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## AGENDA

Ordinary Council Meeting to be held at  
Council Chamber,  
Darebin Civic Centre,  
350 High Street Preston  
on Monday 6 April 2020 at 6.00pm.

**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 person attending this meeting will be accommodated in an adjacent room with access to the online stream of the meeting and adequate space to adhere to the social distancing requirements. Any person attending the meeting who wishes to ask a question in person or make a submission on an item on the agenda will be escorted into the meeting for this purpose.**



## **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.



(2)

### English

This is the Agenda for the Council Meeting. For assistance with any of the agenda items, please telephone 8470 8888.

### Arabic

هذا هو جدول اعمال اجتماع المجلس. للحصول على المساعدة في أي من بنود جدول الاعمال، يرجى الاتصال بالهاتف 8470 8888.

### Chinese

这是市议会会议议程。如需协助了解任何议项，请致电8470 8888。

### Greek

Αυτή είναι η Ημερήσια Διάταξη για τη συνεδρίαση του Δημοτικού Συμβουλίου. Για βοήθεια με οποιαδήποτε θέματα της ημερήσιας διάταξης, παρακαλείστε να καλέσετε το 8470 8888.

### Hindi

यह काउंसिल की बैठक के लिए एजेंडा है। एजेंडा के किसी भी आइटम में सहायता के लिए, कृपया 8470 8888 पर टेलीफोन करें।

### Italian

Questo è l'ordine del giorno della riunione del Comune. Per assistenza con qualsiasi punto all'ordine del giorno, si prega di chiamare il numero 8470 8888.

### Macedonian

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

### Nepali

यो परिषद्को बैठकको एजेन्डा हो। एजेन्डाका कुनै पनि वस्तुसम्बन्धी सहायताका लागि कृपया 8470 8888 मा कल गर्नुहोस्।

### Punjabi

ਇਹ ਕੌਂਸਲ ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਏਜੰਡਾ ਹੈ। ਏਜੰਡੇ ਦੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫੋਨ ਕਰੋ।

### Somali

Kani waa Ajandaha Kulanka Golaha. Caawimada mid kasta oo ka mid ah qodobada laga wada hadlay, fadlan la xiriir 8470 8888.

### Spanish

Este es el Orden del día de la Reunión del Concejo. Para recibir ayuda acerca de algún tema del orden del día, 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 Chương trình Nghị sự phiên họp Hội đồng Thành phố. Muốn có người trợ giúp mình về bất kỳ mục nào trong chương trình nghị sự, xin quý vị gọi điện thoại số 8470 8888.

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# Agenda

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## 1. MEMBERSHIP

Cr. Susan Rennie (Mayor) (Chairperson)

Cr. Susanne Newton (Deputy Mayor)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Tim Laurence

Cr. Kim Le Cerf

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Julie Williams

## 2. APOLOGIES

## 3. DISCLOSURES OF CONFLICTS OF INTEREST

## 4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

<b>Recommendation</b>
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**That** the Minutes of the Ordinary Meeting of Council held on 16 March 2020 and the Special Meeting of Council held on 27 March 2020 be confirmed as a correct record of business transacted.

## 5. QUESTION AND SUBMISSION TIME

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

**Due to the current COVID-19 health crisis and associated requirements residents and interested persons are strongly encouraged to submit question online and to view the Council meeting online. Any person attending this meeting will be accommodated in an adjacent room with access to the online stream of the meeting and adequate space to adhere to the social distancing requirements. Any person attending the meeting who wishes to ask a question in person or make a submission on an item on the agenda will be escorted into the meeting for this purpose.**

### QUESTIONS

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

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

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

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

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

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

### SUBMISSIONS OR COMMENTS

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

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

### HOW TO SUBMIT YOUR QUESTION OR MAKE A COMMENT OR SUBMISSION

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

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

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

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

## **6. PETITIONS**

## **7. URGENT BUSINESS**

## 8. CONSIDERATION OF REPORTS

### 8.1 REQUEST FOR LEAVE OF ABSENCE - CR. TIM LAURENCE

**Author:** Coordinator Governance, Council Business & Civic Services

**Reviewed By:** Chief Executive Officer

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#### EXECUTIVE SUMMARY

Cr Laurence has requested leave of absence from the 26 March 2020 to the 30 April 2020.

Leave of Absence is a formal permission granted by way of Council resolution to a Councillor excusing them from attending Council Meetings for the duration of the leave.

*The Local Government Act 1989* ( Section 69 ) makes provision for Council to approve 'leave of absence' for a Councillor when a Councillor is likely to be absent from 4 consecutive Ordinary Council Meetings, which if this occurs creates an extraordinary vacancy ie. the Councillor ceases to be a Councillor.

The Act specifically states that ' the Council must not unreasonably refuse to grant leave ' (Section 69 (2) )

The Chief Executive Officer will inform Councillors of the circumstances associated with Cr Laurence's request for leave of absence

<b>Recommendation</b>
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**That** Cr Tim Laurence be granted leave of absence from the 26 March 2020 to the 30 April 2020.

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#### RELATED DOCUMENTS

Nil

#### Attachments

Nil

#### DISCLOSURE OF INTEREST

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

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

**8.2 PROPOSED SALE OF DISCONTINUED ROAD REAR 63 TO 69 SOUTHERNHAY STREET AND 58 TO 64 KING WILLIAM STREET, RESERVOIR****Author:** Property Officer**Reviewed By:** Property Manager

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**EXECUTIVE SUMMARY**

In April 2019, Council received an enquiry from an adjacent owner of the 3.66-metre-wide former road adjoining the rear of 63-69 Southernhay Street and 58-64 King William Street, Reservoir, who was seeking to purchase the land abutting their property, being part of the unsold land from a previously discontinued road.

The land shown hatched on the site plan in **Appendix A** is known as Lots 4, 5 and 7 on Title Plan 896344C shown in **Appendix B**, and in orange in the aerial view in **Appendix C**.

Consultation with abutting property owners confirmed the feasibility of the proposed sale, with the property owners of 62 King William Street, Reservoir indicating their interest by signing an in-principle agreement to purchase the land from the discontinued road at market value, as well as meeting all reasonable costs associated with the statutory process.

It is therefore recommended that Council commences the statutory process to sell the land from this former road and to take title of any unsold land.

<b>Recommendation</b>
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**That Council:**

- (1) Commences the statutory procedures under Section 189 of the *Local Government Act 1989* ('the Act') to:
    - a) Sell the land from the discontinued road adjoining the rear of 62 King William Street, Reservoir shown as Lot 5 on Title Plan 896344C in **Appendix B**, to the owners of 62 King William Street, Reservoir
    - b) Take title to the land shown as Lot 4 and 7 on Title Plan 896344C in **Appendix B** in accordance with Council Policy.
  - (2) Gives public notice under Sections 189, 82A and 223 of the Act of the proposed sale in the appropriate newspapers and on Council's website, and in such notice, state that Council proposes to:
    - a) Sell the land from the former road to the owners of 62 King William Street, Reservoir by private treaty
    - b) Transfer to itself any land that remains unsold.
-

## **BACKGROUND / KEY INFORMATION**

In April 2019, Council received an enquiry from an adjoining property owner at 62 King William Street, Reservoir, looking to purchase the land from the former road at the rear of their property. Investigations revealed that on 1 October 2007, Council resolved to discontinue the road bound by Southernhay Street, King William Street Alexandra Street and High Street, Reservoir and to sell the land by private treaty in accordance with Council policy. However, not all parcels of land were sold at that time, with the unsold parcels of land continuing to vest with Council. The discontinuance was published in the Victorian Government Gazette on 18 October 2007, shown in **Appendix D**.

Investigations also revealed that the unsold land appears to have been incorporated within the properties at 63-69 Southernhay Street for many years. The adjoining owners at 63, 67 and 69 Southernhay Street and 58 and 64 King William Street have not objected nor expressed any interest in the land. The owner of 67 Southernhay Street adjoining and occupying the land known as Lot 5 has advised Council by telephone that he had no interest in the land or objection to its sale to the adjoining owner.

Council Officers are currently working with the property owners at 65 Southernhay Street and 60 King William Street in regard to the sale of land from the former road known as Lot 6.

### **Previous Council Resolution**

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

## **COMMUNICATIONS AND ENGAGEMENT**

### **Consultation with adjoining property owners**

All immediate adjoining property owners, both occupiers and non-occupiers were consulted on 15 May 2019 and 16 June 2019 regarding the proposal and no objections were received.

The property owners of 62 King William Street, Reservoir have confirmed an interest in acquiring the land, known as Lot 5 at current market value, as well as meeting all of the reasonable costs associated with selling the land in accordance with current policy.

### **Consultation with Service Authorities and Council Departments**

Easements in favour of both Council and Yarra Valley Water were saved over the land at the time of the discontinuance in 2002.

### **Consultation with the community**

The statutory procedures require Council to give public notice of its intention to sell the land known as Lot 5 on Title Plan 896344C and to take title to Lots 4 and 7 and invite submissions from affected parties or any person/s. All abutting property owners will be advised of the proposal in writing and informed of their right to make a submission. Submitters may request to be heard by Council prior to a decision being made to proceed or otherwise with the proposal. Following this, a report will be presented to Council for a decision on whether to sell the land, part of the land or not to sell the land.

## Communications

- All immediate adjoining property owners, both occupiers and non-occupiers were consulted in writing on 15 May 2019 and 16 June 2019, as part of initial investigations in considering the proposals and no objections were received. The dimensions and proposed allocation of the land is shown in the Title Plans provided in **Appendix B**.
- The property owners of 62 King William Street, Reservoir have all agreed to purchase the land adjoining their property at current market value, as well as meeting all reasonable costs associated with the transfer of land.

## ANALYSIS

### Alignment to Council Plan / Council policy

Goal 6 - A well governed Council

Property Asset Management Strategy

Sale of Minor Council Property Assets Policy

### Environmental Sustainability Considerations

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

### Equity, Inclusion and Wellbeing Considerations

There are no factors in this report that impact upon equity, inclusion and wellbeing.

### Cultural Considerations

There are no factors in this report that impact upon cultural considerations.

### Economic Development Considerations

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

### Climate Emergency

There are no factors in this report that impact upon climate change

### Financial and Resource Implications

At the commencement of negotiations with each of the property owners, the Council's Valuer placed a market value of \$550.00 per square metre (including GST) on the land. Lot 5, with an area of 69m<sup>2</sup> is intended to be sold to the property owners of 62 King William Street for the total amount of \$37,950.00 (including GST).

Costs associated with the statutory procedures and sale of the former roads will be recovered from the purchasers, should the sales proceed. The land from the former roads, once sold, will also attract Council rates.

### Legal and Risk Implications

Risks associated are covered under the analysis of each option.

## DISCUSSION

Council's property portfolio must meet current service needs while providing the flexibility to meet future requirements. Roads, reserves, revenge strips, hiatus and other pieces of land of unusual shape and limited usefulness that are less than 200m<sup>2</sup> in area (collectively referred to as minor Council property assets) 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 for that purpose or other strategic purposes, it may be considered surplus and suitable for sale.

## OPTIONS FOR CONSIDERATION

### Option 1 – Abandon the Proposal or Do Nothing

Council could resolve to abandon the proposal, take no action or may make no resolution on the matter. This option would mean the status quo would remain with the adjoining property owners continuing to occupy the land.

Council may be perceived as knowingly encouraging and enabling property owners to continue to occupy other reserves, roads or rights-of-way within Darebin to the detriment of the community (whether financially or as a benefiting right).

Council may, at some time in the future, resolve to commence the process to sell the land.

### Option 2 – Commence the Statutory Procedures (Recommended)

Council could resolve to commence the statutory procedures to potentially sell the land. This would extend the consultation to the wider community and enable all affected property owners to have a formal opportunity to make a submission. This option would assist Council in obtaining further insight into the overall consensus of surrounding property owners and the community in relation to the sale. It would also enable Council to make an informed assessment of the proposed sale of the land from the former roads.

Benefits of commencing the statutory process, depending on Council's decision on the proposed sale, could result in receipt of revenue from the sale of land that is no longer required for its original purpose.

## IMPLEMENTATION STRATEGY

### Details

- • Commence statutory process
- • Report back to Council on outcome of statutory process

**Communication**

- Council departments
- Community
- Macquarie Local Government Lawyers
- Owners of adjoining properties
- Statutory authorities

**Timeline**

It is expected that a report on the outcome of the statutory process would be presented to Council for consideration in June 2020.

**RELATED DOCUMENTS**

- *Local Government Act 1989*
- *Road Management Act 2004*
- Sale of Minor Council Property Assets Policy

**Attachments**

- Site Plan (**Appendix A**)
- Title Plan (**Appendix B**)
- Aerial View (**Appendix C**)
- Victorian Government Gazette 18 October 2007 (**Appendix D**)

**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.

**8.3 INTENTION TO DECLARE A SPECIAL CHARGE: SOLAR SAVER RESIDENTIAL BATCH 2****Author:** Coordinator Solar Saver**Reviewed By:** General Manager City Sustainability and Strategy

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**EXECUTIVE SUMMARY**

The Solar Saver program is a key action in Council's Climate Emergency Plan. The proposed Special Charge scheme would include 21 residential properties (for a total of 94.71kW solar). This is the second batch of residential Special Charges for the 2020 round of the Solar Saver program.

The value of the proposed Special Charge scheme is: \$124,084.05 (\$183,755.05 gross including GST and pre STC claim).

These costs will be paid back to Council through the Special Charge scheme over 10 years. No interest is charged. Annual repayments are more than offset by participants' savings on their energy bills, and therefore the program provides financial and environmental benefits to participants.

