



the place
to live

AGENDA OF THE COUNCIL MEETING

Held on Monday 4 February 2019

Public question time will
commence shortly after 6.00pm.




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

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

Council pays respect to 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.



English - Agenda

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

Arabic

هذا هو جدول أعمال اجتماع المجلس. للحصول على المساعدة في أي من بنود جدول الأعمال، يرجى الاتصال بالرقم 8470 8888.

Chinese

这是市议会会议议程。如需协助了解其中的任何议项，请致电8470 8888。

Greek

Αυτή είναι η Ημερήσια Διάταξη (Agenda) της συνεδρίασης του Δημοτικού Συμβουλίου. Για βοήθεια σε οποιοδήποτε θέμα της ημερήσιας διάταξης, παρακαλούμε τηλεφωνήστε στο 8470 8888.

Hindi

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

Italian

Questo è l'ordine del giorno per la riunione municipale. Per assistenza su uno dei punti dell'agenda chiamate il numero 8470 8888

Macedonian

Ова е дневен ред за состанокот на Советот на Општината. За помош за било која точка од дневниот ред, ве молиме телефонирајте на 8470 8888.

Somali

Kani waa ajandaha kulanka Golaha Degmada. Wixii caawima ah oo ku saabsan qodob kasta oo ka mid ah ajandaha fadlan la xiriir tel: 8470 8888.

Vietnamese

Đây là chương trình buổi họp của Hội đồng Thành Phố. Muốn biết thêm các thông tin về chương trình buổi họp, xin hãy gọi số 8470 8888.

Table of Contents

Item Number	Page Number
1. MEMBERSHIP	1
2. APOLOGIES.....	1
3. DISCLOSURES OF CONFLICTS OF INTEREST	1
4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS	1
5. QUESTION AND SUBMISSION TIME	2
6. PETITIONS	3
7. URGENT BUSINESS.....	3
8. CONSIDERATION OF REPORTS	4
8.1 SOLAR SAVER PROGRESS AND SPECIAL CHARGE SCHEME	4
8.2 SUPPLY AND INSTALLATION OF SOLAR PV SYSTEMS FOR DAREBIN SOLAR SAVER - CT201842 CONTRACT EXTENSION	29
8.3 PROPOSED LOCAL LAW FOR THE MANAGEMENT OF PROTECTED TREES ON PRIVATE PROPERTY	36
8.4 CONTRACT NO CT 201877, CONSTRUCTION OF BEAVERS ROAD BRIDGE	73
8.5 WELCOMING CITIES REFERENCE GROUP SUCCESSFUL EOI APPLICANTS.....	79
8.6 AGED CARE ASSESSMENT SERVICES - COMMONWEALTH CONSULTATION.....	92
8.7 FUTURE FUNDING OF KINDERGARTEN PROGRAMS.....	118
9. CONSIDERATION OF RESPONSES TO PETITIONS, NOTICES OF MOTION AND GENERAL BUSINESS	125
NIL	
10. NOTICES OF MOTION	126
10.1 HONOURING AYA MAARSARWE.....	126
11. REPORTS OF STANDING COMMITTEES.....	127
NIL	
12. RECORDS OF ASSEMBLIES OF COUNCILLORS.....	128
12.1 ASSEMBLIES OF COUNCILLORS HELD.....	128
13. REPORTS BY MAYOR AND COUNCILLORS	142
14. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL	142
15. CLOSE OF MEETING.....	142

Agenda

1. MEMBERSHIP

Cr. Susan Rennie (Mayor) (Chairperson)
Cr. Gaetano Greco
Cr. Tim Laurence
Cr. Kim Le Cerf
Cr. Trent McCarthy
Cr. Lina Messina
Cr. Susanne Newton (Deputy Mayor)
Cr. Julie Williams

2. APOLOGIES

Cr. Amir is on an approved leave of absence.

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

Recommendation

That the Minutes of the Ordinary Meeting of Council held on 3 December 2018 be confirmed as a correct record of business transacted.

5. QUESTION AND SUBMISSION TIME

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

QUESTIONS

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

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

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

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

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

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

SUBMISSIONS OR COMMENTS

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

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

HOW TO SUBMIT YOUR QUESTION OR MAKE A COMMENT OR SUBMISSION

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

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

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

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

6. PETITIONS

7. URGENT BUSINESS

8. CONSIDERATION OF REPORTS

8.1 SOLAR SAVER PROGRESS AND SPECIAL CHARGE SCHEME

Author: Coordinator Energy and Adaptation

Reviewed By: General Manager City Sustainability and Strategy

PURPOSE

To update Council on the progress of the Solar Saver scheme and seek Council's declaration of intent to declare a special charge for the next Solar Saver round.

EXECUTIVE SUMMARY

The Solar Saver program is a key action of Council's Climate Emergency Plan. The proposed special charge scheme includes 126 properties and would add 748kW of solar to Darebin, doubling the total of previous programs. The program was open to all residents and low income residents, renters, pensioners and social housing residents have been prioritised.

The proposed special charge scheme totals over \$838,015.55 (\$1,305,102 including GST and pre STC claim) and these funds will be paid back to Council through the special charge scheme over 10 years. No interest is charged. These payments are more than offset by participants' savings on their energy bills, and therefore the program provides financial and environmental benefits.

Recommendation

That:

- (1) Council 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) A special charge is declared 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) The special charge be declared 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 project:
 - i. Council considers is or will be a special benefit to those persons 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. Cost of performing the function described in paragraph 1(b) of this resolution be recorded as \$838,015.55; and

-
- ii. Amount for the special charge to be levied be recorded as \$838,015.55, or such other amount as is lawfully levied as a consequence of this resolution.
 - d) The special charge be declared 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.
 - e) The following be specified as the criteria which form the basis of the special charge so declared:
 - i. Ownership of any land described in paragraph 1(d) of this resolution.
 - f) The following be specified as the manner in which the special charge so declared will be assessed and levied:
 - i. A special charge 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 a Householder Agreement has been executed, totalling \$838,015.55, being the total cost of the scheme to Council;
 - ii. To 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 be 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 required to pay the special charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons 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) Council, for the purposes of having determined the total amount of the special charge to be levied:
- a. 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) Public notice be given in "*The Northcote Leader*" and "*The Preston Leader*" Newspapers of Council's resolution at its ordinary meeting on 4 February 2019 of its intention to declare the special charge in the form set out above.

- (5) Separate letters, enclosing a copy of this resolution, **Appendix B** to this report and the public notice referred to in paragraph 4 of this resolution, are to be sent 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) The Council's Hearing of Submissions Committee be convened, at a date and time to be fixed, to hear persons 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's Manager Environment and Sustainable Transport be authorised 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.

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 30kW. Council has not had the resources to date to actively engage businesses through the program.
- 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 a householder agreement (**Appendix A**)
- Council declares a special charge and pays the upfront cost of the solar system and installation for participants when the solar systems are installed.
- 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 is not charged to residential participants and that the program will be funded through Council's existing cash reserves.

Over 900 householders have participated in previous Solar Saver programs The Solar Saver program has been broadened to all residential and business ratepayers with preference is still given to low income homes.

Solargain PV have been engaged by Council to provide and install solar for this round of the Solar Saver program and have provided over 768 quotations for the systems to residents. 126 residents have accepted these quotations and are included in the proposed special charge scheme.

Solar Homes Victoria Rebate

The Victorian Government announcement in August 2018 of the solar PV rebate (up to \$2,225) was great news for Victorian households. After considerable negotiation an agreement has recently been made between Sustainability Victoria (who administer the Solar Homes program) and Darebin Council for Darebin Solar Saver households to be eligible for the rebate of 50% of the system cost up to a maximum of \$2,225 (subject to the meeting of other eligibility requirements such as the means test).

At this stage, the agreement between Council and the householder does not include a reduction for the Solar Homes rebate. If the householder is eligible (a special registration process is being established by Solar Homes for this purpose) and Council receives the relevant rebate from Solar Homes Victoria, the rebate amount will be deducted from the final Solar Saver Special Charge amount.

Previous Council Resolution

At its meeting held on 23 July 2018, Council resolved:

That Council:

- (1) Having complied with the requirements of sections 163A, 163B and 223 of *the Local Government Act 1989* ("Act"), and otherwise according to law, declare a Special Charge ("Special Charge") under section 163 of the Act as follows:
 - a) A Special Charge is declared 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) The Special Charge is declared 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 project:
 - i. Council considers is or will be a special benefit to those persons 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. Cost of performing the function described in paragraph 1(b) of this resolution be recorded as \$838,015.55; and
 - ii. Amount for the Special Charge to be levied be recorded as \$838,015.55, or such other amount as is lawfully levied as a consequence of this resolution.
 - d) The Special Charge is declared 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.
 - e) The following list is specified as the criteria that form the basis of the Special Charge so declared:

Ownership of any land described in paragraph 1(d) of this resolution.

-
- f) The following is specified as the manner in which the Special Charge so declared will be assessed and levied:
- i. A Special Charge 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 a Householder Agreement has been executed, totalling \$838,015.55, being the total cost of the scheme to Council
 - ii. To 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, let it be recorded that the owners of the land described in paragraph 1(d) of this resolution will 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 required to pay the Special Charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons 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) Council, for the purposes of having determined the total amount of the Special Charge to be levied:
- a) 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 directs that notice be given to all owners and occupiers of properties included in the Scheme in writing of the decision of Council to declare and levy the Special Charge, and the reasons for the decision. For the purposes of this paragraph, the reasons for the decision of Council to declare the Special Charge are that:
- a) There is no objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Charge from all property owners and occupiers
 - b) Council considers that it is acting in accordance with the functions and powers conferred on it under the *Local Government Act 1989*, having regard to its role, purposes and objectives under the Act, particularly in relation to its 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) All persons who are liable or required to pay the Special Charge and the properties respectively owned or occupied by them will receive a special benefit of a solar energy system being installed at the property.
- (5) Where a Householder wishes to withdraw from the Scheme, Council agrees to such withdrawal where the Householder has given written notice of their desire to withdraw from the Scheme before Council has incurred any expenditure in relation to the Householder's solar system.

COMMUNICATIONS AND ENGAGEMENT

Consultation

- Approximately 900 homes expressed interest agreeing to provide details to receive a quote.
- Solargain PV is in the process of completing home visits to all households who have received written quotations for the Solar Saver program. All participating households, have received a home visit and have signed agreements to participate in the program based on quoted prices.
- Consultation has occurred with the Darebin Environmental Reference Group, Aged & Disability - Community Development Officer and Marketing and Community Engagement Officer, Equity & Diversity – Community Planner, Interfaith Development Officer and Aboriginal Policy Officer.

Communications

- The program was advertised on the Council website, through Darebin News, newsletters and through networks.
- Similar communication channels will be used for the next scheme including promotions at events and targeted mail outs if required.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 1 - A sustainable city

Climate Emergency Plan

Environmental Sustainability Considerations

This project is a key action in the Darebin Climate Emergency Plan 2017. The current round of Darebin Solar Saver is expected to install 748.72kW across 126 installations, with an estimated equivalent annual greenhouse gas saving of 1,872tCO₂-e.

Equity, Inclusion and Wellbeing Considerations

This project was specifically aimed at low income households, who are more vulnerable to increasing energy costs. Data from the first round of Solar Saver, indicate households with solar PV are more likely to use air-conditioning (because it is more affordable with solar PV) and are therefore less vulnerable to heat wave stress. Approximately 45% of participating households in this round are low income households, pensioners or have low proficiency in English.

Cultural Considerations

Many participants are from culturally and linguistically diverse (CALD) communities. It is estimated that over 25% of homes receiving quotes were from CALD communities

Economic Development Considerations

It is estimated that participating households will save well over \$100 per year after the special scheme payment (based on what their energy bills would have been before solar). After 10 years average participating households are expected to save well over \$400 per year. This represents potential funds that can be spent within the Darebin community rather than on utility bills.

Financial and Resource Implications

Council has included a total of \$5.4 million in the 2018-2019 Council budget for the delivery of the Solar Saver program. The previous round of Solar Saver has expended \$2,245,764 excluding GST on solar installations. Council is likely to receive in the order of \$800,000 in rebates from Solar Homes Victoria for this round by 30 June 2019.

There will be at least one more special rates scheme conducted over the 2018-2019 year.

Should the proposed Special Charge scheme proceed, Council will pay \$838,015.55, for the supply and installation of the solar PV systems on the properties listed in **Appendix B**. In accordance with their respective Householder Agreements, property owners will pay for the cost of the solar energy system by equal instalments apportioned over a 10-year period, commencing from October 2019. Council is expected to receive \$83,801.55 in Special Charge repayments annually for this scheme over the 10 year period. Some households will pay the total amount in the first year. It should be noted that the Special Charge scheme is effectively an interest free loan to the 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 by Council to ensure installations comply with Council specifications. Occupational Health and Safety processes have been assessed and will be audited on site. Ten year warranties are required on panels, inverters and installation.

DISCUSSION

Progress of Solar Saver Scheme

Solargain PV Pty Ltd have provided written quotes to 768 households since December 2018 and 126 households have signed contracts to date.

With the introduction of the Victorian Government Solar Homes Rebate, most residents are opting for larger sized systems averaging around 6 kW, up from 4.3 kW. As a result we estimate that this Special Charge Scheme will result in over 748.72kW of solar being installed.

In 2017, Council committed to doubling the amount of solar power installed within the City from 18 megawatts (MW) to 36 MW by 2021. As at 30 November 2018, the total amount of solar power installed is 26.3 MW which means Council is 46% of the way to doubling its solar capacity by June 2021 and is on track to meet this target.

A preference has been given to low income homes and 208 participants were classed as high priority including:

- Low income households
- Pensioners
- Renters
- Social housing tenants
- Culturally and linguistically diverse (CALD) residents.

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 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 a Householder 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 (see **Appendix A**).

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 \$838,015.55 based on signed quotations.

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 a Householder Agreement with Council to participate in the scheme, are listed in **Appendix B**.

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 Householder 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_(in)** is the estimated total special benefit for those properties that are included in the scheme
- **TSB_(out)** 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_(in)** – 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 Householder Agreement signed by the property owner). It is expected that the benefit in reduced energy costs will exceed this special benefit.
- **TSB_(out)** – 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:

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

Where:

$$\text{TSB}_{(\text{in})} = \$838,015.55;$$

$$\text{TSB}_{(\text{out})} = 0$$

$$\text{TCB} = 0$$

$$R = 1$$

I. Calculate the Maximum Total Levy

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

$$\mathbf{S} = \mathbf{R} \times \mathbf{C}$$

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

Therefore $\mathbf{S} = 1 * \$838,015.55 = \$838,015.55$

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 householders have been notified and signed agreements on the basis of these costs for the purpose of declaring this scheme.

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

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 liable, Council will be prevented from making the declaration and the scheme cannot proceed.

OPTIONS FOR CONSIDERATION

A further Special Charge Scheme will be considered at the 25 February meeting.

IMPLEMENTATION STRATEGY

Communication

- Copies of the proposed declaration to property owners – from early December 2018
- Copy of proposed declaration available for public inspection – 13 February 2019
- Public notice of proposed declaration – 12 and 13 February 2019
- Receipt of written submissions – 13 March 2019
- Hearing of submissions (if required) – 8 April 2019
- Council's website opportunity to register on-line

Timeline

Subject to Council resolution

- Council report – intention to declare special charge scheme – 4 February 2019
- Copies of the proposed declaration to property owners – 13 February 2019
- Copy of proposed declaration available for public inspection – 12 February 2018
- Public notice of proposed declaration – 13 February 2018
- Receipt of written submissions – 13 March 2019
- Hearing of submissions (if required) – 8 April 2019
- Council report – declaration of special charge scheme – 8 April 2019
- Future report to Council establishing new Solar Saver contracting panel – 20 May 2019
- Subject to declaration of the special charge scheme, installation of solar will occur late April to June 2019
- It is anticipated that Council will consider the establishment of the next special charge scheme in 25 February 2019

RELATED DOCUMENTS

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

Attachments

- Darebin Solar Saver Program Owner Agreement (**Appendix A**) [↓](#)
- Table of properties subject to the Solar Saver Special Charge Scheme (**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.



Darebin Solar Saver Program Owner Agreement

[Name of householder]

Address line 1

Address line 2

Key details

Commencement Date	1 July 2019
Expiry date	30 November 2029 or 10 years after issuing of first Special Charge notice (whichever is the later date) OR when cost is paid out in full.
Cost of the Solar Energy System	[MERGE quote amount (ex GST, post STC)] See also Schedule 2. (Please refer to information about Solar Homes rebate provided separately.)
Amount payable by the Owner in each quarterly rates notice from September 2019	An amount equal to 1/40 th of the total cost, being approximately: \$ (iMERGE amount) per quarter (for forty quarterly payments)
This includes:	The supply and installation of the solar system, and any repair or replacement covered by the warranty during the warranty period.
This does not include:	Any connection fee charged by your energy retailer or distributor or unforeseeable associated electrical works; any general maintenance, service calls or repair or replacement not covered by the warranty.
For any queries:	Please contact Darebin City Council 03 8470 8888 www.darebin.vic.gov.au solar@darebin.vic.gov.au PO Box 91, Preston VIC 3072
Option to withdraw from agreement:	This agreement is entirely voluntary. The Owner can withdraw their agreement, without penalty, any time up to a week before their scheduled installation. The owner can also withdraw their agreement any time up to the day before their installation but may incur a cancellation fee if less than a week's notice is given.

[6110742: 20953350_1]

BACKGROUND

This agreement records the agreed terms between Council and the Owner regarding the supply and installation of a solar energy system under the Program and repayment of the system.

IT IS AGREED AS FOLLOWS

1) Term of Agreement

This Agreement commences on the Commencement Date and, unless terminated in accordance with this Agreement, will continue until the expiry date on page 1, or the final payment has been received by Council.

2) Pre-Conditions

- a) The provision of a Solar Energy System to the Owner under this Agreement is conditional on the following taking place and remaining in place:
- i) Council entering into and maintaining a contract with a company to supply and install the Solar Energy System to the Owner as part of the Program;
 - ii) Council declaring the Scheme to recover the costs of the Program and this Scheme remaining valid;
 - iii) Council granting a permit to the Householder, if required for heritage reasons as set out in the Darebin Planning Scheme;
 - iv) If the property is tenanted, the Owner securing the permission of the Tenant to enter the Owner's property for the purposes of installation (see also Clause 6 and Schedule 2);
 - v) The Owner paying any other outstanding Rates or Charges owed to Council;
 - vi) The Owner not exercising the option to withdraw.
- b) If the pre-conditions in clause a) have not been satisfied by 31 December 2019 this Agreement immediately ends and each Party is released from its obligations under this Agreement.

3) Payment for Solar Energy System

- a) The Cost of the Solar Energy System is the total amount set out under Key Details on page 1 and itemised in Schedule 2. This amount purchases the supply and installation of the Solar Energy System and any required repair or replacement covered by the warranty during the warranty period, but does not cover grid connection fees, any electrical works required by the electricity distributor during grid connection, general maintenance, service calls or repair or replacement outside the warranty.
- b) The Cost of the Solar Energy System under clause a) may be adjusted by Council during the term of this Agreement if, for a reason beyond the control of Council or the Contractor, further costs are required to be incurred in supplying or installing the Solar Energy System.
- c) Council envisages that any adjustment to the Cost of the Solar Energy System under clause b) will only arise where the Owner agrees to the change and where:
 - i) there is a change to legislation applicable to, or regulation of, the installation of the Solar Energy System (eg changes to Renewable Energy Certificates); or
 - ii) the installation of the Solar Energy System originally quoted for changes as a result of building works undertaken at the Owner's property or a request to change the location or design of the Solar Energy System by the Owner (which could also alternatively be charged separately to the Special Charge as a once-off invoice)..
- d) Any adjustment under clause b) that is more than 10% above the Cost of the Solar Energy System as on Page 1 will be made by way of a variation to the Scheme, in accordance with section 166 of the *Local Government Act 1989*. That is, where a variation would result in a change to the Owner's liability under the Scheme of 10% or more, the Owner will have an opportunity to make submissions to Council in respect of it and, if the Solar Energy System has not already been installed, withdraw from the Scheme.
- e) Payment for the Cost of the Solar Energy System will by default be apportioned in quarterly instalments over a 10-year period, commencing from the 2019-2020 rating year. The amount payable by the Owner per quarter is set out in Key Details (page 1).
- f) The Owner may alternatively choose to pay the Cost of the Solar Energy System sooner by arrangement with Council's Rates Team.
- g) Commencing after the installation of the solar system (approximately September 2019), the Owner will receive a Special Charge notice each quarter setting out their liability under the Scheme for the property at which the Solar Energy System is installed, until their liability under the Scheme is discharged in full.
- h) Unless otherwise agreed between the Parties, all payments are due at the date set out in each Special Charge notice. In the event that payment has not been made by the due date, Penalty Interest may be payable upon any outstanding amounts, in accordance with the *Local Government Act 1989* and this Agreement.
- i) Any delay or adjustment to the delivery date for the Solar Energy System within the installation period (up to June 30 2019) or adjustment to the Cost of the Solar Energy System under clause b) does not entitle the Owner to delay or withhold payment under this Agreement.

4) Council's Obligations

Council's obligations under this Agreement include the obligation to make all reasonable efforts to:

- a) enter into contractual arrangements with a licensed electrical contractor, who has experience and expertise in the Solar Energy industry and who is of good repute, to supply and install the Solar Energy System;
- b) ensure that any Contractor engaged under clause a) provides the supply and installation of a Solar Energy System to the Owner within a reasonable time of this Agreement being entered into.

5) The Owner's Obligations

- a) The Owner must pay to Council the Cost of the Solar Energy System in accordance with Section 3).
- b) The Owner must arrange for the Contractor and its agents to gain access to the Owner's property for the purposes of conducting site inspections, installing the Solar Energy System and to carry out any required repairs or replacements. If the property is let, this includes obtaining the permission of the Tenant in writing, using the form in Schedule 1 for this purpose.
- c) The Owner must ensure that those parts of their property in which works are being undertaken by the Contractor are safe to access, and free from asbestos or other toxic substances, prior to the Contractor or its agents accessing the Owner's property. If the property is let, this includes arranging for a Tenant to make those parts of the property safe.
- d) If the Owner's property is let to a Tenant by an agreement or residency right that is subject to the Tenancy Act, the Owner must comply with the Tenancy Act in relation to the installation or operation of the Solar Energy System at the Owner's property.
- e) If the property is let, the Owner will procure the Tenant's:
 - i) authorisation for the Contractor to submit an application to their electricity provider to connect a renewable energy system to the electricity provider's electrical distribution network; and
 - ii) agreement to take all reasonable action required by the Contractor, including signing any relevant documents, and paying any associated fees, in order for that connection to take place. The Tenant is responsible for any metering or other fees charged by their electricity provider and such charges do not form part of this Agreement.
- f) The Owner must not, and must ensure that any Tenant does not, intentionally damage, sell, trade or otherwise dispose of any part of the Solar Energy System during the term of this Agreement.
- g) The Owner must, and must ensure that any Tenant does, comply with any warranties, manufacturer's instructions and user manuals relating to the Solar Energy System and acknowledges that any failure to do so may void those warranties.
- h) Neither the Owner nor any Tenant has any entitlement to claim any Renewable Energy Certificates in relation to the Solar Energy System provided under this Agreement.

6) Assignment of Warranties

- a) The Contractor has agreed that all warranties relevant to the Solar Energy Systems will be issued in respect of, and remain with, the relevant properties at which the Solar Energy Systems are installed.
- b) If the Owner or a Tenant has any concerns, queries or requests for a service call, repair or replacement of the Solar Energy System, the Owner or Tenant must contact the Contractor who supplied and installed the Solar Energy System. Contact details for the Contractor will be supplied to the Owner and Tenant prior to the installation of the Solar Energy System.
- c) Council takes no responsibility for any costs or charges incurred by the Owner or any Tenant in contacting the Contractor under this clause 6). Such costs and charges are a matter to be agreed by the Owner and any Tenant.

7) No Guarantee of Savings

- a) While typically a Solar Energy System will result in reduced electricity costs for the Owner and any Tenant, no guarantee is made by Council that the Owner or any Tenant will save money on their electricity bills as a result of the provision of the Solar Energy System under this Agreement.
- b) Neither Council, nor the Contractor, is responsible for any inaccuracies or losses caused to the Owner or any Tenant by changes to feed in tariffs, electricity prices or government schemes.

8) No Liability

- a) To the fullest extent permitted by law, Council is not liable for the ongoing maintenance, repair or replacement of the Solar Energy System, including but not limited to:
 - i) the replacement of the goods or the supply of equivalent goods;
 - ii) the repair of such goods;
 - iii) the payment of the cost of replacing the goods or of acquiring equivalent goods; or
 - iv) the payment of the cost of having the goods repaired.
- b) The Owner agrees to the installation and use of the Solar Energy System under this Agreement at their own risk and releases Council from all claims resulting from any damage, loss, death or injury in connection with the installation and use of the Solar Energy System except to the extent that Council is negligent.
- c) The Owner must indemnify and hold harmless Council against all claims resulting from any damage, loss, death or injury in connection with the installation and use of the Solar Energy System except to the extent that Council is negligent.
- d) Each indemnity in this Agreement is a continuing obligation, separate and independent from the other obligations of the parties and survives termination of this Agreement.
- e) This Section (8) does not limit in any way the Owner's ability to make warranty claims directly to the Contractor.

9) Ownership of Solar Energy System

- a) Ownership of the Solar Energy System remains fully vested in Council during the term of the Agreement, unless the Solar Energy System is otherwise paid for in full in accordance with Section 3 **Error! Reference source not found.**, at which time the ownership of the Solar Energy System vests in the Owner.
- b) Once all payments payable under this Agreement have been made by the Owner in accordance with Section 3, the full ownership of the Solar Energy System will pass from Council to the Owner.

10) Termination

Without limiting the generality of any other clause, Council may terminate this Agreement by notice in writing if the Owner:

- a) breaches any essential terms of this Agreement and such breach is not remedied within 60 days of written notice by Council;
- b) fails to obtain the permission of the Tenant (if the property is let) for the Contractor to enter the Owner's property to install the Solar Energy System; or
- c) otherwise fails to observe their obligations under the Tenancy Act, to the extent that those obligations are relevant to this Agreement.

