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## AGENDA

Ordinary Council Meeting to be held  
on Monday 20 July 2020 at 6.00 pm.

### **This Council Meeting will be held virtually**

This measure is in accordance with the *COVID-19 Omnibus (Emergency Measures) Act 2020*, passed by the Victorian Government to allow Council meetings to be held by electronic means.

The meeting will be available for the public to watch through livestreaming via Councils website [www.darebin.vic.gov.au](http://www.darebin.vic.gov.au)

The Council Chambers at 350 High Street, Preston will remain closed during this time.

Persons wishing to submit a 'Public Question' or a 'Submission' to an item on the agenda may do so online by 12.00 noon on the day of the meeting via the Question and Submissions form or by email [Q&S@darebin.vic.gov.au](mailto:Q&S@darebin.vic.gov.au)



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

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

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

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

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



### English

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

### Arabic

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

### Chinese

这是市议会会议议程。如需协助了解任何议项，请致电8470 8888。

### Greek

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

### Hindi

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

### Italian

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

### Macedonian

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

### Nepali

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

### Punjabi

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

### Somali

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

### Spanish

Este es el Orden del día de la Reunión del Concejo. Para recibir ayuda acerca de algún tema del orden del día, llame al teléfono 8470 8888.

### Urdu

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

### Vietnamese

Đây là Chương trình Nghị sự phiên họp Hội đồng Thành phố. Muốn có người trợ giúp mình về bất kỳ mục nào trong chương trình nghị sự, xin quý vị gọi điện thoại số 8470 8888.

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# Agenda

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## 1. MEMBERSHIP

Cr. Susan Rennie (Mayor) (Chairperson)

Cr. Susanne Newton (Deputy Mayor)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Tim Laurence

Cr. Kim Le Cerf

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Julie Williams

## 2. APOLOGIES

## 3. DISCLOSURES OF CONFLICTS OF INTEREST

## 4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

<b>Recommendation</b>
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**That** the Minutes of the Hearing of Submissions Committee held on 25 June 2020 and the Ordinary Meeting of Council held on 29 June 2020 be confirmed as a correct record of business transacted.

## 5. QUESTION AND SUBMISSION TIME

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

**Persons wishing to submit a 'Public Question' or a 'Submission' to an item on the agenda may do so online by 12.00 noon on the day of the meeting via the Question and Submissions form or by email [Q&S@darebin.vic.gov.au](mailto:Q&S@darebin.vic.gov.au)**

**As this meeting is being held virtually you are requested when submitting your question to advise whether they would like the Mayor to read out your question or whether you wish to be admitted to the virtual meeting to ask your question. If you advise us that you wish to be admitted to the meeting you will be sent a link to the meeting prior to the meeting commencing.**

### QUESTIONS

Members of the public can ask up to three (3) questions at an Ordinary Council meeting.

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

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

In accordance with the Council Meeting Governance Rules (Meeting Procedure & Common Seal Local Law) 2020, the Chairperson may disallow a question if it:

- a) relates to a matter outside the duties, functions or powers of Council;
- b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- c) may lead to a breach of Council's statutory obligations;
- d) relates to a Notice of Motion, Petition or item of urgent business;
- e) deals with a subject matter already answered;
- f) was not received by the deadline outlined in clause 72(1) of the Local Law;
- g) is aimed at embarrassing a Councillor or an Officer; or
- h) deals with a matter that should be, or has been, considered as a confidential matter or relates to any matter in respect of which Council may close the Meeting to the public under section 89(2) of the Act.

### SUBMISSIONS OR COMMENTS

Members of the public may submit a 2 minute submission on a matter listed on the Agenda which will be read out by the Mayor prior to the item being debated.

**Persons wishing to submit a 'Submission' to an item on the agenda may do so online by 12.00 noon on the day of the meeting via the Question and Submissions form or by email [Q&S@darebin.vic.gov.au](mailto:Q&S@darebin.vic.gov.au)**

As this meeting is being held virtually you are requested when submitting your submission to advise whether they would like the Mayor to read out your submission immediately prior to the item or whether you wish to be admitted to the virtual meeting to present your submission. If you advise us that you wish to be admitted to the meeting you will be sent a link to the meeting prior to the meeting commencing.

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

MEMBERS OF THE PUBLIC WHO WISH TO ASK A QUESTION, OR MAKE A COMMENT OR SUBMISSION TO AN AGENDA ITEM, AT AN ORDINARY COUNCIL MEETING MAY REGISTER THEIR QUESTION OR SUBMISSION BEFORE 12.00 NOON ON THE DAY OF THE MEETING IN ONE OF THE FOLLOWING WAYS:

- (A) ONLINE AT [DAREBIN.VIC.GOV.AU/QUESTIONSANDSUBMISSIONS](https://DAREBIN.VIC.GOV.AU/QUESTIONSANDSUBMISSIONS); OR
- (B) BY EMAIL TO [Q&S@DAREBIN.VIC.GOV.AU](mailto:Q&S@DAREBIN.VIC.GOV.AU); OR
- (C) BY MAIL TO PO BOX 91, PRESTON 3072.

THIS COUNCIL MEETING WILL BE HELD VIRTUALLY.

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' UP TO 6 DAYS PRIOR TO THE DATE OF THE MEETING.

## **6. PETITIONS**



## 7. CONSIDERATION OF REPORTS

### 7.1 NARC - CONCEPT DESIGN STAGE - COMMUNITY CONSULTATION FINDINGS

**Author:** Coordinator Leisure Contracts

**Reviewed By:** General Manager Community

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#### EXECUTIVE SUMMARY

To report on outcomes of the community consultation and engagement process on the proposed concept designs for the Northcote Aquatic and Recreation Centre (NARC).

Feedback was overwhelmingly positive, with 81% of the 401 survey respondents rating the proposed new designs as good – excellent. While 95% respondents stated they strongly support Council's aim to achieve 6 Star Green Star rating through ESD initiatives proposed.

The design process is continuing, utilising the community feedback that has been received to further define and shape the project. Changes made as a result of the community consultation will be done so ensuring that the project is delivered within budget and will be communicated to the community to ensure the consultation loop is closed.

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

- (1) Notes the findings of the community consultation of the proposed concept design for the new Northcote Aquatic and Recreation Centre
  - (2) Notes that the design process is continuing, utilising the community feedback that has been received to further define and shape the project. Changes made as a result of the community consultation will be done so ensuring that the project is delivered within budget.
- 

#### BACKGROUND / KEY INFORMATION

##### Previous Council Resolution

On the 6 April 2020, Council resolved **That** Council:

- (1) *Endorse the concept design for the Northcote Aquatic and Recreation Centre and continue engagement with key external stakeholders and community.*
- (2) *Council receive a Council report on the outcomes of the consultation and engagement with key stakeholders and community members.  
Minute No 20-037*

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

- (1) *Awards Contract No. CT2018148 for the Northcote Aquatic and Recreation Centre principal design consultant services to Warren and Mahoney Architects Australia for the contract sum of \$2,958,840.50 (incl. GST).*
-

- (2) *Approves a contingency amount of \$591,768 (incl. GST), being approximately 20% of the contract amount, to be used if required for variations and other unforeseen items as part of the Contract No. CT2018148.*
- (3) *Authorises the Chief Executive to finalise and execute the contract documentation on behalf of the Council.’  
Minute No 19-113.*

On 14 October 2019, Council endorsed the 10-year capital works funding strategy, which included the Northcote Aquatic and Recreation Centre (Minute No 19 – 229).

## COMMUNICATIONS AND ENGAGEMENT

### Consultation

The four-week consultation methodology was amended to take account of the mandatory COVID-19 shutdowns recognising that face to face consultation could not occur during this time.

Despite the restrictions, a wide range of interviews and workshops with key stakeholder community groups were still achieved (some just prior to the shutdowns).

The following stakeholders were engaged:

- SRV
- State Sporting Associations
- External Management Companies – Facility Operators
- Royal Life Saving Society Victoria
- NARC membership base
- Northcote Swim Club
- Northcote Water Polo Club
- NYPD Water Polo Club
- Jara Sport Triathlon Club
- Melbourne Physiotherapy, Pilates and Fitness Group
- Clifton Street Children’s Centre
- Local Darebin Schools and current school carnival schools
- Council Advisory Committees
  - Sexuality, Sex and Gender Diversity
  - Darebin Disability
  - Darebin Women’s
  - Interfaith Council
  - Education Committee
- Broader community

Wurundjeri Cultural Consultants and Office of Victoria Government Architects have been involved in the development of the concept plans and will remain engaged throughout further design development.

A report detailing the consultation activities and all results can be found at **Appendix A**.

## **Communications**

Due to the COVID-19 restrictions, the final round of consultation was conducted through either digital means or via hard copy and or phone conversations. All the relevant information on the NARC project was located on the dedicated Darebin 'Your Say Page'.

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

- Website – Council and YMCA
- Social media – Council, Darebin Leisure and YMCA
- Leader articles
- Resident letter box drops within a 1km radius of the site (4,500 residences)
- Email to existing facility user groups, members, and key stakeholders

Feedback on the proposed concept plans was received via:

- Online survey via the project page
- Hard copy
- Email
- Phone and virtual meetings via MS Teams

## **ANALYSIS**

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

Goal 2 - Opportunities to live well

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

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

### **Environmental Sustainability Considerations**

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

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

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

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

Some of the sustainable initiatives considered in the project are:

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

### **Climate Emergency**

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

Traditionally, gas has been used as the main energy source for heating public pool water. There are currently no public facilities that are using alternative form of energy source for the heating the pool water other than geothermal heating, which is not a viable option for the site. This innovation presents a challenge in the industry. As part of the engineering design, the pool water would be maintained at the required temperature with the use of electric heat pumps, however there is a challenge during start-up.

The project may need to use gas for the start-up load to heat the massive amount of pool water, but this is still to be determined. Once the water has reached the required temperature electric pumps would be used to maintain it. The start-up load would only be required during commissioning and after a major power outage.

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

An Equity Impact Assessment has been completed for this project with a focus on the design, construction and operational phases of the project.

Equity and inclusion considerations raised in the Equity, Inclusion and Wellbeing Planning and Audit Tool meetings and the audit process have directly influenced facility design and hence the future operations and programming of the facility. Universal design principles will be used throughout the entire facility.

Specifically, the inclusion of a quiet room that can be used for prayer, respite for those on the autism spectrum and breastfeeding parents was a welcomed inclusion by key stakeholders and Advisory Committees throughout the consultation process. The warm water pool, being separated from the main pool hall in the proposed plans, allows for gender specific programming. Additionally, the designs of the change rooms to include a range of facilities from men's and women's, family, gender neutral, accessible and changing places, provides choice and promotes inclusion to all patrons of the facility.

### Cultural Considerations

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

A meeting with the Wurundjeri Cultural consultants has been arranged and will reflect on the design of how the new facility in its built form can pay respect to the Traditional Owners. In accordance with advice from Creative Culture and Events, it is intended to engage an artist to curate and scope the public art opportunities in this project.

### Economic Development Considerations

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

An economic impact assessment report will be completed at the end of schematic design stage, which will model the economic benefits and jobs created as a result of the new facility once in operation over a 10-year period from 2024-34. This will cover employment on-site during and post construction and may also include jobs generated in the broader precinct by the spending of facility users and visitors/spectators. Estimates will be made of the regional income that is generated by the current centre and that associated with the operation of the new NARC facility.

### Financial and Resource Implications

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

COMPONENT	Budget (Excl. GST)
Building works	\$26,408,556
Aquatic works	\$15,330,150
External works and services	\$4,082,776
<b>Total Building, Aquatic and External works cost</b>	<b>\$45,821,482</b>
Contingencies	\$6,873,222
<b>Total construction costs</b>	<b>\$52,694,704</b>
Other project costs	\$4,498,419

COMPONENT	Budget (Excl. GST)
<b>Total project end cost (excl GST) at today's cost</b>	<b>\$58,996,281</b>
Escalation costs (till March 2021)	\$4,498,419
<b>Total estimated project cost (excl GST) including escalation</b>	<b>\$63,494,700</b>

This cost plan is based upon on concept designs and the plan is high level, conservative and includes 5% design and 10% construction contingencies. The design process is continuing, giving consideration to how the community feedback can be incorporated into the project within the project budget of \$63.5m.

### Legal and Risk Implications

A Risk Management Plan has been prepared by the project working group and is monitored and updated on a regular basis. Aquatic centres have complex infrastructure and services and a pro-active risk management approach has been adopted to manage and mitigate risks.

The following due diligence works have been completed to assist with the NARC redevelopment project:

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

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

- Building condition audit
- Environmental and geotechnical site assessment
- ESD and Green Star pathway
- Hydraulic modelling and early involvement with Melbourne Water.

### Operational Impacts

All internal stakeholder departments have been engaged via the consultation workshops and will continue to be engaged through future stages of design to ensure alignment to Council Plans, Policies and Strategies are adhered to within the final design and have minimal impact on future operations on other departments.

## DISCUSSION

Throughout the four-week consultation period, a total of 401 completed surveys were received and over 1,000 hits on the Your Say website per day.

The following information provides details on who was responding to the survey:

- 67% of respondents were female
- 55% were aged between 30-49, with a further 18% aged 50-59
- 50% were from 3070 (Northcote) postcode

Overall design information is summarised below:

- Overwhelmingly, 81% rated the proposed new designs were good – excellent
- 94% the design would be a good fit for the neighbourhood
- 95% respondents stated they strongly support Council's aim to achieve 6 Star Green Star rating through ESD initiatives proposed

Travel options to facility:

- 55% indicated most likely to travel by car to the facility, with 43% indicating active transport (walk or bike) option.

Reason for Facility Use:

- Overwhelmingly, 64% would use NARC as it was close to home, 47% to use outdoor pool and 41.5% to attend health and wellness fitness program.

### Key Findings from Community Consultation:

#### Overview

Council should be commended on the environmental focus and how the proposed design of the centre provides a free-flowing open contemporary aquatic and leisure centre.

#### ESD

Council's ESD initiatives included within the project and target to achieve 6 Star Green Star rating under Green Building Council Australia tool was overwhelmingly supported by the local community.

#### Outdoor Aquatics

Concerns were raised over the design of the outdoor pool area, particularly the reduction in the number of pools, with now only having the 50m pool and splash deck, and the impact this will have on young families in peak times over summer (27%).

In response to the community concern, officers provided the following response, which was also available in the FAQ's for the project:

*In the development of the concept plans, Council considered a range of pool configurations to meet the needs of all ages and ability, as well as the long-term commercial viability of the facility against the ambitious target of a high performing, environmentally friendly facility. Two leisure water areas will be provided for young people of all ages.*

*The indoor aqua play area will be based on a zero-depth aquatic playground and will include a range of interactive play features. The outdoor area will be more nature based and will provide a free form area for play and cooling down during the warmer weather. Both areas will provide a fun and exciting environment for young people.*

The design team is confident that the outdoor area will allow for and facilitate families to talk and meet as their children play and will be designed to effectively zone or separate different uses so that different age groups have their own spaces, allowing different types of play. As the design progresses the team will be testing the design of the outdoor play area to ensure it meets the needs of the community in the years to come.

Schools, user groups (swim, water polo and triathlon clubs) and community all expressed the importance of adequate weather protection (shelter and shade) for events, carnivals and daily activities. In addition, separate school change rooms, outdoor pre rinse showers, lockers and storage for the user groups were raised as consideration in development of further designs.

The user groups also raised concerns about the functionality of the 50m pool and long-term flexibility of programming spaces without the inclusion of a boom or swim wall. This was also supported by the State Sporting Associations. By adding this fixture, it would ensure maximum flexibility and functionality to program the space to meet maximum occupancy in peak times; by separating the 50m pool into 2 x 25m sections whilst water polo was in operation, the pool could still maintain 10 lanes of 25m for community access.

#### Indoor Aquatics

Indoor Aquatic areas are welcomed as a much-needed upgrade and refresh to come up to date with current and future trends for the centre. It has been noted across majority of feedback responses that storage is very important, whether it be locker space for swimmers or storage for clubs.

The inclusion of the warm water program pool is a key asset for the facility and the area as a whole. The programs that will be provided to the ageing population with the concession rates makes it a valuable asset locally and beyond for the older target group.

#### Accessibility

All abilities access and adequate change rooms for aquatics is very important to the community, ensuring that there is not only ramp access into aquatic areas but an alternative i.e. hoist or swing should be considered for people who have limited mobility. Also, ensuring there are dedicated accessible change facilities throughout wet and dry program areas, and not combining with other change options as is currently at NARC, was raised throughout the consultation period.

#### Health and Wellness

Feedback suggests that the space allocated to the gym, various number of program spaces and outdoor gym was well received. Data points and gym layout needs to be considered further in the design process; flexibility of spaces to meet different needs and requirements of the gym in the future. It should be noted that air flow and acoustic treatments were raised as concerns from current users and need to be taken into consideration for the health club and program rooms to ensure they are able to be programmed efficiently.

Virtual classes and potential for 24-hour access are a great add on to the programming of the health club.

The allied health component is very important to the community and residents. The variety of offerings and services will be key to the success of this facility component.

#### Amenities

Concerns were raised over only offering gender neutral changerooms (14%). This was one of the main areas of concern among respondents and mentioned in comments through the survey. Many of the concerns were related to the perceived safety concerns women may feel or experience, if they were to use the same change room as men.



In response to the community concern, officers provided the following response, which was also available in the FAQ's for the project:

*The concept plans do in fact have a variety of change/shower/toilet spaces available to all people who wish to use the new facility, both for the aquatic users and health and wellness patrons. These are dedicated men's and women's, gender neutral, accessible, family change and 1 dedicated changing places facility. After people have passed through the reception area, they will be able to select their personally preferred change/toilet/bathroom area from those available. Council anticipates that people who prefer gender neutral toilets will choose those facilities. Council can assure you that formal consultation with culturally and faith diverse groups has been undertaken as part of the development of these designs and the needs and concerns of participants have been responded to.*

Further development of the plans and the release of schematic plans to the community will require additional messaging surrounding the change room designs and being inclusive of all patrons through innovative design outcomes.

#### Café

Strong support raised for healthy eating options to be promoted within the café, with family take home packs that can be purchased after swimming lessons and squad training.

Conflicting responses regarding the location of the café by those who only use NARC and those who use the wider McDonnell Precinct for sports. Those who use NARC only, praised the central location and accessibility from dry, wet and outdoor spaces. Consideration to be given to layout of seating area to accommodate large group fitness participate gathers as informal social spaces. The broader community and wider precinct users would like to see the café with external facing servery to allow for pedestrians passing by to purchase food/drinks. As it stands, the café being located centrally provides the best outcome for the users of the facility yet is still accessible to the broader community within the non-paying entry foyer.

#### General

There was strong support for multipurpose/meeting/warm up room mentioned by majority of groups, in particular community groups and swim clubs as a space for groups to use that could be multi-purpose would be significantly beneficial to the operation of their groups and clubs and to the community to hire also.

Safe travel was mentioned a number of times throughout the feedback period, including redesign of entry/exit to car park to mitigate current safety issues between vehicles, pedestrians and cyclists. In addition, car parking numbers were also raised as a concern, ensuring there is enough car parking during peak times, emergency vehicles have access and that deliveries to plant room and café can be made quickly and efficiently. Alternatively, sustainable transport options were raised which included positive comments surrounding no increase to car parking and increased bike storage solutions for patrons.

Fee increases were mentioned numerous times throughout the consultation feedback. The community expressed concerned that the cost of the build will lead to a rise in rates and increased entry/membership fees once the new centre opens.

AV and IT considerations were raised throughout the period and further details will come for the placement of these during schematic design stage. CCTV was also a major feedback item. Ensuring line of site for all areas both indoor and outdoor was maintained is imperative to safety of staff and patrons within the centre, especially if the facility operates as 24/7 access.

## OPTIONS FOR CONSIDERATION

### Option 1 - Do nothing – not recommended

Do not incorporate the feedback received during the community consultation period on the proposed concept designs for the new NARC within future designs of the new facility.

### Option 2 – Further community consultation - not recommended

Further consultation with the community and key stakeholders will take place to further understand their concerns and ambitions for the project.

### Option 3 – Consider key findings - recommended

Consider the key findings from the community consultation for the proposed concept design for the new NARC with the understanding that the design process is continuing, utilising the community feedback that has been received, to further define and shape the project. Changes made as a result of the community consultation will be done so ensuring that the project is delivered within budget. Officers will continue to report back to Council on how the design process proceeds.

## IMPLEMENTATION STRATEGY

### Details

Warren and Mahoney Architects will continue to advance the design, utilising the findings of the community consultation to inform the schematic design.

All community feedback has been collated and will be assessed and considered for inclusion with the project. Changes that are incorporated into the design will ensure that the project is kept within budget.

### Communication

Communication plan will continue to be updated throughout the project. Key findings of the consultation will be included on the Darebin ‘Your Say’ project page and emailed to key stakeholders and subscribers of the project to ensure that we close the loop and communicate the outcomes of the consultation with all participants.

### Timeline

Currently, the design is at end of concept stage. The stages and timelines are indicative and will be confirmed and updated on finalisation of the construction procurement strategy for the project.

Date	Milestone
July 2020	Completion of schematic design
Nov 2020	Completion of detail design
Feb 2021	Completion of contract documentation
2021	Procurement for construction contractor
	Construction commences
2022	Construction
2023 - 2024	Construction completion
	Sales and Marketing
	Commissioning and handover

**RELATED DOCUMENTS**

Nil

**Attachments**

- NARC - Community Consultation Report - Concept Design - FINAL (**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.

# NORTHCOTE AQUATIC AND RECREATION CENTRE CONSULTATION SUMMARY REPORT FINAL



MAY 2020



Prepared by Otium Planning Group Pty Ltd  
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## Executive Summary

The Northcote Aquatic and Recreation Centre was built in 1968. The facility plays a key role in supporting the health and wellbeing needs of the Darebin community. Although the centre has been upgraded over the years, NARC is reaching the end of its serviceable life and requires redevelopment.

Darebin City Council completed a feasibility study in 2017 in conjunction with OPG to explore the options that should be considered for the Northcote Aquatic & Recreation Centre (NARC) redevelopment. Due Diligence reports obtained indicate the facility is nearing the end of its lifecycle and ongoing maintenance costs to preserve the facility will grow considerably over the coming years as a result.

The purpose of this report is to provide a summary of the detailed community engagement undertaken by the City of Darebin to obtain feedback on the concept plans for the proposed redevelopment of the Northcote Aquatic and Recreation Centre. The report provides the context for the project; engagement approach; and a summary of the key issues raised by participants; and observations from the consultant team.

Consultation for the Northcote Aquatic and Recreation centre was conducted predominantly over a five-week period during an unprecedented global pandemic COVID 19. The consultation included a wide range of interviews and online workshops with various key stakeholder community groups via alternative means including;

- Darebin – Your Say web page
- Online video conferencing
- Telephone calls
- Online surveys – residents and schools

The consultation platforms were implemented in order to gain an understanding of the thoughts and opinions of various different sectors of the community including:

- General community
- Schools in the City of Darebin and current schools that use the Centre
- Advisory Groups
- Key Stakeholders
- Facility Operators
- Relevant State Sporting Associations

### Overview of key Findings

Council should be commended on the environmental focus and how the proposed design of the centre provides a free-flowing open contemporary aquatic and leisure centre.

### Aquatics

The Centre is well located and supports the other community services and open space areas. There is already a “community feel” about NARC and the outdoor 50m pool is well utilised even through the winter months. This will need to be retained and community and swim groups/sports clubs have expressed the importance of adequate shelter and shade for events, carnivals and day to day activities.

Indoor Aquatic areas are welcomed as a much-needed upgrade and refresh to bring the facility up to date with current and future trends. It has been noted across majority of feedback responses that storage is very important whether it be locker space for swimmers or storage for clubs.

All abilities access and adequate change rooms for aquatics is very important to the community, in particular ensuring that there is not only ramp access into aquatic areas but an alternative i.e. hoist or swing should be considered for people who have limited mobility.

Concerns about lack of recreation water space outdoors by removing 25m and toddler pools and replacing with only a splash deck raised some concern for residents.

#### Health and Wellness

Feedback suggests that the design of the gym and allied health component is very important to the community and local residents – the variety of offerings and services will be key to the success of this facility component. Data points and gym layout need to consider; flexibility of spaces to meet different needs and requirements of the gym in the future. Virtual classes are a valuable add on to the programming of the health club.

It should be noted that air flow and noise preservation need to be taken into consideration for each of the health club/gym rooms to ensure they are able to be programmed efficiently and support required types of environment.

#### Amenities

Feedback was received about the need to ensure changerooms provided for all users' needs and not only gender neutral spaces. This is a misinterpretation of designs as there will be options available which include men's/women's, family, accessible, gender neutral and a dedicated changing places. Council will need to ensure that this message is appropriately conveyed to the community.

#### Other

The need for additional car parking was identified as a key issue. The key issues being ensuring sufficient car spaces were available during peak times, emergency vehicles have access and that deliveries are able to be made quickly and efficiently. A number of local residents expressed concern about the impact of additional traffic on Victoria Road as a result of a new and more substantial facility. Comments were also made about ensuring sustainable transport options for bikes, cars and any other modes of transport were taken into consideration when the design is completed.

AV and IT considerations need to be looked at throughout the building. The provision of CCTV was also identified as a key safety issue ensuring that line of sight across the facility was maintained, this will also be very useful if 24/7 gym access is utilised by members.

There was strong support for the provision of a multipurpose/meeting room. The need for this space was identified by both community groups and aquatic clubs (swimming, water polo and synchronised swimming) as a space for social gatherings, meetings, club operations and training.

Fee increases were mentioned numerous times throughout the consultation feedback, the community members are concerned that the cost of the build will lead to a rate rise.

The majority of the respondents are in full support of Councils intent to develop the facility as a 6-Star Green Rating.



## 1. Introduction

An extensive community engagement plan was developed as part of the design process for the Northcote Aquatic and Recreation Centre. The purpose of this report is to provide a summary of the detailed community engagement undertaken by the City of Darebin to obtain feedback on the concept plans for the proposed re development of the Northcote Aquatic and Recreation Centre. The report provides the context for the project; engagement approach; and a summary of the key issues raised by participants; and observations from the consultant team.

## 2. Background

The Northcote Aquatic and Recreation Centre was built in 1968, it plays a key role in supporting the health and wellbeing needs of the Darebin community. Although the centre has been upgraded over the years, NARC is reaching the end of its serviceable life and requires redevelopment.

Darebin City Council completed a feasibility study in 2017 in conjunction with OPG to explore the options that should be considered for the Northcote Aquatic & Recreation Centre (NARC) redevelopment. Located at 180 Victoria Rd, Northcote the NARC currently offers the following amenities:

- Outdoor 50m and 25m pool and toddlers heated pool
- Indoor 25m and 10m lane pool
- Spa, sauna and steam room
- Gymnasium
- Cycling Studio
- Group Fitness Area
- Creche
- Café
- Changerooms
- Reception / Retail Space
- Private Consultation Rooms

Council have considered community feedback received in 2017 and the future needs and growth of the Darebin community determining the future facilities needed at NARC will include but not limited to;

### Indoor

- Indoor 8 lane 25m pool
- Indoor learn to swim / leisure pool
- Ramp entries to pools
- Indoor aquatic playground and toddler pool
- Indoor warm water pool
- Steam, spa and sauna facilities
- Gym and group fitness studios
- Private consult rooms – for allied health services i.e. physiotherapy
- Reformer pilates studio
- Café
- Change rooms including dedicated spaces for accessibility, gender neutral, changing places and school groups

### Outdoor

- Outdoor 10 lane 50m pool
- Landscaped spectator area for carnivals and events
- Outdoor nature play aquatic playground

- Outdoor landscaped area for relaxation

#### Access and Car Parking

Reconfigured traffic measures including:

- New entry and exit to car park
- Electric vehicle charging stations
- Increased bicycle parking
- Pick up / drop off zone
- Bus parking

Due Diligence reports obtained indicate the facility is nearing the end of its lifecycle and ongoing maintenance costs to preserve the facility will grow considerably over the coming years as a result. A Condition Assessment report prepared by Macutex in 2016 found that overall cost for repair and renewals of the facility would exceed \$3.3m over the next ten years. The report also found that a significant amount of water was being lost, likely as a result of building movement over the years which is predominantly caused by oversaturation of the soil.

The redevelopment of NARC provides an excellent opportunity for Council to create an industry leading facility that becomes a flagship facility for Darebin City Council due to its alignment with the municipality's strategic goals, vision and values. The vision for the project is to:

*“Create a vibrant, welcoming and innovative multi-generational health and wellbeing hub for the municipality.”*

A key goal of Council is to become an energy and water efficient city and reduce waste and improve sustainable transport. To help achieve Council's ambitious sustainability goals, The Northcote Aquatic & Recreation Centre redevelopment project is targeting to achieve a certified 6 Star Green Star rating (i.e. at least 75 points) using the Green Building Council of Australia (GBCA) Green Star Design & As-Built v1.2 or the latest environmental rating tool.

The overall NARC redevelopment objectives are;

- Improve health and wellbeing of residents
- Address current and future needs for the provision of aquatic and recreation facilities
- Increase participation of all gender and abilities
- Increase social interaction
- Improved, inviting, safe and environmentally sustainable facility.

The design team has completed a concept design for community consultation based on all previous work completed, and this report provides a summary of the findings from the consultation undertaken. This consultation feedback report will be provided to the Project Management Group for consideration in the next phase of the design process.

### 3. Northcote Aquatic and Recreation Centre Concept Design

The Northcote Aquatic and Recreation Centre is located at 180 Victoria Road Northcote, north east of the Melbourne CBD.

Below is a site plan of the current Centre



Figure 1 Current NARC location

The centre is located adjacent to McDonnell Park and is generally bound by Victoria Road to the west, Clifton Street to the north and residential/industrial properties to the south.

The general precinct comprises of a number of sports and leisure related land uses, including

- The Northcote Aquatic and Recreation Centre, including swimming pool and tennis facilities;
- Clifton Street Children's Centre; and
- Northcote Junior Football Club.

Based on the background information and work previously completed the following concept plan was completed and released for community consultation.



Figure 2 Concept Plan NARC Site Plan

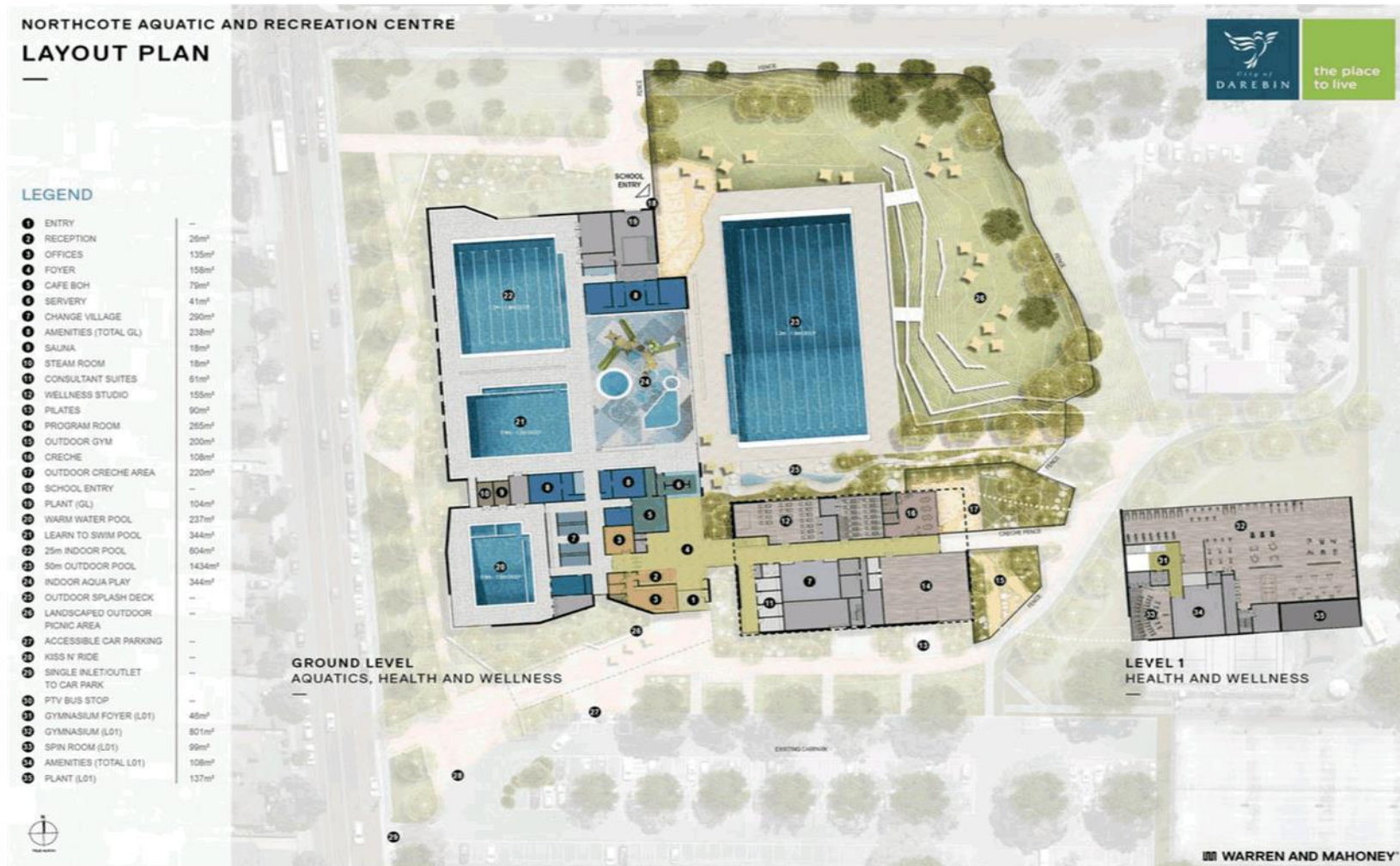


Figure 3 Concept Plan NARC Layout Plan

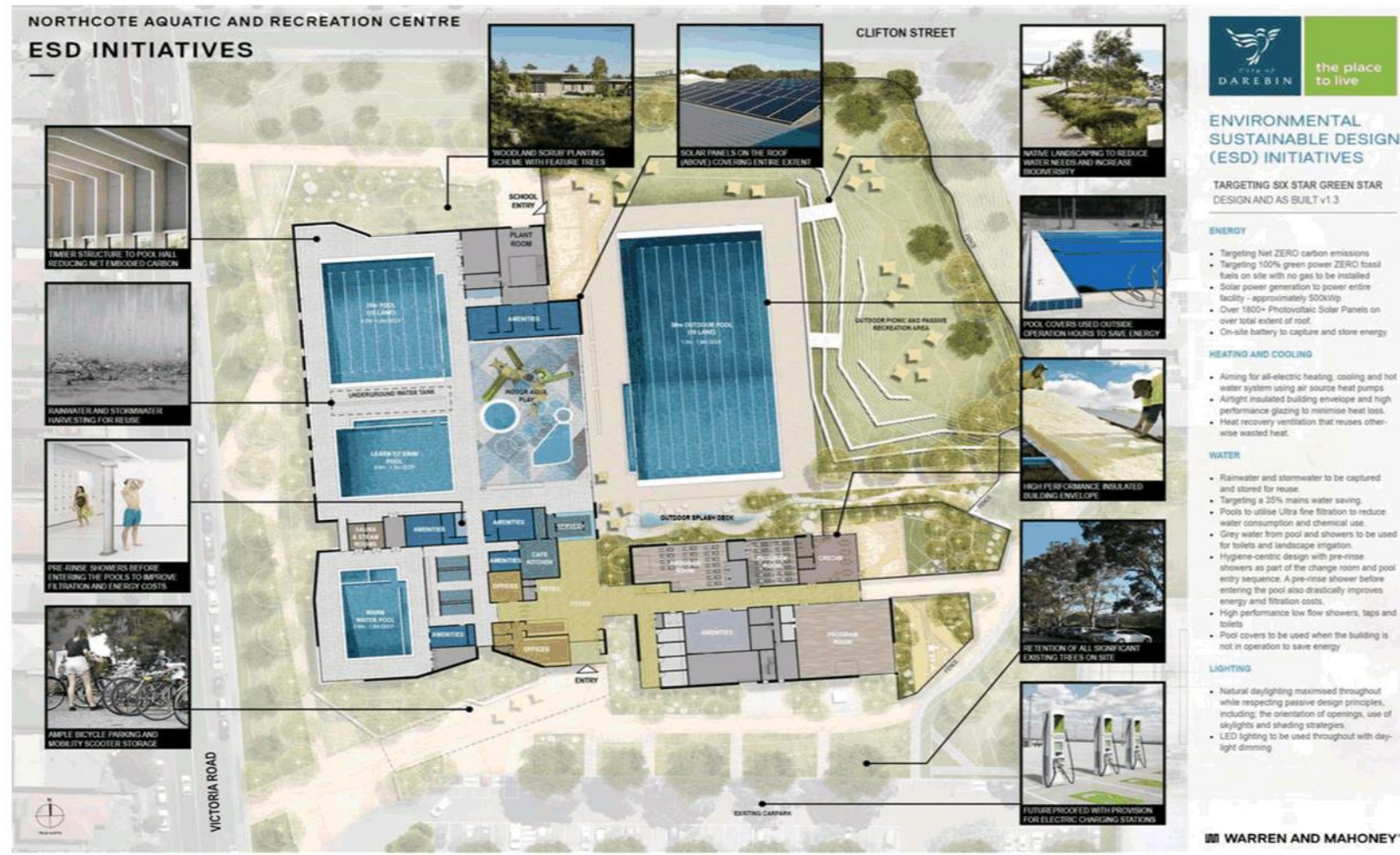


Figure 4 Concept Plan NARC ESD Initiatives

## 4. Consultation, Engagement and Research

### 4.1 Introduction

Consultation for the Northcote Aquatic and Recreation centre was conducted predominantly over a five-week period during an unprecedented global pandemic COVID 19. The consultation included a wide range of interviews and workshops with various key stakeholder community groups and Council and non-council officers via alternative means including

- Darebin – Your Say web page
- Online video conferencing
- Telephone calls
- Online surveys – residents and schools

The consultation platforms were implemented in order to gain an understanding of the thoughts and opinions of various different sectors of the community including:

- General community
- Schools in the City of Darebin and current schools that use the Centre
- Advisory Groups
- Key Stakeholders
- Facility Operators
- Relevant State Sporting Associations

The key findings from the consultation and engagement are presented in this following section and are grouped together under the following stakeholder groups:

- Community survey
- School survey
- Resident, Advisory Groups and Key Stakeholder written submissions
- Resident, Advisory Groups and Key Stakeholder interviews
- Facility Operators

## 4.2 Community Survey

This section summarises the key findings from the community feedback survey conducted online, through Council's 'Your Say' webpage. This consultation took place during the COVID-19 pandemic, where social distancing restrictions were in place, from 15 April 2020 to 3 May 2020. Under the changing circumstances, caused by the pandemic, online consultation was implemented, including video meetings available with the project manager and this online survey, which was also available for download, so that it could be printed and returned as a hard copy survey.

A total of 401 people completed the survey for all comments please see **Appendix One**. The following information provides details on who was responding to the survey. Additional to this there were a number of comments made through the Darebin "Your Say" Q&A portal. A full list of comments can be found in **Appendix Two**.

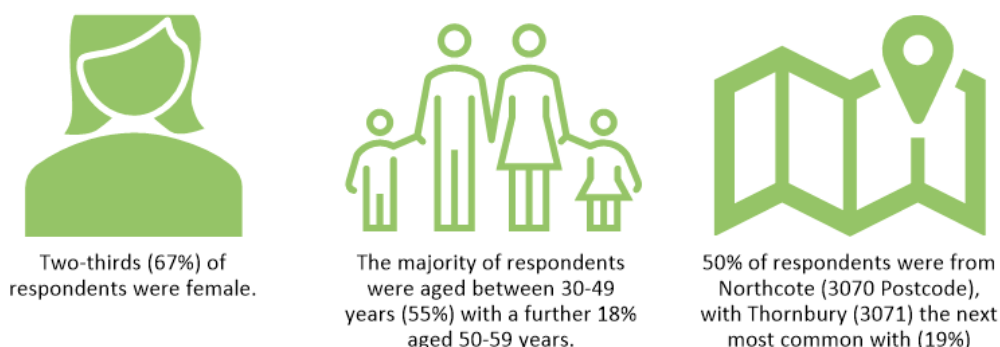


Figure 5: Respondent Characteristics

After viewing the proposed concept design for the new Northcote Aquatic and Recreation Centre respondents were asked to rate the design from Excellent to Very Poor. Overwhelmingly (81.5%) respondents indicated that the proposed design was either 'Good' or 'Excellent'

The 6% of respondents who rated the designs 'Poor' or 'Very Poor' were given the opportunity to outline the reasons they gave this response. Opposition to gender neutral amenities accounted for the majority of these responses, however it is important to note that this only accounts for approximately 3% of all responses.

Overall support for the proposed designs is further strengthened when respondents were asked if the designs would be a good fit for the local neighbourhood, where 94% said that it would be a good fit for the local neighbourhood. The community also strongly supports Council's aim to develop the facility with a 6 Star Green Star rating, with 95% stating they support design initiatives to achieve the Green Star Rating.

### 4.2.1 Potential Facility Usage

The following section details how the proposed facility may be used by those who responded. 91% of those who responded said they would use the new Centre. Those who selected that they wouldn't use the new facility followed a theme to the questions related to the overall design, with many of those who selected they wouldn't use the new facility, if built, focused on gender neutral change rooms, along with concerns over the change to the outdoor pool area.

### 4.2.2 Reason for Facility Usage

Those who selected they would use the proposed facility were asked to outline why they would choose the facility. Respondents were asked to select up to 3 options from a list. Overwhelmingly the respondents outlined the top three reasons as 'Close to home' (64%), 'To use the outdoor pool' (47%), and 'To attend health and fitness program' (41.5%).



The graph below details other reasons for use that were available.

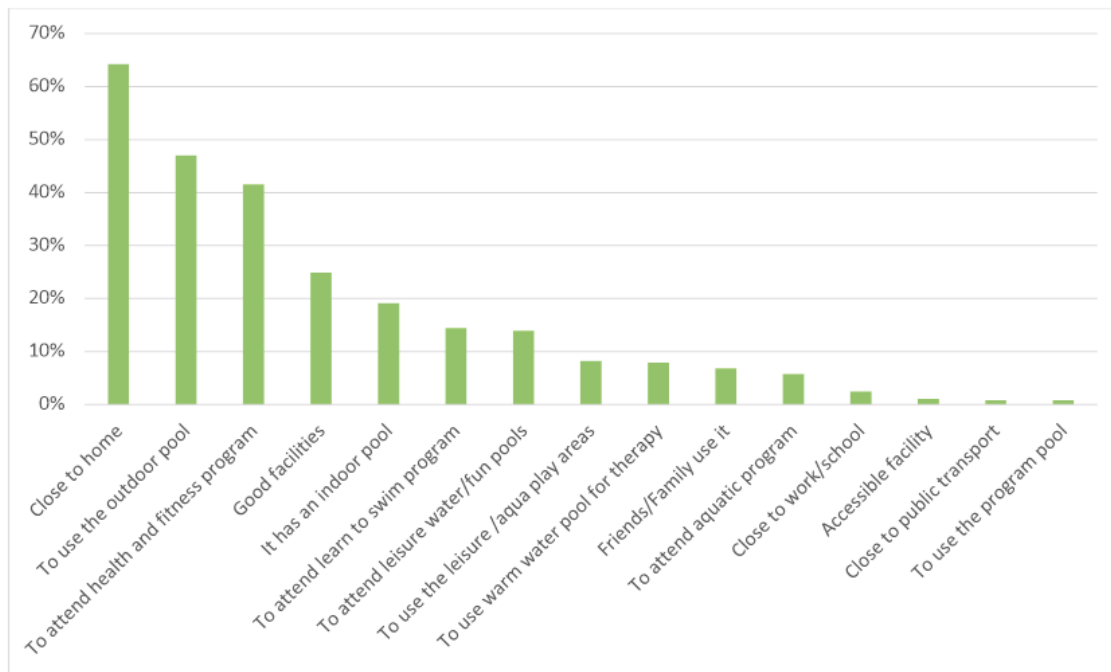


Figure 6: Potential Reasons for Use of Facility

Respondents were asked to detail what the main activities they would undertake at the proposed facility from a list of common activities that are undertaken at aquatic centres. Respondents were asked to select up to three responses. The most popular response was to undertake lap swimming in the outdoor 50m pool (39%), this was followed by using the gym and weights room (33%), then group health and fitness activities (28.4%).

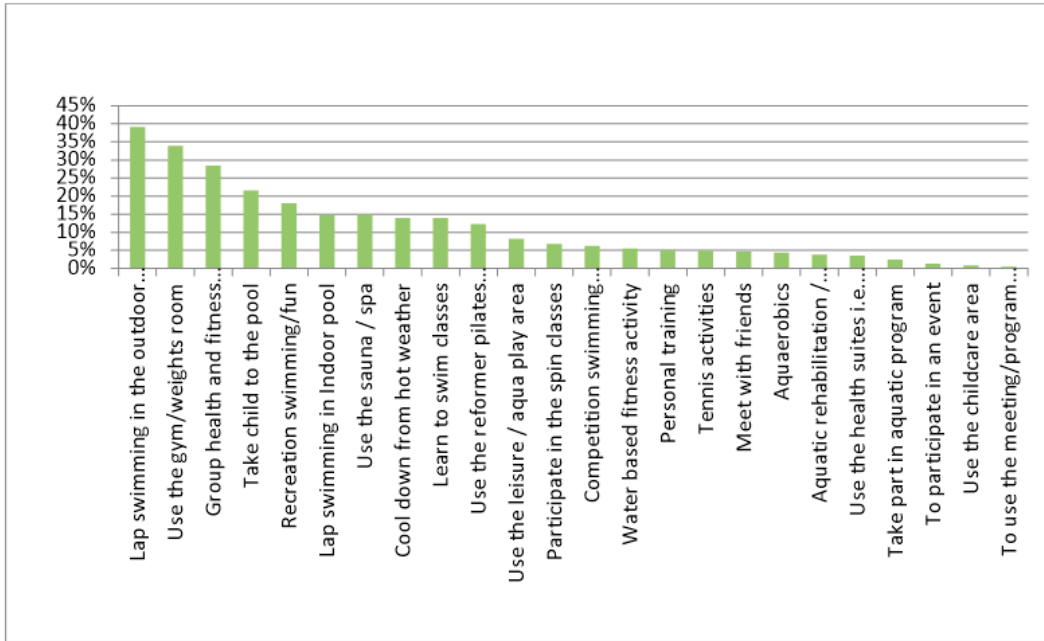


Figure 7: Potential Main Activities to undertake on site

Respondents were also asked to highlight if they thought the layout of the facility (location of components) would make the use of the facility easy, with 85% indicating it would. Of those who said it wouldn't location and design of the outdoor pool areas was of main concern, in particular the change from the current layout. This follows a general pattern throughout the survey that the use of the existing centre during summer to cool down from hot weather is important to respondents.

Respondents were asked to outline how they might use the facility in terms of time of use, method of travel to the facility, and frequency of travel. Details of this is outlined in the graph below.

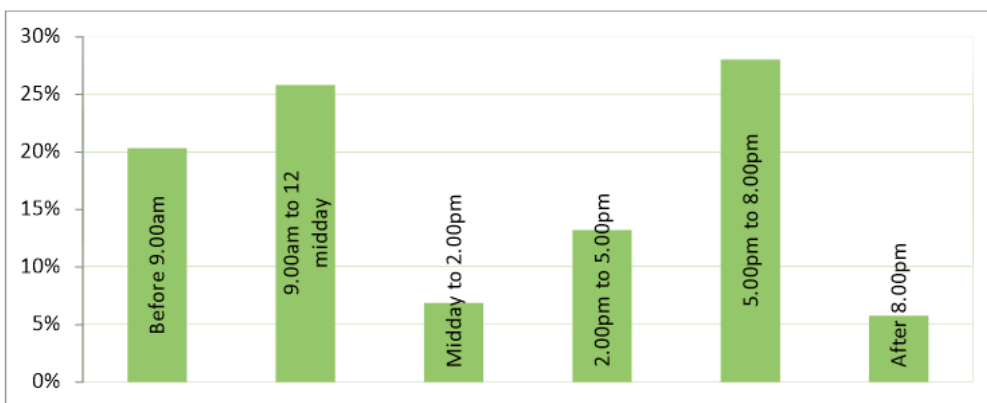


Figure 8: Potential Time of Use

Respondents identified that the most likely time of use was before lunch, with more than 45% indicating they would use the facility prior to 9am or between 9am and 12 pm. The next most common anticipated time of use was between 5pm and 8pm, which is a common peak time for people to attend after work time.

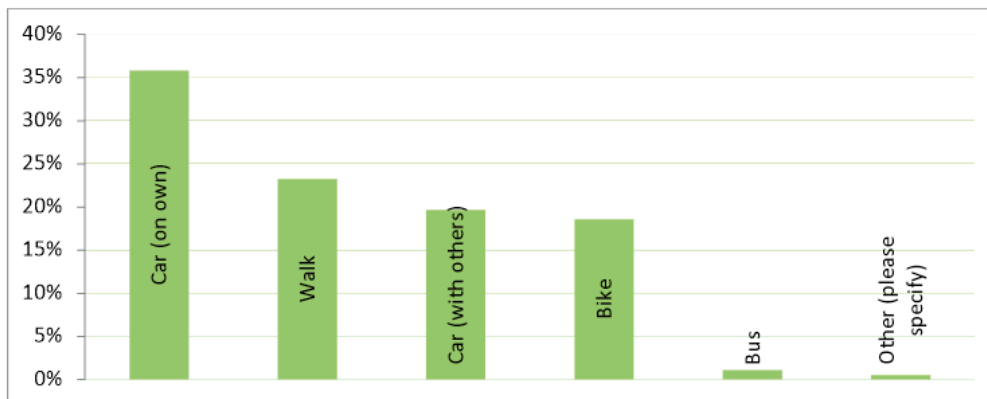


Figure 9: Potential Method of Travel to Facility

Respondents indicated that the most likely method of travel to the facility would be by Car (either on their own or with others). This accounted for 55% of all responses. It is important to note that active transports (walking or by bike) accounted for the majority of responses (43%).

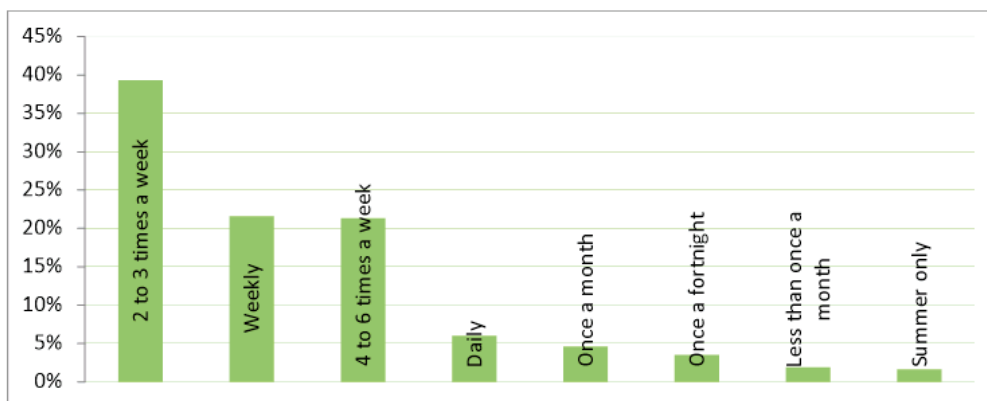


Figure 10: Potential Frequency of Use

Respondents indicated that it was most likely they would make multiple visits to the centre per week, accounting for 67% of all responses. A further 21% indicated that they would visit at least once per week.

### 4.2.3 Additional Comments

Respondents were given an opportunity to provide additional comments on the plans. There were 271 comments made, which have been grouped into the following categories.

- Concerns over the design of the outdoor pool area, in particular the reduction in the number of pools, and the impact that this will have on peak times in summer. (27%). This further reinforces other comments made throughout survey on the importance the outdoor pool areas plays within the local community.
- Concerns around the Gender neutral changerooms (14%): This was also mentioned throughout the survey and was the main area of concern among respondents. Many of the concerns were related to the safety concerns women may feel or experience if they were to use the same change room as men.
- General positive comments about the design (13%): Beyond the above to areas there were no other clear themes that emerged beyond generally supportive comments about the design and the potential of the proposed design.
- The community liked the idea of a 6-Star Green rating (80%) however were concerned that this may increase rates.

### 4.3 School Survey

Run at the same time as the community feedback survey, was a school survey aimed at identifying the potential use of the facility, and any elements that may impact their use of the proposed facility. Eight schools responded to the survey, being:

- Apollo Parkways
- St Raphael's
- Thornbury High School
- St Anthony's Primary School
- Northcote Primary School
- Marcellin College
- Croxton
- Westgarth Primary

All schools were supportive of the design, with only one school rating the designs as neutral. Reasons for use focused on accessing the 50m pool, proximity to the school, and access to good facilities. These facilities would mainly be used for school swimming carnivals, learn to swim classes and group fitness and wellness classes.

One concern raised by two schools was the ability to have access to a school only change room or the ability to close off sections of a change room to limit the external use during a hired event (such as a school carnival). These have already been considered and were incorporated into the proposed concept design.

Although the overall sentiments were positive, concerns around how the proposed centre would cope with school requirements was raised as the main area of concern, from those who responded.

### 4.4 Resident, Advisory Groups and Key Stakeholder Submissions

#### 4.4.1 Resident Submissions

There were 19 written submissions received and 17 video conference/telephone meetings held with residents in regards to feedback of the concept plans on Northcote Aquatic and Recreation Centre redevelopment. A summary is listed below:

Table 1 Residents Submissions

Issues	Opportunities
No Bike racks on plans	Ensure Car Park meets facility needs
Seating around pool is minimal	Increase staff office space
Safety of outdoor splash park being near other bodies of water	Wind in winter is strong, could look at putting in wind breakers
Café location- would like to see this moved off pool concourse	Opportunities to name pool after a local swimmer
Unsure if there are enough amenities for the centre, this should be looked at through the plans	Ensure photos are taken before and during demolition for history purposes
Where do people go whilst this centre is closed?	Noise abatement opportunities throughout the centre, as currently very loud
Consider the impact of development and operations on local residents	Shelters for outdoor pool need to be included for weather and events
Consider the noise of the weights being dropped particularly for the rooms under the gym area	Ensure that there is sufficient disability and family change areas
Northern winds across pool can be uncomfortable for swimmers	Ensure memberships stay at low cost
Difficult to turn right onto Victoria Road from car park	Ensure Gym facility meets today and future demands

During the cold months the proposed entrance will be exposed to wind/rain	Entry and Exit onto Victoria Road needs to be looked at to make sure it is safe as extremely busy road
Resident request information about <ul style="list-style-type: none"> <li>• Procurement process for the design team</li> <li>• How the capital cost figure was derived.</li> <li>• Process for deciding that NARC would be redeveloped before Reservoir Leisure Centre</li> </ul>	Virtual Group Fitness Classes are not the only option for over 50's
Concern about sight access into group fitness rooms and ensuring privacy is maintained	Sun protection cover over the 50m pool
Ensure sound systems from group fitness rooms do not conflict with each other	Garden area needs to be separated from pool areas – particularly the outdoor leisure pool area
Waiting area outside of group fitness area important for social interaction – current size does not seem sufficient	Secure bike parking required for protection of expensive bikes
Concern over the amount of wood at the entrance and long term look and maintenance	Entrance pathway should be of sufficient width to accommodate pedestrians and cyclists
Bus entry poorly designed – concern for safety of cyclists	Pedestrian crossing required on Victoria Road
Concern over the sustainability of the proposed facility for local residents – particularly traffic management	Training/ meeting room should be included in the design
Concern for amount of money being spent in the South and the North being left out again (Upgrades to Reservoir Leisure Centre)	Ensure facility has capacity for virtual classes
	Size of sauna should be increased
	Café should be located to serve wider sports and community precinct

#### 4.4.2 Advisory Groups

There were 4 submissions received from the Darebin Advisory Groups which included Darebin Disability Advisory Committee, Darebin Interfaith Council and also the Islamic Council of Victoria (Preston Mosque), and the Sexuality, Sex and Gender Diverse Advisory Committee. A summary of their feedback is listed below;

**Table 2 Advisory Group Summary**

Issues	Opportunities
Accessible Access, pools currently only accessible via water wheelchair	Hoist or swing should be investigated for pool entry
Reiterated community concern to include a variety of change spaces with designated men's/women's as well as gender neutral, family, accessibility etc.	Support the multi-use quiet room to be used as a prayer room at designated times, and at other times to be used for multi faith, quiet space for respite for patrons with special needs and a closed breastfeeding space.
	Support gender neutral changerooms to provide choice to patrons. In favour of single cubicles.

#### 4.4.3 Key Stakeholders

There was seven submission received from the Key Stakeholder this included;

- Northcote Swimming Club – 290 swimmers
- Northcote Waterpolo Club
- Waterpolo Victoria
- Synchronised Swimming Victoria
- Fairfield Counselling

- NYP Dragons Water Polo Club
- Melbourne Physiotherapy, Pilates and Fitness Group

Feedback Summary from the above stakeholders is below:

**Table 3 Key Stakeholder Summary**

Issues	Opportunities
Ensuring correct lengths and depths for water polo, currently doesn't look correct on the plans	Secure outdoor Storage for Clubs
Concern over access and allocation policy for aquatic clubs – need to ensure fair access to all user groups	Multipurpose rooms for warm up and Stretching
Outdoor 25m pool should not be removed	Shelters for outdoor areas including shelter at shallow end of the pool.
Current size and location and health suites is insufficient. <ul style="list-style-type: none"> <li>• Need to create a health precinct that support a range of allied health professionals</li> <li>• 6 health suites min</li> <li>• 60m2 clinical gym required for rehabilitation/therapy</li> <li>• Area should be located adjacent to larger gym to enable transition from rehab to wellness</li> <li>• Area require for reception and waiting room</li> <li>• Area needs viewing to external areas with natural light</li> </ul>	Viewing and/or spectator seating for all pools
	Poolside showers would be very handy
	Ensure timing/pace clocks are installed at both outdoor and indoor pools
	Outdoor large digital screen would be very helpful for competitions and everyday messages- it would also help with sponsorship for clubs
	Correct markings for water sports is included
	Ensure commercial viability for Allied Health Services i.e. space, opening hours and range of practitioners
	Swim wall and netting should be provided to support swimming and water polo club activities
	Access to a meeting space required for aquatic clubs
	Require diving blocks for both the 50m and 25m pools
	Ensure lane rope anchor points are provided to enable cross pool activities ie water polo
	Ensure diving blocks can be removed to enable water polo referees to walk along pool side
	Lux level of outdoor lighting needs to be sufficient to support evening training and games
	Access to power outlets across 50 m pool
	Boom or swim wall to increase flexibility for programming of 50m pool and division of use

**Additional Comments**

- Clubs concerned about transition to alternate facilities and how council will assist the clubs to find a training venue during construction

- Suggestions that a residents/stakeholder reference group should be established to provide feedback through the design process

## 4.5 Operator Feedback Submissions

An online video conference meeting was held with the following current facility operators. The operators were also invited to provide a written submission.

- Aligned Leisure + written submission
- YMCA + written submission
- Bluefit + written submission
- Belgravia Leisure
- Club Links + written submission

The feedback on plans for Northcote Aquatic and Recreation Centre in summary is listed below. In general, all operators commended council and the design team on the quality of the design and the thought process to ensure the operational imperative had been considered and the market segments had been clearly separated.

