamber
Ordinary Council	19 December 2022	6.00 pm	Hybrid	Preston Civic Centre / Preston Town Hall
Planning Committee	13 February 2023	6.30 pm	Hybrid	Council Chamber
Ordinary Council	27 February 2023	6.00 pm	Wholly in person	Preston Civic Centre / Preston Town Hall
Planning Committee	14 March 2023 (Tuesday)	6.30 pm	Hybrid	Council Chamber
Ordinary Council	27 March 2023	6.00 pm	Wholly in person	Offsite (venue to be confirmed - Reservoir)
Planning Committee	11 April 2023 (Tuesday)	6.30 pm	Hybrid	Virtual/Council Chamber
Ordinary Council	24 April 2023	6.00 pm	Hybrid	Preston Civic Centre / Preston Town Hall
Planning Committee	8 May 2023	6.30 pm	Wholly in person	Council Chamber
Ordinary Council	22 May 2023	6.00 pm	Hybrid	Preston Civic Centre /

Meeting	Date	Time	Meeting Conduct Method	Location
				Preston Town Hall
Planning Committee	13 June 2022 (Tuesday)	6.30 pm	Wholly in person	Council Chamber
Ordinary Council	26 June 2023	6.00 pm	Wholly in person	Virtual/Council Chamber
Planning Committee	10 July 2023	6.30 pm	Hybrid	Council Chamber
Ordinary Council	24 July 2023	6.00 pm	Wholly in person	Offsite (venue to be confirmed - Northcote)
Planning Committee	14 August 2023	6.30 pm	Wholly in person	Council Chamber
Ordinary Council	28 August 2023	6.00 pm	Hybrid	Preston Civic Centre / Preston Town Hall
Planning Committee	11 September 2023	6.30 pm	Wholly in person	Preston Civic Centre / Preston Town Hall
Ordinary Council	18 September 2023	6.00 pm	Hybrid	Preston Civic Centre / Preston Town Hall
Planning Committee	9 October 2023	6.30 pm	Hybrid	Council Chamber
Ordinary Council	23 October 2023	6.00 pm	Wholly in person	Offsite (venue to be confirmed - Bundoora)
Planning Committee	13 November 2023	6.30 pm	Wholly in person	Council Chamber
Ordinary Council	27 November 2023	6.00 pm	Hybrid	Preston Civic Centre / Preston Town Hall
Special Council Meeting (Mayor & Deputy Mayor election)	30 November 2023 (Thursday)	6.00 pm	Wholly in person	Preston Civic Centre / Preston Town Hall
Planning Committee	4 December 2023 (1 st Monday)	6.30 pm	Hybrid	Council Chamber
Ordinary Council	18 December 2023 (3 rd Monday)	6.00 pm	Hybrid	Preston Civic Centre / Preston Town Hall

Extension of Memorandum of Understanding (MoU) between the Islamic Society of Victoria (Omar Bin Al Khattab Mosque) and the Darebin City Council

In 2009, a Memorandum of Understanding (MOU) between the Islamic Society of Victoria (Omar Bin Al Khattab Mosque) also known as the Preston Mosque and the Darebin Council was negotiated and signed. The MOU was renewed again in 2014 for a five (5) year term and in April 2019 for a three (3) year term.

This MOU serves as an agreement between the Islamic Society of Victoria (Omar bin Al Kattab Mosque) and Darebin Council to formalise a working relationship which ensures mutual respect, community harmony and effective solutions to issues that may arise. The purpose of the arrangement is to guide the partnership and the nature of the collaboration.

The Preston Mosque is numerically the largest in Australia and so exercises significant influence on the Islamic sector in this country. There are 6,129 Muslims residing in Darebin or 4.1% of its population (ABS: 2021).

Some successes and outcomes from the current MOU July 2019 - June 2022 are as follows:

- The women's group to participate in a guided walk along the Darebin Healing Trail during Reconciliation Week
- Supported Preston Mosque through the COVID-19 Vaccine Ambassador Grant to deliver tailored messages and support to encourage COVID-19 testing and vaccinations with the Muslim community
- Engagement with the Preston Mosque on the Climate Resilience and Fuel Poverty project
- Regular communication with Preston Mosque to resolve any traffic and parking issues
- Supported Preston Mosque to explore use of Council's parks to hold an Eid festival
- Partnership with Darebin Libraries and Your Community Health to support the health and wellbeing of women and their children via a weekly online group
- Established relationship with Northland Youth Hub to support and engage Muslim youth
- Explored education and employment pathways and support for young people and the broader Muslim community

The coordination and implementation of the MOU and the annual Action Plan is achieved through a Committee which oversees the monitoring, implementation, evaluation and reporting. The committee meets on a bi-monthly basis and includes representation from Victoria Police, Islamic Society of Victoria, Darebin Council (Traffic enforcements, Equity and Diversity), and others as required.

There are no additional operating budget commitments to support this work.

Internal council departments have been consulted and responded favourably in renewing the MOU.

Draft MOU between the Islamic Society of Victoria (Omar Bin Al Khattab Mosque) and the Darebin Council is attached at **Appendix C** to this report for endorsement by the Council.