11) No Fettering of Council's Powers

It is acknowledged and agreed that this Agreement does not fetter or restrict Council's powers or discretions in relation to any powers or obligations it has under any Act, regulation or local law that may apply to the Scheme or any other aspect of this Agreement.

12) Entire Agreement

This Agreement constitutes the entire agreement between the parties. Any prior arrangements, agreements, representations or undertakings related to this solar installation are superseded.

13) Joint and Several Liability

If the Owner consists of more than one person, this Agreement binds them jointly and each of them severally.

14) Severability

If any provision of this Agreement is held invalid, unenforceable or illegal for any reason, this Agreement will remain otherwise in full force apart from such provision which will be considered to be deleted.

15) Governing Law

This Agreement will be governed by and construed according to the law of Victoria.

16) Disputes

- a) Any grievances or concerns relating to the Solar Energy System must be conveyed to the Contractor, in accordance with clause 6)b).

- b) If any dispute arises between the Owner and Council regarding this Agreement, the Parties must at first instance endeavour to resolve it by discussion and agreement.
- c) If any dispute arises between the Owner and a Tenant regarding this Agreement, it is the responsibility of the Owner to resolve the dispute. Such a dispute will not affect the Owner's obligations under this Agreement and Council will have no involvement in such a dispute.

17) Definitions

Contractor means the licensed electrical contractor, whether being a person or entity, engaged by Council to supply and install Solar Energy Systems under the Program.

Owner means the person or persons named in the Agreement as being the owner of the property at which a Solar Energy System will be installed.

Party means either Council or the Owner as the context dictates.

Penalty Interest means interest at the rate of 10 per cent per annum, or such other rate as may be fixed by section 2 of the *Penalty Interest Rates Act* 1983 from time to time.

Program means the "Solar Saver Program" of Council.

Renewable Energy Certificate has the same meaning as in the *Renewable Energy (Electricity) Act* 2000 (Cth) and includes any other certificate, right or entitlement of a similar nature which arises under Victorian or Commonwealth legislation;

Scheme means the Special Rate Scheme to be declared by Council, under the *Local Government Act* 1989, to recoup the costs of the Solar Energy Systems provided as part of the Program.

Solar Energy System means the system described at **Error! Reference source not found.**Schedule 2 and includes the solar panels and any associated infrastructure and materials provided by the Contractor for the proper functioning of the solar panels to produce electricity from solar power, but does not include any infrastructure or services provided by third parties (such as electricity distributors or electricity retailers).

Tenancy Act means the *Residential Tenancies Act* 1997.

18) SIGNED as an agreement between:

	Owner 1: _____
DATE: SIGNED for and on behalf of Darebin City Council ACN 75 815 980 522 by Gavin Mountjoy Coordinator Energy and Adaptation Darebin City Council	Owner 2 (if applicable): _____ DATE: SIGNED by [Ratepayer name (s)]

Summary of Key details – see front page for full Key Details and Schedule 2 for a full breakdown of costs

Cost of the Solar Energy System	[MERGE quote amount (ex GST, post STC)] See breakdown provided at Schedule 2.
Amount payable by the Owner in each quarterly rates notice from September 2019	An amount equal to 1/40 th of the total cost, being approximately: \$ (iMERGE amount) per quarter (for forty quarterly payments)
This includes:	The supply and installation of the solar system, and any repair or replacement covered by the warranty during the warranty period.
This does not include:	Any connection fee charged by your energy retailer or distributor or unforeseeable associated electrical works; any general maintenance, service calls or repair or replacement not covered by the warranty.
Option to withdraw from agreement:	This agreement is entirely voluntary. The Owner can withdraw their agreement, without penalty, any time up to a week before their scheduled installation. The owner can also withdraw their agreement any time up to the day before their installation but may incur a cancellation fee if less than a week's notice is given.

NOTE: IF YOU ARE SCANNING THIS AGREEMENT TO RETURN TO COUNCIL PLEASE SCAN THE ENTIRE DOCUMENT INCLUDING SCHEDULE 2 (THE QUOTE) AND SCHEDULE 1 IF APPLICABLE.

TICK THIS BOX IF YOU WOULD LIKE THIS SIGNED AGREEMENT POSTED BACK TO YOU.

Schedule 1

[NOTE: Schedule 1 is applicable ONLY if the property is tenanted. Owner-occupiers do not need to complete this form.]

Tenant's permission for Contractor to access Owner's property

I,

[Tenant's full name]

a tenant to whom the premises at

«Installs.Install street number and name» «Installs.Install street type»

«Installs.Install Suburb VIC Postcode»

are let under a tenancy agreement as defined under the *Residential Tenancy Act 1997*, agree to allow the contractor (and its agents) responsible for installing a solar panel system at the rented premises to access the premises for the purposes of conducting site inspections, installing the solar energy system and to carry out any required repairs, maintenance or replacements.

The Tenant authorises the Contractor to submit an application to their electricity provider to connect a renewable energy system to the electricity provider's electrical distribution network and the Tenant must take all reasonable action required by the Contractor, including signing any relevant documents, and paying metering or other fees charged by their electricity provider in order for that connection to take place.

SIGNED by:

.....
Signature

Date:

.....
Full Name

APPENDIX B**Table of properties intended to be subject to the Solar Saver special charge scheme**

Each listed property has been assessed as to the size of solar panel and installation costs and the owner has been provided and agreed to the following quotation to have a solar energy system installed at their property.

FULL LIST OF ADDRESSES AND COSTS

Address	Cost
4 Mercil Road ALPHINGTON VIC 3078	\$6,101.75
31 Keith Street ALPHINGTON VIC 3078	\$5,508.75
31 Grange Boulevard BUNDOORA VIC 3083	\$7,735.77
74 Elizabeth Street COBURG NORTH VIC 3058	\$6,934.19
17 Malcolm Street COBURG NORTH VIC 3058	\$2,836.63
60 Arthur Street FAIRFIELD VIC 3078	\$10,429.15
13 Sparks Avenue FAIRFIELD VIC 3078	\$7,773.69
177 Wingrove Street FAIRFIELD VIC 3078	\$4,178.89
1/36 Sparks Avenue FAIRFIELD VIC 3078	\$5,880.75
3 Palm Street FAIRFIELD VIC 3078	\$8,505.78
118 Arthur Street FAIRFIELD VIC 3078	\$5,812.42
122 Arthur Street Street FAIRFIELD VIC 3078	\$6,585.42
82 Scott Grove KINGSBURY VIC 3083	\$6,011.75
8 Manor Green MACLEOD VIC 3085	\$7,849.42
39 Forestwood Drive MACLEOD VIC 3085	\$10,440.84
4 Cade Grove MACLEOD VIC 3085	\$7,576.19
27 Salisbury Grove NORTHCOTE VIC 3070	\$4,972.35
11 Whalley Street NORTHCOTE VIC 3070	\$5,771.25
1 Wastell Street NORTHCOTE VIC 3070	\$5,847.48
31 Barry Street NORTHCOTE VIC 3070	\$7,228.75
68 Kellett Street NORTHCOTE VIC 3070	\$6,215.42
133 Gladstone Avenue NORTHCOTE VIC 3070	\$7,334.85
7 Jessie Street NORTHCOTE VIC 3070	\$5,895.93
16 Hillside Avenue NORTHCOTE VIC 3070	\$9,505.46
133 Mitchell Street NORTHCOTE VIC 3070	\$10,134.13
13 Newmarket Street NORTHCOTE VIC 3070	\$6,204.75
93 Westgarth Street NORTHCOTE VIC 3070	\$13,750.27
62 Waterloo Road NORTHCOTE VIC 3070	\$5,865.48
104 Charles Street NORTHCOTE VIC 3070	\$5,056.82
7/138-142 Arthurton Road NORTHCOTE VIC 3070	\$4,845.71
10 Latham Street NORTHCOTE VIC 3070	\$5,373.75
22 Oldis Avenue NORTHCOTE VIC 3070	\$3,718.95
20 Oldis Avenue NORTHCOTE VIC 3070	\$8,470.13
34 Elm Street NORTHCOTE VIC 3070	\$6,128.40

COUNCIL MEETING

4 FEBRUARY 2019

Address	Cost
42 Ross Street NORTHCOTE VIC 3070	\$5,837.71
2 Balgonie Place NORTHCOTE VIC 3070	\$4,173.67
6 Brooke Street NORTHCOTE VIC 3070	\$6,606.92
146 St Georges Road NORTHCOTE VIC 3070	\$10,965.17
72 Union Street NORTHCOTE VIC 3070	\$6,932.09
4/6 Mount Street PRESTON VIC 3072	\$5,177.93
7 Orient Grove PRESTON VIC 3072	\$8,282.42
22 Hope Street PRESTON VIC 3072	\$8,237.42
6 Calbourne Street PRESTON VIC 3072	\$6,396.30
67 Malpas Street PRESTON VIC 3072	\$6,314.72
75 Youngman Street PRESTON VIC 3072	\$6,673.75
529 Bell Street PRESTON VIC 3072	\$4,349.24
8 Rowan Street PRESTON VIC 3072	\$8,031.13
27 Bischoff Street PRESTON VIC 3072	\$4,485.03
19 Reidford Avenue PRESTON VIC 3072	\$6,702.42
20 Collier Street PRESTON VIC 3072	\$13,564.44
3/31 Bailey Avenue PRESTON VIC 3072	\$5,606.75
21 Larne Grove PRESTON VIC 3072	\$6,899.75
2/2 Roseberry Avenue PRESTON VIC 3072	\$4,670.71
10 Pender Street PRESTON VIC 3072	\$5,223.75
18 Leonard Street PRESTON VIC 3072	\$4,770.71
12 Roxburgh Street PRESTON VIC 3072	\$13,470.27
181 Dundas Street PRESTON VIC 3072	\$7,633.42
16 Mount Street PRESTON VIC 3072	\$3,516.32
27 McGowan Avenue PRESTON VIC 3072	\$7,134.19
17 Rita Street PRESTON VIC 3072	\$6,325.66
65 William Street PRESTON VIC 3072	\$5,370.75
160 Tyler Street PRESTON VIC 3072	\$5,095.71
3/76 Oakover Road PRESTON VIC 3072	\$5,874.75
40 Eton Street PRESTON VIC 3072	\$7,959.42
7 Kalimna Street PRESTON VIC 3072	\$6,134.75
9 Mitchell Street PRESTON VIC 3072	\$6,391.75
88 Regent Street PRESTON VIC 3072	\$7,397.42
13 Burgess Street PRESTON VIC 3072	\$9,847.05
2/17 Pershing Street RESERVOIR VIC 3073	\$5,984.09
2/2 Palm Avenue RESERVOIR VIC 3073	\$4,307.51
15 Kelsby Street RESERVOIR VIC 3073	\$7,817.08
28 Walsal Avenue RESERVOIR VIC 3073	\$13,466.07
1/107 Barton Street RESERVOIR VIC 3073	\$5,205.03
3/70 Summerhill Road RESERVOIR VIC 3073	\$5,172.82
26 Chauvel Street RESERVOIR VIC 3073	\$4,752.93
1A Daventry Street RESERVOIR VIC 3073	\$5,805.42

COUNCIL MEETING

4 FEBRUARY 2019

Address	Cost
24 McColl Street RESERVOIR VIC 3073	\$7,489.13
10 Mattea Court RESERVOIR VIC 3073	\$6,960.75
3/18A Beatty Street RESERVOIR VIC 3073	\$6,019.93
68A Barton Street RESERVOIR VIC 3073	\$5,722.75
57 Royal Parade RESERVOIR VIC 3073	\$7,539.45
2 Xavier Grove RESERVOIR VIC 3073	\$6,340.42
1/74 Delaware Street RESERVOIR VIC 3073	\$5,508.75
66 Village Drive RESERVOIR VIC 3073	\$3,033.01
4 Excelsior Street RESERVOIR VIC 3073	\$6,434.75
25 Hughes Parade RESERVOIR VIC 3073	\$5,353.75
19 Hughes Parade RESERVOIR VIC 3073	\$4,543.07
28 Foch Street RESERVOIR VIC 3073	\$6,333.42
61 Rathcown Road RESERVOIR VIC 3073	\$6,419.75
104 Purinuan Road RESERVOIR VIC 3073	\$9,155.77
14 Black Street RESERVOIR VIC 3073	\$4,149.89
2/15 Evans Crescent RESERVOIR VIC 3073	\$4,554.89
26 Steane Street RESERVOIR VIC 3073	\$7,125.42
111 Barry Street RESERVOIR VIC 3073	\$6,963.42
15 Barwon Avenue RESERVOIR VIC 3073	\$7,438.13
65 Rubicon Street RESERVOIR VIC 3073	\$5,229.93
3 Henderson Street RESERVOIR VIC 3073	\$5,508.75
9/47-49 Rathcown Road RESERVOIR VIC 3073	\$5,889.75
34 Crispe Street RESERVOIR VIC 3073	\$6,643.48
207 Village Drive RESERVOIR VIC 3073	\$3,715.95
2/42 Tambo Avenue RESERVOIR VIC 3073	\$6,094.75
29 Powell Street RESERVOIR VIC 3073	\$7,334.85
7 Dorrington Avenue RESERVOIR VIC 3073	\$4,889.46
2 Hosken Street RESERVOIR VIC 3073	\$5,784.75
2/93A PURINUAN Road RESERVOIR VIC 3073	\$4,514.71
27 Wilkinson Street RESERVOIR VIC 3073	\$5,342.71
2B Taylor Avenue RESERVOIR VIC 3073	\$6,181.75
1 Killara Street RESERVOIR VIC 3073	\$4,424.89
7 Bendigo Street RESERVOIR VIC 3073	\$7,915.13
163 Hutton Street THORNBURY VIC 3071	\$8,062.45
220 Collins Street THORNBURY VIC 3071	\$11,354.55
61 Mansfield Street THORNBURY VIC 3071	\$8,077.13
103 Miller Street THORNBURY VIC 3071	\$4,178.89
39 Collins Street THORNBURY VIC 3071	\$6,168.93
7 Hill Street THORNBURY VIC 3071	\$8,082.13
275A Gooch Street THORNBURY VIC 3071	\$6,234.75
291 Rossmoyne Street THORNBURY VIC 3071	\$7,126.75
290 Mansfield Street THORNBURY VIC 3071	\$7,101.75

COUNCIL MEETING

4 FEBRUARY 2019

Address	Cost
20 Benjamin Street THORNBURY VIC 3071	\$9,918.63
57 Clarendon Street THORNBURY VIC 3071	\$13,276.07
118 Speight Street THORNBURY VIC 3071	\$6,011.75
3/60 Hutton Street THORNBURY VIC 3071	\$5,774.43
77 Miller Street THORNBURY VIC 3071	\$4,973.71
20 Flinders Street THORNBURY VIC 3071	\$5,874.75
96 Gooch Street THORNBURY VIC 3071	\$4,793.71
2 Bradley Avenue THORNBURY VIC 3071	\$7,402.15
Total cost to households	\$838,015.55

SUMMARY

TOTAL kilowatts to be installed	748.72
Number of installations	126
TOTAL cost to households	\$838,015.55
Cost to Council inc GST	\$921,817.11
Projected price of STCs to be claimed	\$383,284.74
Approximate rounding on STCs	\$38,328.47
Projected total cost to Council (INC GST, pre STCs claimed)	\$1,305,102

8.2 SUPPLY AND INSTALLATION OF SOLAR PV SYSTEMS FOR DAREBIN SOLAR SAVER - CT201842 CONTRACT EXTENSION**Author:** Coordinator Energy and Adaptation**Reviewed By:** General Manager City Sustainability and Strategy

PURPOSE

It is recommended that the existing Solar Saver Supply Panel contractor Solargain PV Pty Ltd, be given a 2 month time extension for quoting, signing of the householder agreements and installation to enable more solar PV systems to be installed under the existing contract.

EXECUTIVE SUMMARY

Delays to the commencement of the next round of quotations as a result of the Victorian Government's new Solar Homes rebate program, and sub-contractor installation price increases, mean that it is desirable for Council to extend the contract period and the contract amount to Solargain PV to maximise the delivery of solar to households in this contract round.

The anticipated price increases in the following rounds, means that the proposed contract extension provides excellent value for households; will result in less installation delays, and enables Council to prepare for the next round of Solar Saver more efficiently.

Recommendation

That Council:

- (1) Extend the contract awarded to Solargain PV Pty Ltd for Stage 1 of implementation for Supply Panel 1 – Residential and Small non-residential Solar PV systems to deliver the supply and installation of solar PV systems by two months to 31 August 2019 with a total contract sum of \$3,000,000 GST exclusive.
 - (2) Authorises the Chief Executive to finalise and execute the supply contract on behalf of Darebin Council for Stage 1 of implementation for Supply Panel 1 - Residential and Small, non-residential Solar PV systems.
-

BACKGROUND

The Darebin Solar Saver program is highly valued by the community, the industry and is a significant Council program delivering on Council's Sustainable City goal.

The unexpected introduction of the Victorian Government's Solar Homes rebate, has resulted in delays to the establishment of the next round of the Solar Savers program and has increased the price of solar PV panels and installations costs.

The recommendation to extend the contract with Solargain PV Pty Ltd from 30 June 2019 to 31 August 2019, is made based on the delays in the commencement of the quotations and the impact of the Solar Homes Rebate on the industry.

Previous Council Resolution

At its meeting held on 13 August 2018, Council resolved:

'That Council:

- (1) 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.*
- (2) 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.*
- (3) Awards the appointment of Solargain PV Pty Ltd; The Environment Shop Pty Ltd as the trustee for Environment Futures Trust, trading as Enviro Group; and Flextronics Australia Pty Ltd trading as 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.*
- (4) Awards the appointment of Solargain PV Pty Ltd; The Environment Shop Pty Ltd as the trustee for Environment Futures Trust, trading as Enviro Group; and Flextronics Australia Pty Ltd trading as 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.*
- (5) Approves the award of Stage 1 of implementation for Supply Panel 1 – residential and small non-residential Solar PV Systems to Solargain PV Pty Ltd 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.*
- (6) 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.*

COMMUNICATIONS AND ENGAGEMENT**Consultation**

Officers have been in discussions with two of the contractors on the approved panel list.

Communications

The original request for Tender was publically advertised on Saturday 24 March 2018 in the Age Newspaper. A tender information session was also conducted on Thursday 29 March 2018 for tenderers. A comprehensive communications plan for participation in the program has been developed in conjunction with the current contract offerings.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 1 - A sustainable city

Darebin Climate Emergency Plan 2017. One of the key actions of the Darebin Climate Emergency Plan is the delivery of an expanded Solar Saver Program over the next three years.

Environmental Sustainability Considerations

The proposed contract responds directly to minimising the environmental impacts of participants through reducing grid connected electricity and increasing solar PV generation. For every 1,000kW of solar PV installed under the program, it is estimated to reduce greenhouse gas emissions by approximately 2,500 tCO₂-e annually. It is anticipated that in 2019 Darebin Solar Saver is expected to install around 4,000kW across 850 installations, with an estimated equivalent annual greenhouse gas saving of 10,000 tCO₂-e.

Equity, Inclusion and Wellbeing Considerations

While the program has been expanded to enable the offer of the special charge scheme repayment option to all residential ratepayers, priority will still be given to those who identify as:

- Low income households (including concession card holders)
- Pensioners
- Renters (arrangements for Landlords and renters have not been finalised by Solar Homes Victoria and are not likely to be available until 1 July 2019)
- Social Housing tenants
- From culturally and linguistically diverse (CALD) households

For the group of participants who are currently at installation phase, 44% are from priority groups.

Cultural Considerations

The recruitment process for participants will continue to include communications and engagement targeted to culturally and linguistically diverse (CALD) communities.

Economic Development Considerations

The evaluation of tender submissions included an assessment of the local business content. The extension of the contract with Solargain PV Pty Ltd still represents good value for Darebin households and businesses, considering installation cost increases. Council has also begun collating participant interest from Darebin businesses and organisations which to date, totals approximately 90 registrations.

Financial and Resource Implications

The 2018/19 Council Budget includes \$5,400,000 funding for the Darebin Solar Saver Program. As shown in the table below, this amount covers this proposed contract for the 2018/19 period and the supply and installation costs for the existing contract with The Environment Shop Pty Ltd as the trustee for Environment Futures Trust trading as Enviro Group, and the associated project administration costs.

As a result of the new Solar Homes rebate, it is estimated that 350 households of the anticipated 400 households in the forthcoming round, will be eligible for the \$2,225 rebate. Council will need to pay up front, but will be able to claim the rebate by 30 June 2019. Even though average systems sizes are increasing from 4.3 kW to 6 kW, the effect of the rebate means less financial costs to Council. Indicative expenditure forecast for the Solar Saver program in 2018/19 is as follows.

Activity	Revised 2018/19 Excluding GST
Solar Saver installation July to December 2018 – delivery under separate contractual arrangements with Enviro Group (actuals)	\$2,245,764
Supply Panel 1: residential and small non-residential (indicative) based on: 350 households @ \$4,000 (includes Vic Rebate) 50 households @ \$6,000 (no rebate)	\$1,700,000
Supply Panel 2: non-residential (indicative)	\$500,000
Project administration (revised)	\$285,000
Total	\$4,730,764

Table 1 Indicative program budget costs- Darebin Solar Saver Program

The existing contract with Solargain PV Pty Ltd is for \$2,187,300 excluding GST. The Solar Homes rebate is driving households to purchase larger sized systems. Even with slightly lower participation in this round (400 not 500 households), the larger cost systems will require Council to revise the contract amount. The contract with Solargain PV Pty Ltd includes the total price as Council claims the rebate.

It is recommended that the contract amount be extended to \$3,000,000 excluding GST. This would enable up to 430 households (who are eligible for the rebate) and 50 non rebate households to participate and still be with the 2018/19 \$5.4 million budget.

Legal and Risk Implications

A project management framework for the entire program has been developed to oversee and deliver the program for the three year period, reflecting the proposed duration of the supply panels.

Council has an obligation to ensure the safety of installers and the technical compliance of solar systems in the Solar Saver program. As a result, Council has engaged two professional contractors to provide OH &S audits of installation process and the technical compliance of installations for the recently completed Enviro Group installations and the forthcoming round with Solargain PV. Officers have worked closely with Enviro Group and will do so with Solargain PV to ensure the learnings of the audit work are incorporated into the next rounds of Solar Saver program.

DISCUSSION

Victorian Government's Solar Homes Rebate

The Victorian Government announcement in August 2018 of the solar PV rebate (up to \$2,225 for eligible households) was great news for Victorian households. The announcement however, created uncertainty for many Solar Saver households and Council due to the initial communication that Darebin Solar Saver households would not be entitled to the rebate. This resulted in less households taking up the last round of Solar Savers and a delay to the start of the next round.

After considerable negotiation an agreement has recently been made between Sustainability Victoria (who administer the Solar Homes program) and Darebin Council for Darebin Solar Saver households to be eligible for the rebate of 50% of the system cost up to a maximum of \$2,225 (subject to the meeting of other eligibility requirements such as the means test).

Solargain PV commenced the next round quotation process in early December 2018. Each quotation requires a site-visit, review and preparation of an Agreement which the householder is required to sign. As a result Council will put forward up to three sequential batches of households to commence the Special Charge Declaration process commencing in February 2019. Extending the contract with Solargain PV Pty Ltd by two months enables more households to be processed in a shorter amount of time.

Increase in sub-contractor installation prices

As a result of the Victorian Government's Solar Homes rebate, there are very high levels of demand for solar pv installers. The high demand has led to sub-contractors increasing installation costs by \$300 - \$500 per system. In light of the above, Solargain PV Pty Ltd have indicated that they are only prepared to hold the existing prices for a further 2 months - for installations to be completed by 31 August 2019. A contract extension at these prices provides excellent value for Darebin residents and for Council.

It is proposed to extend the period of quotation and signing of householder agreements so that Solargain PV Pty Ltd be given a more suitable amount of time to complete the quotation process for this round. It is proposed that period of installation be extended from 30 June 2019 to 31 August 2019.

Energy Matters ceased trading in December 2018

In December 2018, Flextronics Australia Pty Ltd trading as Energy Matters announced that they were ceasing trading in Australia. Energy Matters is not insolvent, but the parent company Flextronics had made the decision to cease trading in Australia in the solar industry. Energy Matters installed the solar systems for 292 households in 2014 and 192 households in 2016 in the first two rounds of Solar Saver. Energy Matters have an ongoing obligation to provide 10 year warranties on system components and installation.

Energy Matters confirmed that warranties would be honoured and Energy Matters would be seeking to engage the services of a suitable contractor to honour equipment warranties and maintenance requirements. With Energy Matters leaving the solar PV installation market, this leaves Council with only two contractors on the Solar Savers Supply Panel – Enviro Group and Solargain PV.

OPTIONS FOR CONSIDERATION

In future rounds the length of the contract period will be reviewed, there is a considerable amount of time required to establish each contract, set up the appropriate systems and information. Contract period of at least 12 months will be considered as well as to whether it is desirable or possible to add another contractor to the Supply Panel.

Initial feedback from Solar Homes Victoria has been that from 1 July 2019, the rebate may be offered through a point of sale rebate. In this situation, the householder would not have to pay the full sale price and then claim the rebate, which is the present process. Council will need to have the capacity to respond to either options and ensure Council has appropriate agreements with Sustainability Victoria to provide the rebate to Darebin's Solar Saver households.

The Solar Homes rebate is great news for households and has stimulated high levels of interest in solar PV installation. However the introduction of the rebate has added to the administrative load of officers in processing more information and more inquiries.

IMPLEMENTATION STRATEGY

Details

The following are the key next steps for the Solar Saver program:

- Finalise contract extension with Solargain PV Pty Ltd;
- Continue the quotation process for this existing round;
- Progress more Special Charge Schemes for the following households and businesses for the installation period up to 31 August 2019:
- Request re-pricing from the approved Supply Panel contractors for the next round of installations

Communication

Council has over 950 residents on a 'registered interest' waiting list. At any time Council will accept and register households and businesses interested in the program, through the website, telephone or email.

Council is developing materials which will aid with the communication with people from culturally diverse backgrounds and people who may not be aware of the Victorian Solar Homes rebate and Council Solar Saver program.