Table 4 Facility Operators Summary

Issues	Opportunities
Front Foyer area looks to be too small with no indoor social space in close proximity to café	Ensure energy saving initiatives don't have a significant impact on the ongoing operational costs
Potential traffic flow to the aquatic area could be an issue at peak times	Electrical works to be looked at when gym floor is completed, this would help moving the cardio equipment around
Potential issues with the skylight within pool hall, could cause glare and reflection issues for lifeguards	Ensure that the facility has electronic display boards, makes it very easy to change messaging and programming and membership prices for customers to read
Ensure Car Parking is adequate	Consideration for turning circle for busses would be a great help for events and schools with the least traffic disruption on Victoria Road
Waste Disposal location looks like it has been potentially missed	Discussion around delivery drop off areas needs to be taken into consideration, currently Café looks like it must go through reception
Ensure Emergency Services parking locations are the closest to the building, plans do not show this	Potential for sales/membership space away from high traffic areas
No location for emergency evacuation points	Ensure there is storage at reception for day to day operations
Unsure how merchandise will work with 24/7 gym access	CCTV locations need to ensure line of sight
Management and Staff workspaces looks light on	Consideration of a designated learn to swim office that allows direct line of sight to the LTS pool and gives accessibility to parents for direct communication rather than having to go to reception for all enquiries.
Location of First Aid room	Ensure correct storage for chemical i.e. off the floor
Individual health club areas should be on their own thermostat	Ensure EFT and HICAPS points in wellness areas
Ensure that at minimum one gate into the centre is large enough for all abilities access	Inclusion of bigger 'Social Space' for social groups, warm up areas etc.
Is the creche area a good use of space?	Potential for outdoor gym space
The health suites may not be of sufficient size to support a health and well-being practice	Ensure some cover over outdoor gym
Consider the reduction in lane space in both the 25m and 50 m pools	Outdoor screen for swim club and carnivals

Issues	Opportunities
Consider increasing the length of the warm water pool	Ensure there is enough shade for outdoor aquatic spaces
Ensure seating is provided around program pool and leisure water area	Consider double door entry into the sauna and steam rooms
Ensure sound barrier treatment provided to health and wellness area	Ensure 24-hour access to gym area and consider security of reception and café area
Consider café delivery access	Swim ledge should be provided on both sides of program pool
	Provide anchor points on bottom of pool for inflatables and power access
	Need for multi-purpose meeting/training room
	Need for a small room to support birthday parties
	Boom or swim wall to increase flexibility for programming of 50m pool and division of use

#### Additional Comments

- Outdoor splash park will provide a point of difference
- Consider future expansion options
- COVID 19 will have an impact on the layout of gyms in the future
- Consider before and after school care in creche

## 4.6 Royal Life Saving Victoria

Life Saving Victoria will undertake a formal audit of the final concept plan once completed. The general comments are provided below prior to the audit.

- Design of facility to be commended
- Pool size and depths are suitable for proposed uses
- Consider circulation options / separation of areas
- Consider opportunity for program room to support running of LSV Life Saving Course

## 5. Key Findings from Concept Design Consultation

The consultation through the unprecedented period of COVID 19 indicated key themes from various user, non-user and community groups.

#### Overview

Council should be commended on the on the environmental focus and design of the centre provides a free-flowing open contemporary aquatic and leisure centre.

NARC is well located and used by local resident's and the inclusion of the warm water program pool is a key asset for the facility and the area as a whole. The programs that will be provided (e.g. arthritis) to the ageing population with the concession rates makes it a valuable asset locally and beyond for the older target market group.

Overall design elements are very well received, flow during peak times and access to café from foyer area has been raised as an issue from a number of areas in the feedback, as well as ensuring that there is large digital display screens thorough the centre.

#### Aquatics



The Centre is well placed with other community services and green open space. There is already a “community feel” about NARC and the outdoor 50m pool is well utilised even through the winter months. This will need to be retained and community and swim groups/sports clubs have expressed the importance of adequate shelter and shade for events, carnivals and day to day activities.

Indoor Aquatic areas are welcomed as a much-needed upgrade and refresh to come up to date with current and future trends for the centre. It has been noted across majority of feedback responses that storage is very important whether it be locker space for swimmers or storage for clubs.

All abilities access and adequate change rooms for aquatics is very important to the community, in particular ensuring that there is not only ramp access into aquatic areas but an alternative i.e. hoist or swing should be considered for people who have limited mobility.

Concerns about lack of recreation water space outdoors by removing 25m and toddler pools and replacing with only a splash deck raised some concern for residents as this is currently highly utilised during the summer period.

#### Health and Wellness

Feedback suggests that the design of the gym to the outdoor pool and splash deck was well received,

Allied health component is very important to the community and local residents – the variety of offerings and services will be key to the success of this facility component. Data points and gym layout needs to consider; flexibility of spaces to meet different needs and requirements of the gym in the future. Virtual classes are a great add on to the programming of the health club.

It should be noted that air flow and noise preservation need to be taken into consideration for each of the health club/gym rooms to ensure they are able to be programmed efficiently.

#### Amenities

Feedback was received about the need to ensure changerooms provided for all users’ needs and not only gender neutral spaces. This is a misinterpretation of designs as there will be options available which include men’s/women’s, family, accessible, gender neutral and a dedicated changing places. Council will need to ensure that this message is appropriately conveyed to the community.

#### Other

With all recreation and high usage sites car parking was mentioned a number of times throughout the feedback period, ensuring that there is enough during peak times, emergency vehicles have access and that deliveries are able to be made quickly and efficiently. There was also mention of the inclusion of sustainable transport options for bikes, cars and any other modes of transport are taken into consideration when the design is completed.

AV and IT considerations were raised throughout the period, and further detail will come for the placement of these during schematic design stage. CCTV was also a major feedback item, again ensuring that line of site for all areas both indoor and outdoor was maintained, this will also be very useful if 24/7 gym access is utilised by members.

There was strong support for multipurpose/meeting/warm up room was also mentioned by majority of groups, in particular community groups and swim clubs a space for groups to use that could be multi-purpose would be significantly beneficial to the operation of their groups and clubs and to the community to hire also.

Rate increases were mentioned numerous times throughout the consultation feedback, the community members are concerned that the cost of the build will lead to a rate rise, whilst majority of the respondents are in support of the 6-Star Green Rating rate rises are a genuine concern.

## 6. Warranties and Disclaimers

The information contained in this report is provided in good faith. While Otium Planning Group has applied their own experience to the task, they have relied upon information supplied to them by other persons and organisations.

We have not conducted an audit of the information provided by others but have accepted it in good faith. Some of the information may have been provided 'commercial in confidence' and as such these venues or sources of information are not specifically identified. Readers should be aware that the preparation of this report may have necessitated projections of the future that are inherently uncertain and that our opinion is based on the underlying representations, assumptions and projections detailed in this report.

There will be differences between projected and actual results, because events and circumstances frequently do not occur as expected and those differences may be material. We do not express an opinion as to whether actual results will approximate projected results, nor can we confirm, underwrite or guarantee the achievability of the projections as it is not possible to substantiate assumptions which are based on future events.

Accordingly, neither Otium Planning Group, nor any member or employee of Otium Planning Group, undertakes responsibility arising in any way whatsoever to any persons other than client in respect of this report, for any errors or omissions herein, arising through negligence or otherwise however caused.

## Appendix 1: Community Survey Online Written Comments

Response	Detail
1	<p>I welcome this innovative, stylish, ecologically and environmentally driven design. Fits with key personal and community values.</p> <p>In my professional life I have worked in health / hospital and wellbeing policy and program implementation, both in early years and aging care, disease prevention and evidence informed policy. In hospital we had to consider a 30 year + life trajectory for facilities. From this point of view, I believe there may be some key areas overlooked.</p> <p>As the population ages and to reduce chronic disease or manage symptoms and conditions I believe facilities such as these will be crucial.</p> <p>There is a cohort of older Italian women who attend the aquarobics. many in their 70's or 80's. They mostly look like they are in their 60's! As more people are referred to discover such therapeutic and prevention strategies are the facilities sufficient for the influx?</p> <p>My second story is that I have episodes of sciatica backpain and have had 2 broken ankles in both cases water therapies and physiotherapy was crucial to speedy recovery. My use of the gym which is my routine maintains my health and wellbeing. Scans of my bones show my bones very slowly reversing my osteoporosis and NARC has made this possible.</p> <p>Is this design future proof for the chronic disease tsunami, will some of it be prevented.</p>
2	<p>1) SPA/SAUNA - The artists impressions and the current facility floor plans don't note a spa being included. They only show a sauna /steam room. As you will know the current spa, sauna area of NARC is beyond capacity most peak and off-peak times. Please ensure the spa and dry sauna are capable of handling the current capacity, plus new membership in the future</p> <p>2) DISABILITY access plan – through your feasibility and consultation you should provide a disability access proposal. How do members get into all areas of the facility while maintaining respect and dignity. Especially accessing pools, gates, spas, sauna, the upstairs gym, change rooms, showers and toilets and entry and exit doors including braille, tactile strips, hearing loop and high contrast signage, handrails and pool chair lift or compliant grade ramp</p> <p>3) OUTDOOR POOL – As one of the last facilities in the northern suburbs with a year round outdoor 50m pool, it is essential to be retained. You should deeply consider that the scope of all requirements of the pool meeting the FINA international standards so that the facility can be used for official time trials and heats and very little or no additional cost.</p> <p>4) ESD – some other inclusions in ESD is stipulating the following;</p> <ul style="list-style-type: none"> <li>• Water permeable footpath, to reduce runoff during rainfall, and improve water penetration into the ground.</li> <li>• Low embodied energy building materials, local or recycled or repurposed</li> <li>• Water sterilisation through the filters and pumps using ultraviolet treatment and salt, rather than chlorine chemical</li> <li>• Passive ventilation of the indoor pool area through large operable windows or folding doors</li> <li>• Building insulation to be a natural fibre product, not synthetic</li> <li>• Floor of the gym, spin and programs room to be repurposed recycled rubber or plastic composite</li> </ul> <p>5) BUILDING MATERIALS - Ensure that none of your building materials are ACP (Aluminium Composite Panel) or EPS (Expanded Polystyrene). These are currently the subject of international, state and federal investigation into fire risk. The artist impression appears to include these materials. If you do,</p>

Response	Detail
	<p>the Victorian Cladding Taskforce will likely require them to be removed at a later date.</p> <p>6) BIKE RACKS - Currently the facility has a major lack of bike racks and quite often I have to lock my bike up to a tree or street sign. Please ensure enough facilities are provided in low theft risk area.</p> <p>7) CONTACTLESS – Contactless entry into the facility, secured areas and lockers for members.</p> <p>8) BRICK WORK – Your specified materials in wet areas should not include anything with cavities or deep grout where mould and fungus will build up and be difficult and expensive to clean. The artist impression shows brick masonry on the inside of the indoor swimming pool area. I would strongly advise against brickwork as the grout between the bricks will cause problems.</p> <p>9) NATURAL LIGHT – Reduce energy consumption and create a more vibrant atmosphere by allowing more natural light through skylights with tinted glass to reduce UVA and UVB.</p>
3	<p>Gender neutral means mixed sex.</p> <p>Gender neutral means male dominated.</p> <p>Research from the UK shows mixed sex change areas are a serious safety risk for women and children.</p> <p>Don't do it.</p>
4	<p>The plans show another childcare centre when there is already a childcare centre a short walking distance away. This does not seem to tie in with the Green Star ambition. Why can't the existing childcare centre get an upgrade and extension, and this be used for parents who want to use the gym or pool? Removing the childcare would also allow space for a kid's party room or community meeting room or other spaces such as a quiet room for people on the spectrum. At the very least the childcare in NARC should be small as isn't it only catering for people doing a short gym or pool session for an hour or so? It is a waste of resources to have 2 childcare centres so close and I am sure the existing childcare centre could do with an upgrade.</p> <p>Also, I have 3 kids aged 11, 9 and 6. It seems I would have to be stuck inside on a hot day so we can use the indoor 25m pool as we can't use the outdoor 50m pool. (teenagers and too deep). This is very annoying and not as good as the facilities at the present pool. I don't understand why there isn't a pool for medium sized kids outside like NARC has now.</p>
5	<p>Only having Gender neutral changerooms or toilets create hostile and unsafe environments for women and girls. If you feel there is a high enough proportion of people unable to use corrected sexes change rooms and toilets, then offer gender neutral and am option for them. However, this tiny minority should not be preferences at the cost of women and girl's safety and comfort. There will be a huge backlash if you insist on ignoring the needs of your female clientele.</p>
6	<p>Keep the vibe. Facilities for performance athletes is a great key. Jono's coming back with heat once COVID's done. Upgrade weights room.</p>
7	<p>Looking forward to some nice new bathrooms!! Would be good if the women's bathroom had open showers (like at Hawthorn YMCA) so people can shower in bathers without waiting a long time!</p>
8	<p>please install single sex change rooms</p>
9	<p>I am highly concerned about the change room facilities. I do not want to share the change rooms with men. Many women from ethnic backgrounds will not be able to use this facilities if all the change rooms are non-gender specific. Please make sure there are female and male only change rooms. I could not take my elderly relatives and friends here now if they thought they had to change in front of men. If you need non gender specific change rooms have some but not all.</p>
10	<p>It is a vital feature to have dedicated FEMALE ONLY bathroom facilities, NOT gender inclusive bathrooms. Women (females) have a right to privacy safety and dignity.</p>
11	<p>I can't tell from the Indoor Aquatic floor plan but there needs to be sufficient family change rooms as currently there is only 1 and only 1 badly positioned change table in the female change room.</p>
12	<p>I'm fine with inclusive spaces as long as you still provide some female only space.</p>

Response	Detail
13	I support the submission from Northcote Swimming Club. It is essential squad swimmers have access to lockers where they can leave their swimming backpacks during, he day as these student's swim before and after school. This is a small ask to support our future swimmers. At present they are not allowed to use public lockers!!
14	It's really important that there are separate toilets, showers and change rooms for women and men, especially for the safety of women and their children. There also needs to be parenting facilities in the men's bathrooms (change table, etc). Can you say for sure that this will be the case to ensure the safety of your clientele?
15	I was excited until I saw you're proposing an ALL genders change room. Please don't allow this. Women and girls have a right to change and have spaces away from men. You will end up dealing with men assaulting and videoing women and girls. This has happened in ALL changing rooms or spaces that have been made unisex. You'll have blood on your hands if you have been made aware of this and it goes ahead, and females are assaulted by males.  Men who say the magic words 'I'm female' are not female. Don't bend to the trans cult and throw women's rights under the bus to cater to misogynists who think females are nothing more than a sexist stereotype.
16	I heard the change rooms were planned to be gender neutral. If there is no female change rooms then I wouldn't use the facility.
17	please provide adequate female only changing spaces
18	You have not given the public sufficient time to respond to your design proposal and have not advertised this survey sufficiently.
19	Regarding the shower/toilet/ change rooms:  I need one that is for females only. Will you provide this?  If not, will you provide individual rooms that contain a shower and toilet so i can go into that by myself?
20	Yes, you must include women only change rooms. I have been to pools with mixed gender change rooms, but these have also had women only change rooms as well males only. Otherwise you will be excluding some cultural groups, lesbian women and woman who would not feel comfortable with men around the change rooms.
21	Yes, woman must be provided with a safe separate change room I object to all genders being in the same change room 🙅
22	The architectural presentation and facility diagrams and poor. They look like a year 8 graphics assignment.
23	Review the outdoor options for kids please. Should be a key user group, particularly for use throughout the week.
24	There needs to be women's only change rooms. I'm very concerned about the impact on women who for multiple reasons may not want to change where there are men. This needs to be address as a matter of urgency.
25	The increased number of separate pools will be expensive to staff (i.e. more than double the current 2 lifesavers)
26	I am completely uncomfortable with the 'Family and all-gender' change rooms. It is totally unacceptable. I am used to female only rooms where women walk around freely without clothes on and use the area at their convenience. No woman is ultimately safe in a mixed gender change area and I am sure there are segments of our multi-cultural community who will not use a space where a man could be in a state of undress near to a woman. I am a lesbian and would find that difficult. Women who have had rape experiences would feel vulnerable. Did you actually consult about this?? Maybe you are trying to be accepting to alternatively gendered persons. You need to think again about how you meet their needs, because once again women are the losers in your plan.  Apart from this, while I realise the images must be from other places some of the equipment e.g. Pilates looks far too close together to me. The gym images tend to the cavernous factory style look. The existing gym has enough complaints about it being noisy - if the new gym is going to be a great

Response	Detail
	<p>big echoing warehouse with blasting music it is going to be very alienating. Give it a ceiling at least.</p> <p>Although it may seem I am very critical - I am in fact very excited about the redevelopment. I have been attending the Centre for at least 30 years and brought my daughter there to learn to swim. It is so crucial that you get this design right now, or we will have to live with the mistakes for another 30 years. The cafe could be a real boon to the area if in the right hands and marketed the right way to the wider community, not just members.</p> <p>I also think giving only two weeks for feedback is really too short and makes it feel like you don't really want this to get out to the community. Had the centre been open I would expect there would have been advertising there. Without that the encouragement points to participate are few.</p> <p>Good Luck.</p>
27	About time...!! Been waiting for a lifetime to see a redevelopment....!! Whoever is against it should stay in isolation for the rest of their lives 🙄
28	Overall, I think the design is great but needs some tweaking. I support the feedback provided by the Northcote Swim Club regarding the design. Swim squad coach and athlete equipment storage near the outdoor pool is a priority, as are outdoor starting blocks & shelter at one end of pool, outdoor seating, clocks, digital screens and an indoor multi-purpose warm up space. The squads are large and growing users of the facilities now and it would be great to cater for them in this fantastic new proposal. Thanks for your work.
29	More family shower room apart from the disability room would be great
30	I support the feedback given by Northcote Swim Club.
31	I fully support the proposed amendments to the design submitted by the Northcote Swim Club
32	How long will the project take, and will there be compensation as I live next door so it will interrupt the serenity around my new apartment I just bought.
33	I hope there will still be plenty of group fitness classes with a real teacher (not the large screen). I am a bit concerned about noise levels with the yoga/exercise room near the large pool. Hopefully there will be plenty of sound deadening and real mirrors (not the screen, which shows all movement with a lag).
34	I think the proposed cost of this initiative is outrageous and as a rates payer I will be very interested to watch if you go thieves in the night and up my rates to pay for your grandstanding in building this overpriced monolith - it is a gym and pool for heaven's sake - stop treating it like the Taj Mahal that you lot seem to want to hang your hats on.
35	<p>* I am really disappointed to learn that the entire centre will close for 18-24 months in order to build this. Is there an alternative site in the vicinity that Council owns to which gym equipment could be relocated or that could host group fitness activities? Brunswick Baths did this successfully during its redevelopment in 2013, by offering gymnasium, cycle and group fitness out of an old school hall and classrooms nearby.</p> <p>* I wish there was a smaller outdoor pool for children that is shallower. On hot days these pools currently are very popular. Indoor pools are great for the rest of the year, but a real shame (given the land size of the property) another small pool could not be accommodated in the plans.</p> <p>* I question whether an entire reformer Pilates studio is required. It would be a 'dead' space for most of the time, unless there are multiple classes per day. I would prefer that space to be better utilised for group fitness and the cost of the reformers to go towards an upgrade of gym equipment that is utilised far more frequently.</p> <p>* It was unclear from the Level 1 plans how the layout of the gym floor would function. Please consult with staff and users to get this right from a user experience perspective. No use getting architects to simply plonk bikes here, treadmills there and free weights in the middle. Where is the stretching (mat) area? This was not easy to understand from the very tiny image provided.</p> <p>* Please reconsider the single entry / exit from the carpark. This will be an absolute nightmare at peak times.</p> <p>* Please consult with the experts (i.e. instructors) about what the outdoor gym will look like and contain. Already this seems strange, as it is currently typically used as an alternative zone for HIIT training. And equipment is brought out from the functional training area inside (dumbbells,</p>

Response	Detail
	kettlebells, barbells, ropes etc). Would you have a duplicate set of that equipment downstairs to use? Or would instructors be forced to haul it upstairs or downstairs from the gym each time? It might be all too hard, and the space not used for its original purpose if not considered fully with input from those actually instructing in this space. * It actually seems odd that the gymnasium would be on level 1 and not on the ground floor.
36	Please ensure adequate size of gym, sauna/spa, reformer Pilates rooms, etc to cater to future population growth. When I lived in Brunswick I went to Brunswick pool and, while the renovation was great, the size of many of the renovated areas was not adequate such that using the gym, spa/sauna was not possible due to too many people.
37	My main issue is around the availability of the swimming pools during peak times to the general public. In my view, regardless of the new design of the centre and the number of pools proposed the primary issue has always been the lack of availability of lanes to the general public during peak times as the swimming club (squad and water polo) and YMCA (squad and lessons) occupy the majority of the lanes. Most weeknights there are only 1-2 outdoor lanes and nil indoor lanes available for the general public until 8pm. Saturday morning no lanes are available indoors until after midday and limited availability in the outdoor pool until 11am. Will the allocation of lap lane availability improve going forward and current contracts reviewed for fairness to the general public?
38	I feel the outdoor area needs more shading, should be shade sail over outdoor splash play area, and increase in seating outside. Nowhere outside for swimmers to put bags & towels, also indoor seating for parents waiting for kids in swim lessons is inadequate
39	It is vital to me you separate hot & cold water taps in female showers. I am a daily user and shower after my swim. I only ever have cold showers and would be forced to protest loudly or cancel my membership if I were not able to have a cold shower. Thank you !
40	As a person with a disability, and the very significant problems I've run into with competing use at the Northcote Aquatic Centre in the past, I'm begging on behalf of all disabled users that you include AT LEAST TWO DEDICATED DISABLED TOILET/change rooms.
41	How long will the gym be out of action?  Are we getting new gym equipment? And when,?
42	Anything that increases access to lap swimming would be great. It would be wonderful if there were activity rooms free for people with low fitness. I would prioritise only undertaking as much upgrade work as can be completed during shutdown. I find the medium sized outdoor pool very useful - I would hate to lose that.
43	Please include shaded outdoor pools suitable for young children to play safely.
44	Very concerned about the removal of outdoor swimming space suitable for small children. The splash area is not an adequate replacement.  Also please ensure that the plumbing is kept separate between pools so that if there's a poo accident in one of the kids areas that doesn't mean all pools need to be closed!
45	Not sure why the kid's outdoor pools have been removed
46	The outdoor gym area seems an afterthought being separated from the larger outdoor area which could have been utilised as well. It is likely to be used by a larger number of people/percentage of the day than the creche so wouldn't swapping them be good  Love the outdoor kids area for play however it also seems to be an afterthought put in between the building and pool.. needs to be closer to the leisure area to ensure adequate room for parents to supervise  Will miss the outdoor pools. Given they are going will there be diffident ability to open doors walls in summer, so it isn't stupidly hot and stuffy inside?
47	I think it is imperative for the outdoor 50m to have a cover over the entire pool area to provide protection from UV rays
48	Please provide dedicated toilets and showers for disabled users. It does not work to share these with families or gender-neutral users nor does simply putting a sign on the shower door in a shared changing room work as compliance is so low. I regularly used the facility with a disabled friend and

Response	Detail
	waiting for a shower - while understandable if another disabled user is using it - is exhausting after an exercise session and distressing if someone is using it who doesn't need to. Enforcement was non-existent. Consider a key tab for showers/ toilets that is only given to those with a disability.
49	Consult with the current staff and ask them about what should be there.
50	There should be a large weights area with ample equipment for strength training
51	I'm concerned about sharing the bathroom facilities with men. I would prefer if there was a gender section
52	Reformer Pilates is a fabulous idea.  Please ensure spa area is large enough.  Also quite surprised there is not a smaller swimming pool outside that is shallower and similar to the learn to swim pool that is inside for children and facilities to chilli in rather than doing laps, to me this is quite separate to the outdoor aquatic play area.  Would also think that additional parking would be required to cater for increased patronage?
53	The change facilities appear small on the plan. There is often a problem finding bench/changing space when school groups are in. Please make sure that new facilities have more capacity than the old ones.  Please plan to plant trees in the outside area that will provide deep shade in summer. These might have to be non-native trees, but they will provide a huge benefit in lowering the temperature around them.
54	Why is the community consultation being run only online and only for 2 weeks? There seems to be an awful lot of money being thrown into this and pushing for it to happen ASAP, whilst everyone is distracted by COVID 19, it seems very suspicious
55	Please provide a shade cloth over the outdoor pool. The outdoor pool is good for laps (50m) but exposed to the sun, and I don't want to get skin cancer, nor have to ask pool staff to lather up my back with sunscreen.
56	With regard to ESD features I'd like to see more trees for natural shading around the outdoor pools and I don't think electric vehicle charging should be a future initiative, rather include at least one straight away to demonstrate leadership on this for users and the local neighbourhoods.
57	The spa area could be bigger, it's a very popular feature of the current centre.
58	The key things that still need to be considered:  - more clarity on staging  - better integration of tennis courts/facilities  - improvements to school bus facilities  - need for kid's outdoor pool.
59	It would be great to have a new sauna and steam room area as that is what I use the most. I am also a lap swimmer in the outdoor 50m pool. I am glad that there will be lots of open space left for people to sit and talk outside on the grass, which has always been a unique feature of the NARC (Brunswick baths has a LOT less outdoor space).
60	Need outdoor lockers for swimmers
61	The design is a significant improvement from the existing facilities. It would be nice if the design was more architecturally exciting (more Sydney opera house, less fed square). We think having the weights room on the ground floor would be preferable, as every time a weight is dropped it will be heard on the ground floor. Currently in the creche room we can hear weights being dropped.
62	I'm confused as to why there is only one outdoor pool plus a toddler area. There is opportunity to really tailor the outdoor space for different groups.



Response	Detail
63	I'm concerned about increased entry fees, management of outdoor pool to fairly provide regular access to public lap swimmers, only one outdoor pool & only a continuation of existing opening hours - even 30mins at each end of the day and an hour on weekends would make a huge difference.
64	<p>1. It is weird to see people drive an SUV to the NARC to keep fit. Please encourage use of bicycles by providing excellent bike parking facilities and limit car parking or use other measures to promote bicycle use and discourage use of cars.</p> <p>2. I was surprised to see so little outdoor space for young kids. Apparently, families are essentially encouraged to stay indoors. Also, the splash deck seems to be close to an area with lots of traffic. Please ensure that there are enough seating/tables nearby to enable child supervision.</p> <p>3. What about adding some simple "sports facilities" to the outdoor area such as table tennis (solid material with steel "net" to increase life span) or a simple bowls "lane" or anything else where (mainly) kids can enjoy being outside</p>
65	It would be good for more public lap lane availability when swim clubs etc are on.
66	I think it would be good to keep an outside toddler/aqua play pool. Given the outdoor pool's popularity in the summer months I think a separate outdoor pool for children to play separate from the lap pool is essential - both for lap swimmers and families with small children.
67	I much prefer the plan from the minutes of September 2018 plan 4b
68	While I support energy saving initiatives, the water in the showers needs to be hot and adjustable. Many timer based single button showers take the duration of the cycle to get warm enough to use (and thus waste more water and energy while you wait for it to get warm). Also access to lockers within the changing areas would be useful to allow you to lock your clothes and belongings while using the shower facilities without having to exit the change rooms. Ironing and hair drying facilities would make it more practical to use the gym and pool on the way to work.
69	As someone who has worked at the centre in the past please give consideration to a second outdoor pool and a larger gym space, the second level should be as big as the first
70	I think it is a huge mistake not having an additional outdoor pool especially in summer when so many families from Northcote need somewhere to come and cool off. It is so busy on hot days it is ridiculous and to think that we will all fit into a 50 m pool is ridiculous.
71	<p>1) Please consider adding standing height hair dryers in change rooms.</p> <p>2) Please consider adding natural light to health consulting rooms</p> <p>3) Mobility device storage needs weather protection (they have batteries) and ideally a charging station</p> <p>4) ensure at least one disabled shower includes trolley</p> <p>5) would be lovely to have outdoor cafe area with visual access to outdoor pool/wet areas for easier parent supervision</p> <p>6) please consider maintaining seniors membership option as this makes it affordable for low income older people</p> <p>7) I strongly support exercise bike/device energy generated contributing to the grid - perhaps philanthropy/energy companies might support purchase of suitable equipment</p> <p>8) consider provision/access to personal hygiene areas for homeless people: few facilities available in Northcote - additional consideration required for fittings/fixtures/privacy</p> <p>9) how will children be supervised/barred from spa/sauna area - provision for gates/access not clear</p> <p>Thank you</p>
72	Space for children in the outdoor area to play would be very valuable.

Response	Detail
73	It is difficult to understand what you are changing because there is not enough detail. A concept drawing is inadequate.
74	Currently swim at Richmond in the winter. Would prefer to swim closer to home indoors if the pool was more suitable. 50m indoor would be a dream.
75	I'd love an area for bike roller sessions. I get spin classes suit some people (and are important)...but as part of the Jarasport crew I'd love to be able to bring my road bike in and pop it on a roller.  I'd also really like a Northcote triathlon club. Hawthorn and Bundoora have one...it would really be great...!
76	The plans do not have any information about the interior design and equipment of the gym. The project appears to be a redesign of the facade.
77	Disappointing to see no other outdoor pools than the lap pool. Sharing a pool with recreational play is tricky under normal circumstances and will only be amplified with only one outdoor pool.  The closure time is also quite long. How do you expect to win people back once they have found somewhere else to swim for two years?
78	The plans do not show any marking on the ceiling of the indoor lap pool to allow backstroke swimmers to hold a straight line in the water. The outdoor splash space looks dangerous unless the tiling is skid proof. Kids will run there despite the adult supervision - there is even a kid running in the drawing. There does not appear to be seating near the splash pool nor on the lawn next to the outdoor pool. There appear to be umbrellas but not seat. Some people who want to sit in this area may not be able to get up and down from the grass. A few seats outside the entrance would also be good. Will additional shade be provided in the summer?  The pool depths appear to be designed for men and many shorter women would struggle to find an appropriate depth for aqua fitness, nor could I do any of my pool based exercises in these pools. The depth of the outdoor pool seems inappropriate for school swimming sports as many children would be out of their depth as soon as they enter the water. Having the spas connected to the warm pool suggests that the pool will be very hot - too hot for me to do any of my pool-based exercises. It is hard to tell from the drawings but the material underneath the current external gym equipment gets too hot in even mildly hot weather and too wet when it rains. I hope this will be addressed in the new space. The ESD is fantastic - the more solar panels and water recycling the better.
79	I really think there should be pools for children and toddlers outside, not just the splash play area, which is great, but I don't think it will be big enough for all the kids who use the facility in summer.
80	I cannot see any reference to managing vehicle movement. There is already a number of conflicts with vehicles particularly right turns in and out of the Carpark. What is planned to manage this with one entrance?
81	A water slide/s and a proper play area (not just the splash area) in and around the outdoor pool for kids would be wonderful
82	Pity the children's outdoor pools won't be staying. They are a highlight and the splash area look small
83	I would like to see the new design support room for competitive swimming with the Northcote Swim Club and also leave room for recreational swimmers. there is sometimes a clash between rec swimmers who want more lanes and competitive swimmers who need their lanes.
84	With the gym areas, it is not clear how much space will be allocated to people wanting to do stretching and floor exercises. The area in the current gym is inadequate and often unable to accommodate everyone wanting to use it.  I'm hoping that the warm water pool will be big enough to cater for a larger number of participants than can now take part in the high impact aqua aerobics classes as there is not enough room at present.
85	I'm worried that car parking will be worse - is there only one entry/exit? Research should show that the car park is poorly designed as it is and at peak times cars cannot move around and it becomes quite congested and confusing. Consider opening up an exit onto the smaller street behind the apartment complex?
86	The cycling space seems to be taken up by Spin groups. What about if you don't belong to a class and just want to cycle following your personal plan.

Response	Detail
	<p>The pin loaded weights area and machine numbers seem totally inadequate. In the current facility users for the pin loaded weights have to mill around waiting for a machine to become available as there are currently inadequate numbers of these machines.</p> <p>Expand areas 14 and 32 into area 15. Some of the garden can be sacrificed. The external gym, which is a great idea, can still be located in area 15. The garden in area 15 is really not needed as it looks directly onto McDonnell Park</p> <p>Good to see the cafe space is enlarging and hopefully it will be a professionally run good ambient space.</p> <p>Can't believe there isn't an alternative to an environmentally friendly indoor ceiling and wall cover other than timber. May be environmentally OK but in a wet, steamy area it will grow microbes and fungal spores and eventually will rot and look awful - unhygienic in a damp area.</p>
87	I completely reject the concept. Not necessary to spend that much money when it can be improved for far less.
88	<p>1. Traffic management</p> <p>The plan needs to consider and manage traffic in and out of the car park onto Victoria St.</p> <p>Victoria St needs pedestrian &amp; traffic lights with dedicated separated(Copenhagen style) from traffic bicycle lanes. Usage will only increase, and it is already dangerous leaving the car park especially with peak hour traffic. This portion of Victoria St needs to be a 40km zone.</p> <p>It's great to have a 21st century facility but not with 20th century road access. Traffic flow needs to be calmed and made safe for all traffic - pedestrians, cyclists, and cars.</p> <p>2. Open grassed areas</p> <p>Also, the open grassed area seems to be reduced from the area available presently. The grassy area near the current toddler pool and adjacent to the shallow 20m pool seems to have been largely lost. Please do not shrink the open grassy space as it is already very crowded on hot days and will only increase. The layout should maximize shady, grassed areas not reduce it. Currently, the large open area is a feature other local pools do not have e.g. Brunswick and Fitzroy.</p> <p>It is good to use the unutilized area south of the current plant building but new buildings should NOT reduce the grassed open space as once open area is lost it will probably never be regained.</p>
89	<p>We are in outdoor pool a lot, whether it is attending event to swimming or accompany kids training, the outdoor need more shade area from the RAIN permanently in some areas. Large umbrella do not last and break easily. The current shade area from the sun hardly effective. It is a very windy area for the 50 min pool. Partially blocking some wind in some section of the fencing would help a lot. It will make the 50m outdoor pool loses less heat. Which would result in need for more heating to the pool. That area is so cold if the sun is not out. Need to see if you can make heat more efficient. Otherwise your heating machine will constantly struggle and break down again. Since we go there 6 time a week. We really notice how it is struggling. Hopefully the indoor pool is improved with the lighting. Really dark and need a good design to brighten area. Check out many other swimming centre and you will see how they Utilise nature lighting. Hope this feedback helps.</p>
90	<p>Great to see provision for water polo access being provided. For this to be maximised, construction of the outdoor pool deck should facilitate use of goals and lane ropes (e.g. holes for placement of goals and also netting). Also its possible part of the design but not listed on the page - a boom with the ability to separate the pool in half also allows better use of space - one half can be kept for water polo or other aquatic use while the other can continue to be used as a lap pool.</p>
91	<p>The proposed facilities look fantastic.</p> <p>My only query is about the family and all gender change facilities. Given the child abuse findings of</p>

Response	Detail
	the royal commission could this combined change room lead to teenagers and young children or other vulnerable community members being preyed upon, groomed or assaulted?
92	It looks great and I can certainly say this is well overdue. Can't wait to see it when it's done.
93	<p>The pool designated to conduct Water workout classes needs to be from about 1.1m to 1.6m deep, with about 65% of this pool at 1.1m-1.5m.</p> <p>Water workouts require the participant to work with the water at underarm level, so detailed discussion needs to take place with instructors.</p> <p>Also, lap swimming should be available at all times in the outdoor pool, not restricted when the Swim Club operates; this particularly relates to accessibility issues in getting into the pool for older swimmers.</p>
94	<p>I think having more spaces for group fitness classes is an excellent idea, as they are the primary reason I choose NARC.</p> <p>I also think having another outdoor pool in addition to the 50m one would be a good idea, otherwise there just won't be enough pool space in summer. No one wants to swim inside in summer.</p>
95	It is a public facility that should first and foremost meet the requirements of local residents. Availability of swimming space for all ages and abilities in summer and winter is important, and it is unfair to bias aquatic facility availability to particular groups for many hours of each day. If much of the swimming space is allocated to private groups on a daily basis then you need to provide more outdoor pool facilities (as there are currently.). Also, as a parent of young children I resent being forced indoors on a warm day, because the outdoor facilities do not suit their abilities.
96	Will there be a staff room and/or staff bathrooms?
97	Placing outdoor rinse off showers around the outdoor pools
98	All I really care about is affordable access to a 50-meter pool for swimming laps. The proposed new facilities look good, but if the objective is to crowd the outdoor pool with more programs then this is a bad thing. Many people just want access to lanes for swimming laps. As far as my interest go building a second 50-meter pool to create more free lanes would be better than upgrading the other facilities.
99	I wonder if the NARC development can push past 6 starts in its ESD - future ESD requirements will be higher and the new centre will not get refurbished for perhaps 15 years. I think you should also deploy solar across the whole roof to provide community solar to reduce thermal loading. I hope you can switch from natural gas entirely.
100	<p>I like the overall design. My comments, combining my professional knowledge being an architectural designer, and being a local mother, would be that, the aqua play areas need a lot more. I know this is early concept imagery, but please look at two outstanding examples of aqua play, one indoors, one outdoors, both in Christchurch NZ. The Margaret Mahy Children's Playground, and the QE II Aquatics centre. The children's aquaplay facilities have so much going on, they are great. Big structures, not just a couple of water pumps hip height. I'm pleased to see the creche moved to the back of the site, near the Clifton St centre, away from cars and pollution, and noise. They can see the main outdoor pool area will be exciting for them. The purpose-built rooms in the gym look great. Be careful when showing yoga mats in plans. There's a dozen or so shown very spaced out on the plans. This is not reality. usually in a room this size people get squished in like sardines. Make sure your room limits fit the actual space and reflect this correctly on the plans.</p> <p>I like the energy efficiency planning and conservation efforts. In a big fan of Warren and Mahoney and am sure they will do a great job of this. The street front being mostly just grass gives the site visibility from the street but since it is such a huge solid front facade it's not going to need help standing out on this residential street. Can there be more taller trees and planting along the Victoria Street?</p> <p>Lastly, I notice the school entrance being on Clifton St. Is that where buses will park? Currently there a so many bused using the curved drive at the front. Is there going to be suitable off-street parking space for school buses and limited opportunity for school kids to be very near the busy roads?</p>

Response	Detail
101	I think the design of the engagement process could be improved. I would allow at least 1 month for feedback on proposed designs and try to make the online engagement (especially given there is no face to face engagement) way more engaging and easy to navigate. Can you not use interactive maps where you could hover over areas, with bite sized chunks of information about what is in that area? Consider other online engagement tools apart from surveys too please! A lot of the text is also quite verbose in the FAQs etc. Also, worth thinking about how people commonly use and move through the centre, and making this clear in the proposed designs. Something to consider for future phases of engagement, as this project is a really important asset for the community and it is worth investing in proper engagement processes to ensure the project's sustainability, given the large-scale investment.
102	Please consider including a 25m outdoor pool for water play in summer. If it is heated or could be used in the shoulder seasons as well.
103	Great job on the design, it looks world class.
104	Would like a toilet on the upper floor near gym
105	1. there needs to be less car parking and more leisure space. 2. swim education needs to be separated always from lap swimming.
106	please no tiles.... use solid surfaces that don't chip easily or need multiple grout lines that get dirty. its breads germs.
107	Will the car park be the same size?
108	I would like to see a women's only spa/sauna area or at least dedicated times for women to use these facilities. It can be intimidating to use these areas as a woman on my own due to the high numbers of men using them at the same time. It is almost always 80% men using the facility when I am there, and I think that can be attributed to women not feeling comfortable to use the space.
109	A comprehensive disability access plan needs to be presented and have feedback from people with disability. You don't ask about disability in the 'About You' section below. Why not?
110	I wish there could be more to represent the Aboriginal  history of the land that the centre stands on (the Wurundjeri People of the Kulin Nation). And any sort of programs etc regarding Aboriginal culture to bring this to the forefront within the community.
111	I love the design. I think it's a good, contemporary response to the area and will create a renewed sense of place. the sustainability initiatives are fantastic. Long overdue renewal of the centre. I can't wait to use it!
112	Unclear from proposals guys amenities on 1st floor;  Good idea to most of pools indoors.  Agree with moving current classes / activities on 1st floor to ground. Gym upstairs is good idea.  Gym equipment distancing needs to be clarified. Currently very poor;  Hopefully lots of mirrors on upper level;  Need up to date equipment - much of current very dated;  Showers / change areas look good;  Proposed naming of a pool - outdoor - 'Joe Fogg Memorial Pool'. Will send details of proposal.  pmich@hotmail.com - if not received.
113	More consultation with staff working there. We hear nothing about the redevelopment and impact to jobs. And members ask us, and we have no answers. The facility is ageing badly, and this redevelopment needs accelerating
114	The changes proposed are a significant outlay. The design just really improves what is here and doesn't bring it into line with other aquatic centres in Melbourne. NARC has one of the largest and premier swim clubs and teaching programmes in Victoria and the opportunity is now to create a

Response	Detail
	fantastic public facility whilst also making it the race centre of the north and the premier learn to swim venue. Let alone being attractive to the public with an expansive water park amusement area.
115	Please provide more than one entry/exit to car park....otherwise there will be accidents exiting to the right
116	Disappointed about the removal of the outdoor pools in summer. With a small child I like using the small pool outside in summer. Without a shallow pool outside for small children won't be coming back. On a hot day, don't want to be indoors in a heated pool. Would rather go to the beach if these changes happen. You're ruining the local pools which I have been coming to for over 35 years. Please cater for everyone not only the lap swimmers
117	I am concerned that the group fitness space is not enough. Design of cooling in the space, currently inadequate. Also, the need for floor to ceiling mirrors in group fitness room rather than large video screen.
118	Allow for expansion and flexibility of usage of space.  High consideration of needs of Instructors and Staff managing the facility. A happy staff means a well looked after clientele.
119	I've used the centre since 1974. The pre showers are a good idea. I hope the finishes on walls, floors, infrastructure are safe and importantly easily cleaned as cleanliness is an issue with the current centre. Hopefully too the play areas are safe and comply with relevant safety guidelines as some features of the current centre were built and then later placed out of bounds, I also I hope there is sufficient space for necessary maintenance and plant because the current centre looks like a tip. Lastly will the swimming squad only train in the outdoor pool. If they train in the indoor pool is there sufficient space for them to leave their gear and do their cool down routine without getting in the way of other indoor pool users?
120	This will have a significant impact on local residents regarding impacts of construction on local traffic and surrounding streets. This is already a very busy area for local residents particularly those who live on Victoria Rd and who are subjected to excessive noise and traffic on a daily basis. The council has no regards for resident needs in this vicinity and I fear the problem will only get worse with a bigger, fancier swimming complex for people to come to. The council just keeps pushing more cars and more people on Victoria Rd claiming it doing it for the community. What about residents on Victoria Rd and the impact on them?
121	Grandchildren in Squad suggest: 1. Several permanent swim Starting Blocks. 2.Pool wall lip for backstroke starts.  3.Diving board 1 & 3 m 4. Outdoor kids meeting/play area
122	I'm a bit concerned about space/facilities in program room - should be mirrored walls. I hope the cooling system in the programs room and the gym are more efficient than at the moment.
123	At least 1 Lane of indoor pool should be reserved for community use. Currently 80 % of the time only school groups can use it. It is supposed to a community resource.
124	Given the high density living in Darebin can you pls consider the needs of the general public so we can participate in exercise at any time (outdoor swimming pool). The centre has become a training ground with the mentality of making Olympians (Northcote swimming club) which is not what the general users of this facility want including rate payers. Pls give back the swimming facility to the general public for exercise, swimming lessons (learning to swim), school carnivals and fun.
125	could there please be more written detail around what the proposed plans are. Also, does this mean the whole gym will be closed, and for how long? Where will we go for fitness whilst this is being done?
126	As a former member of NARC, I find the redevelopment really exciting for Northcote locals. I have a few comments on the layout of the proposed design from a user and former rec centre employee perspective.  As a former lifeguard and Duty Manager, I find the warm water pool layout worrying given it feels 'closed off' from the rest of the centre. If centre management are committed to always having at least 2 lifeguards on deck, it isn't a large concern, however if there are plans to only have one lifeguard on deck, this is a major concern and needs resolving. Also please note that these warm water area/sauna steam areas are incredibly uncomfortable for staff who have to stand lifeguarding

Response	Detail
	<p>them for hours on end, the high temp and humidity could pose a health and safety hazard if not managed correctly.</p> <p>Also as a former rec centre employee, I would encourage you to develop a nice staff room space for all staff to use during their breaks, with air conditioning for those super-hot summer days. This is important for staff who might suffer heat stroke or feel ill during their shifts and need a cool place to rest while they recover.</p> <p>The layout of the indoor pool area looks great, again I would be careful of potential 'black spots' where lifeguards cannot see what is happening in all areas of the pool.</p> <p>The gym looks fantastic! I would suggest with a trend towards small group HIIT classes, making sure a space for this is considered in the planning of the space.</p> <p>The landscaping outside should be sloped so that lifeguards can see people sitting in this area from the pool side.</p> <p>Thank you! This is a great project and I can see enormous community benefits from this project</p>
127	IT IS IN NEED OF AN UPGRADE ASAP
128	<p>I hope there will be good temperature control -</p> <ul style="list-style-type: none"> <li>- that exercise spaces will be kept properly cool</li> <li>- that other areas (esp. waiting to get into exercise spaces) will also not be hotboxes</li> </ul> <p>(This is the main problem for me with the current facility)</p>
129	Yes, how long will it be closed and are there other current same options available in Darebin?
130	The present 50m outdoor at Northcote is fabulous due to wide lanes and 10 lanes. Please make sure the lanes are full width - the New Brunswick outdoor pool is not good to swim in due to narrow lanes.
131	Looks good, use the centre but not for lap swimming. Prefer indoor 25m - like this layout.
132	Would like to see more dry/warm space connected to the pool for activities such as warm-up strength and poolside activities.
133	<p>TWO comments:</p> <p>1 - your survey is engineered to deliver positive results for your design - it doesn't offer the ability to critique.</p> <p>2 - the lack of outdoor swim space for kids is really apparent. One of the best things about NARC is the outdoor "family pool." My kids graduated to this after using the outdoor toddler pool. It's such a joy to be outside in fresh air! On a nice day, the 50m pool is full of teens+ and so the 1m deep pool is such a great pool to play with my kids. I see the new splash pad in the development, but it doesn't encourage my kids to enjoy "swimming" games. They aren't interested in doing laps and we would hate to be inside on a nice day. Nowhere to go?</p> <p>This leaves small kids in the 50m pool with their adults trying to keep the teens from jumping on them. It's a safety issue.</p>
134	<p>Concerns over privacy in family and all gender inclusive facilities.</p> <p>Would those who understandably, may feel vulnerable in the presence of the opposite sex, would their personal security be compromised?</p> <p>I would like to see complete segregation of male and females when it comes to changing facilities as I feel that that level of personal safety needs to be maintained.</p>

Response	Detail
135	Please pay attention to my comments about depth. It would be easier for me to go to Collingwood LeisureCentre, but it is too deep. I doubt if they have anything like the number of school visits because of the depth of their pool. You will lose a lot of income apart from anything else.
136	Ensure the outdoor 50m lap swimming pool remains a feature.
137	Better provision for grandstand-type seating for spectators at the outdoor pool.  Clarification required regarding changing facilities. There must be the provision of female-only change rooms and toilets. This is a must for child safety. The picture provided in the artist impression implies the change facilities are for males and females together.
138	You need more fun outside not everyone like a to be indoors. And toilets outside. More family toilet shower. Separate gender area. male and female toilets. Not all mixed in together.
139	sun protection/cover over the outdoor pool? fully or partially over each end?
140	Why do you just have one option allowed for what time you would use it? It's a bit ridiculous as I would go 3 different times for 3 different activities. Also - I notice there are no outside showers and also not much thought given inside or outside for play structures for older kids? I think outside it would be good to have a bit more of a play area with a playground etc, either as part of water play or next to it. Otherwise it looks great.
141	Needs more bike parking - area designated clearly not big enough. The gym design should ensure it has enough free weights and mat area, and squat racks to be inclusive for women, the facilities don't look big enough to service summertime crowds, can you get better than 35% water savings, maybe a larger underground tank? Permeable paving for any paved area is a must also.
142	It is fantastic that you are doing an upgrade to this facility. It is such an important feature of the community and well in need of an upgrade.
143	When my Children are having swimming lessons, I arrive 30minutes before to accommodate looking for a car park. I am concerned that car parking could be reduced or harder to find with increased demand of new facility. My children are hoping for a waterslide but as long as waterplay areas have sufficient space for increased use at summertime and allow for kids of all ages and not just toddlers they should still be happy. I couldn't see in plans but hoping seating has been considered to watch children doing swimming lessons as it is compulsory, we stay. Also, somewhere to place Swimming bags other than floor (gets wet) or a chair (takes up space so others can't sit down). Family change areas are really important and plenty of pre rinse showers. Important change areas have a dry floor.
144	there needs to be a female only change facility
145	have steam room and sauna
146	Our primary use of this facility I the past had been in hot weather in the Sumer time. As a parent of. Toddler. There is no way we would come to use an indoor pool on. Hot day.
147	Please consider including sauna facilities and ice baths in your wellness centre for male and female patrons...  Please consider the scope of concreted areas around the outside areas. Concreted areas are depressing... please ensure outdoor areas and water-play areas have enough shade and more than enough grassed areas for amenity and useability in the summer and to create space for people to use the entire site.
148	More outdoor kid facilities, specifically a shallow fenced pool for kids learning to swim, similar to Fitzroy pool. Please don't force us parents & our kids indoors in the summer. Please give us a dedicated, safe place for kids to swim/learn to swim outdoors.
149	Preparation of full design drawings for indoor and outdoor pool needs to be available. I suggest reviewing what Watermark centre has created in Greensborough as a guide
150	Commencement of the upgrade immediately would be great, especially considering the facilities can't be used right now due to the lockdown.
151	I worry that there are not enough general swimming pools in the outside area. In summer when I want to swim laps outside, others may be instead using the pool for free swim time. Also, my secondary school uses the current free play outside pools to run novelty activities while the more serious racing is going on. I also worry about the increased cost to members that these developments may cause. One of the best things about the gym, classes and general use of the facility is that it is more manageable price wise than many others and seems to serve the community rather than be run



Response	Detail
	<p>purely for profit. It would be disappointing if this were to change. I also worry about increased attendance and membership making the gym and pool spaces overcrowded. How will this be managed?</p>
152	<p>I believe that the proposed NARC - male/female change rooms, bathroom, showers, and toilets should be based on a criteria of a male and female reproductive system (biological sex), as male/female has more to do with a person's sex for privacy reasons rather than their inner feeling of gender such as masculine or feminine haircut or dress/pants, unisex/non-binary clothes, haircuts etc. There is confusion within society about the meaning of sex and gender because the criteria to assign a sex at birth can no longer be based on a male and female reproductive system like all other animals, as the Victorian Education System has been recently been educating Victorian student to believe that a boy can have a vagina and a period despite this would be drawn the same as a girl with a vagina and a period, as well as a man can be pregnant despite this would be drawn the same way as a woman being pregnant. However, my husband and son can never experience a period nor a pregnancy, so they can never experience this type of "legal male/man/boy" (legal sex)." The Northcote Aquatic and Recreation Centre (NARC) will need to observe the current Australian Guidelines for Sex and Gender which doesn't mention the sexes nor the differences between the sexes and the reason it matters in public change rooms, bathrooms and toilets in order to prevent sexual harassment, sexual assault, rape, child-on-child sex and violence. It is obvious that biological sex is no longer protected by law nor regulation as a British woman recently lost her employment contract because she declared that sex is a biological reality that can't be changed. This woman and others have come up to the "legal trip-wire," as the law defines "legal sex," "legal sexual organs," "legal sexual intercourse," and "legal sexual relationships." The current Australian laws and regulations allows a scrotum to be surgically modified into a "legal vagina" (legal sexual organ) in order to get all the rights and responsibilities of a "legal female/woman/ girl" (legal sex). Also, the Victorian law allows my son to have an equal right to be a male or self-identify as a "legal female/woman" by changing his biological male sex to a feminine gender on his birth's certificate. However, my daughters and I aren't a "legal female/woman/girl," as we have never been assigned a scrotum at birth nor have we changed any of our body part/s into a "legal vagina," so our biological sex is "female" based on a female reproductive system which isn't protected by any law nor regulation in Victoria. The NARC will need to take the communities understanding of their biological sex into consideration in order to provide facilities which are private and safe, such as change room, bathroom, shower and toilet and can separate the sexes. Otherwise there will be many people who won't use these facilities when visiting this centre. The NARC can't claim it is an inclusive centre if it excludes those people whom believe their biological sex matters and they feel NARC should protect them from harmful behaviours and practices within private areas.</p> <p>What does the NARC mean by having a new Family and all gender inclusive facilities? It should be titled more clearly for families, disabled and individuals. Gender means a feeling of masculinity, femininity, neither or both, but are these types of feelings relevant for people using a change room, bathroom, shower and toilet? "Gender inclusive" gives me the idea that NARC would expect me to walk into the men's toilet when I'm wearing pants, but I currently don't walk into a women's toilet because I'm wearing a dress. Pants and dresses are associated with a person's gender, but the signage on a door of a person in a pair of pants or dress aren't related to me wearing pants or a dress. In other words, my liking to wear pants like my dad doesn't make me a male like him. Also, when I wear make-up like my mum, it is not the make-up that makes me a female like my mum. I am aware that there are biological males who like to wear make-up and a dress to appear feminine or female, but I don't wear a dress nor make-up to appear to be female nor feminine. My husband could surgically modify his scrotum into a "legal vagina," but the only thing that my vagina and a "legal vagina" would have in common is the name "vagina." Also, there isn't gender dysphoria or "transgender" which relies on a legal definition of "gender," when there is no longer a criteria to assign a sex at birth. This is like, there would no longer be driving on the left and right-side of the road if The Australian government allowed Americans to drive on the right-side of the road when they lived or visited Australia. It is obvious that the proposed new NARC will have problems with an "all gender inclusive" idea because biological males/men/boys whom self-identify as a legal female/woman/girl aren't the same as biological females/women/girls because the only thing they have in common is the words, "females, women and girls," as the biological female sex isn't defined</p>

Response	Detail
	by feelings of gender, hair-cut, clothes etc. I don't believe that the majority of the Darebin community would accept a biological male (man/boy) should be naked around a biological female (woman/girl) despite a new title of "all gender inclusive." However, the proposed NARC should ensure this unisex design will meet the expected community standards to prevent harmful behaviours and practices already mentioned. The scientific research has shown much evidence that a sexual relationship (wanted & unwanted) are more likely to occur between unrelated people of the opposite-sex, than 2 people of the same-sex, so this has been the reasoning in the past for separated sex facilities. I witnessed a man and his son whom both walked into a unisex toilet and found a woman using the toilet because she hadn't locked the door properly, and we all felt extremely uncomfortable about this incident. It appears to be a form of sexual assault because it was an unwanted sexual experience for the woman, but the man and boy had no intention of invading her privacy or seeing her naked, so should these types of incidents in the future be reported to the police? Therefore, the current design of proposed unisex-NARC facility for families, disabled & individuals must ensure people's safety and privacy because sexual assault can easily happen when a door lock gets broken and the door doesn't lock properly.
153	This is a great development but please make the outdoor area more kid friendly.
154	Are there quiet spaces? Are the changing rooms more cosy? with less of a feel that they are open and somehow public? Are the outdoor spaces also green and with garden, trees, as well as grass etc This is important It is excellent that have a high green building standard.
155	Currently the outside pool area is packed in summer. The new plan has fewer outside pools. I am concerned that everyone will be in large outdoor pool rather than spread between several pools. Also, the outside pool is really well used throughout the year. There are not enough lanes lots of the time due to squad training and water polo training etc. We need more outdoor pools not less. It's not clear how you would get to outside pool area. There does appear to be lots of pokey small corridors. Not sure if these can be avoided or not. Outside view looks good.
156	It's such a shame to lose the smaller outdoor pool. When the weather is hot it's horrible to have everyone in one pool as the bigger kids do not play safely for little ones. I would really like to see an outdoor smaller pool for younger children. I don't think the splash deck is enough in hot weather. Will a 50m outdoor pool be used year-round? Why not make the indoor pool 50mt w two smaller outdoor pools?
157	Please reconsider the outdoor kids' area
158	Why isn't there an outdoor toddler pool. Seems a huge missed opportunity not to include this. We currently drive to a neighbouring council pool to access an outdoor toddler pool and would love this to be available at Northcote instead. Heated and open year-round, they're hugely popular and very much desired and we don't have any in Darebin.
159	I would like to know how many family changing rooms there will be as I refuse to send my son into the men's change rooms on his own. This has always been a problem raised in surveys.
160	Would really love to see a play area - water play for kids in addition to a playground on the grass. Would really help promote being a fun place for learn to swim and a positive experience for children.
161	Thanks for sharing the design and opening it up to suggestions, that is really cool and appreciated
162	Please make the kids outdoor area have at least some shade! Kids activities and water falls etc added extra but we just need shade!
163	Great concept and perfect for the area. Current facilities are dated and tired and I don't enjoy using them in its current state
164	It will be good to see an updated look and feel of the building, especially the changerooms are very dated and gross. It will be great seeing it be more accessible to people with additional needs. I wish you didn't have to walk inside the kids pool where it is loud and hot to get to the outside 50m pool.
165	I would have liked to have seen an outdoor toddler pool so that families with small children can enjoy spending time in the outside areas and actually have a swim. The splash deck does look great though. Using the outdoor pool won't be feasible unless kids are primary aged and higher. The outdoor toddler pool at Fitzroy is a great example. Lovely covered shallow, warm outdoor pool near a grassy area.
166	improve bathroom facilities, improve outdoor areas, improve pool quality n cleanliness, renovate SPA AND SAUNA area
167	I'm so excited you have more toilets and kid play areas and that you are doing this. Thank you!

Response	Detail
168	Please please please make the pool Chlorine free. Use ozone or some other filtration system. Chlorine is bad for lungs and skin and is a toxin. Thanks
169	thank you for this opportunity to comment.  1. I would like to see the new facility maintain a low cost/affordable and welcoming environment for seniors  2. I note the reduction in trees in the landscaping. New landscaping must be maintained, i.e. not planted then neglected, and consideration should be given to ensuring there is no less shade cover than present.  3. the cafe should be run much more effectively, but as a social enterprise by an appropriate not for profit organisation (this should happen now)
170	I cannot see an Audio-Visual and Multi-media plan. i.e. visual screens in the facility, providing pool temp, water quality, sustainability, weather, public transport, parking info etc. Similarly, provision of this information online, so they can make informed decisions (e.g. how busy is facility, available spaces).  I can see electric vehicle charging, but I cannot see future proofing of facility for shared autonomous modes of transport. Similarly, seems to be lacking safe bus transit hub.  Is the design pandemic tested, such that it would allow community asset to remain open in some capacity in future pandemics.  I cannot see a zone that allows for replicating ocean conditions, such that lifesaving skills can be taught.
171	Need to make sure sufficient investment is made into the heating equipment for the 50m outdoor pool.  Design is excellent, although a little concerned about reduction of the existing car parking numbers as it can be difficult to find car parking during peak times.
172	My grandson will love the play area. I like that there will be more amenities areas. Annoying when in the gym to have to go thru foyer, swipe to go to the loo. More space overall so more facilities for members.  Environmental aspects supported.
173	Please have a bar running along the wall in one of the rooms so you can have a Barre class.
174	My only concerns are that: 1. there will be multiple available lanes indoors and out for lap swimming at most times of the day without having to compete with lessons and squads, and 2. that the temperature in the showers is adjustable - please don't make it a fixed temperature!!!!!!
175	I think it essential to continually encourage and listen to users of the facility regarding internal layout, equipment etc throughout the redevelopment process.
176	I know this is petty, but if YMCA is still managing the facility could they change their uniform colours? Black and red is really harsh on the eyes and is additionally not complimentary to anyone as far as I've seen.
177	The Northcote swim squad dominates the pool many hours a week leaving very few Kane's open to regular swimmers. The pool should be for everyone not just elite swimmers. I Doubt there is budget or space for an additional 59 m pool, but if hopefully the design takes into account the different needs of different user groups.
178	The centre doesn't need this level of redevelopment. The design is over the top and unnecessary. Smaller improvements to the change rooms and spa/sauna would have been adequate to improve the facility.
179	Please include outdoor showers for pre-swim ablutions like most of the world does and also, permanent shaded seating (if not bleachers) so towels and bags can be left out with swimmers even if drizzling/raining.