CEO Credit Card transactions

The *CEO Employment and Remuneration Policy* requires twice annual reporting on all CEO corporate card transactions to the independent Audit & Risk Committee.

The CEO Employment and Remuneration Policy 2021 came into effect on 31 December 2021. Under the Mandatory Policy Criteria for CEO Expenses the policy states:

“CEO Expenses

The Chief Executive Officer will be provided with a Corporate Card to use. Corporate card expenditure will be reviewed and approved by the Chief Financial Officer, in conjunction with the General Manager Governance & Engagement for payment purposes. The independent Audit & Risk Committee will receive twice annual reporting on all CEO corporate card transactions for oversight.

Council will receive a report on credit card transactions and any claim for reimbursements for approval twice annually. Credit card transactions not approved by Council will be reimbursed by the CEO to Council.

Council will meet expenses incurred by the CEO including:

- Membership and subscription fees payable to professional associations which are necessary or desirable in performance of duties;
- Reasonable costs incurred where attending conferences, seminars or undertaking professional development activities; and
- Reasonable costs incurred in performance of duties.”

The purpose of this update is to present a report detailing information pertaining to the CEO corporate card transactions for the past six (6) months.

Sue Wilkinson – Former CEO

Reporting Period: 1 January 2022 to 30 June 2022

For the reporting period there were two credit card transactions for the CEO, who also cancelled her corporate card in February 2022 upon her resignation. Transactions were reviewed and approved by the Chief Finance Officer and the General Manager Governance and Engagement. Details of credit card transactions for the reporting period are below for Council’s approval.

Transaction Date	Purchase	Amount
5 January 2022	Fairfrax Subscription	\$25.00
5 February 2022	Fairfrax Subscription	\$25.00

For the reporting period there is no reimbursement claim lodged by or paid to the CEO.

Rachel Ollivier – Acting CEO - from April-2022 to date

Reporting Period: 25 April 2022 (commencement of her acting role) to 30 June 2022

For the reporting period, the Interim CEO:

- Did not have a corporate card;
- Has not lodged any reimbursement claim; and
- Has not utilised shared corporate card (held by the Co-ordinator of Financial Accounting on behalf of the Council)

Covid Parklet Program

In June 2020 Council supported a program of initiatives to enable businesses to operate within the State Government’s social distancing Guidelines. With the support of funding provided by the Victorian Government, more than 20 businesses were approved to use street parking, laneways and carparks for outdoor dining, at no cost, to help them trade through the worst of the pandemic. These are known as ‘Parklets’ and are listed in **Appendix D**.

With density quotients and social distancing requirements no longer impacting the hospitality sector, the need to provide on street car parking and council land for this purpose is no longer required and the 21 remaining businesses operating from parklets will be further notified that the parklets will be removed at Council’s expense in the first week of October.

Whilst this program has proven successful for those businesses that benefited from them, there are many businesses in Darebin that were not able to benefit from the extension of dining areas through this program. Through the end of this program, car parking and

community spaces will be returned for broader community benefit and support the recovery of our economy for all small businesses.

The Victorian Government programs that supported parklets and outdoor activation concluded on 30 June 2022 and while approval for existing parklets was extended until 30 September 2022 to enable transition for businesses, businesses were provided no assurances that permission would be granted to extend beyond this date.

These temporary installations were initially approved until December 2021, however permission was granted to extend these installations first until 30 June 2022, and more recently until 30 September 2022 as businesses recovered from the impacts from the Delta and Omicron strains of COVID-19.

The parklet program was fully funded by Government but forms just one part of Council's support for small business. For a small fraction of businesses across the Municipality, these temporary installations contributed to their financial viability during some periods of extended hardship.

IMPLEMENTATION STRATEGY

N/A

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 1: Vibrant, Respectful and Connected

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

There are no financial implications with this report.

Overarching Governance Principles and Supporting Principles

- (i) the transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

- (b) Council information must be publicly available unless (i) the information is confidential by virtue of this Act or any other Act; or (ii) public availability of the information would be contrary to the public interest;

Service Performance Principles

- (a) services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community;

COUNCIL POLICY CONSIDERATIONS

Environmental Sustainability Considerations (including Climate Emergency)

Nil

Equity, Inclusion, Wellbeing and Human Rights Considerations:

The *Equal Opportunity Act 2010* and *Gender Equality Act 2020* were taken into consideration when scheduling the mode in which meetings will be conducted.

Operational Impacts

The logistics of facilitating meetings at various locations, and the logistics of holding hybrid or virtual meetings where the community have the opportunity to ask questions or present submissions have been taken into consideration. Council's technology in this regard is currently being explored.

IMPLEMENTATION STRATEGY

The schedule of Council and Planning Committee meetings will be published on the Darebin website in accordance with the Council's Governance Rules.