Timeline

A report on the Intention to declare the next Solar Saver Special Charge Scheme is being put to Council at the same meeting.

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.

8.3 PROPOSED LOCAL LAW FOR THE MANAGEMENT OF PROTECTED TREES ON PRIVATE PROPERTY**Author:** Manager Parks and Gardens**Reviewed By:** General Manager Operations and Capital

PURPOSE

To seek Council's endorsement for the introduction of a local law to afford protection of trees on private property.

The purpose of a Tree Protection Local Law is to ensure that the component of the urban forest on private property is healthy, safe, provides amenity and increases liveability for the community by:

- Prohibiting, regulating and controlling activities that could be a risk or endanger protected trees in Darebin.
- Applying controls which will complement other controls such as Vegetation Protection and Environmental Significance Overlay overlays already applied by Council to maintain and protect trees in Darebin.

EXECUTIVE SUMMARY

Several options have been considered to protect trees on private property including extending overlays to the entire municipality to the introduction of a local law. The Urban Forest Strategy calls for Council to consider introducing greater protection for trees on private land as an action - 'Council will advocate for the protection and proper maintenance of trees within the Urban Forest'.

The introduction of a local law will provide protection for trees on private property while extension of planning overlays and a significant tree register are considered.

The local law will require a permit to be obtained to prune or remove protected trees. The definition of a protected tree is a tree with a single or combined trunk circumference greater than 125 centimetres measured at 1.5 metres above ground level and having a height greater than 8 metres, but excludes species that are declared Noxious Weeds.

Recommendation**That Council:**

- (1) Endorses the draft *Tree Protection Local Law 2018* and Management of Tree Protection on Private Property Policy 2018, attached at **Appendix A and B** for public submission.
- (2) Undertakes public consultation process in accordance with Section 223 of the *Local Government Act 1989*. Public submissions can be made for a period of 28 days. Any person who makes a written submission in relation to the draft *Tree Protection Local Law 2018* and requests to be heard in support of the written submission, will be heard by the Hearing of Submissions Committee at a date and time to be fixed no earlier than 7 days after the submission closing date.
- (3) Notes officers will give notice in the Government Gazette and public notice in accordance with sections 223 of the *Local Government Act 1989* of Council's intention to adopt, the *Tree Protection Local Law 2018* at an Ordinary meeting of Council.

BACKGROUND / KEY INFORMATION

Protection of trees on private property only occurs in areas of Macleod (Springthorpe), Fairfield / Alphington and within 200m of a creek leaving the majority of trees on private land unprotected. This has resulted in a substantial reduction of trees in private space. An examination of aerial photographs in a section of Reservoir indicate a loss of more than 50% of the tree canopy over a 10 year period.

Several options have been considered to protect trees on private property including extending overlays to the entire municipality to the introduction of a local law. The Urban Forest Strategy calls for Council to consider introducing greater protection for trees on private land as noted '*Council will advocate for the protection and proper maintenance of trees within the Urban Forest*'.

Previous Council Resolution

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

COMMUNICATIONS AND ENGAGEMENT**Consultation**

Coordinator Arboriculture Planning
Manager City Safety and Compliance
Governance Consultant

Communications

The communications and community consultation will be in accordance with the requirements of the *Local Government Act*.

- Public Consultation - Minimum of 28 days
 - Public consultation process is undertaken in accordance with section 223 of the *Local Government Act 1989* (28 day minimum consultation process)

- Public Notice with intention to make Local Law is given in the Government Gazette and placed in the Age, copy of Ad to be placed in the Preston and Northcote Leaders.
- Hearing of Submissions if required to be scheduled no less than 7 days after the close of the public submission process

ANALYSIS

Alignment to Council Plan / Council policy

Goal 1 - A sustainable city

The introduction of tree protection on private land is an action of the Urban Forest Strategy.

Environmental Sustainability Considerations

Introduction of tree protection will greatly assist in achieving Council's goal of preserving and enhancing the urban forest

Equity, Inclusion and Wellbeing Considerations

There are no equity, inclusion and wellbeing considerations relevant to this paper

Cultural Considerations

There are no cultural considerations relevant to this paper

Economic Development Considerations

There are no economic development considerations relevant to this paper

Financial and Resource Implications

This is a new Local Law and is not included in the current budget.

Management of a tree protection local law for trees would require additional staff resources. A full time Planning arborist authorised officer would be needed to administer the local law. Approximate salary cost would be \$80,000 per year. An additional \$40,000 for set up costs would also be required. If the Local Law is adopted by Council, funding will be sort as part of the development of the 2019/20 Council Budget.

This would be partially offset with the application of a \$200 per application fee. Based on current planning applications referred to Parks of 15 per month \$36,000 could be recouped. Further funds would be recouped with the enforcement of fines.

Legal and Risk Implications

A number or possible risks are addressed by the proposed Local Law. The first relates to ensuring that the risk to the urban forest by unregulated tree removal is minimised. Another risk is addressed by providing a means of regulating tree removal where development is to occur.

As a result of risks that arise from threats to public safety because of the health, condition or location of a tree, the requirement for a permit may be waived providing the owner has contacted Council's arboriculture department.

DISCUSSION

Proposed Local Law

The Local Law requires a permit to prune, remove or do anything that could result in damage or the destruction of a protected tree on private property. It also requires a permit to undertake any works within the Tree Protection Zone as per The Australian Standard AS 4970 "Protection of Trees on Development Sites".

The definition of a protected tree is a tree with a single or combined trunk circumference greater than 125 centimetres measured at 1.5 metres above ground level and having a height greater than 8 metres, but excludes species that are declared Noxious Weeds. Protected trees are generally of medium to large size, with an equivalent trunk diameter of 400mm, measured at 1.5 metres above ground level. Eucalypts, Oaks and other trees are examples of a medium to large tree. Fruit trees are not generally protected trees due to their smaller size.

There are some exemptions to the permit requirement such as where a protected tree or part of a protected tree poses an immediate risk to people or to property.

A permit is not required for minor pruning of a tree. Minor pruning or pruning for regular maintenance is carried out in accordance with Australian Standard (4373:2007 Pruning of Amenity Trees) by a suitably qualified arborist and does not result in the damage or destruction of a protected tree on private property. A permit would not be required for most fruit trees such as apples and lemons, due to their smaller size.

Issuing of a permit to remove a tree will also include a requirement to plant offsets of a species and number determined by Council on the applicant property. If this is not possible, Council may require the applicant to pay for the planting of trees on Council land.

A failure to obtain a permit is an offence under the Local Law and a person is liable to pay a penalty for the breach.

Applications

The application process will be online. Applicants will be required to complete the application form, provide as much information as possible justifying the tree removal or provide an arborist report justifying the proposed works and pay the assigned fee. The application will be assessed by a qualified arborist and the applicant notified within 14 days. The application will be assessed according to the Tree Protection on Private Property Policy. (**Appendix B**)

OPTIONS FOR CONSIDERATION

- a. Do nothing - failure to implement the local law will continue to see a decline in the tree canopy coverage on private land.
- b. Pass the resolution establishing a local law for the protection of trees on private property to assist with the preservation of the private urban forest and the associated benefits of a healthy tree canopy.

IMPLEMENTATION STRATEGY

Details

- Public Consultation- Minimum of 28 days beginning 7 February 2019 and ending on 8 March 2019
 - Public consultation process is undertaken in accordance with section 223 of the *Local Government Act 1989* (28 day minimum consultation process).
 - Public Notice with intention to make Local Law is given in the Government Gazette 7 February 2019 and placed in the Age 8 February 2019, copy of Ad to be placed in the Preston and Northcote Leaders on 12 and 13 February 2019.
- Hearing of Submissions if required to be scheduled no less than 7 days after the close of the public submission process. The hearing of submissions would take place during the week of 25 March 2019.
- Report to Council 18 March 2019.

Communication

A communications plan has been developed to advise the community of the proposed local law, its application and implications. This includes a FAQ sheet (**Appendix D**) and media releases.

Timeline

See above

RELATED DOCUMENTS

- Urban Forest Strategy

Attachments

- Tree Protection Local Law 2018 (**Appendix A**) [↓](#)
- Management of Tree Protection on Private Property Policy 2018 (**Appendix B**) [↓](#)
- Community Impact Statement Discussion Paper (**Appendix C**) [↓](#)
- Frequently Asked Questions (FAQ's) (**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.

DRAFT

DAREBIN CITY COUNCIL
TREE PROTECTION LOCAL LAW
NO. XX of 2018

PART ONE - PRELIMINARY PROVISIONS

1. Title

This is the *Tree Protection Local Law* No. XX of 2018.

2. Objectives

The objectives of this Local Law are to ensure that the urban forest is healthy, safe, provides amenity and increases liveability for the community by:

- (a) prohibiting, regulating and controlling activities that could be a risk or endanger protected trees in the Municipal District; and
- (b) Applying controls which will complement other controls being applied by the Council to maintain and protect trees in the Municipal District.

3. Authorising Provision

This Local Law is made under Section 111(1) of the Local Government Act 1989.

4. Commencement and revocation

This Local Law:

- (a) Commences on *(date to be inserted)*; and
- (b) Unless it is revoked sooner, this Local Law ceases to operate on *(date to be inserted)*.

5. Area of Operation

This Local Law operates throughout the whole Municipal District.

6. Incorporated Documents

- (1) This Local Law incorporates by reference documents containing Council Policy, standards or guidelines that apply to specific uses or activities which are intended to assist in achieving the objectives of this Local Law.
- (2) It is intended that where an incorporated document is applied to a use or activity a person must comply with any or all of the requirements specified for that use or activity.

7. Interpretation and Definitions

- (1) In this Local Law the following words have the meaning given to them unless stated otherwise:

“Act”	means the Local Government Act 1989 .
“authorised officer”	means a person appointed as an Authorised Officer under section 224 of the Local Government Act 1989 for the purposes of this Local Law.
“Council”	means the Darebin City Council.
“Council land”	means land, buildings and facilities which are owned, occupied or vested in the Council or in respect of which the Council has the care and management and to which the public has access whether an entry fee is paid or not and includes a Public place.
“Minor Pruning”	Means pruning for maintenance that is carried out in accordance with Australian Standard (4373:2007 Pruning of Amenity Trees) by a suitably qualified arborist and does not result in the damage or destruction of a protected tree on private property.
“Municipal District”	means the Municipal District of the Council.
“Noxious Weeds”	has the same meaning as in the Land Catchment and Protection Act 1994.
“Private Land”	means any land that is not Council Land or land in the ownership or under the management or control of another public body.
“Penalty Unit”	means the amount prescribed by section 110(2) of the Sentencing Act 1991 - 1 penalty unit is \$100.
“Policy”	means a policy made by the Council or that Council is required to comply with in relation to its activities and where those specified activities and uses are regulated by this Local Law.
“Protected Tree”	means a tree with a single or combined trunk circumference greater than 125 centimetres measured at 1.5 metres above ground level and having a height greater than 8 metres, but excludes species that are declared Noxious Weeds.
“Tree Protection Zone”	means the radius of the Protected Tree being 12 times the trunk diameter of the tree at breast height (1.4m above ground level). The Australian Standard AS 4970 “Protection of Trees on Development Sites” prescribes how the Tree Protection Zone is calculated.
“Works”	includes construction, demolition, renovation, alteration, removal or relocation of any building or structure and includes any excavations, the delivery of any machinery, equipment or building materials to land or any preparatory or ancillary work on land.

- (2) The provisions of the *Interpretation of Legislation Act 1984* will be applied in aid of interpreting this Local Law and in facilitating the achievement of the objectives of this Local Law.
- (3) Unless the context requires otherwise, a reference to “the Council” in this Local Law includes a reference to an Authorised Officer who has been appointed and delegated the power to administer and enforce this Local Law and to exercise any discretion when required by this Local Law.

PART TWO – PROTECTION OF TREES**8. Permit Requirement**

(1) A person must not without a permit:

- (a) prune, remove or do anything or allow pruning that could result in damage or the destruction of a protected tree on private property; or
- (b) undertake any works within the Tree Protection Zone.

Penalty: 20 Penalty Units

(2) In addition to complying with any conditions of a permit, a person who has obtained a permit under subclause (1) must comply with the requirements of the Council's current *Management of Tree Protection on Private Property Policy 2018*.

Penalty: 20 Penalty Units

(3) In determining whether to grant a permit, an Authorised Officer will have regard to:

- (a) written evidence of the owner's consent if the applicant is not the owner of the private land;
- (b) whether the tree is a protected tree;
- (c) the Council's current *Management of Tree Protection on Private Property Policy 2018*;
- (d) information submitted by the applicant as to the condition and health of tree;
- (e) information submitted by the applicant of damage or likely damage to property or infrastructure;
- (f) the visual impact that the removal of the tree will have on the neighbourhood; and
- (g) any other matter relevant to the circumstances of the application.

9. Exemptions

A permit is not required under this Local Law:

- (a) If the removal of a tree requires a permit under the Darebin Planning Scheme and a permit has been obtained; or
- (b) If works are deemed by the Authorised officer to be minor pruning.
- (c) If the owner of the private property has notified an Authorised Officer that a protected tree or part of a protected tree poses an immediate risk to people or property and the Authorised Officer is satisfied that the protected tree is an immediate risk to people or property.

PART THREE – ADMINISTRATION AND ENFORCEMENT

10. Exercise of Discretion

In exercising any discretion contained in this Local Law, an Authorised Officer must have regard to:

- (a) the objectives of this Local Law and any applicable Policy, Standard or Guideline incorporated by reference in this Local Law;
- (b) any operating procedures applicable to the Local Law; and
- (c) other relevant matter.

11. Permits

- (1) The Council or an Authorised Officer may grant or refuse to grant a permit under this Local Law.
- (2) An application for a permit must be made in the form and accompanied by the fee prescribed by Council.
- (3) The Council or an Authorised Officer may waive payment of any fee for a permit.
- (4) The Council or an Authorised Officer may require that an applicant give notice of the application to any person that may be affected by the proposed use or activity.
- (5) The Council or an Authorised Officer may require an applicant to provide more information before the Council or Authorised Officer determines the application.
- (6) A permit may be issued with conditions.

12. Correction of Permit

The Council or an Authorised Officer may correct a permit issued if the permit contains:

- (a) a clerical mistake or an error arising from any accident, slip or omission;
- (c) an evident and material miscalculation of figures; or
- (c) a mistake in the description of any person, thing or property referred to in the permit.

13. Grounds for Cancellation or Amendment of Permits

- (1) The Council or an Authorised Officer may cancel or amend any permit if he or she considers that there has been:
 - (a) material misstatement, false representation or concealment of facts in relation to the application for a permit;

- (b) any material mistake in relation to the use of the permit;
 - (c) any material change of circumstances which has occurred since the issue of the permit;
 - (d) a failure to comply with the conditions of the permit; or
 - (e) a failure to comply with the time specified in the Notice to Comply.
- (2) The Council or an Authorised Officer must give written notification to the holder of a permit of the intention to cancel or amend the permit and provide the permit holder with an opportunity to make a written submission which must be made to the Council or Authorised Officer within the time specified in the notice.
- (3) The Council or an Authorised Officer may require that the permit holder cease the use or activity allowed by the permit until the written submission has been considered by the Council or an Authorised Officer.
- (4) The Council or an Authorised Officer must make a final decision to cancel or amend the permit within 30 days from the date of the written submission from the holder of the permit under subclause (2).
- (5) If the Council or an Authorised Officer determines to cancel or amend the permit, the Council or Authorised Officer must advise the permit holder in writing.

14. Powers of Authorised Officers

- (1) If an Authorised Officer considers on reasonable grounds that there has been a breach of this Local Law, the Authorised Officer may take any or all of the actions provided in this Local Law and may:
- (a) enter the private land for the purpose of inspecting a protected tree;
 - (b) warn the person who is breaching the Local Law, which may also be an official warning issued in accordance with the requirements of the *Infringements Act 2006*;
 - (c) direct the person to cease the activity breaching the Local Law;
 - (d) serve a Notice to Comply to remedy the breach; or
 - (e) issue an infringement notice.

15. Notice to Comply

- (1) Where an Authorised Officer considers that there is a breach of this Local Law, he or she may serve a Notice to Comply on any owner, occupier or other relevant person to remedy the breach.
- (2) A Notice to Comply to remedy a breach of this Local Law may require, amongst other things, that the person on whom the Notice to Comply is served:

- (3) A Notice to Comply issued in accordance with this Local Law must state the time and date by which the thing must be remedied.
- (4) The time required by a Notice to Comply served under this Local Law must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable:
 - (a) the amount of work involved;
 - (b) the degree of difficulty;
 - (c) the availability of necessary materials or other necessary items;
 - (d) climatic conditions;
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant matter.
- (5) A person served with a Notice to Comply who fails to remedy the breach in accordance with the Notice to Comply within the time specified in the Notice is guilty of an offence under this Local Law.

Penalty: 20 Penalty Units

- (6) If any owner, occupier, or other relevant person served with a Notice to Comply fails to carry out any work stipulated in a Notice to Comply, Council or an Authorised Officer may carry out the work itself or appoint another person to carry out the work and recover the cost of performing the work from the owner or appointed agent.
- (7) An owner, occupier, or other relevant person may make representations to the Council about matters contained in the Notice to Comply.

16. Infringement Notices and Fixed Penalties

- (1) Where an Authorised Officer reasonably believes that a person has committed an offence against this Local Law, the Authorised Officer may issue and serve on that person an infringement notice as an alternative to prosecution for the offence.
- (2) Where an infringement notice is issued, the penalty fixed for infringement purposes is:
 - (a) where an offence relates to a tree which in the opinion of an Authorised Officer is dead – 5 penalty units for each offence;
 - (b) for any other offence – 20 penalty units.

17. Offences

- (1) A person who:
 - (a) fails to comply with any requirement of this Local Law;
 - (b) fails to comply with the conditions of a permit;
 - (c) fails to comply with a Notice to Comply;

(d) provides misleading or false information in relation to an application for a permit;

(e) fails to comply with requirements in a Policy or Guidelines applied or incorporated in this Local Law -

is guilty of an offence under this Local Law.

- (2) The penalty for an offence against this Local Law that appears at the foot of a provision is the maximum amount that may be imposed by a Court.
- (3) After a finding of guilt for an offence under a provision of this Local Law, any person who continues in contravention of that provision is liable to a penalty of 2 Penalty Units for each day after a finding of guilt during which the contravention continues.
- (4) A person who is guilty of a second or subsequent offence against the same provision in this Local Law is liable to a penalty not exceeding 20 Penalty Units.



Council Policy

Title:	Management of Tree Protection on Private Property Policy 2018
Version:	Draft
Owner:	General Manager Operations and Capital
Adopted by:	Darebin City Council
Date adopted:	TBD
Scheduled review:	July 2023
Document reference no:	A4628887

1. Policy intent

Protecting and expanding the tree canopy of the entire municipality is an integral part of providing neighbourhood amenity, natural beauty and a sustainable environment and identified in Goal 1.3 “expand and improve our network of open and green spaces, parks and natural environments”.

The Darebin Planning Scheme Vegetation Protection Overlays (VPOs), Environmental Significance Overlays (ESOs) and Draft Local Law assist Council to protect and expand the tree canopy of the entire municipality.

This Policy is intended to provide guidance with regard to assessing Local Law permits for Protected Trees on private property in accordance with the Tree Protection Local Law 2018 and ensure suitable replacement planting is provided for tree canopy removed. A person, without a permit, must not destroy, damage or remove or allow to be destroyed, damaged or removed protected or significant trees on any private property.

A permit is not required:

- Where pruning is carried out by a qualified Arborist in accordance with the relevant Australian Standard (4373:2007) who certifies their work, including photographs before and after work; or
- In an emergency, any part of a tree that is an immediate threat to life and or property may be removed.

A permit would not be required for most fruit trees such as apples and lemons, due to their smaller size. This will allow residents to prune most fruit trees as required without permit.

2. Purpose/Objective

The purpose of this Policy is to protect and enhance the urban character, by regulating tree removal and pruning of trees on private property. The replacement planting will be achieved using species that are suitable to the local vegetation theme of the area and site constraints.

Protected trees can be very long-lived and provide a sense of character and identity to an area. They also contribute significantly to modifying the impacts of living in an urban environment, including reducing runoff into drains, reducing air temperatures, capturing dust particles and pollutants in the canopy, increasing property values, providing natural protection from the sun, contributing to psychological well-being and providing habitat for local fauna.

An increasing density of urban development means that the number of large trees on private land is decreasing, therefore the health and sustainability of these trees is becoming increasingly important.

Decisions made in respect to tree removal permits need to consider the property owner's needs, any risk or damage to persons or property and the impact of the tree removal on the environment and local amenity.

Objectives:

- To guide the decision making for protected tree removal permits for protected trees on private property;
- To guide the selection of replacement planting on private property where tree removal permits are granted, in order to enhance local amenity and urban character; and
- To encourage all protected tree pruning works to comply with the appropriate Australian Standards.

3. Scope

This Policy is limited in its application to trees that are protected under the Tree Protection Local Law 2018

A protected tree is a tree with a single, or combined trunk circumference greater than 125 centimetres measured at 1.5 metres above ground level and having a height greater than 8m, excluding species which are declared Noxious Weeds or an immediate hazard.

This Policy does not apply to exemptions and determinations made by the Responsible Authority regarding trees protected by the Darebin Planning Scheme. This includes, but is not limited to:

- Heritage Overlays;
- Environmental Significant Overlays;
- Native vegetation (Clause 52.17 Planning Scheme);
- Vegetation Protection Overlays;
- Vegetation on land owned or managed by Council

4. Roles & Responsibilities

Role	Responsibility
Policy Development	Manager Parks and Open Space, Manager City Safety and Compliance, Coordinator Tree Management
Policy Implementation	Coordinator Tree Management, Planning Arborist
Policy Evaluation	Manager Parks and Open Space, Manager City Safety and Compliance
Policy Review	Manager Parks and Open Space, Manager City Safety and Compliance and Coordinator Tree Management
Decision Making – Tree pruning and removal permits	As per section 7.5
Tree replacement	As per section 8

5. Monitoring, evaluation & review

The effectiveness of the *Management of Tree Protection on Private Property Policy* will be reviewed by the Parks and Open Space and City Safety and Compliance Departments and will consider input from community stakeholders. Information on applications and decisions will be maintained in Council's record management system.

6. Policy statement

Darebin City Council has committed to providing high-quality living environments for residents, ratepayers and visitors. Darebin's vegetation makes an important contribution to local amenity, sense of place, neighbourhood character, landscape values and cultural heritage. It enhances local climatic conditions by providing shade, wind protection and relief from the urban heat island effect. In some locations, vegetation also contributes to native fauna habitat and local biodiversity.

Darebin City Council is committed to protecting and enhancing vegetation cover because it is regarded as integral to municipal identity and underlying land values. Recent research has confirmed that the tree canopy is gradually being eroded. Large trees are being lost due to land development, risk aversion, infrastructure and property maintenance, climate variability, natural attrition, pests and disease.

A proactive approach to protecting and enhancing vegetation cover is required in order to maintain the high levels of amenity and distinctive character of Darebin's suburbs.

Council applies a range of regulatory and operational measures aimed at protecting vegetation on both private and public land. In relation to private land, two legal instruments facilitate vegetation protection and replacement:

- *Tree Protection Local Law 2018*
- *Darebin Planning Scheme* (under provisions listed in Section 3 of this policy and through the use of planning permit conditions).

7. Tree removal permit

A Permit is required to remove a tree described in the Tree Protection Local Law 2018. Applications are made in writing or online using a standard template and must be adequately supported with the nominated information.

Tree removal applications need to include a plan for planting suitable replacement canopy tree or trees (information in section 8). Approved replacement trees may be subject to inspection by Council Officers after planting and failure to plant or removal shall be considered a breach of permit.

7.1 Assessment

The preliminary assessment includes inspection of the tree's health and structure to determine if the tree is dead or structurally unstable. Permits are granted to remove dead or hazardous trees. Refer to Attachment A, *Preliminary Assessment*.

For trees not identified as structurally unstable or dead, a full tree removal assessment is undertaken. Refer to Attachment B, *Tree Removal Assessment*.

A **Quantified Tree Risk Assessment (QTRA)** is only completed to assess a tree's risk where it is identified on the application form that the tree removal is required as it poses a danger to people or surrounding infrastructure. When a tree is assessed using the QTRA and an unacceptable risk of harm is identified, a Permit to remove the tree will be issued.

For a tree-failure hazard to exist there must be potential for failure of the tree and potential for injury or damage to result. The assessment will consider the likelihood of a combination of tree failure, harm to people and property and the likely severity of the harm. Refer to Attachment C.

Other considerations:

Officers assessing applications are to take into consideration all relevant matters, and specifically, any evidence supplied in the form of:

- a) A report by a qualified Arborist where the report assesses the tree as posing an unacceptable risk;
- b) A report by a Structural Engineer where the report assesses that the tree is the primary cause of damage to the structure; and
- c) A landscaping proposal that includes suitable canopy tree replacements, for trees proposed to be removed.

When considering a) and b) above the report MUST contain verifiable information on which the conclusions are drawn.

7.2 Pruning trees on private property

Pruning should be carried out by a qualified Arborist in accordance with the relevant Australian standard (the current standard is Australian Standard 4373:2007 Pruning of Amenity Trees). This standard encourages pruning practices and procedures that reduce the potential for a tree hazard developing, branch failure, fungal infection or premature tree death. Tree Protection Local Law 2018 states that a permit is required for a tree to be cut, trimmed, lopped or pruned. Applications should be in the standard form and be adequately supported with relevant information.

A permit is not required:

- Where pruning is carried out by a qualified arborist in accordance with the relevant Australian Standard (4373:2007 Pruning of Amenity Trees) who certifies their work, including photographs before and after work (e.g. regular maintenance or minor pruning); or
- In an emergency, any part of a tree that is an immediate threat to life and or property may be removed.

A permit would not be required for most fruit trees such as apples and lemons, due to their smaller size. Most fruit trees would not be protected trees. This will allow residents to prune most fruit trees as required without permit.

Lopping, topping or flush cutting are not promoted practices as the indiscriminate removal of trunks or leaders at intermodal points in the crown may lead to the development of poorly attached epicormic growth. This does not apply to fruit trees as they require reduction pruning to enable fruit harvest. Fruit trees are not generally protected trees due to their smaller size.

