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AGENDA

Council meeting to be held
at Darebin Civic Centre,
350 High Street Preston
on Monday, 12 December 2016
at 6.00 pm.

Public question time will
commence shortly after 6.00 pm



ACKNOWLEDGEMENT OF DAREBIN'S ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITY

**(Council adopted this Acknowledgment on 1 July 2013 in order
to confirm the commitment of Council to the process of
Reconciliation)**

Darebin City Council acknowledges the Wurundjeri people and the Kulin Nations as the traditional landowners and the historical and contemporary custodians of the land on which the City of Darebin and surrounding municipalities are located.

Council recognises, and pays tribute to, the diversity of Darebin's Aboriginal and Torres Strait Islander community, valuing the unique and important role Aboriginal and Torres Strait Islander community members play in progressing reconciliation, respect and the building of mutual understanding across the City, amongst its people, and in the achievement of shared aspirations. Council recognises and pays tribute to, and celebrates, Darebin's long standing Aboriginal and Torres Strait Islander culture and heritage.



Italian

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

Greek

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

Chinese

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

Arabic

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

Macedonian

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

Vietnamese

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

Bosnian

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

Croatian

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

Portuguese

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

Serbian

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

Somali

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

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Agenda

1. MEMBERSHIP

Cr Kim Le Cerf (Mayor) (Chairperson)

Cr Steph Amir

Cr Gaetano Greco (Deputy Mayor)

Cr Tim Laurence

Cr Trent McCarthy

Cr Lina Messina

Cr Susanne Newton

Cr Susan Rennie

Cr Julie Williams

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

Recommendation

That the Minutes of the Ordinary Meeting of Council held on 5 December 2016 be confirmed as a correct record of business transacted.

5. PUBLIC QUESTION TIME

PLEASE NOTE: Questions from the public must be submitted prior to the commencement of Council meetings.

- Questions can be submitted online up to 4.00 pm on the day of the meeting:
 - At darebin.vic.gov.au/publicquestiontime; or
 - By email to PQT@darebin.vic.gov.au
 - By mail to PO Box 91, Preston 3072
- Questions can also be submitted in person:
 - At the counter of the Preston Customer Service, 274 Gower Street, Preston until 5.00 pm on the day of the meeting
 - At the Council Chamber from 5.45 pm to 6.00 pm on the day of the meeting (including from residents who seek to directly ask their question from the gallery)

No questions will be accepted after 6.00 pm on the night of the Council meeting. This includes questions from residents who seek to directly ask their questions from the gallery, which must first be submitted to officers for review prior to the meeting.

Questions that:

- Relate to items that are listed on the Agenda; or
- Are of an operational nature; or
- Relate to personnel matters, contractual matters or legal advice; or
- Are aimed at embarrassing a councillor or a member of council staff or is political in nature

will not be responded to.

Further, in accordance with section 54(5) of the Darebin Governance Local Law, a member of the gallery cannot ask more than two (2) questions.

The Mayor, in the first instance, will read questions and provide a response to those submitted online before taking questions from members in the gallery. If a question cannot be answered at the meeting, a written response will be prepared and forwarded to the person raising the question. Any question responded to verbally at the meeting, will not be responded to in writing.

Residents do not need to attend the meeting for a question to be answered.

A period of up to 30 minutes will be set aside to enable the Chairperson to read out the questions submitted by the public in accordance with the above guidelines and to provide responses.

6. CONSIDERATION OF REPORTS

6.1 RENAMING THE FEDERAL ELECTORAL DIVISION OF BATMAN

Author: Manager Families, Diversity and Community

Reviewed By: Director Community Development

Report Background

This Report outlines the process and next steps for progressing the renaming of the Federal Electoral Division of Batman as endorsed by Council on 16 December 2014 and reaffirmed at the Council meeting on 15 February 2016.

Previous Council Resolution

At its meeting on 16 December 2014 Council resolved that:

- (1) *Council notes and supports recent calls by Wurundjeri elders and other local Aboriginal leaders to change the name of the Federal seat of Batman, in the spirit of reconciliation.*
- (2) *Council commits to working with the Wurundjeri Tribe Land and Compensation Council, the Darebin Aboriginal Advisory Committee and the Australian Electoral Commission to develop and advocate for options for consideration by the Australian Electoral Commission.*
- (3) *Council receives a report on the results of consultation with the Wurundjeri Tribe Land and Compensation Council, the Darebin Aboriginal Advisory Committee and the Australian Electoral Commission, along with the process and timeframe for making a submission.*
- (4) *Consultation also occur around other relevant locations such as Batman Park.*

At its meeting on 15 February 2016 Council resolved that:

Council note the report and endorse the proposed revised plan outlined in this report to progress the proposal to change the name of the Federal Seat of Batman and Batman Park.

Previous Briefing(s)

On the 17 November 2015 an E-Bulletin outlined the progress of the preparatory work to date and updated time frames:

1. Agreement sought from Whittlesea, and Yarra Councils and the Member for Batman in relation to renaming of the Federal division (which is scheduled for redistribution in 2017).
2. Re-engagement with Wurundjeri Tribe Land and Compensation Cultural Heritage Council has recently been reactivated both in relation to this project and in relation to development of the Memorandum of Understanding. This has been due to the recent organisational change at the 'Council'.

Council Plan Goal/Endorsed Strategy

Healthy and Connected Community

Darebin Aboriginal Action Plan 2012-2017

Summary

- Advice from the Australian Electoral Commission (AEC) has indicated that the timelines for the next redistribution and renaming of Federal Electoral Divisions in Victoria would commence in February 2017.
- The AEC redistribution timelines are prescribed by legislation and the closing date for renaming submissions closed 30 days after a notice from the Electoral Commissioner is published in the Government Gazette.
- These timelines trigger an urgency to engage with Wurundjeri Land Council to determine their interest in lodging a submission directly and to seek advice regarding naming options.
- The scope and intensity of communications and community engagement required to develop the submission is beyond the organisational capacity of the Wurundjeri Land Council.
- Should the Wurundjeri Land Council seek to make a submission to the Electoral Commissioner, an urgent and concentrated communications and community engagement plan will be required to be designed and implemented by the Darebin, Yarra and Whittlesea Councils.
- There has been some preliminary interest from a coalition of community advocacy groups in using this opportunity to promote and encourage the use of Aboriginal names for any Federal Electoral Divisions earmarked for redistribution.
- Council give in-principle support to officers to undertake the preliminary communication and engagement with the Wurundjeri Council prior to making a formal public statement.

Recommendation**That Council:**

- (1) Reaffirms its commitment to working with the Wurundjeri Land Council and other Aboriginal leaders, to change the name of the Federal Electoral Division of Batman.
- (2) Endorses in principle that Darebin Council work in partnership with Yarra City Council and Whittlesea City Council to support Wurundjeri Land Council and other Aboriginal leaders, to change the name of the Federal Electoral Division of Batman.
- (3) Delegate Council officers to gauge the interest and preparedness of the Wurundjeri Council and other Aboriginal leaders to make a submission to the Electoral Commissioner and to suggest an alternative name for the current Federal Seat of Batman.
- (4) Receive a further report in early 2017 regarding the decision of the Wurundjeri Land Council and other Aboriginal leaders and to consider a proposed plan to progress this matter.

Introduction

The Australian Electoral Commission has announced that a redistribution of the Federal electorate division of Batman will occur in early 2017. The name of a Federal electoral division can only be changed as part of the Federal redistribution process.

Through the redistribution process an opportunity arises for the Wurundjeri Land Council and other aboriginal leaders to consider a name change for the current Federal seat of Batman to better reflect the traditional owners.

In addition the process also presents an opportunity for the Darebin Council in partnership with the Yarra City Council and Whittlesea City Council and the broader community in the spirit of reconciliation, to support Wurundjeri Land Council and other aboriginal leaders in the renaming process.