Related Documents

- Minister for Local Government Guideline 'Minister's Good Practice Guideline MGP – 3: Virtual Meetings'
- Council's Governance Rules
- Local Government Act 2020 (Vic)
- CEO Employment and Remuneration Policy

Attachments

- Summary of Meetings - Council Meeting 22 August 2022 (**Appendix A**)
- Responses to Questions Taken on Notice - 25 July 2022 (**Appendix B**)
- Preston Mosque and Darebin City Council MOU_ 2022 - 2025 (**Appendix C**)
- List of Businesses with Parklets through Covid Parklet program (**Appendix D**)

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of 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.



SUMMARY OF ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

MEETING DETAILS:	Title:	Councillor Briefing Session
	Date:	18 July 2022
	Location:	In person – Council Chambers with Hybrid option to join the Meeting via MS TEAMS
PRESENT:	Councillors:	Mayor Lina Messina, Cr. Dimitriadis, Cr. Greco, Cr. Hannan, Cr. Rennie, Cr. Williams, Cr. Newton, Cr. Laurence
	Council Staff:	<p>Rachel Ollivier, Interim CEO</p> <p>Jodie Watson, GM Governance & Engagement (Item 4.2)</p> <p>Sam Hewett, GM Operations and Capital</p> <p>Vanessa Petrie, Acting GM City Sustainability and Strategy (Item 4.3)</p> <p>Shadi Hanna, Acting GM Community</p> <p>Chad Griffiths, Manager City Futures* (Item 4.1)</p> <p>Stevie Meyer, Coordinator Strategic Planning (Item 4.1)</p> <p>Alia Slamet, Principal Strategic Planner (Item 4.1)</p> <p>Enna Giampiccolo, Manager Communications and Engagement* (Item 4.1)</p> <p>Carmel Ganino, Coordinator Communications, Brand and Digital* (Item 4.1)</p> <p>Jacinta Stevens, Manager Corporate Governance (item 4.2)</p> <p>Michelle Van Gerrevink, Acting Manager Climate Emergency & Sustainable Transport (Item 4.3)</p> <p>Kevin De Leeuw – Senior Transport Engineer (Item 4.3)</p>
	Other:	John Watson, Municipal Monitor
APOLOGIES:		Cr McCarthy

The briefing commenced at 3.18 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4.1	Preston Market Communications and Advocacy Update	No conflicts declared

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4.2	Memorial Policy - Review and Update	No conflicts declared
4.3	Parking Permit Policy	No conflicts declared

The briefing concluded at 5.44pm

RECORD COMPLETED BY:	Officer Name:	Jodie Watson
	Officer Title:	General Manager Governance & Engagement

This form is to be completed by the nominated Council Officer and returned to the Council Business Team within 3 working days for inclusion the agenda of the next Council meeting and in the register available for public inspection.



SUMMARY OF ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

MEETING DETAILS:	Title:	Councillor Briefing Session
	Date:	1 August 2022
	Location:	In person – Council Chambers with Hybrid option to join the Meeting via MS TEAMS
PRESENT:	Councillors:	Mayor Lina Messina, Cr McCarthy, Cr Dimitriadis, Cr. Greco, Cr. Hannan, Cr. Rennie, Cr. Williams, Cr. Newton,
	Council Staff:	<p>Rachel Ollivier, Interim CEO</p> <p>Sam Hewett, GM Operations and Capital</p> <p>Vanessa Petrie, Acting GM City Sustainability and Strategy (item 4.1)</p> <p>Shadi Hanna, Acting GM Community (item 4.2 & 4.3)</p> <p>Enna Giampiccolo, Acting GM Governance & Engagement (item 4.4)</p> <p>Chad Griffiths, Manager City Futures (item 4.1)</p> <p>Amy O'Keefe, Senior Strategic Planner, City Futures (item 4.1)</p> <p>Sophie Jordan, Principal Strategic Planner, City Futures (item 4.1)</p> <p>Vicky Guglielmo, Manager Creative Culture & Events (item 4.2 & 4.3)</p> <p>Wendy Dinning, Acting Manager Equity and Wellbeing (item 4.2)</p> <p>Jodee Mundy, Coordinator, Festivals and Events (item 4.3)</p> <p>Jacinta Stevens, Manager Corporate Governance (item 4.4)</p>
	Other:	John Watson, Municipal Monitor
APOLOGIES:		Cr Tim Laurence

The briefing commenced at 3.11pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4.1	C186 Open Space Levy Planning Scheme Amendment - Next Steps	<p>Requirement for advocacy to State Government on clear policy position on this issue. (State Government doesn't currently have its own Open Space guideline/strategy).</p> <p>Further briefing required. Possibility to defer the upcoming decision from Planning Committee. Mayor to advise.</p>
4.2	Draft Darebin City Council Flag Policy	<p>Important to test the criteria proposed in the policy. More required clarity about the process for choosing which flags and when they are raised. More reference to multicultural communities required in the policy. Lots of discussion, decision may be delayed until September meeting to allow further discussion.</p>
4.3	Darebin Community Awards Review	<p>Considerations: Could we explore award categories for businesses?</p> <p>Being mindful of the number of awards – lack of nominations for some of the categories.</p> <p>Could the awards reflect the values and themes of our Council Plan?</p>
4.4	Governance Rules - Amendments	<p>Could Special Meetings offer the opportunity for submissions to be made by members of the community?</p> <p>Opportunity to change the cut off time for public question to 10.30am (from midday).</p> <p>Range of questions from Cr Dimitriadis – to be submitted via email.</p> <p>Go to consultation as per the recommendations made in the papers to ensure the rules align with the requirements of the Act.</p>
4.5	General Business	<p>Two brief matters were discussed.</p> <ol style="list-style-type: none"> 1. Open Space moved to Planning Committee in September.