<b>Recommendation</b>
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That:

- 1) Council hereby gives notice of its intention to declare a Special Charge in accordance with section 163 of the *Local Government Act 1989 (Act)* as follows:
  - (a) Council declares a Special Charge for the period commencing on the day on which Council issues a notice levying payment of the special rate and concluding on the tenth anniversary of that day.
  - (b) We declare this Special Charge for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on residential properties participating in the Solar Saver scheme, which:
    - i. Council considers is or will be a special benefit to those persons or organisations required to pay the Special Charge (and who are described in succeeding parts of this resolution); and
    - ii. Arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.
  - (c) The total:
    - i. Costs of performing the function described in paragraph 1(b) of this resolution are: \$124,084.05
    - ii. Amount for the Special Charge to be levied is \$124,084.05 or such other amount as is lawfully levied as a consequence of this resolution
  - (d) We declare the Special Charge in relation to all rateable land described in the table included as Appendix A to this report, in the amount specified in the table as applying to each piece of rateable land.

- 
- (e) Ownership of any land described in paragraph 1(d) of this resolution is the basis of the Special Charge.
  - (f) The Special Charge will be assessed and levied as follows:
    - i. Each Special Charge is calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the Solar Saver scheme, in respect of which an Owner Agreement has been executed, totalling \$124,084.05 being the total cost of the scheme to Council;
    - ii. The Special Charge will be levied each year for a period of 10 years.
  - (g) Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, it is recorded that the owners of the land described in paragraph 1(d) of this resolution will, subject to a further resolution of Council, pay the Special Charge in the amount set out in paragraph 1(f) of this resolution in the following manner:
    - i. Payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or
    - ii. Payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.
- 2) Council considers that there will be a special benefit to the persons or organisations required to pay the Special Charge because there will be a benefit to those persons or organisations that is over and above, or greater than, the benefit that is available to persons or organisations who are not subject to the proposed Special Charge, as a result of the expenditure proposed by the Special Charge, in that the properties will have the benefit of a solar energy system being installed.
- 3) For the purposes of having determined the total amount of the Special Charge to be levied:
- (a) Council considers and formally records that only those rateable properties included in the Solar Saver scheme as proposed will derive a special benefit from the imposition of the Special Charge, and there are no community benefits to be paid by Council; and
  - (b) Formally determines for the purposes of section 163(2) (a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Special Charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the Special Charge is 100%.
- 4) Council will give public notice in the *Northcote Leader* and *Preston Leader* newspapers of Council's intention to declare, at its ordinary meeting to be held on 18 May 2020, the Special Charge in the form set out above.
- 5) Council will send separate letters, enclosing a copy of: this resolution; **Appendix A** to this report; and the public notice referred to in Paragraph 4 of this resolution, to the owners of the properties included in the scheme, advising of Council's intention to levy the Special Charge, the amount for which the property owner will be liable, the basis of calculation of the Special Charge, and notification that submissions and/or objections in relation to the proposal will be considered by Council in accordance with sections 163A, 163B and 223 of the Act.
- 6) Council will convene a meeting of the Hearing of Submissions Committee, at a date and time to be fixed, to hear persons or organisations who, in their written submissions made under section 223 of the Act, advise that they wish to appear in person, or to be

represented by a person specified in the submission, at a meeting in support of their submission.

- 7) Council authorises the Manager Climate Emergency and Sustainable Transport to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under sections 163A, 163(1A), (1B) and (1C), 163B and 223 of the Act.

## BACKGROUND / KEY INFORMATION

In the Council Plan 2017-2021 and the Climate Emergency Plan, Council committed to working with the community to expand the amount of solar PV in Darebin from 18,000 kW to 36,000 kW by 20 and to 38,000 by 2021. In 2019, Darebin passed the milestone of 36,000kW total installed solar capacity.

Key aspects of the program include:

- The Solar Saver program is currently open to all residential rate payers for solar systems up to 10kW and for businesses up to 99kW
- Council undertakes procurement of good value solar systems and installation with 10-year warranties
- Solar saver participants register interest, receive quotes and the property owner signs an owner agreement (**Appendix C**)
- Council declares a Special Charge and pays the upfront cost of the solar system and installation for participants in the Special Charge
- Solar Saver participants pay the Special Charge over a 10-year period to reimburse council's upfront payment – which is more than offset by their energy bill savings
- As detailed below Council has resolved that interest not be charged to residential participants and that the program will be funded through Council's existing cash reserves

Over 1,500 households have participated in Darebin's previous solar programs. The Solar Saver program has been broadened to all residential and business ratepayers with priority still given to low income households.

In December 2019 Council awarded the residential Solar Saver contract to Enviro Group for this round of the program (up to June 2021).

The Solar Homes rebate, introduced by the Victorian Government in 2018, is now in Phase 2. The rebates are now applied at point of sale, which means that for households approved for the rebate Council will pay the post rebate amount. Note that the gross amount (before the rebate has been applied) is quoted here, as households cannot apply for the rebate until their quotes have been finalised through the Special Charge process. This is in order to achieve installation within the 4-month timeline set by the Solar Homes program from the time of rebate approval.

**Previous Council Resolution**

At the **13 August 2018** meeting it was resolved that Council:

*Offers the Darebin Solar Saver Program to all residential properties, with no interest charged as part of the special charge scheme for the contract period.*

*Authorises inclusion in the Darebin Solar Saver Program of non-residential properties up to 30kW in size, with no interest charged as part of the special charge scheme for the contract period.*

*Awards the appointment of Solargain, Enviro Group and Energy Matters as supply panel membership of contract number CT201842 for the supply and installation of Solar PV Systems for the Darebin Solar Saver Program for Supply Panel 1 - residential and small, non-residential installations: 1.5-10kW systems. The contract terms are to commence on 20 August 2018 and conclude on 30 June 2021 with a contract sum of \$16,134,030 GST inclusive.*

*Awards the appointment of Solargain, Enviro Group and Energy Matters as supply panel membership of contract number CT201842 for the supply and installation of Solar PV Systems for the Darebin Solar Saver Program for Supply Panel 2 - non-residential installations: 10-30kW systems. The contract terms are to commence on 20 August 2018 and conclude on 30 June 2021 with a total contract sum of \$1,980,000 GST inclusive.*

*Approves the award of Stage 1 of implementation for Supply Panel 1 – residential and small non-residential Solar PV Systems to Solargain to deliver the supply and installation of solar PV systems between 1 January 2019 and 30 June 2019 with a total contract sum of \$2,406,030 GST inclusive.*

*Authorises the Chief Executive to finalise and execute the supply panel membership contracts on behalf of Darebin Council, and Stage 1 of implementation for Supply Panel 1 - Residential and Small, non-residential Solar PV systems.*

Further, permitting the expansion of the range of system sizes offered in the non-residential stream to 2-99kW in order to better serve the needs of businesses, on **16 December 2019** Council resolved to:

- 8) *Increase the range of permitted solar installations for the non-residential stream of the program from the current 10-30kW to an expanded 2-99kW.*

At the same meeting on **16 December 2019** Council appointed Enviro Group as the provider for this round of the residential program:

- 9) [Council] *Awards Contract CT2019140A for the supply and installation of solar PV Systems for the Darebin Solar Saver Residential Program (Second Installation Period) with a contract sum of \$5,830,000 including GST to The Environment Shop Pty Ltd as the trustee for Environment Futures Trust, trading as Enviro Group for the period 1 January 2020 to 30 June 2021, with the possibility of extension to September 30 2021.*

This is the second residential Special Charge scheme to be declared for the Solar Saver Program this year.

At its meeting on **16 March 2020** Council declared:

**That Council:**

- 10) *Council hereby gives notice of its intention to declare a Special Charge in accordance with section 163 of the Local Government Act 1989 (Act) as follows:*

- 
- (h) Council declares a Special Charge for the period commencing on the day on which Council issues a notice levying payment of the special rate and concluding on the tenth anniversary of that day.
- (i) We declare this Special Charge for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on residential properties participating in the Solar Saver scheme, which:
- i. Council considers is or will be a special benefit to those persons or organisations required to pay the Special Charge (and who are described in succeeding parts of this resolution); and
  - iii. Arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.
- (j) The total:
- iii. Costs of performing the function described in paragraph 1(b) of this resolution are: \$187,772.85 (non-residential) and \$59,614.45 (residential).
  - iv. Amount for the Special Charge to be levied is \$187,772.85 (non-residential) and \$59,614.45 (residential), or such other amount as is lawfully levied as a consequence of this resolution
- (k) We declare the Special Charge in relation to all rateable land described in the table included as Appendix B to this report, in the amount specified in the table as applying to each piece of rateable land.
- (l) Ownership of any land described in paragraph 1(d) of this resolution is the basis of the Special Charge.
- (m) The Special Charge will be assessed and levied as follows:
- iii. Each Special Charge is calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the Solar Saver scheme, in respect of which an Owner Agreement has been executed, totalling \$187,772.85 (non-residential) and \$59,614.45 (residential), being the total cost of the scheme to Council;
  - iv. The Special Charge will be levied each year for a period of 10 years.
- (n) Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, it is recorded that the owners of the land described in paragraph 1(d) of this resolution will, subject to a further resolution of Council, pay the Special Charge in the amount set out in paragraph 1(f) of this resolution in the following manner:
- iii. Payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or
  - iv. Payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.
- 11) Council considers that there will be a special benefit to the persons or organisations required to pay the Special Charge because there will be a benefit to those persons or organisations that is over and above, or greater than, the benefit that is available to persons or organisations who are not subject to the proposed Special Charge, as a result of the expenditure proposed by the Special Charge, in that the properties will have the benefit of a solar energy system being installed.

- 12) *For the purposes of having determined the total amount of the Special Charge to be levied:*
- (c) *Council considers and formally records that only those rateable properties included in the Solar Saver scheme as proposed will derive a special benefit from the imposition of the Special Charge, and there are no community benefits to be paid by Council; and*
  - (d) *Formally determines for the purposes of section 163(2) (a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Special Charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the Special Charge is 100%.*
- 13) *Council will give public notice in the Northcote Leader and Preston Leader newspapers of Council's intention to declare, at its ordinary meeting to be held on 16 December 2019, the Special Charge in the form set out above.*
- 14) *Council will send separate letters, enclosing a copy of: this resolution; **Appendix A** to this report; and the public notice referred to in Paragraph 4 of this resolution, to the owners of the properties included in the scheme, advising of Council's intention to levy the Special Charge, the amount for which the property owner will be liable, the basis of calculation of the Special Charge, and notification that submissions and/or objections in relation to the proposal will be considered by Council in accordance with sections 163A, 163B and 223 of the Act.*
- 15) *Council will convene a meeting of the Hearing of Submissions Committee, at a date and time to be fixed, to hear persons or organisations who, in their written submissions made under section 223 of the Act, advise that they wish to appear in person, or to be represented by a person specified in the submission, at a meeting in support of their submission.*
- 16) *Council authorises the Manager Climate Emergency and Sustainable Transport to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under sections 163A, 163(1A), (1B) and (1C), 163B and 223 of the Act.*

## COMMUNICATIONS AND ENGAGEMENT

### Consultation

All participating households have received a site visit and quotations and have signed an Owner Agreement with Council in order to participate in the program.

### Communications

Currently no broad promotional activities are occurring as Council is working through a significant waiting list. In the past the program has been advertised on the Council website, through Darebin News, newsletters, articles in the Leader, through networks, through Council events and by direct mail to rates rebates recipients. If uptake is slowed by the Covid-19 outbreak, Council may recommence targeted promotions.

## ANALYSIS

### Alignment to Council Plan / Council policy

Goal 1 - A sustainable city

Darebin Climate Emergency Plan

### Environmental Sustainability Considerations - Climate Emergency

This project is a key action in the *Darebin Climate Emergency Plan 2017*. The current batch of Darebin Solar Saver is expected to install 94.71kW across 21 installations, with an estimated equivalent annual greenhouse gas saving of 139.38tCO<sub>2</sub>-e.

### Equity, Inclusion and Wellbeing Considerations

High priority households have been targeted for early inclusion in this round of the Solar Saver Program. That is, households who have self-reported that they are on a low income, are pensioners, or who need assistance from an interpreter to participate, have been contacted before other households on the waiting list. Those households who have been waiting the longest and/or missed out on a previous round have also been prioritised for an inclusion. Of the 11 households who were included in the Intention to Declare a Special Charge announced on the 16 March, 8 were high priority, and three had missed out on a previous round. Of this current cohort of 21 households, 18 are high priority and 3 missed a previous round.

### Cultural Considerations

One of the ways Council prioritises households for inclusion is by contacting households who need assistance from an interpreter early in the round. In this batch there is one household who needed communication support from an interpreter. Generally, only a small proportion of Culturally and Linguistically Diverse households request interpreter assistance as most are proficient in English or prefer to have a family member act on their behalf.

### Economic Development Considerations

For individual households participating, the program is designed so that they will save more on their energy bills than they will be paying back to Council so that they are financially better off from the outset.

The program is also generating a very significant amount of work for the selected provider, a local business employing many local staff and sub-contractors.

### Financial and Resource Implications

Council has allocated of \$4.44 million in 2019-2020 for installations through the Solar Saver program. The previous round of Solar Saver expended just over \$3 million in this financial year. The administrative, contract management, community engagement and communications and compliance costs associated with administration of the Solar Saver program are also provided for within the 2019-20 budget.

Should the proposed Special Charge scheme proceed, Council will pay \$124,084.05 (\$183,755.05 gross – including GST and pre STC claim), for the residential properties listed in **Appendix A**. Note that rebates have not yet been applied for or approved. In order to achieve the installation timelines required as a condition of the Solar Homes rebates, it is important that rebate applications are made only after the Intention to Declare a Special Charge has been completed. Once rebate applications have been made and approved, it is anticipated that rebates will be applied to approximately 75% of households in any Special Charge batch (before Council is invoiced). For this batch, we anticipate all 21 households will be eligible, resulting in a reduction of approximately \$36,000 (ex GST) from the final cost.

In accordance with their respective Owner Agreements Property owners will pay for the cost of the solar energy system (less any approved Solar Homes rebates), listed in confidential **Appendix B**, by equal instalments apportioned over a 10-year period, commencing from September 2020.

Council is expected to receive \$12,408.40 in Special Charge repayments annually for this scheme over the 10-year period. Some households may pay the total amount in the first year. The Special Charge scheme is effectively an interest free loan to these households.