Darebin Council's comprehensive community engagement process during 2016 around the renaming of Batman Park in Northcote also identified a high degree of active community support for the renaming of the Federal Electoral Division of Batman.

Issues and Discussion

Prescriptive Legislative timelines

Under the *Commonwealth Electoral Act 1918*, there are four times when interested persons or organisations can have a say on the name of an electoral division;

1. Period for public submissions
2. Period for comments on public submissions.

The AEC Redistribution Committee will consider the submissions and comments and develop a boundary proposal and name followed by;

3. Period for objections to the proposed name
4. Period for providing comments on the objections.

Submissions for a name change to Federal Electoral Division of Batman close 30 days after the Electoral Commissioner invites written suggestions by way of Notice in the Government Notices Gazette.

This report is based on the assumption (from indications from the Electoral Commission) that the Electoral Commissioner will call for submissions in February 2017 and that a submission will be lodged in March 2017.

Timeframes and timing for making a submission

Should the Wurundjeri Land Council and other aboriginal leaders support making a submission, it may only leave eight weeks to prepare the submission and undertake the extensive and concentrated Division wide communication and community engagement process required to support the submission.

This may be further complicated by the timing of this work during the Christmas and New Year period and the availability of the Wurundjeri land Council and Aboriginal leaders to provide advice and direction.

The role of the three partner Councils

It has been Darebin Council's recent experience that the Wurundjeri Council and Aboriginal leaders do not have the resources or capacity to undertake this additional unplanned work.

The majority of the administrative, communication and community engagement will need to be shared by the three partner Councils of Yarra, Whittlesea and Darebin. There may be some practical support provided by community agencies and interested community members, but the nature and scope of this support is unknown at this point.

A Federal government process open to all agencies and citizens

The renaming of the Federal Electoral Division of Batman is open to all agencies and citizens and is under the jurisdiction of the AEC.

Unlike the Renaming of Batman Park, Darebin Council will not have control of this process. Irrespective of whether the Wurundjeri Land Council's decision to lodge a formal submission to the AEC, Council should anticipate that there may be other submissions lodged of varied quality and 'worthiness'.

Council may be asked to support more than one suitable submission to the AEC.

Status of the Renaming of Batman Park

It was anticipated that the new Darebin Council would be briefed on the proposal to rename Batman Park in early 2017.

However, due to the indicative and prescriptive timelines for redistribution published by the Australian Electoral Commission for the Federal Electoral Division of Batman of early 2017, the Batman Park renaming process will be delayed for a short time.

With the limited capacity within the Wurundjeri Land Council and the aboriginal community, the renaming of the Electoral division will require Council resources to be directed to this project to achieve the indicative timeframes.

A further briefing around the renaming of Batman Park will be provided to Council once the AEC make a final determination on the redistribution and renaming of the Federal Electoral division of Batman.

Options for Consideration

Any options, risks and governance implications associated with the renaming of the Federal Electoral Division of Batman will be provided following the discussions with the Wurundjeri Land Council and other Aboriginal leaders. The decisions made will form the basis of a formal Council report in early 2017 to determine a range of options to progress this matter.

Financial and Resource Implications

This work will be undertaken within current budget parameters.

Support from the three Councils will be primarily in terms of staffing resources and some financial assistance around advertising and communication materials.

Risk Management

Any risks and governance implications associated with the renaming of the Federal Electoral Division of Batman will be documented and options provided to Council following the discussions with the Wurundjeri Land Council and other Aboriginal leaders.

Policy Implications**Economic Development**

There are no Economic Development impacts related to this report.

Environmental Sustainability

There are no Environmental Sustainability impacts related to this report.

Human Rights, Equity and Inclusion

This report has been informed by;

The Darebin Council Plan

The Darebin Equity and Inclusion Policy

The Human Rights Action Plan 2012 – 2015

Darebin Aboriginal Action Plan 2012 – 2015

Future Actions

If Council endorses ongoing support for the renaming of the Federal Electorate Division of Batman, the following steps will be undertaken:

1. Council Officers from Darebin, Yarra and Whittlesea Councils will seek preliminary advice and direction from the Wurundjeri Land Council and other aboriginal controlled organisations about the renaming Federal Electoral Division of Batman.
2. The outcomes of these discussions will form the basis of a Council report to be advised in early December 2016 regarding the decision of the Wurundjeri Land Council and other Aboriginal leaders.
3. Should Wurundjeri Land Council and other aboriginal leaders agree to lodging a submission to the Electoral Commissioner a formal report will be presented to Council seeking their formal endorsement to formally support;
 - a. The submission outlining the proposed name;
 - b. The partnership / governance structure created to support the work; and
 - c. The draft communication and community engagement plan.
4. Should Wurundjeri Land Council and other Aboriginal leaders decide not to lodge a submission to the Electoral Commissioner a formal report will be presented to Council outlining other options.

Consultation and Advocacy

- Yarra Council
- Whittlesea Council
- CEO, Wurundjeri Land Council

Related Documents

- Darebin Equity and Inclusion Policy 2012-2015
- Darebin Aboriginal Action Plan 2012-2015
- Report to Darebin Aboriginal Advisory Committee, February 2014
- Councillor E bulletin – 17 November 2015
- Council Minutes – 14 December 2013, 16 December 2014, 16 December 2014
16 February 2016

Disclosure of Interest

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

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

6.2 PROCUREMENT POLICY**Author: Coordinator Procurement and Contracting****Reviewed By: Director Civic Governance and Compliance****Report Background**

In accordance with section 186A (7) of the *Local Government Act 1989* (the Act) there is a requirement for Council, on an annual basis, to review the procurement policy.

The current policy and guidelines were endorsed by Council dated 3 October 2016.

The Council resolution requires the endorsed Procurement Policy 2016 to be presented to the new Council for noting at its first ordinary meeting.

Previous Council Resolution

At its 3 October 2016 meeting Council resolved that:

- (1) *Note the outcomes of the procurement policy review.*
- (2) *Council adopt the City of Darebin Procurement Policy October 2016, as required under section 186A of the Local Government Act 1989, attached as Appendix A to this report with the following amendment:*
 - *On page 9, under 'Local Business Framework', third paragraph, "where practicable to do so, council will seek and obtain quotes from Indigenous companies..."*
- (3) *The Procurement Policy be presented to the new Council for noting at its first ordinary meeting.*

Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

Council Plan Goal/Endorsed Strategy

Goal 6 – Open and Accountable Democracy

Summary

On an annual basis Council is required to review its procurement policy and submit it to Council for approval. The Procurement Policy 2016 was endorsed at the Council Meeting held on October 3, 2016.

Recommendation

That Council:

- (1) Note the endorsed Procurement Policy dated 3 October 2016 with the requested amendment to **Appendix A**.
- (2) Note under legislation the Procurement Policy must be endorsed annually, the next scheduled update presented to Council is October 2017.

Introduction

In accordance with section 186A (7) of the *Local Government Act 1989* (the Act) there is a requirement for Council, on an annual basis, to review the procurement policy.

Issues and Discussion

The attached policy excludes the guidelines, which form a detailed framework for procurement processes across Darebin Council and therefore allows the guidelines to continually evolve as new operational processes are adopted or new systems introduced, without impact on the policy.

Options for Consideration

Nil

Financial and Resource Implications

The policy will support Council's financial plan by ensuring procurement activities are undertaken in a consistent and appropriate manner. By adopting best practice principles, the policy will enhance the achievement of objectives in value for money which in turn will ensure public monies are spent in the best interest of the community and generating support for the local economy and the wider community.

Risk Management

Nil.

Policy Implications**Economic Development**

The procurement policy continues to include the following, which will be taken into consideration, where appropriate, with all procurement activities.