7.3 Tree pruning / removal in emergency circumstances

In an emergency, that part of a tree that is an immediate threat to life and or property may be removed without a permit.

7.4 Branches overhanging properties

Where a permit is required to cut, trim, lop or prune limbs that overhang a property boundary, the owner of the tree (if not the applicant) will be provided with a copy of any permit issued.

It is noted that a permit does not change any common law rights and obligations relating to overhanging branches.

7.5 Decision making for Tree Removal and Pruning Permits

Permit assessments are undertaken by an authorised officer with arboriculture qualifications in accordance with section 7.1, 7.2, 7.3 and 7.4. The Officer will inform the applicant of the decision made by Council.

If an applicant is dissatisfied with the decision in relation to the application, the applicant may apply in writing for an internal review of the decision, as per Greenstreets Streetscape Strategy guidelines.

7.6 Tree Assessment Definitions

The tree assessment definitions are provided in Attachment D and section 10 of this Policy.

8. Replacement Planting

In order to enhance the overall tree canopy cover, Council aims to:

- Achieve a net increase in the number of canopy trees on both private and public land; and
- Encourage the planting of canopy trees of sufficient scale to contribute to the diversity of the canopy.

Preferred tree planting ratios and scale

Application type	Preferred number of canopy trees	Preferred scale of trees
1. Tree removal under Tree Protection Local Law 2018	A minimum of one canopy tree for every canopy tree removed.	Replace canopy trees with new trees expected to mature to achieve the heights specified below.

8.1 Tree Replacement Planting Height

- Where the existing tree is 20 metres or less, the existing tree will be replaced with a tree capable of achieving a minimum of 75% of the existing tree's size; or
- Where the existing tree is 21 metres or greater, the existing tree will be replaced with one tree capable of achieving a minimum of 75% of the existing tree's size, or with two trees, one of which is capable of reaching a minimum height of 15 metres at maturity.

Applications are assessed and consideration will be given to site constraints and available tree replacement planting zones (refer to information in section 8.2 and 8.3). Alternative canopy heights may be approved in exceptional circumstances, for example where there are existing medium to large trees (greater than eight metres) on the site or there is insufficient set back to accommodate the tree root zone of a larger canopy tree.

Replacement trees that have been approved by Council's Planning Arborist may be inspected. Failure to plant, or removal, of the approved replacement tree will be considered a breach of permit.

8.2 Site constraints

Canopy trees should be included on all Replacement Planting Plans unless evidence is provided by a suitably qualified professional to the satisfaction of Council, that:

- There is insufficient soil volume to support the long-term viability of a canopy tree suitable to the locality; and
- The planting of a tree in a particular location would likely cause damage to property or infrastructure services, a substantial nuisance to adjoining property owners, or a traffic hazard that cannot be avoided or mitigated without unreasonable expense.

- If site constraints preclude the planting of replacement trees applicants will be required to pay for the planting of an equivalent number of trees as determined in section 8.1 in public open space at a location determined by Council. The fee will be the equivalent of the tree replacement fee charged for the replacement of street trees.

8.3 Tree Planting Zone

New canopy trees need to be carefully located and managed in order to promote tree growth and vitality; and to reduce the likelihood of long-term damage to buildings and infrastructure.

In order to ensure optimal conditions a Tree Planting Zone must be identified around each proposed new canopy tree and around canopy trees that are to be retained. The size of the Tree Planting Zone is based on the tree canopy spread (width) at maturity.

Tree Planting Zones should be sited and designed in accordance with the following guidelines:

- Trees should be planted in locations where they will have access to sunlight and water;
- Trees should be centred within their Tree Protection Zones in order to encourage even growth;
- Trees should be planted outside of easements and in accordance with service authority guidelines (e.g. near sewer and water mains and power lines);
- overlapping of Tree Protection Zones should be minimised;
- Tree Protection Zones should be clear of buildings, hard surfaces and clothes lines. Where buildings or hard surfaces do encroach, applicants must demonstrate how healthy tree growth will be promoted and structural damage avoided;
- Paved surfaces should be constructed of water-permeable materials;
- mulching to a minimum depth of 50mm should be installed throughout the majority of Tree Protection Zones. Mulched areas may include understorey planting; and
- Where tank water is available, the installation of automatic drip irrigation is encouraged.

8.4 Species selection

The structure and mass of a tree's canopy is one of the most defining aspects of the character that it contributes to an area.

Species should be selected that are suitable for the location, taking into account all services and infrastructure above and below ground, to allow for successful tree growth. Local character must also be taken into account.

Replacement trees are to be approved by Darebin Councils' authorised Arboricultural Officer.

9. Related documents

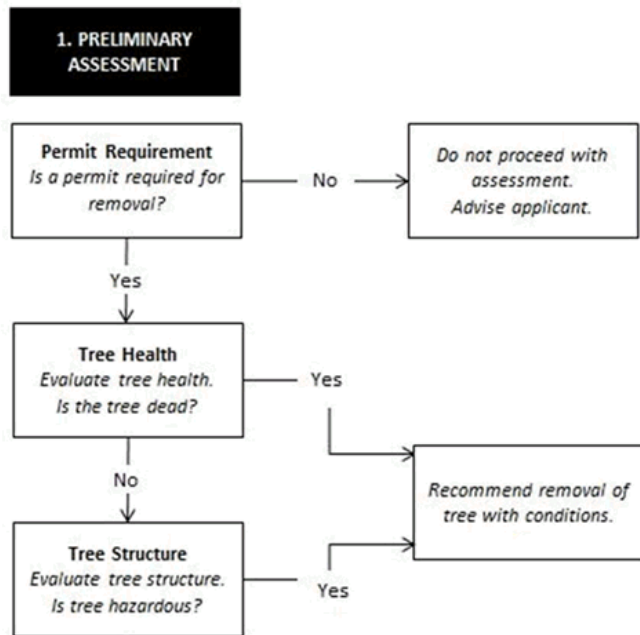
Legal	Darebin City Council, Tree Protection Local Law 2018
Strategies	Urban Forest Strategy 2013-2025 Greenstreets Streetscape Strategy 2012-2020
Guidelines	Customer Service Charter

10. Definitions & Abbreviations

Term	Meaning
Protected Tree	A Protected Tree is a tree with a single trunk circumference or combined trunk circumference greater than 125 centimetres measured at 1.5 metres above ground level and greater than 8m in height, but excluding species which are declared Noxious Weeds. Protected trees are generally of medium to large size, with an equivalent trunk diameter of 400mm, measured at 1.5 metres above ground level. Eucalypts, Oaks and other trees are examples of a medium to large tree. Fruit trees are not generally protected trees due to their smaller size.
Tree	Any perennial plant having one or more permanent, woody, self-supporting trunks and with branches forming a crown, and includes all parts of the plant whether above or below ground.
Canopy tree	A tree which has, or at maturity is likely to have, sufficient height and canopy characteristics to make a positive contribution to local amenity, sense of place, microclimate and/or biodiversity. Minimum 8 x 4 metres.
Indigenous tree	Native species that were present in the original vegetation communities of the suburb, excluding cultivars and varieties thereof.
Minor Pruning	Minor pruning or pruning for regular maintenance is carried out in accordance with Australian Standard (4373:2007 Pruning of Amenity Trees) by a suitably qualified arborist and does not result in the damage or destruction of a protected tree on private property. A permit would not be required for most fruit trees such as apples and lemons, due to their smaller size.
Native tree	Species that are endemic to Australia, may include indigenous (including cultivars and varieties of indigenous species).
Exotic tree	Species whose natural habitat is exclusively outside of Australia.
Weed species	Species identified as: (a) A State prohibited weed; (b) A regionally prohibited weed; (c) A regionally controlled weed; or (d) A restricted weed; Under State catchment and land protection regulations.

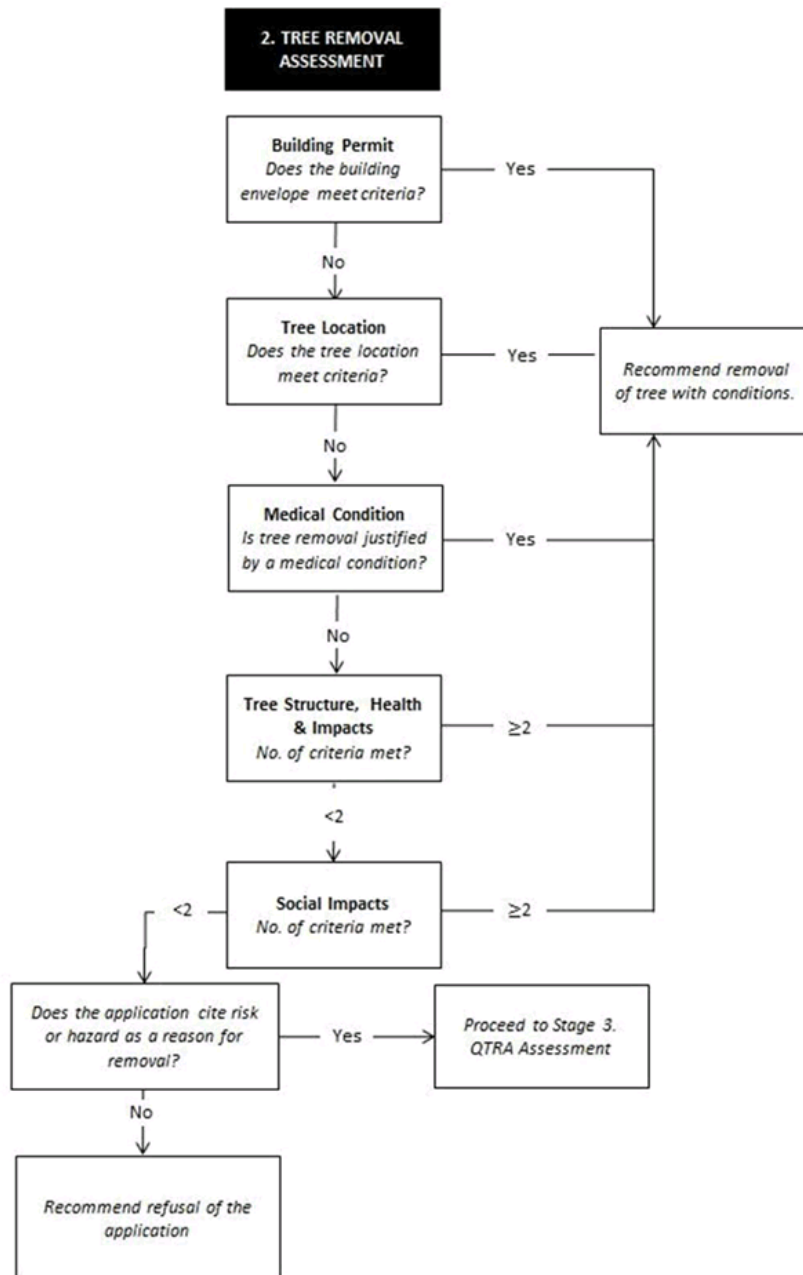
Preliminary Assessment

ATTACHMENT A



Tree Removal Assessment

ATTACHMENT B



Additional Assessment Criteria for Tree Removal Permit Applications

1 Building Permits

Where a building permit has been issued under the *Building Control Act 1993* and the permitted building(s) and/or construction works:

- Are located in such a position that the subject tree is within the envelope of the permitted buildings or works;
- Encroach on the tree protection zone of an existing tree by more than 40%; or
- Encroach on the structural root zone of an existing tree.

A permit will be issued to remove the affected trees with Conditions, which include a requirement for replacement tree/s.

Where a Building Permit has been issued under the *Building Control Act 1993* and the above criteria do not apply the application must be assessed in accordance with Table 1.

Table 1. Assessment method for tree removal

Works proposed	Assessment	Recommendation
New dwelling, or alterations and additions to existing dwellings including extensions to the dwelling or garages built as part of the house.	The applicant can demonstrate to Council's satisfaction that: <ul style="list-style-type: none"> • The proposed works cannot be redesigned; • Appropriate arboricultural techniques as detailed in the submission of an arborist report cannot be employed in order to retain the tree; and • Compensatory replacement planting can be established on site. 	Approval Subject to a condition requiring replacement tree/s.
	The applicant cannot satisfy the above requirement.	Refusal
Tennis courts, patios, decks, and carports.	The proposed works cannot incorporate retention of the subject tree.	Refusal Where Building Permit not granted.

2 Tree Location

A Permit will be issued where a report from a licensed and/or qualified person in their field provides evidence that the tree is causing structural damage to a building, services or infrastructure or is a risk to people or property, which can only be overcome by implementing a remedy that is unreasonable or greatly disproportionate to the value of the tree or the risk posed by the tree (assessed by QTRA).

Trees located in close proximity to dwellings, garages, intersections and crossovers must be assessed in accordance with the criteria outlined in Table 2. The recommendation to the Coordinator Investigations should be consistent with the Table, unless subsequent steps in the procedure warrant a different recommendation.

Table 2

Tree Location	Recommendation
Within two metres of a dwelling	Removal recommended if any part of the tree trunk is within two metres of an existing dwelling.
Within one metre of a garage or carport	Removal recommended if the tree will outgrow the location and/or is causing damage to an existing garage or carport.
Crossover	Removal recommended if a crossover is approved within the structural root zone of the tree, unless an arborist report, accompanied by non-invasive root map investigation can be provided to demonstrate that the tree can be successfully retained.

Conditions will include a requirement for replacement tree/s.

3 Medical condition

Where an application for tree removal:

- Where a medical certificate is provided from a specialist in the relevant field to certify that a specific tree is causing a specific allergenic problem for a resident that significantly diminishes the quality of life of that person and there is no other way of managing the problem.

A permit would be issued for removal under delegated authority. Conditions will include a requirement for replacement tree/s.

4 Tree health, structure and impacts

A tree removal permit will be granted where a referral report by Council's Environmental Health, Assets, Traffic or other relevant Council Employee at Coordinator or Management level, or higher, confirms the tree has a detrimental impact on the surrounding environment/public health.

If any two of the tree health, structure and impacts criteria nominated below apply a recommendation for tree removal should be made to the authorised Arborist Officer by the Arborist assessing the tree. Conditions for replacement tree/s would be included.

If none of the criteria apply, a recommendation for refusal of the application should be made to the authorised Arborist Officer.

Criteria

Tree health, structure and impacts criteria:

- The health of the tree is classified as poor (definition included in **Attachment D**);
- The structure of the tree is classified as poor (definition included in **Attachment D**);
- The sustainable life expectancy of the tree is assessed at less than 5 years.

5 Social considerations

If any two of the 'Social considerations' criteria apply a recommendation for tree removal should be made to the Manager Parks and Open Space subject to conditions. Conditions should include a requirement for replacement tree/s.

If less than two of following criteria apply, a recommendation for refusal of the application should be made.

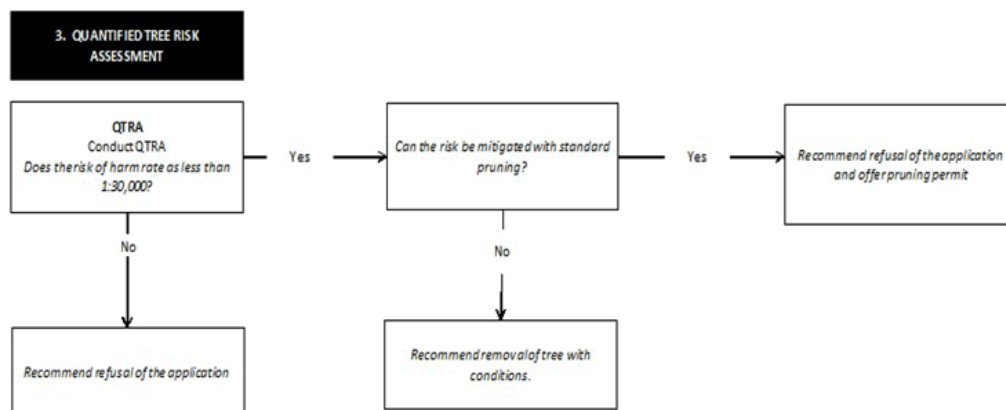
Criteria

Social considerations criteria:

- The amenity or character value of the tree is classified as moderate or low (definition included in **Attachment D**);
- There are at least two other trees on the property that:
 - require Council permission to remove;
 - are classified as having an amenity or character value of moderate or high;
 - have a sustainable life expectancy of more than 10 years;
 - are not subject to a current removal permit application or existing permit;
- There are written letters supporting tree removal from property owners/tenants and adjacent to and opposite the property (at least four individual properties);
- demonstrate financial hardship and inability to undertake routine maintenance - the applicant has no source of income to pay for the maintenance and is receiving Centrelink benefits.

ATTACHMENT C

Tree Removal Assessment



Quantified Risk Assessment

Tree safety management involves limiting the risk of harm from tree failure while maintaining the benefits conferred by trees.

The Quantified Tree Risk Assessment (QTRA) system quantifies the risk of significant harm from tree failure in a way that enables tree managers to balance safety with tree values and operate to predetermine limits of tolerable or acceptable risk. Council’s Arborist’s have a licence to undertake a QTRA.

By quantifying the risk from tree failure as a probability, Quantified Tree Risk Assessment (QTRA) enables a tree owner or manager to manage the risk in accordance with widely applied and internationally recognised levels of risk tolerance. It provides a risk level against which mitigation strategies can be balanced to determine appropriate actions

QTRA advisory risk thresholds

Threshold	Description	Action
1/1- 1/9,999	Unacceptable (where imposed on others) Risks will not ordinarily be tolerated	<ul style="list-style-type: none"> Control the risk Review the risk
	Tolerable (by agreement) Risks may be tolerated if those exposed to the risk accept it, or the tree has exceptional value	<ul style="list-style-type: none"> Control the risk unless there is broad stakeholder agreement to tolerate it, or the tree has exceptional value Review the risk
1/10,000 – 1/999,999	Tolerable (where imposed on others) Risks are tolerable if as low as reasonably practical (ALARP)	<ul style="list-style-type: none"> Assess costs and benefits of risk control Control the risk only where a significant benefit might be achieved at reasonable cost Review the cost
1/1,000000 or less risk	Broadly Acceptable Risk is already ALARP	<ul style="list-style-type: none"> No action currently required Review the risk

ATTACHMENT D**Tree assessment definitions****Origin****(I) Indigenous**

The tree is endemic to the local area and has been naturally occurring since recordings of flora commenced.

(V) Victorian

The tree is endemic to the state of Victoria and has been naturally occurring since recordings of flora commenced.

(A) Australian

The tree is endemic to mainland Australia and has been naturally occurring since recordings of flora commenced.

(E) Exotic

The tree is not endemic to any part of mainland Australia.

Health

Tree health is based on vigour and vitality. In assessing health, observations are made of the following:

- foliage characteristics
- extension growth
- wound wood development
- extent of predation or disease

In many instances correct application of arboricultural management practices can revitalise a tree and extend its ability to provide a value to the community.

(G) Good

- Tree displays 71-100% live canopy mass
- Foliage exhibits near optimal foliage characteristics in size, colour and density
- Tree may have low levels of tip dieback
- Tree may exhibit low levels of pest/pathogen infestation that is not expected to have a significant impact on the long term health of the tree

(F) Fair

- Tree displays 51-70% live canopy mass
- Foliage may be stunted or discoloured
- Tree exhibits less than optimal extension growth
- Tree has moderate pest/pathogen infestation which may be retarding growth and impacting on health levels, it is expected that the tree can recover with or without intervention

(P) Poor

- Tree displays <50% live canopy mass
- Tree exhibits low levels of extension growth
- Tree has extensive pest/pathogen infestation and is not expected to recover from such infestation even with intervention
- Tree may be senescent

(D) Dead

- Tree has no live vascular tissue

Structure

Structure refers to the physical integrity of the tree.

Natural species form may not constitute poor structure.

Pest/pathogen damage is not directly a structural issue, however may contribute to structural issues/faults.

In assessing structure, observations are made of the following:

- Branch attachment and union formation
- Damage to trunk/roots/unions/branches
- Trunk/scaffold/tertiary branch taper

In many instances correct application of arboricultural management practices can reduce likelihood of failure to an acceptable level and extend a tree's ability to provide a value to the community.

(G) Good

- Tree has good branch attachment and well-formed unions
- Tree has good trunk and scaffold branch taper
- Tree may have poor tertiary branch taper
- Tree may exhibit structural defects on tertiary branches and attachments
- Complete tree failure or major structural failure under normal environmental conditions is unlikely
- Remedial pruning works may improve the structural rating of the tree

(F) Fair

- Tree may have poor scaffold branch/stem taper
- Tree may have poor tertiary branch taper
- Tree may have minor structural root damage/severance
- Tree may exhibit structural defects to the trunk or scaffold branches
- Majority of structural defects may be managed through current recognised arboricultural practices

(P) Poor

- Tree may exhibit major structural defects to trunk and/or scaffold branch attachments
- and/or roots

(H) Hazardous

- Complete or major structural failure is imminent

Amenity Value

The visual contribution the tree makes to the neighbourhood character.

(L) Low

- Tree has poor health and/or
- Tree provides little visual contribution to the neighbourhood character

(M) Moderate

- Tree has fair/good/excellent health and/or
- Tree is easily viewed from the street

(H) High

- Tree has fair/good/excellent health
- Tree is highly visible from the street
- Tree is visible from other streets in the area

(N/A) Not Applicable**Useful Life Expectancy**

The period of time that the tree is expected to maintain a positive contribution to the neighbourhood character.

20 yrs. +

Tree is likely a semi-mature or mature tree that is in good health and structure and is expected to maintain current levels of amenity for a minimum of 20 years.

10-19 yrs.

Tree is likely a mature tree that is in good health and/or structure and is expected to maintain current levels of amenity for a minimum of 10 years.

4-9 yrs.

Tree is likely a mature tree that is in fair health and/or structure and is likely declining. It is expected that the tree is not likely to maintain current levels of amenity for more than 9 years.

0-3 yrs

Tree is likely a mature tree that is in poor health and/or structure and is likely declining. It is expected that the tree is not likely to maintain current levels of amenity for more than 3 years.

Retention Value

The value of the tree when considering the tree as a whole. The health, structure, amenity value and life expectancy are considered when determining this factor. The tree location on the subject site or a development proposal is not a consideration for determining retention value.

(H) High

The tree is generally in good health and structure, provides high levels of amenity and is likely to do so for more than 20 years. Tree may have historic or cultural significance.

(M) Medium

The tree is generally in fair to good health and structure, provides high levels of amenity and is likely to do so for up to 20 years.

(L) Low

The tree is generally in fair health and structure, provides low levels of amenity and may do so for up to 10 years. The tree may be juvenile or otherwise small and easily replaced by advanced plantings or plantings that will provide similar amenity value in a reasonable timeframe.

(N) None

The tree has no features that would promote retention for any reason, such as a dead tree or one that provides no amenity value.

(O) Trees on other property

Any tree located outside the subject site is to be retained and protected.

Darebin City Council

Tree Protection Local Law 2018

Community Impact Statement

Background

Darebin City Council is focused on keeping the municipality as green as it can be because of the multitude of benefits that come from that – health and well-being, amenity and environmental benefits to name a few.

The Council has developed a number of measures, some in strategy and some in planning controls that are designed to promote and protect vegetation, preserve existing trees to ensure that development minimises loss of vegetation and protect locations of special significance. These are contained in the overlays attached to the Darebin Planning Scheme such as the Environmental Significance Overlay and the Vegetation Protection Overlay, which also includes controls over specific locations that have significant vegetation.

Other controls come from guidelines and measures that the Council applies to itself through the *Greenstreets Streetscape Strategy*. These guide Councils' approach to trees on streets and land that Council is responsible for. There has been community involvement in the development of this strategy.

The *Urban Forest Strategy* is for the joint benefit and guidance of Council and the community and addresses ways in which the urban forest promotes future growth and protects and provides a means of monitoring the tree canopy in the municipality. The proposed Local Law is intended to work with the *Urban Forest Strategy* by providing a permit system for the removal of certain trees.

While the primary objective of Council is to protect and add to tree coverage in the municipality there are also reasons why tree removal need to occur. In some cases tree removal may be essential to remove a hazard or for other public safety reasons. A tree may pose a risk to a dwelling or to people because of its health. A tree may also cause problems for certain infrastructure such as footpaths (which in turn can cause hazards to users of the footpath), or prevent an improvement that may provide other long term benefits to the community.

Council has attempted to balance a number of competing priorities that are challenged when a primary objective is to retain trees but other objectives such as reducing or removing a risk or addressing infrastructure needs require priority over that primary need.

Reasons for the Proposed Local Law

Despite the measures that Council has in place, there are still gaps that have the potential to allow tree removal to occur on private property without adequate assessment to ensure that removal is necessary and without a capacity to ensure that any amenity loss is offset by other means. There are also limited means of protecting tree assets from the impact of works. The Local Law is intended to address gaps in other existing controls and will complement the Darebin Planning Scheme which does not provide all the controls that Council considers necessary.

The Local Law will also work in conjunction with Council's Strategies, including the *Urban Forest Strategy* and the *Tree Retention Policy* which is intended to guide decision making on tree assessments on both Council land and private land.

Objectives of the Local Law

The objectives of the Local Law are to ensure that the urban forest is healthy, safe, provides amenity and increases liveability for the community by:

- prohibiting, regulating and controlling activities that could be a risk or endanger protected trees in the Municipal District; and
- applying controls which will complement other controls being applied by the Council to maintain and protect trees in the Municipal District.

Proposed controls

The Local Law requires a permit to prune, remove or do anything that could result in damage or the destruction of a protected tree on private property. It also requires a permit to undertake any works within the Tree Protection Zone.

There are some exemptions to the permit requirement such as where a protected tree or part of a protected tree poses an immediate risk to people or to property.

A failure to obtain a permit is an offence under the Local Law and a person is liable to pay a penalty for breaching the Local Law.