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
		<p>2. Commonwealth Government decision to delay the commencement of the aged care support packages to 1 July 2024.</p> <p>Mayor mentioned it was not a conflict of interest on her part – no decision making, just information. (Mayor has a conflict in relation to aged care matters).</p>

The briefing concluded at 6.33pm

RECORD COMPLETED BY:	Officer Name:	Jodie Watson
	Officer Title:	General Manager Governance & Engagement

This form is to be completed by the nominated Council Officer and returned to the Council Business Team within 3 working days for inclusion the agenda of the next Council meeting and in the register available for public inspection.



SUMMARY OF ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

MEETING DETAILS:	Title:	Councillor Briefing Session
	Date:	8 August 2022
	Location:	Council Chambers
PRESENT:	Councillors:	Cr. Lina Messina (Mayor), Cr. Gaetano Greco, Cr. Tom Hannan, Cr. Susanne Newton, Cr. Susan Rennie. Cr Emily Dimitriadis joined the briefing at 4.17pm and left at 6.00pm. Cr Julie Williams joined the briefing at 4.18pm and left at 6.00pm. Cr McCarthy joined the briefing at 4.44pm.
	Council Staff:	Rachel Ollivier, Interim CEO Jodie Watson, GM Governance & Engagement Sam Hewett, GM Operations and Capital (item 5.1) Vanessa Petrie, Acting GM City Sustainability and Strategy (item 4.1 & 4.2) Shadi Hanna, Acting GM Community (item 5.2 & 5.3) Janelle Karatakele, EA to Mayor and Councillors Chad Griffith, Manager City Future (item 4.2) Stevie Meyer, Coordinator Strategic Planning (Item 4.2) Aalia Slamet, Principal Strategic Planner (Item 4.2) Kathryn Pound, Manager City Development (item 4.1) Marisia Hammerton, Principal Planner (Item 4.1) Jacqui Payne, Principal Planner (Item 4.1)
	Other:	John Watson, Municipal Monitor
APOLOGIES:		Cr. Tim Laurence

The briefing commenced at 4.14pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4.1	Pre- Planning Committee Meeting Questions and Discussion	Nil
4.2	Preston Market Panel Position	Nil
4.3	General Business	

SUMMARY OF MEETINGS CONTINUED

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
	Stakeholder Dinner – LaTrobe University	Nil
	Climate Emergency	Nil

FOR INFORMATION ONLY

5.1 Shade Policy Update

5.2 Evaluation of the Love Local Card program

5.3 Darebin Intercultural Centre Programming Think Tank Outcomes

The briefing concluded at 6.02 pm

RECORD COMPLETED BY:	Officer Name:	Jodie Watson
	Officer Title:	General Manager Governance & Engagement

This form is to be completed by the nominated Council Officer and returned to the Council Business Team within 3 working days for inclusion the agenda of the next Council meeting and in the register available for public inspection.

Question and Submission Time – Questions taken on notice

Pursuant to the Councils Governance Rules the response to a question from the public taken on notice must be recorded in the minutes of the next Ordinary Council meeting.

At the Council meeting held on 25 July 2022, the following questions were taken on notice by the Chairperson, Mayor Messina

1. Name: Bill Jennings

What was the final operating profit or cost to Council of the Northcote Public Golf Course in 2021-22 financial year?

Response from Michael Pogemiller Centre Coordinator, Reservoir Leisure Centre

Council is currently finalising its end of year account for the 2021/22, officers will reach out to individual submitter to provide this information when available

2. Name: Nick Verginis

What is the total net cost of running Northcote Golf Course in the past 10 years?

Golf Australia says golf use is on the rise, but the NGC will still run at a net loss of \$150,000 per year. Does that mean 10 years of losses and a total net cost of \$1.5m for the past 10 years?

What is the sum of the management contract fee paid by Council to the current contract holder? What is the total and annual sum paid? The public have heard rumours that it ranges from \$400k to \$800k per year - Councillors should know the actual cost for tonight's decision.

Financial management section - please provide dollar values based on recent years to give due weight to the % in the document.

- What is the annual expenditure and revenue generated for one year? It is preferable that you provide activation \$ for recent years as well as projections (if they differ).
- If Council does not have the above \$, how do the '40% impact' statement have meaning and given due attention?

Response from Michael Pogemiller Centre Coordinator, Reservoir Leisure Centre

Council is currently finalising its end of year account for the 2021/22, officers will reach out to individual submitter to provide this information when available.

The figure cited in the report of \$150,000 as outlined in the report is approximation and reflects average cost over five years.