- Local Business Framework
- Darebin Industry Participation Policy

Environmental Sustainability

The procurement policy continues to include the following, which will be taken into consideration, where appropriate, with all procurement activities.

- Environmental Purchasing Code

Human Rights, Equity and Inclusion

The procurement policy continues to include the following, which will be taken into consideration, where appropriate, with all procurement activities

- Corporate Social Responsibility
- Disability Access and Inclusion Policy

Other

There are no other factors which impact on this report.

Future Actions

There is no future action required

Consultation and Advocacy

Chief Executive
Executive Manager City Plan and Transformation

Related Documents

- *Local Government Act 1989*
- Darebin Industry Participation Policy
- Local Business Framework
- Environmental Purchasing Code
- Disability Access and Inclusion Policy
- Contract Guidelines
- Procurement Guidelines
- Excellence in Governance @ Darebin, Code of Conduct
- Council Minutes – 3 October 2016

Disclosure of Interest

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

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

6.3 MARRIAGE EQUALITY**Author: Manager Families, Diversity and Community****Reviewed By: Director Community Development****Report Background**

This report presents discussion and recommended statements from the Sexuality, Sex and Gender Diversity Advisory Committee held on 15 November 2016.

Previous Council Resolution

At its meeting held on 6 July 2015, Council resolved that:

- (1) *Council notes that the Australian Human Rights Commission 'considers that the fundamental human rights principle of equality means that civil marriage should be available, without discrimination, to all couples, regardless of sex, sexual orientation or gender identity'.*
- (2) *In line with previous Council resolutions in support of human rights and marriage equality, the Acting Mayor writes to neighbouring Councils advising them of this motion and request that they consider support for this important human rights issue.*
- (3) *Through its various communication channels, Council actively encourages the Darebin community to support the Marriage Equality campaign.*

Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

Council Plan Goal/Endorsed Strategy

- Council Plan 2013-2017 Goal 2: Healthy and Connected Community
- Equity and Inclusion Policy 2012-2017
- Sexuality, Sex and Gender Diversity Action Plan 2012-2017

Summary

A proposed plebiscite on marriage equality has generated much public debate in recent months. While the plebiscite has at this stage been blocked by the Senate of the Australian government, the adverse impact on the lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) community engendered by the debate surrounding this issue is still present, as are the risks associated with a possible future plebiscite.

Following discussion at Council's Sexuality, Sex and Gender Diversity Advisory Committee (SSGDAC) meeting on 15 November 2016, for Council to reaffirm their commitment to marriage equality and would ensure the elevation of key concerns of Darebin's local LGBTIQ communities to key decision makers and Ministers at the Federal level of government.

Recommendation**That Council:**

- (1) Note the statements recommended by the Sexuality, Sex and Gender Diversity Advisory Committee as detailed in this report.
- (2) Demonstrates support for Darebin's LGTIQ community by endorsing statements recommended by the Sexuality, Sex and Gender Diversity Advisory Committee as detailed in this report.

Introduction

In the wake of the Federal elections in July 2016, the issue of holding a plebiscite on marriage equality has generated much public debate. Since July the debate has often used divisive rhetoric that has called into question the value and worth of the personal and family relationships of many Australians and exposing LGBTIQ Australians, particularly vulnerable young Australians, to the potential risk of mental harm.

The plebiscite legislation was blocked by the Senate on 7 November 2016.

Issues and Discussion**Human Rights Commission**

The Australian Human Rights Commission 'considers that the fundamental human rights principle of equality means that civil marriage should be available, without discrimination, to all couples, regardless of sex, sexual orientation or gender identity'.

Conducting a Plebiscite

There are many issues associated with the idea of holding a plebiscite (that would be non-binding) to decide on marriage equality:

- It is not customary (and counter to precedents in Australian political and legal history), to hold a plebiscite on issues affecting human rights, notably the rights of a minority group.
- There are financial implications, with the cost of running the nationwide campaign, estimated at \$160 million.
- Most LGBTIQ groups, key marriage equality campaigners and the majority of the LGBTIQ population strongly oppose a plebiscite¹.
- The Irish referendum on marriage equality in 2015 although successful created an atmosphere of fear and divisiveness.

Recent studies² have highlighted that there were "significant social and psychological detriment from holding a nation-wide debate [on marriage equality]." And that "the impact of the *no* campaign was more than a fleeting experience or something that could be simply undone through a win for marriage equality". Young LGBTIQ people and children in LGBTIQ-parented families were also found to have been particularly affected by the debate.

¹ Just equal and PFLAG. *What do Australian LGBTIQ people think about a marriage equality plebiscite?* Survey findings 2016

² Dane, S., Short, L., and Healy, G. (2016). *Swimming with sharks: The negative social and psychological impacts of Ireland's marriage equality referendum 'NO' campaign*. School of Psychology Publications. The University of Queensland, Australia

Research demonstrates that the majority of LGBTIQ people “lead happy, healthy, fulfilling lives”, however the Beyondblue organisation cite that “studies have found that non-heterosexual people face up to twice as much abuse or violence (including physical, mental, sexual or emotional) than their heterosexual counterparts. This prejudice and discrimination adds an additional layer of risk on top of biological, social, environmental and psychological factors which can lead to depression, anxiety and suicide”.

Darebin is one of the most diverse municipalities in Australia, home to a sizeable, strong, active and engaged LGBTIQ community. Council, through many long-standing commitments and policies, recognises that any community requires advocacy and support at times. As such Council has fully supported the rights of LGBTIQ residents and their families to legal and social equality.

Sexuality, Sex and Gender Diversity Advisory Committee

At the Committee meeting held on 15 November 2016 Council's Sexuality, Sex and Gender Diversity Advisory Committee recommended a number of statements be presented to Council for consideration. These statements request Council to reaffirm its support for marriage equality for Darebin LGBTIQ residents and staff and express its wish to see the issue resolved through a free vote in Parliament.

The statements are:

1. Reaffirm its support for marriage equality for all Australians through a direct free vote in Parliament;
2. Reaffirm its commitment to stand by our Darebin LGBTIQ residents and staff and “stand up against homophobia, biphobia and transphobia. Always”;
3. Acknowledge and commend the work of marriage equality campaigners, the LGBTIQ community, leading mental health professionals and other people of goodwill in opposing a plebiscite on this issue and raising public awareness of the risks a plebiscite carries of harming LGBTI Australians, particularly vulnerable young Australians;
4. Promote this commitment through its various communication channels.

Options for Consideration

For Council to demonstrate support to our LGBTIQ community by reiterating its support to marriage equality and calling for a free vote in Parliament to decide on the issue.

Financial and Resource Implications

This report has no financial or resource implications.

Risk Management

This recommendation is aligned with and builds on many of Council's policies and commitments and as such bears no specific risk.

Policy Implications

Economic Development

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

Environmental Sustainability

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

Human Rights, Equity and Inclusion

The current debate on marriage equality has a clear impact on human rights, equity and inclusion. Reaffirming Council's support to marriage equality and our LGBTIQ residents demonstrates Council commitment to our human rights obligations (promoting freedom from discrimination and equality before the law) and our equity and inclusion principles, commitments and policies, including the *Equity and Inclusion Policy* and *Sexuality, Sex and Gender Diversity Action Plan*.

Other

There are no other factors which impact on this report.