Payments to Council by property owners for works via Special Charge schemes are GST exempt. Should a property be sold during the 10-year period in which the Special Charge scheme applies, the amount outstanding on the Special Charge scheme at the time of sale will be paid in full.

### **Legal and Risk Implications**

A risk analysis has been undertaken for the program. Solar installations are electrical works and are required by law to be signed off by an authorised electrician through a certificate of electrical safety.

Random independent audits of the work will also be undertaken an independent specialist contracted by Council to ensure installations comply with Council specifications and Worksafe requirements. Occupational Health and Safety processes are assessed and will be audited on site. In this round Council has introduced edge protection as the default roof safety risk control, in alignment with direction from Worksafe Victoria.

Ten-year warranties are required on panels, inverters and installation.

### State of emergency

With the declaration of a state of emergency in recent weeks, the contractor has adjusted work practices to manage risk and meet both Australian and Victorian Direction in regard to physical distancing and gatherings. In particular, home assessments have been adjusted to avoid entry into the home wherever possible by using photography and other virtual tools, and to accommodate appropriate physical distancing and hygiene where entry is needed to inspect switchboards. Households are also vetted prior to home visits to establish that there are no heightened risks, and households have the option of postponing visits if they wish. The risk management approach is being reviewed regularly with advice from health specialists.

Depending on any future directions regarding the response to Covid-19, it is possible that this program may need to be delayed and/or future adjusted. This will be reviewed as needed.

## DISCUSSION

### Proposed Special Charge declaration

Under Section 163 of the *Local Government Act 1989 (Act)*, Council is empowered to declare a Special Charge for the purposes of defraying any expenses in relation to the performance of a function or the exercise of a power of Council, if Council considers that the performance of the function or the exercise of the power is, or will be, of special benefit to the persons or organisations required to pay the special rate or Special Charge.

In this case, the installation of solar energy systems on properties as part of the Solar Saver scheme arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district and promotes the social, economic and environmental viability and sustainability of the municipal district. Each participating property has signed an Owner Agreement with Council to participate in the scheme, which includes the overall cost and repayments which would be paid by the property should the scheme be approved.

In September 2004, the Minister for Local Government issued a guideline for the preparation of Special Charge schemes. The guideline specifically deals with the calculation of the maximum total amount that a council may levy as a Special Charge.

The guideline requires that Council identify the following:

- A. Purpose of the works
- B. Ensure coherence
- C. Calculate total cost
- D. Identify special beneficiaries
- E. Determine the properties to include
- F. Estimate total special benefits
- G. Estimate community benefits
- H. Calculate the benefit ratio
- I. Calculate the maximum total levy

#### **A. Purpose of the Works**

The purpose of the works is to supply and install solar energy systems on properties to reduce energy costs and encourage and increase the use of renewable energy in Darebin.

#### **B. Ensure Coherence**

The proposed works have a natural coherence with the proposed beneficiaries, as the properties proposed to be included in the scheme are receiving solar energy systems to the value of their participation.

#### **C. Calculate the Total Cost**

The proposed solar system installation includes the following items:

- Assessment and administration costs
- Supply and installation of solar energy systems

For the purposes of section 163(1) of the Act, the total cost of the works is calculated at \$124,084.05 based on signed agreements.

The expenses in the estimate of works are consistent with the allowable expenses listed in section 163(6) of the Act.

#### **D. Identify the Special Beneficiaries**

Council is required to identify those properties that would receive a special benefit from the proposed works. A special benefit is considered to be received by a property if the proposed works or services will provide a benefit that is additional to or greater than the benefit to other properties.

The Ministerial Guideline notes that a special benefit is considered to exist if it could reasonably be expected to benefit the owners or occupiers of the property. It is not necessary for the benefit to be actually used by the particular owners or occupiers of a specified property at a particular time in order for a special benefit to be attributed to the property.

Property owners participating in the Solar Saver scheme are considered to receive special benefit from the proposed supply and installation of solar PV systems by means of:

- Reduced energy costs over the life of the solar PV system
- Ownership of the solar PV system after the special rate repayments are paid in full
- Increased property value

The proposed properties taking part in the scheme, the owners of which have signed an Owner Agreement with Council to participate in the scheme, are listed in **Appendix A**.

#### **E. Determine Properties to Include**

Once the properties that receive special benefit are identified, Council must decide which properties to include in the scheme. If a property will receive a special benefit but is not included in the scheme, the calculation of the benefit ratio will result in Council paying the share of costs related to the special benefits for that property.

It is accepted that only those properties at which the solar energy systems are installed will receive a special benefit from the scheme. Accordingly, it is proposed to include only those residential properties whose owners have signed Owner Agreements in the scheme. Council will not, then, be required to pay a share of costs related to special benefits for any property that is not included in the scheme.

#### **F. Estimate Total Special Benefits**

As per the Ministerial Guideline for Special Rates and Charges, total special benefits are defined according to the formula below:

$$\text{TSB} = \text{TSB}_{(\text{in})} + \text{TSB}_{(\text{out})}$$

- **TSB** is the estimated total special benefit for all properties that have been identified to receive a special benefit
- **TSB<sub>(in)</sub>** is the estimated total special benefit for those properties that are included in the scheme
- **TSB<sub>(out)</sub>** is the estimated total special benefit for those properties with an identified special benefit that are not included in the scheme

For the purposes of the proposed scheme, total special benefits have been calculated as follows:

- **TSB<sub>(in)</sub>** – The estimated total special benefit is based on the quoted cost of the solar PV system to be installed (which has been included in the Owner Agreement signed by the property owner). It is expected that the benefit in reduced energy costs will exceed this special benefit
- **TSB<sub>(out)</sub>** – This is not applicable as all participating properties are included

#### G. Estimate Community Benefits

Whilst the reduction of energy use, greenhouse emissions and increase of renewable energy is considered a community benefit there are no direct quantifiable costs.

- **TCB** – Total Community Benefit is assessed to be 0 benefit units

#### H. Calculate the Benefit Ratio

The benefit ratio is calculated as:

$$R = \frac{\text{TSB}_{(in)}}{\text{TSB}_{(in)} + \text{TSB}_{(out)} + \text{TCB}}$$

Where:

$$\begin{aligned} \text{TSB}_{(in)} &= \$124,084.05 \\ \text{TSB}_{(out)} &= 0 \\ \text{TCB} &= 0 \\ R &= 1 \end{aligned}$$

#### I. Calculate the Maximum Total Levy

In order to calculate the maximum total levy **S**, the following formula is used:

$$S = R \times C$$

Where **R** is the benefit ratio and **C** is the cost of all works

Therefore **S** = 1 \* \$124,084.05

Note there is no community benefit amount payable by Council.

#### Apportionment of Costs

Once the maximum levy amount has been calculated, it is necessary to establish an appropriate way to distribute these costs to all affected landowners.

As the properties have all received individual quotations based on the solar system and work required, it is proposed to apportion the costs based on these quotes. It is noted that the participants have been notified and signed Owner Agreements on the basis of these costs for the purpose of declaring this scheme.

It is proposed to distribute the costs as shown in confidential **Appendix C**.

#### Statutory Process

The Act requires Council to give public notice of its proposed declaration of the Special Charge and write to all people who will be liable to contribute. The proposed declaration of the Special Charge has been prepared in accordance with the Act.

Owners (or occupiers who would pay the charge as a condition of their lease) may object to the proposal within 28 days. If objections are received from more than fifty per cent of persons or organisations liable, Council will be prevented from making the declaration and the scheme cannot proceed.

## **OPTIONS FOR CONSIDERATION**

Council does not have to progress the proposed Special Charge Scheme. It could choose to defer or abandon the proposal at this stage. Abandoning the proposal is not recommended as Council households have signed agreements in good faith, and would be expected to be disappointed given their interest in participating. There is currently no known reason to delay or abandon this Special Charge Scheme. Installations are expected to be able to take place safely over the next several months with social distancing and safe work systems applied in response to the Covid-19 situation.

## **IMPLEMENTATION STRATEGY**

### **Details**

See timeline below.

### **Communication**

Participating households receive notice of their inclusion in the Special Charge once the public notice is published (see timeline below).

### **Timeline**

Subject to Council resolution

- Council report – Intention to Declare Special Charge scheme – 6 April 2020
- Copies of the proposed declaration to property owners – from 15 April 2020
- Copy of proposed declaration available for public inspection – from 15 April 2020
- Public notice of proposed declaration – 15 April 2020
- Receipt of written submissions – by 13 May 2020
- Hearing of submissions (if required) – TBA
- Council report – declaration of Special Charge scheme – 18 May 2020
- Subject to declaration of the Special Charge scheme, installation of solar will occur from 19 May 2020 to early June 2020.
- Council may consider the establishment of another Special Charge scheme in May 2020.

## **RELATED DOCUMENTS**

- *Local Government Act 1989*
- Community Climate Change Action Plan
- The Macquarie Special Rates and Charges Manual 2012

**Attachments**

- Property Addresses - Solar Saver Residential - 6 April 2020 (**Appendix A**)
- CONFIDENTIAL - Property Addresses and prices - Solar Saver residential - 6 April 2020 (**Appendix B**) Confidential - enclosed under separate cover
- Owner Agreement - Solar Saver Residential - 6 April 2020 (**Appendix C**)

**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.

## 8.4 BUNDOORA HOMESTEAD BOARD OF MANAGEMENT FUTURE GOVERNANCE MODEL

**Author:** Acting Gallery Director

**Reviewed By:** General Manager Community

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### EXECUTIVE SUMMARY

The Bundoora Homestead Board of Management has made an excellent contribution to securing a healthy future for the Bundoora Homestead Arts Centre. Board members have contributed great expertise, energy, time and creativity to help steer the gallery, and to set strategy for the future.

However, the governance structure for the Board needs to change, as changes to the Local Government Act will affect the membership and conduct of meetings of the Board (along with changes to many other governance matters such as conflict of interest requirements).

Board members and officers are keen to support the continued strategic input from the Board into the strategy and policy for Bundoora Homestead Art Centre and Darebin's visual arts community offering. However, circumstances have changed (including changes to the Local Government Act) and therefore a brief review of the governance structure has taken place.

Members of the Board of Management have workshopped the options and most members support the transition of the Board of Management to being an **advisory panel**.

The Council Plan 2017-21 includes an action to grow the reach of the Bundoora Homestead Art Centre and growth has occurred, in part through the support and advice of the Bundoora Homestead Board of Management. While the current format as a Section 86 Special Committee is no longer a suitable model for this committee, the transition to an advisory panel would allow for this group of experienced professionals from diverse backgrounds to continue to support the delivery of art and heritage experiences to the Darebin community.

Darebin Council has also adopted a new community engagement strategy and considered a review of advisory panels. With these matters in mind, it is an appropriate time to review the governance structure of Bundoora Homestead Art Centre.

<b>Recommendation</b>
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**That Council:**

- (1) Moves to dissolve the Bundoora Homestead Board of Management Special Committee and transitions to an Art & Heritage Advisory Panel
- (2) Notes the draft Terms of Reference for the Art & Heritage Advisory Panel and adopts them
- (3) Notes the Bundoora Homestead Board of Management's outgoing Value Proposition for the future of Bundoora Homestead Art Centre
- (4) Invites current members of the Bundoora Homestead Board of Management to become the inaugural members of the Art & Heritage Advisory Panel
- (5) Tasks Council officers to deliver and Expression of Interest to fill vacant positions within the new Art & Heritage Advisory Panel

## BACKGROUND / KEY INFORMATION

A future governance discussion paper was developed in October 2019 and considered by the Board of Management (**Appendix A**). This discussion paper sets out the historical background to the board structure, and outlines four potential options for the future:

- A. Continue as a special committee/delegated committee with powers to make decisions, with updated delegation and charter and some changes to operations.
- B. Transition to becoming an advisory panel providing advice and recommendations (recommended)
- C. Wind up the Board and establish an independent Friends of Bundoora Homestead Arts Centre organisation (for instance, as an incorporated association).
- D. Wind up.

Board members have held a workshop to consider the options and are supporting Option B, transition to an advisory panel. This recommendation was formally endorsed by the board at their most recent board meeting held on 3 March 2020. The Board recommends the renaming of the proposed advisory panel as the 'Art and Heritage Advisory Panel'. This will allow for it to continue to support the work of Council's Art and Heritage unit, whose purview includes the operations of Bundoora Homestead Art Centre, as well as the management and delivery of Darebin's indoor and outdoor (public) art collections.

Board members put forward the following Value Proposition to Council:

*That Bundoora Homestead remains a centre for art and heritage resources for the benefit and enjoyment of future generations.*

## Previous Council Resolution

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

## COMMUNICATIONS AND ENGAGEMENT

### Consultation

The discussion paper was provided to Board members for consideration in October 2019. A workshop was held on 19 November 2019. A board meeting was subsequently held on 3 March 2020, where board members endorsed the supported motion to transition to an advisory panel.

### Communications

Subject to Council decision a full communications, engagement and transition plan is forecast.

## ANALYSIS

### Alignment to Council Plan / Council policy

Goal 2 - Opportunities to live well

### Environmental Sustainability Considerations

N/A

### Climate Emergency

N/A

### Equity, Inclusion and Wellbeing Considerations

The Council Plan 2017-21 includes an action to grow the reach of the Bundoora Homestead Art Centre and growth has occurred, in part through the support and advice of the Bundoora Homestead Board of Management. While the current format as a Section 86 Special Committee is no longer a suitable model for this committee, the transition to an advisory panel would allow for this group of experienced professionals from diverse backgrounds to continue to support the delivery of art and heritage experiences to the Darebin community.

### Cultural Considerations

Bundoora Homestead Art Centre is one of three arts precincts in Darebin and is a key contributor to cultural vitality and creative industry in Darebin.