A5818487

3. Name: Justin Calgary of Reservoir

On the Darebin website under the community sports for juniors there is links to eight different sports and programs that all juniors can take part in. The tiger golf program at Northcote has been running for many years, 12 years but in its current state at least 5 years. There is no reference to golf for juniors on the City of Darebin website.

Why has golf for juniors been omitted?

All other sports for children are permitted in green spaces within Darebin. You can fly a kite; walk a dog and you can run or do cartwheels. But golf is not permitted in greenspaces in Darebin, it is prohibited by signage.

Will Council let all children play with equal opportunity?

Response from Michael Pogemiller Centre Coordinator, Reservoir Leisure Centre

Thank you for your question Justin. It is certainly Council's intention to allow for children to play golf with equal opportunity. The Northcote Public Golf Course website is listed and linked further down on the [Find a Sport Venue](#) page, which has all the details of programs at the course. The list of programs available for children on the website page were derived from community clubs who work directly with the Darebin Recreation team. The omission of the Junior Tiger program from this page was unintentional and a link to this program has already been included on the website.

4. Melanie from Thornbury

I am part of the group Friends of Bracken Creek. Bracken Creek runs in part through Northcote Golf Course and has been neglected for many years. Why have none of the options on Northcote Golf Course, presented to and considered by Council not considered access for the Friends of Bracken Creek? And what actions can Council take to ensure that Friends of Bracken Creek with Friends of Merri Creek can have regular access to conduct vital revegetation activities?

Response from Lee McKenzie Acting Manager, Parks & Open Spaces

Thank you for your question Melanie.

Council has strongly considered the Bracken Creek in the options for the Northcote Golf Course and is committed to working with Melbourne Water (as the owner of the asset) and the Friends of Bracken Creek to rehabilitate this important corridor.

Any activities that occur in parts of Bracken Creek adjacent to the golf course need to be planned, so that risk to volunteers is minimised. The Friends of Bracken Creek and Friends of Merri Creek groups will be contacted by our Parks team in due course to discuss their volunteer activities and how the groups can be supported by Council.

A5818487

5. John Nugent of Epping

- 1) My question is about why did the Customer Service Department close over the main days over the Christmas and New Year period?
- 2) Mayor Messina, if we are so proud of our diverse community then why didn't we put up some decorations for the Lunar New Year like we did last year for the Chinese Community?
- 3) My last question is about the Christmas decorations put up outside on the corner of High Street and Cramer Street. The Christmas Tree put up has no sparkle to it. In fact it is boring.
- 4) Can something be done before next Christmas to update the Christmas Decorations in the City?

Response from Enna Giampiccolo Manager, Communications, Engagement & Customer Experience

- 1) The Customer Service Centres were closed for three days between Christmas and New Year in 2021. This is traditionally a very quiet time for our centres, with minimal customers attending our offices during this time. While the front counters were closed, the call centre remained open to ensure we were available to support customer requests and queries.

Response from Justin Hanaran Manager, Economic Recovery & Resilience

- 2) While Council doesn't install Lunar New Year's decorations across the Municipality, I can advise that Council actively supported the Preston Central Business Association as part of its funding application for Lunar New Year celebrations in 2022
- 3) Council tries to balance a desire to see high impact, disposable Christmas decorations with much loved features that can be re-used elements such as the reindeer installed at the High Street/Cramer Street corner in 2021. This was complemented by work done by local traders and a program of musical performances by local artists in the weeks leading up to Christmas.
- 4) For Christmas 2022, Council is already working with the local Traders Associations and is planning decorations in our activity centres to ensure that decorations and musical performance is again a feature of the offering to Darebin's diverse community.

6. Rohan Concurso

The Financial cost for 21-22 was \$150,000. But because that was during Covid lockdown there was no income is that correct?

Is this a fair and accurate account? So what was the Council cost for Northcote Golf Course during non Covid lockdown years?

Response from Michael Pogemiller Centre Coordinator, Reservoir Leisure Centre

Council is currently finalising its end of year account for the 2021/22, officers will reach out to individual submitter to provide this information when available

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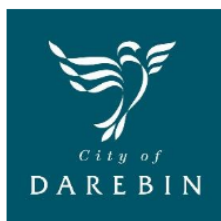
7. Alan Brown

Can the City of Darebin approach the Darebin Aboriginal Advisory Committee for directions on declaring that NAIDOC day become a public holiday in Darebin?

Response from Wendy Dinning Acting Manager Equity and Wellbeing

Thank you for your question. Council will seek advice and guidance from the Darebin Aboriginal Advisory Committee on this matter at the next scheduled meeting on 24 August 2022.

A5818487



Memorandum of Understanding (MOU) Omar bin Al Khattab Mosque and Darebin City Council 2022-2025

1. Acknowledgments

- The parties to this MOU acknowledge the Wurundjeri people, traditional owners and custodians of the land on which this MOU is signed and pay their respects to their Elders, past and present.
- The parties to this MOU also acknowledge Sheikh Fehmi Naji El-Imam AM as a founding member of the Darebin Interfaith Council and instrumental in the development of this MOU.