Future Actions

- Reaffirm Council's commitment to marriage equality (see recommendation)
- Further promote, and communicate on, Council's support to marriage equality
- Continue to support Darebin LGBTIQ residents
- Continue to advocate for our LGBTIQ residents as the need arises

Consultation and Advocacy

Sexuality, Sex and Gender Diversity Advisory Committee

Diversity Policy Officer

Human Rights Officer

Coordinator Equity and Diversity

Related Documents

- Equity and Inclusion Policy 2012-2017
- Sexuality, Sex and Gender Diversity Action Plan 2012-2017
- Council Minutes – 3 June 2013, 6 July 2015, 7 December 2015

Disclosure of Interest

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

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

6.4 PROVISIONS OF AD-HOC CATERING SERVICES**Author: Senior Procurement Officer****Reviewed By: Director Civic Governance and Compliance****Report Background**

Council's current Ad-hoc Catering Services Panel expires on 31 December 2016. An online Customer Satisfaction Survey was conducted to identify potential savings and gain better value for money. The internal Strategic Procurement Plan and Request for Tender (**RFT**) documentation was prepared based on the survey and approved for distribution via a full RFT process. An evaluation panel has assessed all compliant proposals and this phase is now complete. This report describes each phase in detail and provides a recommendation for Council's consideration.

Previous Council Resolution

A similar Panel arrangement was the subject of a previous Council resolution. At its meeting held on 16 December 2013 Council resolved to:

- (1) *Enter into a contract for the provision of ad-hoc catering services with fourteen (14) caterers from 1 January 2014 to 31 December 2014 at a capped amount of \$219,201 (incl. GST) plus an optional two (2) by one (1) year extension periods at a capped amount of \$438,401 (incl. GST) bringing the total expenditure approval to \$657,602 (incl. GST).*
- (2) *Approve the Chief Executive to finalise and execute the contracts on behalf of Darebin Council.*
- (3) *Authorises the Chief Executive to approve the optional extension periods, subject to satisfactory performance.*
- (4) *Note an annual report will be submitted to Council on the progress of the agreements, prior to the approval of any extension period.*

Previous Briefing(s)

This report has not previously been to a Councillor briefing.

Council Plan Goal/Endorsed StrategyBusiness Development and Employment Strategy 2012-2015

"Darebin will have a positive and connected business environment with a dynamic and diverse economy that has sustainable growth and operations and generates local employment opportunities".

Environmental Purchasing Code

"Darebin will demonstrate to the community our purchasing decisions can enhance ecological sustainability, be resource responsible and improve markets for environmentally preferred products".

Summary

More importantly, Ad-hoc catering purchases across Council was identified as an area for potential savings and a means to improve the equality of services across the municipality and deliver better value for money for Council and the broader Darebin community.

It is proposed to appoint a panel of local caterers capable of providing a healthy and nutritious range of light meals, snacks, corporate style lunches and occasional breakfasts; and:

- Provide Council officers the flexibility to choose from a number of caterers;
- Focus on local business contribution;
- Obtain value for money catering services; and
- Reduce all forms of waste.

This arrangement is for the entire Council to utilise, including such locations as Northcote Town Hall, Darebin Arts and Entertainment Centre, North East Community Hub, Intercultural Centre, Keon Park Children's Hub, Darebin Libraries, Preston Town Hall.

Recommendation

That Council:

- (1) Resolves to enter into a contract for the provision of ad-hoc catering services with the following twelve (12) caterers from 1 January 2017 to 31 December 2017 at a capped amount of \$456,670 (incl. GST) plus an optional two (2) by one (1) year extension periods at a capped amount of \$913,340 (incl. GST) bringing the total expenditure approval to \$1,370,000 (incl. GST).

265 Lakes Cafe	A1 Bakery Fairfield	Beauty and the Feast
Caffe Rustico	Cedar Bakery	Cultural Catering
Graceful Living (Pomona)	Miss Margaret	Northcote Bakeshop
Plenty of Everything	Roll'd	Silk Thai

- (2) Approve the Chief Executive to finalise and execute the contracts on behalf of Darebin Council.
- (3) Authorises the Chief Executive to approve the optional extension periods, subject to satisfactory performance.

Introduction

The Procurement and Contracting (**PandC**) team continually analyse Council spend to identify Council wide tendering opportunities to achieve efficiencies through value for money outcomes by aggregating demand and awarding organisational wide Agreements.

The Agreements will set out rates for services which are fixed for the initial term of the agreement and reviewed just prior to each additional term extension. The extent and quantity of Council's catering requirements are difficult to accurately project and quantify as requirements vary from week to week.

Assuming the Agreement period of one year fixed, with two one-year optional extensions, the estimated value of this panel arrangement will be capped at \$1,370,000 (incl. GST) over the three year period. This capped amount is based on a 3 year spend of \$500,000 for ad-hoc catering for Council office meetings and a 3 year spend of \$870,000 (incl. GST) for catering events at Darebin Arts and Entertainment Centre (**DAEC**).

Issues and Discussion

The Agreements will be established to support the Council's objective of achieving value for money through aggregating demand throughout the Council, considering local business contribution and allow Council offers the flexibility to choose from a number of caterers.

Pre-Tender Release Process – Internal Customer Satisfaction Survey

PandC conducted an internal survey to seek feedback from staff members in preparation for a new tendering process. The objective was to gain a better understanding of:

- Staff awareness of the Catering Panel and the Service Providers;
- Staff expectations – what worked, what didn't;
- Staff impression in the delivery of quantity/quality vs. price; and
- Staff satisfaction – including suggested improvements.

On 7 July 2016 the survey was distributed to all staff via email and the 'staff to staff' newsletter. A total of 70 responses were received and collated. An overview of the results collated identified the following aspects for consideration in preparing for the tender:

- Supporting more local businesses – including smaller businesses;
- Overall happy with quantity and quality of food;
- Prefer more nutritious, sustainable local and ethical menu choices;
- Prefer bigger range of gluten free, vegan, vegetarian options; and
- More variety that meet the needs of diverse communities without breaking the budget.

Pre-Tender Release Process – External Information Sessions

Prior to the release of the Request for Tender (RFT) the Procurement and Contracting unit (with assistance from the Business Economic and Health and Urban Protection units) collated a list of catering businesses within the Darebin municipality. The directory included businesses such as cafes, event management services, restaurants and specialised caterers with an indigenous influence (for example those offering Halal, Middle Eastern, European, Thai cuisine).

On the 10 October 2016 (2 days after the RFT was released), invitations (231 letters and 464 emails) were delivered to all 695 catering businesses. Each invitation included a link where they could register their attendance at one of 2 information sessions being offered. The following table provides a breakdown of the number of registered attendees for each session at Preston Council Chambers (refer Table 1):

Table 1:

Date	Time	No. Registered Attendees
19 October 2016	3pm – 4pm	53
19 October 2016	5.30pm – 6.30pm	33

Note: To ensure that every Darebin catering business had an opportunity to receive the same information, the invitation also offered a face to face meeting (Mon – Frid, 8am – 5pm) for those who could not attend at Council Chambers, up until the week the RFT closed on 3 November 2016. Procurement and Contracting unit received 7 requests for face-to-face meetings.

Services

It is proposed that the twelve (12) caterers will provide ad-hoc catering services to one or more of the following eight (8) categories:

Category 1: Morning Service;

Category 2: Luncheon Service;

Category 3: Afternoon Service;

Category 4: Evening Service;

Category 5: Culturally Diverse; and

Category 6: General Items (ie: hire items like crockery, cutlery, glassware etc)

Caterers had an opportunity to submit a quotation for any singular category, multiple categories or across all categories.

Note: These proposals are not applicable to special nationality function days held at the Intercultural Centre or Civic type events such as Council meals and Civic functions.

Procurement Process

In line with the *Local Government Act 1989* tender requirements and to ensure there was an open and transparent process undertaken, a publicly advertised RFT (CT201620) was released via Council's online tender website and advertised in The Age newspaper on Saturday 8 October 2016. The RFT was open for a period of 26 days and closed on Thursday, 3 November 2016.

The RFT process had the potential to be a high risk project. To mitigate any risks and to alleviate any perceived preference, prejudice or discrimination throughout the project, Council engaged an independent and qualified probity advisor, to oversee the entire procurement process.