Response	Detail
180	I think the plans look good so far.
181	Can you please incorporate some edible plants and fruit trees into your landscape design for this redevelopment, a community garden or car park orchard to create a community hub / holistic wellbeing spaces and multi purposes for this destination
182	Great news that this facility will be improved and extended. And I fully support the ESD initiatives.
183	We need more pools. Please keep it affordable
184	The sooner this happens the better.
185	Not much provision for hydrotherapy
186	I know it's taken a lot of work to get to this point. I'm excited about the facelift.
187	Basketball court or hoop would be a great addition
188	As long as it is better than the old Center, which was ABSOLUTLY disgusting, you're doing well. I am an avid swimmer, and I simply could not use that horrible Center.
189	S-SW facing entrance will be exposed to cold winter weather and winds. No enclosed or covered bike parking (it looks a small area), no pedestrian crossing (raised platform, flashing orange lights) in front of the centre (particularly important for elderly, families and children and would assist with traffic calming.
190	improve the design to the entry canopy. make it align with the rest of the building or make sense somehow.
191	My son plays water polo and I don't think the proposed facility is much use to him.
192	I've written in the provided spots. Again, hoping that there is adequate provision given to people with disabilities and the changing areas required by them.
193	PLEASE make sure there is a shower right outside the sauna and steam room that can be hot or cold. (the showers at Brunswick baths are set to warm and is SUCKS)  It's important to have access to the cold water after the heat of the sauna or steam because of the cold shock effect in the body activating many health benefits.  Even better would be a COLD PLUNGE. That would be amazing. You'd get lots of sauna peeps coming to use the facilities.  thank you :)
194	The new centre provides less swimming facilities than the old one, and I am not sure how this provides for the future of an ever-increasing Darebin community? The only available outdoor pool will be incredibly crowded in summer and serious swimmers may feel frustrated at leisure users there to cool down.  If the car park is not expanded (double storey/underground), it will not be large enough to cope with potentially increased usage, and will cause entry/egress problems at Victoria Road, so much so it could put people off using the facility. Unfortunately, cycling along the main feeder roads to the facility - Victoria Road and Separation Street is not safe especially for families with children, who will use their cars to get there instead.  Design-wise, the centre is great.
195	Car parking can be limited at the centre currently, particularly in summer when the pools are in demand. While the new development looks great, it will likely attract more traffic - is provision being made for additional parking?
196	For the projected cost, from what I have seen, Council should be able to rebuild both Reservoir and Northcote pools and should even propose in a longer-term plan reinstating the Preston pool, or a pool in Preston. It is unfair and iniquitous for \$63 m to be allocated to one project that happens to be the area of Darebin if least need! Scandalous in fact.
197	When will construction start? How long is construction proposed to take? Thanks.
198	I would encourage family friendly change stalls (without showers/plumbing) that can be easily accessed from the pool to allow easier change facilities for families. I would also highly encourage the Council and the designers to think about families and members of the public wanting to use the

Response	Detail
	indoor facilities on the weekend when learn to swim/swim school is operating. Having a space/area to swim inside that is not utilized for lap swimming or swim school is very important. The Eltham pool has struck a good balance in this regard. Overall an excellent design and the goal of 6-star rating is commendable.
199	Baby change facilities in male change rooms please- not just female  Family change area- private cubicle for multiple people- poolside  Places to leave your towel (i.e. not on the ground/ getting wet) poolside
200	It's well and truly in need of an upgrade. Design looks lovely, shame of course the works couldn't have taken place whilst the Centre was closed during the COVID 19 pandemic. Thanks
201	Pls ensure tennis facilities are not reduced
202	It looks like the plans show a much-needed upgrade and expansion of shower and change facilities, which are currently below standard and too small for use at peak times. It appears that there are plans for separate change areas for the aquatic area and the gymnasium, which would be sensible, and make it more comfortable to visit on the way to work etc. I really look forward to using this new facility!
203	I am a local architect who uses the outdoor pool every day. I think the redevelopment has been done extremely well and I fully support it.
204	keep up the great work
205	The heritage look of the outdoor pools needs to be retained. Keep all the trees please.
206	Well overdue change that has been needed for a long time. Can you make sure the change rooms are easy to keep clean because at the moment they are terrible
207	I am concerned that with the extra awesome facilities the car Park will be full when I get there. I also hope the spin room is bigger than the existing.
208	there doesn't appear to be a retail designated area. It's very handy being able to purchase swimwear etc from NARC. Also, no meeting spaces. A new build like this could potentially provide a space for hire for local clubs etc. to run meetings and info nights. Also - when spending this much money, surely we can connect the tennis courts to the facility and provide something better than a portable down there.
209	Spend half of this money on Reservoir Leisure Centre or do ratepayers north of bell street don't matter?
210	Overall I love it - we definitely need a new pool. I love that eco-friendly options are being included.  I think there could be more seating and room between the 50metre pool and the aqua play rather than just a walkway. And some other things outside for kids.
211	I'm responding as though I would have enough income to attend with my teenage daughters. However, our low income is a significant barrier to membership.
212	The only thing I'd ask for is a 50m indoor pool. Swimming laps in winter is SO cold. The 25m indoor pool isn't the same as a 50m pool. Cheers guys, it's looking sick ;)
213	I hope there will be plenty of sound damping in the indoor pool area and entry atrium area cafe to mitigate the noise from lots of people and children in this hard surface area.
214	I currently swim & sauna twice a week. I live I up the road from the north toe YMCA but if i don't like the sauna, & I'm uncomfortable in the sauna, I will continue to use the Ivanhoe aquatic centre even though it's further away.  Please see Facebook comments by other women who currently feel uncomfortable in the saunas due to men who dominate it. I'm not sure what the solution is but making them less enclosed would be a good start. Making the sauna more spacious might help too.  On another note, it would be great if you have wristbands that give you access to the centre and to lockers.  Also, you can never have too many hooks I shower stalls.

Response	Detail
	Also, you the more drinking fountains the better. A drinking fountain with good water pressure in each main area please.  Also, I've often lamented the lost opportunity to make swimming pools more relaxing & ambient. More plants are a good start. And this is more ambitious but imagine you had ambient nights with projections. It would be so nice. (There's an artist who travels around the world putting on light shows called "wet sounds." You could borrow ideas from that but make it regular.
215	From the plan couldn't tell if there were family change rooms and unisex toilets. I think these are really important and needed especially for families with mixed gendered school age kids.
216	I feel it's a shame you have taken the smaller outdoor pool out which children could play in during the summer months rather than using up extra lanes in the lap pool
217	The Northcote Water Polo Club provides a new team sport for the young generation in the Darebin community. Currently the number of interested young children keeps on increasing every season. I believe water polo is a future team sport for the children. If you have any questions regarding my feedback, please feel free to contact me at peteryorgyicsek@gmail.com or on my mobile on 0468 668 080.
218	It's unclear from the plans if there is a dedicated spa or just a warm water pool. Think it's important to have a spa facility. I worry that with only one outdoor pool in the design, during summer there won't be enough lanes for lap swimming, this is an issue today that is not well managed - when it's hot and there is swim squad and more open space for recreational users there is little left for lap swimmers.
219	Hurry up and build it please
220	Lots of stuff for kids would be good as I have three! They love going to the pool, but I don't take them as often as I'd like because it's so dirty.
221	About time a new facility will be built
222	There's a program room for yoga, one for Pilates and another for several group fitness activities including Zumba. I would like to see less competition for space for Zumba (or other dance-related group fitness).
223	Spend less on this project and use balance on other facilities being improved
224	Invest wisely. Feel like an overspend.  Main negative: Darebin splashing the cash to benefit privileged inner-city... . Redirect funds to poorer, needier north of the city
225	There needs to be so much space to play in deep and shallow/no depth water. The outside splash area looks very small.
226	I am concerned that the change facilities and toilets seem to be mixed gender. This will not be suitable for everyone who uses the centre, in particular, a lot of women will not feel comfortable showering and changing in a space where there are men.
227	outdoor pool, places to leave clothes when lap swimming  vegetation and gardens to grow vegetables, eatable food.
228	The addition of indoor basketball courts would be of huge benefit to the community, like the Boroondara leisure centre, available to hire by the hour
229	It should integrate better with the park and offer water play for children in the park (sprinklers etc like in Royal Park)  The cafe should service people within the complex and outside. That way dog walkers, parents of Auskick kids, people waiting for the bus etc can buy a coffee / snack.  It should become a community hub like a library. Evening adult education sessions on health and wellness. What about a rooftop cinema?
230	It would be nice to see what the changing rooms will look like and what amenities will be available, i.e. swimsuit spin dryer, hair dryers, iron, lockers (will they hold hanging clothes for work attire?). Right now, I do not work out there because the squad uses most lanes of the outdoor pool in the morning. I think more lanes should be available for lap swimmers.

Response	Detail
231	Please use quality gym equipment, main detractor of the current facility is the age of the machines
232	Can you make sure that there has been a disability access review of the proposed design? A changeroom somewhere for disabled people is not enough. I need ramps into the pools. The availability of a hydrotherapy class under the supervision of a physiotherapist would be great. I need pool wheelchairs available and others need a hoist into the pool to access their community facility.
233	Will you have to have gym membership to use the outdoor gym space, or will this be accessible to swimmers too?
234	Outdoor toilets and showers that are accessible when using outdoor facilities would be much better - stop some of those code browns! Family change rooms/showers are a must, at least four and this is why we currently don't use narc as much
235	would like more information on the amenities, at the moment toilet facilities are lacking
236	Swimming lessons and parties take up much of the pool lanes most of the time. Sauna, spa, steam rooms over-crowded and facilities generally dirty. The pools close too early. Gym facilities are inadequate for the number of membership. unless there is substantial change to the operation of the facility can't see that this will change, and current membership will need to go elsewhere. I don't think that YMCA operation and management do justice to facility.
237	I hope there is an area to eat food you bring from home. I want to see details of the indoor aquatic playground. I hope it's not too noisy (acoustics inside).
238	It really needs improved changeroom, toilets and shower facilities with shared family facilities available too and separate disabled changerooms
239	My children are part of the swim club and I would really like to have the outdoor pool have sun cover.
240	Just that the sauna and spa be large enough for growing numbers that will use it. Cleanliness. Showers next to saunas to make clients use them BEFORE AND AFTER SAUNA USE. ideally plunge cool pool too.
241	I think there is a massive opportunity to expand the cafe and make it a central feature of Center. There are already strong healthy eating ambitions which should be central to the site with outdoor/indoor seating.  I really think more thought needs to be put around the summertime use of the outdoor spaces.
242	Please create a relaxing spa/sauna area that is quiet and separate from the pool area
243	I was a member for years & moved to Virgin active in the city (I worked in the same building). The main reason being the facilities were old, run down & dated and they did not offer reformer Pilates which I did at Virgin daily until the Covid shutdown. If the opening hours changed to 5 am, I would go before work, but I would definitely join again once the changes are made.
244	Concerned the sauna and steam rooms are too small
245	keep this culture alive
246	If possible, please put a shower [cold is fine] at each end of the outdoor pool to rinse off after laps.
247	About time, the centre is due for a huge upgrade!!! I love it
248	It looks amazing and I can't wait for this to happen!!!
249	The current facilities are sorely lacking, and I have been considering taking my membership elsewhere but this looks great. Hope it happens quickly.
250	A female weights room would be great as many friends feel unwelcome in the weights section currently. Also, for the gym to open at 5:30 instead of 6 as well as having a few earlier classes. More Pilates classes in the early morning slots too please. Bigger stretching area as at the moment you can really only get four people there in the corner. Thank you!
251	Are the change rooms going to be separated between male and female? I think it is better if it is.
252	I love, love, love it.  Can they start while on lockdown?  When is the predicted start time and how long will the build be?  Thank you

Response	Detail
253	Requires family and gender-neutral bathrooms  Requires a lot of shade
254	I would love it if there was a women only spa and sauna. The current is usually full of older men- not inviting for women!  Also, pools need to be better cleaned than they have been in past!
255	please make sure the toilets and change rooms are close to the pool.
256	Waterslide please
257	I'd like further information on a) depth of indoor 25 pool ( current pool is to shallow); if one of the set of steps in outdoor 50m pool is being removed possible creating bottleneck for access; and I am not best please that the whole facility will be closed for 18m- 2 years; why has there not been a staged opening considered given this is the only pool in the area and this would in the best case span 2 summers with no public pool.
258	I love the inclusion of the hydrotherapy warm water pool. Currently, I use the Reservoir pool which is further away and rather small.
259	Disappointed this is the first I've heard of this because I live 1.5 from the facility. Looks great. I have been swimming regularly at Collingwood & Ivanhoe pools because the Northcote change rooms are so shabby and grotty.
260	Therapy area and spa and sauna will be difficult to be monitored by employees and lifeguards working at the Center. The gym also currently gets extremely busy, so additional gym space for weights, machines and functional training would be excellent as well as retaining an outdoor training space.
261	Please ensure indoor water play area water is heated. Greensborough isn't and its too cold to use. Biggest issue currently at Northcote is no family change rooms with toilets. Not letting me 7 yr. old son go to male change rooms to toilet and shower by himself.
262	Very happy the outdoor 50m pool is staying!!!!
263	Depends on how long it will take to build - will it work around the current buildings or will it knock it down. Car parking can be problematic - 2 hours park isn't long enough to do two classes in a row. Need to stop apartment visitors parking overnight. How many aquarobics classes be run in the evening i.e. not in working hours
264	Will there be facilities to incorporate programs such as women's only swimming nights - which could include blinds to cover windows etc.?
265	Are there plans for the carpark? Currently it is unsafe to walk/bike to the centre having to cut across the carpark
266	The upstairs gym area looks quite small and facing northward out the windows in the afternoon will be blinding when using the equipment along the facade.
267	This community values sustainability more than what I'm seeing in the design - please consider a more complex sustainability standard such as WELL
268	Outdoor pool should be undercover. This would ensure sun protection and make it more useable all year round
269	Dignity and Safety First: Complex requires separate facilities for male and female i.e. IT IS UNACCEPTABLE TO HAVE ALL INCLUSIVE GENDER CHANGE / AMENITIES. PLEASE BE SPECIFIC ABOUT THE DESIGN & INTENT ON THIS. Answers/final designs of these areas will determine whether I cancel my Membership and go elsewhere i.e. ensure clearly separate Amenities for Male and Female.....!!!!!!!
270	Hopefully it will be better than the existing gym which is completely outdated etc.....
271	Make sure the Lockers work, unlike now when about 40% are regularly out of order.



## Appendix 2: “Your Say” Online Written Comments

Response	Detail
1	It appears that school buses will be required to park on Victoria Road, or Clifton Street for drop offs and pick-ups, noting that the proposed school access is at the north-west of the building - is this correct? Is there a Traffic Report with the concept plans? Has consideration been given to the safety of Victoria Road in this location, where it bottoms out, curves and pinches at Clifton Street? Has consideration been given to requiring buses to park within the car park?
2	Does the carpark exit on to Victoria Street? Only the entry is shown on the site plan. Can you confirm there are no plans to reopen Lorna Avenue?
3	What is going to happen to the treatment plant at the south-west corner of NARC? Currently, there is often a strong smell of chlorine detectable from the path through the park. Also, there is a problem with a blocked drain and there is often a large pool of liquid on the concrete. Not only is the area an eyesore but the safety of the public is in question.
4	Hi...looking at the plans...its difficult to see the space allocated for the warm water (Hydrotherapy, I'm hoping) pool...and without trolling through the site...do you have a future date for completion of the new renovations?
5	The upstairs gymnasium facilities look limited at 801m2. Does management expect these facilities are future proofed for increased demand?
6	The plans look great. I do have some questions though. Is 500kW of solar sufficient to provide 100% energy offset for the whole of the facility? What happens to the recently installed cogeneration unit that heated the outdoor pool? Is the outdoor pool still going to be heated? What is additional annual cost to operate the pool using heat pumps as opposed to Gas? Are the heat pumps efficient in winter when there is no cooling load? Has adaptive reuse of the building been considered as a sustainability measure. It seems wasteful to demolish the whole of the existing building and completely rebuild the indoor pool?
7	Hi there, Why is the 50 metre pool going to be an outdoor pool? It would be used a whole lot more if it was an indoor pool.
8	Will there be closures to the existing facilities, in particular the outside pool, and what are the expected dates?
9	Hi, I might be missing something, but looking at the plan I can't see the spa or reference to it in the legend. It is mentioned in the FAQ. Grateful for your advice.
10	Where will the Group Fitness be held? I can see a Pilates room but that space is very small.
11	The original proposal said the development would be done in stages and there would be no need for a full closure of the centre. In reading responses below it now seems the centre will be fully closed for development. Which is correct?
12	I was wondering if you are going to have a spa in the new centre. I did notice something like a spa in the warm pool but it isn't clear it is a spa.
13	Why are the bathroom amenities integrated? There should be at least 6 family change rooms and showers. Toilets for men and showers, Toilets for women and separate showers. Toilet and showers for special needs. This integrated idea always has less showers facilities for people to use and always queues for amenities. Also there is no concept here for a large waterslide like Watermarc in Greensborough. Why is the spa always attached only for hydrotherapy use what about the general public? This is always then sectioned off for hydrotherapy use and never for general use. What happens when there is always school lessons going on? There should be a pool for general use without competing for a lane for indoor winter season. The splash area outside is very small and too much concrete easy to slip and hit your head around that curved area. Why is there no Waterslides for older kids like the Coburg pool? Also all the wooden features on outside of the building seems like in

Response	Detail
	a few years time the wood will look weathered and how does this affect maintenance to these structures.
14	Where can the general public see all questions asked?
17	Not indicated on the plans is whether the LAWN area in green is plastic or real grass. Which is it?
18	The plan looks great overall (love that you're keeping the trees). It's hard to tell from the plan, but how do the sizes of the new sauna and steam room compare to the current layout? It's not uncommon for the sauna to be standing room only during peak times at the moment, would be a shame if it wasn't made larger.
19	I would like to request a generous amount of family change rooms and showers to cater, not just for families but for gender neutral, determined people, elderly and anyone else who needs privacy. Although you have stated that you would like to meet compliance to building code standards, it might be an idea to think go one step further and provide a few more private changing rooms to make this facility not just compliant, but above and beyond compliance.
20	I have observed that the (No# 20) Warm Water Pool is in a closed off area that is separate to the indoor swimming pool. If this is the case, management would have to employ a second lifeguard to patrol the Warm Water Pool. This will most likely cost the operator \$\$ and management would most likely close this area off and providing limited operational Hrs. I would like to see the designer come up with a better design solution so that one lifeguard can have visual access and patrol the indoor pools, warm water pool, spa, sauna and steam areas all at once. This would allow the operator a more efficient operation of the pool deck and allow all facilities to be operated at once. Please consider a redesign of the floor plan and the implementation of a roller door or moveable partition screen between the two areas that could be installed during school functions. This would be a smarter solution than the one presented. In addition, can I suggest that the aquatic center have generous opening Hrs so that patrons of all ages (including professionals that work late) can enjoy the facilities. A swim after a long day followed by a spa, sauna and steam can turn a bad day into a good day. The Ascot Vale pool is an excellent example of late Hrs whereby spa, sauna and steam facilities are very popular with the public later at night. Please review Ascot Vale swimming pool as a case study, it is an excellent facility in both its pool deck layout and operating Hrs.
21	It appears the only kid-friendly outdoor area is a small splash pad. Why?
22	Have the council received all the funding that is needed to complete or start the project?
23	Will Bodyvive and the like still be available?
24	The facility also serves the purpose of mental wellbeing, particularly among the older patrons, by providing social connectedness. we social in the cafe after classes. Unfortunately, this has become difficult to do lately because of the noise of school groups and children's parties. even with really good hearing aids it's difficult to hear with the background noise. Will the new cafe still be used by these noise generating groups or will there be some sort of division which allows all ages to use the cafe at the same time?
25	I don't see any outdoor pool except the 50m pool. People need somewhere to swim outside where they don't get in the way of serious lap swimmers. It is very unhealthy for recreational swimming to be forced into indoor steamy chlorinated areas
26	It is very hard to see what is going on. When I click on the hand, I expect to be taken to more information but it just goes back to the home page. eg I clicked on 12 and 13 to see more detail and what goes on there - no more information. It looks like you have a big room full of Pilates reformers. Were the instructors and the participants consulted about whether reformer classes are what is needed? If you do install reformers in response to what is expressed need you will need to consult about what sort. It would be good to see the size of the proposed mat Pilates room - if that is what 13 is.
27	Re my question below about noise, it is not the noise of the pools etc that is a problem, it is the noise 'in the cafe' when the school groups come to the cafe or there is a children's party eats in the cafe that is the problem. I'm not against anybody using the cafe it's just that we olds can't hear when these other groups are in the cafe as they tend to make a lot of noise. If the teachers & schoolies used a different counter like the outside counter now in existence (which they tend not to use but come inside), and the children party food was taken in a different room then there wouldn't be a problem. What say you?

Response	Detail
28	There are no dimensions on the plans. What is the area the ground floor Program Room (Zumba etc) compared to the area of the existing first floor room at NARC?
29	1. Will the outdoor pool stay as it is or is it being overhauled/remodelled? I think it works extremely well and hope there will be no changes to it. 2. What do you propose users of the centre do for 2 years during the redevelopment?
30	Can the energy efficiency plans consider the move current in other countries to convert the dynamic energy produced by patrons using cycles, treadmills etc to provide power for the centre?
31	Will the YMCA continue to manage the centre given the numerous staff and management that have come and gone these last few years? If so will there be some guidance from council regarding their poor decision making and lack of consultation with participants and instructors regarding the group fitness area?
32	I can't see a diving pool on the plans. Will there be one? The old diving pool was very popular with the youth of the area during summer, who had somewhere they could throw themselves into a pool without having to do 'dive bombs' into the 50m pool. Where will young people learn to dive locally, if there isn't to be a replacement?
33	Why have we lost the south west corner of the site? We need a smaller outdoor recreation pool in addition to the Olympic pool. Why weren't instructors consulted about the facility? In particular why weren't they asked about the number, size, shape and type of group fitness rooms required? How were the dimensions of these rooms worked out? Will there be adequate space for equipment and people for classes to run safely?
34	With the gym areas, it is not clear how much space will be allocated to people wanting to do stretching and floor exercises. The area in the current gym is inadequate and often unable to accommodate everyone wanting to use it.
35	Will there be a cold therapy lap pool (20c) please?
36	Will there be a tank sunk into ground that holds very chilled water for getting in and out for a few minutes after using spa and sauna which is good for rehab box hill centre had one many yrs ago that I used many times was very popular should be seriously looked at would make this new centre more better will there be televisions in areas of spas and sauna as they have them in some centres overseas
37	The plans mention the provision of "ample bicycle parking". Having lived in the Netherlands I have some idea about what "ample bicycle parking" might look like but would fear that this is not put into practice at the new NARC. Specific question: How many lots will there be for bicycles, in particular in comparison to those for cars. Personally, I think that the design should encourage physical activity, not only within the facility but also outside. (I understand though that there are people who are reliant on access by car.)
38	As other people I am wondering about the limited outdoor facilities for smaller kids. Let me as a specific question in this context: Is enough seating provided in the vicinity of the outdoor splash area? Obviously young kids need to be supervised to some extent...
39	Can you please confirm if there's lift access to the first-floor amenities of the NARC redevelopment? I think I can see one on the plans, but it isn't labelled some I can't be sure. Also please make sure any lift/s are adequately sized to accommodate both a wheelchair user & their carer, as per Australian Standards for disability access to public buildings (AS1428-1).
40	Will the outdoor pool be heated and used during winter months?
41	As an instructor I'd like to know if the gradient of the pool(s) designated for use in aqua aerobics classes has been considered. We will require the gradient to be very gradual and wide stretched to ensure the maximum number of participants in classes.
42	It is disappointing that you have reduced the outside pools. A 50m pool is too deep for younger children and it is also important to have them separated from older more active teenagers and lap swimmers.
43	Will there be dedicated facilities for disabled users - toilets and showers? It isn't clear from the information provided. Prior to the current closure these arrangements were very unsatisfactory. Where showers were provided for disabled users there was very low compliance and no enforcement, or the facilities were shared with families or other uses - this resulted in disabled users often having to wait when they were exhausted from aquatic therapy sessions.

Response	Detail
44	My question is around the availability of the swimming pools during peak times to the general public. In my view, regardless of the new design of the centre and the number of pools proposed the primary issue has always been the lack of availability of lanes to the general public during peak times as the swimming club (squad and water polo) and YMCA (squad and lessons) occupy the majority of the lanes. Most weeknights there are only 1-2 outdoor lanes and nil indoor lanes available for the general public until 8pm. Saturday morning no lanes are available indoors until after midday and limited availability in the outdoor pool until 11am. Will the allocation of lap lane availability improve going forward and current contracts reviewed for fairness to the general public?
45	'Hi NARC team great to see progress on refurbishment! As a daily user who uses shower daily, it's not clear - how many showers in female change rooms? There's a lot of us who swim 6-8am and need to shower before work so it's VITAL there are enough showers, more than currently exist. - will there be separate hot/cold shower taps? I ONLY cold shower, CAN'T warm or hot shower, so would be forced to protest loudly or cease membership if unable to cold shower. I look forward to hearing, With thanks
46	Will there be more shading outside? The outdoor splash area will need a shade sail or similar, is this in the plan? Where will outdoor swimmers put bag/towels under cover if don't want to purchase a locker? Internal seating on the concept drawing for learn to swim parents looks inadequate, will this be looked at? Will the exterior doors/walls be able to be raised/opened during summer to allow fresh air into the pool area, so not stifled with chlorine as in current situation?
47	Hi Darebin. will there be COLD water taps in the showers?? Thanks
48	Am concerned re gender neutral facilities. Can you confirm that dedicated female toilets and change areas are available for biological female use where vulnerable biological female children, adolescents and adults have no contact with males having intact male genitalia, however they identify? As you can imagine 'safeguarding' must be a priority and also Muslim/Hindu women etc have a need for spaces free of male-bodied people and far outnumber self-styled 'gender neutral' people. Anti-discriminatory laws against marginalised ethnic groups could come into play if ethnic people felt unable to use your facilities.
49	How many family showers will be provided? The current one is inadequate.
50	What facilities are you providing for school groups to change? I note that the current changing space for boys is inadequate. Note that many teachers and most of the volunteers are female so we need an adequate space for females to supervise young schoolboys changing.
51	Congrats on providing separate gym amenities, this is a great improvement for gym users.
52	Is the Group fitness room as big as the current area? Can you please provide the respective measurements as a comparison? Thanks
53	Can you 100% confirm that there is no possibility a male-bodied person, even if self-identifying as female, would be allowed to access female only toilet and change facilities.

## 7.2 OBJECTIVES FOR THE LEVEL CROSSING REMOVALS AT BELL PRESTON

**Author:** Coordinator Major Transport and Place Project

**Reviewed By:** Manager City Futures

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### EXECUTIVE SUMMARY

After many years of advocacy by Darebin City Council, the State Government announced in 2019 that four level crossings in Preston - at Bell Street, Cramer Street, Oakover Road and Murray Road - will all be removed by 2022.

Council's successful advocacy also secured an elevated rail solution, which will open up a significant amount of new open space for residents and presents the chance to develop new precincts and community infrastructure such as pedestrian connections and green open space. A new station for Preston presents an opportunity for better integration with the Preston Market site, as well as the wider Preston precinct. A new Bell Station will elevate the profile of the emerging cultural precinct in South Preston, improving connections to Darebin Arts Centre and Ray Bramham Gardens.

The Preston-Bell elevated rail is a once in a generation project and has the potential to significantly transform the city for the better, where people can get around more easily on foot or on bike, and they have green spaces to enjoy. Getting the corridor layout and design detail right is fundamental in securing this positive lasting legacy for current and future communities.

The State Government are the delivery agency through the Level Crossing Removal Project (LXRP). Council's role is to be the voice for our community in the process and advocate strongly for the best outcomes.

Officers are seeking Council endorsement of a set of design, movement and delivery objectives captured in a document called Preston Reconnected, which will form the basis of our next advocacy phase. These objectives are underpinned by the community's vision for this project and existing Council strategies, such as Breathing Space, Junction Urban Master Plan and Streets for People as well as Council's vision for a greener, bolder, more connected city. The Preston Reconnected objectives focus on three key areas:

- Design – ensuring that the new architecture, open spaces, street furniture, integrated artworks and pathways enhance the character and function of Preston and celebrate its local culture and history
- Movement – to make journeys between points safe, accessible, efficient and enjoyable
- Delivery – to ensure that the inevitable disruption is as minimal as possible and local businesses are as resilient as possible throughout the construction.

The LXRP are currently in the planning stage for designs of the new stations and public space underneath the corridor. This is a good time for Council to advocate and influence the State's planning to achieve excellent outcomes for the community. Endorsing these objectives will ensure that Council can be clear about what Council and the community are seeking as part of the project, through ongoing conversations with State Government.

Should Council endorse the Preston Reconnected objectives, they will be designed into an advocacy document, similar to Council's Heart of Preston document which defined objectives for the planning of the Preston Market Precinct and communicated to the community and stakeholders using a range of channels, throughout the next stages of the project.

Council's endorsed objectives would be formally sent to LXP, Minister for Transport and Local MPs seeking their support and requesting that they are integrated into the planning, design, management and construction processes for this project. The objectives would also provide a basis for Council to respond to LXP designs, plans and proposals when they are released.

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

- (1) Endorse the design, movement and delivery objectives for the Bell/Preston Rail Corridor, as found in the document Preston Reconnected attached as **Appendix A**.
  - (2) Calls on the State Government to commit to realising these design, movement and delivery objectives through the final design and construction of the elevated rail corridor for Bell – Preston.
  - (3) Shares the design, movement and delivery objectives with the Minister for Transport and local MP's Kat Theophanous and Robin Scott.
  - (4) Thanks all community members, including Bell Resident Group who have shared their concerns and aspirations for to the project so far.
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## **BACKGROUND / KEY INFORMATION**

On 7 May 2019 the State Government announced its commitment to remove four level crossings at Oakover Road, Bell Street, Cramer Street and Murray Road in Preston including construction of two new elevated stations at Bell and Preston, as illustrated in figure 1.

Following this announcement, the State Government started planning and design work for the two new stations, four level crossing removals and the associated open space and amenity upgrades. The project is being overseen by the LXP and delivered by the Program Alliance.

The Alliance contracting model involves the State Government through the LXP, (the owner) working collaboratively with private sector parties, or non-owner participants (NOP), to deliver the project. The project is due for completion in early 2023 and worth around half a billion dollars.

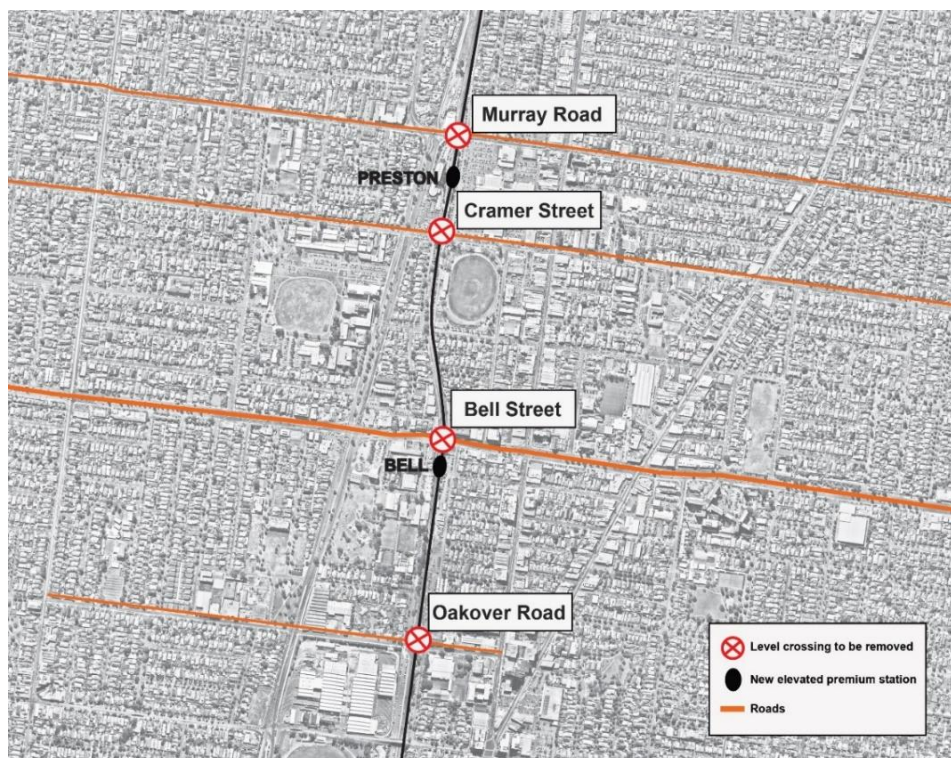


Figure 1 – Map of level crossing removal locations

### Benefits to elevating the rail bridge along Bell- Preston Corridor

The level crossings and rail line along the Bell-Preston corridor act as a physical barrier between the eastern and western side of the City, restricting access to train stations, schools shopping precincts and public open space.

Traffic counts conducted by the LXRП indicate approximately 82,000 vehicles currently travel through these Preston crossings each day. The boom gates at the three sites in Preston can be down for up to 40 per cent of the 7:00 to 9:00 am morning peak, when up to 32 trains run through the crossings.

Elevated rail provides benefits including improved connectivity; opportunities for increased open space; new walking and cycling paths that are integrated with public transport networks. By constructing an elevated rail bridge the disruptions and construction times are reduced, and therefore reducing the impacts upon the community.

### Council's role in the project

Although Council is not the decision maker or delivering the removals of the Level Crossings in Darebin, Council has long advocated for the best outcomes for the community, including businesses, residents, visitors and workers. Council has a role in advocating for minimised disruption management strategies to ensure the ongoing success and vitality of the Preston Market and surrounds.

Level Crossing Removal projects are State Government projects and Council's role in these projects is as a stakeholder, not a decision maker. Council is advocating for the best outcome for the community to minimise disruption, achieve better design outcomes for our community, and protect trees and heritage as much as possible. Council officers are regularly visiting local businesses and listening to their feedback. We are advocating on behalf of businesses and communicating their needs to the Level Crossing Removal Project (LXRП) throughout the construction period.

### The LXRPs role

The LXRPs was established by the Victorian Government to oversee one of the largest rail infrastructure projects in the state's history. LXRPs is part of the Major Transport Infrastructure Authority.

Central to the project is the elimination of 75 level crossings across metropolitan Melbourne by 2025, as mandated by the LXRPs some of the core benefits that come from removing a level crossing are:

- Improving safety, by removing the danger of trains sharing a crossing with vehicles and other users
- Reducing congestion, by eliminating frustrating delays caused by boom gates and allowing more vehicles to pass through
- Improving travel time reliability, by removing uncertainty around when boom gate closures will occur and how long they will be down for
- Increasing capacity to run more trains on the network, without boom gates delaying vehicles and other users.

As part of the project delivery the LXRPs is responsible for consulting with the community on potential opportunities and desires for the areas created by the level crossing removals. There is a requirement to keep the community informed on construction programming and potential impacts from disruptions.

### Previous Council Resolution

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

- (1) *Welcomes and commends the Victorian Government for its commitment to remove level crossings at Grange Road (Alphington), Bell Street (Preston) and High Street (Reservoir) through grade separation.*
- (2) *Confirms its strong support for these grade separations, and notes that it undertook its own research to determine what else could be done to maximise the positive outcomes for our community.*
- (3) *Recognises that transport infrastructure must be planned and built in the public interest, with transparent, evidence-based, accountable and participatory planning processes.*
- (4) *Notes that grade separation projects are intergenerational projects that must meet the needs of existing and future communities.*
- (5) *Notes that it has a stakeholder and advisory role in these projects only, and that the removal of level crossings is a State Government led project.*
- (6) *Notes the high need to remove level crossings at Bell Street, Cramer Street and Murray Road for our community.*
- (7) *Strongly supports the delivery of a package of works to remove level crossings at Bell Street (including Oakover Road), Cramer Street and Murray Road in order to maximise the benefits of the government's project and to avoid significant waste, increased cost and community disruption that would result from removing additional crossings at a later date.*
- (8) *Recognises that the only way to feasibly remove all four level crossings now or in the future is through a rail-over solution.*



- (9) *Writes to and requests the Level Crossing Removal Authority to include Cramer Street and Murray Road as part of any future community consultation process and use the information contained in this report to inform the community, enabling them to actively participate in transport infrastructure planning.*
- (10) *Writes to and formally requests the Minister for Transport to instruct the Level Crossing Removal Authority to include level crossing removals at Cramer Street and Murray Road as part of the Bell Street package of work.*
- (11) *Informs the Minister for Transport and other Ministers of Council's:*
- a) *Willingness to work in partnership with the State Government to deliver maximum community outcomes from the grade separations in Preston; and*
  - b) *Desire to own and undertake open space management for all open and public spaces that arise from these works between Oakover Road and Murray Road, Preston. This includes, but is not limited to, the creation and activation of public space and east-west connections to Ray Bramham Gardens from the east (between Oakover Road and Bell Street) and between Mary Street and Arthur/Edith Streets, north of Bell Street.*
- (12) *Receives a further report on proposed terms of reference and a recruitment process for a community reference group to work alongside Council in relational to the potential activity improvements to arise from this project.*

## COMMUNICATIONS AND ENGAGEMENT

The project is funded and being delivered by the state government. Since September 2016 the LXP (formerly the Level Crossing Removal Authority (LXRA)) have been consulting the community on the proposed removal of the crossings. The scope was at Bell and Oakover Road. Initial feedback from the community focused on improved station precinct, better and safer connections and community spaces. In May 2019 the LXP confirmed that four crossings were to be removed at Oakover Road, Bell Street, Cramer Street and Murray Road in Preston by an elevated structure.

### Communications

'Share your ideas on Preston's new open spaces' – second round of community engagement led by LXP.

Preston locals shared their ideas and thoughts with the LXP on how they'd like the new community open spaces to be developed between 22 April and 6 May 2020. Due to Covid-19 restrictions, this engagement shifted to an online platform, where participants were able to add comments onto an online interactive map.

The consultation outcomes have been released recently and can be found at the following URL: <https://levelcrossings.vic.gov.au/media/news/preston-open-space-feedback>.

Key consultation findings:

- There were:
  - 5259 views to the website
  - 547 ideas were collected on the interactive map
  - 156 people completed the online survey
- Feedback received indicated green open space is overwhelmingly welcomed as part of the project. Many people wanted to see more spaces with grasses, shrubs and trees and more outdoor places to spend time with family and friends.

- 'Safety' and 'accessibility' were two key community priorities highlighted through this engagement. Children's safety and feeling safe walking at night – particularly for women were noted. Ensuring that the open spaces were designed to be accessible.
- Popular ideas for open space included:
  - Parks, gardens and seating
  - Sports and recreation
  - Walking and cycling
  - Playgrounds
  - Art and culture

#### Preston Open Space Advisory Panel (POSAP)

LXRP established POSAP, consisting of local community members, stakeholder groups and business leaders to inform the design of new open spaces underneath the elevated rail corridor, extending from Oakover Road to Murray Road.

#### **Ongoing communications for the project**

Officers are continuing to develop the communication and engagement approach and will prepare collateral and activities to support, achieve and deliver on the above objectives. The development of this collateral will support the ongoing communications and engagement activities and messaging from Council.

Communications officers will also implement a communications plan which will include media releases, newsletter updates and social media plan, and will start the broad messaging with our community in the coming months.

#### **Consultation**

##### Internal consultation

- An internal Project Working Group has been set up to develop Councils ongoing advocacy, including Preston Reconnected: design, movement and delivery objectives.
- Infrastructure Maintenance
- Open Space and Horticulture
- City Design
- Drainage
- Waste Operations
- Infrastructure, Asset and Service Planning
- Strategic Property Management Communications

##### External consultation

- Level Crossing Removal Project
- Victorian Rail Track
- Metro Trains Melbourne Pty Ltd
- VicRoads
- Public Transport Victoria

Bell Residents Group

The Bell Residents Group (BRG) is made up of over 100 households surrounding Bell Station. They have been regularly communicating with Councillors, LXP, the Minister for Transport and their local MP to communicate their aspirations and concerns about future plans for the area, which are summarised below in text from a BRG website post from 7 May:

- *New Bell Station platform to be above Bell Street to allow safe pedestrian access from northern and southern sides of the major road. Allowing for improved public transport connections with bus stops directly under the train station's platform.*
- *All remaining Government and Council land between Thornbury Station and Bruce Street to be converted into substantial community green space a linear park, maximising tree planting and green landscaping, with the minimisation of hard surfaces. We aspire to green space not dry space, with all existing large / significant trees to remain and be incorporated into the overall design.*
- *Entire area designed with women in mind*
- *Ensure safety at day and night. Maximise lighting, sightlines and activation of the area to encourage patronage.*
- *Use crime prevention through design methodology to ensure graffiti prevention and ongoing public safety.*
- *Design to ensure that noise and light spill emitted by trains and new station is minimised and minimise visual impact of elevated structure and train electrical wires and gantries.*
- *Bell substation to be moved to more appropriate location, not adjacent to families' homes.*
- *Ensuring that there are no additional car park spaces for the station and that the carpark continues to be accessible only via the existing entry in Garnet Street and / or via a new entrance on Blanch Street. Local streets should remain local.*
- *The preservation of the historic Bell Station building and its activation into a café with a kitchen garden.*

Council officers' technical work to analyse the layout, quality of place, function and design opportunities around Bell Station over the last few months indicate that we share

Many of the BRG's aspirations are reflected in the recommended design, movement and delivery objectives appended to this report, which officers recommend that Council endorses. These include the provision of substantial useable green open space in the area and in minimising traffic movements on local streets.

The station building at Bell has local heritage significance and members of the local community would like to see it retained and repurposed for community and/or commercial use, for example as a café. There are good examples of heritage buildings being reintegrated into redeveloped precincts, with heritage and modern designs contrasting with each other in one effective scheme. Officers' advice is that the condition of the Bell Station building is not yet understood enough to know if this is a viable option here. If it is not feasible to reintegrate the entire building, officers recommend that other ways of celebrating Bell's rich history are explored, such as repurposing individual elements of the building, or of other railway artefacts, or of reflecting the Indigenous, industrial and social history of the area through integrated artworks.

## ANALYSIS

### Alignment to Council Plan / Council policy

Goal 3 - A liveable city

Use the opportunity created by the Victorian Government's removal of road and rail crossings to create more dynamic shopping strips, more open space and dramatically better city connectivity (Goal 3.1)

### Environmental Sustainability Considerations

There is an opportunity to advocate for high standards of environmental sustainability in the urban design and infrastructure at station precincts and public realm. Opportunities include:

- Increasing canopy cover
- Diversity of appropriate plant species
- Water sensitive urban design
- Facilitation of active transport
- Creation of pedestrian friendly precincts
- Promoting planting of indigenous planting palette
- Using sustainable sourced materials and/or recycled materials.
- Support for this area to support a growing population (therefore easing pressure on more ecologically sensitive areas in the city fringe and reducing dependence on petrol) by having recreation, open space and transport connections nearby.

### Climate Emergency

### Equity, Inclusion and Wellbeing Considerations

Accessibility, as well as creating welcoming, inclusive spaces in which Darebin's diverse community feels at home, are core considerations in Council's Urban Design approach. Council officers have conducted an Equity Inclusion Assessment (EIA) (former EIWPAT) process to ensure that this is embedded into design thinking that informs advice to Council.

Council are advocating for excellent accessibility around the station precincts and across the open space resulting from the project. At the right time, LXRP will be invited to attend the Darebin Disability Advisory Committee and Darebin's Active and Ageing Committee to discuss plans and seek feedback. The State Government's requirements include social procurement and inclusion and Council will assist by connecting social enterprises from Darebin with LXRP.

Council established a working group to focus on an employment and engagement strategy to prioritise local employment, primarily on employment opportunities and communication with social enterprises and Darebin's Aboriginal and Torre Strait Islander community.

### Cultural Considerations

Officer advice is to develop an overarching Creative Strategy for all three new stations created through the level crossing removal projects (Bell, Preston and Reservoir). This should connect into Council's existing priorities for Public Art within the Municipality as outlined in its Public Art Framework 2018.

The curatorial themes that will underpin the Creative Strategy are proposed to be: Places & People, past, present, future. The conceptual and creative approach for considering opportunities for public art associated with the three new station developments will focus on the idea of the Places and People of Darebin. Considering the social history of each of these sites, this approach aims to draw out the narratives and specific identities of each place to create new stories reflecting the past, present and future of these significant locations within the municipality.

Consideration will be given to First Nations stories and people, social procurement principles, an emphasis on celebrating the strong diversity and variety of cultural identities of the local community, environmental issues and other matters of relevance to Darebin.

### **Economic Development Considerations**

Officers will be recommending a creative economic development approach that seeks for local businesses to thrive, not just survive during the construction period.

Significant economic development opportunities will be catalysed through the new rail infrastructure and associated uplift in public space. There is a once in a generation opportunity for Council to support the creation of significant socio-economic value.

Key interface points include at Preston Market, Preston Central, Preston Oval, Darebin Arts Precinct and residential and business communities within the Preston and Bell precincts (Junction Urban Master Plan). Further, the project will unlock up to four hectares (almost two MCG's worth) of additional public land and this will support new types of investment into the precinct, including attractive contemporary public spaces.

Officers are also keenly aware that the pandemic has had a devastating impact on local economies, and that this project represents further disruption, so the proposed design, movement and delivery objectives reflect a critical need to provide targeted support and timely information to impacted local businesses throughout the project.

### **Financial and Resource Implications**

Further work and budget expenditure may be required once the scope of these projects is understood as there may be impact on Council's assets or the need to capture opportunity to make improvements to adjoining public areas/infrastructure. This will be determined at a later stage and appropriately considered at that time.

### **Legal and Risk Implications**

It is considered that no legal or risk implications arising from the contents of this report. Council remains committed to maintaining high standards to the probity and ethics in all aspects of the *Local Government Act 1989*.

## **DISCUSSION**

Officers continue to advocate for excellent urban design outcomes on behalf the community. The preparation of Preston Reconnected: the design, movement and delivery objectives, will ensure that Council and the community have a clear position on what Council is seeking to be delivered through this project.

These objectives are underpinned by the community's vision for the project and existing Council strategies, such as *Breathing Space* (Darebin's Open Space Strategy 2019), *Junction Urban Master Plan (2014)*, *Streets for People*, Darebin's Urban Forest Strategy and Darebin's Transport strategies.

Endorsing the Preston Reconnected objectives will ensure that Council can be clear about what we are seeking as part of the project, through ongoing conversations with State Government.

#### Overview of the Preston Reconnected objectives

Officers have developed a list of detailed objectives to promote a greater understanding of what is needed to realise the opportunities of the project, protect local communities, create new open space, enhance local identities and create a well-connected city. These objectives explain the types of things that would be needed to ensure the project delivers the community's vision for the project and realise existing Council strategies.

The Preston Reconnected objectives focus on three key areas:

- **Design** – ensuring that the new architecture, open spaces, street furniture, integrated artworks and pathways enhance the character and function of Preston and celebrate its local culture and history
- **Movement** – to make journeys between points safe, accessible, efficient and enjoyable
- **Delivery** – to ensure that the inevitable disruption is as minimal as possible and local businesses are as resilient as possible throughout the construction.

The design, movement and delivery objectives can be found in the document titled Preston Reconnected at **Appendix A**.

#### Purpose of the Preston Reconnected objectives

The objectives will be developed into a designed advocacy document so that Council is able to clearly articulate to the state government what is needed to realise the Council and community vision for the corridor.

Council would seek support from the State Government to enshrine the objectives in the planning, design and delivery of the level crossing removals project.

The objectives also give Council the opportunity to be clear with the community about what it is seeking from the project, and why.

### **OPTIONS FOR CONSIDERATION**

1. Endorse the Preston Reconnected design, movement & delivery objectives (recommended).
2. Do not endorse the design, movement & delivery objectives.

### **IMPLEMENTATION STRATEGY**

#### **Details**

Should Council decide to endorse the objectives, public communications would be developed to share Council's position and seek support from the community and State Government. Once the concept design details are released by the LXP, the objectives would provide a framework to assess plans and communicate clearly and consistently with LXP throughout where plans are aligning and not aligning.

Communications would start the week after Council's decision and continue until and beyond when the State Government shares its plans for the site.

At the point that the State Government shares the detailed plans for the project, Council would then form a view on the plan and consider the degree to which the State Government's plan achieves the objectives.

### Communication

To clearly communicate the objectives, a two-three page summary document called Preston Reconnected that illustrates and explains what Council is seeking support for would be produced.

A communications plan has been developed and would share information about Council's views through a range of channels including social media, print media and in public spaces near the project area.

Officers will contact community and government stakeholders regularly.

### Timeline

The below timeline details **estimate** timeframes.

1. **20 July 2020** – Council meeting to consider design objective reports
2. **Mid – late 2020** – Concept design details
3. **Mid – late 2020** – Design finalised
4. **Mid – late 2020** – Early works commence by LXRP
5. **2021** – Construction commences on the level crossing removals
6. **2022** – Level crossings removed, and stations opened for the public
7. **2023** – Open space completed

### RELATED DOCUMENTS

Nil

### Attachments

- Preston Reconnected: Design, Movement and Delivery Objectives (**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.

## Preston Reconnected

### Design, movement and delivery objectives for the Bell-Preston elevated rail corridor

#### A more connected city

- The removal of four level crossings at Oakover Road, Bell Street, Cramer Street and Murray Road
- A new continuous, meandering, north-south Shared User Path, at least 3m wide, underneath the rail bridge from Oakover Road to north of Murray Road.
- Separate bike and pedestrian pathways around Preston Station to minimise conflict.
- High quality east-west connections that:
  - Prioritise people, then bikes at Warrs Street, Esther Street, Adeline Street, Gertrude Street, Garnet Street, Emery Street, Herbert Street, Edith Street and Clinch Avenue.
  - Prioritise bikes, then people at Showers Street and Bruce Street.
- A raised crossing at Oakover Road and Cramer Street that prioritises pedestrians and cyclists, with signalised crossings at Bell and Murray Road.
- Safe pedestrian crossings and access at each level crossing allowing for improved movement.
- No infrastructure that prioritises cars, such as roundabouts and signalised crossings, along Cramer Street as a designated street for people.
- Designed to allow future east-west connections from Adeline Street to St John Greek Orthodox college, Darebin Arts Centre and Ray Bramham Gardens at Bell Station and at Preston Station in line with the future 421 High Street connection.

#### New useable, beautiful, green open spaces

- Four hectares of new open space (equivalent to two MCG football ovals) and six new high-quality, green, usable parks, designed in collaboration with the community, including:
  - **A village green adjacent to Bell Station of at least 3000m<sup>2</sup>**, containing open lawn areas for informal recreation or community picnics, multi-age play spaces and areas of native planting.
  - **A civic park in front of the Preston Station, which prioritises pedestrians** containing spaces for meeting, rest, reflection and celebration amongst the trees.
  - **A linear park between Bell and Bruce Streets**, containing a mix of passive and active park activities, such as playspace, outdoor gyms and/or dog-parks, and seating nodes.
  - **A pocket park** at the north west corner of the Preston City Oval, containing an active recreation play areas (urban jungle).
  - **A pocket park north of Murray Road**, adjacent to the Northern Pipe Trail shared user path with seating areas and multi-age play spaces.
  - **A pocket park at Railway Place East near Oakover Road** with an outdoor gym, seating areas and natural shade.
- New public spaces are seamlessly integrated with existing open spaces such as Preston City Oval (including relocating the cricket nets) and Cramer Street Pocket Park.



### A rewilded corridor rich with local plants, trees and local fauna

- All significant mature trees are accommodated into the design, with five new trees for any tree removed.
- Increased tree canopy coverage to 25% on public land in line with Darebin's *Urban Forest Strategy*.
- New trees are healthy, with locations that maximise sunlight and are suitable for deep ground planting.
- New vegetation is made up of at least 95% indigenous and native plants which respond to specific climatic and environmental conditions of the precinct including soil types, wind, temperature, rain, and solar access noting the impact of the rail infrastructure.
- There are multiple nature-based play spaces for kids to enjoy and connect with nature.
- Along the rail, interpretative signage promotes learning and appreciation for local biodiversity and nature.
- Indigenous '*woody meadow*' feature plants of local provenance to Darebin, in collaboration with local universities.

### Enhanced local neighbourhoods

- Movement, connection and local character in existing streets and paths are improved by the level crossing removals and design.
- Local streets are not negatively impacted by new traffic movements, including Adeline, Esther and Garnet Streets near Bell station.
- Bell Station's Metro Trains Melbourne depot is relocated away from residential neighbourhoods of Darebin to create new open space.
- Disruptive infrastructure like substations are relocated if possible, or visually mitigated.
- New feature lighting around each station is designed to avoid spilling into nearby residential properties.
- Rail noise is kept to a minimum through noise attenuation bridge design.
- Visual clutter is reduced through undergrounding powerlines at Oakover, Bell, Cramer and Murray.
- Any future use and development of adjoining parcels of State Government owned land is tested with the community and includes defined community benefits.

### Safe and welcoming for all

- Stations and the corridor are safe both day and night, designed with women and the gender diverse in mind.
- Design of stations and paths provides equitable, Age Friendly, and dignified access to all parts of community, especially walkers and 'wheelers' (walking frames, wheelchairs, motor scooters).
- Design discourages graffiti and anti-social behaviour by using Crime Prevention Through Environmental Design (CPTED) principles.
- The entire 2km shared path is well-lit with areas for people to use.
- The corridor has frequent exit points, framed by low level landscaping and narrow tree trunks for safer, clear lines of sight.

### Integrated facilities for cyclists

- Cycling facilities are well lit, secure and easily accessible.
- 180 free bike parking spaces at Bell Station will have and a new enclosed Parkiteer providing 26 additional spaces.
- 280 free bike parking spaces at Preston Station a new enclosed Parkiteer providing 52 additional spaces.

### Safe and accessible commuter car parking

- Commuter car parking is located on the western side of the railway line at Preston and Bell Stations, and is easily accessible from main roads.
- The number of commuter carparking spaces is the same as currently at each station.
- Accessible car parks, 'kiss & ride' drop offs and taxi ranks are conveniently accessible from station buildings and designed to minimise pedestrian conflict.

### Improved public transport connections

- Bus stop waiting, transfer and shelter facilities in line with Preston's importance as an Interchange under the Department of Transport's *Movement & Place Framework*.
- Real time Passenger Information Displays within Preston and Bell Stations and at bus stops - showing both bus and train live tracking.

#### Bell Station

- The relocation of the existing bus stop on Bell Street to outside Bell Station, fully accessible when the new station opens.

#### Preston Station

- Direct and convenient access between station exits and bus stops on both sides of Murray Road.
- Bus priority on approach and departure of Murray Road/St Georges Road/Spring Street intersection

### Celebrate local heritage, art and identity

- The corridor's design celebrates the local qualities of the four distinctive precincts along the corridor:
  - **Oakover Green** – *This burgeoning precinct undergoing significant transformation, is rich in local heritage and stories. Once Preston's employment heart, it was home to tanneries and the manufacturing industry, employed many tram and railway workers and is rich in indigenous history with the Aboriginal Advancement league.*
  - **Bell Arts** - *With the iconic Bell Street and new premium station at its centre, the Bell Arts precinct is a vibrant welcome mat to Darebin Arts Centre (DAC) and its burgeoning urban creative communities including Gertrude Contemporary International Gallery nearby.*
  - **Preston Oval** - *With the iconic Preston City Oval at its centre, this precinct is an urban recreation hub that interfaces with the Preston Market and a new*

*neighbourhood surrounding it, the new premium station, the Bruce Street urban neighbourhood and key links to Melbourne Polytechnic, St Georges Road and High Street*

- **Preston Central** – *With the celebrated Preston Market and High Street at its heart, the precincts rich multicultural heritage and the stories of its diverse community embedded*
- The corridors' unique indigenous, cultural and multicultural heritage is reflected through the architecture and design of open space and infrastructure.
- Bell Station Building Heritage and history is celebrated by incorporation into the design of the Precinct.
- The social, cultural and architectural heritage of Preston Market is responded to in designs for Preston Station.
- A Creative Arts Curator is employed to integrate art into built form elements throughout the corridor - architecture, landscape, lighting, signage, rail pylons at rail bridges over Bell, Cramer, Murray and Oakover, reflecting local stories and working with indigenous and local artists.
- The Aboriginal community is engaged with early, continually and meaningfully throughout the design process of new open spaces to final construction.
- The multiculturalism and history of the area is reflected in less formalised recreational infrastructure, such as spaces for Trugo, bocce or other socially connecting activities.

### **The highest quality architecture and built environment**

- The new Bell & Preston station buildings are modern and contemporary, exemplifying design excellence and respond to local context in terms of its built form, aesthetics, culture, heritage, and design language.
- High quality and durable materials are used for station buildings, ensuring the building ages well.
- Station entries address key public spaces with safe, comfortable, well-lit and sheltered station platforms.
- Activation of the station building on ground level next to key pedestrian areas and public spaces.
- The utility, infrastructure and back of house components of the station functions are integrated into station design and don't clutter the public realm.
- The premier Preston Station includes escalators in its design to ensure this busy station continues to function well in a growing precinct.
- The rail bridge is at least 7m high, allowing natural light and minimising shadows and wind tunnels along the new public open space corridor.

### **Designed-in easy and sustainable maintenance**

- The corridor is made up of well designed, easy to maintain spaces that will look as good in 20 years as they do on day one.
- Public spaces feature materials which are high quality, durable, low maintenance, and minimise opportunities for unwelcome graffiti.

- Locals and visitors can easily find their way around with new information and wayfinding signs designed in line with the *Darebin Signage Strategy*.
- The materials of buildings and infrastructure are sustainable, using concrete from sustainable sources and other recycled materials, and concrete aggregate for the Shared User Paths.
- The corridor is greened with indigenous, native and hardy plants for sustainability and easy maintenance.
- Playspaces, active recreation spaces, dog parks, community spaces are designed using robust, sustainable materials and landscaping.
- The corridor is water sensitive with Water Sensitive Urban Design incorporated into open spaces to maximise useability for all users
- The initial maintenance period provides a high quality and frequency of regular maintenance to ensure successful establishment of plants/landscaping during the defects period.
- Appropriate reuse of materials in new open spaces. This can include train station elements, track, heritage elements and landscaping (habitat tree logs).

### **Proactive support for our local communities and businesses to minimise the disruption they will face during construction**

- Local businesses, Preston Market management and traders, the Preston Central Business Association and community are supported throughout construction disruptions and the additional works post construction.
- Clear communication and consultation with due notice prior to impacts such as road closures, power outages or occupations, with individual Preston Market businesses and the Preston Market management and traders as well as High Street businesses, and their concerns actively incorporated into delivery activities. This includes information sessions as a complement to written documentation.
- Communication strategies and provision consistently addresses the digital, written and verbal information needs of CALD and non-CALD businesses. This includes information in many languages and provided in person as much as possible with translators.
- A program of temporary activation events to support local businesses thrive during the works, including 'shop local' campaigns and activities that bring/retain customers and visitors. Programming takes a coordinated approach with Council and the Business Association to ensure a significant positive impact.
- Minimised disruption to local communities by ensuring haulage and delivery of goods for the project occurs only on major roads and during off-peak times.
- Maintaining the current level of pedestrian and cycle access throughout disruption.
- Public parking is kept free for the community, visitors, shoppers and local workers.
- Construction staff and contractors and their work vehicles are provided with alternative parking with no reduction in car spaces available to the public.
- Existing public car parks such as that at Preston Market, continue to be publicly available throughout the construction period.
- Construction timing minimises disruption on busy market days (particularly Fridays and Saturdays).
- Connection is maintained for people accessing Preston Station and the Market while the station is in operation.

- LXP and workers creatively support a diverse range of local business types and sectors, including through encouraging worker patronage across different goods and services and sourcing goods and services for prizes.