2. Purpose and scope

This Memorandum of Understanding serves as an agreement between the Omar bin Al-Khattab Mosque (Mosque) and the Darebin City Council (Council) to formalise a working relationship which ensures mutual respect, community harmony and effective solutions to challenges faced by the Darebin community. The purpose of the MOU is to guide the partnership and collaboration between both organisations.

The Memorandum of Understanding:

- Articulates a shared vision, values, and commitment in relation to promoting a respectful and constructive relationship between the Mosque and Council;
- Formally aligns the Mosque and Council to respond strategically to issues to strengthen community cohesion, harmony and diversity;
- Provides a foundation for collaborative partnerships to address the needs and issues of the wider community;
- Integrates the Preston Mosque into Council's community engagement processes to increase participation and integration with the broader community;
- Does not limit the rights of signatories to participate in any other activities or relationships;
- Has no legal binding.

3. Parties to the MOU

This Memorandum of Understanding is between the Omar bin Al Khattab Mosque and the Darebin City Council.

4. Vision

To work together in continuing to build and foster positive community relationships between the Mosque, Council and broader community in a spirit of respectful co-existence and where all people feel valued, respected and included.

5. Principles

The working partnership between the Mosque and the Council will embody the following principles:

- A respectful, collaborative and robust relationship;
- Commitment to open dialogue for effective problem solving;
- Obligation to community integration and positive neighbourhood relations;
- Dedication to responding to the needs and issues of the Mosque, Council and the wider community.

6. Obligations of the parties

By signing this Memorandum of Understanding, all parties agree to:

- Commit in principle to consult with each other on matters of mutual interest;
- Work together to deliver the activities agreed to in the annual Action Plan;
- Share knowledge, expertise, skills and services to facilitate more effective outcomes for the wider community;
- Review and monitor progress annually to ensure the partnership remains sustainable, responsive and effective in meeting mutual goals.

7. Priority areas

The MOU identifies three priority areas of focus:

- **Linking to services:** increase awareness of Council and community programs and services to increase access and improve health and wellbeing outcomes.
- **Community relations:** Jointly support projects and activities that strengthen respectful and constructive community relations.
- **Civic participation:** Commit to a broader interfaith and intercultural dialogue to support Council's communities at risk of exclusion such as youth and Muslim women.

These priority areas reflect the purpose and vision of the MOU and Darebin's 2041 Community Vision and its supporting pillars:

- Vibrant, Respected & Connected
- Prosperous, Liveable and Flourishing.

The priority areas are implemented through an annual Action Plan and will be reviewed annually in May.

8. Meetings

The coordination and implementation of the Memorandum of Understanding and the annual Action Plan between the Mosque and the Council will be the joint responsibility of both organisations through the existing Preston Mosque and Council Committee. This committee will oversee the monitoring, implementation, evaluation and reporting of the MOU and the annual Action Plan.

The Preston Mosque and Council Committee will comprise representatives from the Mosque, Council and other external agencies on a needs basis. The Committee will meet quarterly.

Secretariat functions will be undertaken by the appointed officer from Darebin City Council. Chairing of meetings will be rotated between Preston Mosque and Council as agreed.

9. Review Dates

Action Plan (Appendix A) and will be reviewed annually

This MOU will be reviewed in 2025.

10. Contact Person

Each party must have at all times one nominated key contact person who is accountable for the implementation of the MOU. Any changes need to be advised immediately to the other party.

Omar bin Al Kattab Mosque	City of Darebin
Name: Jamal Mohamed	Name: Ana Galvez
Position: Vice-President	Position: Interfaith & Multicultural Officer
Phone: 9470 2424	Phone: 8470 8312
Email: info@isv.org.au	Email: ana.galvez@darebin.vic.gov.au

11. Signatories

Tarek Khdor
President
Islamic Society of Victoria

Cr Lina Messina
Mayor
City of Darebin

Dated: _____

Dated: _____

**List of existing parklets
(business addresses)**

104 High Street (parklet located in Candy St)	Northcote
72 Station Street	Fairfield
301 High Street	Northcote
303 High Street	Northcote
144 Wingrove Street	Fairfield
270 Raglan Street	Preston
210 High Street	Northcote
324 High Street	Northcote
222 High Street	Northcote
134 Elizabeth Street	Coburg North
48 Gertz Avenue	Reservoir
50 Gertz Avenue	Reservoir
202 High St	Northcote
204 High Street	Northcote
250 High Street	Northcote
242 High Street	Northcote
50 Edwardes Street	Reservoir
217 High St	Northcote
210B Broadway	Reservoir
26 Gertz Ave	Reservoir
35 Victoria St	Preston

8.8 CONTRACT AWARD - CT2021151 PLUMBING AND ASSOCIATED SERVICES PANEL

Author: Coordinator, Facilities Management

Reviewed By: General Manager Operations and Capital

EXECUTIVE SUMMARY

This contract is required in order to ensure continuity of Council's obligations and to adhere to scheduled maintenance and reactive plumbing works across Darebin's broad portfolio of facilities. Council sought tenders from various plumbing companies to establish a panel of qualified and experienced providers, with the capability and expertise to perform a wide range of plumbing and associated works.