At the time of closing the following thirty three (33) caterers submitted a tender proposal (refer Table 2):

Table 2:

Supplier	Supplier Location	Darebin/Darebin +
265 Lakes Café	Reservoir	Darebin
A1 Bakery Fairfield	Fairfield	Darebin
Beauty and the Feast	Thornbury	Darebin
Breadtop Preston	Preston	Darebin
Breadwinner	Dandenong	Non Darebin/Darebin+
Brown Bear Café	Preston	Darebin
Burger Edge	Northland, Preston	Darebin
Caffe Rustico	Preston	Darebin
Carbones Place	MacLeod	Darebin
Catering Café	Alphington	Darebin+
Cedar Bakery	Preston	Darebin
CJ Café	Preston	Darebin
Cultural Catering	Reservoir	Darebin

Supplier	Supplier Location	Darebin/Darebin +
Da Pasquale	Fairfield	Darebin
El Rivoli	Brunswick	Darebin+
Graceful Living P/L (Pomona)	Preston	Darebin
Greenleaf Catering	Bundoora (outside borderline)	Darebin+
IQ Café and Catering	Heidelberg	Darebin+
Miss Margaret	Preston	Darebin
Mr Churros and A Sweet Escape	Preston	Darebin
Northcote Bakeshop	Northcote	Darebin
Pizza and Pasta on Broadway	Reservoir	Darebin
Plenty and More Cafe	Preston	Darebin
Plenty of Everything	Preston	Darebin
Radfords Place	Reservoir	Darebin
Rolld	Northland, Preston	Darebin
Silk Thai	Preston	Darebin
Stylish Catering	Yarraville	Non Darebin/Darebin+
Subway	Preston	Darebin
Tasties	Preston	Darebin
The Cakemen Pty Ltd	Reservoir	Darebin
The Catering Company	Kensington	Non Darebin/Darebin+
Yoghurt Culture	South Yarra	Darebin+

Evaluation Panel

An evaluation panel (**Panel**) was established and comprised of one Council staff member from each of the following units:

- Health and Compliance;
- Procurement and Contracting;
- Economic Development and Civic Compliance;
- Community Wellbeing;
- Darebin Arts and Entertainment Centre;
- Environment and Community Outcomes (Adviser, non-scoring member)

Prior to the closing date and time the Panel agreed that the evaluation process would consist of the following two phases:

- Short-list proposals based on compliance with RFT specifications; and
- Evaluation of all short-listed proposals.

All compliant proposals were evaluated against the following key selection criteria. The weightings for each criterion were included in the Tender documentation to assist respondents in preparing their proposal and to demonstrate Council's commitment to supporting local businesses. The following evaluation criterion and weighting were adopted by the Panel prior to tender closing date and time (refer Table 3).

Table 3:

Selection Criteria	Weighting
Price/Value For Money	30%
Local Business Content	40%
1. Services Offered (incl. healthy menu options and sustainability choices) 2. Customer Focus and Responsiveness	20%
Previous Experience	10%
Capability 1. Valid Public Liability 2. Valid Quality Assurance Food Registration Certificates	unweighted (Fair or Pass)

Please refer to the 'Confidential' documents for the different phases of the evaluation process.

Financial and Resource Implications

- Under the current Ad-hoc Catering Panel arrangement (CT201315) the total monies spent over 3 years is \$500,000 (incl. GST).
- Darebin Arts and Entertainment Centre (**DAEC**) will be accessing this panel for a majority of events held onsite. DAEC's estimated spend for catering per annum is \$290,000 (incl. GST) or \$870,000 (incl. GST) over 3 years.
- Therefore the combined spend for this panel is estimated to be \$1,370,000 incl. GST) over the full 3 year contract period.
- It should also be noted that catering spend for DAEC is recouped as part of the venue hire arrangements.

Risk Management

A Risk Management Plan has been developed and is appended (refer Confidential **Appendix A**).

The risk factors included in the Risk Management Matrix are set as the baseline, and ongoing analysis and treatment planning will be taken to deal with risks and issues will be reviewed and assessed within the ongoing context throughout the whole of contract term.

Policy Implications

Economic Development

In 2012 Council endorsed a Business Development and Employment Strategy (**BDES**) which vision outlines *'Darebin will have a positive and connected business environment with a dynamic and diverse economy that has sustainable growth and operations and generates local employment opportunities'*

One of the objectives within the BDES is to create 1000 jobs within three years by providing effective support to businesses in Darebin. Another is to assist businesses and industry to diversify and maximise opportunities for business development. Providing all Darebin hospitality/catering businesses the opportunity to respond to the ad-hoc catering requirements of Council is a direct response to these objectives. It also shows that Council is willing to work with local businesses and operators to increase their capabilities and opportunities to compete.

Environmental Sustainability

The tenderers were informed that Council intends to lead by recognising and rewarding caterers who source ethically and sustainably produced, seasonal and local food/ingredients, to meet high standards of animal welfare and minimise the water and energy used to produce and transport the food.

As part of the tender process tenderers were requested to explain and/or provide evidence of sustainable practices and how they have been implemented into their daily operations. Council's Health Promotions and Sustainable Food Officers will work with the successful Service Providers in the provision of healthy food selections and to help reduce our environmental impact.

Human Rights, Equity and Inclusion

There are no factors in this report which impact on human rights, equity and inclusion other than the information provided under 'Economic Development'.

Other

The tender process described in this report is in accordance with Council's Procurement Policy (2015), the relevant provision of the *Local Government Act 1989 (Vic)* and section 208 (Best Value Principles).

Council recognised its role in the economic development of the community and was committed to assisting local industry to do business with Council. Council is committed to buying locally and supporting the business community and encouraging its involvement in procurement processes.

Consultation with local traders (including Public Forums and one-on-one sessions) were held at Preston Council offices to ensure that local caterers were given an opportunity to better understand the RFT documentation and the ability to submit a response with confidence.

Future Actions

- Appoint the twelve Service Providers;
- Unsuccessful companies will be notified; and
- Communicate list of catering companies to all Council staff.

Consultation and Advocacy

- Director, Civic Governance and Compliance
- Acting Manager Health and Compliance
- Business Development Coordinator
- Coordinator Procurement and Contracting

Related Documents

- Evaluation Phase (**Confidential Appendix A**)
- Evaluation Matrix (**Confidential Appendix B**)
- Evaluation Result (**Confidential Appendix C**)
- Procurement Policy (November 2015)
- Procurement Guidelines
- Strategic Procurement Plan (ref: A3831380)

- Engagement of Probity Advisor (ref: A3794427)
- CT201620 – Request for Tender Documentation (ref: A3682731)
- Council Minutes – 16 December 2013

Disclosure of Interest

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

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

6.5 SLOPE REMEDIATION PROJECT - INTERSECTION OF WALKER STREET AND MCLACHLAN STREET, NORTHCOTE: CONTRACT AWARD

Author: Coordinator Project Management

Reviewed By: Director City Futures and Assets

Report Background

An inspection of the Rushall Station Footbridge (Merri Creek Bridge) in 2012 commissioned by Metro Trains identified a potential landslip at the road intersection of Walker and McLachlan Streets in Northcote. This study noted that the road intersection close to the north abutment of the bridge had sunk 500mm due to the settlement and compaction of the 6m thick clay fill that it was built on in the 1920's. The main structure of the bridge has not suffered major movement or stress, but the road surface has been re-sheeted (in 1983) and sealed (in 2009) by Darebin Council due to cracks that had appeared on the road which are related to the settlement of the intersection.

In light of the road movement and risks, and following a competitive tender process, Council engaged Coffey Geotechnics (the consultant) in 2013 to undertake geotechnical investigations into the stability of the slope supporting the road intersection and the north abutment of the Rushall Station Footbridge.