### **Targeted employment & training opportunities to local people who need it the most**

- Prioritise employment and training opportunities to Darebin residents impacted by Covid-19 through the LXP across profession types.
- People from Aboriginal or Torres Strait Islander backgrounds are employed to create a more diverse workforce target of 3% and add value to the project.
- Darebin based social enterprises are engaged and provide employment opportunities for the level crossing removal project.
- Local artists are engaged to design and create work decorating construction hoarding panels.
- Partner with local tertiary education institutions to support local employment and training opportunities.

**7.3 DAREBIN'S RESPONSE TO SUPPORT TRANSPORT AND BUSINESSES DURING COVID-19: AMENDMENT TO STRATEGY**

**Author:** Manager Climate Emergency & Sustainable Transport

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

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**EXECUTIVE SUMMARY**

On 29 June 2019 Council authorised a range a business assistance and transport measures to support Darebin's community during the COVID-19 pandemic and recovery.

These measures can be rapidly implemented to help avoid an increase in congestion, enable a vibrant local economy, and support the well-being of our community. Officers have been working fast to identify these opportunities and respond in an urgent way given the pace of change associated with COVID-19.

Planning is underway so that the local measures identified can be rapidly implemented once Stage 3 restrictions lift.

It has become apparent that the report contained an inconsistency in relation to advocacy for safety and accessibly improvements for St Georges Road which requires clarification.

Further, Officers ongoing work to achieve improved outcomes in this corridor continues to be in line with the Council resolution on 27 February 2017 which called on the State Government to undertake a comprehensive and inclusive community engagement process to inform the redesign of St Georges Road which ensures the safety and accessibility for all. This consultation should be afforded adequate planning, time and effort to ensure that it is comprehensive and inclusive and achieves the best possible outcomes.

It follows this this consultation would require a significantly longer timeframe than the other advocacy requests referred to in the report on 29 June 2020 which aimed to deliver measures that can be readily installed and removed, enabling Council to respond to changing community need as the pandemic and recovery progresses.

To remedy these inconsistencies, this report recommends removing St Georges Road upgrades (between Merri Parade and Miller Street) from the list of advocacy items in response to COVID-19 for the Minister for Roads and Minister for Transport Infrastructure.

In the longer term, Officers would continue to pursue improved safety and accessibility outcomes for St Georges Road in line with Council's 27 February 2017 resolution.

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

- (1) Writes to the Minister for Roads and Minister for Transport Infrastructure to advocate for the Victorian Government to urgently implement the items listed in **Appendix A**, for the purpose of promoting safe transport outcomes for Darebin during COVID-19.
- (2) Continues to pursue enhanced safety and accessibility along St Georges Road for cyclists, pedestrians, public transport users, motorists, local residents and traders in accordance with Council's 27 February 2017 Resolution 17-088, that calls on the State Government to undertake comprehensive and inclusive community engagement.
- (3) Adopts a new list of '*COVID-19 Pandemic Response Advocacy Items for Minister for Transport Infrastructure*' as shown at **Appendix A** to this report.
- (4) Adopts a new list of '*Bike and tram projects for during and after the Covid-19 pandemic*' which is shown at **Appendix B** to this report.

**BACKGROUND / KEY INFORMATION**

The COVID-19 pandemic has had a significant impact on transport, which is starting to result in increased cyclists and cars on our roads as commuters aim to socially distance by avoiding public transport. Not responding to this situation risks chronic congestion which may negatively impact safety, amenity and accessibility.

Council Officers considered the 9 June 2020 Council Resolution 20-091 (refer to *Previous Council Resolutions* below) an opportunity to also put forward a range of transport items needed to urgently respond to transport pressures arising from COVID-19. This included putting forward a range of advocacy items for the State Government to implement.

As the implementation of the 29 Council 2020 Resolution 20-110 commenced, the CEO recognised an inconsistency requiring clarification as follows;

- The report sought to table transport treatments that could be rapidly implemented and removed. This is because transport and mobility needs are likely to change as the pandemic progresses, and Council officers need agile treatments that can respond to these changes.
- One advocacy item put forward – improving the safety of the shared user path and efficiency of the route 11 tram along St Georges Road – will likely result in long term, fixed capital improvements (for example, signalised crossings) that will take time to plan and deliver. Therefore, this proposed treatment is inconsistent with the intent of the report that seeks authorisation to deliver and advocate for rapid treatments.
- Further, adequate time is needed to conduct comprehensive community engagement and current Stage Three restrictions limit engagement opportunities. Officers current work in progressing safety improvements along St Georges Road is directed by the 27 February 2017 Council Resolution 17-008, which calls on the State Government to undertake a comprehensive and inclusive community engagement process to be undertaken for the redesign of St Georges Road to ensure safety and accessibility for everyone.
- Therefore, advocating for urgent upgrades in the St Georges Road corridor is inconsistent with the 27 February 2017 Council resolution.

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**Previous Council Resolution**

At its meeting held on 27 February 2017, Council resolved that:

- (1) *The Mayor writes to the Minister for Roads and Road Safety, copied to local State and Federal Members of Parliament, requesting a comprehensive and inclusive community engagement process be undertaken for the redesign of St. Georges Road to ensure safety and accessibility for cyclists, pedestrians, public transport users, motorists, local residents and traders.*
- (2) *A copy of such letter and a previous letter sent by the Mayor to VicRoads be distributed to local residents and traders along the St Georges Road corridor between Merri Creek, High Street, Arthurton Road and Miller Street.*

At its meeting held on 29 June 2020, Council resolved that it:

- (1) *Advocates for the following temporary protected bicycle lanes along key cycling corridors to be implemented by the Victorian State Government to provide safe alternatives for people who are no longer able to take public transport:*
  - (a) *Heidelberg Road between Ivanhoe and Clifton Hill*
  - (b) *Westgarth Street between South Crescent and Rucker Street*
  - (c) *Station Street between Darebin Road and Railway Place*
  - (d) *St Georges Road between Merri Parade and Fitzroy North.*
- (2) *Writes to the Minister for Roads and Minister for Transport Infrastructure to advocate for the Victorian Government to urgently implement items listed in Appendix D.*
- (3) *Writes to the Minister for Public Transport to strongly advocate for the Victorian Government to urgently implement items listed in Appendix E.*
- (4) *Endorses a program to facilitate requests from local schools to implement temporary changes to traffic and parking near schools to help children, parents and staff to socially distance on the following basis:*
  - a. *That the school principal supports the changes.*
  - b. *These would apply during school start and finish times.*
  - c. *Reasonable efforts must be made to contact occupiers of all properties directly abutting affected areas.*
  - d. *It must meet safety and access requirements as assessed by an appropriately qualified Council officer before implementation.*
  - e. *Any approvals required are secured (for example from the Department of Transport).*
- (5) *Endorses a program to support local businesses and community visiting shopping areas to safely socially distance, in accordance with Victorian Government guidelines where necessary, by:*
  - a. *Visiting businesses and offering them a 'fast track' assessment in regard to footpath trading including as to whether their trading area can be extended into other areas of the footpath.*
  - b. *Inviting business to raise requests with Council to repurpose car parking bays or otherwise use road space for trading or open space, with a view to initially trialling this in up to five locations, and allocates \$15,000 for this purpose*
- (6) *Allocates \$130,000 for planning and implementation of short-term temporary bicycle projects on Darebin-managed roads, including those outlined in Appendix A for the 2020-21 financial year:*
  - a. *South Crescent (in sections between Victoria Road and Westgarth Street);*
  - b. *Cramer Swt between St Georges Road and Gilbert Road; and*



- c. To investigate the same in further locations, including High Street between Westgarth Street and Darebin Road and Normanby Avenue to Dundas Street.

## DISCUSSION

### ***Ensuring comprehensive and inclusive community engagement***

Council has long advocated for the State Government to engage with community for best possible outcome for St Georges Road, as set out in the Mayor's letter 10 March 2017 to the Minister for Roads and Road Safety (**Attachment C**). In response the State Government has confirmed they will undertake community engagement, which will be used to determine whether measures will be implemented in the short to longer term (**Attachment D**).

### ***Updated COVID-19 Advocacy Items for the Minister for Transport Infrastructure***

As Council has an existing clear position, officers recommend that the simplest way to achieve clarity and resolve the inconsistency described it to modify the list Council's advocacy items for the State Government to respond to COVID-19 in the following way:

As shown in **Attachment A**, update the list of advocacy items which has the effect of:

- **maintaining** items 'a' through to 'g' as endorsed on 29 June 2020 (*COVID-19 Pandemic Response Advocacy Items for Minister for Transport Infrastructure*) that the 29 June 2020 Resolution 20-110 references
- **removing** item 'h' ("Improve the safety of the shared user path and efficiency of the route 11 tram along St Georges Road by closing or modifying the unsignalized medium openings").

Also, update the list of bike and tram projects for during and after the Covid-19 pandemic as shown in **Attachment B**, which has the effect of:

- **maintaining** items '1' through to '5' on page 1; '1' through to '3' on page 2; and '1' on page 3, presented in *Appendix A – Bike and tram projects for during and after the Covid-19 pandemic* that the 29 June 2020 Resolution 20-110 references
- **removing** item '2' on page 3 ("St Georges Road between Merri Parade and Miller Street").

### ***Progressing support for traders and schools and local transport treatments***

Officers have started planning for the local support measures authorised at Council's 29 June 2020 meeting, so they can be rapidly implemented when Stage 3 restrictions lift.

Officers note that the Stage 3 restrictions have been introduced since Council's decision on 29 June 2020 and therefore the timing for implementation of some initiatives has been deferred until after restrictions ease.

## Attachments

- COVID-19 Pandemic Response Advocacy Items for Minister for Roads and Minister for Transport Infrastructure (**Appendix A**) [↓](#)
- Possible Bike and Tram Suggestions Improving the Safe Movement of People During the Pandemic and Recovery (**Appendix B**) [↓](#)
- 10 March 2017 Mayoral Letter to Minister for Roads and Road Safety (**Appendix C**) [↓](#)
- 14 April 2017 Response from Minister for Roads and Road Safety (**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.

**Appendix A - COVID-19 Pandemic Response Advocacy Items for Minister for Roads and Minister for Transport Infrastructure**

- a) Temporarily suspend Clearway restrictions to support possible measures to extend footpaths, improve crossing points, improve access to off-street car parking or other measures to respond to COVID-19, to be reviewed within three months of the end of the state of emergency in Victoria.
- b) Fast-track existing 40km/h speed limit reduction applications for local streets made by Council listed in Appendix C.
- c) Implement automatic callup of pedestrian phases at signalised intersections in locations with high pedestrian activity and demand.
- d) Implement temporary 'popup' protected bicycle lanes along or across key arterial roads in partnership with affected councils, to be reviewed within three months of the end of the state of emergency in Victoria:
  - I. Heidelberg Road (between Clifton Hill and Ivanhoe)
  - II. Westgarth Street (between South Crescent and Rucker Street)
  - III. Station Street (between Darebin Road and Railway Place)
  - IV. St Georges Road (between the southern end of the shared path on the median to the southern side of the Merri Creek Bridge)
  - V. St Georges Road median opening at Cramer Street
- e) Fast-track and fund previously planned infrastructure for people walking and cycling in partnership with Council and local communities:
  - VI. St Georges Road shared path (between Merri Creek and Arthurton Road) and other improvement works along the Preston to CBD Strategic Cycling Corridor
  - VII. Westgarth Street on-road protected bicycle lanes
  - VIII. Farm Road shared path connection to the Darebin Creek Trail
  - IX. Signalised pedestrian crossings at Elizabeth Street, Preston, slip-lane from Bell Street to St Georges Road, Preston and Station Street, Fairfield
  - X. Puffin operation at two existing pedestrian crossing sites on Spring Street near Verdun Grove, and Westgarth Street near Northcote Park.
- f) Provide expedited funding for construction of planned transport projects by Councils in Victoria to create jobs and provide economic stimulus.
- g) Implement tramways and associated supporting features in collaboration with Council along tram route 86 to enable improved reliability and additional services to reduce crowding.

Attachment B – Possible Bike and Tram Suggestions for improving the safe movement of people during the pandemic and recovery

Proposed Bike Lane Design – State Managed Roads							
Project Number	Road	Between	At Mid-Block Locations	On Approaches to Signalised Intersections	Delivery type	Notes	Strategic Alignment
1	Heidelberg Road	Banyule and Clifton Hill Station	Temporary bollards and kerbing for protected bike lanes	No changes	State Government collaboration with adjoining local councils	Feasibility Study completed by Yarra. Aligns with Darebin and Banyule's Strategic documents	Existing Key Cycling Corridors in Darebin Cycling Strategy
2	Station Street	Darebin Road and Railway Place	Reduction of two traffic lanes to one with a bike lane	No changes	Driven by State Government supported by Darebin Council	No design yet. The road width would support this change without changes to on-street parking	Existing Key Cycling Corridors in Darebin Cycling Strategy
3	Westgarth street	South Crescent and Merri Creek Trail	Introduction of protected bike lanes	No changes	Driven by State Government supported by Darebin Council	Removal of parking on the northern side of the road is required	Existing Key Cycling Corridors in Darebin Cycling Strategy and on draft Strategic Cycling Corridor network
4	St Georges Road	Merri Parade to Yarra Border	Reallocation of road space to support high number of riders through the Merri Parade signals and across the Merri Creek bridge	Lane allocation changes at signals	Joint project between State Gov., Yarra and Darebin	If tramways are extended in Yarra to expedite tram movements the through lanes along St Georges Rd to the south of Merri Parade could be reduced to one.	Existing Key Cycling Corridors in Darebin Cycling Strategy and on draft Strategic Cycling Corridor network
5	St Georges Road	At Cramer Street	Remove the ability for right-turning manoeuvres and provide through lanes for bikes across the intersection.	As described	Joint project between State Gov. and Darebin	Will enable continuous bike facility along Cramer Street and remove serious safety issue associated with disappearance of bike lane.	Existing Key Cycling Corridors in Darebin Cycling Strategy and on draft Strategic Cycling Corridor network

Attachment B – Possible Bike and Tram Suggestions for improving the safe movement of people during the pandemic and recovery

Proposed Bike Lane Design – Darebin Managed Roads							
Project Number	Roadway	Between	At Mid-Block Locations	On Approaches to Signalised Intersections	Delivery type	Notes	Cost / Strategic Alignment
1	South Crescent	Plant Street and Simpson Street	Temporary bollards and kerbing for protected bike lane westbound	No Changes	Temporary using removable materials	Strong demand from community	\$70,000  Existing Key Cycling Corridors in Darebin Cycling Strategy and on draft Strategic Cycling Corridor network
2	Cramer Street	St Georges Road to Gilbert Road	Installation of protected bike lanes and separated bike lanes as per the streets for people project as endorsed at Council.	No Changes	Temporary using removable materials. Line-marking only for section between Jessie St and Gilbert Rd	Community engagement complete  This will result in displacement of parking	\$50,000  Existing Key Cycling Corridors in Darebin Cycling Strategy and on draft Strategic Cycling Corridor network
3	High Street	Westgarth Street to Darebin Road and Normanby Ave to Dundas Street	Temporarily adjust the road space to provide bike facility and clarity of lane widths	No changes	Temporary measures to be used with road paint to create a vastly different space.	Some road areas could be re-purposed for trade.	Investigation stage - \$10,000  Existing Key Cycling Corridors in Darebin Cycling Strategy

Attachment B – Possible Bike and Tram Suggestions for improving the safe movement of people during the pandemic and recovery

Proposed Tram Projects							
Project Number	Roadway	Between	At Mid-Block Locations	On Approaches to Signalised Intersections	Delivery type	Notes	Strategic Alignment
1	Plenty Road / High Street	Boldrewood Parade to Queens Parade in Melbourne	Implement full-time tram lanes to support faster travel times.  Install turn bans and remove parking at problem locations where required	Leading and lagging right turn facilities as required as part of the traffic signal operation.	Driven by State Government supported by Yarra Trams and Darebin Council	Feasibility study commenced to identify opportunities between Dundas Street and Queens Parade	Darebin Transport Strategy that prioritises sustainable transport

In reply please quote:  
Ref: A3984322

10 March 2017

Hon. Luke Donnellan MP  
Minister for Roads & Road Safety  
Level 22, 1 Spring Street  
MELBOURNE VIC 3000

Dear Minister

**Re: Redesign of St Georges Road – Community Engagement Process**

I am writing to advise you that at its meeting of 27 February 2017, Council resolved to request that a community engagement process be undertaken for the redesign of St. Georges Road. This was resolved by Council with the intent to ensure that our community is appropriately consulted, and to ensure safety and accessibility for cyclists, pedestrians, public transport users, motorists, local residents and traders.

As you would be aware this corridor has an important strategic function for trams, traffic and bicycles; demonstrated by the inclusion within SmartRoads as a Tram Priority Route, Preferred Traffic Route, and Principle Bicycle Network. It is also one of the highest priority Strategic Cycling Corridors in metropolitan Melbourne and is an important community asset for our residents.

Council has previously written to VicRoads in response to community concerns about the impact the temporary closure of the vehicle cross overs is having on the local community and businesses. The letter also seeks assurance from VicRoads that they will undertake significant public consultation to determine the best solution for the community. Our own community engagement on this matter has shown us that there are a range of concerns and ideas that should be considered with the closures. These may involve the introduction of signalisation, rather than total removal, of key crossing points as well as the upgrade of existing signalised intereactions.

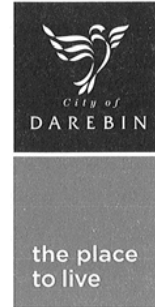
Sadly, 26 casualty accidents have occurred at these openings over the past five years, and therefore Council fully supports treating these openings in a way that improves safety for vehicles, pedestrians, cyclists and trams. Our objective is to secure a community supported solution that improves safety, keeps traffic flowing and reduces traffic on local roads while balancing the needs of all stakeholders.

Accordingly Council resolved for me to write to you to respectfully request your assistance on this matter. Should you wish to discuss this matter further please contact my office on 8470 8524.

Yours sincerely

**Cr Kim Le Cerf**  
**Mayor**

Copy  
Hon. Robin Scott MP – Member for Preston  
Hon. Fiona Richardson MP – Member for Northcote  
Mr Colin Brooks MP – Member for Bundoora  
Hon. David Feeney MP - Federal member for Batman



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The Hon Luke Donnellan MP

Minister for Roads and Road Safety  
Minister for Ports

1 Spring Street  
Melbourne, Victoria 3000 Australia  
Telephone: +61 3 8392 6150  
DX210292.

CMIN173495  
(File No.: PC031630)

Cr Kim Le Cerf  
Mayor  
City of Darebin  
PO Box 91  
PRESTON VIC 3072



Dear Cr Le Cerf *Kim*

Thank you for your letter dated 10 March 2017, requesting my assistance in regards to VicRoads undertaking a community engagement process for the redesign of St Georges Road. I apologise for the delay in responding.

I understand that Mr David Teague, VicRoads Director, Transport and Planning, Metropolitan North West Region, wrote to you on 10 March 2017, advising that VicRoads is finalising a communications plan for its engagement with the community.

The outcomes of this engagement will be used to determine whether any measures to improve the safety of cyclists and trams along St Georges Road will be implemented in the short or longer term. VicRoads advises me that given the significance of this item for the local community, council officers will be given the opportunity to be involved in the engagement and assessment process.

Should you require any further information, Mr David Teague (Tel: 9313 1270), would be pleased to assist.

Yours sincerely

**Hon Luke Donnellan MP**  
Minister for Roads and Road Safety

*19/4/2017*





**7.4 SELECTION OF TENANT - AFFORDABLE HOUSING AT 52-60 TOWNHALL AVENUE, PRESTON****Author:** Principal Strategic Planner**Reviewed By:** General Manager City Sustainability and Strategy

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**EXECUTIVE SUMMARY**

This report documents the outcomes of the process for selecting an organisation to build and manage affordable housing at 52-60 Townhall Avenue, Preston (the Site). Council resolved to lease the Site in November 2018, following an extensive community consultation process.

A competitive tender process has been underway since that time. The purpose of the tender process was to select a well-credentialed organisation that could deliver and manage a high-quality affordable housing development on the Site. The process involved multiple stages, including an Expression of Interest (EOI) process, which tested market capacity and interest, and a Request for Proposal (RFP) process, which required a detailed proposal in response to Council requirements.

The proposal received through the RFP process comprises 41 dwellings, 30 public car spaces and one accessible resident car space. It is five storeys in height: one level of car parking at ground level, four levels of dwellings and a communal rooftop area. The proposal retains significant trees in the south west corner of the site and does not rely on construction over the carriageway easement along the eastern boundary of the Site, which were critical requirements.

An evaluation panel was established to review the proposal. This panel concluded that the proposal meets Council's expectations for the Site, and recommended Council enter into a lease with the proponent.

This marks an important milestone in the project. This is a pilot project and is the first of its kind, in that it is testing a new approach for affordable housing delivery in the form of a long-term lease model. The EOI and RFP process have demonstrated that there is market interest in a leasehold model for affordable housing. While there are more steps until the project is fully realised, and some risks remain, the response of the market is positive for the leasehold model and could have positive impacts for the delivery of affordable housing within the broader sector. It also means that public land would be retained in public ownership in the long term, at the same time as being used to facilitate social housing.

A critical factor influencing this project has been the management of car parking in the wider precinct. Concerns about parking were raised by nearby residents through the consultation process.

To address this, this report outlines plans for consultation with nearby traders and residents on proposed options to address the car parking challenge, including:

- Removal of the no standing area on the south side of Roseberry Avenue, providing significant capacity for new public car parking spaces in the precinct.
- Introduction of restrictions on the south side of Townhall Avenue to limit all day parking, giving priority to residents and short-term visitors to the area.

This consultation process would take place in late July 2020, although the proposed changes would be implemented only if and when car parking pressure is increased, which may not be for some time - either as a result of the level crossing removal project or the commencement of construction on the Site.

This report recommends that Council enter into a lease with the proponent recommended by the evaluation panel and note that consultation regarding car parking in the precinct will commence in late July.

This is an important step towards Council realising its aspirations to use its own land for the purpose of affordable housing. If realised, the proposal would provide housing for vulnerable members of the community. The COVID-19 pandemic—and the resulting economic uncertainty and rising unemployment—have further highlighted the importance of safe and secure housing. This project provides an opportunity for Council to contribute to delivering such housing at a time of great need in Darebin and the broader community.

### Recommendation

**That Council:**

- (1) Finalise a lease with \_\_\_\_\_ for land at 52-60 Townhall Avenue, Preston, to the satisfaction of the Chief Executive Officer.
- (2) Authorise the Chief Executive Officer to execute the lease on behalf of Council.
- (3) Note that additional public car spaces can be made available nearby in the precinct, to offset the reduction of 12 car parking spaces on the Site.
- (4) Note that community engagement regarding car parking changes in the Preston Central precinct will take place immediately following this decision.

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## BACKGROUND / KEY INFORMATION

### Project Background

Council has long held strong aspirations to help address the affordable housing crisis and has been exploring the use of Council-owned land for affordable housing, in line with adopted policies, including *the Darebin Housing Strategy 2013, Responding to Housing Stress - a Local Action Plan 2013-2017* and *The Darebin Council Plan 2017-2020*.

Council has been actively exploring opportunities to use its land holdings for affordable housing over many years. In 2016, Council endorsed the *Darebin Social and Affordable Housing Program on Council Owned Land – Pilot Project*, which identified three sites to further explore the possibility to facilitate affordable housing. Those sites were:

- 52-60 Townhall Avenue, Preston;
- Robinson Road, Reservoir; and
- Northcote Plaza car park, Northcote.

The pilot project did not progress at the time, primarily due to the absence of State Government funding for social housing.

In November 2018, Council decided to lease the land and resolved to identify a registered housing association through an EOI process. It is noted that, even with the land being available at a nominal rental, a housing association would still need to secure funds to develop and subsidise the affordable housing development. To trial innovative affordable housing models, the Lord Mayor's Charitable Foundation (LMCF) has made a grant of \$1 million available and can help facilitate access to a \$2 million low interest loan for an affordable housing provider, should this project progress and the tenant's proposal also meet the LMCF's criteria.

### Project Governance

Appropriate governance arrangements have been established by Council officers to ensure the project is controlled and directed to achieve Council's goals, and also to ensure high standards of probity associated with the EOI and RFP processes.

The following groups are involved in governance for this project and proposal process.

- **Project Control Group:** responsible for key decisions and considering strategic issues impacting upon the project
- **Evaluation panel:** responsible for reviewing the proposals received in line with agreed evaluation criteria.

The evaluation panel cannot consider broader strategic issues, and the project control group cannot 're-evaluate' the proposals.

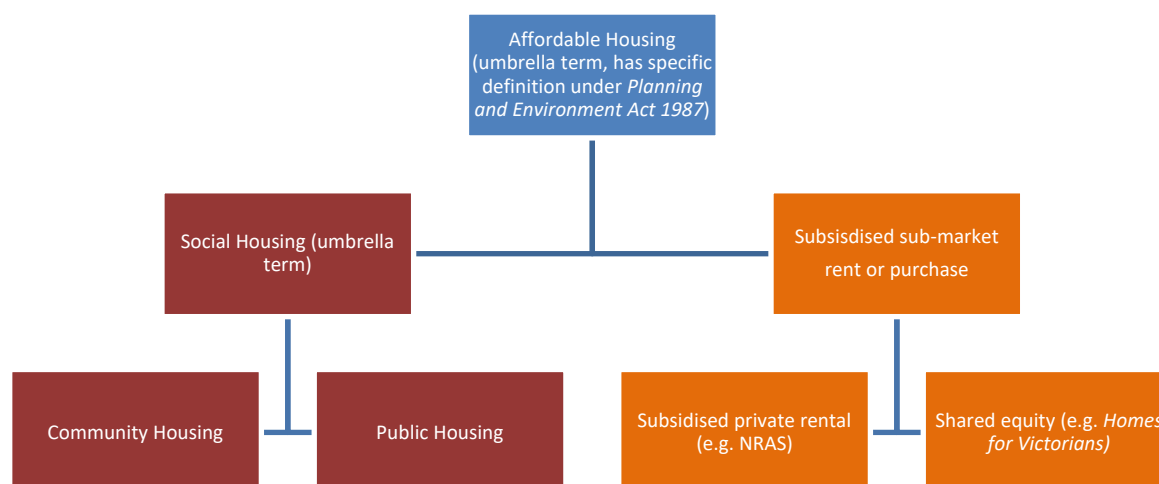
### Resource Investment

This project has been uncharted waters for Council. One of the key learnings of the pilot to date has been the level of resource needed to realise a project of this complexity. A substantial proportion of the focus of Council's Housing Program in terms of officer time has been invested in exploring this project, particularly around establishing and managing partnerships, and developing and delivering a new way to test the market through the leasehold opportunity.

### Affordable housing – terminology and forms

The terms "Affordable Housing", "Public Housing", "Community Housing" and "Social Housing" are overlapping and are often confused, both within the sector and the broader community. Council's intention is that the site would be used for community housing, if the proposal proceeds. The broader term of affordable housing has been used in communications as it has a particular definition within legislation and incorporates community housing. The definitions are included below.

- **Affordable housing:** housing that is offered for sale or for rent at a below market rate to those on lower incomes. This term has a particular definition under the *Planning and Environment Act 1987* as being housing that is appropriate for those on very low to moderate incomes.
- **Social housing:** an umbrella term incorporating both community housing and public housing
- **Public housing:** housing that is owned and managed by the State government. Eligibility is income based and priority is given based on need (those escaping family violence, those with a disability or health requirements, those escaping homelessness).
- **Community housing:** housing that is owned and/or managed by not-for-profit housing providers regulated by the Housing Registrar. Eligibility is the same as for public housing and tenants are selected from the same waiting list as for public housing, the Victorian Housing Register.



**Key differences between community and public housing**

	Public Housing	Community Housing
Security of Tenure	Secure, eviction as last resort. Can be evicted subject to internal procedures. Decisions can be scrutinised through freedom of information requests.	Secure, eviction as last resort. Can be evicted subject to internal procedures – these vary depending on the provider. Cannot be scrutinised through freedom of information requests.
Eligibility	Income based. Priority is given to those who are homeless, escaping/escaped family violence, have a disability or health requirements.	As per public housing
Rent	25 per cent of income (residents are not eligible for Commonwealth Rent Assistance)	25 to 30 per cent of income (residents are eligible for Commonwealth Rent Assistance)
Ownership	State Government	Community housing associations or State Government
Management	State Government	Community housing associations or community housing providers
Sector	Public	Not for profit (within specific legislative framework for the purpose)

Lease Terms

The key terms of the lease were advertised as part of the consultation and statutory notice period in June 2018. The key terms of the lease are:

- The tenant will be obliged to use the Site solely for the purpose of constructing an affordable housing development.
- The tenant will be required to provide public car parking on the Site.
- The tenant will be responsible for the maintenance and repair of the improvements [i.e. the building] constructed on the Site.
- A term of up to 50 years.

- A rent of \$1.00 per annum.
  - All outgoings and other charges are to be payable by the tenant.
- A lease has been drafted to reflect these terms and is included in **Appendix A**.

Should Council decide to proceed, the draft lease would be updated to reflect negotiations with the proponent and to include clauses relating to potential COVID-19 impacts.

#### EOI and RFP process summary

The process for identifying the tenant to build and manage affordable housing at the Site has involved multiple steps, as shown below.

Event	Date	Comment
Expression of Interest (EOI) to market	26 March – 11 April 2019	Released to all registered housing associations in Victoria (10 in total)
EOI evaluation and clarifications	18 April – 17 May 2019	One submission received Two evaluation meetings held Clarifications sought in relation to car parking
Evaluation panel decision to proceed to Request for Proposal (RFP)	17 May 2019	Panel decision that there was merit to proceed to RFP, and decision to seek various options through RFP process
RFP released	20 June 2019	RFP sought various options around the amount of car parking on the Site
RFP addenda (preliminary bid) released	30 August 2019	Decision made to seek preliminary bid to reduce burden and cost on proponent in preparing multiple fully detailed and complete proposals
Preliminary bid evaluation and clarifications	12 September to 12 December 2019	Two evaluation panel meetings One meeting with proponent Multiple clarifications sought Modified proposals received
Evaluation panel recommendation to proceed to detailed proposal	12 December 2019	Decision to recommend proposal 3B, which had reduced car parking (see Note 1 below)
Council decision to proceed to Stage 2 RFP	3 February 2020	Council endorsement of evaluation panel recommendation (confidential decision)

#### Note 1 - Reduction in number of public car spaces requested

The Evaluation Panel recommendation in December 2019 was to request the RFP Respondent to submit a fully detailed proposal on one car parking option as opposed to the multiple options that were planned. This decision was based primarily on the cost burden on the RFP respondents. The recommended car parking option (i.e. Option 3B), which reduces the number of public car spaces provided on the Site, was selected for the following reasons:

- It was considered to achieve the better outcome for the Site in that it delivered a greater number of affordable housing dwellings.

- Officers identified significant new public parking capacity in proximity to the Site that could be made available, to offset the loss of car parking on the Site.
- The need to balance Council's aspirations for both affordable housing and car parking on the Site.

The EOI and RFP processes up to 12 December 2019 were considered by Council on the 3 February 2020. This report sought Council endorsement of the Evaluation Panel recommendation to limit the fully detailed proposals to one and that this be based on the reduced car parking option (Option 3B).

This report and decision were designated as confidential because it related to contractual and proposed development matters under Section 89(2)(d)(e) of the Act. The process from 3 February 2020 onward is documented in the "Discussion" section, below.

### Previous Council Resolution

On 7 November 2018, Council resolved the following.

**That Council:**

- (1) *Having complied with Section 190 and Section 223 of the Local Government Act 1989, and having considered all submissions received, resolves to enter into a lease (at a nominal rental) in relation to land at 52-60 Townhall Avenue, for the purpose of affordable housing, with a tenant identified through an Expression of Interest process, in accordance with the terms and conditions detailed in the statutory advertisement;*
- (2) *Commences an Expression of Interest process to identify a suitable tenant for the site, such tenant to be a registered housing association or a charitable organisation capable of delivering social housing on the site;*
- (3) *In response to particular issues raised in submissions, commits to the following:*
  - Retaining public car parking on site and consider underground park to increase public car parking on site;*
  - Retaining access through the site to the adjacent site and rear laneway;*
  - Ensuring that car parking demand for the precinct is investigated and parking management measures are introduced, as appropriate, before any future construction commences;*
  - Minimising overlooking from the building to adjoining properties;*
  - Ensuring a high quality, environmentally sustainable design comprising a diversity of dwellings, that is integrated with and responds to its surroundings, and fosters a sense of community both within the development and the broader community;*
- (4) *Writes to all submitters and inform them of Council's decision, with the reasons for the decision, in accordance with Section 223(d)(ii) of the Local Government Act 1989, the reasons being as follows:*
  - Council is committed to increasing the supply of affordable housing in Darebin and acknowledges that there are more than 80,000 people waiting for social housing in Victoria, 20,000 of whom are children;*
  - The site is currently under-utilised and has been identified as a suitable location for affordable housing; and*
  - Council has considered all submissions and is of the view that, on balance, the benefit created by an affordable housing development on the site outweighs the cost and impact of such a development*

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## COMMUNICATIONS AND ENGAGEMENT

### Consultation

#### Community Consultation

Consultation regarding the proposed lease of the land was undertaken in June/July 2018. A total of 309 submissions were received. The submissions highlighted strong sentiment in relation to the proposed development, with 39 per cent of submissions supporting and 61 per cent not supporting the overall proposal.

The opinions expressed in submissions were similar to those raised in response to other development proposals in Darebin, and also reflect the findings from consultation from other affordable housing developments in Australia<sup>1</sup>. Common themes raised in the submissions included car parking, height and built form outcomes, the perceived impact of the development on property values, and concerns over increased rates of crime and the kinds of residents that submitters perceived would live in affordable housing. At the time, officers undertook research and analysis of the issues raised, and found that some had a stronger evidence base than others.

The outcomes of this consultation were considered by Council in November 2018 and informed the EOI/RFP process.

#### Other consultation

Throughout the process, consultation has been undertaken with the following teams to inform the requirements of the EOI and RFP.

- City Design
- Strategic Property Management
- Strategic Planning
- Community Wellbeing
- Equity and Diversity
- Sustainable Transport
- ESD Officer
- Aged and Disability Department
- Social and Sustainable Procurement Working Group
- Procurement
- Finance
- Corporate Risk
- Lord Mayor's Charitable Foundation
- External Probity Advisor

The evaluation panel is made up of seven members from across Council and a representative of the Lord Mayor's Charitable Foundation. The evaluation panel members are listed under 'Discussion' below.

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<sup>1</sup> Davison, G., Legacy, C., Liu, E., Han, H., Phibbs, P., Nouwelant, R., Darcy, M. and Piracha, A. (2013) Understanding and addressing community opposition to affordable housing development, AHURI Final Report No. 211, Australian Housing and Urban Research Institute Limited, Melbourne, <https://www.ahuri.edu.au/research/final-reports/211>.

## Communications

A communications and engagement plan was developed to support the notification and community engagement process. Since Council's decision in November 2018, there have been no further public communications as the confidential tender process has been underway.

## ANALYSIS

### Alignment to Council Plan / Council policy

Goal 3 - A liveable city

Within Goal 3 is the action to collaborate with the Victorian Government to plan high-quality public housing and examine opportunities for social housing to be provided on Council owned land.

The project is also aligned to *Responding to Housing Stress a Local Action Plan 2013-2017* and the 2019/20 Council Action Plan.

### Environmental Sustainability Considerations

High standards of Environmentally Sustainable Design have been requested through the RFP process. This provides an environmental benefit as well and reducing the utility bills for low income households within any development.

### Climate Emergency

As noted above, high standards of Environmentally Sustainable Design have been requested. This will ensure that the buildings are energy efficient and minimise emissions through energy use. This development could be affected by climate change as the instances of extreme heat are likely to increase. The thermal performance of the building is therefore especially important. Given the location, this development has good access to services and public transport which minimises the likelihood of residents generating transport emissions through vehicle use.

The site is not currently within an Urban Flood Zone, Special Building Overlay or Land Subject to Inundation Overlay, and is not expected to be impacted by an increase in flooding events.

### Equity, Inclusion and Wellbeing Considerations

Access to safe, secure housing is a significant consideration in equity and inclusion. Currently, only 1.9 per cent of rental housing is affordable to those on Centrelink payments. There is significant demand for affordable housing in Darebin. Allowing Council-owned land to be used for affordable housing can help address this need and can improve the wellbeing of people in low income households.



## Cultural Considerations

Any development of affordable housing on Council-owned land should have regard to the cultural diversity and cultural needs of the Darebin community.

## Economic Development Considerations

The use of Council-owned land can enable low income workers to live close to where they work. This reduces the time and cost of travel to work and means they have more funds available for economic participation in the local community.

## Financial and Resource Implications

Progressing this project is being managed by Council officers and has been provided for in the 19/20 operating budget. Funds are proposed to be allocated for legal expenses in the draft 20/21 budget.

## Legal and Risk Implications

### Potential contamination

A Phase 1 Environmental Site Assessment was undertaken for the site in 2018 and indicated that there is a low risk of contamination. There is no evidence that has been found to date that indicates the site has accommodated potentially contaminating uses. A copy of the assessment has been provided to the prospective tenant and Council has sought to negotiate an appropriate allocation of responsibility for contamination in the lease.

### Statutory obligations

Council has complied with its obligations under the *Local Government Act 1989* with regard to the lease of the Site.

### Financial viability of the proposed development

As affordable housing is subsidised, the amount of profit that is generated from developments is reduced, or in most cases, non-existent. Affordable housing developments generally require both funding and financing to be viable. Even with the potential contribution of Council's land and \$1 million in funding (from the Lord Mayor's Charitable Foundation), any proposed development is likely to need other sources of funding and financing.

Funding available for affordable housing is limited and has been for many years. The State Government has recently initiated a Social Housing Growth Fund, from which potential affordable housing developers could apply for funds.

As at this stage, some of the funding sources for the development are not confirmed. Therefore, the financial viability of the development cannot be guaranteed.

### Probity

Council's Procurement Policy requires a probity advisor be engaged for all projects valued at \$1 million or greater. This is not a typical procurement process and Council is not directly funding the project. However, given the complexity and value of the project, a probity advisor was engaged to oversee the process and provide an overview of the tasks and findings in relation to the evaluation process. The probity advisor has provided a report, which is included in **Appendix B**. The report concluded that probity requirements had been met.

### Construction Risk

Should Council decide to proceed, and the proponent is able to secure funding, the construction of the development would then take place. There are (low) risks that the builder or housing association may become insolvent during the construction period, leaving Council with an unfinished building on the site.

This risk is considered to be low, mainly due to the regulation of housing associations by the Housing Registrar. Housing associations are required to demonstrate financial sustainability and prudent financial decisions. This regulation means that the likelihood of the housing association becoming insolvent is low.

However, in order to protect Council against this risk, a bank guarantee has been requested, which would be returned once development is complete. The risk has also been mitigated by requesting information on past experience, funding sources and the proposed developer team, including the builder, through the EOI and RFP process.

### Planning Permit Application Process

Should Council decide to proceed with the lease of the Site, the proponent would need to apply for a planning permit. Council is not considering this proposal as Responsible Authority under the *Planning and Environment Act 1987* at this time; this would be subject to a future process and decision.

## **Operational Impacts**

This lease and project will require ongoing oversight and management by officers. In the short term, the Property Team will manage the lease negotiations and execution of the lease. Consultation with this department has occurred throughout this process and resources will be dedicated for this work.

The construction and ongoing building management will be the responsibility of the successful tenant. To manage risk, Council would have an inspections and oversight role during construction and resources will need to be dedicated to this when construction commences.

## **DISCUSSION**

### **RFP Stage 2 Process Overview**

The goal of the RFP Stage 2 process was to select a well-credentialed housing association to build and manage a high-quality affordable housing development on the site. The process and outcomes for the previous EOI and RFP Stage 1 was considered in a previous Council decision and is outlined in 'Background', above. Further detail regarding the proposal and the process is included in **Appendix C**.

The process was undertaken in accordance with Council's procurement policies and guidelines, and the tender was made available to all registered housing associations in Victoria (10 in total). The respondents were required to download the documentation and submit their proposals through Council's e-tender system.

The RFP Stage 2 period closed on 6 April 2020.

One submission was received through the earlier EOI process, and this proposal proceeded through to the final RFP stage. While only one submission was received, this proposal was required to meet Council's requirements and was ultimately assessed as providing a positive outcome for Council and the community. There are limited housing associations in Victoria (the EOI was sent to all ten registered housing associations) and the leasehold model is a new approach.

### Proposal Summary

The key elements of the proposal are listed below. Further detail is included in **Appendix C**.

- A five-storey apartment development comprising ground floor car parking and community space/office, four storeys of dwellings, and a rooftop area.
- 41 dwellings, comprising 23 1-bedroom, 6 1.5-bedroom (Specialist Disability Accommodation) and 12 two-bedroom dwellings.
- 31 car spaces, including 30 public car spaces and one accessible resident space. Three of the public car spaces are proposed to be car share bays.
- A pocket park of 83 square metres at ground floor.
- A community/office space at ground floor of 83 square metres.
- A rooftop room and rooftop area of 175 square metres in total.
- Retention of significant trees in the south west corner of the site.
- Commitment to achieve 6 star NatHERS or higher.
- Appropriate screening of sensitive interfaces to the north of the site.

### Evaluation Process

An evaluation panel was formed to assess the tender responses and to recommend a preferred organisation to enter into the lease with.

A Senior Procurement Officer was present during the evaluation to provide procurement guidance and support to the panel, and a probity advisor attended all meetings and provided advice to the project manager and the panel.

Tender submissions were evaluated panel against the evaluation criteria in Table 2. These criteria were included in both the Procurement Plan and the tender documentation.

Evaluation Criteria	Weighting
Part A – Proponent's details	Not scored/weighted
Part B – Design vision for the site	30%
Part C – Proponent's experience	10%
Part D – Capital and operating funding	20%
Part E – Development Program	15%
Part F – Client-centred approach	10%
Part G – Social procurement practices	10%

Evaluation Criteria	Weighting
Part H – Environmental Procurement practices	5%
Returnable Schedule 2 – Lease variations	Not scored/weighted
<b>TOTAL</b>	<b>100%</b>

In addition to the considerations above, Council must demonstrate that the proposal achieves ‘value for money’. This is a core principle in undertaking tender processes. This project is not a typical procurement activity, in that Council is not funding the development. Therefore, in order to demonstrate value for money in this case, Council received advice to:

- Review the performance of the proposal against the criteria in the table above;
- Consider the social impact of the proposal over the course of its duration [to be measured by an independently authored Social Impact Assessment]; and
- Consider the extent to which the proposal meets Council’s objectives in relation to the site.

Having assessed the proposal against the published criteria, the evaluation panel determined that the proposal met Council’s expectations and recommended that Council enter into a lease with the proponent.

#### **Reduction of public car parking on the site**

The proposal before Council includes provision of 30 public car spaces on the site. This is a reduction of 12 spaces from what is currently available on the Site.

As noted under ‘Background’ above, the decision to reduce the number of car spaces to 30 followed a market test of multiple scenarios: provision of more car parking spaces, provision of the same amount of car parking spaces, and provision of fewer car parking spaces.

Through this market test, it was clearly demonstrated that a modest reduction in car parking spaces would achieve the best outcome for the Site. In addition, officers identified that there is significant new public parking capacity which could be made available close to the Site. It was therefore considered reasonable to reduce the number of public car space on the Site to enable a greater social outcome to be achieved through the provision of more affordable housing.

This was considered by Council in a confidential report in February 2020. As noted above, this report was confidential because it related to contractual and proposed development matters under Section 89(2)(d)(e) of the Act.

#### **Proposed private car parking for residents**

The proposal includes 31 car spaces in total, 30 of which are public, and one of which is an accessible space dedicated to residents. Three of the public car spaces are proposed to be car share bays.

Council is not required to (nor able to at this time) make a decision as to the number of resident car spaces provided at this time. This is a matter for Council to consider in future in its role as Responsible Authority under the *Planning and Environment Act 1987* to consider a detailed development proposal in a planning permit application.

Notwithstanding this, officers have sought advice from Council’s Transport Unit regarding the suitability of the car parking provision for residents. Their advice is summarised below.

In terms of assessing car parking waivers, there is a distinction between the assessment of likely demand for parking and whether it is appropriate to allow the supply of fewer spaces. In terms of likely demand, social housing residents have lower rates of car ownership, a fact documented in multiple studies. Therefore, the demand for resident car parking at this site would be lower than a private development.

In terms of appropriateness of reduced supply of spaces, officers' view is that the site is well positioned to allow this. The site is located a short walking distance to the Preston activity centre and multiple public transport modes - bus, tram and train services (the site is located within the PPTNA). The provision of three car share bays on the site will also help ensure that those residents that do occasionally require the use of a private motor vehicle are able to access one with relative ease and are not 'transport disadvantaged'.

In addition, the housing association has the ability to accommodate only tenants that don't own cars, which will help ensure that future overspill of parking onto the local street network is mitigated.

### **Managing Car Parking in the Precinct**

A critical factor influencing this project is the demand for and management of car parking in the wider precinct. Car parking was the most prominent issue raised in community consultation for this project, and given the decision to reduce the number of public car spaces on the site (from 42 currently to 30 in the proposal – a reduction of 12 spaces), there is a need for Council to address this issue when considering entering into the lease.

In addition, there may be extra pressure on car parking within the broader precinct in the coming years due to disruption associated with construction works for this and other nearby projects including the Level Crossing Removal Project.

To address this, Council has identified several options to alleviate parking pressure should it emerge in future. Council plans to consult community on these proposals immediately after Council's decision on 20 July 2020. Proposed options to offset the reduction of 12 public spaces on the site include:

- Removal of the no standing area on the south side of Roseberry Avenue, providing significant new public car parking capacity in the precinct.
- Introduction of restrictions on the south side of Townhall Avenue to limit all day parking, giving priority to residents and short-term visitors to the area.

Note that it is not proposed to introduce these changes until the time that they are needed – either if disruption associated with nearby construction of the Level Crossing creates a need, or at the point in time construction at the site starts (or a mix of both). The exact number of new public car parking that could be introduced and the location of any new car parks would be considered after community consultation and influenced by feedback from community.

**Appendix D** shows the Preston Precinct and where parking is currently reasonably available in the Precinct and the location of opportunities to help address parking pressure. The consultation period would extend until late August. As an operational matter, following consultation, a decision on parking changes in this local area would be made under delegation.

The surrounding street network (including Townhall Avenue) currently has a mixture of timed and unrestricted parking areas. Council also has a resident parking permit policy that protects existing residents by restricting access to parking permits for tenants of newer developments (future tenants of the housing development will not be eligible for parking permits).

**OPTIONS FOR CONSIDERATION**

Council has a number of options to progress this project, as outlined below.

- 1) **(Recommended)** That Council enter into lease with the recommended proponent, and note that consultation on options to address parking pressure will commence including on an option for new additional public car spaces on Roseberry Ave.

It is recommended that Council enter into a lease (refer **Appendix A** for draft lease – note that the final lease would vary slightly as a result of negotiations and changes in response to COVID-19) with the recommended proponent for the purpose of affordable housing. The proponent would build and manage affordable housing on the site.

The proposal submitted by the proponent meets Council's requirements overall, and the evaluation panel is satisfied that the proponent can deliver on Council's objectives for the site.

In addition, Council should note the car parking change process for the precinct that will take place in the coming months (refer **Appendix D** for car parking opportunities map).

This option enables Council to realise its aspiration of using its own assets for affordable housing, while also acknowledging forthcoming work to address car parking issues in the broader precinct.

- 2) That Council enter into a lease with the recommended proponent and defer consultation on proposals to address car parking until late 2020 or early 2021.

Council could choose to enter into a lease with the proponent and decide to proceed with consultation on changes to car parking, but later, in late 2020 or early 2021. The main risk with this is that the consultation may not be completed before LXR works start.

- 3) That Council enter into a lease with the recommended proponent and defer consideration of car parking to a later date, to seek further information.

If Council were to seek an alternative approach to carparking, this would require further investigation and consideration, and would need to be considered at a later date. Depending on the length of deferral, there would be a risk that consultation may not be completed before LXR works start.

- 4) **Do not enter into lease (not recommended)**

Council could choose not to enter into a lease with the recommended proponent or could defer decision. Council could then choose to either undertake another EOI/RFP process, or to halt the lease process entirely.

If Council were to defer the decision, the LMCF funding may not continue to be available for this project, and it is not clear if the proponent would remain interested.

This option is not recommended as it would not enable Council to realise its aspiration of using its own land to deliver affordable housing.

## IMPLEMENTATION STRATEGY

### Details

Following Council's decision, the following would take place.

- Informing the proponent of Council's decision and finalising lease negotiations and execution (week of 20 July onwards).
- Communication with key parties, as outlined below (week of 20 July).
- Commencement of consultation regarding car parking in the wider precinct (week of 20 July, ending late August).
- Lodgement of planning permit application (late 2020/early 2021 – indicative only).

With regard to the proposed car parking engagement, the following process would be undertaken:

- A letter with a plan of parking change options will be sent to every owner, occupier and traders within the specified area.
- The letter will request feedback through an online survey on options of parking change in different areas of Preston.
- The areas may include - Roseberry Ave, Townhall Ave, Kelvin Gr, Murray Rd, Gower St and the council owned car park on townhall Avenue near the back of the Library.
- If anyone can't access to the online survey, a hardcopy will be posted.
- Stakeholders and community groups that operate in these areas or nearby will be identified and included in the survey request.
- Internal consultation with Equity and Diversity, Economic Development and Access and Inclusion business areas would take place to support stakeholder and community group identification.
- A letter confirming whether the changes will be made at a later time with a plan of what the changes are will be sent to everyone that was involved in the survey.

### Communication

A summary of the communications activities relating to the lease of the site is included below.

Target Audience	Media	Purpose and key messages
Local government sector	Direct emails, presentations at forums	Outcomes of market process, update on lease model
Broader community	Media release	Council decision, successful proponent, key elements of the proposal

Project community of interest	Yoursay page	FAQs, project update
Immediately adjoining neighbours	Targeted conversations	Project update, interface design considerations

Consultation with regard to the car parking changes would take place in accordance with the steps outlined in 'Details', above.

### Timeline

Timeline is shown under "Details" above.

### RELATED DOCUMENTS

- Responding to Housing Stress: A Local Action Plan 2013-2017
- Darebin Housing Strategy 2013

### Attachments

- Draft Lease (**Appendix A**) Confidential - enclosed under separate cover
- Probity Report (**Appendix B**) [↓](#)
- Evaluation Report (**Appendix C**) Confidential - enclosed under separate cover
- Car parking opportunities map (**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.



## Anne Dalton & Associates

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East Melbourne 3002  
ABN 87 097 262 596

7 July 2020

[REDACTED]

[REDACTED]

City of Darebin  
PO Box 91  
Preston VIC 3072  
by email

Dear [REDACTED]

### **PROBITY REPORT: DAREBIN CITY COUNCIL EOI AND RFP PROCESS FOR THE DEVELOPMENT AND BUILDING OF AFFORDABLE HOUSING AT 52-60 TOWNHALL AVE PRESTON**

The purpose of this Probity Report is to provide an overview of the probity tasks we have undertaken for the above process and to give our findings and conclusion in relation to this process (including the forensic basis for those matters).

#### **1 Background**

1.1 We were engaged to provide probity advisory services to this process in March 2019. As probity advisers we are not decision makers in this process. We are independent of the process and confirm that we have no conflicts to declare in relation to it.

#### **2 Overview of the procurement process**

2.1 Darebin City Council (**Council**) has undertaken an EOI and then select RFP process for a registered Housing Association to lease and build affordable housing on the site at Townhall Ave, Preston.

2.2 The main steps of the process were as follows:

- The EOI was released publicly in March 2019;

Anne Dalton & Associates  
An appointed supplier of the Victorian Government PAS (Probity) Panel

**Lease process for Townhall Ave Preston**

## Probity Report

- The EOI closed on 11 April 2019 and one submission was received through Council's e-Tender system. We were not notified of any late tenders;
- The submission passed the compliance check;
- The compliant tender was read by all scoring members individually. The tender was then considered against the published criteria, the approved evaluation methodology (and weightings) at the evaluation meeting on 18 April 2019. The evaluation team recommended that the tenderer, [REDACTED] proceed to the RFP stage;
- The RFP was released to the respondent on 20 June 2019. The close date was 25 July 2019. By addendum the closing date was extended to 12 September 2019 and the schedules to be provided by that date were updated. The addendum required an "interim" submission to be lodged by the close date;
- The evaluation team met on 14 October for the consensus meeting and at that meeting completed the evaluation of the proposal. The evaluation team determined to recommend that the proposal would be acceptable to Council;
- The Council report (and confidential appendix) on the process (provided to us on 15 October 2019) detailed the evaluation and recommendation process; and
- In February 2020, the Council determined to proceed with RFP Stage 2, seeking a (3B) proposal from the Proponent. The RFP Stage 2 was released to the proponent and the request process closed in early April 2020. The evaluation team considered and assessed the proposal and sought clarifications in relation to it. After consideration of the clarifications, and the Social Impact Assessment Report, the evaluation team determined that they would recommend that the Council accept the proposal and proceed with the proponent, [REDACTED]

**3 Probity principles**

3.1 The overall focus of the probity tasks undertaken was to ensure that the process was undertaken in an accountable and transparent manner and in particular that the following objectives were present:

- Fairness and impartiality;
- Use of competitive process/value for money;
- Consistency and objectivity;
- Security and confidentiality of information; and

### Lease process for Townhall Ave Preston

#### Probity Report

- Identification and resolution of conflicts of interest.

3.2 Additionally, we reviewed the process to assess adherence to the Council's Procurement Policy and the relevant provisions of the *Local Government Act 1989* (Vic) as to conduct requirements of Council staff (section 95) and section 208A with respect to the value for money requirements of the "best value principles".

## 4 Probity tasks undertaken

4.1 In preparing this report, we note the following specific probity tasks have been undertaken as part of our engagement:

- Provision of a draft Probity Plan;
- Review of the draft EOI and RFP documentation and advice in relation to those documents;
- Advice in relation to the process being undertaken by the Lord Mayor Community Fund and its "interface" with this process;
- Attendance at the EOI evaluation meeting on 18 April 2019;
- Review of the minutes of meeting for 18 April 2018 and the scoring matrix;
- Advice on the RFP process, including attendance at meeting with proponent (and council) on 17 July 2019;
- Attendance at evaluation meeting on 14 October 2019;
- Review of the conflict of interest declarations of the evaluation team members ( on the endorsement sheet); and
- Review of Council Report (including scoring matrix<sup>1</sup>), and confidential appendix;
- Review of the RFP Stage 2;
- Attendance at evaluation meetings;
- Review of the (draft) Council Report<sup>2</sup>; and
- Provision of a Probity Report.

4.2 In addition to the above specific probity tasks, we provided probity advice to the project manager as and when required throughout the engagement.

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<sup>1</sup> Provided to us by email on 15 October 2019.

<sup>2</sup> Provided to us by email on 30 June 2020 and email update of 6 July 2020.

**Lease process for Townhall Ave Preston**  
Probity Report

**5 Probity findings**

5.1 In undertaking the above tasks, and in coming to the findings we do, we had regard to the following facts, circumstances, observations, particulars and matters:

- We note that no conflicts were declared by the evaluators;
- We were not made aware of any breaches of confidentiality;
- We were satisfied, from our observations, that the evaluation team (including those members who are not council officers) understood the probity principles and applicability of the principles to the evaluation process;
- From our attendances and from our review of relevant documentation, including the Council reports and scoring matrix (both for the EOI and the RFP processes (Stages 1 and 2) ), we consider that the evaluation process was undertaken in accordance with the published documentation and the approved evaluation methodology.

The Council report ( and the confidential appendix) details the process undertaken. We note the recommendation as to proceeding to contract with the RFP respondent, [REDACTED] and the rationale for that recommendation. We consider that the recommendation has appropriate justification and we do not consider probity risks arise from that recommendation. We note that the Council procurement officers also attended at the evaluation meetings; and

- From our attendances at the meetings we observed the evaluators and we were satisfied that they appeared to make their assessment free from improper influence of any other persons. No probity concerns were raised by the evaluators or any other person in relation to the process.

**6 Conclusion**

6.1 As indicated above, our role has been to:

- advise in respect of and to review the documentation and processes;
- provide advice in respect of those processes; and
- assess adherence to documented procedures.

6.2 In undertaking this role we rely on relevant matters being brought to our attention or we becoming aware of relevant matters through observations at the attendances.

**Lease process for Townhall Ave Preston**  
Probity Report

- 6.3 On the basis of all of the above matters it is our overall assessment that all probity requirements have been met, and that we have not been made aware of any probity issues which remain outstanding or unresolved that have the potential to undermine the integrity of the process. Nothing has come to our attention to indicate that the probity requirements of the *Local Government Act 1989 (Vic)* and relevant Council policies and procedures have not been met.

We would be pleased to discuss any issue arising from this report, if required.

Yours faithfully



Anne Dalton

Probity Practitioner

**Anne Dalton & Associates**

[anne@daltonandassoc.com](mailto:anne@daltonandassoc.com)

# Parking Opportunities to Support Local Business in Preston

-  Railway station
-  800m radius from station
-  Roads
-  Railway line
-  Parking opportunities
-  <85% occupancy + unrestricted



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**7.5 DECLARATION OF SPECIAL CHARGES: SOLAR SAVER RESIDENTIAL (BATCH 3)**

**Author:** Residential Program Officer

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

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**EXECUTIVE SUMMARY**

The Solar Saver program is a key action of the Council Plan and Council's *Climate Emergency Plan*. The report considers the declaration of a residential Special Charge Scheme. This is for Residential Special Charge batch 3, including 41 installations, adding 189.09kW of solar capacity to Darebin.

The value of the proposed Special Charge scheme is \$242,124.33 (\$354,545.76 gross including GST and pre STC claim and pre rebates).

Council will pay upfront for installation and supply of the solar power systems as listed in **Appendix B**. Council will be repaid these costs, also as detailed in Appendix B. Around 30-40% of this cost is returned to Council at the point that works are invoiced for the STCs generated by the solar systems. The balance is repaid by beneficiaries of the Special Charge Scheme over 10 years.

All participants are expected to be eligible for state government rebates and this would reduce the amount of the Special Charge that would be required to be raised, as well as the upfront cost to Council. Officers estimate that the total amount raised could reduce by approximately \$70,185.45 after rebates are confirmed.

No interest is charged on Special Charge repayments. Annual repayments are more than offset by participants' savings on their energy bills, and therefore the program provides financial and environmental benefits to participants.

This report recommends that Council declare a Special Charge Scheme under section 163 of the Local Government Act 1989 for the purposes of defraying expenses relating to the provision of solar energy systems on non-residential properties participating in the Solar Saver scheme. No objections were received in response to the public notification process.

This report also provides an update on the Solar Saver Bulk Buy.

<b>Recommendation</b>
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**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, declares 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 properties participating in the Solar Saver scheme, which:

- 
- 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 \$242,124.33 for the residential batch;
      - ii. Amount for the Special Charge to be levied be recorded as \$242,124.33 for the residential batch, 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 A** 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 an Agreement has been executed, totalling \$242,124.33 for the residential batch, 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) Considers that there will be a special benefit to those required to pay the Special Charge *because* there will be a benefit to them that is over and above, or greater than, the benefit that is available to those who are not subject to the proposed Special Charge, as a result of the expenditure proposed by the Special Charge, in that the properties will have the benefit of a solar energy system being installed.
  - (3) For the *purposes* of having determined the total amount of the Special Charge to be levied:
    - a) 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 those who are liable to pay the Special Charge is 100%.
- (4) 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 those 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.

Where a participant wishes to withdraw from the Scheme, agrees to such withdrawal where the participant has given written notice of their desire to withdraw from the Scheme before Council has incurred any expenditure in relation to the participant's solar system.

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## BACKGROUND / KEY INFORMATION

In the Council Plan 2017-2021 and the Climate Emergency Plan, Council decided to actively engage the community to double the amount of solar PV in Darebin from 18,000 kW to 36,000 kW.