Analysis of matters considered

<i>Matter reviewed</i>	<i>Comments</i>
<i>Existing legislation that might be used instead</i>	There does not appear to be any existing legislation that would achieve the desired result.
<i>Whether there is more appropriate State legislation</i>	There does not appear to be any State legislation that would achieve the desired result.
<i>Overlap with existing legislation</i>	The proposed amendment does not appear to be an overlap with or duplicate or create an inconsistency with existing legislation.
<i>Overlap with the Darebin Planning Scheme</i>	While the Darebin Planning Scheme contains controls that are intended to protect trees, the Local Law will complement the Darebin Planning Scheme and its operation.
<i>Assessment of risk</i>	<p>A number of possible risks are addressed by the proposed Local Law. The first relates to ensuring that the risk to the urban forest by unregulated tree removal is minimised. The second addresses a risk on the other side of the equation as a result of risks that arise from threats to public safety because of the health, condition or location of a tree. Another risk is addressed by providing a means of regulating tree removal where development is to occur.</p> <p>Consideration of an application for a permit will be guided by matters that the Local Law requires be taken into consideration as well as guidance in the <i>Tree Retention Policy</i>.</p>

<i>Restriction on competition</i>	<p>A National Competition Policy assessment has been undertaken. It is recognised that there will be some instances where business is affected by the costs and potential limitations and restrictions applied by the Local Law.</p> <p>It has been concluded that while there are costs associated with obtaining a permit and conditions may incur costs to offset the tree removal or other restrictions, any impact on business is minimal. Even if it could be said that the proposed controls are a restriction on business, it is considered that the overall benefits to the community outweigh the possible restriction.</p>
<i>Penalties</i>	<p>Penalties have been given detailed consideration and because the matter being regulated is a high concern and priority of Council and the community, substantial penalties will be incurred where there is a breach of the Local Law.</p>
<i>Permit requirements</i>	<p>A permit is required for removal of a protected tree or for works within the Tree Protection Zone.</p>
<i>Fees</i>	<p>Fees will be payable for assessing permit applications. There is a considerable amount of work in making those assessments involving site inspections and assessment against Council's guidance documents.</p>
<i>Benchmarking with adjoining Councils</i>	<p>There are several inner urban Councils that have applied tree protection controls. What Council is proposing is in line with the approach of other Councils, including the penalty amounts.</p>
<i>Consultation undertaken</i>	<p>In developing the <i>Urban Forest Strategy</i> which underpins the objectives of the Local Law, Council undertook extensive community and public landowner consultation and engagement. In addition to community meetings Council held targeted consultation with specific groups in the community, published information in local papers and on Council's website (including translation into several different languages) and specifically addressed the question of increasing tree coverage in one of Council's quarterly household surveys.</p> <p>Some changes were made to the Strategy as a result of that process but there was clear community support for the overall objective of not only retaining but increasing tree coverage in the municipality.</p> <p>The proposed Local Law will be subjected to further public scrutiny from the mandatory section 223 requirements in the Local Government Act.</p>

<i>Consideration of the Human Rights and Equal Opportunity Act – “the Charter”</i>	A detailed analysis of whether the proposals in the proposed Local Law was incompatible with the rights in the Charter has been undertaken. It was concluded that on balance the proposals in the Local Law were not incompatible with the rights in the Charter. Even if it could be said that the proposal is incompatible with human rights under the Charter, Council considers that the approach in the Local Law is demonstrably justifiable.
--	---

Proposed Tree Protection Local Law Frequently Asked Questions

Question:

Why is this Local Law required?

Answer:

This Local Law is aimed at protecting and enhancing the urban character of the City of Darebin by regulating tree removal and the pruning of trees on private property. It also introduces the requirement for replacement planting when a tree is removed, using species that are suitable to the local vegetation character of the area and site constraints.

With the increasing density of urban development occurring in Darebin we are seeing a reduction in the number of large trees on private land, therefore Council believes that the health and sustainability of our remaining trees is becoming increasingly important.

Question:

Does this new Local Law apply to all trees?

Answer:

No. It only applies to trees that are protected under the Tree Protection Local Law that meet the criteria.

The only trees exempt are the ones that are proclaimed noxious weeds and trees smaller than 8m in height.

Question:

How do I know which trees are protected?

Answer:

A protected tree has a single or combined trunk circumference greater than 125 centimetres when measured at 1.5 metres above ground level and the tree is taller than 8 metres high.

Question:

Why does it matter if tree numbers are decreasing?

Answer:

Darebin City Council is committed to protecting and enhancing our overall tree canopy cover. We see this as being integral to the municipality's identity and the underlying land values in our area.

Darebin's trees make an important contribution to our local amenity, sense of place, neighbourhood character, landscape values and cultural heritage. Trees improve the local climatic conditions by providing shade, wind protection and relief from the urban heat island effect. In some locations, our trees also contribute to native fauna habitat and local biodiversity.

Question:**What will the Local Law require me to do?****Answer:**

You will require a permit from Council if you want to do any of the following:

- Remove a protected tree
- Prune a protected tree
- Do anything that could result in you damaging or destroying a protected tree if that tree has a single or combined trunk circumference greater than 125 centimetres when measured at 1.5 metres above ground level and the tree is taller than 8 metres high.

Question:**Is Darebin the only council that requires land owners to obtain a permit to remove or prune protected trees?****Answer:**

No. Most councils in the metropolitan area have Local Laws that require land owners to obtain a permit prior to removing or pruning trees of a certain size or type. These councils include Bayside, Boroondara, Frankston, Hobsons Bay, Kingston, Port Phillip, Stonnington and Yarra.

Other councils require planning permits for tree pruning/removal and some councils require both a Local Law permit and planning permit.

Question:**What are the penalties for not obtaining a permit?****Answer:**

If you breach the proposed Local Law, you would most likely receive a summons to attend court, where if found guilty, you could be fined up to \$2,000, plus be ordered to pay Council's legal costs in prosecuting the matter. Additionally, the court may also order that a conviction is recorded against you.

Question:**How much does the permit cost?****Answer:**

\$200

Question:

Will there be more than one permit required? For example, will there be separate permits for tree removal and pruning?

Answer:

No, only one permit is required.

Question:

Is a permit always required for pruning?

Answer:

A permit is only required for pruning a protected tree i.e. when the tree has a single or combined trunk circumference greater than 125 centimetres when measured at 1.5 metres above ground level and the tree is taller than 8 metres high.

A permit is NOT required in the following cases:

- Where pruning is carried out by a qualified arborist in accordance with the relevant Australian Standard (AS4373:2007), who certifies their work, both before and after work.
- In an emergency where any part of a tree that is an immediate threat to life and/or property may be removed.

Question:

Why is Darebin Council bringing in this new law?

Answer:

In order to protect and enhance the urban character, including tree canopy cover, by regulating tree removal and pruning of significant trees on private property.

Question:

Does Darebin Council currently have a problem with excessive/and or random tree removal?

Answer:

There have been many requests from the community to protect significant trees on private property and the need to maintain and enhance local tree canopy and character.

With the increasing density of urban development occurring in Darebin we are seeing a reduction in the number of large trees on private land, therefore Council believes that the health and sustainability of our remaining trees is becoming increasingly important.

Question:**When will the local law come into effect?****Answer:**

This process takes at least five weeks consultation followed by Council meetings and is as follows:

- Public consultation takes a minimum of 28 days. The public consultation process is undertaken in accordance with Section 223 of the Local Government Act 1989.
- Public Notice with intention to make Local Law is given in the Government Gazette and placed in The Age, with a copy of the advertisement also placed in the Preston and Northcote Leader newspapers.
- Hearing of Submissions (if required) will be scheduled no less than 7 days after the close of the public submission process.
- Councillor Briefing – if required.
- Council Meeting.
- Council adopts the Local Law.
- Public notice will be given in the Government Gazette and public notice as specified under Section 119(3) of the Local Government Act 1989.
- Local Law comes into effect from the date it is published in the Government Gazette.
- A copy of the Local Law will be submitted to the Minister for Local Government in accordance with Section 119(4) of the Local Government Act 1989.

Question:**How do I apply for a permit?****Answer:**

You can apply for a permit online or by completing the application form available from Council's website or customer service.

8.4 CONTRACT NO CT 201877, CONSTRUCTION OF BEAVERS ROAD BRIDGE**Author:** Senior Project Manager**Reviewed By:** General Manager Operations and Capital

PURPOSE

To seek approval to award Contract CT 201877 for the construction of Beavers Road Shared Path Cable Stayed Bridge.

EXECUTIVE SUMMARY

The scope of works includes:

- Construction of a 77m long steel and concrete footbridge supported by a 28m high tower with steel cable stays. The bridge is to be built on concrete piles and abutments over Merri Creek, at the western end of Beavers Road, Northcote.
- Construction of shared concrete footpaths from the bridge linking to Beavers Road on the eastern side (Darebin municipality) and to an existing shared path near Kingfisher Gardens, Brunswick East, on the western side (Moreland municipality).
- Installation of associated items including handrail, balustrade, solar lighting, bollards, a gate and signage.
- Removal of (non-remnant) vegetation and the replanting of the area with indigenous trees, shrubs and ground cover.
- Works to be in accordance with the requirements of Melbourne Water and SP Ausnet.
- Construction commencement is subject to receiving approved Planning Permits.

A publicly advertised Request for Tender (RFT) was released on 1 September 2018 for the Contract. The RFT closed on 4 October 2018 with submissions from eleven (11) companies being received. The Tender Evaluation Panel has evaluated the tenders and recommends awarding the contract to the preferred tenderer.

The proposed contract arrangement is a lump sum contract and works are expected to be completed by the end of June 2019.

Recommendation

That Council:

- (1) Awards Contract No. CT201877 for the Construction of Beavers Road Shared Path Cable Stayed Bridge to _____ for the contract sum of \$_____ (GST inclusive);
- (2) Approves a contingency amount of \$_____ (inclusive of GST), being approximately ___% of the Contract amount, to be used if required for variations and other unforeseen items as part of Contract No. CT201877; and
- (3) Authorises the Chief Executive Officer to finalise and execute the contract documentation on behalf of the Council.

BACKGROUND / KEY INFORMATION

This report deals with the award of Contract No. CT201877 - Construction of Beavers Road Shared Path Cable Stayed Bridge. The project is a joint venture between Darebin City Council and Moreland City Council, with each party contributing 50% of the cost.

Previous Council Resolution

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

'That Council: Proceed with the detailed design and documentation of shared path bridge over Merri creek in the vicinity of Beavers Road, Northcote in the current financial year, using \$75,000 allocated for this work in the 2016/17 budget and the Moreland City Council contribution of \$75,000 paid to this council in anticipation of the work proceeding.'

COMMUNICATIONS AND ENGAGEMENT

Consultation

The following community groups and organisations were consulted during the consultation and design phases:

- Merri Creek Bridge Group
- CERES
- East Brunswick Primary School
- Croxton Special School
- Various bicycle groups
- Melbourne Water
- Aboriginal Affairs Victoria
- Department of Primary Industry
- Moreland City Council
- Merri Creek Committee

Communications

It is intended that these groups (as above) will be advised once a Contract is awarded, and will continue to be advised as construction progresses.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 2 - Opportunities to live well

The footbridge is designed to improve linkages between the local communities. It is provided for pedestrians and cyclists use only. There are few bridges over Merri Creek in the area that are dedicated to this type of traffic, as others have motor vehicles travelling over them as well.

Environmental Sustainability Considerations

- Solar lights have been included in the deck of the bridge to provide a low level of light.
- Use of native trees, shrubs and groundcover have been included as they don't require significant watering.

Equity, Inclusion and Wellbeing Considerations

The design of the bridge includes:

- Provision of accessible pathways linking communities and access to local attractions.
- Provision of lighting, shared paths and signage to promote safety and minimise antisocial behaviours.

Cultural Considerations

Commencement of this Contract was subject to receiving an approved Cultural Heritage Management Plan (CHMP). The CHMP was approved on 10 October 2018.

Economic Development Considerations

A local business assessment was carried out for each tenderer as part of the evaluation process in accordance with Council's procurement policy and guideline. A 10% weighting was allocated to this criteria.

None of the companies that tendered are based in Darebin.

Financial and Resource Implications

Refer to the confidential report (**Appendix A**) for the details of the budget and the tender evaluation.

Legal and Risk Implications

Probity

As the project was over \$1M an external Probity Adviser was engaged at the start of the procurement process, and retained through to the completion of tender evaluation. Refer to confidential **Appendix C**.

Planning

Town planning permits are required from both Moreland and Darebin Councils, and have been lodged. Darebin City Council issued a Planning Permit on December 21, 2018. Moreland City Council have issued a 'Notice of Decision to Issue a Planning Permit' (NOD), and the single objector has until February 3 to lodge an appeal to VCAT. Given they did not appeal Darebin Council's NOD it is unlikely they will appeal, however there is still a low risk that the project start may be delayed. This risk is being managed through constant communication by Council officers at Darebin and Moreland.

Contract Works

The nature of the contract works is considered medium to high risk with respect to Occupational Health & Safety. The contractor is required to undertake a risk assessment of each task as work proceeds, and have measures in place to reduce or eliminate those risks. The contractor is required to provide evidence that all insurances are in place before commencing works.

Financial check

A financial check was completed on the shortlisted contractor through Illion Direct. The financial check (undertaken on 19 October 2018) verified the financial capacity of the shortlisted contractor to complete the works. Refer to confidential **Appendix B** for the Illion Direct report.

DISCUSSION

Request for Tender

The RFT was advertised in 'The Age' newspaper for Contract No. CT201877 - Construction of Beavers Rd Shared Path Cable Stayed Bridge. The tender is based on a lump sum contract using Australian Standard AS 4000 - 1997 – General Conditions of Contract.

The RFT closed on 4 October 2018. Details of contractors that submitted proposals before the closing date and time are provided in Confidential **Appendix A**, circulated to Councillors under separate cover.

Tender Evaluation

The RFT submissions were evaluated by the panel against the evaluation criteria detailed in the table below. The evaluation criteria was established prior to the RFT being advertised, and was included in both the Strategic Procurement Plan and the RFT documentation.

EVALUATION CRITERIA
Price
Local business content
Demonstrated Experience
Team Capability & Key Personnel
Proposed Methodology
Timeline
Environment and Quality Management

The members of the panel, evaluation details, pricing and scoring for the evaluation is provided in Confidential **Appendix A** circulated to Councillors under separate cover.

The Tender Evaluation Matrix, showing the scores of all submissions and signed by all members of the Evaluation Team, is included as Confidential **Appendix D**, for information.

Probity

Council's procurement policy mandates that a probity advisor be engaged for all projects greater than \$1,000,000. An independent Advisor was engaged to provide an overview of the probity tasks and to provide findings and conclusion in relation to the evaluation process. A report was received from the Probity Advisor. Refer to Confidential **Appendix C** for a copy of the probity report.

OPTIONS FOR CONSIDERATION

Refer to Confidential **Appendix A** circulated to Councillors under separate cover for options for consideration.

IMPLEMENTATION STRATEGY

Details

Once awarded the Contractor will be advised and required to provide all preliminary documentation. It is expected that initial works will be steel fabrication off-site, and commence on-site with site establishment, drilling and construction of concrete piles and abutments. A detailed construction program will be required before commencement.

Communication

The community groups and organisations already consulted with, and affected local residents, will be kept informed of progress of the works.

Timeline

The project is required to be complete within 28 weeks of date of award.

RELATED DOCUMENTS

Previous documents related to Contract No. CT201877 – Construction of Beavers Rd Shared Path Cable Stayed Bridge:

- Strategic Procurement Plan
- Risk Assessment
- Probity Plan
- Request for Tender
- Conflict of Interest Declaration
- Evaluation Endorsement
- Evaluation Matrix

Attachments

- Tender Evaluation Report (**Appendix A**) Confidential - enclosed under separate cover
- Illion Direct Comprehensive Report (**Appendix B**) Confidential - enclosed under separate cover
- Probity Report City of Darebin RFT process (**Appendix C**) Confidential - enclosed under separate cover
- Signed Evaluation Matrix (**Appendix D**) Confidential - enclosed under separate cover

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 WELCOMING CITIES REFERENCE GROUP SUCCESSFUL EOI APPLICANTS**Author:** Coordinator Equity and Diversity**Reviewed By:** General Manager Community

PURPOSE

To seek Council's endorsement of the successful applicants of the Welcoming Cities Reference Group as recommended by the expression of interest (EOI) panel, and to amend the terms of reference to add a member representing the Traditional Owners.

EXECUTIVE SUMMARY

Welcoming Cities aims to support local councils to become more welcoming and inclusive of new communities through application of the Australian Standard for Welcoming Cities (The Standard).

Council has established a Darebin Welcoming Cities Reference Group. The Terms of Reference endorsed by Council on 3 December 2018 determined that, of the eleven (11) voting members of the Reference Group, four (4) members shall be drawn from the local community following an EOI process, including community representation from the Aboriginal and Torres Strait Islander community.

Applications for this process closed on 6 January 2019 with five community applications received. An internal assessment panel convened on 9 January 2019 to consider the EOIs.

In addition, confirmation of representatives from the Darebin Ethnic Communities Council and Darebin Interfaith Council has been received. Nomination of a representative from the Darebin Aboriginal and Torres Strait Islander Community Council is expected soon.

This report recommends an addition to the Reference Group representation, to include a position for the Traditional Owners body. An invitation to participate has been forwarded to the Wurundjeri Land and Compensation Cultural Heritage Council Aboriginal Corporation.

In relation to level of accreditation, on receipt of further advice from Welcoming Cities, Council will be applying for the 'Advanced' level of accreditation reflecting Council's history of engaging with cultural diversity and inclusion across the Standards.

Recommendation

That Council:

- (1) Endorses the following people as voting members of the Welcoming Cities Reference Group: , _____, _____, _____.
- (2) Endorses the proposed amendments to the Darebin Welcoming Cities Reference Group Terms of Reference, as attached.

BACKGROUND / KEY INFORMATION

Welcoming Cities aims to support local councils to become more welcoming and inclusive of new communities through application of the Australian Standard for Welcoming Cities (The Standard). The Standard establishes a framework for local councils to benchmark their cultural diversity and inclusion policies and practices across six categories outlined below:

- Leadership
- Social and Cultural Inclusion
- Economic Development
- Learning and Skills Development
- Civic Participation
- Places and Spaces

A Welcoming Plan is currently being developed to drive and capture progress across the six categories as a baseline for the Welcoming Cities Reference Group and which sets out a clear strategic framework.

Previous Council Resolution

At its meeting held on 3 December 2018, Council resolved:

That Council:

- (1) *Endorses the proposed Darebin Welcoming Cities Reference Group Terms of Reference, to be finalised by the Welcoming Cities Reference Group at the inaugural meeting in February 2019.*
- (2) *Appoints Cr. Greco to the Welcoming Cities Reference Group.*

COMMUNICATIONS AND ENGAGEMENT

Consultation

- Program Officer, Welcoming Cities
- CEO, Welcome to Australia
- Manager, Equity and Wellbeing
- Coordinator, Equity and Diversity
- Human Rights Officer
- Diversity Policy Officer
- Aboriginal Contact Officer
- Interfaith Officer
- Business Engagement Skills and Employment Officer
- Multicultural Affairs Officer

Communications

A Communications and Engagement Plan has been developed supporting implementation. This will be used to promote the appointment of new members to the Reference Group and Council's position as a Welcoming Cities member.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 5 - Involving our diverse community

Environmental Sustainability Considerations

There are no environmental sustainability considerations pertaining to the proposed terms of reference or reference group.

Equity, Inclusion and Wellbeing Considerations

The establishment of the terms of reference and associated reference group strongly reflects Council's commitment to promoting equity, inclusion, human rights and wellbeing. Recognition of First Nations is an integral part of Welcoming Cities. The reference group will be a mechanism to strengthen community engagement on these issues/experiences.

Cultural Considerations

Welcoming Cities, at its heart, recognises culture and the expression of culture as a central element in building strong, resilient and harmonious communities where diversity and difference is respected. Council's Cultural infrastructure will support this project, particularly through the Intercultural Centre.

Economic Development Considerations

Economic Development is one of the categories of the standard and seeks to facilitate access to opportunities for employment, business development and entrepreneurship. This will be an area of consideration for the reference group.

Financial and Resource Implications

The establishment of the terms of reference and reference group can be met within existing budgets. Actions identified to meet the criteria and indicators of the Standard outside existing resources will be referred to future budgets.

Legal and Risk Implications

The proposed terms of reference outlines expectations regarding the conduct of reference group members and specific expectations regarding confidentiality and conflict of interest which members must adhere to.

DISCUSSION

Expression of interest process

Following the Council meeting on 3 December 2018, confirming establishment of the Darebin Welcoming Cities Reference Group, an EOI process was commenced. It was promoted through a range of networks and communication platforms and closed on 6 January 2019. Following the EOI process, five applications were received and assessed by a panel of three officers against criteria based on the purpose of the reference group. The recommendations following this assessment process are outlined in **Appendix B**.

Invitations were also forwarded to invite agencies to join the reference group, as per the Reference Group Terms of Reference. At the time of writing, the Victorian Equal Opportunity and Human Commission and AMES had accepted the invitation to join the Darebin Welcoming Cities Reference Group. Confirmation of representatives from the Darebin Ethnic Communities Council and Darebin Interfaith Council was also received with the nominated representative from the Darebin Aboriginal and Torres Strait Islander Advisory Committee and Spectrum MRC still to be confirmed.

A standing seat for Traditional Owners is also recommended, with an invitation to participate forwarded to the Wurundjeri Land and Compensation Cultural Heritage Council Aboriginal Corporation. This would see an increase in overall membership to 12 positions. As no EOIs were received from Aboriginal community members, officers will seek further advice from the Darebin Aboriginal Advisory Committee regarding participation of Aboriginal and Torres Strait community in the reference group.

Amendments to the Terms of Reference

The terms of reference endorsed by Council in draft on 3 December 2018 are proposed to be amended to include Wurundjeri Land and Compensation Cultural Heritage Council Aboriginal Corporation as a voting member. This should have been included in the terms of reference originally recommended in December 2018.

Progress against the Standard

The organisation is currently at the entry level of 'Committed' which enables Darebin Council to have access to the Welcoming Cities network and its information. Following further discussion, Welcoming Cities has recommended that, based on Darebin's long history of engaging with cultural diversity and inclusion, Council applies directly for the 'Advanced' level.

An application for 'Advanced' level will now be progressed prior to the first meeting of the Welcoming Cities Reference Group on 26 February 2019. Accreditation lasts for 3 years, at which time a Council can be assessed again at the same level or consider a higher level.

OPTIONS FOR CONSIDERATION

Option One (recommended)

That Council endorse the membership recommendations following the EOI process for community representation Welcoming Cities Reference Group.

Option Two

Council does not endorse membership recommendations.

IMPLEMENTATION STRATEGY

Details

A comprehensive EOI process has been completed and invitations to identified member agencies and Traditional Owner representative body from the Mayor actioned.

Communication

A Communication and Engagement Plan has been developed promoting Council as a member of Welcoming Cities and announcing the formation of the new reference group.

Timeline

4 February 2019	Reference group membership endorsed by Council
26 February 2019	Inaugural meeting of reference group held.
June 2020	Review of Reference Group and Welcoming Cities progress.

RELATED DOCUMENTS

- Welcoming Cities Standard

Attachments

- Amended Darebin Welcoming Cities Reference Group Terms of Reference (**Appendix A**)
- Welcoming Cities Reference Group Confidential Attachment - Community Members Selection Report and applications (**Appendix B**) Confidential - enclosed under separate cover

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.



Welcoming Cities Reference Group

TERMS OF REFERENCE 2018

Welcoming Cities Reference Group

TERMS OF REFERENCE 2018

1. Introduction

The Darebin Welcoming Cities Reference Group (Reference Group) seeks to ensure that Darebin City Council (Council) meets its commitment to be a Welcoming City.

The Darebin Welcoming Cities Reference Group is a forum comprising representatives from

- government bodies
- community agencies and organisations
- existing Council advisory committees and
- the Darebin community

Collectively these representatives will share a commitment to a welcoming, inclusive and cohesive community where everyone can belong and participate in social, cultural, economic and civic life.

The Reference Group will facilitate and monitor Council's progress towards achieving the principles and criteria in the Welcoming Cities Standard.

The Standard allows member Councils across Australia to:

- Benchmark their cultural diversity and inclusion policies and practices across the organisation;
- Identify where and how further efforts could be directed;
- Assess their progress over time.

Membership of the Welcoming Cities network builds on Darebin City Council's long-standing commitment to equity, inclusion, social justice and human rights. It particularly encapsulates Council's support of cultural diversity and strong anti-racism stance and work. This work acknowledges the continued exclusion and racism experienced by Aboriginal and Torres Strait Islander people with membership on the Reference Group reflecting this intersection.

2. Purpose

The purpose of the Reference Group is to facilitate and monitor Council's progress towards achieving the principles and criteria across the six categories of the Welcoming Cities Standard.

The Reference Group provides a 'whole-of-community' partnership response to Council's Welcoming Cities commitments so as to create a welcoming and cohesive city where everyone can belong and participate in all aspects of community life.

The Reference Group will inform and support the development and monitoring of the actions and strategies implemented by Darebin Council to meet the Welcoming Cities Standard. The Reference Group will provide strategic and practical advice, a basis for partnerships, as well as input from community members.

Members of the Cities Reference Group will also represent and advise on issues that impact upon residents' and community's sense of welcome and belonging in Darebin and beyond.

2.1. Policy context

The Darebin Welcoming Cities Reference Group supports Darebin City Council's goals articulated in the Council Plan 2017-2021:

- Goal 2: Opportunities to live well.
- Goal 3: A liveable city.
- Goal 5: An equitable and diverse community.