The provision of works under the contract is structured in two packages. Package A calls for contractors to undertake reactive and scheduled maintenance works for Council based tendered rates. Package B seeks to pre-qualify contractors to quote for a wide range of capital works and new plumbing installations.

The Request for Tender (RFT) for CT2021151 for Plumbing and Associated Services Panel was advertised publicly on 2 April 2022. The tender closed on 28 April 2022.

The purpose of this report is to recommend that Council awards contract CT2021151 for the Plumbing and Associated Services Panel to two service providers.

Officer Recommendation

That Council:

1. Awards contract CT2021151 Plumbing and Associated Services Panel – **Package A** Reactive and Scheduled Maintenance for a principal contract term of four years with a one-year option to extend commencing on 1 October 2022 (services to be charged as per tendered schedules of rates subject to CPI adjustments) to the following tenderers:
 - _____
 - _____
 - 2) Awards contract CT2021151 Plumbing and Associated Services Panel – **Package B** Capital Works and New Installations for a principal contract term of four years with a one-year option to extend commencing on 1 October 2022 to the following tenderers:
 - _____
 - _____
 - 3) Authorises the Chief Executive Officer to finalise and execute the contract documents on behalf of Council.
 - 4) Authorises the Chief Executive Officer to review and approve the option to extend the contract subject to satisfactory performance reviews
-

BACKGROUND / KEY INFORMATION

This contract has been developed to pre-qualify suitable, experienced and certified contractors for the provision of a broad range of reactive, scheduled plumbing maintenance, plumbing related refurbishments and new installations for capital projects. This contract is required in order to ensure Council's buildings are well equipped, safe for use and overall improve Council's commercial position for the provision of all plumbing and associated works.

The contract is structured into two separate packages of services:

Package A – Reactive and Scheduled Maintenance

Package A seeks reliable and experienced contractors that will act as Council's plumbing specialists. Undertaking a wide range of plumbing services across Council's portfolio of approximately 350 buildings and associated structures. The successful plumbing specialists will be available to undertake repairs, installations and scheduled plumbing works at Council's request 24 hours per day, seven days a week. The types of plumbing works that are included in scope are:

- Providing technical advice on the condition and status of plumbing assets, maintenance requirements and need for renewals or replacement
- Undertaking plumbing repairs, servicing of grease trap facilities and renewal works as requested
- Tending to urgent plumbing related matters
- Installation of plumbing equipment, systems, appliances and services
- Working collaboratively with other service providers to ensure the effective maintenance and operation of plumbing works throughout Council facilities

Package A will be awarded to two suppliers. Suppliers awarded package A will also be awarded package B to form part of the panel for capital works and building renewal projects.
Package B – Capital Works and New Installations

Package B seeks to pre-qualify certified plumbing service providers to deliver a diverse range of small to medium plumbing renewal and refurbishment projects through funding in Council's annual capital works program. Working closely with project managers from the Capital and Major Projects department, the successful contractors will be responsible for end-to-end delivery of plumbing projects to a high standard. The scope of services for package B includes:

- Providing quotations for a wide range of capital works
- Undertaking capital works on behalf of Council
- Conducting works in a safe and compliant manner
- Identifying opportunities to improve sustainability outcomes through plumbing works

A minimum of two providers will be awarded package B

Previous Council Resolution

At its meeting on 28 June 2019, Council resolved:

That Council:

- (1) *Awarded contract no. CT2018140 for Provision of Plumbing and Grease Trap Maintenance to a panel of two suppliers following a public tender. The contract was awarded to the following suppliers for a principal contract term of two years:*
 - *Arden Building Maintenance Pty Ltd*
 - *International Plumbing Solutions T/A New Plumbing Solutions*
- (2) *The initial principal contract term expires on 14 July 2021. Two options to extend the contract, of one year each, remain available to Council.*
- (3) *Delegated authority to execute options to extend the contract to the CEO if and when required.*

The City of Darebin's existing contract for plumbing and grease traps maintenance, CT2018140, commenced 15 July 2019 for an initial term of 2 years with 2 x one-year options to extend. Council opted for a 1 x one-year option to extend till the 15 July 2022. A number of issues and some short comings with the current contract have been identified as part of an internal audit recently conducted, indicating that existing contract specifications and service provision reviews are necessary to improve Darebin's commercial position for the provision of plumbing and associated services, and therefore a further extension was approved in February 2022 for the period 15 July 2022 until 30 September 2022.

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 2: Prosperous, Liveable and Flourishing

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 2: Prosperous, Liveable and Flourishing

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

2.5 We will invest in services and the built environment to improve access for our residents and visitors

4.2 We will ensure our assets are optimised for the benefit of our community

DISCUSSION

Public Tender

In accordance with Council's Social and Sustainable Procurement Policy, a public tender methodology was adopted. Tenders were advertised on Council's online portal website and in The Age newspaper. Tender conditions were based on Council's standard request for tender documentation and contract conditions were based on Council's agreement for the provision of general works.

Request for Tender

The request for tender was issued on 2 April 2022 and closed on 28 April 2022. Details of the tenderers that submitted proposals by the closing date and time are outlined in Confidential Report **Appendix A** issued under separate cover.