Key aspects of the program include:

- Council undertakes procurement of good value solar systems and installation with 10-year warranties.
- Solar Saver participants register interest, receive quotes and the property owners have signed an owner agreement.
- Council declares a Special Charge and pays the upfront cost of the solar system and installation for participants.
- 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 participants and that the program will be funded through Council's existing budget.

This is the third Special Charge to be declared for the residential stream of the Solar Saver program in 2020.

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## Previous Council Resolutions

At the **13 August 2018** meeting it was 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, Enviro Group and Energy Matters as supply panel membership of contract number CT201842 for the supply and installation of Solar PV Systems for the Darebin Solar Saver Program for Supply Panel 1 - residential and small, non-residential installations: 1.5-10kW systems. The contract terms are to commence on 20 August 2018 and conclude on 30 June 2021 with a contract sum of \$16,134,030 GST inclusive.*
- (4) *Awards the appointment of Solargain, Enviro Group and Energy Matters as supply panel membership of contract number CT201842 for the supply and installation of Solar PV Systems for the Darebin Solar Saver Program for Supply Panel 2 - non-residential installations: 10-30kW systems. The contract terms are to commence on 20 August 2018 and conclude on 30 June 2021 with a total contract sum of \$1,980,000 GST inclusive.*
- (5) *Approves the award of Stage 1 of implementation for Supply Panel 1 – residential and small non-residential Solar PV Systems to Solargain to deliver the supply and installation of solar PV systems between 1 January 2019 and 30 June 2019 with a total contract sum of \$2,406,030 GST inclusive.*
- (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.*

On **16 December 2019** Council appointed Enviro Group as the provider for this round of the residential program:

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

At its meeting held on 09 June 2020, Council resolved that:

- 1) *Council hereby gives notice of its intention to declare a Special Charge in accordance with section 163 of the Local Government Act 1989 (Act) as follows:*
  - a) *Council declares a Special Charge for the period commencing on the day on which Council issues a notice levying payment of the special rate and concluding on the tenth anniversary of that day.*
  - b) *We declare this Special Charge for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on residential properties participating in the Solar Saver scheme, which:*
    - i. *Council considers is or will be a special benefit to those persons or organisations required to pay the Special Charge (and who are described in succeeding parts of this resolution); and*
    - ii. *Arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.*

- 
- c) *The total:*
- i. *Costs of performing the function described in paragraph 1(b) of this resolution is: \$242,124.33.*
  - ii. *Amount for the Special Charge to be levied \$242,124.33 or such other amount as is lawfully levied as a consequence of this resolution*
- d) *We declare the Special Charge in relation to all rateable land described in the table included as Appendix B to this report, in the amount specified in the table as applying to each piece of rateable land.*
- e) *Ownership of any land described in paragraph 1(d) of this resolution is the basis of the Special Charge.*
- f) *The Special Charge will be assessed and levied as follows:*
- i. *Each Special Charge is calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the Solar Saver scheme, in respect of which an Owner Agreement has been executed, totalling \$242,124.33 being the total cost of the scheme to Council;*
  - ii. *The Special Charge will be levied each year for a period of 10 years.*
- g) *Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, it is recorded that the owners of the land described in paragraph 1(d) of this resolution will, subject to a further resolution of Council, pay the Special Charge in the amount set out in paragraph 1(f) of this resolution in the following manner:*
- i. *Payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or*
  - ii. *Payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.*
- 2) *Council considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons or organisations that is over and above, or greater than, the benefit that is available to persons or organisations who are not subject to the proposed Special Charge, as a result of the expenditure proposed by the Special Charge, in that the properties will have the benefit of a solar energy system being installed.*
- 3) *For the purposes of having determined the total amount of the Special Charge to be levied:*
- (a) *Council considers and formally records that only those rateable properties included in the Solar Saver scheme as proposed will derive a special benefit from the imposition of the Special Charge, and there are no community benefits to be paid by Council; and*
  - (b) *Formally determines for the purposes of section 163(2) (a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Special Charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the Special Charge is 100%.*

- 4) Council will give public notice in the *The Age* newspaper of Council's intention to declare, at its ordinary meeting to be held on 20 July 2020, the Special Charge in the form set out above.
- 5) Council will send a notification, enclosing a copy of this resolution; **Appendix A** to this report; and the public notice referred to in Paragraph 4 of this resolution, to the owners of the properties included in the scheme, advising of Council's intention to levy the Special Charge, the amount for which the property owner will be liable, the basis of calculation of the Special Charge, and notification that submissions and/or objections in relation to the proposal will be considered by Council in accordance with sections 163A, 163B and 223 of the Act.
- 6) Council will convene a meeting of the Hearing of Submissions Committee, at a date and time to be fixed, to hear persons or organisations who, in their written submissions made under section 223 of the Act, advise that they wish to appear in person, or to be represented by a person specified in the submission, at a meeting in support of their submission.
- 7) Council authorises the Manager Climate Emergency and Sustainable Transport to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under sections 163A, 163(1A), (1B) and (1C), 163B and 223 of the Act.

## COMMUNICATIONS AND ENGAGEMENT

### Consultation

All participating households have received a site visit and quotations to participate in the program. Council gave public notice and notified the participating ratepayers as per the resolutions made on the 09 June 2020 above at 4 and 5.

### Communications

Organisations and households on Council's waiting list were contacted directly. No broad promotional activity was engaged in given that there are still many households and organisations on the waiting list. In the future the program may be advertised on the Council website, through Darebin News, newsletters and through networks, as required to gain more participants.

COVID-19 safety measures are being communicated to households who are currently progressing through the quotation process.

## ANALYSIS

### Alignment to Council Plan / Council policy

Goal 1 - A sustainable city

Climate Emergency Plan

### Environmental Sustainability Considerations - *Climate Emergency*

This project is a key action in the *Darebin Climate Emergency Plan 2017*. The current residential batch is expected to see the installation of 189.09kW across 41 installations and an estimated equivalent annual greenhouse gas saving of 278.28 tCO<sub>2</sub>-e.

## Equity, Inclusion and Wellbeing Considerations

This batch is made up exclusively of low-income households. All are expected to be eligible for the Solar Homes rebate from the Victorian Government.

## Cultural Considerations

This program is designed to reach Darebin's diverse community. Households who need interpreters or other communication support are prioritised.

## Economic Development Considerations

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

## Financial and Resource Implications

Should the proposed Special Charge scheme proceed, Council will pay **\$354,545.76** (including GST and pre STC claim), for the supply and installation of the solar PV systems on the residential properties listed in **Appendix A**.

Council will pay upfront for installation and supply of the solar power systems as listed in **Appendix A**. Around 30% to 40% of this cost is returned to Council at the point that works are invoiced for the STCs generated by the solar systems. The balance is repaid by beneficiaries of the Special Charge Scheme over 10 years.

All participants are expected to be eligible for state government rebates and this would reduce the amount of the Special Charge that would be required to be raised, as well as the upfront cost to Council. Officers estimate that the total amount raised could reduce by approximately \$70,185.45 after rebates are confirmed.

The rebates adjustments will be made after Council's decision and when rebates and confirmation from all participants is confirmed.

The individual household costs and the total cost of the scheme (\$242,124.33) is slightly lower than the total announced in the Intention to Declare (\$259,351.44). This is because these households were quoted using the revised pricelist approved for Batches 1 and 2. A variation has now been approved for Batch 3 but for a smaller increase than for Batches 1 and 2, and consequently quotes have been adjusted downwards. A handful of households' quotes have been adjusted slightly upwards as they had previously been quoted prior to any variations. Where there is an increased installation price, the increase will be by no more than 10% compared to the initial quote for each system.

The variations reflect a recent significant change in stock costs associated with a large change in the Australian exchange rate related to the economic shock of Covid-19. The contractor sought variations which were considered and approved by Council officers under delegation considering the contract terms. No further variations are expected now that the Australian dollar has recovered unless there is another significant downturn.

In accordance with their respective Owner Agreements property owners will pay for the cost of the solar energy system, listed in confidential **Appendix B** (and as adjusted above), by equal instalments apportioned over a 10-year period, commencing from January 2021.

Council is expected to receive approximately **\$17,000** in Special Charge repayments annually for this scheme over the 10-year period. Some households may pay the total amount earlier.

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 the property sale will be paid in full to Council.

The administrative, contract management, community engagement and communications and compliance costs associated with administration of the Solar Saver program is provided for within the 2020-2021 budget.

### **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.

A separate risk assessment has been completed in light of the recent COVID-19 outbreak, and adjustments have been made to work practices such that contact between the solar provider and households and businesses is avoided wherever possible and minimised where necessary, and in line with Victorian and Australian Government guidelines, as approved by the Darebin Council Incident Control Team for COVID-19. Council continues to monitor the outbreak and changing guidelines.

## **DISCUSSION**

### **COVID-19 outbreak and impacts on the Solar Saver program**

A separate risk assessment has been completed in light of the recent COVID-19 outbreak, and adjustments have been made to work practices (see risk section above).

Both residential and especially non-residential uptake has slowed due to uncertainty and other factors related to the coronavirus pandemic. Solar Saver households and businesses who have chosen to proceed at this time are well-informed, understanding, and cooperative in assisting Council and the solar providers to manage risks carefully while conducting site assessments and installations.

The solar industry can keep operating during the shutdown as part of the wider construction industry.

### **Solar Saver Bulk Buy update**

Council has recently launched the Bulk Buy stream of the Solar Saver program to help residents and businesses that are not low income.

Officers have started offering this to residents that have previously registered interest in the Solar Saver Program. Promotion will continue and broaden up to the pre-election period.

At the time of writing this report, a relatively high proportion of households contacted have joined the Bulk Buy stream. Just over 500 people have been contacted, and just over 100 have

joined the Bulk Buy, so approximately 20% of people so far are taking up the opportunity to join the Bulk Buy stream.

### **Proposed Special Charge declaration**

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

In this case, the installation of solar energy systems on properties as part of the Solar Saver scheme arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district and promotes the social, economic and environmental viability and sustainability of the municipal district. Each participating property has signed an Owner Agreement with Council to participate in the scheme, which includes the overall cost and repayments which would be paid by the property should the scheme be approved (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 \$242,124.33 (relating to a total installation value of \$354,545.76 gross – including GST and pre STC claim), for the residential batch based on signed agreements.

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

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

Council is required to identify those properties that would receive a special benefit from the proposed works. A special benefit is 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 used by the particular owners or occupiers of a specified property at a particular time in order for a special benefit to be attributed to the property.

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

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

The proposed properties taking part in the scheme, the owners of which have signed an Owner Agreement with Council to participate in the scheme, are listed in **Appendix A** and **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 properties whose owners have signed Owner Agreements in the scheme. Council will not, then, be required to pay a share of costs related to special benefits for any property that is not included in the scheme.

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

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

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

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



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

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

#### G. Estimate Community Benefits

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

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

#### H. Calculate the Benefit Ratio

The benefit ratio is calculated as:

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

Where:

**TSB<sub>(in)</sub>** = \$242,124.33 for the residential batch;

**TSB<sub>(out)</sub>** = 0

**TCB** = 0

**R** = 1

#### I. Calculate the Maximum Total Levy

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

$$S = R \times C$$

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

Therefore **S** = 1 \* \$242,124.33 = \$242,124.33

Note there is no community benefit amount payable by Council.

#### Apportionment of Costs

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

As the properties have all received individual quotations based on the solar system and work required, it is proposed to apportion the costs based on these quotes. It is noted that the participants have been notified and signed 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. Public notice has been issued in accordance with the Act and no objections have been received.

#### OPTIONS FOR CONSIDERATION

This report recommends proceeding with declaration of the Special Charge Schemes. This is supported by all the property owners that are proposed to be levied.

Council could also decide not to proceed with declaration of the Special Charge Scheme or seek further information to make a decision.

## IMPLEMENTATION STRATEGY

### Details

The next step would be the installation phase of this batch of solar installations. The solar providers will manage the physical installations in communication with Council and the participants.

Independent auditors will be used to audit the safe work procedures of the installations as they occur real time, as well as the electrical safety of the work, post-installation.

### Timeline

- Subject to declaration of the Special Charge scheme, installation of solar will occur from 21 July 2020 onwards over a period of around 2-3 months.
- Council may consider the establishment of another Special Charge scheme in 2020-2021

## RELATED DOCUMENTS

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

### Attachments

- Solar Saver - Property Addresses - 20 July 2020 (**Appendix A**) [↓](#)
- CONFIDENTIAL - Solar Saver - Property Addresses and Prices - 20 July 2020 (**Appendix B**) Confidential - enclosed under separate cover
- Solar Saver - Final Owner's Agreement (**Appendix C**) [↓](#)

## DISCLOSURE OF INTEREST

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

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

## COUNCIL MEETING

20 JULY 2020

**APPENDIX A****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 signed the Owner Agreement to have a solar energy system installed at their property.

**FULL LIST OF ADDRESSES AND COSTS**

Address
3 Nash NORTHCOTE VIC 3070
3/1B Bower NORTHCOTE VIC 3070
147 Hutton THORNBURY VIC 3071
11 Claude NORTHCOTE VIC 3070
259 Clarke NORTHCOTE VIC 3070
48 Ballantyne THORNBURY VIC 3071
127 The Fairway KINGSBURY VIC 3083
541 Murray PRESTON VIC 3072
139 Wood PRESTON VIC 3072
170 Gladstone NORTHCOTE VIC 3070
5 Alfred PRESTON VIC 3072
35 Walker NORTHCOTE VIC 3070
4 Butler PRESTON VIC 3072
21 Grange BUNDOORA VIC 3083
12 Ellesmere NORTHCOTE VIC 3070
25 James PRESTON VIC 3072
1/11 Erskine RESERVOIR VIC 3073
2/18 BRADSHAW KINGSBURY VIC 3083
19 Frankston RESERVOIR VIC 3073
5 Adeline PRESTON VIC 3072
26 Clements RESERVOIR VIC 3073
100 Bent NORTHCOTE VIC 3070
14/41-43 Leinster NORTHCOTE VIC 3070
21 Etnam PRESTON VIC 3072
11/2A CROOKSTON RESERVOIR VIC 3073
1/273-275 Mansfield THORNBURY VIC 3071
79 Hotham PRESTON VIC 3072
2 greenock RESERVOIR VIC 3073
3/50 Whitelaw RESERVOIR VIC 3073
134 North RESERVOIR VIC 3073
16/25 Veronica NORTHCOTE VIC 3070
3/14 White RESERVOIR VIC 3073
67 Victoria NORTHCOTE VIC 3070
33b Whalley NORTHCOTE VIC 3070
115 Raleigh THORNBURY VIC 3071

## COUNCIL MEETING

20 JULY 2020

4 Blythe THORNBURY VIC 3071
41A Mc Lachlan NORTHCOTE VIC 3070
16 Mercil ALPHINGTON VIC 3078
58 Queen RESERVOIR VIC 3073
29 Keith ALPHINGTON VIC 3078
151 HAROLD THORNBURY VIC 3071

**SUMMARY**

TOTAL kilowatts to be installed	189.09
Number of installations	41
<b>TOTAL cost to households (ex GST, post STC, pre rebate)</b>	<b>\$ 242,124.33</b>
Cost to Council inc GST	\$ 266,336.76
Projected price of STCs to be claimed inc GST	\$ 88,209
Projected rebates from Solar Victoria (ex GST)	\$70,185.45
<b>Projected GROSS total cost to Council (inc GST, before STCs claimed or rebates applied)</b>	<b>\$ 354,545.76</b>

# Darebin Solar Saver Program

## Owner Agreement



[Name of property owner]  
Address line 1  
Address line 2

### Key details

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<b>Commencement Date:</b>	This agreement commences when Council receives and acknowledges a valid signed copy of this document from you.
<b>Expiry date:</b>	10 years after issuing of first Special Charge Notice OR when cost is paid out in full (whichever is the later date).
<b>Cost of the Solar Energy System:</b>	<b>[MERGE quote amount (ex GST, post STC)]</b>  See also Schedule 2 (your quotation).  Note: IF you apply for the Solar Homes rebate from the Victorian Government and your application is approved, the final cost to you will be:  <b>[MERGE post-rebate total ex GST, post STC]</b> (Please refer to information about Solar Homes rebate provided separately.)
<b>Amount payable by the Owner in each quarterly Special Charge notice:</b>	An amount equal to 1/40 <sup>th</sup> of the total cost, being approximately:  <b>\$ (MERGE amount)</b> per quarter (for forty quarterly payments – please note the first payment will be slightly higher)
<b>This includes:</b>	The supply and installation of the solar system, and any repair or replacement covered by the warranty during the warranty period.
<b>This does not include:</b>	Any fee charged by your energy retailer or distributor (apart from meter consolidation if required) or unforeseeable associated electrical works such as rewiring, general maintenance, service calls or repair or replacement outside the warranty, or any Council planning permit fees required, such as heritage application fee (if applicable).
<b>Option to withdraw from agreement:</b>	This agreement is entirely voluntary. The Owner can withdraw their agreement, without penalty, any time up to one week (5 business days) before their installation date (as scheduled by EnviroGroup). If the Owner chooses to withdraw less than one week (5 business days) before their scheduled installation, the Owner may be charged a cancellation fee.
<b>For any queries please contact:</b>	Darebin City Council 03 8470 8888 <a href="http://www.darebin.vic.gov.au">www.darebin.vic.gov.au</a> <a href="mailto:solar@darebin.vic.gov.au">solar@darebin.vic.gov.au</a> PO Box 91, Preston VIC 3072

**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**

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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**

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- 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 Special Charge 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) The Owner paying for the above permit;
  - v) 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 (your quotation));
  - vi) The Owner paying any other outstanding Rates or Charges owed to Council;
  - vii) The Owner not exercising the option to withdraw.
- b) If the pre-conditions in clause a) have not been satisfied by May 31 2021 this Agreement immediately ends and each Party is released from its obligations under this Agreement.

### 3) Payment for Solar Energy System

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- 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 (your quotation). 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. This amount does **not** cover any fee charged by your energy retailer or distributor (apart from meter consolidation if required) or unforeseeable associated electrical works such as rewiring, general maintenance, service calls or repair or replacement outside the warranty, or any Council planning permit fees required, such as heritage application fee (if applicable).
- 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 after the system has been installed (depending on rates timelines, this may be up to 6 months after installation). The amount payable by the Owner per quarter is set out in Key Details (page 1).
- f) Commencing after the installation of the solar system 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.
- g) The Owner may alternatively choose to pay the Cost of the Solar Energy System sooner by arrangement with Council's Rates Team.
- 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 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

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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

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- 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 clear and safe access to those parts of their property in which works are being undertaken and is 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 Small Scale Technology Certificates (STCs) in relation to the Solar Energy System provided under this Agreement – these will already be factored into the cost and applied by Council.



**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**

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- 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**

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- 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**

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- 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**

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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**

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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**

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

**13) Joint and Several Liability**

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

**14) Severability**

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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**

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

**16) Disputes**

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- 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

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**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;

**Solar Energy System** means the system described at **Error! Reference source not found.**Schedule 2 (your quotation) 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).

**Special Charge Scheme** means the mechanism by which Council, under the *Local Government Act* 1989, recovers the costs of the Solar Energy Systems provided as part of the Program. This scheme allows Council to buy your solar system upfront and you to pay back the cost over time. The way this works is that Council will charge you a small payment each quarter (a Special Charge). This is issued on a Special Charge Notice which is separate from but similar to your rates notice. You can repay Council over 10 years in this way. You can choose to pay your system off sooner if you choose.

**Tenancy Act** means the *Residential Tenancies Act* 1997.

18) SIGNED as an agreement between:

 <p><b>DATE:</b></p> <p><b>SIGNED</b> for and on behalf of <b>Darebin City Council ACN 75 815 980 522</b> by <b>Sally MacAdams</b> Coordinator Solar Saver <b>Darebin City Council</b></p>	<p>Owner 1:</p> <p>_____</p> <p>Owner 2 (if applicable):</p> <p>_____</p> <p><b>DATE:</b></p> <p><b>SIGNED</b> by [Ratepayer name (s)]</p>
---	--

**Summary of Key details – see front page for full Key Details and Schedule 2 (your quotation) for a full breakdown of costs**

<b>Cost of the Solar Energy System</b>	<p>[MERGE quote amount (ex GST, post STC)]</p> <p>See breakdown provided at Schedule 2 (your quotation).</p> <p>Note: IF you apply for the Solar Homes rebate from the Victorian Government and your application is approved, the final cost to you will be:</p> <p>[MERGE post-rebate total ex GST, post STC]</p>
<b>Amount payable by the Owner in each quarterly rates notice</b>	<p>An amount equal to 1/40<sup>th</sup> of the total cost, being approximately:</p> <p>\$ (MERGE amount) per quarter (for forty quarterly payments)</p>
<b>This includes:</b>	<p>The supply and installation of the solar system, and any repair or replacement covered by the warranty during the warranty period.</p>
<b>This does not include:</b>	<p>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.</p>
<b>Option to withdraw from agreement:</b>	<p>This agreement is entirely voluntary. The Owner can withdraw their agreement, without penalty, any time up to one week (5 business days) before their installation date (as scheduled by EnviroGroup). If the Owner chooses to withdraw less than one week (5 business days) before their scheduled installation, the Owner may be charged a cancellation fee.</p>

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

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

### Schedule 1

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**[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

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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

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**7.6 CONTRACT EXTENSION - MY AGED CARE REGIONAL ASSESSMENT SERVICE****Author:** Manager Aged & Disability**Reviewed By:** General Manager Community

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**EXECUTIVE SUMMARY**

Council has been delivering the Regional Assessment Service (RAS) on behalf of the Commonwealth's My Aged Care (MAC) since 1 July 2016. The current arrangement has been that the Commonwealth Department of Health (DoH) funds the Victorian Department of Health and Human Services (DHHS), DHHS subcontracts Council to deliver RAS. Over the past two years, the Commonwealth has been reviewing the funding structure and model. Current arrangements were due to conclude on 30 June 2020, however Council has now received advice that the current arrangements will be extended by two years to 30 June 2022.

<b>Recommendation</b>
-----------------------

**That** Council authorises the funding extension of Regional Assessment Service (RAS) to 30 June 2022.

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**BACKGROUND / KEY INFORMATION**

Council had been funded to provide RAS since the Commonwealth assumed the full responsibility for delivery of aged care services on 1 July 2016. RAS offers assessment services for all Commonwealth Home Support Programme (CHSP) services. Council has demonstrated its complete separation of its RAS and CHSP services and neutrality in referring community members to services based upon their needs.

In Victoria, the Commonwealth and the State agreed for a three-year transitional period from 1 July 2016 to 30 June 2019. During this period, the State held the contract with the Commonwealth for the delivery of two types of aged care assessment services: Regional Assessment Service and Aged Care Assessment Service (ACAS), with the State then subcontracting these services to councils and health networks. This was further extended to 30 June 2020.

During this period, the Commonwealth continued to review this service in line with the Aged Care Reforms. In December 2018, the Commonwealth released a discussion paper, "Streamlined Consumer Assessment for Aged Care". Council provided a response to the paper in February 2019 highlighting key points:

- (a) Streamlining assessment services, if it is to occur, must be primarily driven by improved client experiences and outcomes;
- (b) Culturally diverse and socially disadvantaged residents deserve a 'no disadvantage test' in relation to any Federal changes and this 'no disadvantage test' should be considered in any service reform;
- (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.

In August 2019, the Commonwealth announced that it would transition RAS and ACAS into the new Streamlined Assessment Service (SAM), with the new service commencing on 1 July 2020, with providers for the new service selected through a national competitive tender process. In December 2019, Council received advice from the State that the Commonwealth was delaying the transition date to March 2021. At its meeting on 28 February, COAG's Health Council announced that the Commonwealth would not proceed with the tender process for the future SAM, it would work with State and Territories to have "*a consistent, uniform, efficient and integrated aged care assessment process*"; taking advice from the State, Territories and the Royal Commission on the future design of the aged care assessment. In June 2020, DHHS advised Council that it is in the final stages of the contract negotiation with the Commonwealth for the extension of the RAS contract.

During this period, Council has continued to advocate to the State and Commonwealth for locally based, responsive to individual needs, appropriately staffed service that is delivered by Council.

Additionally, we continued to support our workforce and enhancing residents experience through new and innovative services such as the Positive Ageing Darebin that includes the innovative My Age Care navigation support. An extension/adaption of this model to form the additional Community Navigation Services in response to COVID19 continues to provide vital support to many in our community.

### **Previous Council Resolution**

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

*'That Council:*

- (1) *Acknowledges that if the Commonwealth ceases block funding for aged care services as currently planned, this will inevitably affect how Council will provide services to older people.*
- (2) *Notes that because of the Commonwealth's plan to cease block funding, Council has commissioned an independent 'Creating an Age Friendly Darebin' review for the express purpose of ensuring our older people continue to receive quality services they need.*
- (3) *Calls on the federal government to extend block funding for the Commonwealth Home Support Program to provide certainty for community and staff, and writes to relevant ministers, shadow ministers and members of parliament requesting that a moratorium be put in place till such time the government conducts a comprehensive review of block funding to Councils.*
- (4) *Encourages community members to participate in the independent panel review commissioned by Council, to help plan our services in the longer term.*
- (5) *Notes that this Council commits to continue its annual \$6 million investment into the longer term in facilities, programs and services promoting the health and wellbeing of older people.*

- (6) *Notes that the independent review terms of reference will investigate expansion of Council's services including the potential for Darebin Council to provide home care packages.*
- (7) *Continues to provide commonwealth home support program services while in receipt of any block funding from the Commonwealth Government.'*

## **COMMUNICATIONS AND ENGAGEMENT**

### **Consultation**

The Age Friendly Darebin Review engaged with the community, staff and other stakeholders. AFD received significant positive feedback about Darebin's RAS service and the value of retaining this service locally. As part of our advocacy plan regarding the continuation of CHSP funding post June 2022, the continuation of RAS (post 2022) will be an important component of this plan.

### **Communications**

Community members and current Council aged care services clients have been informed about Council's commitment to continue providing aged care services while block funding of these services continue. Aged & Disability will continue to provide updates about Council's decisions to stakeholders, including clients.

## **ANALYSIS**

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

Goal 2 - Opportunities to live well

### **Environmental Sustainability Considerations**

The decision about this extension is not expected to directly impact environmental sustainability within Darebin. However, all Council services must be delivered and designed in a way that reduces impact on the environment and maximises sustainability.

#### **Climate Emergency**

This report and contract extension have no direct impact on climate emergency.

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

This contract extension impacts inclusion and wellbeing for Darebin's older people. RAS offers older residents with access to highly skilled, responsive and locally based aged care assessment service. It is an important service to residents from diverse cultures and from other disadvantaged backgrounds. The service also works very closely with the local Aboriginal RAS, based at the Aboriginal Advancement League to support older Aboriginal people.

### **Cultural Considerations**

This contract extension has no direct impact on arts and creative industries in Darebin.

### **Economic Development Considerations**

Economic development considerations are primarily in relation to Darebin Council's current employees delivering aged care services, many of whom live locally.



## Financial and Resource Implications

This grant extension is included in the 2020/21 draft budget, total program costs is \$1,155,020, total annual revenue forecast for the delivery of RAS assessment service is \$757,580 (the subject of this report). Additionally, the program is forecast to receive \$206,585 to deliver HACC PYP assessment. Total cost to Council is forecast to be \$213,053, which is included in the draft FY21 budget.

## Legal and Risk Implications

This contract extension is anticipated to be consistent with existing contract terms and conditions. Officers have not identified any new risks, with existing risks well managed through meeting the Aged Care quality standards, as well as our current management, contract oversight, reporting, policies and processes.

## Operational Impacts

Nil – this contract extension will result in a continue of the RAS operations.

## DISCUSSION

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.

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, with the reform including 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. Older people required to have an assessment in order to access aged care services. There are two types of aged care assessments:

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

In Victoria, DHHS held the contract to deliver aged care assessment service, the State sub-contracted the service to councils and health services. Since July 2016, Darebin operated one of eight RAS outlets in the Northern Metropolitan Region.

The decision has now been made by the Commonwealth to extend this contract under the current block funding arrangements until June 2022. This will allow us to continue to provide high quality responsive assessment support to many residents, including people from diverse and disadvantaged backgrounds. As part of our advocacy plan regarding the CHSP funding post June 2022, we will include the continuation of RAS (post 2022) as an important component of this plan.

## **OPTIONS FOR CONSIDERATION**

### **Option 1: Recommended**

Council authorises the funding extension of RAS to 30 June 2022 as per the officer recommendation.

### **Option 2: Not Recommended**

Council declines the funding extension offer from DHHS and authorises officers to commence process to terminate contract and service.

## **IMPLEMENTATION STRATEGY**

### **Details**

DHHS will automatically apply this extension to existing funding contract. If Council doesn't wish to continue to provide the service, DHHS requires three months' notice.

### **Communication**

Community members, staff and service providers will be informed of this extension and Council's decision.

### **Timeline**

Early August 2020: Communicate outcomes to key stakeholders (clients, staff, partners) after Council 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.

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**7.7 LOCAL GOVERNMENT ACT 2020 - IMPLEMENTATION AND COMPLIANCE**

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

**Reviewed By:** General Manager Governance and Engagement

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**EXECUTIVE SUMMARY**

This report presents six compliance matters introduced by the new *Local Government Act 2020*, which are required to be implemented by 1 September 2020; namely:

- a) Councillor Support and Expenses Policy
- b) Public Transparency Policy
- c) Audit & Risk Committee Charter
- d) Instrument of Delegation - Council to CEO
- e) Delegated Committees (Planning Committee)
- f) Governance Rules

These six matters were presented to Council as drafts at its 29 June 2020 Ordinary Meeting and were subsequently placed on exhibition for public comment for two weeks until 13 July 2020. No community submissions were received.

Items A – F are now presented to Council for adoption.

This report also addresses the requirement for Council to ensure the ongoing governance and regulation of the use of the Common Seal of Council, and the enforceability of penalties for offences committed at Council and Committee Meetings via the continued operation of relevant aspects of the existing Council Meeting Governance Local Law No. 1 of 2020.

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

**Part A - Councillor Support and Expenses Policy 2020**

- (1) Adopts the *Councillor Support and Expenses Policy 2020* as provided at **Appendix A**, with an effective date of 20 July 2020.

**Part B - Public Transparency Policy 2020**

- (2) Adopts the *Public Transparency Policy 2020* as provided at **Appendix B**, with an effective date of 20 July 2020.

**Part C - Audit & Risk Committee Charter**

- (3) Adopts the *Audit & Risk Committee Charter* as provided at **Appendix C**, with an effective date of 20 July 2020.

**Part D – Instrument of Delegation – Council to the Chief Executive Officer**

- (4) In the exercise of the power conferred by Section 11(1)(b) of the *Local Government Act 2020*, resolves that:-
- a. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, as provided as **Appendix D**, subject to the conditions and limitations specified in that Instrument.
  - b. The instrument comes into force immediately the Common Seal of Council is affixed to the Instrument.
  - c. On the coming into force of the Instrument all previous delegations to the Chief Executive Officer are revoked.
  - d. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with the schedule set out in the instrument and any guidelines or policies of Council that it may from time to time adopt.

**Part E – Delegated Committees (Planning Committee)**

- (5) Pursuant to Section 63 of the *Local Government Act 2020*, resolves to establish the Planning Committee as a 'Delegated Committee' until such time as Council makes a further resolution on the matter.
- (6) Approves the *Planning Committee Instrument of Delegation* as provided at **Appendix E** to ensure the Planning Committee has the power to make decisions on relevant matters and notes that:
- a. The Instrument of delegation comes into force immediately the Common Seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it; and
  - b. The powers, discretions and authorities conferred on the Planning Committee by the Instrument must be exercised in accordance with the schedule set out in the Instrument and with any guidelines or policies Council may from time to time adopt.

**Part F – Draft Governance Rules**

- (7) In accordance with Section 60(1) of the *Local Government Act 2020*, adopts the Governance Rules 2020 as provided at **Appendix F**, with an effective date of 20 July 2020.
- (8) Notes that consistent with Section 60(8) of the *Local Government Act 2020*, that upon adoption of the Governance Rules:
- a. The sections of Council's existing Council Meeting Governance Local Law No. 1 of 2020 that relate specifically to the conduct of Council and Committee meetings (Chapter 4) cease to apply; and
  - b. The sections of Council's existing Council Meeting Governance Local Law No. 1 of 2020 that relate specifically to the use of Council's Common Seal (Chapter 2) and Infringements Notices imposable for certain matters and behaviour by meeting attendees (Chapter 3) remain operative.
-

## BACKGROUND / KEY INFORMATION

The *Local Government Act 2020* (the Act) was passed by Parliament on 17 March 2020 and received Royal Assent on 24 March 2020. Proclamation will occur in four stages on 6 April 2020, 1 May 2020, 24 October 2020 and 1 July 2021.

Transitional arrangements are in place in relation to the proclamation of the different parts of the new Act, with key elements of the 6 April 2020 proclamation due for implementation no later than 1 September 2020. This includes adoption of a Councillor Expenses Policy, Public Transparency Policy, Audit & Risk Committee Charter, Governance Rules, the establishment of the delegation to the Chief Executive and the transition of Council's 'Special Committees' to Delegated Committees

### Previous Council Resolution

At its meeting held on 29 June 2020, Council resolved:

*'That Council:*

*Place the policies and matters listed below on public consultation for a 2 week period viz*

**Part A - Councillor Support and Expenses Policy 2020**

(1) *The Councillor Support and Expenses Policy 2020 as provided at **Appendix A**,*

**Part B - Public Transparency Policy 2020**

(2) *The Public Transparency Policy 2020 as provided at **Appendix B**,*

**Part C - Audit & Risk Committee Charter**

(3) *The Audit & Risk Committee Charter as provided at **Appendix C**,*

**Part D – Instrument of Delegation – Council to the Chief Executive Officer**

(4) *The Instrument of Delegation – Council to the Chief Executive Officer as provided at **Appendix D***

**Part E – Delegated Committees (Planning Committee)**

(5) *the Planning Committee Instrument of Delegation as provided at **Appendix E***

**Part F – Draft Governance Rules**

(7) *The Draft Governance Rules 2020 as provided at **Appendix F**, and*

(8) *Receives a final report considering any submissions on these policies and matters at the Council meeting to be held on 20 July 2020.*

## COMMUNICATIONS AND ENGAGEMENT

### Consultation

The consultation process undertaken following Council's resolution on 29 June 2020 has occurred online via the 'Your Say' page on Council's website, supported by posts across Council's various social media channels to raise public awareness about the availability of the draft documents for inspection and the opportunity to provide feedback.

No public submissions were received.

## Communications

### ANALYSIS

#### Alignment to Council Plan / Council policy

Goal 6 - A well governed Council

#### Environmental Sustainability Considerations

Nil

#### Climate Emergency

Nil

#### Equity, Inclusion and Wellbeing Considerations

Officers have considered and given reference to issues of accessibility, equity, inclusion and wellbeing in the context of these policy reviews in accordance with the requirements of Council's Towards Equality Framework.

#### Cultural Considerations

Nil

#### Economic Development Considerations

Nil

#### Financial and Resource Implications

Implementation of the new Act is a significant undertaking for Council and requires the involvement of officers from across the organisation. It also requires the procurement of specialist governance assistance and legal advice at various times. Provision has been made in the draft 2020/21 budget for implementation of the Act.

A specific financial implication of the proposed Instrument of Delegation from Council to the Chief Executive Officer (CEO) is for the CEO's financial delegation to increase from \$500,000 to \$1m. This has been benchmarked within the sector and is detailed in under the 'CEO Delegation Review' section of this report.

#### Legal and Risk Implications

Failure to respond to the requirements of the new Act, both in terms of timeliness and content, would represent non-compliance with Council's most significant and important piece of legislation. It is important, therefore, for Council to resolve the items required for implementation by 1 September 2020 while officers continue to work toward implementation of other aspects of the new Act.

## Operational Impacts

Implementation of the Act impacts the organisation during both the implementation phases (given the time and resourcing that successful implementation requires), and during ongoing operations thereafter. The six items specifically listed in this report are largely policy neutral procedural updates of existing policies and practices into new formats and will therefore have a relatively limited impact on Council's operations.

## DISCUSSION

### Councillor Support and Expenses Policy

The Act requires that a Council adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees. The policy must specify procedures to be followed in applying for reimbursement and in reimbursing expenses, provide, where relevant, for the reimbursement of a Councillor's or delegated committee member's childcare costs, and, where relevant, must have regard to expenses incurred by a Councillor who is a carer.

A 'Councillor Support and Expenses Policy' has been prepared. While this policy is generally consistent with the existing Councillor Support and Expenses Policy, the opportunity to review and update the policy has been taken. To this extent, the policy varies from the current policy in that it:

- Introduces a principles-based approach, based on:
  - Council Integrity.
  - Encouraging Diversity in Participation, Equity and Access.
  - Accountability and Transparency.
  - Reasonableness and Appropriateness.
  - Separation.
- Specifies all resources and facilities that will be provided to Councillors.
- Introduces provisions to support Councillors identified as having carer responsibilities.
- Introduces a process to deal with incidental private use of resources and facilities.
- Sets out the expense categories and process for Councillors' reimbursement.
- No longer allows for Council-provided equipment to be available for purchase at the end of a Council term.
- No longer provides for Council letterhead to Councillors.
- Provides for Councillors to access the Employee Assistance Program (confidential counselling).
- Provides clearer and more prescriptive provisions for Councillors' training and development.

No specific feedback or comment has been received from the community on this policy.

The Councillor Support and Expenses Policy is presented to Council for adoption at **Appendix A**.

### **Public Transparency Policy**

The Act requires Council to adopt and maintain a 'Public Transparency Policy' that specifies the information (including policies, plans and reports) that will be publicly available, describes how this information will be made publicly available, and gives effect to the following legislated public transparency principles:

- Council decision making processes must be transparent except when the Council is dealing with information that is confidential.
- Council information must be publicly available unless the information is confidential or public availability of the information would be contrary to the public interest.
- Council information must be understandable and accessible to members of the community.
- Public awareness of the availability of Council information must be facilitated.

A Public Transparency Policy has been prepared. The policy is based on sector best practice examples and is consistent with existing practice with no substantive policy or procedural changes.

No specific feedback or comment has been received from the community on this policy.

The Public Transparency Policy is presented to Council for adoption at **Appendix B**.

### **Audit & Risk Committee Charter**

The Act requires Council to establish an 'Audit and Risk Committee' and to adopt a Charter for the Committee. The Committee must include members who are Councillors but must consist of a majority of members who are not Councillors and who collectively have expertise in financial management and risk, and experience in public sector management. Committee membership cannot include Council officers.

The Audit and Risk Committee Charter must specify the functions and responsibilities of the Committee, including monitoring the compliance of Council policies and procedures with relevant requirements, monitoring Council's financial and performance reporting, monitoring and providing advice on risk management and fraud prevention systems and controls, and overseeing internal and external audit functions.

An 'Audit & Risk Committee Charter' has been prepared. The Charter is generally consistent with the existing Audit Committee Charter and amendments are administrative only to bring the Charter into compliance with the new Act.

No specific feedback or comment has been received from the community on the charter.

The Audit & Risk Committee Charter is presented to Council for adoption at **Appendix C**.

### **CEO Delegation Review**

The delegation of powers is considered essential to enable day-to-day decisions to be made to ensure the operations of Council are enacted efficiently and effectively. Delegations are standard practice across all Councils. Delegations should be regularly updated to reflect any legislative changes and or a more appropriate level of accountability.

The Act provides that a Council may by instrument of delegation, delegate to the members of a delegated committee or the Chief Executive Officers any power, duty or function of a Council under the Act or any other Act, subject to certain exclusions.



The Council is a legal entity composed of its members (i.e. the Councillors). Because it is not a “natural person”, the Council can act in only one of two ways: by resolution; or through others acting on its behalf.

Where the latter is to occur, the authority to act needs to be formalised through written ‘Instruments of Delegation’. The Act and other legislation make express provision for the appointment of delegates to act on behalf of the Council.

The Act requires that Council review and update the instruments of delegation to the Chief Executive Officer. In turn, the CEO will review and update various Instruments of Delegation by the Chief Executive Officer to other officers.

Reviewing delegations is good practice. Councillors will recall that in March, Council resolved to amend the CEO delegation (both financial and authority) in anticipation of possible circumstances created by the COVID19 pandemic, i.e. the inability of the Council to meet. To date, this delegation has not been exercised, however it is recommended that these Emergency Powers be maintained.

Noting that the current financial delegation to the CEO of \$500,000 has been in place for at least 15 years, it is timely to review this delegation. Informed by benchmarking, it is proposed to permanently increase the CEO financial delegation from \$500,000 to \$1 million.

Benchmarking of several metropolitan Councils indicates the following financial delegations for the Chief Executive Officer:

Council	CEO	GMs / Directors (Second level)
Melbourne	\$2m	\$1M
Port Phillip	\$1m (\$5m in emergency)	Not available
Yarra	\$750K	\$200K
Moreland	\$700K	\$385K
Moonee Valley	\$500K	\$250K to \$500K
Hume	\$500K	\$100K
Banyule	\$500K	\$350K
Darebin	\$500K (Propose to increase to \$1m)	\$250K (Propose to increase GM Capital and Operations to \$750K and all other GMs to \$350K)

\*Benchmarking occurred in April 2020 and does not reflect any changes occurring in response to the LG Act 2020 implementation.

No specific feedback or comment has been received from the community on this instrument of delegation to the Chief Executive Officer.

The Instrument of Delegation from Council to the Chief Executive Officer is presented to Council for adoption at **Appendix D**.

### **Delegated Committees**

In addition to the power to delegate authority to natural persons, the Act continues the practice of delegation of some powers to 'Delegated Committees'. Council has two existing committees that fall within the scope of Delegated Committees under the Act – the Planning Committee and the Hearing of Submissions Committee. The Act provides that Council must adopt new Instruments of Delegation in relation to these two committees if they are to remain operational beyond the 1<sup>st</sup> September 2020.

It is proposed that at this time, only the Planning Committee be re-established as a Delegated Committee, and the Hearing of Submissions Committee be reviewed during the coming months in the context of preparation of the Community Engagement Policy that the Act requires be adopted by 1 March 2021.

No specific feedback or comment has been received from the community on this instrument of delegation to the Planning Committee (a Delegated Committee under the new Act).

The Instrument of Delegation for the Planning Committee is presented to Council for adoption at **Appendix E**. This is a policy neutral translation that will not change the delegation to or functioning of the Planning Committee.

### **Governance Rules**

The Act requires Council to develop, adopt and keep in force Governance Rules with respect to the:

- Conduct of Council meetings and meetings of Delegated Committees.
- Form and availability of meeting records.
- Election of the Mayor, Deputy Mayor and the appointment of an Acting Mayor.
- Election Period policy.
- Procedures for the disclosure of a Conflict of Interest by a Councillor or a member of a Delegated Committee.
- Disclosure of a Conflict of Interest by a member of Council staff.

The Governance Rules must provide for a Council to consider and make a decision on any matter being considered fairly and on its merits, and institute decision making processes to ensure that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered.

The draft Governance Rules have been based on best practice model templates provided by Local Government Victoria, other municipalities and Maddocks Lawyers. Council's Governance Local Law was adopted in April 2020 after a comprehensive process and the Election Period Policy was adopted by Council in November 2019. These have been incorporated into the draft Governance Rules in a policy neutral way, with minor changes that are not substantive but which will assist clarity and consistency of approach.

No specific feedback or comment has been received from the community on the Governance Rules.

In accordance with Section 60(8) of the new Act, these Governance Rules will supersede those sections of the existing Council Meeting Governance Local Law No. 1 of 2020 that relate specifically to the conduct of Council and Committee meetings (Chapter 4).

The Governance Rules are presented to Council for adoption at **Appendix F**.

### **Common Seal and Infringements under existing Local Law**

Council's current Council Meeting Governance Local Law No. 1 of 2020 includes provisions relating to the use of the Council's Common Seal (Chapter 2) and Infringements Notices imposed for certain matters and behaviour by meeting attendees (Chapter 3).

Section 14(2)(c) of the *Local Government Act 2020* requires that the Common Seal of Council must be used in accordance with any applicable local law and that to remain enforceable, any penalty / infringement imposed by Council must be made under a local law. Accordingly, the Common Seal and Infringement Notice provisions in the current local law will be retained and remain operative in conjunction with the Governance Rules as applicable. In line with this approach, the Common Seal provisions exhibited in the draft Governance Rules have been removed from the document now recommended (and attached at Appendix 7) for Council adoption.

### **OPTIONS FOR CONSIDERATION**

- Option 1 (recommended) That Council adopts the documents appended to this report.
- Option 2 (not recommended) That Council adopts the documents appended to this report with amendments.
- Option 3 (not recommended) That Council does not adopt the documents.

### **IMPLEMENTATION STRATEGY**

The relevant documents, once adopted, will be posted on Council's website and processes commenced to implement them.

### **Timeline**

The policies, charter, instruments of delegations and Governance Rules will come into effect upon adoption by Council.

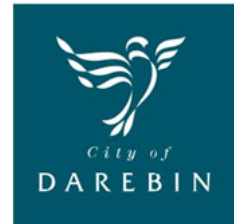
### **Attachments**

- Councillor Support and Expenses Policy (**Appendix A**) [↓](#)
- Public Transparency Policy (**Appendix B**) [↓](#)
- Audit and Risk Committee Charter (**Appendix C**) [↓](#)
- Instrument of Delegation - Council to the Chief Executive Officer (**Appendix D**) [↓](#)
- Instrument of Delegation (Planning Committee) (**Appendix E**) [↓](#)
- Governance Rules (**Appendix F**) [↓](#)

### **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.



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# COUNCILLOR SUPPORT AND EXPENSES POLICY 2020

July 2020

[darebin.vic.gov.au](http://darebin.vic.gov.au)



This policy, which incorporates the statutory requirements prescribed for a Councillor Expense policy in accordance with Clause 41 of the *Local Government Act 2020*, was adopted by resolution of Darebin City Council on 20 July 2020.

Version	Date Adopted by Council	Amendment
1.0	20 July 2020	

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**1. POLICY OBJECTIVES**

Councillors are elected to provide leadership for the good governance of the municipal district and the local community.

The objective of this policy is to establish the resources, facilities and administrative support to be provided to Councillors of Darebin City Council. It provides for Councillors to have out-of-pocket expenses, incurred while performing their official duties as a Councillor, either reimbursed or paid direct by the Council.

The policy also provides guidelines for Councillors on the process for claiming expenses and outlines the methods and standards for reporting and accountability.

**2. LEGISLATIVE FRAMEWORK**

This policy has been set out in accordance with Part 2 (Councils), Division 6 (Entitlements), Clauses 39 – 43 of the *Local Government Act 2020* (The Act).

Clause 39 – Allowances for Mayors, Deputy Mayors and Councillors

A Mayor, Deputy Mayor or a Councillor is entitled to receive from Council an allowance in accordance with a Determination of the Victorian Independent Remuneration Tribunal under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*.

A Mayor or a Deputy Mayor is not entitled to receive an allowance as a Councillor while the Mayor or Deputy Mayor is receiving an allowance as a Mayor or a Deputy Mayor.

A Council cannot pay an allowance to a Mayor, Deputy Mayor or Councillor that exceeds the amount specified in the relevant Determination of the Victorian Independent Remuneration Tribunal under the that Act.

A Mayor, Deputy Mayor or Councillor may elect to receive the entire allowance to which they are entitled, or to receive a specified part of the allowance to which they are entitled or to receive no allowance.

Clause 40 – Reimbursement of Expenses of Councillors and members of a Delegated Committees

A Council must reimburse a Councillor or a member of a delegated committee for out-of-pocket expenses which the Council is satisfied –

- a) Are bona fide expenses.
- b) Have been reasonably incurred in the performance of the role of Councillor or member of a delegated committee.
- c) Are reasonably necessary for the Councillor or member of a delegated committee to perform that role.

Council must provide details of all reimbursements under this section to the Audit and Risk Committee.



Clause 41 – Council Expenses

Council must adopt and maintain an Expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees. A policy adopted by a Council under this section must –

- a) Specify procedures to be followed in applying for reimbursement and in reimbursing expenses.
- b) Comply with any requirements prescribed by the regulations in relation to the reimbursement of expenses.
- c) Provide for the reimbursement of childcare costs where the provision of childcare is reasonably required for a Councillor or member of a delegated committee to perform their role.
- d) Have particular regard to expenses incurred by a Councillor who is a carer in a care relationship within the meaning of Section 4 of the *Carers Recognition Act 2012*.

Clause 42 – Resources and Facilities for the Mayor and Councillors

Council must make available to the Mayor and Councillors the resources and facilities reasonably necessary to enable them to effectively perform their role. Council must:-

- a) Consider the support that may be required by a Mayor, Deputy Mayor or Councillor because of a disability.
- b) Have particular regard to the support that may be required by a Councillor who is a carer in a care relationship within the meaning of section 4 of the *Carers Recognition Act 2012*.

Clause 43 – Indemnity Provision

A Council must indemnify and keep indemnified each Councillor, member of a delegated committee and member of a Community Asset Committee against all actions or claims whether arising during or after their term of office in respect of anything necessarily done, reasonably done or omitted to be done in good faith:-

- a) In the performance of a duty or a function or the exercise of a power under this Act, the regulations or a local law or any other Act.
- b) In the reasonable belief that the act or omission was in the performance of a duty or a function or the exercise of a power under this Act, the regulations or a local law or any other Act.

**3. PRINCIPLES**

This policy has been prepared on the basis of the following principles:-

**3.1. Council Integrity**

Part 6 Council Integrity – Division 1 - Improper Conduct in the Act outlines a range of actions of the Councillor or member of a Delegated Committee that would constitute misuse of position. These include the *'using of public funds or resources in a manner that is improper or unauthorised'* (Section 123). This policy provides direction and clarification to Councillors to ensure that public resources are used prudently and solely in the public interest.

### **3.2. Encouraging Diversity in Participation, Equity and Access**

This policy encourages participation in the local government democratic process as it ensures that Councillors, in the performance of their duties:-

- Will be supported in their role; and
- Will not be financially or otherwise disadvantaged.

Reimbursement of expenses and the provision of resources / facilities / support shall be applied in a non-discriminatory and equitable manner to cater for the full participation of all Councillors in Council business and with their communities, while also recognising individual needs and circumstances. Councillors work with a wide range of constituents and need to be accessible and stay informed.

### **3.3. Accountability and Transparency**

The Act (Section 40) provides that a Council must reimburse a Councillor or a member of a delegated committee for out of pocket expenses which the Council is satisfied:-

- Are bona fide expenses.
- Have been reasonably incurred in the performance of the role of Councillor or member of a delegated committee.
- Are reasonably necessary for the Councillor or member of a delegated committee to perform that role.

It is not appropriate for Councils to provide for general expenses and / or allowances that are unrelated to actual expenses incurred and which could be designed to supplement Councillors' annual allowances entitlements.

Councillors shall only receive reimbursement for expenses when the expense, resource and facilities support are identified in this policy and are adequately substantiated.

The overriding principle is that the reimbursement of expenses and the details and range of benefits provided to the Mayor and Councillors by the Council should be clearly stated, fully transparent and acceptable to their local community.

### **3.4. Reasonableness and Appropriateness**

This policy should ensure that Councillors are reimbursed adequately for expenses reasonably incurred in the performance of their role as a Councillor. It is acknowledged that incidental private use of Council resources and facilities may occur from time to time and that such incidental private use is not required to be reimbursed by the Councillor.

Substantial private use shall be reimbursed by the Councillor and is specifically addressed in Section 6.5 of this policy.

### **3.5. Separation**

It is a principle that an expense reasonably incurred by Councillors in the performance of their duties and the provision of resources and facilities that support Councillors to perform their duties is separate to the provision of the annual Councillor Allowance. Councillors shall not be disadvantaged or asked to subsidise their expenses from the annual Councillor Allowance.

**4. DUTIES AS A COUNCILLOR OR MEMBER OF A DELEGATED COMMITTEE**

‘Duties as a Councillor or member of a Delegated Committee’ means duties performed by a Councillor or a member of a delegated committee that are necessary or appropriate for the purposes of achieving the objectives of a Council, having regard to any relevant Act, regulations, Ministerial guidelines or Council policies.

Duties of a Councillor or member of a delegated committee will therefore include, but not be limited to, attendance at:-

- Meetings of the Council or its delegated committees.
- Briefing sessions, workshops and civic or ceremonial functions convened or scheduled by the Council or the Mayor.
- Meetings of community groups, organisations and statutory authorities to which a Councillor or member of a delegated committee has been appointed as Council representative.
- A meeting, function or other official role as a representative of the Council, delegated committee or the Mayor.
- Other meetings, inspections or events attended by a Councillor or member of a delegated committee in an official capacity, together with the associated research, discussions and communication.

**5. ALLOWANCES FOR MAYORS AND COUNCILLORS**

The Victorian Government views Councillor allowances ‘not as a form of salary, but as some recognition of the contributions made by those elected to voluntary, part time roles in the community’.

The Government acknowledges the value and significance of local government Councillors – both through their skills and ability to represent and engage with their constituents and their leadership in developing solutions to the pressing social and cultural, environmental and economic challenges facing communities everywhere.

Clause 39 of the *Local Government Act 2020* (the Act) provides the framework for payment of allowances to Mayors and Councillors.

The allowance framework provides a three-level structure for allowances based on Council population and total revenue. The allowance is reviewed annually through a Determination of the Victorian Independent Remuneration Tribunal under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*. In addition to the allowance, an amount equivalent to the superannuation guarantee contribution is payable.

Details of current allowances fixed for the Mayor and Councillors of Darebin City Council are available for public inspection on Council’s website and at the Council offices.

Allowances are taxable income and are paid fortnightly in advance. Personal taxation implications are the responsibility of individual Councillors.

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## 6. RESOURCES AND FACILITIES FOR THE MAYOR AND COUNCILLORS

The following resources, facilities and support will be provided to Councillors to assist in performing their duties as a Councillor.

### 6.1 Home Office and Mobile Communications

All Councillors will be provided with information technology devices as deemed appropriate, including an internet data plan. Councillors will also be issued with a Darebin Council email address. Indicatively, the ICT resources that have been provided over the last 4 years have been:-

- Smart phone with voice and data service.
- A laptop / tablet unit with built-in data service and associated peripherals software ("Apps").
- Both the mobile phone and the laptop/tablet have Mobile Device Management (MDM) to secure and manage the devices. This service incurs a monthly fee to Council.
- A multifunction printing, scanning, copying, fax device and all associated consumables, toners, paper etc.

The make, model and style of the ICT devices provided will be determined by the responsible Council Officer based on current telecommunications plans and offers available to Council and in consultation with the Councillor.

Rather than being issued a Council provided mobile phone (only), a Councillor may elect to use their own personal mobile phone and claim reimbursement of call charges associated with performing their duties as a Councillor.

All equipment remains the property of Darebin City Council and must be returned at the end of a Councillor's term of office or, if requested, during leave of absence of a Councillor.

#### Data Costs

Council will meet the fixed charges of the smart phone and internet services. Council will also meet the call or data costs for these services incurred for duties as a Councillor.

Usage of all ICT devices will be restricted to the Councillor to whom they have been assigned and the assigned Councillor shall be responsible for all usage incurred on the devices. Councillors will take care to safeguard any personal or Council information stored on devices so as it cannot be accessed by other persons. All devices must be kept in secure locations when not in use.

Councillors may use Council provided devices for incidental private use. Incidental private use is defined as use that incurs costs of no more than 10% of the total monthly call and data costs.

Council will not provide or contribute to the costs of existing internet services or plans of a Councillor beyond what is set out in this policy.

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**Overseas Travel – Use of Equipment**

Councillors must obtain written approval from the Chief Executive Officer prior to taking Council equipment on overseas travel

If approval is granted by the Chief Executive Officer, the Councillor must consult with the Manager Information & Communications to discuss the most effective travel packs to be purchased for work related usage. The co-ordination of access to international voice and data services and the cost of all calls and data usage related to overseas travel for personal reasons are the responsibility of the Councillor, not the organisation.

The Councillor will be responsible to ensure phone settings are adjusted to avoid unexpected call and data charges.

**Replacement of Equipment**

If any Council issued equipment needs to be replaced, for whatever reason, it shall be returned to the responsible Council Officer at the same time as the replacement equipment is issued.

**Equipment Not Available for Sale**

All/any equipment provided to Councillors will not be available for sale or transfer to Councillors at the cessation of the Councillors term of office.

**6.2 Support (Help Desk and Training)**

Support for Councillors to set up their Council provided ICT resources and day to day trouble shooting assistance is provided by Council's Information and Communications Help Desk Staff.

Requests for assistance shall be made directly to the Helpdesk on 8470 8811 or via [helpdesk@darebin.vic.gov.au](mailto:helpdesk@darebin.vic.gov.au)

Training in the use of IT and Communications resources provided to Councillors may be arranged on an as required basis at the Councillor's request.

**6.3 Mayoral Vehicle / Transportation**

The Mayor is expected to perform a range of additional duties during the course of the mayoral year. Council will support the Mayor of the day through the provision of a vehicle or through the reimbursement of Council business vehicular travel costs. This support will be provided on the following terms and conditions:-

1. The vehicle provided will be in accordance with the Council Vehicle Policy which for passenger vehicles specifies environmentally friendly vehicles (fully electric or hybrid) (see Note 1); or
2. The reimbursement of vehicle travel costs (i.e. submitted kms claims) to an amount not exceeding the annual cost of a Council provided vehicle.(see Note 2). Any such claims must be fully substantiated

The vehicle will be fitted with a hands free mobile telephone car kit and fleet card for fuel purchases.

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**Note 1** The use and provision of the vehicle will be in accordance with Council's Vehicle Policy to the extent applicable, with full private use (and no driver contribution) and with the Mayor nominated as the assigned driver. The vehicle will be exempt from the car pool.

**Note 2** The annual cost of an environmentally friendly vehicle will be determined annually by the officer responsible for Council's Fleet and will represent the total annual operating cost for this vehicle.

A Council owned bicycle can be provided in lieu of a maintained vehicle. All Councillors may use Council's electric bike fleet based at the Preston Office.

#### **6.4 Taxi / Ride Share**

Where it is not possible or convenient to use public transport or a private motor vehicle, a taxi / ride share can be used by Councillors for travel required for their official duties as a Councillor. Councillors will be supplied, upon request, with a cab charge card or e-tickets. Travel of a private nature will not be reimbursed or paid by Council.

If a Councillor incurs costs for the use of a cab charge card or e-ticket in any month, they will be sent a copy of those charges along with a *Councillors Declaration of Cab Charge Use* form. The *Councillors Declaration of Cab Charge Use* form must be completed and returned to the Governance, Council Business and Civic Services Unit within 14 days of the account being sent.

Further, where a Councillor completes a *Councillors Declaration of Cab Charge Use* form and indicates that a charge/s was for personal use, an invoice shall be generated, and the Councillor shall pay the invoice within Council's normal payment terms and conditions.

Failure to complete the *Councillors Declaration of Cab Charge Use* form or to pay an invoice within Council's normal payment terms for personal use charges, will result in a Councillor's access to the cab charge card or e-tickets being revoked. In such circumstances the Councillor will then be required to personally pay for the use of cabs and submit a claim for reimbursement of the charges upon the supply of evidence that the charge/s was / were incurred as a result of undertaking Council related business.

#### **6.5 Substantial Private Use of Council Provided Resources**

Substantial private use of resources and facilities by a Councillor must be declared by the Councillor and substantial private use must be reimbursed by the Councillor.

A "Declaration of Usage of Resources" statement will be prepared each quarter by the Governance, Council Business and Civic Services Unit which will specify the monthly cost of the Council provided mobile phone and internet data plan. Itemised accounts will be provided to each Councillor of their mobile phone and data accounts.

Each Councillor must inspect the "Declaration of Usage of Resources" statement, make an estimate of their private use, and declare that no more than 10% of the call charges of the Council provided mobile phone (up to a maximum monthly cost of \$20) is attributable to incidental private use and no more than 10% of the internet connection plan is attributable to private use (Note – Councillor internet plans are combined with the organisational global plans with the current monthly cost being \$20 per device / service).