Welcoming Cities commitments are captured in Council's Equity, Inclusion and Human Rights Framework (draft) and reflected in a range of additional frameworks and action plans:

- Darebin Health and Wellbeing Plan 2017-2021
- Darebin Aboriginal Action Plan (draft)
- Darebin Council Community Engagement Framework 2012-2017
- Darebin Gender Equity and Preventing Violence against women Action Plan (draft)
- Darebin Human Rights Action Plan (draft)
- Darebin Sexuality, Sex and Gender Diversity Action Plan (draft)

2.2. Guiding principles

The Darebin City Council's Welcoming Cities Reference Group aligns to the principles set out in the Australian Standard for Welcoming Cities, affirming that:

- Aboriginal and Torres Strait Islander people are recognised as the First People of this nation and the Traditional Owners and custodians of the land. As such Aboriginal and Torres Strait Islander people should be engaged as leaders in welcoming activities.
- Cultural diversity and inclusion are paramount and should be advanced through collaboration within Council and cooperation and partnerships between Council, the local community and other government and community agencies and organisations.
- Relationships between newly arrived/migrant and receiving/established communities should be facilitated to address racism and promote social cohesion - noting diversity of experience, identity, resources and status.
- All residents should have equitable access to Council services and assets, as well as opportunities for employment, business development and entrepreneurship, removing systemic barriers as needed. All residents should be equally supported to participate in the community and encouraged to participate in civic life. All residents should be engaged in design process for urban planning so that public spaces and facilities enhance liveability, social cohesion and inclusion.
- It is essential to engage the receiving/established communities in ways that build greater understanding of why welcoming work is important. Both receiving and migrant communities should be supported to develop the skills and opportunities required to foster social cohesion.
- People of all backgrounds have unique talents and experiences that they contribute to our community. These should be valued to make our communities vibrant, and welcoming.
- The voice and experiences of both new arrivals and the broader community are critical to defining a welcoming agenda.

2.3. Objectives

The objectives of Darebin's Welcoming Cities Reference Group are to:

- Support Council to achieve the principles and criteria in the Welcoming Cities Standard, including providing advice on the development for a Welcoming City Plan that further embeds Council's anti-racism stance and commitment.
- Identify opportunities for collaboration and partnership development to support newly arrived/migrant communities.
- Share information around work and projects that contribute to a sense of inclusion and improve a sense of belonging and inclusion in the Darebin community.
- Facilitate a whole-of-community approach to building social and cultural inclusion, economic engagement and civic participation.
- Provide a platform for individuals or community groups to raise issues of inclusion, social cohesion or experiences of race-based discrimination issues.
- Support broader projects that promote best practice in creating a welcoming city and seek to pilot innovative projects as appropriate.
- Identify and provide recommendations back to Council as appropriate.

3. Membership

Membership of Darebin Welcoming Cities Reference Group will include representatives with:

- Expertise in matters relating to the experience of migration/migrants, and/or racism/race-based discrimination
- Interest in developing partnership responses with the local community to enhance a sense of welcome, inclusion and belonging,
- Commitment to integrated collaborative planning and community participation in strategies and projects that improve levels of community welcome, inclusion and belonging in Darebin.

Membership will comprise of **12 voting members**:

- A nominated Darebin Councillor.
- **Four community members** to be recruited via an Expression of Interest (EOI) process.
- **Three members from existing committees**, representative from each of:
 - Darebin Ethnic Communities Council;
 - Darebin Aboriginal Advisory Committee
 - Darebin Interfaith Council

- **Three representatives from a community and migrant support agencies** in the City of Darebin, includes:
 - AMES
 - Spectrum Migrant Resource Centre
 - Victorian Equal Opportunity and Human Rights Commission (VEOHRC)
- **A representative from the Wurundjeri Land & Compensation Cultural Heritage Council Aboriginal Corporation**

Other agencies and groups might be invited to contribute or to a specific meeting as deemed necessary by Council and the reference group.

- Membership will be by invitation from Council for agencies and organisations. Nominations will be sought from DECC, DAAC and DIC.
- A recruitment round will be undertaken for the community members.
- Membership is for two years but will be reviewed annually to determine any gaps.

The reference group will be supported by at a Council Officer who will not be a member. The Manager, Culture and Transformation and Manager, Equity and Wellbeing will also participate as non-voting members.

Additional Council Officers will attend as required. Officers are non-voting participants.

Other agencies will be invited to participate as required when relevant, as non-voting participants

3.1. Membership diversity

The Reference Group should seek to reflect the full diversity of the Darebin community and the different lived experiences of racism and multiculturalism. This will be a key consideration in the selection and recruitment of members. The Reference Group will seek to build and reflect diversity within membership and be inclusive in practice.

4. Terms and method of invitation

4.1. Method of invitation

Membership to Welcoming Cities Reference Group will be through invitation from the Darebin City Council.

4.2. Terms of membership

Appointments to the Reference Group will be for a period of two years. Each year the supporting officer will review appointments and invitations will be made to the relevant agencies.

5. Meetings and procedures

The Reference Group will meet at Council's offices four (4) times a year, with the possibility to organise additional meetings as required. Dates and times of the meetings will be determined by Council, taking into consideration members' constraints. Meetings may be hosted by member agencies and may focus on a particular topic or theme.

Where the group wishes to make recommendations to Council, a consensus of all members present will be sought.

In the absence of such consensus, and provided there is a quorum of at least half of the members (apart from Councillor(s)/Chair and officer(s)) present at the meeting, the recommendation will be put to a vote with the majority recommendation being endorsed as the group's. Officers can never take part in the vote. In the event of a tie, the Chair may exercise a casting vote.

5.1. Chairperson

The appointed Councillor shall undertake the duty of Chair.

The responsibilities of the Chair include:

- Guiding the meeting according to the agenda and time available,
- Facilitating fruitful discussions,
- Assisting members to abide by the Code of conduct (see 5.4. below), including by taking action in case of breaches,
- Reviewing and approving minutes before distribution as needed,
- Where appropriate, updating Council on the progress and discussions of the reference group.

5.2. Officer support

Darebin City Council's Multicultural Relations Officer will take responsibility for providing executive support to the Reference Group including provision of meeting agendas and minutes. Reference Group agendas will be forwarded to the reference group members by email no later than one week (five working days) before a scheduled meeting.

Minutes will be provided to Reference Group members no later than two weeks (ten working days) after a scheduled meeting, including details of proceedings and clearly expressed resolutions (where applicable), and including relevant documentation as attachments where necessary.

The Multicultural Relations Officer will coordinate the implementation of Reference Group meeting outcomes, monitoring and evaluation. The implementation may involve Reference Group members or staff from their agencies. Agencies and organisations not directly represented on the Reference Group may be involved.

Records of agendas and minutes will be maintained in accordance with *Public Records Act* requirements.

5.3. Recommendations to Council

The role of the Reference Group is to provide advice to Council. As such it does not have any decision-making powers.

The Reference Group does not have an operational role and may not direct Council staff in the performance of their duties.

5.4. Conduct of Reference Group members

Members will:

- Act honestly and treat others with respect. Failure to do so will be dealt with by the Chair as appropriate
- Exercise reasonable care and diligence
- Not make improper use of their position or make improper use of information acquired because of their position.
- Ensure their behaviours reflect Council's commitments to equity, diversity and wellbeing, in particular those outlined in Goal 5 of the 2017-2021 Council Plan.
- Ensure that their behaviour reflect Council's values of Respect, Accountability, Transparency and Collaboration.

Where there is a requirement for confidentiality, whether it arises during a meeting or is made clear to members in communications conducted outside of a meeting (e.g. provision of a draft policy ahead of a meeting, for discussion and feedback at the meeting), this is to be noted in the minutes and addressed accordingly.

Members must disclose a conflict of interest in relation to any matter the Reference Group is concerned with or that the Reference Group will, or is likely to, consider or discuss. The conflict of interest, including the nature of the relevant interest, must be disclosed before the matter is considered and must be recorded in the minutes.

Members of the Reference Group are not authorised to speak to the media or make public statements on behalf of the Reference Group, nor of Council. In that case, any engagement with the media will be in accordance with Council's standard media and communications policy.

Members are authorised to disclose general information such as objectives of the Reference Group, membership procedures, list of activities and information in regard to any issues that have already been previously dealt with and approved in the Reference Group's discussions.

6. Monitoring and evaluation

The Darebin Welcoming Cities Reference Group will be reviewed 18 months into the first two year term via a number of methods (including reflective self-evaluation of the Reference Group) to ensure that the Reference Group is achieving its objectives and is relevant to council's aspirations relating to the Welcoming Cities Standard.

6.1. Reporting to Council

The Reference Group will report to Council on actions and outcomes achieved on an annual basis.

8.6 AGED CARE ASSESSMENT SERVICES - COMMONWEALTH CONSULTATION

Author: A/Manager Aged and Disability

Reviewed By: General Manager Community

PURPOSE

To inform Council about the Australian Government Department of Health Discussion Paper *Streamlined Consumer Assessment for Aged Care*, and to request Council authorisation to make a submission to the consultation.

EXECUTIVE SUMMARY

The My Aged Care system includes two types of assessment service:

- Regional Assessment Service (RAS, for people with entry level needs) and
- Aged Care Assessment Teams (ACAT aimed at people with more complex needs, including for those needing residential aged care).

Since July 2016, Darebin Council has been funded by the Commonwealth via the State Government to provide Home Support assessments for older people with entry level needs. This is part of the Northern RAS, and the Darebin service is likely to continue to receive this funding until June 2020.

Most Victorian Councils provide assessment services as part of a RAS, while in other states such as NSW it is more common for hospitals or other providers to provide assessment services. ACAT services in Victoria are mostly provided by hospitals.

The Commonwealth intends to streamline assessment services in My Aged Care, with a view to creating an integrated assessment service. In December 2018 the Department of Health issued a discussion paper about this topic, and called for feedback by 11 February 2019.

Recommendation

That Council:

1. Makes a submission to the Federal Government *Streamlined Consumer Assessment for Aged Care* consultation process, to include the following key points:
 - (a) Streamlining assessment services, if it is to occur, must be primarily driven by improved client experiences and outcomes;
 - (b) Cultural diversity and social disadvantage should be considered in any service reforms;
 - (c) The national My Aged Care intake system must be improved and difficulties addressed, to provide genuine support to those in need of services;
 - (d) Intake and assessment services must include appropriately qualified staff, preferably with the capacity for local knowledge of services and programs;
 - (e) Assessment services should be focusing on both reablement (health) and wellness (wellbeing);

- (f) Assessment services which include staff with local knowledge of services and programs can help achieve much better experiences and outcomes for clients;
 - (g) Changes to introduce an integrated assessment service should allow for the possibility of councils continuing to provide assessment services as part of My Aged Care.
2. Authorises the Chief Executive Officer to finalise and submit the submission by the deadline of 11 February 2019.
-

BACKGROUND / KEY INFORMATION

The My Aged Care system includes two types of assessment service:

- Regional Assessment Service (RAS, for people with entry level needs) and
- Aged Care Assessment Teams (ACAT aimed at people with more complex needs, including for those needing residential aged care).

Since July 2016, Darebin Council has been funded by the Commonwealth via the State Government to provide Home Support assessments for older people with entry level needs. This is part of the Northern RAS, and the service is likely to continue to receive this funding until June 2020.

ACAT services in Victoria are mostly provided by hospitals.

The Commonwealth intends to streamline assessment services in My Aged Care, with a view to creating an integrated assessment service. In December 2018 the Department of Health issued a discussion paper about this topic, and called for feedback by 11 February 2019.

The *Streamlined Consumer Assessment for Aged Care* discussion paper is intended to address an issue raised in the Legislated Review of Aged Care 2017 (Tune Review) that found there is duplication and inefficiency within the current assessment process. The Tune Review recommended that the government integrate the existing two assessment workforces comprising Regional Assessment Services (RAS) and Aged Care Assessment Teams (ACATs) and consider integrating residential care funding assessments.

The publicity material for the discussion paper states that:

“Your feedback is sought on key design elements to inform the development of a streamlined consumer assessment model for aged care, including:

- *streamlining entry processes through My Aged Care;*
- *ensuring the quality of assessment services;*
- *ensuring that assessment better supports senior Australians to remain independent in their homes;*
- *managing aged care assessment in remote areas; and*
- *linking vulnerable older people to additional support.”*

The discussion paper is attached and explains background, future directions and invites feedback.

Previous Council Resolution

Council resolved in May 2018 to conduct the Age Friendly Darebin review. The matter of aged care assessment services specifically is not the subject of a previous This matter is not the subject of a previous Council resolution.

COMMUNICATIONS AND ENGAGEMENT**Consultation**

Council has a great deal of feedback from the community about the My Aged Care system (and to some extent assessment services), drawn from previous consultations, other community feedback, and advice from the Active and Healthy Ageing Advisory Board (AHAAB). AHAAB have been advised of the opportunity to provide feedback to the current consultation.

Discussions have been held with other Northern Region Councils Aged & Disability Managers and Coordinators, the Regional Assessment Service Coordinator and a workshop is planned for relevant Council employees: the Assessment Team and Aged & Disability Leadership group.

If Council endorses the recommendation, all of these sources of input will contribute to the final version of our submission.

Communications

The Federal Government is inviting feedback on its discussion paper.

ANALYSIS**Alignment to Council Plan / Council policy**

Goal 2 - Opportunities to live well

Environmental Sustainability Considerations

No environmental sustainability considerations are relevant to this subject.

Equity, Inclusion and Wellbeing Considerations

Equity, Inclusion and Wellbeing should be considerations foremost in Council's submission to the consultation process. Darebin's older community is highly diverse with many areas of disadvantage, and it is vital that community needs are met by an appropriately designed assessment system.

Cultural Considerations

Cultural considerations should be included in Council's submission, to seek to emphasise the cultural diversity among older people in Darebin and that it is vital for a streamlined assessment service to acknowledge and be designed to respond to diversity of older people in order to be effective. Cultural sensitivity in assessment practice will encourage older people to engage with and trust the assessment process so that their needs can be identified accurately and met appropriately.

Economic Development Considerations

None identified.

Financial and Resource Implications

The Darebin outlet of the Regional Assessment Service currently has 10.8 FTE staff and provided assessment services at least once to 2,562 clients in 2017/18. The service cost \$1.96 million in 2017/18, with Council contributing \$1.20 million of this cost.

Future decisions by government would be likely to have an impact on the level of resourcing.

Furthermore, there are indirect financial and resource implications for council. If the proposed new assessment model designed and delivered by the Commonwealth is not effective and inclusive, and does not adequately understand our local community, it may impact negatively on the wellbeing of some of Darebin's older residents, by causing delays in identifying needs and accessing services.

Legal and Risk Implications

Nil identified

DISCUSSIONBackground

For more than 20 years, until August 2016, Council had a contract with the State to provide Home based assessments under the Home and Community Care (HACC) program. Under HACC, assessment and service delivery worked closely together and Darebin residents were able to contact council by telephone or directly in person and have their queries addressed.

The Commonwealth Aged Care reforms

In 2012 the *Aged Care (Living Longer Living Better) Act* was passed to support the reform of the aged care system. It was planned to be implemented over a ten-year period, the reform includes changes to the planning, funding and delivery of residential aged care, home care packages and home and community-based services.

The implementation of My Aged Care (MAC) required demonstrated separation of Assessment from service delivery and therefore significant changes in practice for both.

Other changes included the introduction of a national single point of entry via the MAC contact centre and website.

Current arrangements

Home support assessments are usually conducted face-to-face in the client's home and build on the information collected by the MAC contact centre registration and screening with further detail to determine a client's eligibility to receive CHSP services. The Assessor identifies clients' needs, goals and preferences holistically, and refers them to services that will help them achieve the best possible level of function and independence.

Outcomes of the Assessment can include Assessment, development of a Support Plan that reflects the client's strengths and abilities, referrals to formal and informal services, further information or follow-up.

Older people and their families in Darebin have described frustration and confusion when attempting to access information or services via the MAC system. The person on the phone often has no local knowledge of Darebin, its services, geography or community. Some older people have said that they “feel like a number, not a person”, having to answer the same question several times to several people and being unsure what will happen next.

Discussion Paper

The *Streamlined Consumer Assessment for Aged Care* discussion paper is attached for information.

The discussion paper has a largely operational emphasis. Its areas of inquiry are listed below in bold, with potential Council response inclusions underneath.

Design Principles

Potential Council response would include:

- Any service reform must be driven by genuine improvements to the experiences of older people.
- The proposed principles lack perspective and the voices of older people (eg assessment outcomes defined by who?).
- The principles underpinning the assessment system need more evident consideration of diversity- beyond “special needs” and system access.
- There needs to be consideration that many older people undergo assessment at points of crisis, transition, and loss.
- Service reform should allow Councils to continue to be providers of assessment services.

Entry process

Potential Council response would include:

- Community perception, and staff experiences, raise concerns about the current and future value of the My Aged Care call centre- the community could be better served by a more localised approach. My Aged Care, which can be difficult to navigate and impersonal. Triage needs to be skilled, proactive and effective, not expedient.
- The value of local knowledge in a streamlined system- saves time, and often translates to better experience for the older person.
- There is an important distinction between consistency and conformity.
- Terminally ill people should be spared the intrusion of assessment.
- Support Plan Reviews (currently not explicitly funded) need to be funded.

Assessment Workforce

Potential Council response would include:

- Triage and more complex assessments are most effectively dealt with by health/welfare degree-qualified staff, with capacity for higher-level decision-making. Mechanisms for collaborative, multidisciplinary responses are also essential. More basic reviews and less complex home based assessments can be undertaken by lesser qualified staff.

- Appropriately staffed and structured workforce that offers effective allocation of resources to clients' needs and to support of practice.
- A regional model would support preservation and development of local knowledge and networks/collaborations and appropriate practice support for field staff.

Assessment in a hospital setting

Potential Council response would include:

- Proposed changes to the assessment system may result in unintended complications, or loss of continuity if access to patient records is restricted or lost (ACATs are currently hospital-based and have access to patient records).

Wellness (health promoting approaches) and Reablement (recovery/independence approaches)

Potential Council response would include:

- The feasibility of referring for reablement is often determined by the timeliness / availability of services (eg Allied Health).

OPTIONS FOR CONSIDERATION

Council could choose to make a submission to this consultation process, or alternatively could choose not to participate in this consultation process.

IMPLEMENTATION STRATEGY

Details

If Council endorses the recommendation, then the submission text will be finalised, authorised and submitted by the due date of 11 February. We will also contribute to the Northern Metro Region councils' submission.

Communication

Following finalisation of the submission it will be made available to internal stakeholders and the Active and Healthy Ageing Advisory Board.

Timeline

Submissions are due by 11 February 2019.

RELATED DOCUMENTS

- Nil.

Attachments

- My Aged Care Streamlined Consumer Assessment for Aged Care - Discussion Paper - December 2018 (**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.



myagedcare

STREAMLINED CONSUMER ASSESSMENT FOR AGED CARE

DISCUSSION PAPER - DECEMBER 2018

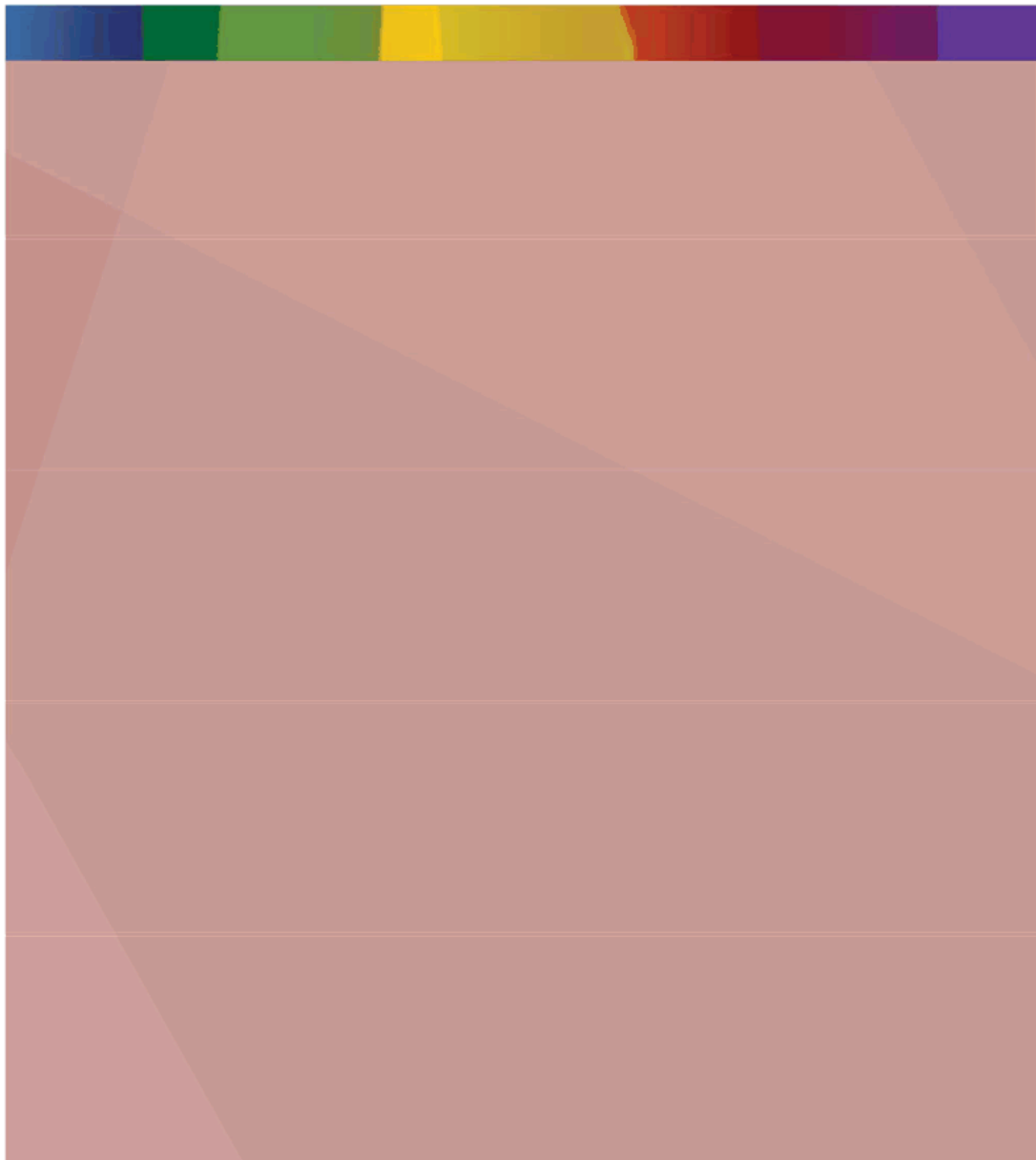


Table of Contents

1. Purpose of the discussion paper	2
2. Context	3
2.1 The reform agenda	3
2.2 The current assessment system	4
2.3 Issues with the current arrangements	5
3. Design principles	6
4. Assessment model	7
5. Entry processes	8
5.1 Intake and triage	8
5.2 Health professional referrals.....	9
5.3 Expedited access to a single time-limited CHSP service.....	9
5.4 Support plan reviews.....	10
6. The assessment workforce	11
6.1 Qualifications	11
6.2 Training.....	12
6.3 Quality and value for money.....	13
7. Assessment in a hospital setting.....	14
8. Assessment in remote Australia	15
9. Wellness and reablement.....	16
10. Linking support.....	17
11. Additional comments	18

1. PURPOSE OF THE DISCUSSION PAPER

In the 2018-19 Budget, the Government announced that it will design and implement a new framework for streamlined consumer assessments for all aged care services, to be delivered by a new national assessment workforce from 2020.

The *Better Access to Care – streamlined consumer assessment for aged care* measure addresses an issue identified in the *Legislated Review of Aged Care 2017* (Tune Review), that there is duplication and inefficiency within the current assessment process. The Tune Review recommended that the government integrate the existing two assessment workforces comprising Regional Assessment Services (RAS) and Aged Care Assessment Teams (ACATs) and consider integrating residential care funding assessments after the outcomes of the review of the Aged Care Funding Instrument.

Consultation with the sector on future care at home reform indicated there was broad support for an integrated assessment workforce to streamline the assessment process and provide a better experience to senior Australians.

This paper seeks your feedback on key design issues to inform the development of a streamlined consumer assessment model for aged care, including:

- The initial triage process;
- Referrals by health professionals;
- Expedited access to a single time-limited service;
- Managing support plan reviews;
- Qualifications and other considerations for a national assessment workforce;
- Assessment arrangements in the hospital setting;
- Assessment approaches in remote Australia;
- Embedding wellness and reablement in assessment practice; and
- Linking support for vulnerable older people.

Decisions have not been made about specific implementation or tender arrangements for a new national assessment workforce. This discussion paper does not make assumptions about who the providers of assessment services will be into the future with regard to their status as existing or new providers, or as public, private or non-government organisations.

Once a streamlined assessment model has been developed in consultation with stakeholders, proposed implementation arrangements will be subject to government agreement. In the meantime, funding has been committed to existing assessment arrangements through to 30 June 2020.

2. CONTEXT

2.1 The reform agenda

The Government's *More Choices for a Longer Life Package* announced in the 2018-19 Budget aims to support senior Australians to be better prepared to be healthy, independent, connected and safe. It includes a range of measures to enhance aged care services, as well as support older people to remain healthy as they age.

The *More Choices for a Longer Life Package* responds to a number of recommendations of the Tune Review and the Review of National Aged Care Quality Regulatory Processes (Carnell-Paterson Review). It also builds on other reforms aimed at making aged care services more responsive to consumers' needs, improving access to services, and enhancing the quality and safety of aged care services. The Royal Commission into Aged Care Quality and Safety will be commencing its examination of those issues in parallel to the development of a streamlined assessment model for aged care.

There are several measures in the *More Choices for a Longer Life Package* that lay the foundation for a more integrated aged care system, including:

- streamlined consumer assessments for all aged care services, to be delivered by a new national assessment workforce from 2020;
- innovative approaches to support senior Australians to stay living independently in their own homes for longer, including the implementation of a reablement-focussed assessment model in identified RAS sites;
- improving access to aged care through enhancements to My Aged Care; and
- introducing aged care system navigator trials to help senior Australians who have difficulty engaging with and understanding the aged care system.

Funding arrangements for the Commonwealth Home Support Programme (CHSP) are in place until 30 June 2020. Whilst the Government has announced its intention to streamline aged care assessment from 2020, no decisions have been made about a future integrated care at home program.

In developing a streamlined assessment model, consideration will also be given to residential care funding reform, which is investigating alternative approaches to deliver more stable residential care funding arrangements. The Tune Review recommended that, following a review of the Aged Care Funding Instrument, the government integrate residential aged care funding assessment with the combined RAS and ACAT functions, independent of aged care providers. While the Government has not made a decision about the implementation of residential care funding reform, the formation of a national assessment workforce could provide a potential delivery mechanism for assessment of eligibility, aged care needs and residential funding.