The project had been divided into two main parts: Investigation Phase (Part 1) and Detailed Design Phase (Part 2). Based on the findings of the investigation phase in 2013 (see list of related documents below), Coffey made recommendations to Council for the remedial works and advised that there was a three to five year window before the works become critical. This followed observations that, between 2011 and 2013, the displacement of the north abutment of the bridge was 32mm downwards further.

The study by Coffey also found that there were damaged sewage and drainage pipes that had been propagating the ground movement by releasing water. Both pipes have already been fixed by Yarra Valley and Darebin Council respectively.

In 2015, Council provided a brief for the civil re-design of the intersection given that McLachlan Street and the Merri Creek Bridge are a link to a major bicycle path: The Merri Creek Trail. The consultant completed the documentation phase (Phase 2 – Detail Design Phase) for this project in July 2016 (see list of related documents below).

Previous Council Resolution

This matter is not the subject of a previous Council resolution

Previous Briefing(s)

This matter has not previously been to a Councillor briefing.

Council Plan Goal/endorsed Strategy

This project relates to the Sustainable and Resilient Neighbourhoods and Excellent Service Council Plan goals

Summary

The document prepared by Coffey after the investigation in 2013 found that the slope is unstable and has the potential to fail. The report provides a risk assessment highlighting the risks associated with landslides. If the slope was to fail it would cause major damage to the intersection, the bridge, private properties, and council assets, as well as posing a high risk on people's lives.

A budget of \$550,000 GST inclusive (based on the designer's estimate for the works) has been allocated to undertake the works as part of the 2016-2017 Capital Works Program.

From the investigation proposed works include the removal of existing pavement and associated road and drainage infrastructure, removal of up to 2.5m of fill, installation of lightweight foam blocks to retain the slope, backfilling the excavation, and reconstruction of road and drainage infrastructure.

A tender process has been conducted to select a civil contractor to carry out the designed works. Details of the tender process including tender responses, and tender evaluation and assessment processes are contained in the body of this report. Risks associated to the Slope Remediation Project are also provided.

This report recommends the award of contract CT201632 to a suitably experienced civil contractor.

Recommendation

That Council:

- (1) Awards Contract No. CT201632 for the Slope Remediation Project intended to CDN Constructors Pty Ltd for the contract sum of five hundred and thirty five thousand six hundred and eighty five dollars and eight cents (\$535,685.08) GST inclusive
- (2) Authorises the Chief Executive to finalise and execute the contract documentation on behalf of Council.
- (3) Authorises additional budget for Slope Remediation Project (6810) of \$53,000 from Road Resurface Program (5228) being approximate 10% of the contract amount, to be used if required on contract CT201632 for any unforeseen risks such as those identified in this report.

Introduction

Since the identification of a potential landslip near the Merri Creek Bridge in 2012, Darebin City Council has assigned resources to investigate the issue. After engaging an experienced consultant to undertake geotechnical investigations, provide reports, identify risks, and propose solutions to the road movement and settlement, Council has allocated budget to undertake the works. Consequently, a competitive tender process commenced in October 2016 in order to select a suitably qualified civil contractor to carry out the designed solution.

Council received three proposals that included estimated costs, proposed methodologies, timeframes, local business involvement, an OH&S questionnaire, and a history of past performance in similar projects.

An Evaluation Panel was formed in order to analyse the proposals, score each submission, and select a contractor based on the evaluation criteria included in the tender documentation.

The tender assessment and subsequent contract award process is the subject of this report and referenced as contract number CT201632.

Discussion

Tender documentation

Coffey Geotechnics provided the full design documentation for this project. Their design for the remediation works include:

- The *Design Report Remediation of the intersection of Walker Street and mclachlan Street, Northcote*, that contains design drawings, and
- The *Remediation of the intersection of Walker Street and mclachlan Street, Northcote. Technical Specification for remediation design*, that provides details of specific construction requirements.

These documents have been used as part of the tender documentation, together with requirements by a number of Authorities with assets on-site (see list below). Council's requirements and technical specifications have also been included in the documentation.

Tender Process

The goal of the tender process was to seek and select a qualified and experienced contractor to provide construction services for this project on the basis of:

- Achieve value for money through a competitive tender process
- Quality and fitness for use through the engagement of an experience contractor
- Compliance with local government policies by following Darebin's Procurement policies and guidelines

In accordance with Council's procurement policies and guidelines, Council publicly advertised the tender (CT201632 – Provision of Construction Services for Slope Remediation Works - Intersection Walker and McLachlan Streets, Northcote) on its website as well as on The Age newspaper on the 15 October 2016. Tender respondents were required to download the documentation and submit their proposals through Council's e-tender system.

Financial and Resource Implications

Embankment stabilisation – Walker and McLachlan Street Northcote

Budget 2016/2017 – Council source funds	\$0.00
Budget 2016/2017 – Roads to Recovery funds	\$500,000.00
Tendered price GST exclusive	<u>\$486,986.44</u>
Balance	<u>\$13,013.56</u>

The preferred tender is close to pre-tender estimates and within the allocated budget for this project of \$550,000 GST inclusive. This amount was allocated for the 2016/2017 capital works program (6810).

It is recommended that a contingency amount equivalent to 10% of the cost (\$53,000) be allocated to the project budget. This amount will only be used in the event that the project risks need to be addressed once construction commences on site and will be sourced from the Road Resurface Program (5228).

If a contract is awarded to CDN Constructors Pty Ltd at the end of 2016 and they commence works in accordance with the proposed works program in early February including allowances for inclement weather delays, the completion for the construction works is estimated to be in April 2016.

RISK MANAGEMENT

The following risks have been identified for the Slope Remediation Project (see **Appendix C**).

- Slope failure
- Damage to Metro Trains Bridge
- Damage to Authorities' assets
- Unexpected soil conditions
- Failure of temporary batters/excavation
- Work delays due to weather conditions
- Community and Bridge user's risks
- Complaints from residents adjacent to the works

In order to manage the identified risks, the following controls will be put in place before and during construction:

- Given that the consultant advised Council to undertake the works within a three to five year window after the identification, works will need to commence as soon as possible in order to minimise the risks to people, properties and assets.
- Excavation works will be restricted within one meter from the bridge abutment, and any possible movements of the bridge will be monitored during construction.
- A list of conditions and processes has been provided by the Authorities with assets within the site boundary, and has been included in the tender documentation. They need to be followed by the contractor before, during, and after construction.
- There is a low risk of finding a high level of contaminated soil on site based on Coffey's geotechnical investigation. However, the contractor was asked to provide a provisional sum if contaminated soil needs to be removed and disposed of from the site.
- The design documentation proposes a progressive and staged progress for the excavation works to minimise the risk of failure of the excavation. If during the progress of the works it is found that the proposed excavation needs to be altered, safe trench conditions and secure access must be provided by the contractor in consultation with Coffey and Council's Project Manager.
- It is critical that the proposed works are undertaken during dry months (between January and April as planned) as wet weather could impose additional risks to the slope, excavation works, temporary batters, and the timeline of the project.
- Given the risks associated with the remediation and excavation works highlighted above, it has been proposed to close the bridge and footpaths during construction to minimise the risk to bridge users.

- A notification process has started including letters, signs on site, local newspaper advertisement and notifications on Council's website. Approximately 400 properties in Northcote have been notified of the works by letterbox drop. The project manager will also hold a meeting with the selected contractor and the residents close to the construction site to explain the project and note any concerns that residents may have.

Policy Implications

Economic Development

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

Environmental Sustainability

A letter by Melbourne Water (Authority responsible for the management of the Merri Creek) on 7 September 2015 to Council provides a number of conditions in relation to Environmental Sustainability (see **Appendix D**).

It is responsibility of the contractor to comply with those requirements. This information has been provided on the tender documentation, and the selected contractor will need to submit the approval by Melbourne Water to Council's Project Manager before the commencement of the works.

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

Human Rights, Equity and Inclusion

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

Other

There are no other factors which impact on this report.