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If a Councillor discloses incidental private use of more than 10% (or in excess of the maximum monthly cost of \$20), this shall trigger a pro rata calculation of the private use. An invoice will be generated, and the Councillor must pay the invoice within Council's normal payment terms and conditions.

**Example** The monthly mobile phone account for Councillor X is \$300 and the internet data plan for the mobile phone and Council provided laptop are \$20 respectively. Councillor X examines the call charges and acknowledges that a series of lengthy calls they made to an ill family member overseas during the month totalled \$100. This is in excess of the allowable 10% incidental use i.e. \$30 and over the \$20 maximum incidental use threshold. Councillor X declares this on the Declaration of Usage of Resources" statement which triggers the raising of an invoice for \$80 that is sent to Councillor X for payment.

## **7. REIMBURSEMENT OF EXPENSES**

In line with the principles underlying this policy, the reimbursement of expenses incurred while performing duties as a Councillor shall be applied in a non-discriminatory way, recognising individual needs and circumstances and ensuring a Councillor is not financially or otherwise disadvantaged.

Councillors are entitled to be reimbursed for the following expenses while performing duties as a Councillor.

### **7.1 Private Vehicle Use**

Councillors are entitled to be reimbursed for reasonable travel expenses incurred in the use of their private vehicle (including electric vehicles) for Council purposes.

Reasonable travel expenses include travel to and from:-

- Ordinary Council Meetings, Special Council Meetings, Councillor Briefing Sessions, meetings of Committees of Council, civic functions;
- Meetings of community groups, organisations and statutory authorities to which the Councillor has been appointed the Council delegate;
- Site inspections or meetings; and
- Any meeting or other activity which the Councillor attends in performing duties as Councillor

All travel claims will be from each Councillor's notified place of residence. All expense claims will be submitted on the Councillor Reimbursement of Expense Claim Form and the Councillor shall be reimbursed, based on the distance travelled, in accordance with the applicable and current vehicle allowance as specified in the City of Darebin Enterprise Agreement in operation at the time claims are submitted.

Councillors that have an environmentally friendly vehicle which does not fit a standard cylinder vehicle classification are eligible for the 4 cylinder or less vehicle reimbursement classification amount.

Vehicle travel that exceeds 600km (for one event / trip in total) requires approval from the Chief Executive Officer.

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## 7.2 Family Care

The Council will reimburse the cost of necessary expenses for childcare up to and including the age of 16 years and for the care of elderly, disabled and / or sick immediate family members of Councillors, while a Councillor is conducting Council business.

Childcare costs are not eligible for reimbursement if paid to a family member or a person who normally or regularly lives with the Councillor, except where a live-in (professional) helper such as a nanny is required to work extra time at extra expense because of the Councillor's duties.

Carer expenses may consist of:-

- Childcare centre fees;
- Hourly fees;
- Agency booking fees (if claimed); and
- Reasonable travelling expenses at rates no greater than those prescribed in the City of Darebin Enterprise Agreement Part B (if claimed by the carer).

Fees that can be reimbursed are per hour (or part of an hour) rate subject to any minimum period which is part of the provider's usual terms, to a maximum hourly rate approved by the Chief Executive Officer (guided by industry rate).

Travelling expenses may cover the transport costs of the carer to and from the Councillor's residence or of the person to be cared for to and from the place of care.

Claims must be accompanied by a receipt from the care provider showing the date and time care was provided and details of the reason care was needed on each occasion. All claims shall be substantiated by an invoice or receipt or other relevant documentation provided by the caregiver.

Any claims for family care by a Councillor will be considered and have regard to the definitions and provisions of the Carers Recognition Act 2012.

## 7.3 Conferences / Training and Development

Councillors may seek approval to attend a conference or complete training and development during their term. Any Councillor funded training and development should be approved consistent with Section 8.11 prior to committing to the activity, otherwise it will not be reimbursed by Council.

## 7.4 Attendance at Events When Performing Duties as a Councillor

Councillors may seek approval from the Chief Executive Officer to attend events when performing duties as a Councillor and have these costs paid for by Council or reimbursed, as outlined in Section 8.11. Such events must be directly related to the municipality and must not be events organised by political parties. If requested and approved by the Chief Executive Officer Council will fund the costs associated with the attendance of the Councillor's spouse / partner when they are accompanying the Councillor. The costs shall be specifically limited to the meal and or ticket associated with the relevant event.



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### 7.5 Mobile Phone Reimbursement

Consistent with section 6.1, Councillors may choose to use their own mobile phone and seek a reimbursement of those costs. If a Councillor elects to do so, the Councillor shall submit their mobile phone account to the Governance, Council Business and Civic Services Unit and shall itemise the call and data charges that are attributable to performing their duties as a Councillor.

### 7.6 General Expenditure

General expenditure claims must relate directly to the performance of duties as a Councillor. General expenditure may include such expenses as the reasonable and minor purchase of refreshments ( i.e. a coffee ) car parking and public transport tickets. A claim for reimbursement of general expenditure requires evidence in the form of a tax invoice including name and address of the supplier and details of the goods or services supplied.

### 7.7 Green Travel Plan

Council's Green Travel Plan encourages a range of travel options conducive to the environment. Public transport can be a convenient and efficient form of travel for many Council business events in Darebin and in the central business district of Melbourne.

Public travel expenses incurred by Councillors in the course of official duties as a Councillor will be reimbursed.

### 7.8 Submitting Claims

All claims for reimbursement must be fully substantiated and details lodged on the Reimbursement of Expenses Claim form. The period for the lodgement of any claim must not exceed three months without written approval of the Chief Executive Officer, in response to a request in writing explaining the reason for such an extension. No claims will be permitted that exceed six (6) months and / or which do not relate to the current financial year.

### 7.9 Approval of Claims

Claims for reimbursement of expenses by Councillors must be approved by the Chief Executive Officer or their delegate. Mayoral expenses shall be approved jointly by the Chief Executive Officer and the EA to the Mayor and Councillors.

### 7.10 General

The following general provisions apply to out-of-pocket expenses that will be reimbursed to, or paid on behalf of, Councillors:-

- Reimbursements will only be made in respect of expenses already incurred.
- Travel must be undertaken as efficiently and by the shortest route possible.
- Where travel is by air or by other means of public transport, economy class will be the standard.
- Travel claims will only be made on the basis of the actual form of transport used.
- Expenses incurred which are not directly related to the official Council duties of a Councillor, cannot be included in the calculation of a claim for reimbursement.
- The cost of any penalties incurred for road, traffic or parking infringements will not be reimbursed.

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- If a particular expense is not claimed, this cannot be offset against a claim for an additional amount of another expense.
  - Council will reimburse the cost of a Councillor's partner accompanying the Councillor to civic engagements where the presence of the partner is necessary to support the business or representation needs of the Council. The engagement will normally be of a nature where other attendees will be accompanied by partners.

## **8. OTHER SUPPORT AND ASSISTANCE**

### **8.1 Mayoral Support**

Administrative support will be made available by the EA to the Mayor and Councillors to assist the Mayor (and where appropriate the Mayor's partner) in performing their official duties.

Office accommodation and associated equipment will be provided to assist the Mayor at the Darebin Civic Centre at 350 High Street, Preston.

### **8.2 Building Access**

Each Councillor will receive a key and security access card allowing 24-hour access to the Councillors office / lounge area and meeting rooms only at Darebin Civic Centre at 350 High Street, Preston.

An intercom system (linked to the Chief Executive Officers area) at the entrance to the Councillor office / lounge area is available for Councillors to use.

### **8.3 Car Parking**

The car park at the rear of Darebin Civic Centre at 350 High Street, Preston accessed from Kelvin Grove is available for Councillors to park when attending the Council offices. The security access card will allow access to this car park.

Allocated car parking for Councillors is not provided (except for the Mayor). Access to parking spaces will be dependent on availability.

Councillors will be requested to register their vehicle at the commencement of their term (and advise of any changes to vehicle use).

### **8.4 Meeting Rooms and the Councillors Office / Lounge**

The Civic Area on the first floor of Darebin Civic Centre includes the Councillors' office / lounge area and meeting rooms available for use by Councillors.

The Councillors' office / lounge is reserved for exclusive use by Councillors. The room is equipped with computer access and is suitable for office work, reading and research, and small meetings.

If materials and consumables are not available in the Councillors' office / lounge, Councillors must contact the EA to the Mayor and Councillors.

Light refreshments including water, tea, coffee and soft drinks will be made available in the Councillors' Lounge.

Councillors private and secure 'pigeon holes' are currently located in the Councillors' office / lounge.

Other meeting rooms in the Civic Area can be booked for meetings through the EA to the Mayor and Councillors. Meeting equipment, tea / coffee and chilled water can be made available for meetings upon request.

This does not extend to use by community groups or organisations.

#### **8.5 Administrative Support and Stationery / Mail / Miscellaneous**

Reasonable administrative support will be made available by the EA to the Mayor and Councillors primarily in the form of assistance with diary management, responding to correspondence, enquiries and requests for service as part of their official duties as a Councillor.

On request, the EA to the Mayor and Councillors will manage reasonable requests for stationery held or obtained for the organisation's requirements. This may include (but is not limited to) paper, writing implements, diaries, business cards, writing pads, data storage devices, envelopes etc. Council letterhead is not available for Councillors general use. No Christmas, greeting cards or postage is available.

Each Councillor will be provided with a Darebin City Council name badge for use while on Council business.

Personal mail and other Council information will predominantly be placed in Councillors pigeon holes for collection.

Council agendas / minutes, briefing agendas and the majority of information from the organisation will only be made available electronically via Council's Content Management System. Appropriate training and support for this system will be provided to all Councillors (Refer Section 6.2)

No paper/printed copies will be provided.

#### **Meals and Refreshments**

Where Council or Committee meetings are held at times which extend through normal meal times, Council will provide suitable meals served on the premises.

Access to Council Vehicle Pool - If it is assessed as the most practical means to attend a location to conduct Council related business, a vehicle from the Council motor vehicle pool may be provided for use by a Councillor or a group of Councillors.

#### **8.6 Memberships and Subscriptions**

The Chief Executive Officer will approve the costs of joining and ongoing membership of relevant professional associations (such as the Australian Institute of Company Directors) where they are satisfied that the membership will enhance the Councillor's ability to perform their role as a Councillor.

**8.7 Councillors with Disabilities**

The Council will meet the reasonable additional expenses to assist a Councillor with a disability to perform their duties as a Councillor. The Chief Executive Officer will be responsible to facilitate any process or plan to best support a Councillor with a disability to effectively perform their role.

**8.8 Other Support and Assistance**

A confidential counselling service is available for Councillors to access free of charge. This service offers confidential, short-term support for a variety of personal problems that may be affecting them in their role as a Councillor or in their personal life.

The service is free and offers private and confidential counselling on a wide range of personal and family related problems, including but not limited to: Personal and emotional stress, Relationship or family matters, Work - related stress, Financial coaching and Mental health concerns.

Contact details and background information on the Provider will be sent to all Councillors.

**8.9 Civic and Community Events**

From time to time, Council representatives are invited to attend community functions and events. It is usual for the Mayor to represent the Council at these functions and any payment required to attend the function is paid by the Council. If another Councillor attends the function, either representing the Mayor or in an official capacity as Council representative to that particular group, any attendance charge will be paid or reimbursed by the Council.

The cost of Council representatives attending civic functions and events hosted by other Councils will be paid by the Council.

**8.10 Conferences and Training**

The roles and responsibilities of Councillors are wide and varied. It is important that Council identifies the training needs of Councillors and ensures that they have access to ongoing training and professional development throughout their term.

The types of training and development activities and events at which Councillors seek approval to attend, should have a direct correlation to performing the role of Councillor. Such activities could involve seminars, conferences and more formal study courses.

Council will provide a maximum of \$7,000 per annum per Councillor for Training and Development activities (See Note 1). All approved costs related to training and development activities will be recorded against the Councillors' per term allowance.

Where it is understood that a Councillor training and development activity involves related costs such as accommodation, travel or other general costs, these should be identified by a Councillor when seeking authorisation from the Chief Executive Officer.

The Chief Executive Officer will:

- 1) Consult with all Councillors to identify training and development opportunities that best support their individual needs on an annual basis;
- 2) Provide a compulsory training program for a newly elected Council in line with legislation.
- 3) Maintain an annual budget which:-
  - a) Accommodates the individual training requirements of Councillors across the Council term; and
  - b) Limits individual Councillor expenses on training and professional development to \$7,000 per Councillor per financial year (See Note 1). If this amount has been expended, or the remaining funds are insufficient, Councillors can personally pay for costs or contribute funds towards attending an approved training or development activity.

Note 1. The Chief Executive Officer may upon application consider approving Conference attendance training and development opportunities that exceeds the \$7000 per Councillor per annum threshold if the annual cost for the Councillor training and development is maintained within the adopted budget and the relevant Councillor(s) per term training and development budget is maintained within the established parameters.

#### Councillor Group Training and Development

In regard to the training and development of the Council Group provision will be made by the organisation during an election year to ensure effective induction training and development can be provided to Councillors (as outlined above).

During the term of Council, the Chief Executive Officer, in consultation with Councillors will identify group training and development opportunities. These agreed collective opportunities will be funded by a budget provided by the organisation.

#### **8.11 Pre-Approval Process**

Councillors will seek approval for the funding of the following activities prior to either themselves seeking a reimbursement or Council officers organising and paying for attendance:-

- Training and development.
- Attendance at events when performing duties as a Councillor.

All requests for attendance at such activities which, if approved, will be paid for by Council (subject to in relation to training and development matters the per term maximum thresholds) shall be made in writing to the Chief Executive Officer in advance.

Councillors will outline the benefit and reasons when seeking approval.

**8.12 Authorisation**

The Chief Executive Officer, unless otherwise resolved by Council, is authorised to approve the funding of Councillors' attendance at training and development or confirming attendance and payment for events on criteria that ensures:-

- a) The attendance is in the community interest and reflects the identified needs of the Councillor;
- b) Equity and fair and reasonable access to all Councillors to training and development, noting that events will generally be attended by the Mayor in the first instance; and
- c) A quorum of Councillors is available to attend to the normal business of the Council.

**8.13 Exception for Overseas Travel**

Notwithstanding the above, any overseas travel by a Councillor in an official Council business capacity must be presented to a Council Meeting for approval prior to the travel.

**8.14 Costs Related to Spouses for Specified Activities**

The payment of travel, accommodation or any other expenses for spouses, partners or accompanying persons attending a conference will not be borne by Council.

**9. INDEMNITY PROVISION**

A Council must indemnify and keep indemnified each Councillor, member of a delegated committee and member of a Community Asset Committee against all actions or claims whether arising during or after their term of office, in respect of anything necessarily done or reasonably done or omitted to be done in good faith while undertaking the duties of a Councillor.

The following insurance covers will apply to all Councillors:-

- Public Liability.
- Professional Indemnity.
- Councillors and Officers Liability.
- Workcover.
- Personal Accident (accompanying partners are also covered).

Council will pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's insurers, whether defended or not.

Council equipment provided to Councillors to assist in performing their role, is covered for damage or theft under Council's insurance policies.

**10. ACCOUNTABILITY AND AUDIT****10.1 Claiming of Expenses**

In addition to the provisions of 7.8 the following provisions apply when making a claim for reimbursement of expenses:-

- 
- All claims for expense reimbursements must be made on the [Councillor or Delegated Committee Member Reimbursement of Expense Claim Form](#). (Appendix A).
  - Original receipts must be attached for all purchases (credit card receipts will not be accepted).
  - Where the provider of the goods or service is registered for GST, a 'Tax Invoice' must be obtained for all purchases in excess of \$82.50 (including GST); if a 'Tax Invoice' is not submitted, the GST component cannot be reimbursed.
  - Claims are to be lodged with Chief Executive Officer or General Manager Governance and Engagement in a timely manner to ensure transparency and accountability. Claims will be managed by the EA to the Mayor and Councillors.
  - Reimbursements will be paid by electronic funds transfer (EFT) within 21 days of receipt of a properly completed and supported claim form.

## 10.2 Audit and Reporting

### Councillor Expenses

Reports on Councillor expenses and reimbursements will be reported to Council in conjunction with the Quarterly Reporting regime and in the following format i.e. details of the expense, including reimbursement of expenses for each Councillor categorised separately as;

- Travel expenses (specifying car mileage expenses and cab charge or equivalent expenses).
- Childcare expenses.
- information and communications technology (specifying mobile phone expenses and data cost).
- Conferences and training (specifying all costs associated with the attendance) and
- Functions / events (specifying all costs associated with the attendance).

These reports will also be submitted to Council's Audit and Risk Audit Committee on a six monthly basis.

Audits of Councillor expenses and reimbursements may be carried out from time to time as part of Council's annual audit program.

### Interstate and Overseas Travel

The Chief Executive Officer will maintain a register of overseas and interstate travel in accordance with the legislation

## 11. REVIEW

This policy will be reviewed within 12 months of each General Election unless the Council determines that an earlier review is required.

APPENDIX A



**Councillor Reimbursement of Expense Claim Form**

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Private Vehicle Use      Rego. No.      Vehicle Type ( inc cylinders )

Date	Trip Details	Purpose of Trip	Amount kms	Amount \$	Tax Code (Office)	GL Code (Office)
<b>Total</b>			0	0.00		

\* Other Expenses

Date	Supplier	Details	Amount \$	Tax Code (Office)	GL Code (Office)
<b>Total</b>			0.00		

**\* Notes \***

All expense reimbursements must be supported by documentary evidence. Please attach receipts, etc. to this form.  
Where interstate travel has been taken, please complete a Travel Register Form.

Signature of Claimant: \_\_\_\_\_

Dated:      /      /

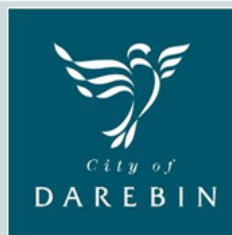
CEO Authorisation ( or delegate ): \_\_\_\_\_

Dated:      /      /

[SUBMIT TO COUNCIL BUSINESS UNIT](#)







**PUBLIC  
TRANSPARENCY  
POLICY 2020**

July 2020

[darebin.vic.gov.au](http://darebin.vic.gov.au)



This policy, which incorporates the statutory requirements prescribed for a Public Transparency policy in accordance with Clause 57 and 58 of the *Local Government Act 2020*, was adopted by resolution of Darebin City Council on 20 July 2020.

Version	Date Adopted by Council	Amendment
1.0	20 July 2020	

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## COMMITMENT

Council is committed to being accountable to the community through transparency of our information, service data, performance and decision making.

Council will empower the community through easy access to information and community engagement to inform decision making and strengthen good governance.

This policy also recognises the importance of open and accountable conduct.

### 1. INTRODUCTION

Transparency enables the community to hold Council to account. Council also seeks to be transparent with its decisions, actions and information in order to:-

- demonstrate good governance;
- improve performance;
- reassure the community that Council is spending public monies wisely; and
- increase the confidence and trust of the community.

Council is committed to embedding the principles of good governance, including public transparency, throughout its decision making, corporate governance and democratic governance. It demonstrates this commitment through high quality processes to ensure people have access to information that informs its decision making processes.

The Public Transparency Policy will ensure that Council provides stakeholders across Darebin with access to information and the opportunity to participate in public life and inform decision making, consistent with Section 18 of the Victorian Charter of Human Rights and Responsibilities.<sup>1</sup>

The work of Council will be conducted with transparency. Information is made readily and proactively available to the community and stakeholders, with specific exceptions clearly articulated.

Council will strive to strike an appropriate balance between the need to ensure transparency and the need to preserve the integrity of its own deliberative processes, whilst protecting the confidentiality of certain information.

This Public Transparency Policy (Policy) outlines what Council will do to maximise transparency in Council decision making, access to and availability of information and commits Council to key principles in how it will achieve this to deliver on its commitment to public transparency.

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<sup>1</sup> Section 18 - Taking part in public life

(1) Every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.

---

This policy also seeks to promote the Public Transparency Principles as set out in section 58 of the Act, namely:-

- a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;
- b) Council information must be publicly available unless—
  - i. the information is confidential by virtue of this Act or any other Act; or
  - ii. public availability of the information would be contrary to the public interest;
- c) Council information must be understandable and accessible to members of the municipal community;
- d) Public awareness of the availability of Council information must be facilitated.

## 2. CONTEXT

There are various ways in which Council works to ensure that residents are informed about key areas of Council's business. These include the quarterly reporting of financial performance data, capital works and project delivery updates and progress on actions in the Council Plan.

### 2.1. ORGANISATIONAL CONTEXT

- Community Engagement Policy
- Freedom of Information Part II Statement
- Governance Rules
- Information Privacy Policy
- Health Privacy Policy
- Records Management Policy

### 2.2. LEGISLATIVE CONTEXT

**Local Government Act 2020** – transparency, integrity and accountability are central principles and requirements that underpin local government democracy, accountability, conduct and enable the community to hold Council to account.

**Local Government Act 1989** –some provisions continue to apply through the staged implementation of the Local Government Act 2020.

**Equal Opportunity Act 2010** - providers of services have a duty to take reasonable and proportionate steps to eliminate discrimination as far as possible; must not discriminate when they deliver services; and must make reasonable adjustments for people with disabilities so that they can participate or access a service, including when providing information.

**Victorian Charter of Human Rights and Responsibilities Act 2006** –Council is required to ensure the consideration of relevant human rights in making decisions. Section 13 protects an individual's right not to have their privacy unlawfully or arbitrarily interfered with and Section 18 recognises a person's right to participate in the conduct of public affairs. Actions that are incompatible with human rights are illegal.

**3. SCOPE**

This policy covers:-

- Documentary information,
- Process information including the basis upon which decisions are made; and
- How information will be made available to the public.

This policy applies to Councillors, Council staff and other personnel (including contractors) of the Council.

**4. OBJECTIVES**

To:-

- Articulate Council's understanding of public transparency and commit to the public transparency principles that will guide its approach.
- Ensure availability of information that informs decision making by Council to the community to foster openness, transparency and accountability.
- Provide consistency in Council's approach to making information available.
- Improve organisational performance and community trust by supporting Council in good decision making, effective governance, integrity, compliance, responsible use of resources, and the achievement of its goals and objectives.

**5. POLICY DETAILS****5.1. WHAT IS PUBLIC TRANSPARENCY**

Transparency and accountability go hand in hand. Openness, accountability, and honesty define local government transparency and Council's obligation to share information with the community.

Transparency is central to the ability of the community to hold its elected and appointed officials accountable. Public transparency, in the local government context, requires that the work of the Council is:-

- Conducted openly.
- Accompanied by information made freely and proactively available to the community and stakeholders; and
- Supportive of participation in decision making.

Exceptions should be minimal and in accordance with law. An explanation should always be provided as to why information will not be released or why a decision cannot be made with full transparency.

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## 5.2. PRINCIPLES FOR TRANSPARENCY

Council commits to the following principles for Public Transparency as detailed in section 58 of the *Local Government Act 2020*:-

- a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;
- b) Council information must be publicly available unless—
  - i. The information is confidential by virtue of this Act or any other Act; or
  - ii. Public availability of the information would be contrary to the public interest;
- c) Council information must be understandable and accessible to members of the municipal community;
- d) Public awareness of the availability of Council information must be facilitated.

## 5.3. WHAT WILL COUNCIL BE TRANSPARENT WITH?

### 5.3.1. DECISION MAKING AT COUNCIL MEETINGS

- Will be informed through community engagement, in accordance with the Community Engagement Principles and the Community Engagement Policy.
- Will be informed by:
  - A Council Report that details factual and evidence-based information that has guided the Officer Recommendation provided in the agenda for a Council meeting;
  - Council debate during the meeting which is open to the community or can be viewed on the livestream (and available as a recording).
- Will be conducted in open meetings, unless closed in accordance with the provisions of the Act and the Governance Rules.
- Will be undertaken in accordance with the Act, including the Governance Rules, and other legislation.

### 5.3.2. DECISION MAKING BY COUNCIL OFFICERS

- Will be undertaken in accordance with the Act, including the Governance Rules, and other legislation.
- Will be open and transparent, including in regard to the considerations upon which decisions are based.
- Will be in keeping with the documented accountabilities of the organisation, including delegations or authorisations.
- Will be made fairly and based on merit.

### 5.3.3. COUNCIL INFORMATION

Council delivers a range of services to residents, business and visitors to the municipality and our services and functions are documented. Council will publish information about Council services and administration activities on Council's website or will make them available upon request.



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A schedule of the:-

- Documents
- Process information; and
- Council Records

available for inspection is set out in Appendix 1.

Also, Part II of the *Freedom of Information Act 1982* requires government agencies, including local Councils to publish prescribed advice to assist members of the public in accessing the information it holds. The information contained in the Statement includes the following, as required under the *Freedom of Information Act 1982*:

- Statement 1 – Organisation and Functions of Council  
Section 7(1) (a) (i) (vii) and (viii)
- Statement 2 – Categories of Documents  
Section 7(1) (a) (ii)
- Statement 3 – FOI Arrangements  
Section 7(1) (a) (iii) (v) (vi)
- Statement 4 – Publications  
Section 7(1) (a) (iv)
- Statement 5 – Rules, Policies, and Procedures  
Section 8

*The Part II Statement under the Freedom of Information Act 1982 is available on Council's website*

#### **5.3.4. PUBLICATIONS**

Council publishes a range of newsletters, reports and handbooks for residents, businesses and visitors to Council.

These materials can generally be accessed as follows:

- By downloading from [www.darebin.vic.gov.au](http://www.darebin.vic.gov.au)
- By telephoning the Council on (03) 8470 8888

Some of these publications are available at Council's Libraries.

#### **5.4. WHEN WILL WE BE TRANSPARENT?**

Public transparency will guide the work that we do, the decisions we make and the information we share.

There will be circumstances where information cannot be shared, and these are outlined in 5.5.

---

## 5.5. WHEN WILL WE BE LIMITED IN OUR TRANSPARENCY?

Some Council information that informs decision making by Council may not be made publicly available. This will only occur if the information is confidential information or if its release would be contrary to the public interest or not in compliance with the Privacy and Data Protection Act 2014

### 5.5.1. CONFIDENTIAL INFORMATION

“Confidential information” is defined in section 3 of the Local Government Act 2020. It includes the following types of information:-

- Council business information - that would prejudice the Council's position in commercial negotiations if prematurely released.
- Security information - that is likely to endanger the security of Council property or the safety of any person if released.
- Land use planning information - that is likely to encourage speculation in land values if prematurely released.
- Law enforcement information - which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.
- Legal privileged information - to which legal professional privilege or client legal privilege applies.
- Personal information - which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
- Private commercial information - provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.
- Confidential meeting information - records of a Council and delegated committee meetings that are closed to the public to consider confidential information.
- Internal arbitration information - relating to internal arbitration about an alleged breach of the councillor code of conduct.
- Councillor Conduct Panel confidential information - relating to a Councillor Conduct Panel matter.
- Confidential information under the 1989 Act - that was confidential information for the purposes of section 77 of the Local Government Act 1989.

Council may decide, in the interests of transparency, to release information to the public even though it is confidential under the Act. However, this will not happen if the release is:-

- Contrary to law;
- In breach of contractual requirements; or
- Releasing the information is likely to cause harm to any person or is not in the public interest to do so.

**5.5.2. PUBLIC INTEREST TEST**

Council is not required to make publicly available information if the release would be contrary to the public interest. When considering public interest, Council must be satisfied that the harm to the community likely to be created by releasing the information will not exceed the public benefit in it being released.

When considering possible harm from releasing information, Council will only concern itself with harm to the community or members of the community. Potential harm to the Council will only be a factor if it would also damage the community, such as where it involves a loss of public funds or prevents the Council from performing its functions.

The public interest determination will consider factors referenced in the *Privacy and Data Protection Act 2014* including:-

<b>Section Privacy and Data Protection Act 2014</b>	<b>The public interest in ...</b>	<b>Weighed against the public interest in ...</b>
5(a) (objects)	the free flow of information	protecting the privacy of personal information in the public sector
5(b) (objects)	promoting open access to public sector information'	protecting its security
Sections 31(1), 35(1)(a), 39(1)(a), 41(1)(a) (PIDs)	the organisation doing the act or engaging in the practice'	complying with the specified Information Privacy Principle or approved code of practice
Sections 47(3), 49(1) (Information Usage Arrangements ('IUAs') that modify the application of, or provide for non-compliance with, an Information Privacy Principle or an approved code of practice)	handling personal information under the information usage arrangement in the way specified	complying with the specified Information Privacy Principle or approved code of practice
Sections 47(4), 49(2) (IUAs for the purposes of an information handling provision)	treating the handling of personal information as being permitted	treating the handling of that information as not being permitted

2

<sup>2</sup> Guidelines to Public Interest Determinations, Temporary Public Interest Determinations, Information Usage Arrangements and Certification, *Commissioner for Privacy and Data Protection, (2014)*

---

Information that might be withheld because it is contrary to the public interest may include:-

- Internal working documents that have not been approved or submitted to Council, especially where their release may mislead the public;
- Directions to Council staff regarding negotiations in contractual or civil liability matters, where release may damage the Council's capacity to negotiate the best outcome for the community; and
- Correspondence with members of the community, where release may inappropriately expose a person's private dealings.

Where information is not confidential, and not already available, Council will apply the principles of a public interest test with consideration also of the resources required to respond to the request.

## **5.6. HOW WILL WE BE TRANSPARENT**

### **5.6.1. ACCESS TO INFORMATION**

- Information will be made available and maintained on the Council website in a timely manner. The information will be accessible in terms of plain language, format and provision of a multi-lingual interpreting service.
- Requests for information will be responded to in alignment with this policy and the Public Transparency Principles.
- Information requested to be released will be assessed with regard to confidentiality in accordance with the Act and public interest test where appropriate.
- This may include providing a copy, arranging inspection or viewing or otherwise providing access to the document. An applicant may otherwise be advised that access to a document can be obtained via another method such as a statutory release scheme or for purchase.

### **5.6.2. COUNCIL MEETINGS**

Decisions made at Council meetings are generally informed by Council reports that are prepared by officers and included in the agenda.

Council meeting agendas are made available to the community in advance of each meeting in accordance with the Governance Rules. Council meetings will be open to the public to attend or view.

The only circumstance in which the community will not be able to view a Council meeting will be if it has been closed for consideration of a confidential matter.

---

### 5.6.3. ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND INFORMAL MEETINGS

For any meeting of an Advisory Committee established by Council attended by at least one Councillor or a scheduled or planned meeting to discuss the business of *Council* or to brief Councillors, and which is attended by at least half of the Councillors and one member of Council staff; and which is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting the *Chief Executive Officer* must ensure that a summary of the meeting is:-

- a) Tabled at the next convenient Council meeting; and
- b) Recorded in the minutes of that Council meeting.

The summary of the meeting will include

- c) The time, date and location of the meeting.
- d) The councillors in attendance.
- e) The topics discussed.
- f) The positions of council officers in attendance and
- g) The organisation that any attendees external to council are representing; and
- h) Any conflicts of interest declared, including the reason.

### 5.6.4. AUDIT AND RISK COMMITTEE REPORTING

In accordance with the Overarching Governance Principles and Audit and Risk Committee Charter, any non-conformance with statutory or legislative requirements will be reported to the Audit and Risk Committee.

The Audit and Risk Committee will prepare biannual audit and risk report that describes the activities, issues and related recommendations of the Committee in accordance with the Act.

## 5.7. COMMUNITY ENGAGEMENT AND PUBLIC PARTICIPATION

We will engage with our Community when we are developing a strategy, plan or change that impacts them. In our reporting we will tell our community how we have undertaken community engagement and public participation throughout the process, what was learned from this and how it informed the approach taken.

### 5.8. ACCESSING INFORMATION

Information will be made available on the Council website, at Council offices, or by request.

Members of the public can make different kinds of information requests to the Council (i.e. the formality of the request, or pre-requisites for access may vary, depending on the nature of the document and the context.).

This Policy is alert to the varied capacity of members of the community to access information. Consideration will be given to accessibility and cultural requirements with reference to the Towards Equality Framework of the Council.

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Council will respond to requests for information in accordance with:-

- The Act including the Public Transparency Principles;
- With the Part II statement made under the Freedom of Information Act 1982., and
- This policy.

#### 5.9. NON-COMPLIANCE WITH THIS POLICY

If a member of the community wishes to question a decision about the release of information:-

- This should be raised directly with the officer handling the matter in the first instance.
- If still not satisfied and would like to further review the decision, this can be reported to the Freedom of Information Officer at the Council.
- If still not satisfied and would like to contest the decision, this can be reported in accordance with Councils Complaints Handling Procedures.
- If not satisfied with Council's response, the concerns can be raised directly with the

**Victorian Ombudsman**

Level 9 North Tower  
459 Collins Street  
Melbourne 3000  
Tel: 03 9613 6222

Or, where the complaint relates to management of privacy

**Office of the Victorian Information Commissioner**

PO. Box 24274  
Melbourne, Vic 3000  
Telephone: 1300 00 6842  
Email: [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au)  
Website: [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au)

#### 5.10. HOW TO ACCESS OTHER COUNCIL INFORMATION

The *Freedom of Information Act 1982* gives a person right of access to documents that Council hold. Council is committed to proactive and informal release of information in accordance with the Freedom of Information Professional Standards issued by the Victorian Information Commissioner.

Community members who can't find the information sought are encouraged to call Council before making a Freedom of Information application. An application may not be required to get the documents. Council staff will advise know what documents are available for inspection and assist with getting the information you want.

**6. ROLES AND RESPONSIBILITIES**

<b>Party/parties</b>	<b>Roles and responsibilities</b>	<b>Timelines</b>
Council	Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making.	Ongoing
Executive Management Team	Champion behaviours that foster transparency and drive the principles through policy, process and leadership. Monitor implementation of this policy.	Ongoing
Senior Management Team	Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this policy.	Ongoing
All Staff	Public transparency is the responsibility of all employees as appropriate to their role and function. All staff respond to requests for information and facilitate provision of information in consultation with their manager and in alignment with the Policy.	Ongoing
Manager Governance Unit	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.	Ongoing
Freedom of Information Officer	To receive and investigate concerns about compliance with this policy and provide recommendations and response on action.	Ongoing

**7. MONITORING, EVALUATION AND REVIEW**

Council will monitor processes, information sharing and decision making to understand the impact of the policy.

A periodic review of this policy will be undertaken and any changes required to strengthen or update the policy will be made in a timely manner.

**8. REVIEW**

This policy will be reviewed in June 2022 unless the Council determines that an earlier review is required.

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**APPENDIX 1 – AVAILABILITY OF INFORMATION**

**Council information required under the Act (and the *Local Government Act 1989*)** to be made available on Council's website:-

- Agendas and Minutes of Council Meetings and Delegated Committees;
- Local Laws and Governance Rules;
- Council Plan and Annual Plan;
- Council Budget and Strategic Resource Plan;
- Code of Conduct – Councillors;
- Summary of Election Campaign Donation Returns;
- Summary of Personal Interest Returns; and
- Any other registers or records required to be published on Council's website under legislation or determined to be in the public interest.

**Other Council documents and information to ensure the community is informed about Council's operations and functions** to be made available on Council's website:-

- Adopted Council policies, plans and strategies;
- Project and service plans;
- Terms of Reference or Charters for Council Advisory Committees and Groups;
- Consultations and community engagement processes undertaken by Council;
- Reporting from Advisory Committees and Reference Groups to Council;
- Audit and Risk Committee performance reporting;
- Relevant technical reports and/or research that informs decision making;
- Practice notes and operating procedures;
- Guidelines and manuals;
- Application processes for approvals, permits, grants and access to Council services;
- Submissions made by Council;
- Register of planning permits and applications;
- Register of Building Permits, Occupancy Permits and temporary approvals;
- FOI Part II Statement; and
- Registers of Delegation;
- Register of gifts, benefits and hospitality offered to Councillors or Council staff;
- Register of overseas and interstate travel undertaken by Councillors or Council staff;
- Register of conflicts of interest disclosed by Councillors or Council staff;
- Register of donations and grants made by Council;
- Register of leases entered into by Council, as lessor and lessee;
- Register of authorised officers;
- Submissions received under section 223 of the *Local Government Act 1989* until its repeal or received through a community engagement process undertaken by Council (if those submissions are not part of a Council report); and
- Any other registers or records required to be made available for public inspection under legislation.



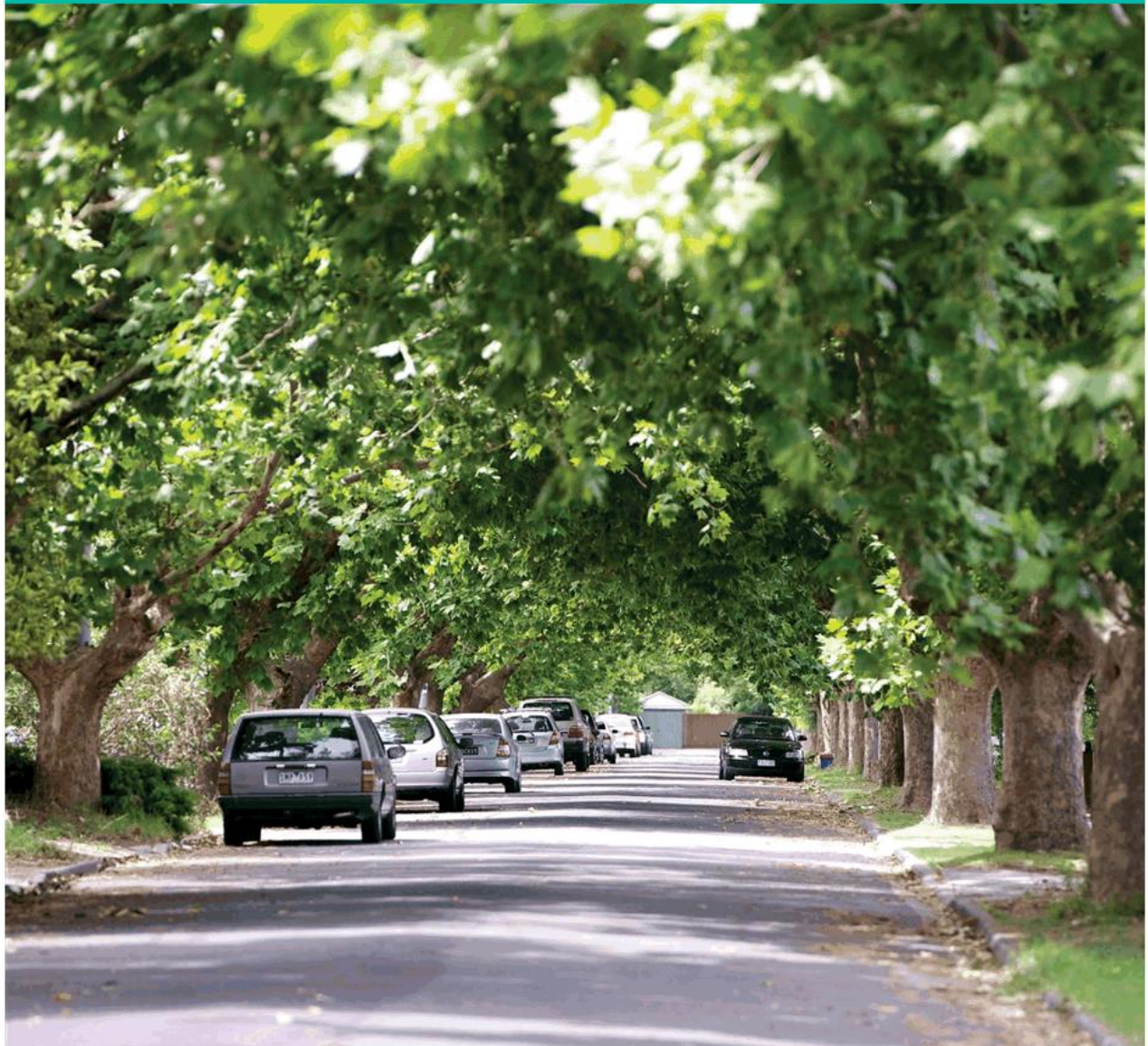




the place  
to live

# AUDIT AND RISK COMMITTEE CHARTER

July 2020



Darebin City Council  
Audit and Risk Committee Charter

---

## 1 PURPOSE

The Audit and Risk Committee (the Committee) is a committee established in accordance with section 53 and 54 of the *Local Government Act 2020* (the Act) to assist Darebin City Council (Council) in fulfilling its responsibilities relating to external financial and performance reporting, risk and financial management, corporate governance, internal control systems and providing advice to drive continuous improvement.

In accordance with section 53 (2) of the Act, the Committee does not have any delegated powers, including executive powers, management functions or delegated responsibility.

In accordance with section 54 (2) of the Act, the Committee is established to assist Council in discharging its responsibilities to:

- monitor the compliance of Council Policies and Procedures with:
  - the Act and the regulations and any Ministerial directions,
  - the overarching governance principles;
- monitor Council's financial and performance reporting;
- monitor and provide advice on risk management and fraud prevention systems and controls; and
- oversee internal and external audit functions.

In line with Council's commitment to environmental sustainability and social justice, the Audit and Risk Committee in discharging the above responsibilities - particularly as they relate to policy compliance and auditing of Council functions and processes, will give due regard to the advancement of Council's environmental and social objectives.

## 2 AUTHORITY

The Committee is not a delegated Committee but is responsible to Council.

The Council authorises the Committee, within its responsibilities to;

- obtain any information it requires from any official or external party (subject to any legal obligation to protect information);
- discuss any matters with the Victorian Auditor General's Office (VAGO), or other external parties (subject to confidentiality considerations);
- request the attendance of any official, including Councillors and Council Officers, at Committee meetings; and
- seek resolution on any disagreements between management and the external auditors on financial reporting.

## 3 RESPONSIBILITIES

In accordance with section 54 (2) of the Act, the Committee has the following responsibilities:

- (1) Monitor Financial and performance reporting. Specific matters the Committee may address include:
  - (a) Review significant financial and reporting issues, including complex or unusual transactions and recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the financial report;
  - (b) Review the results of the annual external audit in conjunction with management and the external auditors, including any difficulties encountered;
  - (c) Review the annual financial report and performance report, and consider whether the reports are complete, consistent with information known to Audit and Risk Committee members and reflect appropriate accounting principles, and make a formal recommendation to council;
  - (d) Review with management and the external auditors all matters required to be communicated to the Committee under the Australian Auditing Standards;

Darebin City Council  
Audit and Risk Committee Charter

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- (e) Review the process for the consolidation of financial information of council related entities into the financial reports of the council; and
  - (f) Assess information from internal and external auditors that affects the quality of financial reports. For example, actual and potential material audit adjustments, financial report disclosures, non-compliance with legislation and regulations, internal control issues.
- (2) Monitor Internal controls. Specific matters the Committee may address include:
- (a) Review whether management's approach to maintaining an effective internal control framework is sound and effective;
  - (b) Consider the scope of the internal auditors review of internal controls over financial reporting, and obtain reports from the internal and external auditors on significant findings and recommendations, together with management's responses; and
- (3) Monitor and provide advice on Risk management and fraud prevention systems and controls. Specific matters the Committee may address include:
- (a) Review the risk management framework annually;
  - (b) Monitor the systems and process that are in place to manage strategic and operational risks;
  - (c) Monitor the process of review of Council's risk profile;
  - (d) Consider the adequacy of actions taken to ensure that material risks have been dealt with in a timely manner to minimise exposures;
  - (e) Receive reports on the annual renewal of the insurance program and provide advice on strategic reviews of insurance program;
  - (f) Monitor the effectiveness of business continuity planning and processes, including whether business continuity and disaster recovery plans have been regularly updated and tested;
  - (g) Receive summary reports from management on all suspected and actual frauds, thefts and material breaches of legislation, ensuring reporting to the Council and/or relevant authorities and monitor the effectiveness of the management responses; and
  - (h) Monitor the Council's fraud prevention and detection framework, including any action taken with respect to actual and suspected instances of fraud.
- (4) Oversee Internal audit. Specific matters the Committee may address include:
- (a) Monitor the implementation, review and endorse the three-year rolling and annual strategic internal audit plans, and any major changes to the plans, and ensure that the plans are aligned with Council's risk profile;
  - (b) Review and approve the memorandum of planning (MAP) for each internal audit to ensure that the audit objectives and scope are fit for purpose;
  - (c) Receive internal audit reports and provide advice to Council on significant issues raised and associated actions, including the identification of good practice;
  - (d) Monitor the implementation of agreed management actions;
  - (e) Monitor processes and practices to ensure that the appropriateness and independence of the internal audit function is maintained;
  - (f) Monitor the performance of the internal audit provider, taking into consideration the Institute of Internal Auditors' International Standards for the Professional Practice of Internal Auditing;
  - (g) Ensure that opportunities are provided for the internal auditor to meet in-camera with the Committee, as required; and
  - (h) Ensure that opportunities are provided to explore other internal audits in line with Council's environmental, social and sustainability objectives.

Darebin City Council  
Audit and Risk Committee Charter

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- (5) Oversee External audit. Specific matters the Committee may address include:
- (a) Annually review the external auditor's proposed audit scope and approach, including any reliance on internal auditor activity;
  - (b) Ensure that significant findings and recommendations made by the external auditor, and management's responses to them are appropriate and are acted on in a timely manner;
  - (c) Provide advice on the resolution of any disagreements between management and the external auditors on financial reporting;
  - (d) Ensure that opportunities are provided for the external auditor to meet in-camera with the Committee, as required; and
  - (e) Maintain awareness of Local Government performance audits undertaken by Victorian Auditor-General and consider the findings and recommendations of performance audits relevant to Council for action/implementation, where appropriate.
- (6) Monitor the Compliance of Council Policies and Procedures (with the Act and the regulations and any ministerial directions, the overarching governance and principles):
- (a) Review the effectiveness of the systems and processes that monitor compliance with legislation and regulations;
  - (b) Monitor the implementation of actions associated with identified instances of non-compliance;
  - (c) Receive reports on the findings of any examinations by regulatory agencies and monitor management's response to these findings;
  - (d) Receive regular updates from management about compliance matters;
  - (e) Review Council's compliance with procedures associated with complaints including confidential and anonymous employee complaints under the *Public Interest Disclosures Act 2012* and section 1317aa of the *Corporations Act 2001* (commonwealth), dealing with accounting, internal accounting controls or auditing matters or other matters likely to affect the council or its compliance; and
  - (f) Comply with legislative and regulatory requirements imposed on the Committee members, including not misusing their position (s123 of the Act) to gain an advantage for themselves/another or to cause detriment to the council and disclosing conflicts of interest (s125 of the Act).

#### 4 MEMBERSHIP

- (1) The Committee comprises of five members (made up of two Councillors and three external members), appointed by Council. In accordance with section 53 of the Act, the Committee must:
- Include members who are Councillors of the Council (3a);
  - Consist of a majority of members who are not Councillors of the Council and who collectively have:
    - expertise in financial management and risk (3b i),
    - expertise in public sector management (3b ii);
  - Not be a member Council staff (3c).
- (2) A quorum of a least a majority of current Committee members, with a minimum of two external members and one Councillor will be necessary to transact the business of the Committee. The quorum must be in attendance at all times of the meeting.
- (3) Council will appoint the Committee members. The external members appointed by Council are to be natural persons with an appropriate balance of local government regulatory knowledge, finance, audit or management experience.
- (4) The external members are to be appointed for a two-year term, with an option for a further two-year term by mutual consent.

Darebin City Council  
Audit and Risk Committee Charter

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- (5) Council may adjust the initial period of appointment to allow for mid-term appointments and to avoid situations where all external member terms expire within close proximity of each other. This initial period of appointment must be more than one year, and no more than three years.
- (6) Where vacancies exist, Council shall determine a mechanism for filling those vacancies.
- (7) The Chief Executive Officer (CEO), GM Governance & Engagement and Finance Manager will be invited to all meetings as advisors or observers, but they will not form part of the Committee.
- (8) Other management representatives or Council Officers may be invited to attend meetings as advisors or observers, but they will not form part of the Committee. They will attend if they are required to prepare a report for the Committee in their area of responsibility.
- (9) The Committee reserves the right to meet at any time without non-members or with invited non-members
- (10) A representative(s) of VAGO will be invited to attend meetings of the Committee, as an observer. Such representative will be required to act in accordance with the governance principles in addition to the obligations of confidentiality (section 125) and conflict of interest (part 6, division 2) as outlined within this Charter and the Act.
- (11) A representative(s) of the appointed internal audit contractor will be invited to attend meetings of the Committee, as an observer. Such a representative will be required to act in accordance with the governance principles in addition to the obligations of confidentiality (section 125) and conflict of interest (part 6, division 2) as outlined within the Act.
- (12) Membership of the Committee will be reviewed periodically (but at least every three years) by Council, with the aim of ensuring an appropriate balance between continuity of membership, the contribution of fresh perspectives and a suitable mix of qualifications, knowledge, skills and experience. Councillor members will be appointed for a one-year term of office. The initial appointment of external Committee members shall be for a two-year period. An external member may serve no more than two full terms in any one position before the position must be publicly advertised. This does not preclude existing members from being re-appointed through a competitive process.

## 5 MEMBER RESPONSIBILITIES

- (1) Committee members are required to lodge primary and ordinary returns in accordance with the *Local Government Act 2020*, within the timeframes requested by Council.
- (2) Committee members may be requested to perform other activities related to this charter.

## 6 CHAIRPERSON

- (1) The Committee will appoint a Chairperson (Chair) and Deputy Chair for a 12-month term. In accordance with Section 53 of the Act, they:
  - must not be a Councillor,
  - must not be a member of Council staff.
- (2) The election of the Chair shall take place in accordance with the process for the election of the Mayor under the Darebin City Council Governance Rules.
- (3) The election of the Deputy Chair shall follow the election of the Chair and shall take place in accordance with the process for the election of the Chair.
- (4) The Chair, and in their absence, the Deputy Chair, will preside over meetings of the Committee.

## 7 FEES

- (1) In accordance with section 53 of the *Local Government Act 2020*, Council will pay a fee to all external members with the amount determined by Council, taking into account an assessment of the market and the recommendation of the CEO.

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Audit and Risk Committee Charter

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- (2) Fees will consist of a Member fee (paid to all external members) and a Chairperson fee (paid to the Chair).
- (3) The Member fee payment:
  - (a) will be made each quarter following receipt of a Tax Invoice from the external member (including the purchase order provided by Council) after each scheduled quarterly meeting; and
  - (b) will not be paid to an external member that was absent from the meeting without leave from the Committee.
- (4) The Chairperson fee payment:
  - (a) will be made each quarter following receipt of a Tax Invoice from the external member (including the purchase order provided by Council) after each scheduled quarterly meeting; and
  - (b) will not be paid to an external member acting or temporary holding the role of Chair.
- (5) Council does not have to pay a Member fee or Chairperson fee to a Committee member who does not want to receive a fee.
- (6) In accordance with section 53(6) of the Act, Council will pay a fee to an external member and the fee will be based on a per annum fee, determined by the CEO, which will be indexed in alignment with the rate cap % each 1 July.
- (7) Payment of the fee will be made each quarter to the external member following receipt of a Tax Invoice (including the purchase order provided by Council) after each meeting.
- (8) No less than once every Council term, the fee paid to the external members will be benchmarked, against no less than five other peer Councils, to provide the Council with the information required to fully review the fees.

## 8 MEETINGS

- (1) The Committee will meet at least four times a year, one or more special meeting may be held to review Council's annual financial statements and performance statements, or to meet other responsibilities of the Committee.
- (2) All Committee members are expected to attend each meeting, in person or through teleconference or video conference. Failure to attend a meeting will result in non-payment of the Member fee for the associated quarter.
- (3) The Chair is required to call a meeting if asked to do so by the Council or decide if a meeting is required should it be requested by another member, internal audit or VAGO.
- (4) The CEO or their delegate will facilitate the meetings of the Committee and invite whomever is necessary for the orderly and effective conduct of committee business to attend meetings to provide pertinent information, as necessary.

## 9 ADMINISTRATION

In accordance with section 54 (6a) of the Act, the CEO will appoint a Council officer to provide secretariat support to the Committee. The secretariat will:

- (1) Ensure the agenda prior to each meeting is approved by the CEO of Council;
- (2) Prepare meeting agendas and supporting paper, which will be circulated at least one week before the meeting to the Committee members; and
- (3) Prepare meeting minutes and ensure they are well maintained. Minutes will include relevant elements of the Committee's discussion. Minutes must be reviewed by the General Manager Governance & Engagement and circulated within two weeks of the meeting to each member and committee observers, as appropriate.

Darebin City Council  
Audit and Risk Committee Charter

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**10 PLANNING**

The Committee will develop a forward meeting schedule that includes the dates and location for each meeting for the forthcoming year.

In accordance with section 54(3) of the Act, the Committee will develop an annual work program that includes the timing of reporting for all of the responsibilities outlined in this charter.

**11 SUPPORT**

To facilitate the operation of the Committee, the CEO or their delegate has responsibility to provide:

- (a) any necessary training for members in relation to their responsibilities under the *Local Government Act 2020*;
- (b) any information required by the Committee to enact its responsibilities under this Charter;
- (c) officer advice in respect of matters before the Committee;
- (d) formal meetings with Council staff, the internal auditors or the external auditors as requested by the Committee, in accordance with the execution of its responsibilities under this Charter; and
- (e) secretariat and logistical support to the Committee.

**12 REPORTING**

- (1) Officers will prepare biannual reports on Audit and Risk Committee activities, issues, and related recommendations, for presentation to a meeting of Council.
- (2) Committee members will attend Council briefings as required, to report on financial and other relevant matters.
- (3) Officers will prepare a report for inclusion in the Darebin City Council Annual Report describing the Committee's composition, responsibilities and how they were discharged, and any other information required by regulation, including approval of non-audit services.
- (4) The Committee will prepare an Annual Committee Performance report that includes an annual assessment of Committee performance against the Audit and Risk Committee Charter in accordance with Section 54(4a) of the Act. This report will be provided to the CEO for presentation to Council annually in accordance with Section 54(4b) of the Act;
- (5) The Committee will prepare a biannual Audit and Risk report that describes the activities of the Committee and includes its findings and recommendations in accordance with section 54(5a) of the Act, along with the agreed actions. This report will be provided to the CEO for reporting to Council.
- (6) Internal audit reports and external audit reports shall not be made public.
- (7) In accordance with section 54(6b) of the Act, the CEO is required to table reports upon request by the Chair of the Committee.

**13 RECRUITMENT**

A position description for external members will be established and maintained for each of the three external member positions. The position description will include a matrix skills assessment that identifies the particular blend of skills and experience required for each particular role.

**14 INDUCTION**

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

**15 REVIEW OF THE COMMITTEE CHARTER**

The Committee will review and assess the adequacy of this Charter annually, taking into account any relevant legislative requirements. The Audit and Risk Committee Charter, including amendments to the Charter, will be approved by Council.



Darebin City Council  
Audit and Risk Committee Charter

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**16 EVALUATING PERFORMANCE**

In accordance with section 54 (4a) of the Act, the Committee must complete an annual self-assessment to evaluate the Committee's performance, as well as the performance of the internal auditors, and to confirm that the Committee has met its responsibilities under the charter. The assessment will be provided to the CEO for tabling at Council.

**17 CONFLICTS OF INTEREST**

- (1) Committee recommendations must be transparent and accountable, they must protect the public interest, maintain the integrity of the Committee and Council and enable the public to be confident that the Committee is performing its duties properly.
- (2) If a conflict of interest exists, it must be declared and managed. The Committee members are required to provide written declarations, through the Chair, to the Council declaring any material personal interests they may have in relation to their responsibilities.
- (3) Division 2 of Part 6 of the Act applies to a member of the Committee who is not a Councillor, as if the member were a member of a delegated Committee. An external member has a **conflict of interest** if they have:

- a general conflict of interest within the meaning of section 127 of the Act; or
- a material conflict of interest within the meaning of section 128 of the Act.

Members of the Committee will provide declarations in accordance with statutory requirements.

- (4) External members should consider past employment, consultancy arrangements and related party issues in making these declarations. The Council, in consultation with the Chair, should be satisfied that there are sufficient processes in place to manage any real or perceived conflict.
- (5) At the beginning of each Committee meeting, members are required to declare any material personal interests that may apply to specific matters on the meeting agenda. Where required by the Chair, the member will be excused from the meeting or from the Committee's decision of the relevant agenda item(s). The Chair is also responsible for deciding if they should excuse themselves from the meeting or from the Committee's decision of the relevant agenda item(s). Details of material personal interests declared by the Chair and other members, and actions taken, will be appropriately recorded in the minutes.

**18 MISUSE OF POSITION**

Section 123 of the *Local Government Act 2020* applies to a member of the Committee who is not a Councillor, as if the member were a member of a delegated Committee. The requirements include:

- (1) The external member must not intentionally misuse their position –
  - to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
  - to cause, or attempt to cause, detriment to the Council or another person.
- (2) For the purposes of this section, circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a delegated committee include –
  - making improper use of information acquired as a result of the position the person held or holds; or
  - disclosing information that is confidential information; or
  - directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or
  - exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or
  - using public funds or resources in a manner that is improper or unauthorised; or
  - participating in a decision on a matter in which the person has a conflict of interest.

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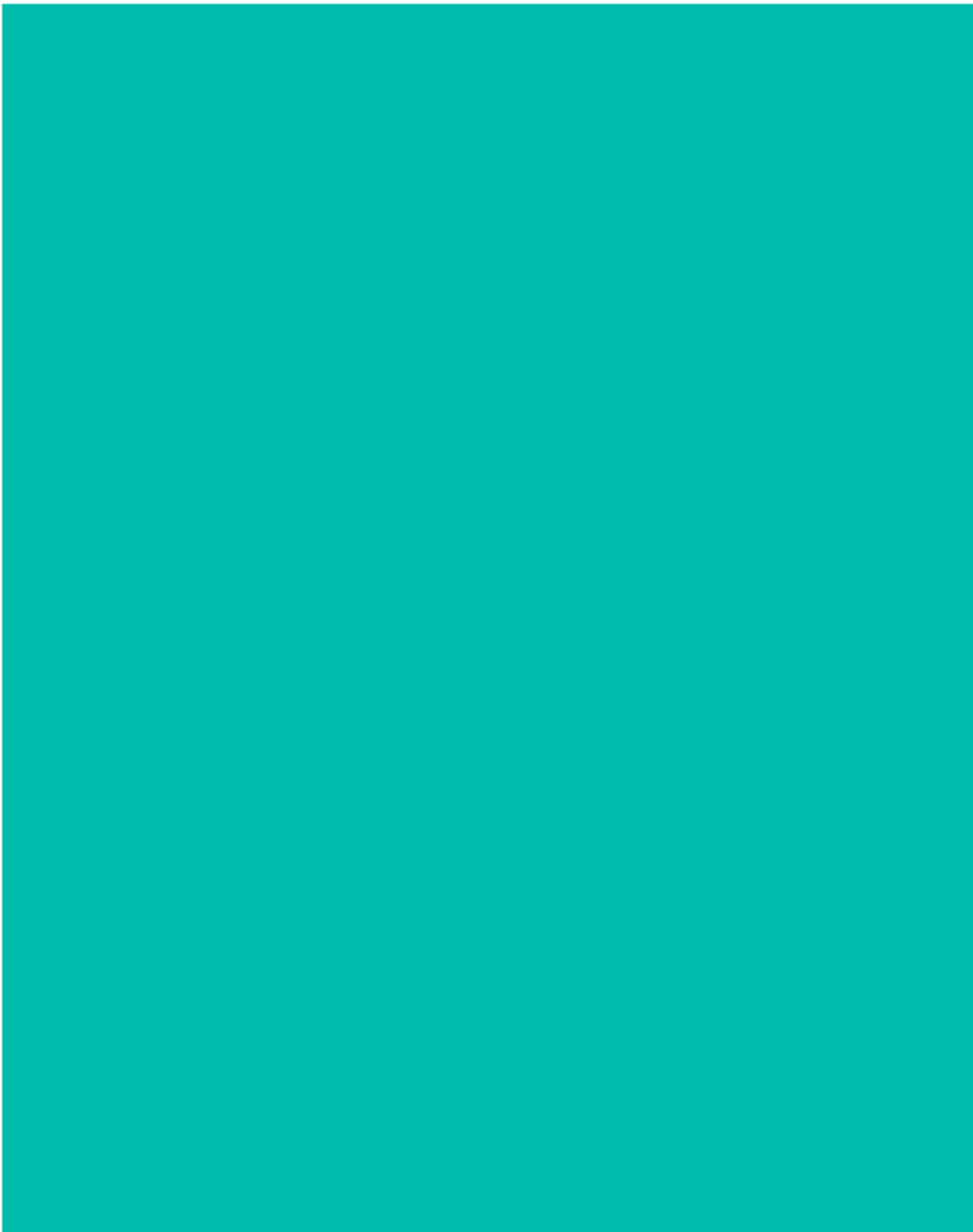
Darebin City Council  
Audit and Risk Committee Charter

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**19 CONFIDENTIAL INFORMATION**

Section 125 of the Act applies to a member of the Committee who is not a Councillor, as if the member were a member of a delegated Committee. The requirements include:

- (1) Unless subsection (2) or (3) applies, a person who is, or has been, an external member must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information.
- (2) Subsection (1) does not apply if the information that is disclosed is information that the Council has determined should be publicly available.
- (3) A person who is, or has been, an external member may disclose information that the person knows, or should reasonably know, is confidential information in the following circumstances:
  - for the purposes of any legal proceedings arising out of this Act;
  - to a court or tribunal in the course of legal proceedings;
  - pursuant to an order of a court or tribunal;
  - in the course of an internal arbitration and for the purposes of the internal arbitration process;
  - in the course of a Councillor Conduct Panel hearing and for the purposes of the hearing;
  - to a Municipal Monitor to the extent reasonably required by the Municipal Monitor;
  - to the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector;
  - to a Commission of Inquiry to the extent reasonably required by the Commission of Inquiry;
  - to the extent reasonably required by a law enforcement agency.