2.2 The current assessment system

My Aged Care was established as a single gateway for senior Australians to obtain information and seek access to aged care services. This paper discusses assessment with regard to three stages:

- *the Entry stage* is when a person contacts the My Aged Care Contact Centre (Contact Centre), registers to be assessed and is asked screening questions to identify their level of need and whether they require an assessment (home support assessment by RAS or comprehensive assessment by ACAT).
- *the Assessment stage* involves conducting an assessment using the National Screening and Assessment Form and developing a support plan that will best meet the person's needs and goals. Assessment outcomes may include recommendation for CHSP services (by a RAS or ACAT) or approval for services under the *Aged Care Act 1997* (the Act)¹ (by an ACAT).
- *the Review stage* is where people receiving services have their support plan reviewed because services are time-limited or their care needs or circumstances have changed. Reviews can result in an increase or decrease in services, no change to services, or a new assessment.

The table below presents an overview of the existing aged care assessment pathways.

Table 1. Aged care assessment pathways

	Regional Assessment Services	Aged Care Assessment Teams
Main function	Assessment for entry-level support at home under the CHSP	Assessment for people requiring aged care services under the <i>Aged Care Act 1997</i> .
Contracted providers	17 Regional Assessment Services	8 state and territory governments, operating 80 Aged Care Assessment Teams
Target clients	Frail senior Australians aged 65 years or older (or 50 years or older for Aboriginal and Torres Strait Islander people) ²	People with more complex needs requiring access to higher intensity care available under home care, residential care (including respite), transition care or short term restorative care ³
Assessment volume (2017-18)	232,612 ⁴	186,128 ⁵
Assessment setting	Community setting only	Community and hospital setting
Links to <i>Aged Care Act 1997</i>	None	Powers are delegated to specific ACAT positions under the Act.

¹ Services under the Act include home care, residential care (including respite) and flexible care (transition care and short term restorative care)

² Also includes prematurely aged people 50 years or older (or 45 years or older for Aboriginal and Torres Strait Islander people) who are on a low income and who are homeless or at risk of homelessness

³ A person can be approved for care under the Act if they have made an [application for care](#) and satisfied the eligibility requirements under Division 21 of the Act

⁴ RAS: 2017-18 unpublished data extracted July 2018. Data does not include assessments completed for older people for the Home and Community Care Program in Western Australia

⁵ ACAT: 2017-18 Report on the Operation of the *Aged Care Act 1997*

	Regional Assessment Services	Aged Care Assessment Teams
Role with access to services	Following assessment, a person may be: <ul style="list-style-type: none"> - referred for CHSP services - recommended to receive linking support or reablement services - referred for a comprehensive assessment - provided with information 	Following approval, a person may be: <ul style="list-style-type: none"> - referred for home care, residential care (including respite), transition care or short term restorative care - referred for CHSP services - referred for other aged care services⁶ - provided with information⁷
Workforce qualifications	Assessors typically have vocational education and training (VET) qualifications in aged care and community services.	Multi-disciplinary tertiary-qualified staff from health-related disciplines such as medical practitioner, registered nursing, social work, physiotherapy, occupational therapy and psychology
Assessment Funding model	Most RAS are funded through unit pricing arrangements ⁸	Jurisdictions are block funded

2.3 Issues with the current arrangements

In feedback to the Tune Review, stakeholders reported that there is duplication, inefficiency and delays for senior Australians by having separate home support and comprehensive assessment pathways. Issues that may have contributed to duplication and delays in the current assessment system are outlined below.

Entry:

- Determining the assessment type (home support or comprehensive) at the beginning of the assessment process through screening can result in older people being referred for the wrong type of assessment.
- People who require a single time-limited CHSP service such as community transport are required to undergo a holistic face-to-face home support assessment, which may be excessive for their needs.

Assessment:

- Stakeholders have reported it is common for an older person who receives a home support assessment to require a separate comprehensive assessment a short time later, in order to be assessed for services under the Act (including residential respite and home care).

Review:

- Older people who require a review of their care needs may encounter delays if they are directed to the incorrect assessment service. People may also experience delays if they receive a review from a RAS and are then referred for a comprehensive assessment from an ACAT because their needs have become more complex.

⁶ Other aged care services may include Multi-Purpose Services (MPS) or National Aboriginal and Torres Strait Islander Flexible Aged Care Program (NATSIFACP)

⁷ Information may include advice on access to other support services including health and community services

⁸ RAS services in Victoria and Western Australia are currently block-funded under transition arrangements

3. DESIGN PRINCIPLES

The following principles for aged care assessment have been informed by feedback from the aged care sector, and underpin the proposed streamlined assessment model:

1. *Outcome focus* - assessment is focussed on outcomes for older people including wellness and reablement approaches which support independence and quality of life.
2. *Access* - free assessment is available to older people to support appropriate access to Commonwealth-funded aged care services, including for people being discharged from hospital, those in remote areas, and people from special needs groups (as defined under the Act).
3. *Quality* - an appropriately qualified, trained and supported workforce provides quality assessments that are effective, timely and face-to-face whenever possible, which meet the needs of senior Australians.
4. *Comprehensiveness* - holistic assessment is undertaken which may apply team-based and multidisciplinary approaches, for example involving nurses, allied health and medical professionals as required.
5. *Independent assessment* - aged care assessment which is separate from service provision, and enables older people to receive assessment for all aged care services and where necessary, have their care needs reviewed as they change.
6. *Consistency* – assessments are consistent for senior Australians regardless of where they live or of who assesses them, supported by the National Screening and Assessment Form, to assess eligibility and aged care needs.
7. *Efficiency and effectiveness* - the assessment process includes efficient and effective intake and triage, appropriate referral pathways, and proportionate assessment that takes account of other service systems.

Question:

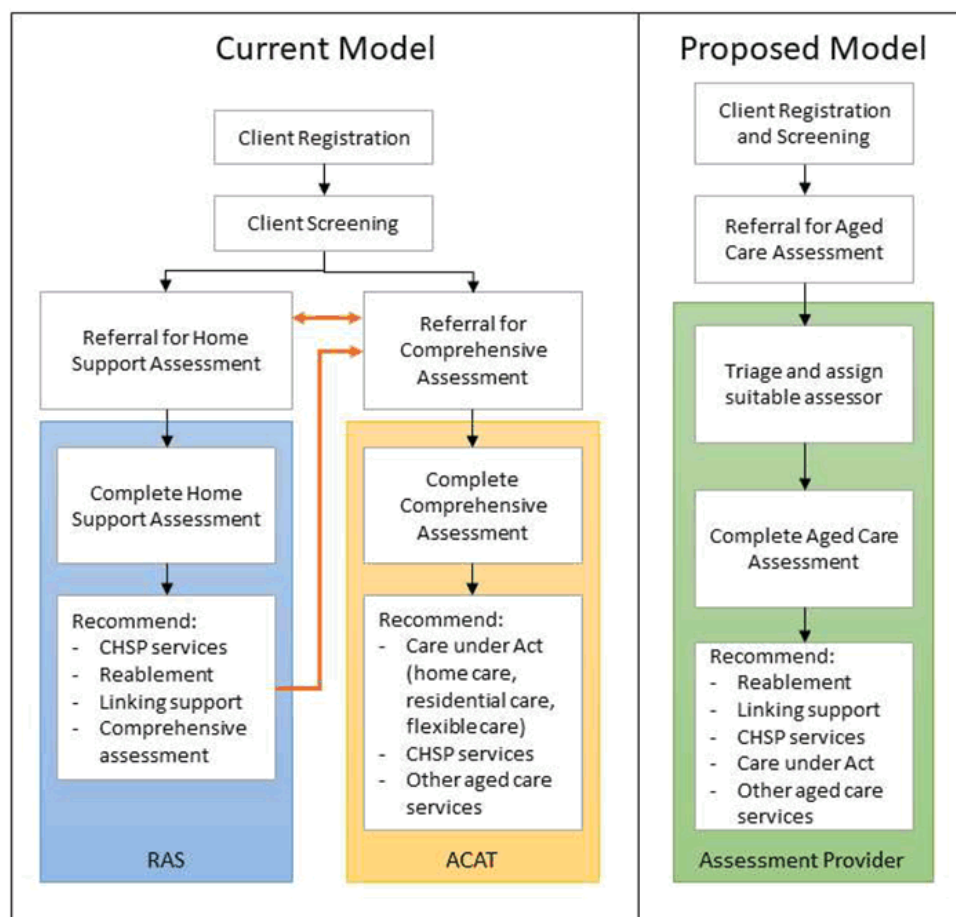
1. Are the proposed design principles appropriate for a streamlined assessment model?
Are there any other principles that you believe should be included?

4. ASSESSMENT MODEL

The Department has developed the framework of an assessment model based on the Design Principles set out in Section 3. The Department is seeking views and supporting evidence on the development of more detailed operational features to 'fill out' this framework.

Figure 1 outlines the proposed streamlined assessment model compared with the current arrangements.

Figure 1: Proposed Assessment Model



The key elements of the proposed model are:

Entry/triage:

- An assessment provider manages triage to determine the most suitable aged care assessor based on the person's needs and the assessor's qualifications and skills.

Assessment:

- Assessment providers manage a workforce to undertake aged care assessment for access to all aged care services (CHSP and services under the Act).
- Changes are made to the National Screening and Assessment Form to support team-based and multidisciplinary assessment approaches.

- Support plans are standardised, enabling assessment to be undertaken and services to be recommended in consideration of the full range of aged care services and supports.
- Assessment providers are responsible for ensuring rigorous assessment is undertaken (including delegate approval for care types under the Act).

Review:

- Reviews of support plans are managed by the assessment provider, based on an individual's needs and in consideration of changes in circumstances.
- Where a new assessment is required following a review, the triage process matches the person to the most suitable aged care assessor based on the person's needs and the assessor's qualifications and skills.

The following sections outline a range of design considerations in relation to this model.

5. ENTRY PROCESSES

5.1 Intake and triage

My Aged Care will continue to provide the entry point for people who wish to access aged care services. Under current arrangements, the Contact Centre undertakes:

- Registration to create a client record in My Aged Care; and
- Screening to understand a person's needs in order to determine the appropriate pathway.

Under a streamlined assessment model, phone registration will continue to be conducted by the Contact Centre. The Contact Centre would also continue to perform the first part of screening, to establish the need and eligibility for an aged care assessment. There is a question about whether the second part of screening, which involves asking questions about a person's function, would continue to be asked by the Contact Centre, as it would no longer need to determine the most appropriate assessment workforce (RAS or ACAT).

In the future, there will also be the option of self-registration and potentially self-screening processes through the My Aged Care website for older people, carers and their family members.

Under a streamlined assessment model, assessment providers may have a greater role in triaging older people to ensure they receive the most appropriate assessment. This would enable assessment providers to:

- determine the person's level of need, complexity and priority (i.e. relative urgency/timeliness);
- assign the most appropriate assessor based on their skills and experience;
- apply a proportionate approach based on the needs of the person, which may include expedited access to a single time-limited CHSP service; and
- gather accurate and consistent information to support efficient assessment and reduce the need for people to repeat their story.

Question:

2. What issues need to be considered for assessment providers to manage intake and triage under a streamlined assessment model? (e.g. staff skills required of a triage function; consistency of operational processes; and resource implications)

5.2 Health professional referrals

Under current arrangements, general practitioners (GPs) and other health professionals can refer people to My Aged Care through an online or fax referral form.

The number of screenings by health professional referral has increased in six consecutive quarters from approx. 47,000 (Quarter 3, 2016-17) to approx. 56,000 (Quarter 4, 2017-18). In contrast, phone screenings through the Contact Centre have decreased from approx. 61,000 (Quarter 3, 2016-17) to approx. 44,000 (Quarter 4, 2017-18)⁹.

The growth of health professional referrals shows the potential for more streamlined pathways between health and aged care services. Work is being undertaken to enable registration and referrals to be received in My Aged Care directly from clinical software used by GPs.

Referrals from health professionals currently incorporate screening information on a person's function and recommendations for either comprehensive or home support assessment. The current level of screening information could be reviewed to ensure it is not duplicated in the assessment process.

Question:

3. How can a streamlined assessment model enhance referrals and collaboration between health professionals, My Aged Care and a national assessment workforce?

5.3 Expedited access to a single time-limited CHSP service

Stakeholder feedback has consistently raised that assessment for some people is disproportionate to the services being sought, particularly for a single time-limited CHSP service such as community transport.

Under a streamlined assessment model the triage process undertaken by assessment providers could 'fast-track' access to a single time-limited CHSP service. Expedited access to service would remove unnecessary burden for older people requiring basic assistance and free up assessors to focus on people with greater needs. It would represent a shift from existing principles of My Aged Care assessment, where all people with non-urgent needs are expected to receive a holistic face-to-face assessment prior to service delivery.

The potential downside of a new pathway is the risk of delaying access to more appropriate aged care services, including reablement opportunities, if an older person's care needs are underestimated or misunderstood. The pathway could have unintended consequences if misused to bypass holistic assessment or to put in place 'desired', rather than 'required' services.

In the lead-up to 2020, expedited access to a single time-limited CHSP service is being trialled in identified RAS sites, to inform the streamlined assessment model. The trial is targeting older people who self-identify a need for a single CHSP service for a period of 6 to 12 weeks. The trial will examine the effectiveness of the pathway in addressing short-term needs.

⁹ Unpublished data, 2016-17 and 2017-18

Question:

4. How do you think the triage process should operate to expedite access to a single time-limited CHSP service? What are the risks and how could these be managed?

5.4 Support plan reviews

Reviewing support plans¹⁰ as people's care needs change is an important process. Over the past 18 months, there has been a growth in requests for support plans reviews, which has presented a workload challenge for ACATs and RAS. The Department has been working closely with assessment services to improve processes and to collect data to understand the reasons for the increasing demand. In some cases, older people and service providers are initiating reviews to seek re-assessment for additional CHSP services or higher-level home care packages.

A streamlined assessment model could help to improve the management of support plan reviews, as assessment providers would have broader responsibility and perspective to undertake reviews (and where necessary reassessments) across the spectrum of need and aged care services, including CHSP and services under the Act. In addition, the development of a new model will examine how reviews could be better managed, including consideration of assessment resources, funding and performance.

Question:

5. How can support plan reviews be better managed under a streamlined assessment model?

¹⁰ A support plan is developed during an assessment to reflect a person's strengths and abilities, areas of difficulty and the support that will best meet their needs and goals. It includes consideration of formal and informal services as well as reablement pathways where appropriate.

6. THE ASSESSMENT WORKFORCE

6.1 Qualifications

Under current assessment arrangements, the RAS and ACAT workforces have different qualification requirements which reflect their specific roles.

RAS assessors typically have vocational education and training (VET) qualifications in aged care and community services¹¹. By contrast, each ACAT is multi-disciplinary and includes tertiary-qualified staff from health-related disciplines such as medical practitioner, registered nursing, social work, physiotherapy, occupational therapy and psychology.

Under the proposed streamlined assessment model, a national assessment workforce would comprise assessors from both non-clinical and clinical backgrounds to undertake aged care assessment for access to all aged care services. The model would require a number of design features to ensure people are assessed appropriately, including:

- A robust intake and triage process;
- Mechanisms to ensure the assessment workforce includes staff with clinical qualifications from health-related disciplines (equivalent to ACATs);
- Team-based multidisciplinary approaches which support clinical input, case conferencing, collaboration and escalation;
- Strategies to build a diverse assessment workforce, including through recruitment and training, to support appropriate and culturally-safe assessment practice for people with special or specialist needs¹²; and
- Delegate responsibilities under the Act (including approvals for care types) are exercised appropriately, with regard to thorough assessment, documented evidence and a quality management approach.

A key issue is how a streamlined assessment model can be designed to support an integrated workforce. It will continue to be important that older people with low-level care needs are not over-assessed, and that those with more complex care needs have access to expert clinical-based assessment. If residential care funding reform results in the need for independent assessment of resident care needs, the qualifications required for such a workforce would also need to be considered.

¹¹ VET qualifications range from certificate II to certificate IV, and diploma and advanced diploma.

¹² The My Aged Care Assessment Manual (June 2018) provide guidance on assessment practice for people with special or specialist needs including:

- people from Aboriginal and Torres Strait Islander communities;
- people from culturally and linguistically diverse backgrounds;
- people who live in rural or remote areas;
- people who are financially or socially disadvantaged;
- veterans and war widows and widowers;
- people who are homeless or at risk of becoming homeless;
- care-leavers;
- parents separated from their children by forced adoption or removal;
- lesbian, gay, bisexual, transgender and intersex people;
- people with dementia;
- people with mental illness;
- young people seeking aged care services; and
- carers.

Questions:

6. What qualification and competency requirements do you believe are needed for a national assessment workforce? What particular areas of assessment practice require clinical expertise and/or multidisciplinary team-based approaches?
7. What design features will enable assessment providers to operate an integrated workforce which is capable of delivering assessment for people across the full continuum of aged care needs?

6.2 Training

The My Aged Care Assessment Workforce Training Strategy defines the operational requirements for the My Aged Care assessment workforce and sets the minimum training requirements for workforce roles. This includes the Statement of Attainment 1 for Contact Centre staff, Statement of Attainment 2 for home support assessors within RAS, Statement of Attainment 3 for comprehensive assessors with ACATs and delegation training for ACAT delegates.

The Department requires all home support and comprehensive assessors to undertake:

- National Screening and Assessment Form and Systems Training;
- Self-Paced Learning (or demonstrated equivalence) for Working with Aboriginal and Torres Strait Islander People, Working with Culturally and Linguistically Diverse People and Working with Carers and the Care Relationship; and
- Organisational-specific induction training.

From 1 July 2018, the Department also introduced an Aged Care Assessment Quality Framework. A self-audit tool has been developed for RAS and ACATs to measure the quality of assessments using the National Screening and Assessment Form, to support coaching and professional development of assessors. The framework also includes a standardised survey undertaken by assessment providers to measure a person's satisfaction with their assessment experience.

Question:

8. What training and other initiatives should be considered to build the capability of the national assessment workforce?

6.3 Quality and value for money

The current assessment workforce comprises 17 RAS with a workforce of around 850 full-time equivalent (FTE) assessors and 80 ACATs with a workforce of around 970 FTE assessors¹³. Under a streamlined assessment model, it is envisaged that assessment providers would be responsible for delivering 'aged care assessment' encompassing home support and comprehensive assessment as well as potentially residential care funding assessments.

Future arrangements for a new national assessment workforce must deliver a streamlined, high quality assessment experience to senior Australians, leading to better and more sustainable outcomes.

It is important that relevant clinical assurance is in place so that assessments deliver appropriate outcomes by identifying individual needs and assisting people to access relevant services.

Achieving quality and sustainable outcomes could take into consideration:

- Quality (e.g. independent, holistic, clinically appropriate and timely assessment by an appropriately skilled workforce);
- Sustainable outcome-focussed assessment (e.g. applying proportionate assessment and a wellness and reablement approach); and
- Case management (supporting people to access relevant services on a time limited basis) and scheduling reviews where required.

It will also be important to consider how a national assessment workforce will achieve efficiency, as required by Commonwealth funding rules in relation to value for money. Achieving value for money could take into consideration:

- Service coverage across metropolitan, regional and remote locations;
- Contestability in service provision (including cost of assessment);
- Economies of scale and the number of contracted assessment providers; and
- Innovation in service delivery models (e.g. through technology and team-based approaches which maximise workforce capability).

Question:

9. What assurance mechanisms should be put in place for a national assessment workforce to ensure the achievement of quality assessment outcomes for senior Australians?
10. What should be considered in the design of a streamlined assessment model and a national assessment workforce to achieve efficiency and deliver the best value for money?

¹³ Unpublished data, 2017-18

7. ASSESSMENT IN A HOSPITAL SETTING

In 2017-18, more than one third of comprehensive assessments were conducted by ACATs in a hospital setting¹⁴. Of the hospital assessments that resulted in an approval for care types under the Act, most approvals were for residential care (31%), followed by residential respite (29%), flexible/transition care (26%) and home care (14%)¹⁵.

ACATs undertaking comprehensive assessments in a hospital setting can also refer older people for non-health related CHSP services where appropriate¹⁶, in conjunction with post-acute care.

Consultation with the sector on future care at home reform identified a number of issues relating to hospital assessment for a streamlined assessment model:

- Assessor skills, training and experience should be appropriate for conducting assessment in a hospital setting, where care needs may be more complex.
- The assessor role in a hospital setting currently supports pathways between aged care and health services (which may include specialist services such as geriatricians, balance and memory clinics).
- Assessment should enable timely discharge to ensure older people do not stay in hospital unnecessarily and are connected to appropriate aged care services.

Given the preference for many older people to live at home for as long as possible, there is a question as to what improvements could be made for people being discharged from hospital to home to better support a wellness and reablement approach.

Under a streamlined assessment model, arrangements for interim home-based services could be improved for older people during their recuperation period, in consultation between assessors, carers and service providers. Assessment for ongoing home-based services could then be finalised in a person's home once they have readjusted to their home environment and regained their functional independence, noting that it is already common practice for many ACATs to assess patients in their home following discharge from hospital for ongoing home care services.

Question:

11. How should aged care assessment work for people in a hospital setting under a streamlined assessment model? What issues need to be considered?

¹⁴ Unpublished data, 2017-18

¹⁵ Unpublished data, 2017-18

¹⁶ The CHSP Program Manual (1 July 2018) outlines that CHSP services are not a substitute for early intervention or rehabilitation, subacute, transition programs or post-acute care provided under the health system.

8. ASSESSMENT IN REMOTE AUSTRALIA

The mainstream entry and assessment pathway is not always effective in remote Australia, due to:

- Lack of awareness, trust and engagement with My Aged Care;
- Entry pathways which are reliant upon phone and internet;
- Distance and cost of travel to conduct assessments;
- Limited availability of services and providers; and
- Challenges with delivering services where people live in multiple locations or are part of a mobile population.

There is a need for flexibility in service delivery models to accommodate the different geographical, social, economic and cultural contexts within remote communities¹⁷.

A streamlined assessment model could include flexibility for assessment providers to find the best possible options in particular local contexts. Examples of flexible assessment approaches could include:

- greater engagement with local organisations to address barriers to access;
- partnerships with local organisations through outreach capability to locate older people, provide information and assist with referral and scheduling of assessments;
- subcontracting to local organisations to undertake assessments, particularly in Aboriginal and Torres Strait Islander communities, to conduct culturally appropriate assessments;
- collaboration with local health, community and disability services (under the National Disability Insurance Scheme) to share resources and integrate services; and
- utilising alternative modes of assessment (e.g. telehealth, webcam, phone) and engagement with local community and health workers and service providers to gather information to support an assessment.

In developing a streamlined assessment model, the Department will consider an appropriate funding model to address the higher costs of remote assessment and to support flexible assessment approaches. The future performance framework for assessment will also consider appropriate performance measures in remote areas.

Question:

12. How can a streamlined assessment model support timely, high quality assessments in remote Australia? What flexible assessment approaches would you support, and why?

¹⁷ Humphreys, J. & Wakeman, J. (2002) Primary health care in rural and remote Australia: Achieving equity of access and outcomes through national reform - A discussion paper.

9. WELLNESS AND REABLEMENT

Nationally, it is expected that RAS and ACAT assessors approach all assessments with a wellness approach, to ensure they work with all people to maximise their independence. In delivering assessment services, RAS and ACAT assessors should consider reablement approaches, which include time-limited goal-directed interventions that assist people to reach their desired outcome to adapt to some functional loss, or regain confidence and capacity to resume an activity.

A wellness and reablement practice in assessment practice involves:

- a focus on strategies and approaches to support older people to remain independent in their home;
- identifying those who are motivated to undertake activities of daily living that would benefit from reablement strategies and interventions; and
- a greater role for assessors to guide and monitor individual support strategies and reablement interventions for a time-limited period (in consultation with older people, their carers and service providers), before determining whether/what ongoing support is required.

In practice, a wellness and reablement approach in assessment and service delivery has not been consistently and effectively applied across Australia. Providers are at varying points in the journey of adopting wellness and reablement approaches.

The adoption and successful implementation of wellness and reablement is dependent on many factors, including a cultural change and engagement from all those involved in a person's aged care journey. As outlined in the Tune Review, the aged care sector has called for more support – including leadership, training and practical support – to embed reablement within current practice.

A national assessment workforce brings the opportunity to unify the approach to delivering reablement practice in assessment. Strategies could include:

- Consistent training across Australia, as part of the My Aged Care Assessment Workforce Training Strategy;
- Programs of professional development, mentoring and knowledge sharing to encourage a wellness and reablement approach;
- Utilising team-based multidisciplinary approaches to support reablement practice; and
- Improving reablement functionality in the My Aged Care system.

The approach to reablement practice for a national assessment workforce is being informed by trials in the lead-up to 2020. The trials of a reablement-focused assessment model in identified RAS sites will support senior Australians to access time-limited services prior to receiving ongoing services through CHSP or other types of aged care.

Question:

13. How should wellness and reablement be further embedded in assessment practice under a streamlined assessment model? What strategies do you support and how should they be implemented?

10. LINKING SUPPORT

Where a vulnerable older person's circumstances may be impeding their access to aged care services, the aged care assessment workforce can assist in linking people to the various services they require so they can live in the community with dignity, safety and independence¹⁸.

Depending on a person's needs, circumstances and preferences, linking support can include: information and tailored advice; guided referral; service coordination; advocacy; case conferencing; establishing connections with local providers and providing assistance with administrative tasks (e.g. making appointments or completing forms). It can involve referral to the Assistance with Care and Housing Subprogram within CHSP (where the person has insecure housing arrangements or is homeless) or referral to support services outside aged care.

Under a streamlined assessment model, linking support could continue as a role of the national assessment workforce, consistent with the current scope and responsibilities of assessors. This recognises that linking support should be available to vulnerable older people regardless of the type of assessment. This linking support would complement the additional supports to be trialled as part of the aged care system navigator trials.

Strategies to improve linking support could include:

- Strengthened compulsory training which equips assessors with the skills to identify and appropriately support vulnerable older people.
- Utilising team-based approaches which incorporate specialist clinical and case management expertise, to support assessors to manage complex cases.
- Improving networks, relationships and referral pathways between the national assessment workforce and local service systems, to improve assessor knowledge and understanding of different service pathways for vulnerable people. Examples may include engagement and partnerships with health and community services, Primary Health Networks, outreach services, system navigation services and providers in remote areas.
- Improving functionality in the My Aged Care system.