Future Actions

- Award Contract CT201632 for the Slope Remediation Project to CDN Constructors Pty Ltd
- Continue the communication process with the community
- Prepare and provide documentation and information for the contractor
- Commence construction works in early February 2017
- Inspect construction works and follow progress (Council's Project Manager and Coffey)
- End of Defect Liability period is for 12 months from the date of Practical Completion

Consultation and Advocacy

As noted previously in this report a notification process has commenced with letters, signs on site, local newspaper advertisement and notifications on Council's website. Other consultation was undertaken with the following people and organisations.

- Coordinator of Infrastructure Planning
- Manager of Assets and Properties
- Senior Procurement Officer
- Coordinator Project Management

- Team Leader Transport Strategy
- Transport Engineering
- Sustainable Transport Officer
- Senior Communications Advisor
- Coffey Geotechnics
- City of Yarra
- Metro Trains
- PTV
- APA Group
- Powercor
- City West Water
- Melbourne Water
- Heritage Insight

Related Documents

- Slope Remediation Project Works - **Appendices A – D**
- Tender Evaluation Process (**Confidential Appendix E**)
- Bridge Inspection and Assessment Report Merri Creek Footbridge, prepared by Pitt & Sherry for Metro Trains Melbourne. March 2013
- Heritage Assessment at the Corner of Walker and McLachlan Streets, Northcote, prepared by heritage insight. April 2013
- Slope Stability Investigation and Landslide Risk Assessment, Corner Walker Street and McLachlan Street, Northcote, prepared by Coffey Geotechnics. October 2013
- Design Report Remediation of the Intersection of Walker Street and McLachlan Street, Northcote, prepared by Coffey. July 2016
- Technical Specification for remediation design, prepared by Coffey. July 2016
- Request for Tender CT201632

Disclosure of Interest

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

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

6.6 DELEGATIONS OF POWER, DUTIES AND FUNCTIONS TO COUNCIL STAFF

Author: Coordinator Council Business

Reviewed By: Director Civic Governance and Compliance

Report Background

This report is to seek recommendation from Council to approve an updated Instrument of Delegation from Council to various positions within the organisation.

Previous Council Resolution

At its meeting held on 6 June 2016:

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

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

Previous Briefing(s)

This report is not subject to any previous Councillor briefings.

Council Plan Goal/Endorsed Strategy

Open and Accountable Democracy

Summary

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

Recommendation

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

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

Introduction

From time to time amendments are made to legislation pertaining to such Acts as the *Domestic Animal Act 1994*, *Environment Protection Act 1970*, and the *Planning and Environment Act 1987*. When amendments are made there is a requirement for all Councils to update delegations conferred on various positions within the organisation by Council to ensure officers are operating and enforcing under the current legislation.

Issues and Discussion**Delegations from Council to other members of Council staff**

Councils have a raft of powers, duties and functions under the *Local Government Act 1989*, *Planning and Environment Act 1987*, *Building Act 1993*, *Road Management Act*, *Domestic Animals Act*, *Emergency Management Act 1986* and many more. Most powers, duties and functions are therefore performed by members of Council staff with formal powers delegated by the Council, either directly or through the Chief Executive Officer (by sub-delegation).

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

These include:

- *Domestic Animals Act 1994*
- *Environment Protection Act 1970*
- *Food Act 1984*
- *Planning and Environment Act 1987*
- *Road Management Act 2004*

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

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

Options for Consideration

There are no options associated with this information.

Financial and Resource Implications

Nil.

Risk Management

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

Policy Implications

Economic Development

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

Environmental Sustainability

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

Human Rights, Equity and Inclusion

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

Other

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

Future Actions

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

Consultation and Advocacy

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

Related Documents

- Proposed Instrument of Delegation to members of Council staff – **Appendix A**
- Delegations and Authorisations Service – Maddocks Lawyers
- Council Minutes – 6 June 2016

Disclosure of Interest

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

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

**7. CONSIDERATION OF RESPONSES TO NOTICES OF MOTION
AND GENERAL BUSINESS**

Nil

8. NOTICES OF MOTION

8.1 ELECTRIC CARS IN DAREBIN

NOTICE OF MOTION NO. 318 CR.STEPH AMIR

Take notice that at the Ordinary meeting to be held on 12 December 2016, it is my intention to move:

'That Councillor's receive a preliminary scoping report by 28 February 2017 regarding possible strategies and options to increase uptake of electric cars in Darebin in the medium term, giving consideration to likely future trends. Strategies should include but not be limited to:

- *Inclusion of electric cars in the council car fleet, and*
- *Installation of electric carpark rapid-charge stations in high-use locations such as Preston Market and La Trobe University.'*

Notice Received: 29 November 2016

Notice Given to Councillors: 5 December 2016

Date of Meeting: 12 December 2016

8.2 RIVOLI THEATRE – GILBERT ROAD, PRESTON

NOTICE OF MOTION NO. 319 CR. STEPH AMIR

Take notice that at the Ordinary meeting to be held on 12 December 2016, it is my intention to move:

'That Officers prepare a report exploring the feasibility of purchasing the former Rivoli Theatre site at 71-75 Gilbert Road Preston for the community, with options including the creation of a:

- *Multicultural Arts Centre*
- *Community arts hub for local artists*
- *Performance, teaching and gathering space for nearby primary schools, and/or*
- *Intercultural Centre.'*

Notice Received: 29 November 2016

Notice Given to Councillors: 5 December 2016

Date of Meeting: 12 December 2016

8.3 EDWARDS LAKE BOAT HOUSE**NOTICE OF MOTION NO. 320 CR. GAETANO GRECO**

Take notice that at the Ordinary meeting to be held on 12 December 2016, it is my intention to move:

'That Council receive an options report at the Council meeting on 13 February 2017 on how to best progress the future utilisation of the Boat House at Edwards Park Lake for community use.'

Notice Received: 29 November 2016**Notice Given to Councillors: 5 December 2016****Date of Meeting: 12 December 2016****8.4 REVIEW OF DAREBIN PLANNING SCHEME****NOTICE OF MOTION NO. 321 CR. GAETANO GRECO**

Take notice that at the Ordinary meeting to be held on 12 December 2016, it is my intention to move:

'That Council:

- (1) Sets up a Darebin Planning Scheme Task Team to review and improve aspects of Darebin's current MSS. The task team will be chaired by the Mayor and include Councillors _____ (to be nominated at the Council meeting).*
- (2) The task team will meet on a regular basis over the next few months and be supported by relevant officers.*
- (3) The task team will provide a progress report to Council on proposals to improve Council's current planning scheme in March 2017.'*

Notice Received: 29 November 2016**Notice Given to Councillors: 5 December 2016****Date of Meeting: 12 December 2016**

8.5 COMMUNITY CONSULTATION REGARDING RESERVOIR RAIL CROSSING**NOTICE OF MOTION NO. 322 CR. GAETANO GRECO**

Take notice that at the Ordinary meeting to be held on 12 December 2016, it is my intention to move:

That Council:

- (1) *Undertakes broad and socially inclusive community consultations by the end of March to gain community feedback on whether the proposed Reservoir Rail crossing should be above or below ground.*
- (2) *Officers to provide a briefing paper to Councillors regarding the consultation strategy in February 2017.*
- (3) *Officers provide a report to Council in late April of the outcome of the community consultations.'*

Notice Received: 29 November 2016

Notice Given to Councillors: 5 December 2016

Date of Meeting: 12 December 2016

8.6 COUNCIL'S MULTILINGUAL LANGUAGE SERVICES**NOTICE OF MOTION NO. 323 CR. GAETANO GRECO**

Take notice that at the Ordinary meeting to be held on 12 December 2016, it is my intention to move:

That Council:

- (1) *Receives a Council report on 13th February 2017 regarding Council's multilingual language services.*
- (2) *Without limiting the scope of the report it could include information on:*
 - a) *A breakdown of inquiries by language*
 - b) *The nature of the inquiries in different languages*
 - c) *The number of inquiries assisted by internal bilingual staff verses external interpreters services*
 - d) *The bilingual skill set of our customer service team*
 - e) *What strategies are in place to increase the bilingual skill set of our customer service team.*
 - f) *How does Council currently promote the availability of multilingual communication services?'*

Notice Received: 29 November 2016

Notice Given to Councillors: 5 December 2016

Date of Meeting: 12 December 2016

8.7 FUTURE INFRASTRUCTURE AND SERVICES**NOTICE OF MOTION NO. 324 CR. TRENT MCCARTHY**

Take notice that at the Ordinary meeting to be held on 12 December 2016, it is my intention to move:

'That Council establishes a Future Infrastructure AND Services Working Group to further develop Council proposals for Intergenerational infrastructure projects and expanded and sustainable services for our diverse and growing community, as announced by the Mayor during her recent acceptance speech.