Board members put forward the following Value Proposition to Council:

*That Bundoora Homestead remains a centre for art and heritage resources for the benefit and enjoyment of future generations.*

### Economic Development Considerations

N/A

### Financial and Resource Implications

**Transitioning to an advisory panel would reduce costs, as there are fewer notice and governance requirements for an advisory panel compared to a Section 86 special committee. However this has not been a determining factor in the recommendation.**

### Legal and Risk Implications

Provided Local Government Act requirements are met, transitioning the Board of Management to an advisory panel presents no additional risk to Council.

## DISCUSSION

Board members were invited to a workshop on 19 November 2019. Seven Board members (including a Councillor and Council officer) attended and discussed the different options. Option B as outlined below was the recommended option. This recommendation was then endorsed at a Bundoora Homestead Board of Management Meeting held on 3 March 2020.

## OPTIONS FOR CONSIDERATION

### Option A – Continue as a “delegated committee”

There was some interest in this option. Comments from Board members included:

- It has been working well
- It has been very helpful to have Councillors involved
- Being a special committee/delegated committee adds to the perceived “status” and importance of the group
- The new Local Government Bill requires a Councillor to be Chair of a delegated committee – this would impose an additional time burden on a Councillor
- In 2019 there have been some difficulties in achieving quorum for some meetings of the Board. The quorum requirement would be higher under the new Local Government Bill so this needs consideration

### Option B (recommended) – Transition to an advisory panel

This option was supported by most Board members. Comments from Board members included:

- May allow more dynamic / opportunistic planning and activities
- Meeting scheduling is more flexible
- A community/expert member could be chair (subject to Council approval)
- Quorum doesn’t need to apply so strictly
- Some concerns that an advisory panel may not attract the same high level of expertise and range of expertise for expert/community members, compared to a board. It is noted that there were different views on this point
- A new name and terms of reference could clarify that the group is advising on Council’s art collection and public art as well as the Bundoora Homestead Art Centre itself

It was noted that significant strategic work was done in prior years by the Board to set up strategy for the Bundoora Homestead Art Centre. The Centre is now in an implementation and consolidation phase.

Board members suggested that essential ingredients to ensure a successful advisory panel would be:

- Clear mandate and purpose, with ownership by the members
- Good induction for members, to foster a highly functional panel, along with a good framework or set of guidelines on how to function effectively
- Strong sense of social and ethical responsibility

- Good leadership, with individual members willing to drive the success of the advisory panel
- Suggested have an expert community member as chairperson

This would be subject to Council approval.

### **Option C – Wind up special committee and create an independent organisation such as a Friends group**

This was viewed as creating additional responsibilities for Board members with decreased influence on community outcomes. There was no support for this option.

It was noted that if, at a later date, there was interest in creating an independent 'Friends' group (for instance, to drive volunteering programs at Bundoora Homestead Arts Centre), then this could occur in addition to a Council board or Council advisory panel.

### **Option D: Wind up.**

There was no support for this option.

## **IMPLEMENTATION STRATEGY**

### **Details**

If endorsed by Council, then the Board would be dissolved immediately and existing Board members be invited to join the new Art & Heritage Advisory Panel. Note: the most recent expression of interest for Board membership was September 2018, with Council appointing four new members in December 2018 for a term of two years.

It is recommended that the term of the new Advisory Panel and membership would be until June 2021 (in line with most of Council's other advisory groups).

Subject to Council's adoption of the recommendation, implementation to transition the Board to an advisory panel would include the following:

- 27 April 2020: Council approves transition to an advisory panel. The Bundoora Homestead Board of Management is discontinued or lapses
- 27 April 2020: Council adopts new terms of reference for the advisory panel and appoints Board members who wish to transition to the advisory panel
- April/May 2020: Current Board members are contacted and thanked for their contribution and invited to join the advisory panel. An expressions of interest process seeks additional members for vacant positions
- June 2020 onwards: New advisory panel meets

### **Communication**

After Council has considered the future governance options, Council Officers will create a detailed communications plan

### **Timeline**

See details in the Implementation section above.

**RELATED DOCUMENTS**

Nil

**Attachments**

- Bundoora Homestead Board of Management Future Governance Discussion Paper (**Appendix A**)
- Bundoora Homestead Board of Management Charter (**Appendix B**)
- Darebin Art & Heritage Advisory Panel ToR Draft 2020 (**Appendix C**)
- Bundoora Homestead Board of Management Minutes 3 March 2020 (**Appendix D**)
- Bundoora Homestead Board of Management Current Members 2020 (**Appendix E**)

**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.

**8.5 NORTHCOTE AQUATIC AND RECREATION CENTRE  
CONCEPT DESIGN****Author:** Project Manager**Reviewed By:** General Manager Operations and Capital

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**EXECUTIVE SUMMARY**

Warren and Mahoney Architects has been engaged to prepare the design documentation for the Northcote Aquatic and Recreation Centre (NARC) located at 180 Victoria Road, Northcote. The concept design was developed in close consultation with the Project Working Group (PWG) and Project Control Group (PCG) consisting of senior staff across the organisation.

Consultation with Office of Victorian Government Architects (OVGA), leisure management companies and external stakeholders has also informed the concept design.

Engagement with key project stakeholders will continue to inform the design process and the engagement plan will be updated at each stage of the project. Officers will now complete engagement with external stakeholders, community, residents and key Council advisory committees.

The facility is targeting a 6-star green star as built rating under the Green Building Council of Australia (understood to be the first in Australia) rating system and will accommodate a range of Environmentally Sustainable Design (ESD) initiatives.

The project quantity surveyor has been engaged and initial cost planning has confirmed the concept design is within budget.

<b>Recommendation</b>
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**That Council:**

- (1) Endorse the concept design for the Northcote Aquatic and Recreation Centre and continue engagement with key external stakeholders and community.
- 

**BACKGROUND / KEY INFORMATION**

In June 2019, Council resolved to award the contract for the NARC Redevelopment Principal Design Consultant Services to Warren and Mahoney Architects Australia.

On 14 October 2019 Council endorsed the funding strategy for the delivery of the ten-year capital works program which included the Northcote Aquatic and Recreation Centre.

The NARC project will be delivered through a variety of design and construction stages. Currently the design is at end of concept stage. The stages and timelines are tentative and will be updated on finalisation of the construction procurement strategy for the project.



## Previous Council Resolution

At its meeting held on 24 June 2019, Council resolved:

*'That Council:*

- (1) *Awards Contract No. CT2018148 for the Northcote Aquatic and Recreation Centre principal design consultant services to Warren and Mahoney Architects Australia for the contract sum of \$2,958,840.50 (incl. GST).*
- (2) *Approves a contingency amount of \$591,768 (incl. GST), being approximately 20% of the contract amount, to be used if required for variations and other unforeseen items as part of the Contract No. CT2018148.*
- (3) *Authorises the Chief Executive to finalise and execute the contract documentation on behalf of the Council.'*

## COMMUNICATIONS AND ENGAGEMENT

### Previous Consultation

Extensive community consultation was undertaken as part of the Feasibility Study completed in late 2017 and early 2018. The purpose of this phase of community consultation was to:

- Understand perceptions of the facility held by both users and non-users of NARC and key stakeholders within the local community
- Increase the understanding of current use patterns and trends.
- Identify future facility priorities.

A Project Working Group (PWG) was established when the principal design consultant was appointed. Consisting of key Council department representatives, this team meets with the principal design consultant on a fortnightly basis to manage the design process.

A Project Control Group (PCG), consisting of senior Council staff, was established to facilitate the project's progress and provide good governance for the delivery of the project.

Throughout the development of the concept design stage, internal Council stakeholder workshops have been conducted regarding the proposed redevelopment options to ensure key needs, considerations and feedback were identified and captured. Teams and departments consulted include:

- Statutory Planning
- Major Projects and Placemaking
- Public Places and Design
- Energy and Adaption
- Transport Engineering

- Transport Strategy
- Water and Waste Strategy
- Facility Management
- Open Space and Horticulture
- Tree Management
- Aged and Disability
- Creative Culture and Events
- Equity and Wellbeing
- Families, Youth and Children
- Leisure Services and Contracts
- Information Services
- Infrastructure, Asset and Service Planning

The design team has also led an operational workshop in the development of the concept design, with leisure facility management operators and Royal Life Saving Society representatives were invited to attend. Those in attendance included:

- Reservoir Leisure Centre manager
- YMCA Victoria
- Belgravia Leisure
- Aligned Leisure
- Club Links
- BlueFit Australia
- Royal Life Saving Society Victoria

This workshop provided invaluable feedback from an operators' perspective and informed further developments of the concept designs leading to the preferred option. The workshop and all communications were overseen by a probity advisor.

### **Next Stage Consultation**

The broader community will have a further opportunity to assist shaping the NARC design during the second round of consultation at the end of concept design phase (April 2020 to May 2020). Community being the biggest users of the facility will to be involved at an early design stage to make a difference. Delaying the consultation will have an impact on the project timelines and may have budget implications as the existing facility is at end of its life.

### **COVID 19 implications**

Due to the current government-imposed restrictions and for the safety of the community all the consultation will be conducted through digital means. Should the preferred concept plan be endorsed by Council, the concept design will become available for public viewing on:

- Dedicated NARC project webpage

Information on how to find the dedicated NARC project webpage will be advertised via:

- Social media

- Leader articles
- Resident letter box drop (500m of the site)
- Email to existing facility user groups

Those unable to view via the website will be asked for feedback through dedicated phone numbers or by reply paid post. This methodology will allow for community members to have an input both with and without internet access.

Key dates for feedback will be advertised via the website and 'Your Say' page, as well as in the Northcote and Preston Leaders.

Multilingual promotional material will be available for the purpose of this consultation.

## **Communications**

An extensive communications plan will be used to communicate the progress of the project to the community as well as inform the advocacy plan which will seek financial support for the project through a variety of sources and funding bodies.

A landing page on the Council's website has been established to update the community on the development of the Northcote Aquatic and Recreation Centre. A Darebin 'Your Say' page for the NARC redevelopment project has also been published and will be updated as the project progresses.

## **ANALYSIS**

### **Alignment to Council Plan / Council policy**

Goal 2 - Opportunities to live well

2.2 We will expand opportunities for participation and social connection through sport, physical activity, arts, culture and other leisure activities.

Council Plan Big Action Item – Renew the Northcote Aquatic and Recreation Centre to give new life to a facility that supports the health and wellbeing of our community.

### **Environmental Sustainability Considerations**

The NARC redevelopment project is on track to deliver a 6 Star Green Star rated facility (understood to be the first in Australia for an aquatic centre). To achieve this, the project has joined the Green Building Council of Australia (GBCA) Future Focus pilot program. This enables access and input into the new credit points system for the Green Star accreditation program which is currently being updated. Council's Environmentally Sustainable Developments Officer has provided advice throughout the concept design process.

Council's ESD team has been engaged via the consultation workshops and will continue to contribute to the project to ensure climatic response considerations can be incorporated into the future design and operation of the facility.

Climate adaptation workshops led by ESD Consultants have been held providing input to design. These workshops have focused on how the new facility can be designed to adapt with the changing climate. Risk categories identified and investigated include; temperature, bushfire, precipitation, flood, wind and storm. These risks have then been rated against current, 2030 and 2050 and 2070 predicted climatic occurrences and likely consequences.

Adaptation responses and mitigation strategies have been identified within the risk matrix and developed throughout the workshops.

Some of the sustainable initiatives considered in the project are:

- High performance building envelope and double glazing
- All-electric heating, cooling and hot water system using air source heat pumps (as appropriate)
- Airtight facade that will be tested upon completion
- Heat recovery ventilation that reuses otherwise wasted heat
- Solar panels covering the roof (currently targeting ~500kW), with battery storage
- Carbon neutral building in operation with 100% green power
- Efficient fixtures and fittings on all sanitary ware, taps, showers, toilets etc.
- Rainwater harvesting for the swimming pool and landscaping
- Grey water re-use for toilet flushing
- Ultra-fine filtration to swimming pool to minimise water consumption
- Timber structure (Forest Stewardship Council) to the pool hall, significantly reducing the embodied carbon of the development
- Electric vehicle charging stations
- Skylights within the pool hall to improve daylight amenity and establish greater connection to outdoors
- Predominantly native landscaping to reduce water needs and improve biodiversity
- Pool covers to be used when the building is not in operation to save energy
- Approximately 65 bicycle parks (numbers TBC once occupancy figures agreed)
- LEDs throughout with daylight dimming

### **Climate Emergency**

As part of the green star certification process the NARC aims to deliver several key sustainability outcomes including reduce energy consumption, improved sustainable transport outcomes, improved indoor environment quality, reduced reliance on potable water and use of recycled materials and products.

Traditionally, gas has been used as the main energy source for heating public pool water. There are currently no public facilities that are using alternative form of energy source for the heating the pool water other than geothermal heating, which is not a viable option for the site. This innovation presents a challenge in the industry. As part of the engineering design, the pool water would be maintained at the required temperature with the use of electric heat pumps, however there is a challenge during start-up load required for the pool water. The project may still need to use gas for the start-up load to heat the massive amount of pool water, but this is still to be determined. Once the water has reached the required temperature electric pumps would be used to maintain it. The start-up load would only be required during commissioning and after a major power outage.

## Equity, Inclusion and Wellbeing Considerations

The Equity and Wellbeing Department has been engaged via the consultation workshops and will continue to be engaged through future stages of design to ensure inclusion, access and equity needs are incorporated into the design and operation of the facility. An Equity Impact Assessment has been completed on this project, the process undertaken to date, and the preferred concept option.

The aquatic section of the facility will include a combination of gender-neutral toilets and change rooms, dedicated male/ female toilets and change rooms and family change space. The dry section of the building will consist of gender-neutral toilets and shower. We are also currently exploring the possibility of including a prayer room and breastfeeding room within the facility.

## Cultural Considerations

The Creative Culture and Events Department has been engaged via the consultation workshops and will continue to be engaged through future stages of design to ensure that arts and cultural considerations can be incorporated into the design and operation of the facility, including indigenous considerations.

A meeting with the Wurundjeri Cultural consultants has been arranged and will reflect on the design of how the new facility in its built form can pay respect to the Traditional Owners.