Tender Evaluation

Submissions were evaluated against the following pre-established criteria:

- Price of goods and services and value for money
- Service delivery and resourcing plan
- Experience and expertise
- Sustainable initiatives and practices
- Local business content
- Social initiatives and practices

The evaluation details and scoring from the tender evaluation panel is provided in the Confidential Report - **Appendix A** issued under separate cover.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

The provision of works under the contract form part of Council's annual capital works and operating budgets. In relation to package A, tenderers awarded this package of services will be asked to complete reactive and scheduled maintenance based on the tendered schedules of rates. In relation to package B, tenderers awarded this package of works will be invited to quote individual projects on a case by case basis. No work has been guaranteed under these panel contracts. Confidential **Appendix A** provides analysis on the financial implications of the tender recommendations.

Probity

As the contract value is expected to exceed \$1 million over the term, Anne Dalton & Associates was appointed as the probity advisor for this procurement. At the conclusion of the evaluation process the probity advisor stated, *"that all probity requirements have been met"*.

A copy of the probity advisor's report is included as Confidential **Appendix B** issued under separate cover

Community Engagement

The need for community engagement is not considered necessary in order to establish this panel. Community consultation will be undertaken for specific projects in the future if required.

Other Principles for consideration**Overarching Governance Principles and Supporting Principles**

- (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;

Public Transparency Principles

- (b) Council information must be publicly available unless (i) the information is confidential by virtue of this Act or any other Act; or (ii) public availability of the information would be contrary to the public interest;

Strategic Planning Principles

- (b) strategic planning must address the Community Vision;

Service Performance Principles

- (c) quality and costs standards for services set by the Council should provide good value to the municipal community;

COUNCIL POLICY CONSIDERATIONS**Environmental Sustainability Considerations (including Climate Emergency)**

The two preferred tenderers demonstrated a strong commitment to sustainable initiatives and practices, and all scored highly for this criterion.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

In line with Darebin's Social and Sustainable Procurement Policy, tender evaluation criteria gave weight to social initiatives and practices. Tenderers were asked to consider how its business activities demonstrated a commitment to address disadvantage and improve equity to deliver social value and positive social outcomes, including a commitment to employment of youth, disadvantaged and Aboriginal people. The successful tenderers responded favourably in this context.

Economic Development and Cultural Considerations

Evaluation criteria gave weight to Darebin based businesses. In addition, businesses that could demonstrate a local economic contribution through regular purchasing from local traders or the employment of local people were viewed favourably in line with evaluation criteria.

Operational Impacts

The contract will be overseen by Council's Capital and Major Projects department. The panel arrangement will be supported by the implementation of business rules that will set out how quotations are to be sought from panel suppliers for capital works. Before proceeding with any quoted works, approval to proceed will be sought from the appropriate financial delegate.

Legal and Risk Implications

Once awarded, each company will be responsible for all OH&S risks including site safety where applicable.

COVID-19 Impacts and Considerations

The impacts of COVID-19 require all contractors to have a Covid safe plan, and this was a requirement in tender evaluation.

IMPLEMENTATION ACTIONS

The contract is scheduled to commence on 1 October 2022. The contract will be for an initial term of four years, with an option to extend for a further one year. Tenderers will be notified of the outcome at the end of August 2022.

RELATED DOCUMENTS

Nil

Attachments

- Contract Award CT2021151 Plumbing & Associated Services Panel (**Appendix A**) Confidential - enclosed under separate cover
- Probity Report (**Appendix B**) Confidential - enclosed under separate cover

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of 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.

9. NOTICES OF MOTION

Nil

10. URGENT BUSINESS

11. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

In accordance with Section 66(2) of the *Local Government Act 2020*, Council may resolve to close the meeting to members of the public to consider the following items, deemed to be confidential by the Chief Executive Officer in accordance with Section 3(1) of the Act for the reasons indicated:

11.1 Preston Market SAC Panel Position

This item is designated confidential because it is land use planning information, being information that if prematurely released is likely to encourage speculation in land values and legal privileged information, being information to which legal professional privilege or client legal privilege applies, pursuant to Section 3(1) (c) and (e) of the Act.

CLOSE OF MEETING

Recommendation

That in accordance with section 66(2) of the *Local Government Act 2020*, Council resolves to close the meeting to members of the public to consider the items designated confidential by the Chief Executive Officer on the basis that the matters are confidential in accordance with Section 3(1) of the Act.

RE-OPENING OF MEETING

Recommendation

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

12. CLOSE OF MEETING

CITY OF DAREBIN

274 Gower Street, Preston
PO Box 91, Preston, Vic 3072
T 8470 8888 F 8470 8877
E mailbox@darebin.vic.gov.au
darebin.vic.gov.au



National Relay Service
relay.vic.gov.au

If you are deaf, or have
a hearing or speech
impairment, contact
us through the
National Relay Service.



Speak your language
T 8470 8470

العربية	Italiano	Soomalii
繁體中文	Македонски	Español
Ελληνικά	नेपाली	اردو
हिंदी	ਪੰਜਾਬੀ	Tiếng Việt