The Working Group will comprise the Mayor and Councillors _____ (Councillors to be named at the meeting) and will be supported by relevant Council officers. The Working Group will meet on a regular basis over coming months to develop proposals for Council's consideration at a meeting in March 2017.'

Notice Received: 29 November 2016**Notice Given to Councillors: 5 December 2016****Date of Meeting: 12 December 2016****8.8 DONATH AND DOLE MASTERPLAN REPORT****NOTICE OF MOTION NO. 325 CR. SUSANNE NEWTON**

Take notice that at the Ordinary meeting to be held on 12 December 2016, it is my intention to move:

'That Council requests officers to bring a report to a Council meeting in February 2017 that Council:

- a) Explores ways to facilitate funding of the Donath and Dole Reserves Master Plan for consideration as part of the 2017/18 budget process.*
- b) Sets terms of reference regarding the establishment of a Donath and Dole Community Reference Group '*

Notice Received: 29 November 2016**Notice Given to Councillors: 5 December 2016****Date of Meeting: 12 December 2016**

8.9 AMENITY CONCERNS IN KEON PARK**NOTICE OF MOTION NO. 326 CR. SUSANNE NEWTON**

Take notice that at the Ordinary meeting to be held on 12 December 2016, it is my intention to move:

'That Council requests for Mayor Le Cerf to write to Whittlesea Council about amenity concerns in the Keon Park area of Reservoir that borders Whittlesea Council, with a view of seeing their collaboration in addressing their concerns.'

Notice Received: 29 November 2016**Notice Given to Councillors: 5 December 2016****Date of Meeting: 12 December 2016****8.10 NEIGHBOURHOOD RESIDENTIAL ZONES IN KEON PARK****NOTICE OF MOTION NO. 327 CR. SUSANNE NEWTON**

Take notice that at the Ordinary meeting to be held on 12 December 2016, it is my intention to move:

'That Requests an officer report at a February 2017 Council meeting to consider options for the protection of the neighbourhood character of Keon Park through reviewing Neighbourhood Residential Zones and/or other planning mechanisms.'

Notice Received: 29 November 2016**Notice Given to Councillors: 5 December 2016****Date of Meeting: 12 December 2016**

9. URGENT BUSINESS

10. GENERAL BUSINESS

11. PETITIONS

12. RECORDS OF ASSEMBLIES OF COUNCILLORS

12.1 ASSEMBLIES OF COUNCILLORS HELD

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

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

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

An Assembly of Councillors record was kept for:

- Councillor Induction – 9 November 2016
- Darebin Environmental Reference Group (DERG) – 23 November 2016
- Darebin Disability Advisory Committee – 5 December 2016

Recommendation

That the record of the Assembly of Councillors held on 9 and 23 November and 5 December 2016 be noted and incorporated in the minutes of this meeting.



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Darebin Environmental Reference Group (DERG)
	Date:	Wednesday 23 November 2016
	Location:	Rooftop Room, Northcote Town Hall
PRESENT:	Councillors:	Cr. Kim Le Cerf, Cr. Trent McCarthy (arrived at 8.05pm at item 4)
	Council Staff:	Libby Hynes, Sam Green
	Other:	Darebin Environmental Reference Group members -
APOLOGIES:		Darebin Environmental Reference Group members

The Assembly commenced at 7.00 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1.	Microplastics and plastic pollution and its impact on the marine environment	No disclosures were made
2.	Darebin Environmental Reference Group membership nominations and renewal	No disclosures were made
3.	Climate Change Action Plan review	No disclosures were made
4.	Review of topics discussed by Darebin Environmental Reference Group in 2016	No disclosures were made
5.	Discussion of general issues mentioned in recent Council minutes and Environment and Community Outcome team project updates: <ul style="list-style-type: none"> • Ammonia spill in Darebin Creek • Waterwatch / Merri Creek Management Committee and Council's MoU / funding agreement • Sustainability Awards • Launch of Sylvester Hive garden • Submission to parliamentary committee looking at community energy 	No disclosures were made

The Assembly concluded at 8.45 pm

RECORD COMPLETED BY:	Officer Name:	Samantha Green
	Officer Title:	Environmental Education and Promotions Officer



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Councillor Induction
	Date:	Wednesday 9 November 2016
	Location:	Conference Room Darebin Civic Centre
PRESENT:	Councillors:	Cr. Steph Amir, Cr. Kim Le Cerf, Cr. Lina Messina, Cr. Susan Newton, Cr. Susan Rennie, Cr. Julie Williams, Cr. Tim Laurence (from 9.20 am).
	Council Staff:	Rasiah Dev, Katrina Knox, Libby Hynes, Steve Hamilton, Jacinta Stevens, Andrew McLeod, Abdullahi Ahmed.
	Other:	
APOLOGIES:		Cr. Trent McCarthy, Cr. Gaetano Greco.

The Assembly commenced at 9.10 am

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1.	Council Induction: <ul style="list-style-type: none"> • Our Organisation • Darebin Building Assets • Roads and Transport • Budget and Rate Capping • Service Delivery • Councillor Information • Meeting and Briefing Cycle 	No disclosures were made. Cr. Laurence absent from 9.30am to 9.50am Cr. Williams left the meeting at 11.25am Cr. Newton left the meeting at 12.30pm

The Assembly concluded at 12.55 pm

RECORD COMPLETED BY:	Officer Name:	Katrina Knox
	Officer Title:	Director Community Development



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Darebin Disability Advisory Committee
	Date:	Monday 5 December 2016
	Location:	Function Room, Darebin Civic Centre
PRESENT:	Councillors:	Cr. Julie Williams and Cr. Susanne Newton
	Council Staff:	Shadi Hanna, Marian Myers-Braun, Christine Mulholland and Nicola Johnson
	Other:	Representative of Encompass House, representative of Melbourne Polytechnic and community representatives.
APOLOGIES:		

The Assembly commenced at 11am

ASSEMBLY OF COUNCILLORS – PUBLIC RECORD (CONT)

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1.	Introduce new Councillors	No disclosures were made
2.	Present and apologies	No disclosures were made
3.	Matters arising from previous minutes	No disclosures were made
4.	Round table check in	No disclosures were made
5.	Council Plan 2017-2020 consultation	No disclosures were made Cr. Williams left the room at 11:25am
6.	DDAC reflection and planning for 2017	No disclosures were made
7.	General Business	No disclosures were made Cr. Williams returned to the room 12:35pm
8.	Meeting feedback	No disclosures were made

The Assembly concluded at 1:00pm

RECORD COMPLETED BY:	Officer Name:	Christine Mulholland
	Officer Title:	MetroAccess Officer

13. REPORTS BY MAYOR AND COUNCILLORS

Recommendation

That Council note the Reports by Mayor and Councillors.

14. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

Nil.

15. CLOSE OF MEETING