In accordance with advice from Creative Culture and Events, it is intended to engage an artist to curate and scope the public art opportunities in this project.

## Economic Development Considerations

The Economic Development Team has been engaged via the consultation workshops and will continue to be engaged through future stages of design to ensure that the economic benefits of the project can be maximised and realised.

## Financial and Resource Implications

Council has established a budget of \$63.5m to design and construct the NARC. The Council engaged quantity surveyor, Currie and Brown, has costed the preferred concept design option, which is costed at \$63,494,700. Below is the summary of the cost plan.

COMPONENT	Budget (Excl. GST)
Building works	\$26,408,556
Aquatic works	\$15,330,150
External works and services	\$4,082,776
<b>Total Building, Aquatic and External works cost</b>	<b>\$45,821,482</b>
Contingencies	\$6,873,222
<b>Total construction costs</b>	<b>\$52,694,704</b>
Other project costs	\$4,498,419
<b>Total project end cost (excl GST) at today's cost</b>	<b>\$58,996,281</b>
Escalation costs (till March 2021)	\$4,498,419
<b>Total estimated project cost (excl GST) including escalation</b>	<b>\$63,494,700</b>

As this is a cost plan undertaken on concept designs; the plan is high level, conservative and includes 5% design and 10% construction contingencies.

### **Legal and Risk Implications**

A Risk Management Plan has been prepared by the project working group and is monitored and updated on a regular basis. Aquatic centres have complex infrastructure and services and a pro-active risk management approach has been adopted to manage and mitigate risks. The following due diligence works have been completed to assist with the NARC redevelopment project:

- Asset condition audit by Macutex dated Feb 2016
- Infrastructure services report by Cardno dated July 2018
- Arborist assessment by Homewood Consulting dated April 2018
- Environmental and geotechnical site assessment by Meinhardt dated May 2018
- Transport and traffic due diligence report by Cardno dated April 2018
- Strategic and statutory due diligence report by Calibre Group dated April 2018
- ESD and Green Star Strategy by Cundall dated April 2018
- Hydraulic modelling by Cardno dated April 2018

Architects and sub-consultants have reviewed the information and additional due diligence works has been completed or are currently being conducted in the following areas:

- Building condition audit
- Environmental and geotechnical site assessment
- ESD and Green Star pathway

Hydraulic modelling and early involvement with Melbourne Water

## **DISCUSSION**

### **Concept Design Process**

The concept design process has been conducted over six months and included consultation and feedback from architects, engineers, Council staff and leisure centre operators. Community input from the consultation undertaken during the feasibility stage of this project, have also been included in the design. The outcome of the process is as follows:

#### Nine Guiding Principles

- Safety and inclusivity
- ESD and integrated landscape
- Community engagement
- Long term commercial viability
- Intuitive pathways
- Clever flexibility
- Quality over complexity
- Visible and attractive
- Great now, better later

Six Design Strategies

- Permeability and visual access
- Victoria Road presence
- Accessible urban scale
- Architecture + landscape partnership
- Breakdown building mass
- The Australian community pools

Through the concept stage, Warren and Mahoney Architects considered a number of concept design options for consideration.

These options included:

- Single storey structure with dry components towards Victoria Road and aquatic towards the car park and vice versa. This option has low impact on existing trees, Melbourne Water floor path and the car park
- Two storey structure with dry components on level one and aquatic on the ground level. This option has low impact on existing trees, Melbourne Water floor path and the car park
- Keeping the existing facility operational if possible while the new facility is built on site. This option has high impact of the exiting trees, car park, Melbourne Water flood overlay, construction time and budget

The Office of Victorian Government Architects (OVGA) has been engaged to provide feedback throughout the design development stage. The design team presented the shortlisted option to a nominated OVGA panel in November 2019, who provided a written report of future considerations. The report has been reviewed by the design team and incorporated into the preferred option. The options were also reviewed in detail by the Council officers including the City Architect.

The preferred option is a single storey structure with the aquatics facing Victoria road and a double storey for dry components towards the car park. The preferred option was identified for its merits and greater alignment with the guiding principles.

The option is recommended to Council for the following reasons:

- Better placed to meet the aspirational 6-star Green Star as Built rating
- Clear separation between wet and dry areas
- Café accessible for visitors, dry and wet users of the facility
- Retention of exiting mature showcasing natural shade opportunities
- Victoria Street presence and activated frontage – “aquatics on show”
- Easily identifiable and accessible entrance from Victoria Road and car park
- Northern orientation of outdoor aquatic space and gym
- Strong visual connection between outside, inside, internal and external water spaces
- Compact footprint – efficient operation
- Future proof potential expansion
- Better connection to McDonnell Park

- Increase outdoor and landscape space
- Better connection to Clifton Street Childcare Centre
- Increased visibility and connection within pools

The preferred option has evolved through the design process as detailed in this report. The process employed has interrogated and considered the many possible design combinations that could be used for this project. The resulting preferred option, provides a better urban design outcome, maximises the outdoor open space provision, allows for future expansion and better integration with the precinct whilst delivering the project within budget and meeting the 6 Star GBCA rating.

### **Comparison between existing and proposed facility components**

The current facility comprises of the following components:

- Outdoor 10 lane 50m pool, 8 lane 25m and toddlers pool
- Indoor 6 lane 25m pool and integrated leisure/learnt to swim pool
- Spa, steam and sauna rooms
- Gymnasium, 1 main group fitness room, 1 cycle studio
- Occasional care / creche room
- Café
- Change rooms
- Reception / retail / administration
- 2 Private consult rooms

The proposed NARC facility comprises of the following components (differences in **bold**)

- Outdoor 10 lane 50m pool **with ramp entry, outdoor nature play splash desk**
- Indoor **8 lane 25m pool with ramp entry, learn to swim pool with ramp entry, aqua play and toddler pool**
- **Warm water pool with integrated spa and ramp entry**, steam and sauna rooms
- Gymnasium, 1 high intensity group fitness room, **1 wellness room**, 1 cycle studio, **1 reformer pilates room**
- **Long day care** / occasional care room
- Café **with service to non-paying patrons**, wet and dry patrons
- Change rooms – dedicated male and female, **change village, gender neutral, changing places**, accessible
- **Dedicated school drop off and change rooms**
- Reception / retail / administration
- **4** private consult rooms

## OPTIONS FOR CONSIDERATION

The following options are available to Council with respect to the concept design for NARC:

**Option 1** – Proceed with the recommended concept design which incorporates all the functional requirements and facilities for NARC and that officers continue engagement with key external stakeholders. **This is recommended.**

**Option 2** – Design another concept option. This will require additional time and consultant fees to develop a new concept plan. This option will also have an impact on the redevelopment project timeline and overall cost. It will also have cost implication for maintenance of the existing facility for longer than expected period of time. This option is not recommended.

## IMPLEMENTATION STRATEGY

### Details

Warren and Mahoney Architects will continue to advance the design and the next phase of community and stakeholder engagement to inform the schematic design.

### Communication

The next stage of community engagement will commence mid-April 2020 and conclude mid-May 2020.

### Timeline

Date	Milestone
6 Apr 2020	Council Meeting – Adoption of concept design for community engagement
April / May 2020	Community engagement
June 2020	Completion of schematic design
Nov 2020	Completion of design development
Feb 2021	Completion of contract documentation
2021- 2022	Procurement for construction contractor
	Construction commences
2022 - 2023	Construction
2023 - 2024	Construction completion
	Sales and Marketing
	Commissioning and handover

**RELATED DOCUMENTS**

- Nil

**Attachments**

- NARC Architectural Plans and Render (**Appendix A**)

**DISCLOSURE OF INTEREST**

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

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

**8.6 EDWARDES LAKE WATER QUALITY****Author:** Environment Officer - Waste & Water**Reviewed By:** General Manager City Sustainability and Strategy

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**EXECUTIVE SUMMARY**

This report responds to point 3 of a resolution of Council in November 2019 to identify Council, State and Federal options to improve the water quality of Edwardes Lake to make it suitable for a wider range of recreational purposes.

The report notes that -

- (1) Water quality in the lake is poor, which is impacting on the ecological health and makes it unsuitable for swimming and boating activities.
- (2) The poor water quality is due to urban run-off, sewage and industrial pollution from upstream. This also makes it challenging and expensive to address.
- (3) Officers confirm their previous advice that improving water quality to the extent that would allow boating or swimming would require expensive capital works. It is also likely that it will not be feasible to improve water quality to that extent and could not be guaranteed in the long term.
- (4) Council officers will now use the findings from the water quality monitoring to review maintenance and management activities.
- (5) Officers will continue to advocate for the prioritisation of the Edwardes Lake Stormwater Quality Project in the Yarra IWM Forum's Priority Portfolio to leverage state government funding for further action.

<b>Recommendation</b>
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**That Council**

- 1) Notes the findings of water quality monitoring at Edwardes Lake and that it is not currently feasible to improve water quality to a level that allows water-based recreation at Edwardes Lake and therefore to ensure public safety continues to manage the lake without recreation activities.
- 2) Makes adjustments to maintenance and management of water at the lake to improve water quality but notes that these would not enable recreation.
- 3) Continues to advocate for improved water quality outcomes in Darebin's waterways and waterbodies by working with other relevant agencies.

**BACKGROUND / KEY INFORMATION**

Council has now received a final report of the results of Edwardes Lake water quality monitoring.

Edwardes Lake is the second largest lake in Melbourne. The lake and surrounding parklands are popular as a regional open space, with over 135,000 users each year. The lake has a large catchment of more than 100 square kilometres and is part of the urban stormwater system, with only 20% of the catchment within Darebin. Edgars Creek upstream and downstream of the lake is managed by Melbourne Water, however the human made lake is managed by Darebin City Council.

Historically, Edwardes Lake has been used for recreational swimming and boating activities, however this stopped in the 1970s with the maturing of public risk management. Preliminary consultation on the renewed master plan for Edwardes Lake Park indicated a community desire to allow activities like boating on the lake, as was enjoyed in years gone by.

Edwardes Lake water quality was not previously monitored unless there was a pollution event, so little background information on the water quality condition of the lake is available to inform the development of the master plan, ongoing Council maintenance and management activities, and future water quality improvements to the lake.

Melbourne Water has conducted a Sediment Quality Assessment Program in urban waterbodies and waterways since 2010. This program of sediment analysis includes testing undertaken at the Leamington Street wetland immediately upstream of Edwardes Lake. This program of testing focused on the presence of 10 heavy metals and Total Petroleum Hydrocarbons (TPH). Waterwatch volunteers also monitor some water quality parameters just upstream of Edwardes Lake on a monthly basis.

Council commenced a 12-month monitoring program in May 2018, with samples taken from 9 sites across the lake to provide an overall view of the lake's health and identify trends. The aim of the monitoring program was to provide a better understanding of water quality in Edwardes Lake to inform future decision-making and to inform the lake's suitability for boating and other recreational activities. The results also help to inform further advocacy opportunities for action from other authorities to improve the water quality of Edwardes Lake.

Whilst comparisons are frequently made between Edwardes Lake and Albert Park Lake. Albert Park Lake is significantly larger (45 hectare compared to 6.5 hectare), better suited to boating and is better able (by water volume) to deal with stormwater pollution. Albert Park Lake is managed by Parks Victoria and funded as part of the State Government's Environmental Contribution fund for maintenance or to improve waterway health.

A more analogous comparison could be made with Jack Roper Reserve in Broadmeadows. This retarding basin (managed by Melbourne Water, and known colloquially as a lake) is 4.5 hectares in size and receives water from Merlynston Creek, a tributary of the Merri Creek. Merlynston Creek is highly modified, and the catchment includes both residential and industrial land uses. Jack Roper Lake and Merlynston Creek have been subject to several industrial pollution events. Boating and fishing activities have been permitted in the lake in the past, however, industrial pollution events and algal blooms have put lengthy restrictions on recreation activities in the water body.

### **Previous Council Resolution**

At its meeting held on 29 April 2019, Council resolved:

***'That Council:***

- 1) *Notes the contaminated water quality of Edwardes Lake, which continues to persist making it environmentally unsustainable and consequently unsuitable for broader recreational use by the community.*

- 2) *Notes that unlike Albert Park Lake, Edwardes Lake does not receive funding for its maintenance as part of the State Government's Environmental Contribution funds.*
- 3) *Writes to the Minister for Water, Lisa Neville and Melbourne Water requesting that Edwardes Lake, as Melbourne's second largest lake, receive funding for a feasibility study to understand what options there are for works to the lake to improve water quality and make it suitable for recreation.*

Following the 29 April 2019 Council meeting, Council wrote to the Minister for Water, the Hon Lisa Neville MP, on behalf of our community to request support to improve the health of Edwardes Lake. Council sought funding of \$280,000 to undertake a specialist feasibility analysis and options assessment to understand and identify works to improve the health of the lake for both increased recreational activity and biodiversity value.

The Minister responded on 17 June 2019, stating:

*'I would encourage Darebin City Council to continue its participation in the Yarra IWM Management Forum, to fully pursue the collaborative opportunities for improved outcomes for Edwardes Lake and its catchment. The forums also provide a key opportunity to prioritise requests for IWM funding initiatives. I am pleased to advise that the State Budget for 2019/20 contained \$6 million to further invest in IWM projects and target the next stage of stormwater reforms.'* As indicated above, further assessment will be required by collaborative partners to progress opportunities through the IWM Forum.

*At its meeting held on 6 November 2019, Council resolved:*

**That Council:**

- 4) *Notes that while Edwardes Lake is a highly valued community asset its full recreational potential remains underutilised due to its poor environmental condition.*
- 5) *Notes that water that feeds into the lake and wetlands comes from streets and via an industrial area which brings with it a range of pollutants and risk of pollution and continues to remain untreated or filtered.*
- 6) *Receives a Council report in late February 2020 on Council, State and Federal Government options to safe guard and markedly improve the water quality of the lake in order to improve its poor environmental condition and make it more suitable for a wider range of recreational purposes for residents to enjoy.*
- 7) *Receives a further report on how to fast track the future utilisation of the Boat house facility which complements the community enjoyment of the lake area.*

## COMMUNICATIONS AND ENGAGEMENT

### Consultation

The following officers were consulted as part of the project:

- Coordinator Climate Emergency and Environment Strategy
- Coordinator Bushland Management
- Team Leader of Bushland Management Merri/Edgars Creek
- Urban Designer

Advice was also sought from Melbourne Water, Yarra Valley Water and Albert Park Lake Rangers in the development of the project.