Question:

14. How can more effective and consistent linking services to vulnerable older people be delivered under a streamlined assessment model?

¹⁸ The National Screening and Assessment Form assists assessors to identify vulnerable older people with complex needs that may require linking support. Indicators may include homelessness, mental health concerns, drug and alcohol issues, elder and systems abuse, neglect, financial disadvantage, cognitive decline and living in a remote location.

11. ADDITIONAL COMMENTS

The Department welcomes your additional comments on a streamlined consumer assessment model for a new national assessment workforce.

Questions:

15. What do you believe are the key benefits, risks and mitigation strategies of a streamlined assessment model for aged care?
16. What implementation and transition issues will require consideration in the design of a streamlined consumer assessment model?

Future updates on reform to aged care assessment will be published on the Department's website and communicated to the sector via e-mail. Please visit the Department's website to subscribe to announcements and the Aged Care Providers eNewsletter to keep up to date.

Following receipt of comments, the Department proposes to publish a short paper summarising the key issues and feedback received from stakeholders.

Thank you for your input

8.7 FUTURE FUNDING OF KINDERGARTEN PROGRAMS**Author:** Coordinator Children and Community Development**Reviewed By:** General Manager Community

PURPOSE

To seek Council's endorsement of the Federal Government Advocacy campaign "I Love Kinder" and provide information about three year old kindergarten funding reforms.

EXECUTIVE SUMMARY

Recent significant reports have drawn on evidence to demonstrate the difference early interventions can make in shaping a child's life, particularly for disadvantaged children. With a substantial amount of brain development occurring in the first 1000 days of a baby's life, the potential of quality early childhood education to improve a range of outcomes, in the short, medium and long term is well established by an abundance of research. For this reason, past governments have funded 15 hours of four year old kindergarten per week to provide children with the best start to life.

In December 2019 the current Federal funding for 15 hours of kindergarten a week for four year olds is due to expire with no ongoing commitment from the Australian Government.

The "I Love Kinder" community campaign is supported by the MAV and aims to generate visible public support for ongoing and permanent federal funding for 15 hours of four year old kindergarten in the lead up to the 2019 federal budget and federal election. This report seeks Council endorsement of the campaign.

This report also provides an overview of new funding for three year old kindergarten reforms, with both the Federal and Victorian Labor Party recently announcing funding to provide every child with access to two years of funded kindergarten. Council will be informed as further details and implications are known. These reforms are an important step towards improved outcomes for children, however the immediate need is for secured funding for 15 hours of four year old kindergarten.

Recommendation

That Council:

- (1) Endorses the "I Love Kinder" campaign, engaging in campaign activities which generate visible public support for ongoing kindergarten funding
 - (2) Notes the report and upcoming changes to three year old kindergarten.
-

BACKGROUND / KEY INFORMATION***The importance of early education***

Recent significant reports have demonstrated the immense value of high quality early childhood education and care by drawing together the evidence. The understanding of brain development and the criticality of the first 1,000 days of a baby's life helps explain why the early years are so important and evidence shows the difference early interventions can make in shaping a child's well-being, happiness and success, particularly for overcoming disadvantage experienced by children early in life.

Quality Early Education for All (O'Connell et al, 2016) examined the value of quality early education as 'one of the most significant investments in education and productivity that governments make'. The potential of quality early childhood education to improve a range of outcomes, in the short, medium and long term is well established by an abundance of research with almost every other developed nation in the world investing more than Australian governments. In fact Australia ranks in the bottom five of all OECD countries for its investment in early childhood education and care.

Darebin Council's initiatives to support early education

The *Darebin's Early Years Strategy 2011-2021*, *Early Years Plan* and *Early Years Infrastructure Plan* are key Council planning documents that articulate the strategies and tasks that will enable the vision for early years in Darebin. Darebin Council supports early education in a variety of ways, this includes:

- Central registration and enrolment systems to enable equitable access for eligible children within a municipality. Darebin operates a central registration system on behalf of child care and kindergarten programs in the municipality. Council provides this system to simplify the process of registration for families, support community managed providers, apply equity and fairness processes for families and inform Council's early years infrastructure planning.
- Early Childhood Agreement for Children in Out-of-Home-Care, a commitment to prioritise and support learning, development, health and wellbeing of young children in Out of Home Care, through access to high quality early childhood education and care experiences.
- Provision of the Maternal and Child Health (MCH) service including the implementation of the Child Development Information System, supporting families in the areas of parenting, health and development and provides a key referral pathway for children's kindergarten participation.
- Family Support Services – multi disciplinary services including Supported Playgroup with a focus on early intervention, diverting families from child protection and ensuring that vulnerable children are linked effectively into relevant services such as kindergarten.

Additionally Darebin Council has developed strategic partnerships that support early education.

Arrangements for Four Year Old Kindergarten at Risk – 15 hours per week

Recognising the importance of early education, past governments have taken action with the investment of significant funding into early childhood education reform through a number of National Partnership Agreements, including the introduction of 15 hours of funded four year old kindergarten per week in 2013 (also known as Universal Access). However, the current Agreement is due to expire in December 2019 and ongoing funding for this initiative has not been committed beyond 2019. The insecurity of this funding is in contrast to the evidence of the value of early learning for all children.

In addition to funding from the Australian and Victorian Governments, the cost to deliver a kindergarten program in Victoria requires a further 35 per cent funding, with parent fees, fundraising and council support needed to cover expenses. In Darebin this support is provided through infrastructure, playground materials, professional development, capacity building programs for both staff and committees of management and the central registration system for kindergarten.

Campaign for Ongoing Funding for Four Year Old Kindergarten – I Love Kinder

Since 2010, the MAV have been leaders in the campaign for ensuring Commonwealth funding for 15 hours of four year old kindergarten beyond the expiration of the current National Partnership Agreement, with Darebin City Council joining these efforts in 2017.

The MAV are again seeking councils to campaign for ongoing and permanent federal funding in the lead up to the 2019 federal budget and federal election by joining the I Love Kinder community campaign, coordinated by Wyndham City Council with support from the MAV.

The campaign aims to generate visible public support for ongoing kindergarten funding through an online petition, social media and various activities with the objective to “secure by May 2019 an ongoing commitment from the Federal Government to maintain current levels of federal funding for kindergarten services beyond December 2019” (www.ilovekinder.org.au).

New Funding for Three Year Old Kindergarten Reforms

Three year old kindergarten in Victoria is offered in a variety of settings and models and generally is not funded by the government. Programs run for an average of five hours per week and cost an average of \$440 per term. It's estimated that only one third of eligible children attend a three year old kindergarten program in the City of Darebin.

With the cost and limited hours precluding access to three year old kindergarten for the majority of Darebin families, the sector have welcomed recent funding promises from the Labor Party, both Federal and Victorian.

State Government reforms

The Victorian Government reforms will see every three year old in the state with access to at least five hours in a qualified kindergarten program from 2022, with the full 15-hour program available by 2029. This commitment also covers programs offered in long day care centres.

This will provide families with the choice of accessing programs in the setting that best suits their needs. Subsidies for three year old kindergarten will work the same way as they do for four year old kindergarten which will mean a quarter of families will pay nothing at all.

The Victorian Government is investing \$5 billion over the ten years with \$1.86 billion to build new kindergartens and expand existing services. Further information on the roll out of this plan is expected in early 2019.

Federal Labour reforms

Alongside this promise of the Australian Labor Party if elected, it will introduce a new National Preschool and Kindy Program, which will commit permanent ongoing funding to all four year olds and extend the program to cover all three year olds, commencing in 2021. Labor's commitment to early education will cost \$1.75 billion over the funded years.

The commitment from both levels of government raises complex issues for local government, such as how the additional kindergarten capacity that would be required will be planned for and funded. As these matters will require some time to resolve, three year old kindergarten funding is currently out of scope for the I Love Kinder campaign.

Previous Council Resolution

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

COMMUNICATIONS AND ENGAGEMENT

Consultation

Community Engagement and Empowerment Department

Communications

A communications plan has been developed incorporating the I Love Kinder Campaign Kit. Following the endorsement of the campaign Council will implement these communication activities to inform the community of Council's position.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 2 - Opportunities to live well

2.3 We will expand lifelong-learning opportunities, to enable local people to learn, develop their interests, and secure good quality work.

Environmental Sustainability Considerations

Environment sustainability has been considered in the communication activities to be delivered under the communication plan with social media playing a key role in informing the community of Council's position.

Equity, Inclusion and Wellbeing Considerations

Ensuring that all children access kindergarten programs recognises that quality early childhood education programs improve children's learning, health and wellbeing with positive impacts extending into adult life, particularly for those facing disadvantage. Advocacy for ongoing funding and access to kindergarten addresses the equity, inclusion and wellbeing of all children.

Cultural Considerations

Identity and cultural considerations are integral to the learning outcomes in the Early Years Learning Framework and underpin the National Quality Standards for all kindergarten programs. Each child's current knowledge, strengths, ideas, culture, abilities and interests are the foundation of the program, enhancing their learning and development.

Economic Development Considerations

Advocating for ongoing funding of four year old kindergarten supports the financial sustainability of kindergarten programs in the City of Darebin and reduces the out of pocket expenses incurred by families. The I Love Kinder campaign claims that families will be required to pay an additional \$2,000 per child each year to cover the funding shortfall.

Just as funding for four year old kindergarten reduces the costs for families, funding for three year old kindergarten will do the same for families already accessing a three year old program, particularly in long day child care. For families currently unable to afford three year old kindergarten, access to a subsidised program, especially in long day care, will increase opportunities for parents to engage in employment and education.

Such a large investment in early childhood services and infrastructure will result in immediate economic benefits with the Victorian Labour government predicting a 40 per cent bump in services, with a corresponding need for more early childhood staff and the creation of 5000 construction jobs.

The Australian Labour Party has identified a \$100 million facilitation fund to support the roll out of their program, including workforce development.

Financial and Resource Implications

There are no financial implications associated with the endorsement of the I Love Kinder campaign and communication actions can be undertaken within existing resources. If the campaign is successful and the Federal government continues funding for 15 hours of four year old kindergarten, Council will continue its current financial support.

The financial and resource implications for the new three year old kindergarten funding is unknown yet; the reforms will have major impacts on workforce and infrastructure.

Council doesn't operate kindergarten programs itself but it does own 18 of the 54 kindergarten facilities in Darebin, with these facilities catering for approximately 70 per cent of the current four year kindergarten demand.

The expansion of kinder programs to include three year olds will require new and expanded infrastructure. It is expected that Council will be a partner in this investment and these plans will be referred to the long term capital works planning process.

Legal and Risk Implications

There are no legal risks identified with the proposed endorsement of the I Love Kinder campaign.

DISCUSSION

With growing evidence that participation in quality early childhood education improves school readiness, the MAV have been strong advocates for permanent four year old kindergarten funding and a quality assessment system since 2010.

The MAV recognise that;

- Australian children deserve the best start with a high quality, stable education
- Victorian families cannot contribute any more funding to send their children to kindergarten
- There is irrefutable international and national evidence linking preschool attendance to improved student results in numeracy, reading and spelling
- For every \$1 invested by governments in early childhood education, there is a \$2 - \$4 return through higher wages, more tax revenue, reduced school and criminal justice expenditure.

The MAV are increasing its advocacy efforts by joining the I Love Kinder community advocacy campaign and encouraging Council's to also be involved in the campaign which aims to generate visible public support for ongoing kinder funding through an online petition, social media and various activities, with the objective to "secure by May 2019 an ongoing commitment from the Federal Government to maintain current levels of federal funding for kindergarten services beyond December 2019" (www.ilovekinder.org.au).

With the acknowledgement that children deserve the best start in life with a high quality stable education, the announcement of funded three year old kindergarten is a welcome investment from the Victorian and Federal Labor Government. Access to two years of kindergarten will have a significant outcome for all children, while also closing the achievement gap for disadvantaged children.

Council look forward to working in partnership with both levels of government, the community and early years services to deliver on any new reforms that increase the participation and access of children in early childhood education and care.

OPTIONS FOR CONSIDERATION

Option One (recommended)

That Council endorses the I Love Kinder campaign as a show of support for the advocacy effort to secure a commitment from the current Coalition Federal Government to continue funding 15 hours of kindergarten for four year-olds. The endorsement aligns with the Council's Goal 2.3: We will expand lifelong-learning opportunities, to enable local people to learn, develop their interests, and secure good quality work.

Option Two

Council does not endorse the I Love Kinder campaign. This option is not recommended as it does not align to Council's previous support in 2017 for the advocacy effort to secure a commitment to continue funding 15 hours of kindergarten for four year-olds.

IMPLEMENTATION STRATEGY**Communication**

A media release and promotion of Council's position will occur following endorsement of the appeal.

Timeline

If the recommendation is endorsed, Council would promote the campaign from March 2019 and earlier where possible.

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.

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

Nil

10. NOTICES OF MOTION**10.1 HONOURING AYA MAARSARWE****Councillor:** Susanne NEWTON**NoM No.:** 389

Take notice that at the Council Meeting to be held on 4 February 2019, it is my intention to move:

That Council:

- (1) Is deeply saddened and appalled by the violent and senseless death of Aya Maarsarwe.*
- (2) Extends our deep and heartfelt condolences to Aya's family, friends and community.*
- (3) Notes the outpouring of grief, deep sadness and support from the local community.*
- (4) Asserts the right of all those who live, work, study and visit Darebin to be safe from violence and free from fear, including international students.*
- (5) Deplores violence against women in all its forms, and commits to continue Council's active work on violence prevention and community safety.*
- (6) Acknowledges and thanks emergency services including the Victoria Police, La Trobe University, Council staff, and the community who organised vigils, for the difficult work of responding to this tragedy.*
- (7) Notes that the Council CEO has met with La Trobe University and Public Transport Victoria to work collaboratively on responding to this tragedy.*
- (8) Will consult with Aya's family about a tribute or commemoration of Aya in Darebin.*

Notice Received: 22 January 2019**Notice Given to Councillors** 29 January 2019**Date of Meeting:** 4 February 2019

11. REPORTS OF STANDING COMMITTEES

Nil

12. RECORDS OF ASSEMBLIES OF COUNCILLORS

12.1 ASSEMBLIES OF COUNCILLORS HELD

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

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

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

An Assembly of Councillors record was kept for:

- Council Briefing Session – 8 October 2018 (**Amendment**)
- Climate Emergency Darebin Advisory Committee – 22 November 2018
- Darebin Interfaith Advisory Committee Meeting – 29 November 2018
- Darebin Women's Advisory Committee – 29 November 2018
- Darebin Disability Advisory Committee – 10 December 2018
- Council Briefing Session – 10 December 2018
- Planning Committee Briefing – 17 December 2018

Recommendation

That the record of the Assembly of Councillors held on 8 October, 22 and 29 November, 10 and 17 December 2018 and attached as **Appendix A** to this report, be noted and incorporated in the minutes of this meeting.

Related Documents

- *Local Government Act 1989*

Attachments

- Assemblies of Councillors - 4 February 2019 (**Appendix A**) [↓](#)



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Council Briefing Session
	Date:	Monday 8 October 2018
	Location:	Council Chamber
PRESENT:	Councillors:	Cr. K Le Cerf, (Mayor), Cr. L Messina (D/Mayor), Cr. S Amir, Cr. T McCarthy, Cr. S Newton, Cr. S Rennie, Cr. J Williams, Cr G Greco
	Council Staff:	Sue Wilkinson (CEO), Vito Albicini, Cathy Henderson, Rachel Ollivier Sunny Haynes, Melinda Viksne, Shadi Hanna, Jo Cuscaden, Jess Fraser, Cathie Duncan, and Melanie McCarten
	Other:	Steve Cooper (Civic Mind)
APOLOGIES:		Cr. T Laurence (approved leave of absence)

The Assembly commenced at 5:35 pm

PLEASE NOTE: ITEM 1. HAS BEEN AMENDED TO REFLECT THAT CR. MESSINA ARRIVED AT THE BRIEFING AT 6.45PM AT THE CONCLUSION OF THE AGE FRIEND DAREBIN REVIEW UPDATE AND THEREFORE DID NOT DECLARE A CONFLICT OF INTEREST.

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Age Friend Darebin Review Update	<p>Cr Messina declared a conflict of interest and left the room for the entirety of the discussion.</p> <p>Cr Amir arrived at 5.48pm Cr Newton arrived at 5.53pm Cr McCarthy Arrived at 5.55pm VA arrived at 6:12pm SW arrived at 6:12pm and left at 6.14pm.</p> <p>Cr. Messina arrived at 6.45pm.</p>

Assembly of Councillors

8 October 2018

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
2	Governance Local Law Review	No disclosures were made SW returned to the meeting at 6.33pm Cr Messina returned to the meeting at the commencement of this discussion.
3	Electronic Gaming Machine Policy and Action Plan 2018-22	No disclosures were made
4	Darebin Falcons Transitional Funding Proposal	No disclosures were made
5	Developer Contribution Plan Update	No disclosures were made
6	Update – Open Space Strategy	No disclosures were made Cr Greco left the meeting at the end of this discussion and did not return to the meeting.
7	Notices of Motions for 15 October Council meeting	No disclosures were made
8	General Business	No disclosures were made

The Assembly concluded at 9:35 pm

RECORD COMPLETED BY:	Officer Name:	Rachel Ollivier
	Officer Title:	GM City Sustainability and Strategy

This form is to be completed by the nominated Council Officer and returned to the Council Business Unit within 3 working days for inclusion in a register available for public inspection.



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Climate Emergency Darebin Advisory Committee
	Date:	Thursday 22 November 2018
	Location:	Council Chambers, 350 High Street, Preston
PRESENT:	Councillors:	Cr. Trent McCarthy (Acting Chair), Cr. Susan Rennie
	Council Staff:	Sally Moxham, Tiffany Harrison
	Other:	Climate Emergency Darebin Committee members
APOLOGIES:		Cr. Kim Le Cerf, Sue Wilkinson, Rachel Ollivier, Gavin Mountjoy

The Assembly commenced at 7:09 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Welcome, acknowledgements, apologies	No disclosures were made
2	Assembly of Councillors	No disclosures were made
3	Agenda review	No disclosures were made
4	Minutes of previous meeting	No disclosures were made
5	Council update	No disclosures were made
6	Working group updates	No disclosures were made

Climate Emergency Darebin Committee

22 November 2018

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
7	CED Structure	No disclosures were made
8	Governance proposals and internal structure	No disclosures were made
9	Project bid stage 2	No disclosures were made
10	Project plans, development and implementation	No disclosures were made
11	CED Google access	No disclosures were made
12	SLF	No disclosures were made
13	Draft risk policy	No disclosures were made
14	Other business	No disclosures were made
15	Next Meeting	No disclosures were made

The Assembly concluded at 9:20 pm

RECORD COMPLETED BY:	Officer Name:	Tiffany Harrison
	Officer Title:	Climate Emergency Darebin Executive Officer

This form is to be completed by the nominated Council Officer and returned to the Council Business Unit within 3 working days for inclusion in a register available for public inspection.



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Darebin Interfaith Advisory Committee Meeting
	Date:	Thursday 29 November 2018 5.30pm to 7.15pm
	Location:	Darebin Intercultural Centre
PRESENT:	Councillors:	Cr. Susan Rennie, Cr. Gaetano Greco
	Council Staff:	Mandy Bathgate, Aziz Cooper
	Other:	Members of the Darebin Interfaith Council Committee
APOLOGIES:		

The Assembly commenced at 6pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Welcome, Introductions and Apologies	No disclosures were made
2	<ul style="list-style-type: none"> • General sharing – News of interest to the local interfaith community 	No disclosures were made
3	<ul style="list-style-type: none"> • 2018 in review & celebration 	No disclosures were made
4	<ul style="list-style-type: none"> ○ Projects update: ○ “Protect the Planet” interfaith seminar ○ Darebin SPEAK youth empowerment resilience program ○ Preston Mosque MOU renewal ○ Indonesian Faith Leaders delegation visit 	No disclosures were made
5	<ul style="list-style-type: none"> • New Business: <ul style="list-style-type: none"> ○ Rev. Peter Batten farewell 	No disclosures were made
6	Next Meeting Date and Time Meetings	No disclosures were made

Cr. Gaetano Greco left the meeting at 6.15pm.

The Assembly concluded at 7pm

RECORD COMPLETED BY:	Officer Name:	Aziz Cooper
	Officer Title:	Interfaith Development Officer

This form is to be completed by the nominated Council Officer and returned to the Council Business Unit within 3 working days for inclusion in a register available for public inspection.



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Darebin Women's Advisory Committee
	Date:	Thursday 29 November 2018
	Location:	Conference room, Darebin Civic Centre
PRESENT:	Councillors:	Cr. Kim Le Cerf,
	Council Staff:	Teneille Summers, Shahnoor Shah, Disa Linden Perlis, Robyn Mitchell
	Other:	Representatives of Darebin Women's Advisory Committee
APOLOGIES:		Ruth Dearnley

The Assembly commenced at 6.00pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Age Friendly Darebin Review	No disclosures were made
2	Planning for 2019 International Women's Day	No disclosures were made
3	Update on current projects and issues 5.1 Feedback from previous meeting / gender community safety audit 5.2 Gender Equality Map 5.3 16 Days of Activism Against Gender Based Violence	No disclosures were made

The Assembly concluded at 7.40pm

RECORD COMPLETED BY:	Officer Name:	Teneille Summers
	Officer Title:	A/Coordinator Community Wellbeing

This form is to be completed by the nominated Council Officer and returned to the Council Business Unit within 3 working days for inclusion in a register available for public inspection.



ASSEMBLY OF COUNCILLORS

ASSEMBLY DETAILS:	Title:	Darebin Disability Advisory Committee
	Date:	Monday 10 December 2018
	Location:	Function Room, Darebin Civic Centre
PRESENT:	Councillors:	Cr. Julie Williams
	Council Staff:	Katherine Kiley, Zoe Howard, Gillian Damonze
	Other:	Community representatives, representative of Melbourne Polytechnic and representative of Encompass House
APOLOGIES:		Community representatives, Cr. Susanne Newton

The Assembly commenced at 11:00am

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Present and apologies	No disclosures were made
2	Matters arising from previous minutes/drop of zones	No disclosures were made
3	Round table check ins	11:23am Cr. Julie Williams arrived at the meeting No disclosures were made
4	Vote on Terms of Reference	No disclosures were made
5	Review of meetings and actions in 2018 and planning for priorities for 2019	No disclosures were made
6	Review and development of the new Darebin Access and Inclusion Plan	No disclosures were made
7	Parking Strategy Review	No disclosures were made
8	General Business	No disclosures were made
9	Meeting feedback	No disclosures were made

Assembly of Councillors

10th December 2018

ASSEMBLY OF COUNCILLORS – PUBLIC RECORD (CONT)

The Assembly concluded at 1:00pm

RECORD COMPLETED BY:	Officer Name:	Katherine Kiley
	Officer Title:	Senior Team Leader Access and Inclusion



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Council Briefing Session
	Date:	Monday 10 December 2018
	Location:	Council Chamber
PRESENT:	Councillors:	Cr. S Rennie (Mayor), Cr. K Le Cerf, Cr. L Messina, Cr. S Amir, Cr. S Rennie, Cr. J Williams, Cr. G Greco, Cr. T McCarthy
	Council Staff:	S Wilkinson, I Bishop, V Albicini, C Henderson, R Ollivier Allan Cochrane, Che Sutherland, Wendy Dinning, Darren Rudd, Paul Miziewicz, Jolyon Boyle, Sunny Haynes, Alison Breach, Melinda Viksne, Jess Fraser, Jo Smale, Donna Karmis
	Other:	Stephen Cooper (Consultant – by telephone)
APOLOGIES:		Cr. T Laurence (LOA), Cr. S Newton (LOA)

The Assembly commenced at 5.10pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Draft Planning Committee Agenda for 17/12/18	No disclosures Cr. G Greco and Cr. T McCarthy arrived at 5.25pm

Assembly of Councillors

4 February 2019

ASSEMBLY OF COUNCILLORS – PUBLIC RECORD (CONT)

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
2	Governance Local Law Review	No disclosures were made Cr. L Messina arrived at 5.45pm
3	Grant Review Issues	No disclosures were made
4	Preston Market – submission to Heritage Council of Victoria	No disclosures were made
5	421 High Street – update on plans for site	No disclosures were made
6	Level Crossing Removals (Pre-briefing on approach to Reservoir)	No disclosures were made
7	Northern Pipe Trail Master Plan update	No disclosures were made
8	Maternal and Child Health Services	No disclosures were made
9	Preliminary 10 Year Capital Works Plan	No disclosures were made

The Assembly concluded at 9.39pm

RECORD COMPLETED BY:	Officer Name:	Ingrid Bishop
	Officer Title:	GM Governance and Engagement

This form is to be completed by the nominated Council Officer and returned to the Council Business Unit within 3 working days for inclusion in a register available for public inspection.



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

ASSEMBLY DETAILS:	Title:	Planning Committee Briefing
	Date:	Monday 17 December 2018
	Location:	Function Room
PRESENT:	Councillors:	Cr. S. Rennie (Mayor), Cr. K. Le Cerf, Cr. S. Newton, Cr. S. Amir, Cr. J. Williams, Cr. G. Greco, Cr. T. McCarthy
	Council Staff:	I Bishop, V Albicini, R Ollivier Darren Rudd, Paul Edwards, Ken Lim, Karin Linden, Sally Moxham
	Other:	
APOLOGIES:		Cr. T. Laurence (LOA), Cr. L. Messina, S Wilkinson

The Assembly commenced at 5. 31 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Construction Management	No disclosures Cr. J. Williams arrived at 5.34pm and Cr. T. McCarthy arrived at 5.47pm

ASSEMBLY OF COUNCILLORS – PUBLIC RECORD (CONT)

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
2		
3		
4		
5		
6		
7		
8		
9		

The Assembly concluded at 5.49pm

RECORD COMPLETED BY:	Officer Name:	I Bishop
	Officer Title:	Acting Chief Executive Officer

This form is to be completed by the nominated Council Officer and returned to the Council Business Unit within 3 working days for inclusion in a register available for public inspection.

13. REPORTS BY MAYOR AND COUNCILLORS

Recommendation

That Council note the Reports by Mayor and Councillors.

14. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

15. CLOSE OF MEETING