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***Instrument of Delegation to Chief Executive Officer***

**Darebin City Council**

**Instrument of Delegation**

**to**

**The Chief Executive Officer**

**Instrument of Delegation**

In exercise of the power conferred by s 11(1) of the *Local Government Act 2020 (the Act)* and all other powers enabling it, Darebin City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation.

AND declares that

- 1. this instrument of Delegation is authorised by a resolution of Council passed on 20 July 2020.
- 2. the delegation
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 is subject to any conditions and limitations set out in the Schedule;
  - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.4 remains in force until Council resolves to vary or revoke it.
- 3. The member of Council staff occupying the position or title of, or acting in the position of, Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 11(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

**DATED:** 20 July 2020

The COMMON SEAL of )  
 DAREBIN CITY COUNCIL )  
 was affixed on )  
 with the authority of the Council: )

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Chief Executive Officer

## SCHEDULE

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

### Part 1 - Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing.

4. If the issue, action, act or thing is an issue, action, act or thing which involves:
  - 4.1 awarding a contract for the purchase of goods and services or for the carrying out of works exceeding the value of \$1,000,000 (including GST) ;
  - 4.2 appointing an Acting Chief Executive Officer for a period exceeding 28 days.
  - 4.3 election of a Mayor or Deputy Mayor.
  - 4.4 granting of a reasonable request for leave under section 35 of the Act.
  - 4.5 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer.
  - 4.6 awarding a contract for the purchase of goods and services or for the carrying out of works that has been requested through the Mayor to be determined by Council;
  - 4.7 making, amending or revoking a local law.
  - 4.8 approval or amendment of the Council Plan under Part 4 of the Act;
  - 4.9 adoption or amendment of any policy that Council is required to adopt under the Act.
  - 4.10 adoption or amendment of the Governance Rules.
  - 4.11 appointment of the chair or the members to a delegated committee.
  - 4.12 borrowing money.
  - 4.13 subject to 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
  - 4.14 approval of the Budget or Revised Budget and Strategic Resource Plan
  - 4.15 adoption of the Auditor's report, Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
  - 4.16 appointment of Councillor or community delegates or representatives to external organisations; or
  - 4.17 the return of the general valuation and any supplementary valuations
5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
6. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

7. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
  - 7.1 policy; or
  - 7.2 strategyadopted by Council; or
8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s11(2)(a)-(n) (inclusive) of the Act or otherwise; or
9. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

#### **Part 2 – Emergency Powers**

10. Where a State of Emergency is in force after having been declared by the Premier of Victoria under the provisions of the Emergency Management Act 2013 or other relevant legislation and a quorum of Council or the Planning Committee cannot be formed or the convening of a meeting represents in the view of the Chief Executive Officer an unacceptable risk to public health and safety, the Chief Executive Officer in consultation with the Mayor may make any decision on any matter, (with the exception of those matters they are explicitly prevented from determining under the Act ) as required to continue the good governance and operation of Council, which would normally be subject of a resolution of Council.
11. The Chief Executive Officer may only exercise the power as referred to in clause 10 if, they believe that the powers they are exercising are in the best interests of the City of Darebin.
12. Any decision taken by the Chief Executive Officer under this Part will in a timely manner be communicated to Councillors and is required to be subject of a report to the next available Council Meeting.



***Instrument of Delegation (Planning Committee)***

**Darebin City Council**

**Instrument of Delegation**

**to**

**Planning Committee**



### Instrument of Delegation

Darebin City Council (**Council**) delegates to the committee established by resolution of Council passed on 20 July 2020 and known as the "Planning Committee" (**the Committee**), the powers, discretions and authorities set out in the Schedule, and declares that:

- 1. this Instrument of Delegation is authorised by a resolution of Council passed on 20 July 2020;
- 2. the delegation:
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 remains in force until Council resolves to vary or revoke it; and
  - 2.3 is to be exercised in accordance with the exceptions, conditions and limitations set out in the Schedule and with the guidelines or policies which Council from time to time adopts; and
- 3. all members of the Committee have voting rights.

**DATED:** 20 July 2020

The COMMON SEAL of )  
 DAREBIN CITY COUNCIL )  
 was affixed on )  
 with the authority of the Council: )

\_\_\_\_\_  
 Councillor

\_\_\_\_\_  
 Chief Executive Officer

## SCHEDULE

### Purpose

To exercise Council's powers, discretions and authorities to perform Council's functions under the *Planning and Environment Act 1987* in accordance with relevant policies and guidelines of the Council and to do all things necessary or convenient to be done for or in connection with the performance those functions, duties and powers.

### 1. Powers and Functions

The Planning Committee (the Committee) is a ' Delegated committee ' with delegated powers appointed pursuant to section 63 of the *Local Government Act 2020* (the Act), to assist Council in decision making on statutory planning matters (including considering and approving or rejecting applications for planning permits and on strategic planning matters including planning scheme amendments, planning policies, land use strategies and strategic development sites pursuant to the *Planning and Environment Act 1987*.

### 2. Membership

The Committee comprises all Councillors.

### 3. Chairperson

The Mayor is the Committee Chairperson.

### 4. Meetings

The Committee will meet as determined by resolution of the Council.

### 5. Weekly Activity Reports on Planning Applications

Planning Committee Members will receive a weekly report on the following planning application types for each week from February to December in any year. The report shall include a clear description of the proposal and where it meets any of the following criteria:-

- (a) Any Planning applications which receive five or more objections.<sup>1</sup>
- (b) Planning applications (excluding amendments, secondary consents or extensions of time for permits) where the development proposes 4 or more storeys.
- (c) Planning applications which fail to meet the objectives of adopted planning scheme amendments or Council policy included in the Darebin Planning Scheme.
- (d) Planning applications which, in the opinion of the Manager responsible for the Statutory Planning functions, raise major policy implications such as exceeding a height specified in the planning scheme and ought to be referred to the Councillors.
- (e) Any other applications for major developments or changes of use which, in the opinion of the Manager responsible for the Statutory Planning functions ought to be referred to Councillors.

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<sup>1</sup> For the purpose of this Charter, multiple objections from the same property address are counted as a single objection, as is a petition or letter with multiple signatories.

- 2 -

**6. Matters that Must be Reported to the Planning Committee for Decision**

- (a) Any decision to approve or reject a development plan or amendment to a development plan already approved.
- (b) Any decision on an application for planning permit including new applications, amendments to permits and extensions of time for electronic gaming machines.
- (c) Any decision on a planning application where the height specified in the planning scheme has a recommendation of support from officers.

**7. Items can be Reported at the Discretion of the Relevant Manager and General Manager**

- (a) Any other applications or changes of which, in the opinion of the Manager in consultation with the General Manager responsible for the Statutory Planning functions and the Chief Executive Officer ought to be referred to the Planning Committee for decision.

**8. Matters can be Called Up for a Decision to the Planning Committee**

- (a) Any application can be called up for a report to the Planning Committee through action by 3 or more Planning Committee Members through a written request to the relevant Manager and General Manager responsible for the Statutory Planning functions. A copy of the written request must also be provided to the Manager and General Manager responsible for the governance functions of Council. Such a call up is to be made no later than 5 business days after which the decision will be made under delegation by Council officers.
- (b) Any Planning Committee Member wishing to call-up an application for reporting to the Planning Committee must include in their written requests, reasons justifying why the broader interest of the community is served by the proposal being considered by the Committee. The request should also acknowledge there has been discussion with relevant officers and they are satisfied that they understand what the application proposes and the issues to be considered are relevant beyond the subject site and immediately adjoining properties.

**9. Reporting**

A report on the meetings and activities of the Planning Committee is to be prepared for inclusion in Council's Annual Report.

**10. Submitters to Planning Committees**

Statutory Planning Matters

Statutory Planning matters are defined as Planning Permit Applications and Development Plan Applications.

Persons who have made a written submission on a statutory planning matter listed on Planning Committee agenda may address the Planning Committee in accordance with the following process:-

- Order of Speakers
- The applicant (2 minutes)
- Any submitters who have registered with Council their request to address the Planning Committee (2 minutes each).

The Chairperson may, at their discretion, extend the time for an individual's submission.

- 3 -

Strategic Planning Matters

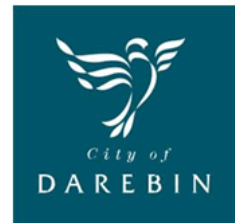
Submissions to the Planning Committee on strategic land use matters (i.e. a non-statutory matters ) will be considered in line with the provisions of Council's Governance Local Law.

**11. Delegated Authority**

- (a) The Planning Committee has full delegated authority under section 188 of the *Planning and Environment Act 1987* to determine applications with five or more objections<sup>1</sup>.
- (b) The Planning Committee has full delegated authority to consider and decide on strategic planning matters including planning scheme amendments, planning policies, land use strategies and strategic development site matters aligned with Council's role as Planning Authority as set out in the *Planning and Environment Act 1987*.
- (c) The Committee has discretion to refer matters to Council if considered appropriate.

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<sup>1</sup> For the purpose of this Charter, multiple objections from the same property address are counted as a single objection, as is a petition or letter with multiple signatories.



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# GOVERNANCE RULES 2020

July 2020

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

Version	Date Adopted by Council	Amendment
1.0	20 July 2020	

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## AUTHORISATION

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

## COMMITMENT

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

The principles of good governance are to be applied throughout all decision making, corporate governance and democratic governance by adherence to these Governance Rules. The principles of good governance incorporate the overarching governance and supporting principles outlined in section 9 of the Act<sup>1</sup>.

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

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### <sup>1</sup> 9 Overarching governance principles and supporting principles

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

## CHAPTER 1 – INTRODUCTION

### 1. Purpose

These Governance Rules determine the way in which Council will:

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

The Governance rules also include:

1. rules for the conduct of Council and Councillors during Election Periods, through the Election Period Policy;
2. an overview of alignment of the Governance Rules within Council's democratic and corporate governance; and
3. provisions for use of the common seal.

CHAPTER 2 - CONTEXT

2.1 Affected Persons Rights and Interests

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

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

2.2 Context

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

- Community Engagement Policy Public Transparency Policy;
- Councillor Code of Conduct;
- Employee Code of Conduct;
- Other relevant policies.

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

2.3 Definitions

(1) In these Governance Rules:

**Act** means the Local Government Act 2020;

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

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

**Agenda** means a document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting;

<sup>2</sup> Section 60(2) Local Government Act 2020

The Governance Rules must provide for a Council to—

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

**Agreement of Council** means indicative agreement of all of the Councillors present, without a vote being conducted. In the event there is any uncertainty about majority of Councillors agreeing, the matter may be put to a vote.

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

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

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

**Chief Executive Officer** means the person who is appointed to the position of Chief Executive Officer of Council, their delegate, and any person acting in that position

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

**Committee Meeting** means a meeting of a Delegated Committee;

**Common Seal** means the common seal of Council;

**Continuance** means a continuance of a Meeting beyond the time limit prescribed by clause 1.3.1(1) of the Meeting Rules

**Council** means Darebin City Council;

**Councillor** means a Councillor of Council;

**Council Meeting** means a meeting of the Council convened in accordance with these Governance Rules and includes an Ordinary Meeting and a Special Meeting

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

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

**Delegated Committee** means a Delegated Committee established by Council pursuant to, and in accordance with, section 63 of the Act

**Deputy Mayor** means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor;

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

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

**Electronic Means** means email or facsimile transmission or similar electronic means of communication including utilising in house, hosted or cloud based file and document sharing software or systems

**Foreshadowed Item** means a matter raised in the relevant section of the Council Meeting that a Councillor intends to submit a Notice of Motion for the next Ordinary Meeting;

**Full Days** means complete days from midnight to midnight, including weekends and public holidays

**General Manager** means a senior member of Council staff holding the position of General Manager or another position (however designated) which reports directly to the Chief Executive Officer

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**Give Notice** in respect of communication to and from Councillors includes an email forwarded to the Council-provided email account of the Councillor or the provision of documents transmitted via a secure software application to a Council-provided device

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

**Mayor** means the Mayor of Council and any person appointed by Council to be acting as Mayor, including a Deputy Mayor, if the Mayor is not available;

**Meeting** means a Meeting of the Council (including a Special Meeting) or a Delegated Committee Meeting;

**Member** means a Councillor or member of a Delegated Committee;

**Minister** means the Minister administering the Act;

**Minutes** means the official record of the proceedings and decisions of a Meeting;

**Motion** means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted;

**Notice of Motion** means a notice setting out the text of a Motion which a Councillor proposes to move at a Meeting;

**On Notice** means held or deferred to enable preparation of a response;

**Opposite** in relation to a motion or amendment, means a direct negation of the underlying action or intent contained within that motion or amendment

**Petition** means a document purporting to be a Petition to Council that meets the requirements outlined in Clause 16 of the Meeting Rules

**Point of Order** means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting;

**Procedural Motion** means a Motion specified as such in clause 9 of the Meeting Rules that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure;

**Quorum** means presence by a majority of Councillors at a Council Meeting or a majority of Members at a meeting of a Delegated Committee or any other Meeting

**Second vote** means a vote cast by the chairperson when there has been an equality of votes cast for and against a matter (also known as a casting vote). A councillor who does not vote will be taken to have voted against the question.

**Special Meeting** or **Special Council Meeting** means a meeting of the Council convened for a particular purpose or matter that cannot be effectively dealt with in the schedule of Ordinary Council meetings set by Council;

**Rule or Sub-rule** means a rule or sub-rule included in these Governance Rules; (2)

## CHAPTER 3 – MEETING RULES

In accordance with s 60 of the Local Government Act 2020 these Meeting Rules are for and with respect to

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

### PRELIMINARY

#### ***Italicised Notes***

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

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

#### ***Overview***

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

*It also defines key terms used throughout the Meeting Rules.*

#### **Title**

This is the Darebin City Council Meeting Rules 2020 which forms part of the Councils Governance Rules made under section 60 of the *Local Government Act 1989*.

#### **Application of the Meeting Rules**

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



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

### 1.1. Notice of Meetings and Agenda Distribution

**Overview:**

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

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

*Delegated Committee Meetings are meetings of :*

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

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

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

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

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

### 1.1.2. Calling and Scheduling of Special Council Meetings

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

### 1.1.3. Process to Call a Special Council Meeting

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

### 1.1.4. Agenda Distribution

- (1) This clause applies to Ordinary Meetings and Special Meetings.
- (2) At least six (6) days before a Meeting is scheduled to occur, an Agenda incorporating the business to be dealt with must be:
  - a) delivered to each Councillor by electronic means; and
  - b) published on Council's website.
- (3) If it not possible to comply with sub-clause (2) for any reason, the Chief Executive Officer must ensure delivery and publication of the Agenda as soon as reasonably possible.

### 1.1.5. Adjourned, Cancelled or Postponed Meetings

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

## 1.2. Quorums

### **Overview:**

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

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

### 1.2.1. Quorum to be present

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

### 1.2.2. Failure to Raise a Quorum

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

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

#### **1.2.3. Inability to Maintain a Quorum**

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

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

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

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### 1.3. Time Limits for Meetings

#### 1.3.1. Time Limits for Meetings

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

#### 1.4. Chairperson may Temporarily Adjourn a Meeting

The Chairperson may adjourn a Meeting for up to a 10-minute break, at an appropriate point in proceedings. This does not require a Council resolution.

#### 1.5. Business Transacted Valid

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

## 2. Business of Meetings

### **Overview:**

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

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

### **Relevant Provisions of the Local Government Act – Conflict of Interest**

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

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

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

### **2.1. Order of Business**

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

6. Public Question Time
  7. Petitions
  8. Consideration of Reports
  9. Notices of Motion
  10. Urgent Business
  11. Records of Assemblies of Councillors
  12. Reports by Mayor and Councillors
  13. Consideration of Reports Considered Confidential
  14. Close of Meeting
- (4) The items to be listed on the Agenda of any Meeting of a Delegated Committee will be determined by the Chief Executive Officer.

## 2.2. Change to the Order of Business

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

## 2.3. Business at Meetings

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

## 2.4. Conflict of Interest

Councillors, members and officers must provide a full disclosure of any conflict of interest in accordance with Part 6 Division 2 and the Chapter 5 of the Governance Rules under Part 60 of the Act.

## 2.5. Presence of Councillors

Councillors must be physically present in the Council Chamber in order to participate in the Meeting and to vote.

**Note:**

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

### 3. Role of the Chairperson

**Overview:**

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

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

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

#### 3.1. Mayor to Take Chair

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

#### 3.2. Appointment of an Acting or Temporary Chairperson

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



### 3.3. The Chairperson's Duties and Discretions

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

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

### 3.4. Chairperson's Ruling

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

## 4. Motions

### **Overview:**

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

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

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

### **4.1. Moving a Motion**

The procedure for moving any motion is as follows.

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

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

#### **4.2. Debate Must be Relevant**

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

#### **4.3. Miscellaneous Rules of Debate**

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

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

#### 4.4. Right to Ask Questions

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

#### 4.5. Right of Reply

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

#### 4.6. Time Limits for Debate

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

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

#### 4.7. Moving an Amendment

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

**Note:**

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

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

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

**4.8. Miscellaneous Rules for an Amendment**

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

**4.9. Time Limits for Debate for an Amendment**

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

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

#### 4.10. Foreshadowing Motions

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

#### 4.11. Motions Moved in a Block

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

#### 4.12. Motions and amendments in writing

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

**Note:**

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

## 5. Voting

### **Overview:**

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

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

### **5.1. How a Motion or an Amendment is Determined**

- 1) To determine a motion or amendment before a Meeting, the Chairperson must first call for those voting in favour of the motion or amendment, then those voting against the motion or amendment. Except for procedural matters the Chairperson will call the names of all those voting in favour of the motion or amendment, then those voting against the motion or amendment and these will be recorded in the minutes of the meeting.
- 2) Voting on any matter is by a show of hands.
- 3) Voting must take place in silence.
- 4) The Chairperson may direct that a vote be recounted to satisfy herself or himself of the result.
- 5) When a vote is tied, the Chairperson has a second, casting vote and may use this vote as they see fit.
- 6) Once a vote on a motion or amendment has been taken, no further discussion relating to the motion or amendment is permitted.

### **5.2. Separation of Motions**

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



## 6. Notices of Motion

### **Overview:**

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

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

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

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

### **6.1. Notice of Motion Arrangements**

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

### **Note:**

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

**6.2. Valid Notices of Motion**

A Notice of Motion must:

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

**6.3. Rejection of Notice of Motion**

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

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

#### **6.4. Debating a Notice of Motion**

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

## 7. Notice of Rescission or Amendment

### **Overview:**

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

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

### **7.1. Procedure for a Notice of Rescission or Amendment**

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

- 6) The lodgement and acceptance by the Chief Executive Officer of a Notice of Motion to rescind or amend a previous resolution of Council does not prevent the Chief Executive Officer or other Officer from giving notice to any person that the Notice of Motion to rescind or amend has been lodged.
- 7) If a Notice of Motion to rescind or amend a previous resolution of Council is lost or lapses, a similar motion may not be put before Council for at least 6 (six) months from the date it was lost.
- 8) If a Notice of Motion to rescind or amend a previous resolution of Council is not moved and/or seconded at the Meeting for which it is listed, it lapses.
- 9) A Notice of Motion to rescind or amend a previous resolution of Council listed on an Agenda may be moved by any Councillor present, except the Chairperson, but must not be amended.

#### **7.2. Rejecting a Notice of Motion to Rescind or Amend**

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

## 8. Urgent Business

### 8.1. Urgent Business

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

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

## 9. Procedural Motions

### **Overview:**

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

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

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

### **9.1. Process for Procedural Motions**

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



## 9.2. Schedule of Procedural Motions

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

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

MOTION	FORM (WORDING OF THE MOTION)	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION IS PROHIBITED	CAN THERE BE DEBATE	EFFECT IF CARRIED	EFFECT IF LOST
10. Extending Public Question Time	That Public Question Time be extended by 30 minutes	Not applicable	Public Question Time may only be extended once per meeting	No	Public Question Time is extended by 30 minutes	Public Question Time must cease at the end of the initial 30-minute period
11. To close the Meeting pursuant to section 66(1) of the Act	That the meeting be closed pursuant to section [state relevant section] to consider [state matter]	Any matter	Not applicable	No	Meeting closed to the public	Meeting continues

## 10. Points of Order

### **Overview:**

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

### **10.1. Valid Points of Order**

- 1) A point of order may be raised in relation to anything which:
  - a) is contrary to the Meeting Rules;
  - b) is irrelevant to the matter under consideration;
  - c) is outside the powers of Council;
  - d) constitutes improper behaviour;
  - e) is offensive;
  - f) constitutes a tedious repetition of something already said;
  - g) is an act of disorder; or
  - h) is a misleading or false statement
- 2) Rising to express a difference of opinion or contradict a speaker is not grounds for raising a point of order.

### **10.2. Procedure for a Point of Order**

- 1) A Councillor raising a point of order must:
  - a) clearly state the point of order in accordance with the provisions of sub-clause 10.1 1) and
  - b) state any section, clause, paragraph or provision relevant to the point of order before resuming his or her seat.
- 2) If the Councillor raising the point of order does not follow the process in sub-clause 1), the point of order will not be considered.
- 3) A Councillor raising a point of order under this clause is not deemed to be speaking to the motion or amendment before the Meeting.

### **10.3. Chairperson to Decide**

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

**10.4. Chairperson May Adjourn to Consider**

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

**10.5. Dissent from Chairperson's Ruling**

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

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

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

## 11. Meeting Conduct

### **Overview:**

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

### **11.1. Display of Placards and Posters**

- 1) A person must not display any placards or posters in the Council Chamber or in any building where a Meeting is being or is about to be held that give rise to a risk to the health and safety of persons in the Council Chamber or building where the Meeting is being held.
- 2) A person must not:
  - a) display any offensive, indecent, insulting or objectionable item or words, including words that are racist, sexist or homophobic, in the Council Chamber, or
  - b) obstruct the entrance to the Council Chamber or a building where a Meeting is being, or is about to be, held.
- 3) The Chairperson may order and cause the removal of any placard or poster that is deemed by the Chairperson to be contrary to sub-clause 1) or 2) or is objectionable, disrespectful or otherwise inappropriate.

### **11.2. Addressing the Meeting**

- 1) A Councillor or any other person who addresses a Meeting must do so in a courteous and respectful manner and must take direction from the Chairperson whenever called on to do so.
- 2) Any person addressing the Chairperson must refer to her or him as:

Mayor (surname), or Chairperson.
- 3) All Councillors, other than the Mayor, must be addressed as Cr. (surname).
- 4) All Officers must be addressed as Mr or Ms (surname) as appropriate, or by their official title.
- 5) Except for the Chairperson, any Councillor who addresses a Meeting must stand and direct all remarks through the Chairperson.
- 6) It will not be necessary for Councillors to rise when speaking to the Chairperson in a Meeting that is closed to the public (Confidential Business) in accordance with the Act.

- 7) Despite sub-clause 5), the Chairperson may permit any Councillor or person to remain seated while addressing the Chairperson at a Meeting for reasons of sickness, infirmity, disability or otherwise at her or his discretion.
- 8) Any member of the public attending a Meeting must not interject or take part in the debate.
- 9) Any member of the public attending a Meeting must not utter any offensive, indecent, insulting or objectionable item or words, including words that are racist, sexist or homophobic, or interject or gesticulate offensively in the Council Chamber.
- 10) Silence must be preserved by the gallery (other than by a person in the gallery who is invited to address the Meeting) at all times during a Meeting.
- 11) If any member of the public engages in conduct that is improper or disorderly, the Chairperson may direct that person to cease their conduct and the person must comply with that direction.

#### **11.3. Chairperson May Remove a Member of the Public**

- 1) The Chairperson may order and cause the removal of any person, other than a Councillor, who disrupts any Meeting or fails to comply with a direction of the Chairperson.
- 2) In causing a person's removal under sub-clause 1 , or the removal of an object or material under clause 11.1, the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the person or the object or material.
- 3) A person must not refuse or neglect to leave a Meeting, or to remove an object or material, when ordered by the Chairperson.

#### **11.4. Disorderly Conduct by Councillors**

- 1) The conduct of Councillors at Meetings is governed by the Act, this Meeting Rules and the Councillor Code of Conduct.
- 2) Where a Councillor engages in improper or disorderly conduct or acts in a way that otherwise disrupts a Meeting, or impedes its orderly conduct, Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has first warned the Councillor to cease that behaviour.
- 3) Where Council suspends a Councillor under sub-clause 2), the Councillor will take no active part in the portion of the Meeting from which she or he has been suspended.
- 4) The Chairperson, or Council by resolution, may order and cause the removal of a Councillor who has been suspended under sub-clause 2) from the Meeting for the duration of the suspension.

- 5) In causing the removal of a Councillor under sub-clause 4), the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the Councillor.
- 6) A Councillor must not refuse or neglect to leave a meeting when ordered to do so under sub-clause 4).

**11.5. Chairperson May Adjourn Disorderly Meeting**

- 1) The Chairperson may adjourn the Meeting for either a short time, or to resume another day, if the behaviour at the Council table or in the gallery is significantly disrupting the Meeting.
- 2) If the Chairperson adjourns the Meeting to another day, clause 1.1.5 applies with respect to the provision of notice of the adjourned Meeting.



## 12. Minutes

### 12.1. Keeping Minutes

The Chief Executive Officer shall ensure that Minutes are kept of each Meeting.

### 12.2. Confirmation of Minutes

- 1) When confirming the Minutes of a Meeting, opposition can only be expressed on the basis that the record contained in the Minutes is incomplete or inaccurate.
- 2) The Chairperson must not allow discussion or motions on any issue other than an alleged omission from, or inaccuracy of, the Minutes.
- 3) If no Councillor indicates opposition, the Chairperson must, after seeking a mover and seconder, declare the Minutes to be confirmed.
- 4) If any Councillor indicates opposition, he or she must specify the particular item or items in the Minutes concerned and can, after asking any questions to clarify the matter, only move a motion to rectify the alleged error(s) in the record.
- 5) A copy of the Minutes shall be sent electronically to every Councillor and placed on the Council website no later than seven (7) days after the Meeting to which they relate.
- 6) The minutes of an Ordinary or Special Council Meeting or of a meeting of any Delegated Committee comprised entirely of Councillors will be defined as 'unconfirmed minutes' until they are formally confirmed at the next Ordinary Meeting
- 7) Once the Minutes are confirmed, they must be signed by the Chairperson of the Meeting at which they were confirmed.

### 13. Webcasting and Recording of Proceedings

#### 13.1. Webcasting and Recording of Proceedings

- 1) The Chief Executive Officer (or their delegate or nominee) may, for the purposes of minute taking, transparency and accessibility of Meetings to the public, record on suitable audio recording equipment all proceedings of a Meeting.
- 2) The Chief Executive Officer (or such other person authorised by the Chief Executive Officer for that purpose) will conduct a live webcast of the proceedings of a Meeting.
- 3) A recording of a Meeting that is webcast will be made available to the public on Council's website for viewing or listening for a period of four years from the date of the Meeting.
- 4) A person in the gallery must not operate film, photographic, tape or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson. In deciding whether or not to give such consent, the Chairperson is to ask whether any person present at the Meeting objects.
- 5) Consent given under sub-clause 4) may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease, at which time the recording must cease.
- 6) This clause does not apply to any part of a Meeting that is closed to the public in accordance with section 66(1).

## 14. Submissions

### **Overview:**

*There are several powers conferred on Council which require a public submissions process– these include the adoption of key Council documents (such as the Council Plan and Budget), proposals to sell Council land, the closure of roads and the making of Local Laws or Rules. This public submission process will be defined in Councils Community Engagement Policy and requires Council to give public notice of the proposal and to consider (and hear if requested) submissions received before making a final decision on the particular matter. The hearing of these submissions are generally dealt with by Councils Hearings Committee (a Delegated Committee of Council pursuant to the Act).*

*In addition to these statutory public submissions processes, and the process established in relation to planning matters (i.e. where Applicants and Objectors to Planning Matters are afforded the opportunity to make submission before Councils Planning Committee (a Delegated Committee of Council pursuant to the Act). Council has also established a submission process at Ordinary Meetings that enables community members to provide input on certain matters listed on the Agenda, prior to their consideration by Council.*

### **14.1. Community Submissions**

- 1) Members of the public may only address an Ordinary Meeting in accordance with the provisions of the Meeting Rules.
- 2) Members of the public will be given the opportunity to make a submission in relation to matters listed on the Agenda for an Ordinary Meeting except for Notices of Motion, Petitions and urgent business.
- 3) Submissions may be presented immediately prior to the Agenda item being considered and prior to any motions relating to the item being accepted.
- 4) Submissions may, at the discretion of the Chairperson, be made during Public Question Time if all questions have been asked and answered and there is time remaining. Priority will be given to public questions during Public Question Time.
- 5) Submissions are not able to be made during:
  - a) any period when a Meeting is closed to the public in accordance with section 66(1) of the Act; or
  - b) a local government election or caretaker period as defined in Council's Election Period Policy.

### **14.2. Submissions to Delegated Committees**

Submissions to any Delegated Committee will be governed by the processes outlined in the Delegated Committee's Charter or as determined by the Delegated Committee.

**14.3. Registering to Make a Submission**

- 1) Members of the public wishing to make a submission may register their intention to do so before 12 noon on the day of the Meeting or attend on the day of the Meeting to make their submission.
- 2) Submissions can be lodged using one of the following methods:
  - online at [www.darebin.vic.gov.au/questionsandsubmissions](http://www.darebin.vic.gov.au/questionsandsubmissions);
  - by email to [Q&S@darebin.vic.gov.au](mailto:Q&S@darebin.vic.gov.au);
  - in person at the Preston Customer Service Centre, 274 Gower Street, Preston; or
  - by mail to PO Box 91, Preston 3072.

**14.4. Validity of Submissions**

- 1) A submission will be disallowed by the Chairperson if they determine that it:
  - a) relates to a matter outside the duties, functions or powers of Council;
  - b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
  - c) may lead to a breach of Council's statutory obligations;
  - d) does not relate to a matter listed on the Agenda;
  - e) relates to a Notice of Motion, Petition or item of urgent business;
  - f) is aimed at embarrassing a Councillor or an Officer; or
  - g) deals with a matter that should be, or has been, considered as a confidential matter or relates to any matter in respect of which Council may close the Meeting to the public under section 66(1) of the Act.
- 2) No submissions directed at an individual Councillor or Officer will be allowed.

**14.5. Making a Submission**

- 1) Persons wishing to make a submission must be present in the gallery during the Meeting, either in person or by representative.
- 2) If the person wishing to make a submission or their representative is not present in the gallery when the Agenda item is to be considered, their submission will not be read out.
- 3) Submissions must be directed through the Chairperson and must not be directed to individual Councillors or Officers.
- 4) Submissions must be as brief as possible (not longer than two (2) minutes).
- 5) The Chairperson may, at their absolute discretion, extend the time for an individual's submission beyond two (2) minutes.
- 6) The person making the submission must clearly state their name and their suburb.
- 7) The name of the submitter must be recorded in the Minutes, as an official record.
- 8) The content of submissions and any subsequent discussion will not be recorded in the Minutes.

## 15. Public Questions

### **Overview:**

*As outlined in the purpose of the Meeting Rules, Council Meetings are held for Council to make its decisions. Members of the public do not have a right to address Council except under the provisions of Sections 15 and 16 of the Meeting Rules.*

*At each Ordinary Council Meeting, there is an opportunity for members of the public to ask questions of the Council. This section sets out the procedures to be followed to submit a question, the circumstances under which a question may be disallowed and the process for addressing and responding to the question at or after the Meeting.*

### **15.1. Public Question Time**

- 1) Subject to sub-clause 2), and any resolution of Council to the contrary, there must be Public Question Time at every Ordinary Meeting to enable members of the public to submit questions to Council.
- 2) Public Question Time will not be held during:
  - a) any period when a Meeting is closed to the public in accordance with section 66 of the Act; or
  - b) a local government election or caretaker period as defined in the Councils Election Period Policy
- 3) Public Question Time will not exceed 30 minutes in duration unless extended by resolution of Council through a Procedural Motion, in which case, it may only be extended for one (1) period of up to 30 minutes.

### **15.2. Lodging a Question**

- 1) Members of the public wishing to ask a question may register their question using the Public Question Time form before 12 noon on the day of the meeting or attend on the day of the meeting to ask their question.
- 2) Questions can be lodged using one of the following methods:
  - online at [darebin.vic.gov.au/questions](http://darebin.vic.gov.au/questions) and submissions;
  - by email to [Q&S@darebin.vic.gov.au](mailto:Q&S@darebin.vic.gov.au);
  - in person at the Preston Customer Service Centre, 274 Gower Street, Preston; or
  - by mail to PO Box 91, Preston 3072.
- 3) Late questions will not be accepted.
- 4) A maximum of three (3) questions is permitted per person (with no sub parts).
- 5) If more than three (3) questions are received from one person, only the first three questions will be considered.

- 6) A further question arising out of anything said in response to a question will be allowed.

A question may not be split into sub-parts.

- 7) Like questions may be grouped together and a single answer provided.

#### **15.3. Questions Not Permitted**

- 1) A question may be disallowed by the Chairperson if the Chairperson determines that it:
  - a) relates to a matter outside the duties, functions or powers of Council;
  - b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
  - c) may lead to a breach of Council's statutory obligations;
  - d) relates to a Notice of Motion, Petition or item of urgent business;
  - e) deals with a subject matter already answered;
  - f) is aimed at embarrassing a Councillor or an Officer; or
  - g) deals with a matter that should be, or has been, considered as a confidential matter or relates to any matter in respect of which Council may close the Meeting to the public under section 66 of the Act.
- 2) No questions directed at an individual Councillor or Officer will be allowed.

#### **15.4. Asking a Question**

- 1) If a person submitting a question is not present in the gallery during Public Question Time, their questions will be read out and a response provided at the Meeting or taken on notice and a written response provided after the Meeting, as determined by the Chairperson.
- 2) When invited by the Chairperson, the person asking their questions may do so, without taking longer than two (2) minutes in total.
- 3) No introductory or background statements are permitted.
- 4) Questions must be directed through the Chairperson and must not be directed to individual Councillors or Officers.
- 5) The person asking the question must clearly state their name and their suburb.
- 6) The Chairperson may elect to answer the question themselves or request the Chief Executive Officer or any other Officer to respond to a question.
- 7) The Chairperson, Chief Executive Officer or Officer may require a question to be taken on notice. If a question is taken on notice, a written copy of the answer will be sent to the person who asked the question.
- 8) The name of the questioner, the question (excluding introductory or background comments) and the response must be recorded in the Minutes, as an official record of the questions submitted to the Meeting.

- 9) Where a question is taken on notice, the response will be recorded in the Minutes of the next Ordinary Meeting after the response has been provided.
- 10) Where a question is taken on notice, the response will be recorded in the Minutes of the next Ordinary Meeting after the response has been provided.

## 16. Petitions

### **Overview:**

*Petitioning is a long-established process for members of the community to demonstrate community support for a request or views on a matter, and for that request or view to be presented directly to Council. This section sets out the procedures to be followed to submit a petition.*

### **16.1. Valid Petitions**

- 1) Every Petition submitted to Council must:
  - a) be in legible and in a permanent form of writing, typing or printing;
  - b) not be derogatory, defamatory, indecent, abusive or objectionable in language or substance;
  - c) not relate to matters outside the powers of Council;
  - d) clearly state the request or describe the action that Council is asked to undertake on each page of the Petition and include the name, address and signature of petitioners; and
  - e) include the names, full addresses (either postal or electronic) and original signatures of at least 10 people.
- 2) Where a Petition has been signed by fewer than 10 people, it will be treated as a joint letter and forwarded directly to the appropriate Officer for action as an operational item. These will not be tabled at Ordinary Meetings.
- 3) A petition generated via an online or electronic process that does not contain the signatures of the persons who are represented as having supported it will be accepted only if it complies with all other provisions of sub-clause 1).
- 4) A person must not inscribe upon a Petition a name or signature purporting to be the name or signature of another person.
- 5) Any signature appearing on a page which does not bear the text of the whole of the Petition or request will not be considered by Council.
- 6) Every page of a Petition must be a single-or double-sided page of paper and not be attached to any piece of paper other than another page of the Petition.

### **16.2. Tabling Petitions**

- 1) A petition may only be presented to an Ordinary Meeting by a Councillor.
- 2) Any Councillor presenting a Petition is responsible for ensuring that:
  - a) they are familiar with the contents and purpose of the Petition; and
  - b) the Petition meets the requirements of clause 16.1.



- 3) Any Councillor, except the Chairperson, may present a Petition to an Ordinary Meeting and must confine themselves to a statement of the:
  - a) persons from whom it comes;
  - b) number of signatories to it;
  - c) material matters expressed in it; and
  - d) text of the Petition.
- 4) A Petition tabled by a Councillor at an Ordinary Meeting may be dealt with as follows:

A motion may be proposed to accept and note the Petition and resolve to:

  - i. deal with it in conjunction with an item on the Agenda; or
  - ii. refer it to the Chief Executive Officer for consideration and response; or
  - iii. call for a report on the subject matter of the Petition.
- 5) If a Petition relates to an operational or service matter, Council must only resolve to refer it to the Chief Executive Officer for consideration.
- 6) No member of the public is permitted to speak to a Petition when presented at an Ordinary Meeting or ask a question pertaining to the Petition during Public Question Time.

## 17. Election Procedures

**Overview:**

*The role and functions of the Mayor are provided in the Act. The holder of this significant office is the Chairperson at Council Meetings, is the leader of the Councillors, acts as the principal spokesperson for Council and carries out civic and ceremonial duties.*

*The purpose of this section is to regulate proceedings for the election of the Mayor and the Deputy Mayor (if any).*

### 17.1. Procedures for Election of the Mayor

- 1) The election of the Mayor will be conducted by the Chief Executive Officer in accordance with the provisions of the Act.
- 2) The Chief Executive Officer must invite nominations for the office of Mayor.
- 3) The nomination of a candidate must be moved and seconded and the candidate must consent to their nomination.
- 4) If a person nominated does not consent to the nomination, it must not be accepted by the Chief Executive Officer.
- 5) No Councillor is permitted to speak to the nominations (including candidates) prior to the election result being declared by the Chief Executive Officer.
- 6) If there is only one nomination, the candidate nominated is deemed to be elected.
- 7) If there is more than one nomination, a vote must be taken to elect one of the candidates.
- 8) Voting must be carried out by a show of hands.
- 9) If one candidate receives a Majority of the Votes, that candidate is declared to have been elected.
- 10) If no candidate receives a Majority of the Votes, the candidate with the fewest number of votes is declared to be a defeated candidate. A further vote will then be held for the remaining candidates. This process shall continue until one of the candidates has received a Majority of the Votes. That candidate is then declared to have been elected.
- 11) In the event of two or more candidates having an equality of votes and one of them having to be declared a defeated candidate, the Chief Executive Officer must determine the result by lot.
- 12) The following provisions apply to the conduct of the lot by the Chief Executive Officer:
  - a) each candidate will draw one lot;

- b) the order of drawing lots will be determined by the alphabetical order of the surnames of the candidates who received an equal number of votes, except that, if two or more candidates' surnames are identical, the order will be determined by the alphabetical order of the candidates' first names;
- c) as many identical pieces of paper as there are candidates who receive an equal number of votes must be placed in a receptacle;
- d) the word 'Defeated' shall be written on one of the pieces of paper;
- e) the candidate who draws the paper with the word 'Defeated' written on it must be declared the defeated candidate (in which event a further vote will be held for the remaining candidates and the above process repeated if necessary, unless there is only one candidate remaining, in which case that candidate will be declared duly elected); and
- f) the Chief Executive Officer will declare the result of the election and the successful candidate.

#### **17.2. Ceremonial Mayoral Speech**

- 1) Upon being elected, the Mayor may make a ceremonial speech.
- 2) The purpose of the ceremonial speech is to outline priorities for the year ahead based on the adopted Council Plan.
- 3) The ceremonial speech must not exceed five (5) minutes.

#### **17.3. Mayor to Take Chair**

After the election of the Mayor, the Mayor must take the chair in accordance with section 18 of the Act.

#### **17.4. Role and Procedures for Election of Deputy Mayor**

- 1) At the Meeting at which the Mayor is to be elected, Council may resolve to establish the position of Deputy Mayor and elect a Councillor to the position of Deputy Mayor.
- 2) The term of a Deputy Mayor is to be identical to the term of the Mayor as resolved by Council.
- 3) If Council has not resolved to establish the position of Deputy Mayor, any provisions in the Meeting Rules relating to the Deputy Mayor have no effect.
- 4) The procedure used for the election of Mayor will be used to elect the Deputy Mayor, except that:
  - a) the Mayor will conduct the election of Deputy Mayor; and
  - b) any references to the office of the Mayor shall be taken as a reference to the Deputy Mayor.

**Relevant Provisions of the Local Government Act 2020**

The Act has specific provisions governing the election of the Mayor and the term of office for the Mayor:

**Section 25 - Election of Mayor**

- (1) At a Council meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.
- (2) Subject to section 167, any Councillor is eligible for election or re-election to the office of Mayor.
- (3) The election of the Mayor must—
  - (a) be chaired by the Chief Executive Officer; and
  - (b) subject to this section, be conducted in accordance with the Governance Rules.
- (4) Subject to subsections (5) and (6), the Mayor must be elected by an absolute majority of the Councillors.
- (5) If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.
- (6) If only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.
- (7) In this section, **absolute majority** means the number of Councillors which is greater than half the total number of the Councillors of a Council.

**Section 26 - When is a Mayor to be elected?**

- (1) A Mayor is to be elected no later than one month after the date of a general election.
- (2) The Mayor of the Greater Geelong City Council must be elected for a 2 year term.
- (3) Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.
- (4) If the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.
- (5) If the Mayor is to be elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2 year term as is reasonably practicable.

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- (6) *A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.*
- (7) *The election of a Mayor after the period specified in this section does not invalidate the election.*
- (8) *A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one year or a 2 year term serves the remaining period of the previous Mayor's term.*

**27 - Election of Deputy Mayor**

- (1) *Section 25, other than subsection (3)(a), applies to the election of a Deputy Mayor by the Councillors as if any reference in that section to the Mayor was a reference to the Deputy Mayor.*
- (2) *Section 26 applies to the election of a Deputy Mayor as if any reference in that section to the Mayor was a reference to the Deputy Mayor.*

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## CHAPTER 4 – DELEGATED COMMITTEES

**Overview Notes:**

*Council may establish Delegated Committees and Advisory Committees as part of its governance framework. Delegated Committees can comprise Councillors, members of Council staff and others and must be chaired by a Councillor. As Council may delegate specific powers, duties and functions to Delegated Committees, their meeting procedures need to be formal.*

- (1) If Council establishes a Delegated Committee, these Rules will apply to the Delegated Committee Meetings with any necessary modifications.
- (2) For the purpose of sub-rule (1):
  - a) a Council meeting is to be read as a reference to a Delegated Committee Meeting;
  - b) a Councillor is to be read as a reference to a Member of the Delegated Committee;  
and
  - c) a reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.
- (3) If Council establishes a Delegated Committee, Council may resolve that a provision of these Governance Rules and, including the Meeting Rules, does not apply to that Committee

## CHAPTER 5 – CONFLICTS OF INTEREST

### Overview Notes:

The Act in sections 127 and 128 defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances.<sup>3</sup>

The Act also provides Council must include in its Governance Rules procedures for disclosures of Conflicts of interest, including at meetings conducted under the auspices of Council that are not Council meetings. Meetings conducted under the auspices of Council include those meetings arranged or hosted by Council.

These Rules provide the procedures for disclosures of conflicts of interest.

### 5.1 Obligations with regard to conflict of interest:

Councillors, members of Delegated Committees and Council staff and contractors are required to:

- (1) avoid - if possible, situations which may give rise to conflicts of interest;
- (2) identify - any conflicts of interest; and
- (3) disclose or declare - all conflicts of interest.

#### <sup>3</sup> 127 General conflict of interest

(1) Subject to section 129, a relevant person has a

**general conflict of interest** in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.

(2) For the purposes of subsection (1)—

**private interests** means any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief;

**public duty** means the responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person.

#### 128 Material conflict of interest

(1) Subject to section 129, a relevant person has a

**material conflict of interest** in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

(2) The benefit may arise or the loss incurred—

- (a) directly or indirectly; or
- (b) in a pecuniary or non-pecuniary form.

(3) For the purposes of this section, any of the following is an **affected person**—

- (a) the relevant person;
- (b) a family member of the relevant person;
- (c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;
- (d) an employer of the relevant person, unless the employer is a public body;
- (e) a business partner of the relevant person;
- (f) a person for whom the relevant person is a consultant, contractor or agent;
- (g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;
- (h) a person from whom the relevant person has received a disclosable gift.

### 5.2 Councillors and Members of Delegated Committees

- (1) May not participate in discussion or decision-making on a matter in which they have a conflict of interest.
- (2) When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.
- (3) All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee Meeting.

### 5.3 Procedure at a Council Meeting

A Councillor who has a conflict of interest in a matter being considered at a *Council Meeting* or Delegated Committee or Community Asset Committee at which he or she:

- (1) is present must disclose the conflict of interest by explaining the nature of the conflict of interest to those present at the *Council meeting* at the point in the meeting where Chairperson requests 'Declarations of Conflicts of Interest to be Made' and immediately before the matter is considered;

or

- (2) intends to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice:
  - a) advising of the conflict of interest;
  - b) explaining the nature of the conflict of interest; and
  - c) detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:
    - i. name of the other person;
    - ii. nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
    - iii. nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Council meeting* immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

### 5.4 Procedure at other meetings held under the auspices of the Council

A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of *Council* at which he or she is present must:



- (1) disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered;
- (2) absent himself or herself from any discussion of the matter; and
- (3) as soon as practicable after the meeting concludes provide to the *Chief Executive Officer* a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.
- (4) the Chief Executive Officer or delegate will maintain a register of such conflict of interest disclosures

#### **5.5 Council staff**

- (1) Must act in accordance with the Employee Code of Conduct.
- (2) Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- (3) May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 5.6 and the Employee Code of Conduct.

#### **5.6 Procedures for disclosures of conflicts of interest by Council Staff**

##### Disclosure by Members of Council Staff Preparing Reports for Meetings

- (1) A member of Council staff who, in his or her capacity as a member of Council staff, has a conflict of interest in a matter in respect of which he or she is preparing or contributing to the preparation of a Report for the consideration at a:
  - (2) *Council meeting*;
  - (3) *Delegated Committee* meeting;
  - (4) *Community Asset Committee* meeting

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* disclosing the conflict of interest, explaining the nature of the conflict of interest and comply with any process or procedure required by the *Chief Executive Officer* to appropriately manage the conflict of interest

- (5) The *Chief Executive Officer* must ensure that the Report referred to in sub-Rule 5.6 (1) records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

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- (6) If the member of Council staff referred to in sub-Rule 5.6(1) is the *Chief Executive Officer*:
    - a) the written notice referred to in sub-Rule 5.6 (4) must be given to the *Mayor*; and
    - b) the obligation imposed by sub-Rule 5.6 (5) may be discharged by any other member of Council staff responsible for the preparation of the Report.

#### **5.7 Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power**

- (1) A member of Council staff who has a conflict of interest in a matter where they are the delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest and comply with any process or procedure required by the *Chief Executive Officer* to appropriately manage the conflict of interest
- (2) If the member of Council staff referred to in sub-Rule 5.7 is the *Chief Executive Officer*, the written notice must be given to the *Mayor*.

#### **5.8 Disclosure by a Member of Council Staff in the Exercise of a Statutory Function**

- (1) A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act and they are the delegate must, upon becoming aware of the conflict of interest, immediately provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest and comply with any process or procedure required by the *Chief Executive Officer* to appropriately manage the conflict of interest
- (2) If the member of Council staff referred to in sub-Rule 5.8 is the *Chief Executive Officer*, the written notice must be given to the *Mayor*.

#### **5.9 Retention of Written Notices**

The *Chief Executive Officer* must retain all written notices received under this Chapter for a period of five years.

#### **5.10 Contractors and Consultants**

- (1) All Contractors and consultants engaged by Council to provide advice to the decision making process will be required to disclose conflicts of interest
- (2) A Contractor or consultant who discloses a conflict of interest will not be engaged to provide advice on that matter unless;
  - a) the conflict is so remote or insignificant it could not be considered to influence the advice being provided; or

- b) there are no other contractors or consultants reasonably available and qualified to provide the technical advice required; and
- c) the conflict of interest is documented in all advice provided by that contractor or consultant.

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## CHAPTER 6 – DELEGATIONS

### **Overview Notes:**

*Council can make decisions (act) in two ways*

- by resolution at a Council meeting or*
- by delegation (others acting on its behalf).*

*The Act provides for Council to delegate to the Chief Executive Officer. Delegation of Council powers to the Chief Executive Officer and other members of Council staff is a long-established practice to enable day to day operational decisions to be made efficiently.*

*Delegation of Council powers is primarily enabled and regulated by the Act, however powers, duties and functions may be delegated from a range of other Acts, Regulations and local laws.*

*Additionally, the Act and other legislation confers some powers duties and functions directly to the Chief Executive Officer. These may also be delegated by the Chief Executive Officer to various positions in the organisation's structure.*

*Delegations are to a position in the organisational structure rather than to a person.*

- (1) A delegate must exercise the duties and perform the duties and functions set out in the Instrument of delegation subject to any specified limitations and in accordance with any guidelines or policies of Council.
- (2) A delegate making a decision that will affect any person's rights, will identify whose rights may be affected and provide an opportunity for that person (or persons) to convey their views regarding the effect on their rights, and consider those views.
- (3) Delegates must keep appropriate records of decisions and actions taken under delegation.
- (4) The Chief Executive Officer may designate certain decisions made under delegation as matters to be reported to Council.
- (5) Council's public register of delegations will be available on its website

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## CHAPTER 7 - JOINT COUNCIL MEETINGS

### **Overview Notes:**

*Regional collaboration provides benefits to the Darebin community through collective procurement, increased advocacy and alignment for major projects. While on some matters that are worked on in partnership it's possible for the participating Councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold Joint Council Meetings as are provided for in section 62 of the Act<sup>4</sup>.*

- (1) Council may resolve to participate in a Joint Council meeting.
- (2) If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer (or delegate) will agree on governance rules with the participating Councils.
- (3) Where the participating Councils agree that Darebin will chair a Joint Council Meeting, the Mayor of Darebin will Chair the Joint Council meeting.

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#### <sup>4</sup> 62 Joint meetings of Councils

- (1) Two or more Councils may determine to hold a joint meeting.
- (2) A joint meeting is a Council meeting of each Council for the purposes of this Act and the provisions of this Act, except section 61(3), (4) and (5)(d), apply accordingly.
- (3) A joint meeting is to be constituted by the Councillors of the Councils holding the joint meeting consisting of—
  - (a) the total number of Councillors determined by the Councils holding the joint meeting; and
  - (b) at least 3 Councillors from each of the Councils holding the joint meeting.
- (4) A quorum at a joint meeting is constituted by the number of Councillors that is equal to at least a majority of the Councillors from each of the Councils holding the joint meeting.
- (5) Subject to subsections (2) and (6), the procedures for conducting a joint meeting are to be determined by the Councils holding the joint meeting.
- (6) A joint meeting must comply with any requirements prescribed by the regulations.

## CHAPTER 8 – WHAT INFORMS DECISION MAKING

### **Overview Notes:**

*Advisory Committees play a key role in connecting community views and experts with the decision-making processes of Council.*

*These committees:*

- *provide advice to Council and to Council officers exercising delegation to make decisions or implement policy;*
- *are usually comprised of community members and Councillors, and may sometimes include representatives of community organisations; and*
- *are essential forums to provide input to the development of Council policy and decision making in their areas of focus.*

*Reporting of the activities of these committees to Council is a transparency mechanism.*

*Council also has Councillor representatives on numerous external committees and organisations to ensure Council's voice is heard in key priority areas. These committees and organisations also inform Council, via its representatives, in regard to sector and/or expert views.*

*This section also provides for the appointment of Councillors as members of committees established by the Council, and as Council representatives or delegates on external committees and organisations.*

*Council will seek the views of community members whose rights or obligations may be affected before making a decision. Community engagement on each issue will be undertaken in accordance with the Community Engagement principles of the Act and Council's Community Engagement Policy.*

*In certain circumstances Council will establish a formal opportunity for members of the community to address a committee established to hear from the community in regard to a specific issue.*

*Councils Audit and Risk Committee is an advisory committee established in accordance with section 53 and 54 of the Act to assist Council in fulfilling its responsibilities relating to external financial and performance reporting, risk and financial management, corporate governance, internal controls systems and providing advice to drive continuous improvement. It does not have any delegated powers, including executive powers, management functions, or delegated financial responsibility.*

### **8.1 Advisory Committees**

#### **8.1.1 Role and Term of Advisory Committees**

- (1) In the first year of each Council term, Council will establish its Advisory Committees for the next four years.
- (2) Advisory Committees established by Council will be consulted for input on related policy, strategy or major operational proposals.
- (3) Advisory Committees established by Council will be chaired by a Councillor appointed in accordance with Rule 9.1.2,

- (4) Each Advisory Committee will be established in accordance with Operating Guidelines for Advisory Committees endorsed by Council that at a minimum will prescribe:
  - a) membership terms that provide for renewal of membership and continuity of contribution, with provision for initial appointments to support rotation of memberships.
  - b) inclusive and transparent recruitment processes for community member membership and participation.
  - c) requirements for disclosures of conflicts of interest.
  - d) a description of the roles of members including attendance and participation requirements, role of the committee, councillor chair, reporting requirements and confidentiality
- (5) Any person appointed to an Advisory Committee that nominates for election to Council, State Parliament or Federal Parliament must take leave of absence from their Committee position from the time of declaring they have nominated (or intend to nominate). If elected, they will be deemed to have resigned from the Committee.
- (6) In order to maintain transparency of Advisory Committee operations, the following information is to be published on Council's website in respect of each Advisory Committee:
  - a) the Terms of Reference
  - b) the names of all members
  - c) reports of Committee activities (as reported biannually to Council
- (7) All Advisory Committees established by Council, except the Audit and Risk Committee, will sunset on 30 June following each General Council election, unless they have been re-established in the new Council term.

#### **8.1.2 Appointment of Councillors to Advisory Committees and External Committees and Organisations**

At the next Ordinary Council Meeting after the Meeting at which the Mayor is elected, or at a Council Meeting held as soon as practicable after that Meeting, Council must:

- (1) appoint Councillors as members of, or representatives on, committees established by Council;
- (2) appoint Councillors as delegates to external committees and organisations; and

#### **8.2 Council Reports**

- (1) The Chief Executive Officer will determine the form of reports to Council prepared for inclusion in the agenda for a Council or Delegated Committee meeting.
- (2) Reports presented to Council for consideration and decision will address where relevant the following report template headings:-
  - Executive Summary
  - Background / Key Information
  - Previous Council resolutions
  - Communications and Engagement
  - Analysis

- Alignment to Council Plan / Council Policy
- Environmental & Sustainability Considerations
- Cultural Considerations
- Economic Development Considerations
- Financial and Resource Implications
- Legal and Risk Implications
- Operational Impacts
- Discussion
- Options for Consideration
- Implementation Strategy
- Related Documents
- Attachments



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## CHAPTER 9 – OTHER MEETINGS OF COUNCILLORS / CONFIDENTIAL INFORMATION

### (1) Advisory Committees and other Informal Meetings of Councillors

For any meeting of an Advisory Committee established by Council attended by at least one Councillor or a scheduled or planned meeting to discuss the business of *Council* or to brief Councillors, and which is attended by at least half of the Councillors and one member of Council staff; and which is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting the *Chief Executive Officer* must ensure that a summary of the meeting is:-

- a) Tabled at the next convenient Council meeting; and
- b) Recorded in the minutes of that Council meeting.

The summary of the meeting will include

- a) The time, date and location of the meeting.
- b) The councillors in attendance.
- c) The topics discussed.
- d) The positions of council officers in attendance
- e) The organisation that any attendees external to council are representing; and
- f) Any conflicts of interest declared, including the reason

### (2) Confidential Information

If, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, he or she may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.

Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.

## CHAPTER 10 – COMMUNITY ASSET COMMITTEES

### **Overview Notes:**

*The Act provides for Council to establish a community asset committee for the management of a community asset such as a hall.*

*Council may appoint members of the community to the committee and delegate to it powers, duties or functions.*

*The powers delegated to a community asset committee must be limited in the amount and purpose of any financial delegation.*

- 1) The Governance Rules will apply to any Community Asset Committee established by Council.
- 2) Council may resolve, in establishing a Community Asset Committee, that the meeting procedure chapter of these Governance Rules does not apply.
- 3) A Community Asset Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.
- 4) A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation, any Terms of Reference adopted by Council, and the Act (in particular sections 65 and 47<sup>5</sup>)

#### **<sup>5</sup> 65 Community Asset Committee**

(1) A Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable the Community Asset Committee to achieve the purpose specified in subsection (2).

(2) A Council may only establish a Community Asset Committee for the purpose of managing a community asset in the municipal district.

**Note** - See section 47 for delegation to members of a Community Asset Committee by the Chief Executive Officer.

#### **47 Delegations by Chief Executive Officer**

(1) The Chief Executive Officer may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to—

- (a) a member of Council staff; or
- (b) the members of a Community Asset Committee.

**Note** - This means Council may not delegate directly to a Community Asset Committee.

## CHAPTER 11 – ELECTION PERIODS

### **Overview Notes:**

*The Election Period Policy governs the conduct of Council, Councillors and members of Council staff during an election period to ensure appropriate decision-making in the lead up to a Council election.*

*The Election Period prohibits the use of Council resources for any election campaign and puts in place a procedure to ensure Council does not print, publish or distribute any material that may influence the outcome of the election.*

### **11.1 Election Periods Generally**

- 1) Council in accordance with section 69 of the Act<sup>6</sup> will have in place an election period policy that:
  - a) governs decision making during a local government election period, including what may be considered at a Council meeting;
  - b) prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
  - c) sets out the conditions for any community engagement required to be undertaken during an election period, including consultations and Civic events sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
  - d) defines roles and responsibilities in relation to who is the spokesperson for Council during an election period; and
  - e) sets out the requirements for a Councillor who is a candidate in an election including a Federal, State or Council election.
- 2) At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its election period policy.
- 3) The Election Period Policy forms part of these Governance Rules.
- 4). The operation of Council Advisory Committees shall be suspended upon the commencement of the election period ahead of a general Council election.