### **Communications**

A detailed communications plan has not been prepared, as officers do not plan to change the advice to residents regarding utilisation of the lake.

## **ANALYSIS**

### **Alignment to Council Plan / Council policy**

Goal 1 - A sustainable city

Goal 3 – A liveable city

Watershed: Towards a Water Sensitive Darebin

### **Environmental Sustainability Considerations**

The design of the water quality monitoring program considered the ecological health of Edwardes Lake, as well as recreational values. The implications of poor water quality on the health of the lake's ecosystem are discussed throughout the report.

#### **Climate Emergency**

Improving the health of our waterways and waterbodies supports flora and fauna resilience in the face of climate change. Any future work to improve water quality would contribute to growing resilience in a changing climate.

### **Equity, Inclusion and Wellbeing Considerations**

The water quality program did not have any equity, inclusion or wellbeing impacts. The development of the draft Edwardes Lake Park Master Plan and any future works informed by the water quality results will ensure equity, inclusion and wellbeing considerations are considered.

### **Cultural Considerations**

Edwardes Lake holds important cultural value, and the lake and surrounding parklands are recognised as having local heritage significance. Any future works informed by the water quality monitoring program will continue to consider the European history and lesser known Indigenous history of the lake and surrounds.

### **Economic Development Considerations**

There were no economic development considerations for this project. Any future work to identify upstream pollution sources that may impact industry and local businesses would require collaboration with the economic development team.

### **Financial and Resource Implications**

The cost of the water quality monitoring program was \$65,000 and was funded out of the Strategic Water Outcomes budget.

Improving water quality to the extent that would allow boating or swimming would require expensive capital works in the park, or the feeding streets or both. To know if this is possible, and to estimate costs, specialist feasibility analysis and options assessment would be needed. Officers have estimated the cost of this feasibility analysis at \$280,000. Many of the possible options that would be expected to be identified would include expensive civil and/or treatment works and may need to be coupled with management options such as regular monitoring of water quality and closing the lake at times.

To achieve optimum water quality protection and improvements, capital works interventions would also be needed in the upper Edgars Creek catchment, outside the Darebin municipal boundary.

To protect human health and water-based recreational activities from the potential impacts of the upstream industrial catchment, Edwardes Lake would need to be structurally isolated from the upstream industrial catchments. These changes to stormwater management are beyond the scope of Darebin City Council to deliver and would require State Government implementation.

In the long term there may be funding opportunities for improvements to Edwardes Lake and the upstream catchment, though specifically enabling improvements for boating activities is likely to be a low priority for Melbourne Water and other environmental grant bodies.

### **Legal and Risk Implications**

While Edgar's Creek upstream and downstream of Edwardes Lake is managed by Melbourne Water, Council is responsible for the management of the lake because it is a human made lake on Council land. Due to the risk to public health recreational activities are not allowed on the lake.

Water quality data for the monitoring program were compared to the State Environment Protection Policy (SEPP) Waters guidelines (EPA 2018), which incorporate the Guidelines for Managing Risks in Recreational Water (NHRMC 2008), and Australian New Zealand Conservation Council (ANZECC) guidelines. Use of these guidelines provide an indication of water quality against best practice and indicate opportunity for further investigation, and do not represent a legal requirement for action if the guidelines are not met.

## **DISCUSSION**

### **Results show water quality in Edwardes Lake is poor**

Results from the Edwardes Lake monitoring program show that the overall water quality of the lake is generally poor for both ecosystem (e.g. flora and fauna) and recreational (e.g. swimming and boating) values. Edwardes Lake is a dynamic system with fluctuations in water quality observed throughout the monitoring period. Regular stormwater pollution events were detected across the lake throughout the 12-month period, however there were no observable trends in water quality over that time.

The monitoring program assessed a range of parameters that are used as indicators for water quality health. A high-level summary of results and implications for each parameter can be found in Table 4 (page 12) of Appendix A. Edwardes Lake Water Quality Monitoring - Final Report (July 2019).

High nutrients and heavy metals were the poorest performing parameters and present the greatest challenge for the current condition of the lake. Multiple influences were detected throughout the monitoring program, however the main causes of poor water quality were likely to be from typical urban run-off (e.g. from roads, roofs, gardens, leaf litter, construction sites, etc.), as well as sewage and industrial waste from the Edgars Creek catchment upstream.

Sources of heavy metals within the lake's catchment are likely due to poor on-site or negligent practices in relation to storage and chemical disposal upstream, businesses with no trade waste agreements that discharge to the stormwater system, and broken, blocked and damaged sewerage pipes. Nutrient inflows are likely coming from nutrient-rich stormwater, broken sewerage pipes and/or fertiliser use within the catchment.

Melbourne Water has conducted a Sediment Quality Assessment Program in urban waterbodies and waterways since 2010. This program of sediment analysis includes testing undertaken at the Leamington Street wetland immediately upstream of Edwardes Lake. This program of testing focused on the presence of 10 heavy metals and Total Petroleum Hydrocarbons (TPH). The concentrations of toxicants have been assessed under the new Australian and New Zealand Guidelines for Fresh & Marine Water Quality. The guidelines use two values for each toxicant. The Default Guideline Value (or DGV) is the concentration of a toxicant below which adverse ecological impacts are not expected. Concentrations of toxicants below this value should help ensure the aquatic ecosystem is protected. The Guideline Value-high (GV-high) is the upper guideline limit, where adverse ecological effects are expected when concentrations of a toxicant are above this.

Toxicant concentrations were above the Default Guideline Value (DGV) for Cadmium, Copper, Lead and Nickel, and exceeded the Guideline Value-high for Zinc and Total Petroleum Hydrocarbons (see Appendix B – Sediment Quality Assessment Program).

The above factors are impacting Edwardes Lake ecosystem health, lake amenity and the likelihood for future community access for recreational activity such as boating.

For more detailed results and project methodology refer to **Appendix A**.

### **Improving quality for recreation may not be feasible and would be very expensive**

It would be very difficult and possibly not feasible to improve quality to the level needed for recreation activities such as boating and swimming.

In 2012, the City of Kingston implemented the Mordialloc Industrial Precinct project, renewing infrastructure in an existing industrial estate with the aim to harvest stormwater run-off from the estate. This project was carried out in a 7 hectare industrial area – three roads were redesigned to harvest road runoff and stormwater from factory roofs to protect Mordialloc Creek, irrigate adjacent parkland and street trees and improve flood protection. These works cost \$2.8 million, but did not require the stormwater be treated to an extent that allowed public recreation and contact with the water (see [https://www.clearwatervic.com.au/user-data/case-studies/plans-designs/mordialloc-industrial-precinct\\_print.pdf](https://www.clearwatervic.com.au/user-data/case-studies/plans-designs/mordialloc-industrial-precinct_print.pdf)).

Edgars Creek flows through the middle of a much larger 63-hectare industrial catchment in Thomastown alone, and also receives stormwater run-off from industrial land uses in Epping.

Improving water quality to the extent that would allow boating or swimming would require expensive capital works in the park, or the feeding streets or both. It would also require significant capital works and education intervention in the Edgars Creek catchment north of the City of Darebin.

To ensure the protection of human health and water-based recreational activities from the potential impacts of the upstream industrial catchment, Edwardes Lake would need to be structurally isolated from the upstream industrial catchments. These changes to stormwater management are beyond the scope of Darebin City Council to deliver and would require State Government implementation.

It is also likely that improving water quality to the extent required for water-based recreation is not feasible.

To know if this is possible for sure, and to estimate costs, specialist feasibility analysis and options assessment would be needed. Officers have estimated the cost of this at \$280,000

Many of the possible options that would be expected to be identified would include expensive civil and/or treatment works and may need to be coupled with management options such as regular monitoring of water quality and closing the lake at times.

Lengthy lake closures have occurred at Jack Roper Reserve in Broadmeadows and is emblematic of the conflict between industrial upstream land uses and downstream water bodies used for recreational purposes. A restriction was placed on recreational activities, including boating and fishing, at Jack Roper lake following the fire at the SKM Recycling Plant in Coolaroo. Sailability North, a group that provides sailing classes to students from special development schools and disability groups, could not offer their programs for over 9 months due to hazardous water quality (see <https://www.starweekly.com.au/news/car-in-lake-at-jack-roper-reserve-going-nowhere/>).

The potential for reactionary closures of Edwardes Lake, resulting in community disappointment, risks to human health, and impacting the recreational use of the lake, would remain a possibility as long as stormwater from upstream industrial catchments is entering Edgars Creek.

### **Improving water quality general analysis and options**

While as discussed above achieving a quality that would be suitable for recreation may not be feasible and would be expensive, there are a range of ways to make improvements to water quality, and some of these can be integrated into management and maintenance activities and/or used to inform improvements and grant applications over time.

The results of the water quality monitoring program will be used to adjust and improve relevant ongoing maintenance and management activities.

There are three main approaches to improve the water quality in Edwardes Lake:

1. Reducing or eliminating the source of pollutants in the catchment
2. Treating stormwater before it enters Edwardes Lake
3. Treating water within the lake

Possible options include:

- Engineering works to improve existing stormwater treatment infrastructure or installing additional infrastructure
- Widespread Water Sensitive Urban Design throughout the catchment
- Pollution source reduction upstream including:
  - Work collaboratively with Yarra Valley Water to assess stability and connectivity status of sewerage and water pipes

- Work collaboratively with EPA to assess industries for malpractices (e.g. discharging industrial waste to stormwater) via audit system and/or catchment pollution tracking
- Further monitoring including:
  - Completion of a sanitary survey in line with the new SEPP (Waters) Guidelines and ongoing E. coli monitoring to determine likely locations where sewage pollution may be entering the catchment
  - Monitoring for blue-green algae during summer months
  - Installation of data loggers within the lake for continuous monitoring of specific parameters (e.g. dissolved oxygen and E. coli) to improve ecological health
- Maintenance including:
  - Increase maintenance of gross pollutant traps
  - Continue weed removal and litter prevention

Officers will also continue to advocate for the prioritisation of Edwardes Lake water quality improvements on the Yarra Integrated Water Management (IWM) Forum's Priority Portfolio. The IWM Forum is part of the Victorian Government's commitment to integrated water planning and management and was convened in December 2017. The Edwardes Lake Stormwater Quality Monitoring Project is listed as a Yarra IWM Forum potential future priority opportunity. Officers can also advocate for solutions to water quality issues that stem from contaminated industrial catchment stormwater run-off. Improving the quality of stormwater leaving industrial areas would result in water quality improvements in all of Darebin's waterways, including the Merri Creek and Darebin Creek. Further assessment will be required by collaborative partners to progress these opportunities through the IWM Forum.

### **Victorian Government**

At the 29 April 2019 Council meeting, Council resolved to write to the Minister for Water, the Hon Lisa Neville MP, on behalf of our community to request support to improve the health of Edwardes Lake. Council sought funding of \$280,000 to undertake a specialist feasibility analysis and options assessment to understand and identify works to improve the health of the lake for both increased recreational activity and biodiversity value.

The Minister responded on 17 June 2019, stating:

*'I would encourage Darebin City Council to continue its participation in the Yarra IWM Management Forum, to fully pursue the collaborative opportunities for improved outcomes for Edwardes Lake and its catchment. The forums also provide a key opportunity to prioritise requests for IWM funding initiatives. I am pleased to advise that the State Budget for 2019/20 contained \$6 million to further invest in IWM projects and target the next stage of stormwater reforms.'*

As indicated above, further assessment will be required by collaborative partners to progress opportunities through the IWM Forum.

**Commonwealth Government**

There is limited opportunity for Commonwealth government funding of the \$280,000 specialist feasibility analysis and options assessment. The Department of Agriculture, Water and the Environment provides biodiversity funding through the Communities Environment Program (CEP) and the Environment Restoration Fund (ERF). The CEP is aimed towards community groups and biodiversity improvements. The ERF directs investment to improve and protect Matters of National Environmental Significance such as listed threatened and migratory species and ecological communities and Ramsar wetlands. Therefore, we do not think it is likely that seeking funding for this feasibility work through these funds would have a high chance of success.

**Edwardes Lake Park Improvements Plan update**

It is worth noting that Council is also currently developing an improvements plan to guide future upgrades to Edwardes Lake Park and a draft plan has been expected to be shared with the broader community in 2020. The plan deals primarily with the surrounding Park land and how to meet community needs into the future.

While Council collected feedback from the local community, park users and key stakeholders about future upgrades to Edwardes Lake Park in 2017, many of these ideas required detailed investigations to help understand if they are feasible, including the water quality monitoring to understand if water recreation could be reinstated in the Lake. Therefore, the findings of the water quality monitoring will be used to inform this draft plan.

**OPTIONS FOR CONSIDERATION**

Option A –

The use of Edwardes Lake for water-based recreation such as boating and swimming, is not feasible given the upstream industrial land uses. These land uses are not likely to change. It is not possible to protect human health from the impacts of background-level industrial point-source pollution or acute pollution events.

No further action in relation to water-based recreation is recommended.

Officers do recommend and will integrate adjustments to maintenance and management regimes to improve water quality.

Officers also recommend advocacy including:

- Working with other agencies and local government authorities, including DELWP, Melbourne Water, EPA Victoria, Yarra Valley Water and Whittlesea City Council to advocate for improved stormwater quality outcomes in upstream catchments outside Darebin City Council's jurisdiction
- Continue participation in DELWP's IWM Forum to advocate for improved water quality outcomes in Darebin's waterways and waterbodies

Option B - further feasibility work

Council could fund a specialist feasibility analysis and options assessment for improving water quality in Edwardes Lake to allow recreational uses. Officers have estimated the cost of this at \$280,000. This would help Council identify the specific treatments that could improve the water quality at the lake, however, as outlined in this report, based on monitoring to date, experience of others relating to similar lakes, and expert advice, the cost of the engineering works needed would likely be many millions of dollars and take multiple years. If

Council were to select this option, officers would incorporate this work into the 2020 - 2021 year draft budget.

Officers don't recommend progressing this generally because the cost is high, and the benefits low compared to other projects and activities that Council could consider investing that level of funding in.

## IMPLEMENTATION STRATEGY

### Details

The next steps following the completion of the 12 month water quality monitoring program at Edwardes Lake are:

- Use the results and recommended actions to inform the development of the draft Edwardes Lake Park Master Plan, relevant ongoing maintenance and management activities, and the prioritisation of WSUD opportunities
- Continue to participate in Melbourne Water's IWM Forum to pursue opportunities for improved outcomes of Edwardes Lake and its catchment and seek to prioritise Edwardes Lake Water Quality Improvement opportunities
- Share results of the monitoring program with Melbourne Water
- Continue to support Waterwatch program and volunteer monitoring groups
- Participate in the Property Management Framework workshop for internal Council stakeholders regarding the future utilisation of the Boathouse facility

### Timeline

February 2020, and ongoing - Participate in Melbourne Water's IWM Forum to pursue opportunities for improved outcomes of Edwardes Lake and its catchment and seek to prioritise Edwardes Lake Water Quality Improvement opportunities.

## RELATED DOCUMENTS

Nil

### Attachments

- Appendix A - Edwardes Lake Water Quality Monitoring - Final Report - July 2019 (**Appendix A**)
- Appendix B - Melbourne Water Sediment Quality Assessment Program - Final Report January 2019 (**Appendix B**)

## 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.

## **9. CONSIDERATION OF RESPONSES TO PETITIONS, NOTICES OF MOTION AND GENERAL BUSINESS**

### **9.1 TACKLING WOODSMOKE POLLUTION**

**Author:** Senior Environment Officer - Waste and Water

**Reviewed By:** General Manager City Sustainability and Strategy

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#### **EXECUTIVE SUMMARY**

On 6 January 2020 Council received a petition signed by 71 people (not all Darebin residents), calling on Darebin to act on reducing harm from wood heater smoke. Smoke from wood heaters is a major pollution problem. The health impacts from wood smoke are well understood and the signatories of this petition are justified in their concerns. Council has received further requests on this matter in light of COVID-19, there is concern that exposure to this smoke could exacerbate the seriousness of the virus.

The petition calls for four key Actions which are discussed below:

#### **1. Education campaign about the effects of wood smoke**

This report recommends considering aspects of this measure. A well-executed education campaign is a low-cost way to effectively prevent harm and is within the Council's remit and capacity.

#### **2. Increase air quality monitoring by Darebin Council**

The responsibility for air quality monitoring sits with the State Government through the Environment Protection Authority (EPA). While there are significant gaps in the EPA air monitoring network across Victoria, Darebin has good coverage. It is instead recommended to call on the State Government to improve the network state-wide. Local Councils could assist the EPA by offering their assets to be used as monitoring locations.

#### **3. Implementing stronger regulatory policies**

There are policy options available which are shown to effectively reduce harm from wood smoke, however these would require policy and regulatory change at State and Federal level. Council can advocate for these changes and play a supporting role if they are brought in but does not have discretion to change these policies nor to implement local permit or license requirements.

#### **4. Independent review into Council's response to wood smoke complaints**

Officers don't recommend this for two main reasons: firstly, Council has a complaint review process to address any concerns about specific cases, and secondly, more broadly, taking stronger action on wood smoke would require a change in the State Government regulations and Council does not have the discretion to go beyond them when it is playing its enforcement role. Therefore, this report recommends advocacy rather than an independent review as it is recommended that it would be more benefit for the effort.

**Recommendation****That Council:**

- (1) Provide an education and awareness campaign on existing Council platforms (such as social media) about the health and environmental impacts from wood heaters, cleaner ways to operate wood heaters, and information about alternative heating.
- (2) Call on the State Government to:
  - a. Expand EPA's Ambient Air Network to provide better coverage across Victoria, including sensors to provide more localised information
  - b. Take stronger action on wood smoke pollution
- (3) Work with the Municipal Association of Victoria to:
  - a. Coordinate a formal offer from Victorian councils to work with EPA to enable council land and assets to be used for air monitoring.

**BACKGROUND / KEY INFORMATION**

On 6 January 2020 Council received a petition calling on Darebin to act on reducing harm from wood heater smoke. This petition was titled 'Tackling Darebin's wood smoke pollution essential to tackling the climate emergency' and was signed by 71 people.

Smoke from wood heaters is a major pollution problem. The health impacts from wood smoke are understood and studied and the signatories of this petition are well justified in their concerns.

Some of the measures called for in the petition are achievable and within Council's remit, while others are not within Council's remit and rather would require policy change by the State Government.

**Previous Council Resolution**

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

**COMMUNICATIONS AND ENGAGEMENT****Consultation***External consultation:*

Officers will consult with the EPA and the MAV if Council endorses recommendations (2) and (3).

*Internal consultation:*

The Coordinator Health Protection, Coordinator Corporate Affairs and the Communications and Engagement team have been consulted during the drafting of this report and its recommendations.

## Communications

Should Recommendation 1 (providing an education campaign) be endorsed, a communications plan would be developed. The Communications and Engagement team have already been consulted and initial conversations have been had about timing the release of communications, and which available communication tools are the most appropriate.

It is planned that communications would be delivered in a staged approach over the next 2 years:

- In 2020, provide education and awareness communications on existing Council platforms (such as social media) about the health impacts from wood heaters. This would be framed in the context of COVID-19.
- A more detailed communications campaign could be rolled-out in 2021 about the health and environmental impacts from wood heaters, cleaner ways to operate wood heaters, and information about alternative heating.

## ANALYSIS

### Alignment to Council Plan / Council policy

Goal 3 - A liveable city

Reducing the use of wood heater use can improve the liveability of a city. Wood smoke can significantly impact people's health and wellbeing. This is discussed in greater detail throughout this report, in particular in *Equity, Inclusion and Wellbeing Considerations*.

### Environmental Sustainability Considerations

Wood heaters are a major cause of local air pollution and emit significant quantities of greenhouse gasses. Wood smoke contains a number of noxious gases (including carbon monoxide, oxides of nitrogen, and a range of organic compounds, some of which are toxic or carcinogenic) and fine particles.

The quantities of the gasses which are emitted are also very significant. The NSW EPA estimates that domestic solid fuel combustion in winter contributes 57% of PM10 and 75% of PM2.5 particle pollution in the greater Sydney area<sup>1</sup>. Recent data is not currently available for Melbourne; however, these estimates are broadly consistent with past estimates from the Victorian EPA.

### Climate Emergency

Wood heaters contribute to global warming in several ways and therefore reducing their use would help address the climate emergency.

The combustion of firewood releases a range of greenhouse gasses including carbon dioxide (CO<sub>2</sub>) and methane (CH<sub>4</sub>). The wood which is burned is often from non-renewable sources, contributing to deforestation, and often originates far away from where it is used, leading to additional emissions from transportation. If the wood comes from a 'sustainable' source, it is theoretically possible to offset the equivalent carbon emissions, but the methane is still

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<sup>1</sup> EPA NSW, 'Reducing Wood Smoke Emissions,' <https://www.epa.nsw.gov.au/your-environment/air/reducing-wood-smoke-emissions>, last updated 27 August 2018, accessed on 11 March 2020.

emitted locally. However, there is controversy surrounding the definition of sustainable harvesting of wood given that globally, overall forests and habitat are being lost. It is also asserted that there are better uses for this wood<sup>2</sup>.

Australian research published in 2011<sup>3</sup> estimates that the weighted average emissions from a heater burning wood from a non-renewable source are 7.7 Tonnes of CO<sub>2</sub>-e. This is almost six times the average emissions for gas or five times the average for a reverse cycle air conditioner.

### **Equity, Inclusion and Wellbeing Considerations**

A property emitting wood smoke can have a major negative impact on the wellbeing of others in the nearby area. Some people are more vulnerable to wood smoke, such as people with respiratory conditions. Wood smoke can have a particularly major impact on their health and quality of life. For example, they may be forced to stay indoors to avoid wood smoke when they otherwise would like to be outside engaging in healthier activities.

Wood heaters are major emitters of PM<sub>2.5</sub> and PM<sub>10</sub> pollutants which cause significant health issues. There is clear evidence that exposure to these pollutants leads to increases in mortality as well as emergency presentations and hospital admissions for respiratory and cardiovascular conditions. With every increase in PM<sub>2.5</sub> pollution by 10µg/m<sup>3</sup>, overall mortality has been found to increase by rates of between 6.2% and 13%<sup>4</sup>.

Given the current situation with COVID-19 there are risks that exposure to wood smoke could exacerbate the symptoms of those infected by the virus.

However, for some households, wood heaters may be the only source of heating and they are reliant on this for warmth. Ensuring that households can stay warm in winter is also important for health and wellbeing. In the long run, households can achieve both by changing the heating source.

### **Cultural Considerations**

There are no identified cultural considerations related to this topic.

### **Economic Development Considerations**

Replacing wood heaters with more efficient forms of heating can dramatically reduce household heating costs.

Modern, efficient heat pumps have superseded wood heaters and natural gas as the most cost-effective heating. They can deliver 5 or 6 times as much heat to the home and are effective at low temperatures. They are affordable (cheaper than buying a wood heater), contribute less to climate change (zero in households that use green power) and have lower running costs than buying firewood. While electric is the most efficient, cleanest and cost effective, other alternatives such as gas could be considered superior to wood in all regards.

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<sup>2</sup> Robinson, D. 2011. 'Australian wood heaters currently increase global warming and health costs'. Atmospheric Pollution Research. Vol 2(3), pp 267-274

<https://www.sciencedirect.com/science/article/pii/S1309104215304839>

<sup>3</sup> Robinson, D. 2011. 'Australian wood heaters currently increase global warming and health costs'. Atmospheric Pollution Research. Vol 2(3), pp 267-274

<https://www.sciencedirect.com/science/article/pii/S1309104215304839>

<sup>4</sup> EPA Victoria, "Air pollution in Victoria – a summary of the state of knowledge" Publication 1709, August 2018, <https://www.epa.vic.gov.au/-/media/epa/files/publications/1709.pdf>, accessed 11 March 2020.

Converting wood heaters to more efficient and cleaner options could save households considerable costs. Reducing these essential costs would allow more funds for other investments which could improve overall economic development.

The cost of switching from wood to another heating source, however, is possibly a major barrier for some people. Likewise, running an electric heater may be considered too expensive with current electricity prices and perceived as less efficient. These factors may act as a barrier for some households to switch away from wood, particularly those with a lower income and/or renters.

### **Financial and Resource Implications**

The options recommended in this report would be implemented within Council's operating budget and utilise Council's existing communications and advocacy channels.

### **Legal and Risk Implications**

There are no identified legal or other risk implications associated with the recommended actions. However, Council does not have the discretion to implement some of the policy options that have been requested by the petition. In Victoria, the State Government, via the *Environment Protection Act* regulates wood smoke and Council doesn't have the discretion to duplicate or go beyond these provisions and requirements. It does have a responsibility to enforce these.

## **DISCUSSION**

It is recommended that **Appendix A** is reviewed alongside this report. This Appendix goes into much more detail about the policy options available to reduce harm from wood heaters. It discusses the roles and responsibilities of the three tiers of government, what options are available to them and outlines which policy options have already been deployed.

### **Wood heater use in Victoria and Darebin**

The EPA estimates that there are 96,900 wood heaters in the Port Phillip region and 142,800 in total across Victoria<sup>5</sup>. In the Port Phillip region 5% of households use wood as their primary form of heating, and 24.5% in regional areas<sup>6</sup>. Based off this data, it could be assumed that in Darebin there are approximately 3000 active wood heaters and around 60 per square kilometre<sup>7</sup>.

### **Wood heater trends**

Overall, use of wood heaters in Australia is slowly but consistently declining<sup>8</sup>. Similarly, the pollution caused from wood heaters is also declining due to technical improvements and the introduction of an Australian Standard (AS/NZS 2918).

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<sup>5</sup> EPA 2018. "Air pollution in Victoria – a summary of the state of knowledge" <https://www.epa.vic.gov.au/-/media/epa/files/publications/1709.pdf>

<sup>6</sup> EPA 2017. "Variation to the Waste Management Policy (Solid Fuel Heating) – Policy Impact Assessment". <https://ref.epa.vic.gov.au/our-work/setting-standards/-/media/Files/Our%20work/Setting%20and%20reviewing%20standards/Waste%20Management%20Policy%20Solid%20Fuel%20Heating/PIAWasteManagementPolicySolidFuelHeating.pdf>

<sup>7</sup> 5% of 63,562 households in Darebin (ABS 2016 census data) is 3178 households. 58.85 per square kilometre.

<sup>8</sup> Paul Ryan and Alan Pears, "Unravelling home energy use across Australia," Renew Magazine, <https://renew.org.au/renew-magazine/efficient-homes/unravelling-home-energy-use-across-australia/>, published 23 May 2019, accessed 11 March 2020.

Prior to this petition, complaints about wood heaters have been consistently declining, despite growing population and density. The number of complaints from the previous five years are listed below.

Year	Number of complaints
2015	32
2016	21
2017	21
2018	15
2019	15

Based on the assumption that there are 3000 active wood heaters in Darebin, the 15 complaints last year relate to 0.005% of the total number of wood heaters in the municipality. Furthermore, many of these are repeat complaints from the same complainant about the same property. This trend indicates that the nuisance posed by wood smoke may be declining.

Contrary to this, internationally there are trends that wood heaters are growing in popularity and prevalence. A 2013 European Environment Agency report suggested that burning biomass for home heating increased by 56% within the EU between 1990 and 2011. This is a trend which has continued strongly in the UK where it is widely attributed to a 'lifestyle choice' and more prevalent in affluent urban areas<sup>9</sup>. There is little evidence, however, that the same trend is occurring in Australia.

### **Enforcement processes at Darebin**

Council has a role in enforcing the Environment Protection Act, which is set by the State Government. The Act allows wood heating, but with some conditions.

If a wood smoke pollution complaint is made to City of Darebin, council officers visit the property in question and inspect their wood heater practices against the EPA guidance. This includes checking chimney plume and the moisture levels in the stored wood, which the guidance specifies should be less than 20%. If the property is not compliant, advice is given and, if required, a notice issued. In most cases, Council officers find the property is compliant.

### **The Petition**

The petition called for four areas of action. These are discussed individually under the subheadings below. There was also a follow up email on 23/3/2020 which called for additional areas of action and a new complaint. This is discussed below the petition.

#### **A. A proactive community education campaign**

*"As a first step – a proactive community education campaign to increase residents' understanding of the harmful health and environmental impacts of wood smoke. This should explain that particle pollution from wood heaters speeds up global warming, causes strokes, cancers and heart and lung disease, and affects children's health. It should encourage residents to switch to cleaner heating, using local media, council publications and piggybacking on other resident's communications, and should be integrated into council health and environmental education materials/programs."*

<sup>9</sup> Scotland and Wales government. 2017. "The potential air quality impacts from biomass combustion". [https://uk-air.defra.gov.uk/assets/documents/reports/cat11/1708081027\\_170807\\_AQEG\\_Biomass\\_report.pdf](https://uk-air.defra.gov.uk/assets/documents/reports/cat11/1708081027_170807_AQEG_Biomass_report.pdf)

It is recommended that Council consider aspects of this proposal. A well-executed education campaign is a low-cost way to effectively prevent harm and is within the Councils remit and capacity. An education campaign could be launched across social media and printed publications to coincide with the beginning of winter – when wood heaters begin to be used and the majority of complaints are received. Using existing mediums such as social media and *Darebin Community News* would not require additional budget.

This campaign could discuss the following topics:

- A. The effects of wood smoke on human health (perhaps referring to the Better Health Channel guidance<sup>10</sup>)
- B. Ways to reduce impact of wood smoke (referring to EPA guidance<sup>11</sup>)
- C. The environmental impacts of wood smoke in the context of a climate emergency such as the associated greenhouse gas emissions and effects of deforestation
- D. More efficient and cleaner alternatives to wood heaters

A campaign such as this would allow Darebin to be proactive and show leadership on this topic. After the significant air pollution experienced in Australia last summer, the community is likely more engaged, informed and sensitive on the topic of smoke pollution. An education campaign could proactively address the needs and expectations of our community.

It is recommended that this is staged to accommodate current disruptions caused by COVID-19.

## **B. Air quality monitoring**

*“Establish a system for routine monitoring of air pollution levels in Darebin using local low-cost air quality monitoring equipment. Where high pollution levels are identified Council should implement actions to reduce pollution in these areas.”*

In Victoria the EPA is the authority responsible for air quality monitoring and forecasting. The petition calls for Darebin to establish a system for monitoring air quality in the municipality. This is not recommended because:

- Darebin does not have resources or expertise for air quality monitoring
- This would create duplication with EPA's air quality monitoring
- There is already an established air quality monitoring program in place through EPA which is adequate for Darebin's needs

Compared to other municipalities, Darebin has strong coverage within the EPA's ambient air monitoring network<sup>12</sup>. The Alphington air monitoring site in the south of the municipality is EPA's principle monitoring site in Melbourne and tests for a wide range of pollutants with a high degree of accuracy. There is another monitoring site in Macleod providing coverage for the north of the municipality. While these two monitoring sites cannot give highly local data, such as which precincts are most impacted by wood heater smoke, they do provide good data on general air quality across the municipality.

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<sup>10</sup> Department of Health and Human Services. 2015. “Wood fires and breathing problems” <https://www.betterhealth.vic.gov.au/health/HealthyLiving/wood-fires-and-breathing-problems>

<sup>11</sup>EPA Victoria. 2019. “Reducing wood smoke pollution”. <https://www.epa.vic.gov.au/for-community/environmental-information/air-quality/wood-smoke-air-quality/reduce-wood-smoke>

<sup>12</sup> EPA Victoria. 2020. “Air Watch” <https://www.epa.vic.gov.au/EPAirWatch>

While Darebin has coverage under EPA's air monitoring network, there are large gaps across Victoria. For example, there are no permanent monitoring sites in Bendigo, Ballarat, Wodonga, Western Victoria or East Gippsland. Instead of calling on the State Government to increase air monitoring equipment in Darebin, it is more appropriate at this time to call upon the government to expand the overall network state-wide.

EPA previously developed a project to install small and inexpensive sensors in their network which test for particles<sup>13</sup>. These sensors are not as accurate as the other monitoring equipment in use and only give an indication of air quality, but they are a very valuable tool when used in conjunction with other equipment. If these were deployed widely, they could be very effective at gaining a better understanding of local air quality issues and inform Council of which specific areas are more affected by smoke from wood heaters.

The relevant option in this report is for Council to call on the State Government to:

- Expand EPA's Ambient Air Network to provide better coverage across Victoria
- Expand EPA's sensor network across Victoria, including throughout Melbourne, to provide more localised information about air quality

To complement the above, Councils can provide valuable assistance in expanding the air quality monitoring network. They can offer Council land and buildings as both permanent and temporary air monitoring locations.

It is recommended that Council work with MAV to:

- Coordinate a formal offer from Victorian councils to work with EPA enabling council land and assets to be used for ambient and incident air monitoring

It is recommended that this is timed in early 2021 to accommodate current disruptions caused by COVID-19.

### **C. Programs and strategies to discourage the use of wood heaters**

*Explore programs and strategies to discourage the use of wood heaters including: designating parts of Darebin emission-free zones, requiring a permit with a fee and yearly registration and other conditions for operating a wood heater, a future ban on wood heaters, proactively targeting high wood smoke polluters with incentives and assistance to change to non-polluting heating.*

The regulatory actions proposed under this petition item are not within Council's remit as wood smoke is regulated under the Environment Protection Act by the State Government. As a local authority, Council is not able to duplicate state regulation and doesn't have the option to cover these issues with its local law. Please see Appendix A for more information about roles and responsibilities of government in Australia.

The state and federal governments are much better positioned to implement regulatory and market mechanism policy options such as those proposed. Local government is better positioned to work with State Government in a supporting partnership role to implement these policies.

It is therefore recommended that Council:

- Call on the State Government to review wood smoke policy and take stronger action to reduce harm to human health and the environment

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<sup>13</sup> EPA Victoria. 2019. "Particle Sensors". <https://www.epa.vic.gov.au/about-epa/publications/1745>

**D. Independent review into Councils response to wood smoke**

*Assess the current effectiveness of the Council's response to wood smoke complaints through an independent review.*

This is not recommended. An independent review isn't considered necessary as Council officers comply with the Victorian Public Health & Wellbeing Act 2008 in investigating all alleged nuisances to ensure wood heaters comply with State guidance for best practice. Officers are aware that in some cases residents haven't been happy with the action Council has been able to take, however generally this is a reflection of what is allowed by State regulations and legislation. Council is not able to go beyond the state regulations in what it requires. Officers advise that effort would be better directed to advocacy for stronger legislation on these woodsmoke. Also, Council has a complaint review process. If residents are concerned about how any complaint has been handled, they can contact Council and seek a review of the case.

**E. The attached fact sheet further supports this petition**

This item refers to an Appendix which does not call for Council action.

**F. Follow up email 23/3/2020**

On 23/3/2020, the person who lodged the original petition sent Council a follow up email. This email is attached as **Appendix D**. In this email concerns were raised that air pollution could exacerbate the symptoms of COVID-19. New measures were proposed to council. These are:

*We therefore ask that, as a matter of urgency, Darebin Council communicates to ALL residents that:*

- *Air pollution, including wood heater smoke, is likely to exacerbate the seriousness of infections with Coronavirus*
- *Wood heater smoke also increases the risk of other health problems, such as stroke, heart attacks, lung and other cancers. It also contributes to global warming.*
- *Residents must therefore minimise their use of wood heaters for the sake of their own and their neighbour's health.*

*We further suggest that the Council:*

- *Establish a wood heater replacement program, similar to that in Canberra.*
- *Or as a shorter-term measure, establish a fund for residents to pay for other heating solutions (such as portable fan heaters or column heaters - many of these could be ordered and delivered online) to support them through the coming winter.*

A further email raising similar concerns was received on 25 March from another resident. This is included as **Appendix E**.

It is recommended that Council consider the communications aspects of this. This could be presented as a request to residents to adjust their behaviour and shift their fuel source this winter if they can.

Establishing a fund is not recommended. Generally, it is not within Council's financial ability to fund improvements to private buildings, rather advocating for policy that creates incentives and requirements for these types of improvements to be made is a way of achieving a similar outcome, but without the burden falling to ratepayers.

## OPTIONS FOR CONSIDERATION

There are a number of options which could be considered.

*Option 1: (recommended):* Endorse options 2, 3, 4 and 5.

*Option 2:* In early winter 2020, provide education and awareness communications on existing Council platforms (such as social media) about the health impacts from wood heaters. This would be framed in the context of COVID-19.

*Option 3:* In 2021, provide a more comprehensive education and awareness campaign on existing Council platforms (such as social media) about the health and environmental impacts from wood heaters, cleaner ways to operate wood heaters, and the use of alternative heating sources.

*Option 4:* In 2021, call on the State Government to:

- a. Expand EPA's Ambient Air Network to provide better coverage across Victoria, including sensors to provide more localised information
- b. Take stronger action on wood smoke pollution

*Option 5:* In 2021, request the assistance of Municipal Association of Victoria coordinate a formal offer from Victorian councils to work with EPA to enable council land and assets to be used for air monitoring.

## IMPLEMENTATION STRATEGY

### Details

Should Council endorse the recommendations in this report, the following implementation strategy will be developed.

### Communication

For the education and awareness material, the following steps will take place:

- The Communications and Engagement team will be engaged to discuss using different communication tools and developing a more detailed communications plan
- The Coordinator Health Protection will be contacted to advise the Senior Environment Officer (Waste and Water) and the Communications team in developing content for the communications

For the calls on the State Government:

- The Coordinator Corporate Affairs will be contacted to develop a plan for delivering these messages in a way which is appropriate and impactful

### Timeline

The education campaign outlined in Recommendation 1 would ideally be implemented to coincide with early winter. This would have the biggest impact on reducing harm from wood heaters.

**RELATED DOCUMENTS**

Nil

**Attachments**

- Analysis of Wood Heater Policy in Australia (**Appendix A**)
- Petition to Darebin Council (Part A) (**Appendix B**) Confidential - enclosed under separate cover
- Petition to Darebin Council (Part B - Attachment) (**Appendix C**)
- Follow up message from concerned resident 23/3/20 (**Appendix D**)
- Message from concerned resident 25/3/20 (**Appendix E**)

**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.

## 10. NOTICES OF MOTION

### 10.1 COVID 19 - CONSULTATIVE MECHANISMS TO SUPPORT THE BUSINESS AND ARTS SECTORS

**Councillor:** Lina MESSINA

**NoM No.:** 470

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Take notice that at the Council Meeting to be held on 6 April 2020, it is my intention to move:

**‘That Council**

- (1) Receives advice on the consultative mechanisms that will be used to ensure that our support to the business and arts sectors is informed by their experiences and needs.
- (2) Receives advice from our Maternal and Child Health Service on the potential to ensure that vulnerable families have adequate supplies of nappies, paracetamol and baby formula as required during the COVID-19 Shutdown.
- (3) Advocate to the Federal Government for :
  - a) The expansion of supports available through Medicare for psychological services required as a result of the COVID-19 Pandemic which is causing significant stress and anxiety in our community.
  - b) The provision of assistance with the current B.A.S payments due Q3 and Q4.
  - c) An Economic Stimulus package for Self Employed, Casual employees and Small Business.
  - d) For the people who have lost income, suspension with no interest on mortgages, loans, credit cards, essential services fees including utilities until the pandemic in Australia has ceased.
  - e) The enforcement of controls and limits on the purchase of continence aids, nappies, baby formula and Ventolin by individuals where these goods are being sent overseas,
  - f) Stronger oversight and controls on the ownership of land, businesses, water assets and utilities by overseas and foreign interests, and
- (4) That the Mayor write to the State Government, seeking the suspension and waiver for 12 months of liquor licensing fees for cafe’s, restaurants and bars.’

**Notice Received:** 19 March 2020

**Notice Given to Councillors** 6 April 2020

**Date of Meeting:** 6 April 2020

### **Attachments**

Nil

**11. REPORTS OF STANDING COMMITTEES**

Nil

## 12. RECORDS OF ASSEMBLIES OF COUNCILLORS

### 12.1 ASSEMBLIES OF COUNCILLORS HELD

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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:

- Welcome Cities Reference Group – 25 February 2020
- Darebin Aboriginal Advisory Committee – 4 March 2020
- Darebin Interfaith Council – 12 March 2020
- Councillor Briefing – 25 March 2020

<b>Recommendation</b>
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**That** the record of the Assembly of Councillors held on 25 February and 4, 12 and 25 March 2020 and attached as **Appendix A** to this report, be noted and incorporated in the minutes of this meeting.

#### Attachments

- Assemblies of Councillors - 6 April 2020 (**Appendix A**)

**13. REPORTS BY MAYOR AND COUNCILLORS**

**Recommendation**

**That** Council note the Reports by Mayor and Councillors.

**14. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL**

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

**14.1 Proposed Transfer of Ownership of Regional Kitchen Pty Ltd**

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

**CLOSE OF MEETING**

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

**RE-OPENING OF MEETING**

<b>Recommendation</b>
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That the meeting be re-opened to the members of the public.

**15. CLOSE OF MEETING**

**CITY OF  
DAREBIN**

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