#### <sup>6</sup> **69 Governance Rules to include election period policy**

- (1) A Council must include an election period policy in its Governance Rules.
- (2) An election period policy must prohibit any Council decision during the election period for a general election that—
  - (a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
  - (b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
  - (c) the Council considers could be reasonably deferred until the next Council is in place; or
  - (d) the Council considers should not be made during an election period.
- (3) An election period policy must prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

- 5) Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

## 11.2 Election Period Policy

### 1. Introduction

The *Local Government Act 2020* (the Act) in section 60 requires Council to develop, adopt and keep in force Governance Rules for or with respect to an election period policy in accordance with section 69 of the Act.

### 2. Context

Under Section 69(2) of the Act, an election period policy must prohibit any Council decision during the election period for a general election that—:

- a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
- b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- c) the Council considers could be reasonably deferred until the next Council is in place; or
- d) the Council considers should not be made during an election period.

A Council decision made in contravention of subsection (a) or (b) above is invalid. And any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of it contravening Section 69(2) is entitled to compensation from the Council for that loss or damage.<sup>7</sup>

Under Section 69(3) of the Act the election period policy must prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

Section 304 of the Act states:

- (1) a Councillor or member of Council staff must not use Council resources in a way that—
  - a) is intended to; or
  - b) is likely to—affect the result of an election under this Act; and
- (2) a Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council.

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<sup>7</sup> Section 69(5)

This does not include material that only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

Section 123 of the Act prescribes serious penalties for any Councillor who inappropriately makes use of their position or information obtained in their role, to gain an advantage, or disadvantage another (Misuse of Position).

### 3. Objectives

To support and ensure the conduct of good governance for Council and the organisation during Election Periods through the transparency and accountability of Councillors, Council officers, and candidates during an election period.

### 4. Application

#### Candidates for Elections

Councillors must comply with this policy, regardless of whether they intend to nominate or have already nominated as candidates for election.

Council Officers who are candidates for election must comply with this policy and in addition:

- (a) take leave from their duties for the duration of the election period in accordance with section 256(8) of the Act (if not enough paid leave is accrued, unpaid leave will be available).
- (b) return any council equipment (including, but not limited to, motor vehicles, telephones and computers), documents or information which is not available to the public for the duration of the election period.
- (c) immediately resign upon election in accordance with s 256(8) of the Act.

Council committee members who are candidates for election are expected to comply with this policy and in addition:

- (d) submit apologies for any committee meetings or other activities held during the election period.
- (e) return any council equipment, documents or information which is not available to the public for the duration of the election period.
- (f) immediately resign from the committee upon election.

Other candidates for election are expected to comply with the obligations of this policy where they apply.

### 5. Policy Details

#### 5.1 Election Caretaker Period

During the 'Election Period' for a General Election the Council will be deemed to be in 'Caretaker Mode'.

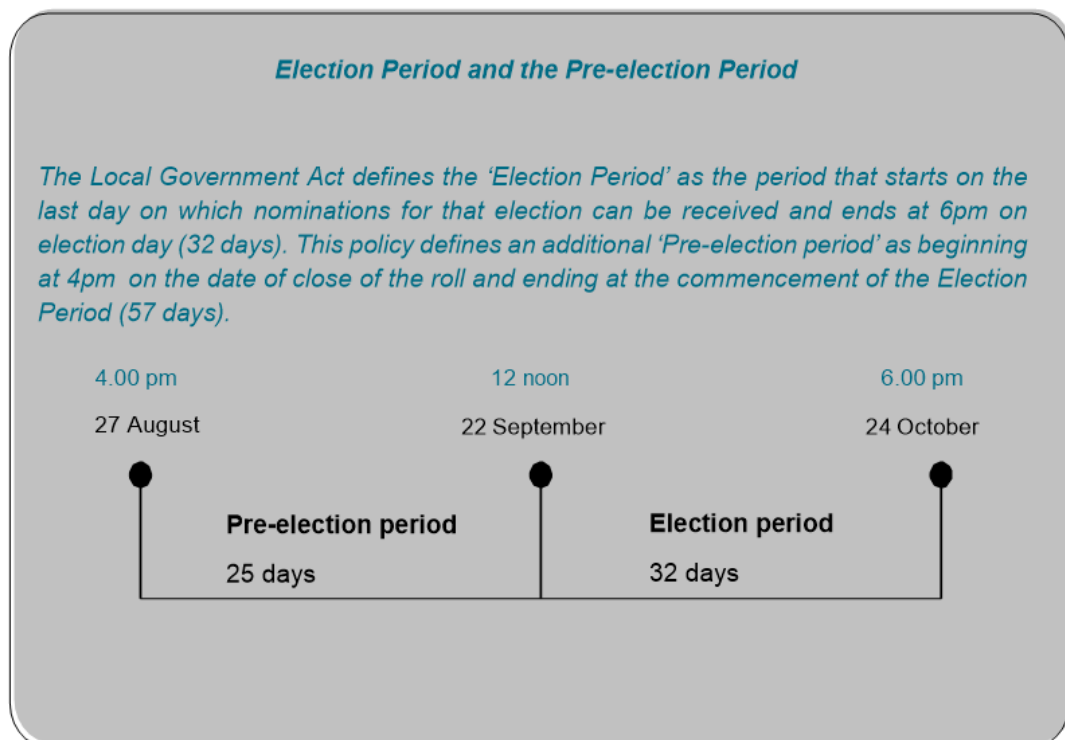
The Act defines the Election Period to mean the period that—

- (a) starts at the time (i.e. noon) that nominations close on nomination day; and
- (b) ends at 6 p.m. on election day.

This policy defines an additional 'Pre-Election Period'— in addition to the 32 days – which will commence on the date legislated for the close of the roll – 57 days before the election day.

The Election Period and Pre-Election Period are graphically depicted below.

This approach is consistent with the Election Period Policy adopted by Council prior to the 2016 General Elections.



During this extended election period Councillors:

- Will continue to fulfil their duties
- Will continue to engage, and communicate with, the community in their Councillor role
- Must comply with the Act and Councillor Code of Conduct, and

- Must not use their position to influence Council officers, or access Council resources or information, in support of any election campaign or candidacy

## 5.2 Inappropriate Decisions

Section 69(2) of the Act requires that this Policy must prohibit any Council decision during the election period for a general election that—

- a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
- b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- c) the Council considers could be reasonably deferred until the next Council is in place; or
- d) the Council considers should not be made during an election period.

If the Council considers that there are extraordinary circumstances where the municipality or the local community would be significantly disadvantaged by the Council not making a particular Major Policy Decision, the Council will, by resolution, request an exemption from the Minister for Local Government, in accordance with section 177 of the Act.

It shall be the ultimate responsibility of the Chief Executive Officer to determine if a matter is a major policy decision. Where possible, the Chief Executive Officer will ensure that matters are scheduled for Council to ensure that major policy decisions are resolved prior to the commencement of the Election Period or scheduled for determination by the incoming Council.

Council will avoid making decisions that would affect voting at an election or decisions that may unreasonably bind an incoming Council and could be deferred until after the election. These are defined in the Act as inappropriate decisions.

Examples of inappropriate decisions include:

- Allocating community grants or other direct funding to community organisations
- Major planning scheme amendments
- Changes to strategic objectives and strategies identified in the Council Plan
- Adopting policy
- Setting advocacy positions.

Council will however, allow an exception to this principle where:

- A decision will be considered only if absolutely necessary for Council operational purposes or pursuant to a statutory requirement.

The only items to be considered at an Ordinary Council or Delegated Committee Meeting held during the election period, will be of an administrative nature. For the avoidance of doubt any report considered at an Ordinary Council or Delegated Committee Meeting held during the election period will be subject of certification (i.e. a Caretaker Statement) by the Chief Executive Officer in accordance with 5.3 below.

At a Meeting designated to consider Planning and Related Matters, only permit applications that may otherwise be subject of an application to VCAT on the grounds Council has failed to determine within the prescribed time will be considered.

#### **Considerations for Officers with Delegated Authority**

Before making decisions under delegated authority during the election period, officers should consider the following:

- Whether the decision is 'significant'
- The urgency of the issue (that is, can it wait until after the election?)
- The possibility of financial repercussions if it is deferred
- Whether the decision is likely to be controversial
- The best interests of Council.

Officers requiring assistance in determining whether a decision is likely to be inappropriate should seek advice from the Manager Governance in the first instance.

#### **5.3 Caretaker Statement**

During the election period, the Chief Executive Officer will ensure that a Caretaker Statement is included in every report submitted to the Council or to a delegated committee of Council for a decision.

The Caretaker Statement will specify one or more of the following:

- The recommended decision is not an Inappropriate Decision, as defined in section 69(2) of the *Local Government 2020*, or an Inappropriate Decision within the meaning of the Election Period Policy.
- The recommended decision is an Inappropriate Decision within the meaning of the Election Period Policy, but the following negative consequences of a failure to make a decision on this matter outweigh the consequences of binding an incoming Council. [*Insert description of negative consequences of failure to make decision*].
- The recommended decision is a Major Policy Decision, as defined in section 69(2) of the *Local Government 2020*, but an extraordinary circumstances exemption was granted by the Minister for Local Government on [insert date].



During the election period, the Council will not make a decision on any matter or report that does not include one of these Caretaker Statements.

Councillors will refrain from moving motions or raising matters at a meeting that could potentially influence voting at the election.

#### 5.4 Candidacy

A Councillor must not use Council resources for candidacy, or any purpose that may be perceived as being used for candidacy (individual or political party). This applies to a Councillor standing in local, state, or federal government elections, and for any other elected positions, for example, positions on boards. Such use would constitute misuse of position by the Councillor.

#### 5.5 State and Federal Government Elections

Councillors will ensure there is a demonstrable distinction between their obligations to Council and their personal interests as a candidate, or member of a political party, in an election period prior to a state or federal election.

In accordance with the adopted Councillor Guidelines for State and Federal Elections 2018 a Councillor who becomes an endorsed candidate of a registered political party or publicly expresses an intention to run as a candidate in a state or federal election, is a 'Prospective Candidate' and will provide written advice to the Chief Executive Officer, as soon as practicable, who will then advise all Councillors.

Councillors must comply with the provisions of the adopted Councillor Guidelines for State and Federal Elections 2018

#### 5.6 Council Publications

Public resources, including Council Publications, must not be used in a way that would influence the way people vote in elections.

##### *Electoral matter*

The Council will ensure that it complies with section 304(2) of the Act which requires that a Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

The following definitions from the Act are noted:

Section 3(1) **'electoral material'** means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting; **'publish'** means publish by any means including by publication on the Internet;

- Section 3(4) **‘electoral matter’** means matter, which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election.
- Section 3(5) without limiting the generality of the definition of ‘electoral matter’, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on -
- (a) the election; or
  - (b) a candidate in the election, or
  - (c) an issue submitted to, or otherwise before, the voters in connection with the election.

The Chief Executive Officer (or delegate) must certify that any Council publication does not include ‘electoral matter’ before it can be issued.

For the purpose of this Policy, ‘publications’ include hard copy and electronic advertisements, social media posts, promotional media releases, fliers, posters, newsletters/updates, booklets, surveys, invitations and group mailouts/emails.

Any publications to be issued during the election period are to be forwarded to the relevant General Manager for approval, and then sent to the Council Business / Governance Unit for vetting for electoral matter. Once vetted, the publication will then be submitted to the Chief Executive Officer (or delegate) for certification. Appendix 1 contains the certification memorandum required for a publication during the election period.

Council publications available in Council facilities will be reviewed before the election period to identify and temporarily remove anything that might reasonably influence the election.

The Chief Executive Officer, or delegate, will be the primary spokesperson for Council communications during an election period.

Media and social media responses and statements will only be issued during an election period in the name of the Chief Executive Officer. These will be subject to certification by the Chief Executive Officer.

Council officers will not make any public statement that could be construed as influencing the election.

#### ***Annual Report***

It is a requirement of the Act (s 100) that the Mayor must report on the implementation of the Council Plan by presenting the annual report at a Council meeting open to the public.

In the year of a general election the Council meeting must be held on a day not later than the day before election day.

As this is a statutory requirement, it does not require certification by the Chief Executive Officer.

### 5.7 Council Resources

It is a requirement of the Act (s 304(1)) that a Councillor or member of Council staff must not use Council resources in a way that—

- (a) is intended to; or
- (b) is likely to—

affect the result of an election under this Act.

This means that the Council will also ensure other Council resources are not used inappropriately in ways that may influence voting in an election. This includes financial, human and material resources. Any staff member who considers that a particular use of Council resources may influence voting in the election must advise their General Manager or the Chief Executive Officer and obtain approval before authorising, using or allocating the resource.

In applying these principles, the Council understands that the following will be the normal practice during the election period:

- Council resources, including offices, support staff, hospitality services, equipment and stationery will be used exclusively for normal Council business during the Caretaker Period, and will not be used for the personal advantage of any Councillor or candidate in connection with any election. This does not apply to the provision of space for the Returning Officer.
- No new publications or pamphlets, including Darebin Community News will be published by Council during the election period.
- Speeches for Councillors will only be prepared by Council staff in relation to events that are part of the normal services or operations of the Council and such speeches will not be circulated or available for publication.
- No Council logos, letterheads, business cards, photos or other City of Darebin Council branding will be used for, or linked in any way, to a candidate's election campaign.
- Candidates will not be provided access to databases, contact lists, property counts, email addresses or any other information that would assist in mailing or other distribution of election material
- It is recommended that staff who are either following Councillors / candidates Facebook pages or who are friends with them unfriend the Councillor / candidate during this period.
- There will be no Ward or Councillor ' Meet and Greet ' meetings held.
- The Executive Officer to the Mayor and Councillors or any other Council staff member will not be asked to undertake any tasks connected directly or indirectly with electioneering.

- Reimbursements of Councillors' out-of-pocket expenses during the Election Period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.
- Where Councillors have Council funded equipment, including laptops, tablets, printers and mobile phones, these are not to be used for election purposes or in a manner that could be perceived as supporting or being connected with a candidate's election campaign.

#### ***Council Facilities and Meeting Rooms***

Council Facilities / Halls for Hire are able to be hired by Federal and State political members and officers, and local candidates (including Councillors) at the normal corporate hire rate determined for the facility, in the lead up to an election, but not during the election period.

To avoid a perception that Council facilities are being used to promote any candidacy, no promotional material related to the event / hired use, apart from directional signage, is able to be displayed in the common public areas of the facility being hired. This will be advised at time of booking.

#### ***Use of the Title 'Councillor'***

Councillors may use the title Councillor in their election material, as they continue to hold office during the election / caretaker period.

While a Councillor can refer to themselves as Councillor in all communication issued by the Councillor (verbal or written), it must be made clear that it is the communication of a candidate and not a position of Council.

#### ***Photographs and Images***

Photographs and images paid for by Council or taken by Council officers are not to be used in electoral material for any candidate. This includes images of Councillors, Council events, and Council owned or maintained infrastructure.

Photographs taken by Councillors, their family or friends, or professional photos they have directly commissioned and paid for, may be used in electoral material.

### **5.8 Election Signage on Council and Electioneering Practices**

In order to ensure Council resources including buildings and land are not used to support any electioneering activity Council has adopted an 'Electoral Advertising Signage and Electioneering Policy'. This policy provides clear direction on

- a) The placement of electoral advertising signs on any Council land, municipal building or road; and
- b) The requirements for candidates or their supporters electioneering in public places.

A copy of the policy will be provided to all candidates and is available of Councils website.

### 5.9 Public Consultation and Council Events

Public consultation is an integral part of Council's policy development process and operations, however, there are concerns that consultation undertaken close to a general election may become an issue in itself and influence voting.

Council events in the lead up to an election can also raise concerns over the potential use of sitting Councillors using them for electioneering purposes.

If consultation must be undertaken or an event held during this time, the Council must explain to the community the special circumstances making it necessary and how the risks influencing the election will be mitigated or prevented.

Therefore:

- No formal public consultation like previously specified in section 223 of the 1989 Act will be conducted during this period.
- Consultation for the purpose of planning permit applications and operational issues such as canvassing residents' views on small-scale traffic treatments, installation of single trees and the like will be allowed as they are operational in nature and are unlikely to impact the conduct of the election.
- Consultation on larger projects and initiatives, strategies or plans will not occur during the election period.
- Civic Events will cease during this time.
- No election material or active campaigning is to be conducted at Council sponsored festivals.

Councillors may attend external events as a representative of Council however must not to use the opportunity to promote their election campaign.

### 5.10 Equitable Access to Council Information

The Council recognises that all election candidates have a right to information from the Council administration. However, it is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles. Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns, and transparency will be observed and practised in the provision of all information and advice during the election period.

Information and briefing material prepared by staff for Councillors during the election period will relate only to factual matters or to existing Council policies and services. All such requests are to be issued through the offices of the responsible Council General Manager who will maintain a register of requests made and advice provided. Such information will not relate to new policy development, new projects or matters that are the subject of public or election debate or that might be perceived to be connected with a candidate's election campaign.

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A copy of the document / advice will then be passed to the Manager Governance as issued during the Election Period. The document / advice will be emailed or provided in a hardcopy format to all sitting Councillors and candidates to access. Candidates will be advised of this process in writing.

An Information Request Register will be maintained by the Council Business / Governance Unit during the Election Period. This Register will be a public document that records all requests for information by Councillors and candidates, and the responses given to those requests. Only information that can be reasonably accessed will be released.

All requests for information are to be directed to the Manager Governance

#### **5.11 Publicity**

It is recognised that Council publicity is intended to promote normal services or operations of the Council. Council publicity will not be used in any way that might be construed as intended to influence the outcome of the Council election.

- During the election period, no Council employee may make any public statement that could be construed as influencing the election. This does not include statements of clarification that are approved by the Chief Executive Officer.
- During the election period, publicity campaigns, other than for the purpose of conducting the election, will be avoided. Where a publicity campaign is deemed necessary for a Council service or operation, it must be approved by the Chief Executive Officer. In any event Council publicity during the election period will be restricted to promoting the normal services or operations of the Council.
- Any requests for media advice or assistance from Councillors during the election period will be channelled through the Chief Executive Officer or the Manager Communications Engagement. In any event, no media advice and/or assistance or media releases will be provided in relation to election campaign matters, or in regard to publicity that involves specific Councillors.
- Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of matters that could be construed as relating to an election campaign.

Information published on Council's website with regard to sitting Councillors will be limited to statements of facts about their roles and responsibilities as a Councillor. For example, contact details, roles and responsibilities as assigned by Council resolution.

***Council Websites and Social Media***

Councillors may use the title Councillor in their election material, as they

The only new material published on Council's websites or social medial sites during an election period will be:

- The Agenda and Minutes for any Council or Special Committee meetings
- The Annual Report
- Key service disruption information

Service information already published on the website will be reviewed to ensure it does not include anything that might be seen as likely to influence the election.

**5.12 Assistance to Candidates**

A copy of this Policy must be given to each Councillor as soon as practicable after it is adopted, be available for inspection by the public at the Council office and be published on Council's website. The Chief Executive Officer will ensure that all Councillors, Managers and staff are informed of the requirements of this policy.

The Council affirms that all candidates for the Council election will be treated equally.

Any assistance and advice to be provided to Candidates as part of the conduct of the Council Election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to all candidates in advance.

All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer.

**5.13 Conduct of Council Meetings**

Public Question Time and Submissions will be suspended at all Council meetings during the election period.

During the election period, Councillors will limit their discussion during debate to the topic under consideration and will avoid raising electoral matter where possible.

During the election period Notices of Motions will be suspended at all Council meetings.

Urgent Business will be listed however only admitted in accordance with Councils Governance Local Law. \

**6 Miscellaneous**

During the Pre-election period or the Election period, the Chief Executive officer may, at her or his absolute discretion, introduce additional provisions to this policy where she or he believes they are necessary to support the achievement of its stated policy objectives.

Any changes made by the Chief Executive officer will be reflected in an update to this policy and published on Councils website and sent to all Councillors and candidates.

**7 Monitoring, Evaluation and Review**

The requirements of this policy will be monitored throughout the caretaker period to ensure compliance.

The policy will be further reviewed and updated not later than 12 months before the commencement of each subsequent general election period.

**8 Associated Documents**

*Local Government Act 2020*

Summary of Election Period Restrictions – Appendix 1

Certification Memo – Appendix 2



### Appendix 1 - Summary of Election Period Restrictions

		<b>Pre-election Period</b> 57 days before election	<b>Election Period</b> 32 days before election
4	Council staff standing as a candidate	No restriction	Must take leave and return all Council equipment and information
4	Committee member standing as a candidate	No restriction	Must lodge apologies for meetings and return all Council equipment and information
5(7)	Council resources used in conjunction with an election campaign	Not permitted	Not permitted
5(7)	Reimbursement of out of pocket expenses to Councillors	Cannot include expenses that could be perceived as electoral expenses	Cannot include expenses that could be perceived as electoral expenses
5(7)	Use of Council logo, branding of phone number in campaign material	Not permitted	Not permitted
5(7)	Officer assistance in preparing campaign material	Not permitted	Not permitted
5(7)	Officer provision of databases and contact lists	Not permitted	Not permitted
5(10)	Maintenance of an Information Request Register	Not required	Required
5(9)	Routine community consultation	Permitted	Permitted
5(9)	Significant community consultation	Permitted	Not permitted
5(6)	Printing, publishing or distributing a handbill, pamphlet or notice containing electoral matter	Permitted	Not permitted
5(6)-	Printing, publishing or distributing a handbill, pamphlet or notice <u>not</u> containing electoral matter	Permitted	Permitted following certification by the Chief Executive
5(7)	Publication of the Darebin News or similar publication	Permitted, subject to restrictions	Not permitted
5(11)	Councillor details on Council's website	Restricted to names, contact details and committee or other appointments	Restricted to names, contact details and committee or other appointments

		<b>Pre-election Period</b>	<b>Election Period</b>
5(11)	Employee of Council or subsidiary organisation making a public statement that could be construed as influencing the election	Not permitted, apart from clarifications made by the Chief Executive	Not permitted, apart from clarifications made by the Chief Executive
5(11)	Publicity campaigns for Council services or functions	Should be avoided where possible, and otherwise approved by the Chief Executive	Should be avoided where possible, and otherwise approved by the Chief Executive.
5(11)	Councillor requests for media assistance	Must be approved by the Chief Executive or delegate but cannot relate to election campaigns or promote individual Councillors	Must be approved by the Chief Executive or delegate but cannot relate to election campaigns or promote individual Councillors
5(2)	Council making Major Policy Decisions	Permitted	Not permitted, except in accordance with the Act
5(2)	Council making Significant Decisions (defined in Act as inappropriate decisions)	Permitted	To be avoided, except where it is urgent and cannot be deferred
5(13)	Public Question Time / Submissions at Council Meetings	Continues as normal	Suspended
5(13)	Discussion of matters and raising of Urgent Business	Continues as normal	Comments by Councillors not to include Electoral Matter. Urgent Business permitted
5(9) 5(11)	Councillor attendance at meetings, events and functions	Permitted	Permitted
5(9)	Speeches by Councillors at Council events	Permitted	Limited to a short welcome, with no reference to the election.
5(9)	Annual Mayoral fundraising event (or similar)	Not permitted	Not permitted
5(9)	Attendance by Councillors at external events as representatives of Council	Permitted, but Councillors not to use the opportunity to promote their election campaign.	Permitted, but Councillors not to use the opportunity to promote their election campaign.
5(12)	Enquiries to Council from candidates	Shall be referred to the Returning Officer	Shall be referred to the Returning Officer
6	Introduction of additional provisions by the Chief Executive	Permitted	Permitted

Appendix 2 – Request for Certification of Publication During the Election Period

# 2020 Council Elections



## REQUEST FOR CERTIFICATION OF PUBLICATION DURING THE ELECTION PERIOD

1. Author to Complete	
Document Description (attach document):	
Intended Distribution Channel:	
I declare that the material contained in the attached document has been checked by me and to the best of my knowledge, it does not contain any electoral matter.	
Name & Title	<input type="text"/>
Signature	<input type="text"/>
Date	<input type="text"/>
2. General Manager to Complete	
I have reviewed the material contained in the attached document and can advise that to the best of my knowledge, it does not contain any electoral matter.	
Name & Title	<input type="text"/>
Signature	<input type="text"/>
Date	<input type="text"/>
<i>Once signed, return to Coordinator Governance, Council Business &amp; Civic Services for vetting.</i>	
3. Chief Executive Officer to complete	
In accordance with Chapter 12 of the Governance Rules adopted by Council on _____ 2020, I certify that the attached advertisement, handbill, pamphlet or notice may be printed, published or distributed during the election period on behalf of the City of Darebin.	
	<input type="text" value="Sue Wilkinson, Chief Executive Officer"/>
Signature	<input type="text"/>
Date	<input type="text"/>

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**7.8 CT202051 - CONTRACT AWARD FOR KP HARDIMAN HOCKEY PITCH AND LIGHTING REDEVELOPMENT****Author:** Project Manager**Reviewed By:** Manager, Assets & Capital Delivery

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**EXECUTIVE SUMMARY**

The purpose of this report is to seek Council's approval to award Contract No. CT202051 – KP Hardiman Hockey Pitch and Lighting Redevelopment to an appropriately qualified contractor.

The redevelopment of the existing pitch at KP Hardiman Reserve was identified as a high priority due to the deteriorated condition of the existing pitch which is at the end of its functional life. The pitch and accompanying infrastructure are extensively used by user groups and the local community. It is recommended to undertake the redevelopment now rather than wait until critical failure or safety issues arise, or the tenanted club leaves the facility due to the risks of injuries to participants.

In 2017 a Sports and Leisure consultant was engaged to prepare a feasibility report which included engineering and site assessments. In 2018/2019, a lighting consultant was engaged to develop preliminary investigations and detailed design to upgrade the floodlighting system. As part of the 2019/2020 Capital Works Program, Council allocated funds to engage an Engineering consultant for the investigation and preliminary and detailed designs for the upgrade of the hockey pitch

The appointment of an experienced contractor for the redevelopment and associated works was sought via a competitive open tender process. 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. Works are programmed to commence in September 2020 and be completed by the end of March 2021.

This report is a summary of the tender process inclusive of submissions, evaluation and recommendations.

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

- (1) Awards Contract CT202051 for the KP Hardiman Hockey Pitch and Lighting Redevelopment to \_\_\_\_\_ for the total contract value of \$\_\_\_\_\_ (GST inclusive).
  - (2) Approves a contingency amount of \$\_\_\_\_\_ for contract CT202051, being approximately \_\_% of the contract sum awarded, to be used if required for unforeseen items or latent conditions.
  - (3) Authorises the Chief Executive Officer to finalise and execute the contract documentation on behalf of the Council.
-

## BACKGROUND / KEY INFORMATION

The upgrade of the Hockey Pitch at KP Hardiman Reserve has been identified as a high priority due to the deteriorated condition of the playing surface and all the associated hockey infrastructure. There is no other site in Darebin that can accommodate the number of games hosted by the hockey club. The pitch is extensively used also by other user groups, schools and the local community.

The proposed works include the removal of the synthetic grass, demolition of existing pavement and drainage infrastructure, earthworks, new stormwater drainage, concrete pavement, synthetic grass and installation of new 150 Lux floodlighting system. The new hockey pitch will significantly improve the quality of KP Hardiman's sports facilities and will cater to increasing rates of sport participation in Darebin, in particular female participation.

### Previous Council Resolution

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

## COMMUNICATIONS AND ENGAGEMENT

### Consultation

Council staff, users and external organisations that have been consulted and engaged for this project are summarised in Tables 1 and 2 below.

Table 1 – Council Staff

Title
Manager Recreation and libraries
Coordinator Recreation and Leisure
Coordinator Procurement and Contracts
Senior Procurement Officer
General Manager Operations and Capital
Manager Assets and Capital Delivery
Project Manager
Manager Parks and Open Space
Coordinator Facilities Management

Table 2 – External Organisations

Title	Description
La Trobe Hockey Club	Users of the hockey pitch and facilities
Reservoir Highschool	Users of the hockey pitch and facilities
Hockey Victoria	Governing body of Hockey in Victoria
Sport and Recreation Victoria	Victorian Government agency

## Communications

The hockey pitch at KP Hardiman will be closed during the works. However, construction works have been planned between September and March to avoid disruptions during the hockey season.

Signage will be installed in the proximity of the hockey pitch to notify all casual users of the facilities and the community in general of the construction works and the temporary closure of the pitch. The project manager and the Communications team will provide updates on the construction through Council's social media accounts.

## ANALYSIS

### Alignment to Council Plan / Council policy

Goal 2 - Opportunities to live well

2.2 Opportunities for participation and social connection through sports, physical activity, arts, culture and other leisure activities.

The project is part of the initiatives under Council's Leisure Strategy 2010-2020 and associated action plan.

### Environmental Sustainability Considerations

Most of the sand infill from the existing surface will be salvaged and re-purposed.

The preferred tenderer has the capability to manufacture the synthetic grass components at their manufacturing facility in Victoria, therefore the environmental impacts caused by the supply chain will be minimised as much as possible. The rubber used for the shock pad will be sourced from recycled rubber facilities also located in Victoria.

Most of the trees around the existing hockey pitch are in good condition and will be protected during and after the works. However, subject to a planning permit being issued, three trees will be removed due to their age and proximity to the new pitch. The trees to be removed, which are showing signs of decline, have been assessed as having low-retention value by Council's Parks and Open Space team. Officers will replace the 3 trees to be removed with 12 new trees and will ensure the communications plan includes detail of this plan.

The new 350 lux floodlighting system to be installed as part of this project will have LED lights. Some of the benefits of using LED lighting include higher efficiency, lower energy consumption, lower maintenance costs and approximately 10 times the working hours when compared to traditional floodlights.

### Climate Emergency

In the context of the proposed redevelopment of the hockey pitch, the opportunity of addressing climate emergency in a major way was limited. Nonetheless, the project team included the following measures: reducing transport emissions through buying locally manufactured products (item 1), using LED lights (item 2), reusing of existing sand infill (item 5), reusing existing base and sub-base materials to limit transport of materials to landfills (item 5), using recycled rubber for the shock pad (item 5), using recycled concrete and aggregates in pavement construction (item 5), upgrading all the drainage infrastructure (item 7), and replacing any removed trees (item 7).

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

KP Hardiman hockey pitch is the only hockey facility in the City of Darebin and caters to the training and competition needs of approximately 250 participants across the primary beneficiary club, La Trobe University Hockey Club, and 700 across the secondary user Reservoir High School. The facility is also frequently used by the general public for casual recreation.

The tenant club as well as casual users have reported that the existing facility not only does not meet Federation of International Hockey (FIH) and Hockey Victoria standards, but it poses a high risk of injury to participants. The current condition of the facilities has become a major issue with regard to player retention and potential growth. More than two dozen players have left to play in neighbouring municipalities citing the condition of facilities as the primary reason.

## **Cultural Considerations**

Located within the heart of the culturally diverse suburb of Reservoir, the pitch is frequently utilised by the local community for both structured and casual recreation with a high representation of elderly and culturally and linguistically diverse users.

## **Economic Development Considerations**

A local business assessment was carried out for each tenderer as part of the evaluation process in accordance with Council's Social and Sustainable Procurement Policy and guidelines.

## **Financial and Resource Implications**

Council allocated \$2,300,000 (GST exclusive) as part of the Capital Works Program 2020/2021 for the KP Hardiman Hockey Pitch and Lighting Redevelopment. The funds will be used for the replacement of the hockey pitch and associated drainage and earthworks, as well as for the floodlighting upgrade.

Council was advised on 15 July 2020 that its Sport and Recreation grant application of \$500,000 for the KP Hardiman Hockey Pitch Redevelopment and Lighting Upgrade was successful. This funding will allow Council to proceed with the 2 provision sum elements priced by tenderers to make the facility comply with FIH standards – the technical bench and the concrete concourse. These items have been added to the scope and included in the contract sum with the recommended contractor.

Refer to Confidential **Appendix A** for the details of the budget and financials.

## **Legal and Risk Implications**

### **Contract Works**

The nature of the contract works is considered low to medium 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 8 July 2020 verified the financial capacity of the shortlisted

contractor to complete the works. Refer to **Appendix D** for the Illion Direct Comprehensive confidential report.

### **Probity**

Council's Procurement Policy mandates that a probity advisor be engaged for all the projects valued at \$1,000,000 or greater. An independent Probity Advisor was engaged to provide an overview of the probity tasks and findings in relation to the evaluation process. The Probity Advisor engaged for this project has provided a report which is included in **Appendix B**. The report received on 10 July 2020 concluded that all probity requirements have been met.

### **Operational Impacts**

All the relevant stakeholders have been consulted and informed about the redevelopment of the hockey pitch. Refer to Table 1 for the Council staff that have been consulted as part of the investigation and design stages of the project.

As any other asset, the hockey pitch will require regular maintenance to ensure the longevity of the facility. Council's project manager will work alongside the Open Space team to ensure all areas impacted by the construction works are reinstated to its original condition.

The contractor is required to provide all the operation and maintenance manuals of all the infrastructure installed as part of the project. This information will be provided to all the relevant Council teams to inform the regular maintenance required for the facility.

Once construction is completed, the defects liability period for the works is 2 years.

## **DISCUSSION**

The Request for Tender (RFT) for the KP Hardiman Hockey Pitch and Lighting Redevelopment was advertised in The Age newspaper on 23 May 2020. The tender was open for 19 days as per Council's Procurement Policy. Two non-mandatory tender briefing sessions were held on 29 May 2020 to provide tenderers with an opportunity to familiarise themselves with the site and the project.

The RFT closed on 18 June 2020 and 7 companies submitted a tender through Council's e-Tender system. Table 5 lists the contractors that submitted proposals before the closing date and time.

Details of contractor that submitted proposals before the closing date and time are provided in Confidential Attachment A circulated to councillors under a separate cover.

### **Tender Evaluation**

Submissions were evaluated by the panel against the evaluation criteria in Table 3 below. The evaluation criteria were established prior to the RFT being advertised and was included in both the Strategic Procurement Plan and the RFT Documentation.



Table 3 – Evaluation Criteria

Evaluation Criteria
Tender Price
Local business Content
Social Procurement
Environmental Sustainability
Demonstrated previous relevant experience, team capability and capacity with comparable scale and scope projects
Demonstrated previous relevant experience of Lighting/Electrical Subcontractor
Timeline / Program
Proposed methodology
Commercial: <ul style="list-style-type: none"> <li>• Risk, QA, Insurances, OH&amp;S, Financial Viability</li> <li>• Tender compliance and Compliance to contract</li> </ul>

The members of the panel, evaluation details, pricing and scoring for the evaluation is provided in Confidential **Appendix C**.

**OPTIONS FOR CONSIDERATION**

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

**IMPLEMENTATION STRATEGY**

**Details**

Table 4 – Implementation strategy

Tasks	Timeframe
Award Contract CT202051 to the successful contractor	Early August 2020
Commence construction	September 2020
Complete construction works and handover	March 2021

**Communication**

Community groups, sporting clubs, schools and users of the hockey pitch previously consulted will be kept informed of progress of the works through communications with the Leisure Services team. The project manager will also provide updates to the community through Darebin’s social media accounts.

**Timeline**

The project is required to be completed within 30 weeks of the date of award, excluding extensions of time for inclement weather, public holidays, or scope changes particularly those caused by unforeseeable complications. Table 11 provides the target dates for milestones for Council staff and the engaged building contractor:

Table 11 – Planned Target Dates

Milestone / Tasks	Date / Timeframe
Expenditure Approval received	27 July 2020
Letter of Award	3 August 2020
Contract documentation and execution	3 August 2020 – 14 August 2020
Site Establishment	7 September 2020
Construction	7 September 2020 – 31 March 2021
Practical Completion and Handover	1 April 2021

## RELATED DOCUMENTS

- Documents related to CT202051 – KP Hardiman Hockey Pitch and Lighting Redevelopment are:
  - Strategic Procurement and Probity Plans
  - Risk Assessment
  - Request for Tender and tender documentation
  - Conflict of Interest declarations
  - Evaluation Endorsement
  - Evaluation Matrix

## Attachments

- CT 202051 - KP Hardiman Hockey Pitch and Lighting Redevelopment report (**Appendix A**) [↓](#) Confidential - enclosed under separate cover
- Probity Report (**Appendix B**) Confidential - enclosed under separate cover
- Tender Evaluation Matrix (**Appendix C**) Confidential - enclosed under separate cover
- Financial Check (**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.

**7.9 CONTRACT AWARD - CT2019143 CONSTRUCTION OF DAREBIN MULTI-SPORTS STADIUM****Author:** Project Manager**Reviewed By:** General Manager Operations and Capital

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**EXECUTIVE SUMMARY**

The appointment of an experienced contractor for the construction of the Darebin Multi-Sports Stadium (MSS) and associated Darebin Road intersection upgrades works was sought via a two-stage expression of interest and tender process.

Council has allocated funds in 2020/21 budget and future 10-year capital works program to complete this project.

The selected contract arrangement is a design and construct contract. The works are proposed to be completed by November 2021. The scope of works includes, but is not limited to the following items:

- 4 indoor court stadium including player and spectator amenities such as toilet facilities, change rooms, fixed spectator seating, changing place facility, gender neutral toilet facilities, first aid room and competition office.
- Equipment storerooms
- Referee's change room
- Administration area such as office space, kitchenette, reception.
- Café, kitchen and seating area
- Multi-purpose meeting rooms
- Car park and landscape elements
- Upgrade to the main road entrance and intersection located on Darebin Road to improve safety and access to JCMP.

Tenders were sought through a two-stage process, where an expression of interest was sought through the Department of Treasury and Finance Construction Supply Register (CSR). The Tender Evaluation Panel (TEP) evaluated submissions and selected a short list of experienced contractors who were then formally invited to submit tenders.

The TEP has completed a detailed evaluation process and recommends awarding the contract to the preferred tenderer.

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

- (1) Award contract no. CT2019143 – Construction of Darebin Multi Sports Stadium separable portion 1, being the MSS facility works to \_\_\_\_\_ for the contract sum of \$\_\_\_\_\_ (Incl. GST);
- (2) Award contract no. CT2019143 – Construction of Darebin Multi Sports Stadium separable portion 2, being the Darebin Road intersection works to \_\_\_\_\_ for the contract sum of \$\_\_\_\_\_ (Incl. GST) subject to the necessary planning requirements;
- (3) Approves a contingency amount of \$\_\_\_\_\_ (Incl. GST), being approximately \_\_\_\_\_% of the contract amount for Separable portion 1 and 2, to be used if required for variations and other unforeseen items as part of Contract No. CT2019143 and authorise the Chief Executive Officer to vary the contract;
- (4) Authorises the Chief Executive Officer to finalise and execute the contract documentation inclusive of separable portion 1 and 2 works on behalf of Council; and
- (5) Note that as a consequence of the intersection works, an amendment to the Darebin Planning Scheme will be required to ensure the zoning reflects the use of the land for an arterial road, and that officers will commence discussions with DELWP and DoT regarding the process for the amendment.

**BACKGROUND / KEY INFORMATION**

This report relates to the award of Contract No. CT2019143 Construction of Darebin Multi-Sports Stadium and intersection upgrades.

**Previous Council Resolution**

At its meeting held on 16 March 2020, Council resolved:

*'That Council endorse a design and construct procurement process for the construction of the for the Multi-Sports Stadium and that appropriately experienced contractors be invited to tender to construct the project.'*

**COMMUNICATIONS AND ENGAGEMENT****Consultation**

Consultation with state sporting associations such as Netball Victoria, Basketball Victoria and Volleyball Victoria has informed the design process for this MSS facility. Sport and Recreation Victoria has also been engaged throughout the design phase and has been consulted on the development.

A key milestone for the project was the endorsement of the designs in October 2019, for the purpose of community engagement and consultation. The designs were published via various online channels including Darebin's website, Darebin Your Say Page; dedicated to the MSS project, Darebin Leisure's Facebook page, and Council social media platforms.

Information published also included an invitation for the community to attend 2 open community consultation sessions. Residents within a 500m radius of JCMP were also invited to attend these sessions via a letter received in the mail, or to provide feedback through the Your Say Page.

## **ANALYSIS**

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

Goal 2 - Opportunities to live well

Big Action No.07 Build a Multi-purpose sports stadium — a premier facility for women's sport — at John Cain Memorial Park

### **Environmental Sustainability Considerations**

The MSS facility has been registered with the Green Building Council of Australia as a 5-star green star rated facility. The construction contractor will be required to construct the facility in accordance with the design and ensure the green star certification is achieved once constructed. The tender evaluation criteria also included environmental considerations in accordance with Council's social and sustainable procurement policy.

Some key sustainability features of the MSS facility include but not limited to:

- Thermal labyrinth and energy efficient heating and ventilation system
- Additional insulation (approx. 20% over construction code Requirements)
- Rainwater tanks and irrigation system to maintain localised garden bed and toilets.
- Vertical planting for summer shading
- 99 kW solar PV system
- Rain garden beds throughout car park areas
- Ride share car park spaces, EV charge stations for electric cars and bike racks.
- End of trip facilities to promote alternate modes of transport
- Recycled asphalt for carpark areas

### **Climate Emergency**

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

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

Equity, inclusion and wellbeing has been considered in this project via the use of the equity impact assessment tool. The Equity and Diversity team has also attended design workshop meetings during the development of the concept and schematic design which has ensure the facility will accommodate a variety of interest groups and users. Some key social and cultural considerations include:

- Accessible and changing place facilities
- Gender-neutral toilet facilities and team change rooms

- The isolated show court hall can be used for culturally sensitive events and programs while the remaining three court hall can be programmed for sports competitions or other programs.
- Multi-purpose rooms to be used for a range of activities and user groups.

### **Cultural Considerations**

The Creative Culture team was consulted as part of the design phase of the project and public art has been integrated into the front glazing elements of the facility and interior wall space within the foyer and waiting area.

### **Economic Development Considerations**

An economic impact assessment report prepared by Michael Connel and Associates in February 2020 has modelled the economic benefits and jobs created as a result of the construction activities on the MSS project. It is estimated the construction activity for the MSS will generate a total of 107 (FTE) job during the 18-month construction period. This comprises 89 onsite construction jobs; with a further 18 jobs in the materials and equipment supply sectors. Construction and professional jobs are likely to be held by residents of the broader metropolitan area and materials/equipment supply jobs would be spread across Victoria. The total regional income generated as a result of the construction of the MSS facility will be in the order of \$14 million.

The procurement for the MSS construction also considered the social outcomes by evaluating contractors against their ability to provide employment opportunities for young people, people with disabilities and disadvantaged groups.

### **Financial and Resource Implications**

Council has allocated \$28.37M (exclusive of GST) and \$31.21M (Inclusive of GST) over the next two financial years for the project. The budget will cover the construction cost, consultant costs, project management, construction contingencies and the remaining construction cost for the outdoor netball courts.

Council was advised on 15 July 2020 that its Sport and Recreation grant application of \$2,000,000 for the Darebin Multi Sports Stadium was successful. This funding will allow Council to successful deliver the project including making adequate provision for managing the significant ground risks at the site.

Refer to the confidential report **Appendix A** for further details on the budget and the tender evaluation.

### **Legal and Risk Implications**

Legal departures and tenderer qualifications have been successfully negotiated with the preferred tenderer so that there is no legal impediment to Council awarding a contract.

### **Risk Management – Soil Contamination**

Council's tender documentation had required contractors to accept full and unqualified risk for contaminated soil, asbestos, ground conditions and ground water. All five tenderers refused to accept this risk and negotiations failed to find accord.

Contaminated soil is the most significant risk for the project and Council has allowed an appropriate contingency to cover this.

Officers advise that a larger than normal contingency as recommended for this project is highly irregular for Council projects but Council's experience with the construction of the adjacent outdoor netball courts has indicated that this level of contingency is appropriate. This is based on significant due diligence planning, environmental sampling and geotechnical investigations. Should contractors have indicated that they would accept ground condition risks, this amount would have been included in the awarded contract sum.

Contaminated soil remains the most significant risk for the project and, while a healthy contingency has been allowed for, until construction works begin no guarantee can be provided that the contingency will fully cover the extent of ground contamination risk.

Officers will regularly update Council on construction progress, including detail on financial matters relating to the contract. Should the ground conditions prove to be more favourable than expected, then unspent contingency will be returned to the capital works program. Officers expect to have a reasonable understanding of ground conditions on land where the building will stand by the end of 2020 or early 2021 but won't fully know all ground condition risk until the car park is constructed – expected mid 2020.

### **COVID-19 Impacts and Considerations**

The impacts of COVID-19 on the construction contract have been carefully considered by Council. Contractors are required to prepare a COVID-19 business continuity plan as part of their tender submission and will form part of the construction contract for the appointed contractor to implement during construction. The construction contract has specific clauses drafted to deal with Contractors ability to claim for time only and not cost due to delays caused by COVID-19.

### **Probity**

As the contract is over \$1M an external Probity Adviser was engaged at the start of the procurement process and retained through to the completion of tender evaluation. The Probity Advisors report confirmed that all probity requirements have been met, and there were no probity issues (material or otherwise) which remain outstanding or unresolved that have the potential to undermine the integrity of the procurement process.

### **Financial Check**

A financial check was completed on the recommended contractor through Illion Direct. The financial check (undertaken on 6 June 2020) verified that there are no financial risks associated with this contractor. Refer to confidential **Appendix B** for the Illion Direct report.

### **Intersection Works – Planning Matters**

Council's statutory planner and external planning consultants have confirmed the stadium works do not require a planning permit. The intersection works however, do require a planning permit as they alter access to a road in a Road Zone, Category 1. A planning permit application has been submitted to Council for consideration and is awaiting approval, with the Department of Transport (DoT) being the referral authority. The DoT has endorsed the functional layout plans and has requested Council proceed with the final design incorporating the signals design.

The proposed intersection will provide a greater level of safety for those using JCMP. The addition of the Bunnings site opposite the JCMP entrance has resulted in increased traffic and access difficulties to JCMP. The safety risk will further increase when the stadium and the outdoor netball courts are completed.

Under the DoT widening requirements, the proposed road will be widened 0.3m into the JCMP title boundary plus a buffer zone as negotiated with DoT into Council's title. The proposed widening will trigger the following planning processes and requirements:

- Land acquisition process between DoT and Council
- Planning Scheme Amendment to change the zoning of the land from PPRZ to RDZ1
- Survey and subdivision costs
- Council or DoT to be the proponent of the planning scheme amendment
- Adherence to the Land Acquisition and Compensation Act
- In principle agreement between Council and DoT to address legal and planning requirements

### **Strategic Justification and Process for Planning Scheme Amendment**

As noted above, the intersection works will necessitate an amendment to the Darebin Planning Scheme to rezone the land from PPRZ to RDZ1. Whilst the amendment will result in a small net loss of land zoned PPRZ, it is strategically justified to enable improvements to the JCMP open space. In addition, the alternative of not providing the land for use as road space will impact negatively on traffic flows and pose a safety risk for road users and pedestrians. The process for this amendment will be discussed further with DELWP and DoT. Officers believe there is justification to exempt the amendment from public notification given its procedural nature. Once the intersection and road widening works are complete, Council will still maintain and use the land which includes footpath access for the public and JCMP users.

### **Separable Portion**

The construction contract is prepared in two separable portions for the works. Separable Portion 1 is the stadium with associated works and Separable Portion 2 is the intersection works. This provides Council with the flexibility to award the MSS component of works immediately as these works are not subject to planning approvals. The intersection works can be awarded later and at Council's discretion, when the appropriate approvals and in-principal agreements are in place.

The value to proceed with the intersection works, subject to in-principle agreement with DoT is as follows:

- Cost savings - deferring to later years will result in cost escalations, additional project management costs, procurement costs
- Works will be delayed to subsequent years
- More effective to manage one contractor to complete the stadium and intersection works, rather than having separate contractual engagements
- Increase traffic flows with the MSS to coincide with the improvements in road access to the site

Whilst there are planning and legal matters to address, the intersection works are documented in the contract as a separable portion and will only go ahead on instruction from Council

### **In-Principle Agreement**

Council will work with DoT for an in-principle agreement to address all the planning and legal requirements for the intersection. This will allow Council to instruct the Contractor to proceed with Separable Portion 2 of the intersection works, whilst concurrently working with DoT to address the statutory requirements.



## Building Permit

A building permit will be obtained for the MSS facility and will form part of the contractor's responsibility under the construction contract.

## DISCUSSION

The procurement for the construction contract was based on a two-stage process where an expression of interest process was followed to shortlist several experienced construction contractors through the Department of Treasury and Finance Construction Supply Register (CSR). Formal tenders were then sought from the shortlisted contractors for Contract No. CT2019143 construction of Darebin Multi-Sports.

The form of contract will be a lump sum design and contract using an amended version of AS4902-2002 - general conditions of contract.

The Request for Tender (RFT) closed on 5 June 2020. Details of expression of interest and formal tender is provided in Confidential **Appendix A**, circulated to councillors under separate cover.

## Tender Evaluation

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

**Table 1 – Evaluation Criteria**

<b>EVALUATION CRITERIA</b>
Value for money
Relevant experience in similar scale and scope design and contracts and team capability/ experience including key personnel and sub- contractors.
Current commitments and capacity.
Proposed methodology to manage the design and construct process and program.
Social Procurement
Local Business Content
Environment and Sustainability
Commercial: <ul style="list-style-type: none"> <li>- Insurance and OH&amp;S.</li> <li>- Tender Compliance (compliance to the specification)</li> <li>- Compliance to contract etc.</li> </ul>

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 C**, for information.

## OPTIONS FOR CONSIDERATION

Refer to Confidential **Appendix A** circulated to councillors under separate cover for the three options for consideration

## IMPLEMENTATION STRATEGY

### Details

Following the Council decision, a letter of appointment and contract documentation will be issued to the recommended tenderer. The tenderer will be required to provide signed copies of the contract, bank guarantees, construction management plan and other project preliminary documentation for Council approval prior to the commencement of construction.

Separable Portion 1 MSS facility works will be awarded first with Separable Portion 2 intersection works to be awarded at a later date once an in-principle agreement is in place with DoT to address the planning and legal requirements for the intersection works.

A sod turning event and key communications will be prepared and distributed prior to the commencement of works. It is anticipated the preferred tender will commence site activities in September 2020 with the initial works to include bulk excavation and piling works for the stadium.

### Communication

The following communications and consultation updates will be provided over the coming months:

- Update of Council website with key project information
- Install a project information sign at the works site location to inform park users of the pending works and contact information for enquiries
- Provide email updates to internal Council stakeholders and JCMP tenants informing them of the works and changed site conditions and traffic management during construction.
- Provide letters to local residents informing them about the works and proposed construction timelines.

### Timeline

The following table provides the target dates for the milestones and activities for the project:

**Table 2 – Planned Target Dates**

Key Milestone / Task	Target Date
Council resolution to appoint the preferred Tenderer	20 July 2020
Issue letter of appointment	23 July 2020
Contract documentation and execution	7 August 2020
Site establishment	14 September 2020
Construction	September 2020 – October 2021
Practical completion and handover	November 2021

## RELATED DOCUMENTS

Previous produced documents related to Contract No. CT2019143 – Construction of Darebin Multi Sports Stadium include:

- Strategic Procurement Plan
- Risk Assessment
- Probity Plan
- Request for Tender
- Conflict of Interest Declaration for Council staff
- Confidentiality Agreement with external providers
- Evaluation Endorsement Form
- Evaluation Matrix

## Attachments

- Construction of Darebin MSS Contract Award (**Appendix A**) [↓](#) Confidential - enclosed under separate cover
- Illion Comprehensive Financial Check (**Appendix B**) Confidential - enclosed under separate cover
- Evaluation Matrix Tender (**Appendix C**) 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.

**7.10 RECYCLING CONTRACT TENDER**

**Author:** Coordinator Waste Operations

**Reviewed By:** General Manager Operations and Capital

**EXECUTIVE SUMMARY**

The contract for the existing kerbside recycling collection service was awarded to Thiess Service Pty Ltd and commenced in September 2011 for a period of seven (7) years with optional extensions of two (2) years. In July 2012 Remondis Australia Pty Ltd purchased Thiess Services resulting in Remondis delivering the recycling collection service for Council.

In May 2018 Council exercised the option to extend the contract until September 2020 given the contractor's satisfactory performance during the initial term of the contract. At the conclusion of this extension the current contract will have expired.

A new kerbside recycling collection service was tendered for seven (7) years with an optional extension of one (1) year at the sole discretion of Council and subject to the contractor's satisfactory performance during the initial term of the contract.

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

- (1) Awards contract CT2019145 Provision for the Recyclable Collection Service to \_\_\_\_\_ at an estimated cost of \_\_\_\_\_ over the seven (7) year contract.
- (2) Authorises the Chief Executive Officer to exercise Council's option to extend the contract for the final (eighth) year subject to the contractor's satisfactory performance of the contract.
- (3) Authorises the Chief Executive Officer to finalise and execute the contract documentation on behalf of the Council.

**BACKGROUND / KEY INFORMATION**

In October 2010, tenders were invited for the recycling collection service and the tender was awarded to Thiess Services Pty Ltd. The contract commenced in September 2011 for a period of Seven (7) years with an optional extension of one (1) year. In July 2012 Thiess Services was purchased by Remondis Australia Pty Ltd. In May 2018, Council exercised the option to extend the contract until September 2020 given the contractor's satisfactory performance during the initial term of the contract.

In the 2018/2019 financial year 13,551 tonnes of recycling was collected from residential and commercial properties across Darebin. The service is collected fortnightly from comingled 240 litre recycle bins.

For the year ended 30 June 2020, a total of 14,387 tonnes of kerbside recyclable material was collected and transported to the VISY sorting centre in Banyule for processing.

## Previous Council Resolution

At its meeting held on 7 March 2011, Council resolved:

*“That subject to final contract agreement, Thiess Services Pty Ltd is the preferred tenderer for the Recyclables Collection Services Contract CT 201062 for a 7 year period from 8 September 2011 to 7 September 2018”.*

In May 2018, Council extended the kerbside recycling collection contract with Remondis until September 2020.

On 12 August 2019, Council resolved, in a confidential report, to enter a new recycling receiving and sorting contract with VISY and to appropriately respond to contractual matters in relation to Council’s previous contractor, SKM Recycling.

## COMMUNICATIONS AND ENGAGEMENT

### Consultation

The following internal stakeholders were consulted as part of this contract.

Title	Division
General Manager Operations & Capital	Operations & Capital
Manager City Works	Operations & Capital
Co-ordinator, Climate Emergency & Environment Strategy	City Sustainability & Strategy
Coordinator Waste Operations	Operations & Capital
Senior Procurement Officer	Finance

## ANALYSIS

### Alignment to Council Plan / Council policy

Goal 1 - A sustainable city

The kerbside collection of recycling material is a vital service Council provides to ensure that resource recovery is maximised and volumes to landfill are being reduced. This service helps to deliver Council’s goal of being a sustainable city.

Council’s newly adopted Waste and Recycling Strategy maps a direction towards sustainable waste management in the Darebin community. The recycling collection service is one element of the strategy which aims to improve recycling rates and reducing the volume of waste going to landfill.

Council’s Social and Sustainable Procurement Policy requires that environmental criteria and social procurement are considered in all public tender evaluation criteria.

### Environmental Sustainability Considerations

This tender complies with Council’s Social and Sustainable Procurement Policy.

The recommended contractor has strong sustainability standards including an accredited ISO 14001 Environmental Management System, fuel efficient vehicles and a commitment to improving these as new technologies emerge, conducting a trial of a 100% electric powered collection vehicle in 2020, emissions from its fleet vehicles that are 100% carbon offset, solar and battery storage have been installed on its facilities with further investment planned, biofuel from end of life plastics are in its research and development phase and it has a sustainability policy that promotes a circular economy.

### **Social Initiatives and Practices**

This tender complies with Council's Social and Sustainable Procurement Policy.

The preferred tenderer employs youth apprentices and trainees and has several business partnerships with social enterprises and has a corporate social responsibility policy that demonstrates a commitment to maximising positive social impacts and supporting community programs.

### **Climate Emergency**

Council's specification expressly required tenderers to demonstrate how they would respond to an ever-changing recycling and waste sector, government mandated changes, the introduction of a container deposit scheme and a fourth recycling bin, and any other potential changes that Council might initiate. All tenderers satisfactorily convinced the TEP that they are able to be flexible, agile and adaptable to a new recycling environment and will collaborate with Council to ensure Council's (and the State's) recycling efforts reduce volumes ending up in landfill.

The services delivered under this contract directly responds to Council's declaration of a climate emergency by significantly reducing volumes that would otherwise end up in landfill by recycling them. The preferred tenderer completely offsets the carbon emissions from its fleet vehicles, which in-turn, would assist Council to achieve its carbon neutrality pledge.

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

The fortnightly recycling service is provided equally to all households with the exclusion of some multi-unit sites where site access is not possible. Businesses can also access a Council recycling service and have the option of purchasing a second bin if a single bin cannot deal with the volume of recyclable material they produce.

### **Cultural Considerations**

The community is informed of their collection day via Council's web page in English and 12 other community languages.

### **Economic Development Considerations**

The recommended tenderer contributes to the local economy by employing Darebin residents as drivers and by using local suppliers for its operational needs. It is proposing to run the Darebin recycling collection service from its depot in Coburg North which is just on the border of the municipality which would provide a boost to local employment and ensure ongoing stimulus to the local economy.

## Financial and Resource Implications

Council has allocated \$2,029,589 (GST inclusive) to deliver a kerbside recycling collection service in 2020/2021. Ultimately, the cost to deliver a kerbside recyclable collection service depends of the number of bins the contractor is expected to lift and the frequency of those lifts.

A breakdown of the service's budget and expenditure can be found in the Confidential attachment issued under separate cover (**Appendix C**).

## Legal and Risk Implications

A risk management plan has been developed as part of the tender process and will be utilised throughout the contract term and will form part of the regular reporting on contract compliance. A contract management approach (regular meetings, performance reviews, audits, spot checks etc) will also be used to manage the performance of the contractor and to maximise customer satisfaction. (see **Appendix D**)

## Probity

Council's Procurement Policy mandates that a probity advisor be engaged for all the projects valued at \$1,000,000 or greater. An independent Probity Advisor was engaged to provide an overview of the probity tasks and findings in relation to the evaluation process. The Probity Advisor engaged for this project has provided a report which is included in **Appendix E**. The report received concluded that all probity requirements have been met.

## DISCUSSION

The Request for Tender (RFT) for the Provision of the Recyclable Collection Service was advertised in The Age newspaper on 29 February 2020. A non-mandatory tender briefing was offered to potential tenderers on 24 March 2020 to provide an opportunity to familiarise themselves with the municipality and service required.

The RFT closed on 23 April 2020 and 4 companies submitted a tender through Council's e-Tender system.

Prior to the RFT closing, an evaluation panel agreed on the evaluation criteria. This information also formed part of the RFT specifications.

Evaluation criteria
Price
Previous Experience
Appropriate Resources
Social Initiatives and Practices
Availability and Responsiveness
Sustainable Initiatives and Practices
Local Business Content
<b>TOTAL</b>
<b>Mandatory</b>
Insurance
OHS Requirements

The members of the panel, evaluation details, pricing and scoring for the evaluation is provided in a Confidential Attachment issued under separate cover.

These options are details below.

## OPTIONS FOR CONSIDERATION

Refer to confidential report circulated to councillors under separate cover for options for consideration.

## IMPLEMENTATION STRATEGY

### Details

Once the preferred contract has been appointed Council officers will work through the transition period with the contractor to clearly outline Council's expectations and requirements under the contract. Monthly contract meetings will be held with all relevant parties discussing the best outcomes for our community.

### Communication

A communication plan will be developed to inform residents, businesses and visitors of the service and any changes proposed.

### Timeline

Tasks	Timeframe
Award Contract CT2019145 to the successful contractor	Mid July 2020
Immediately discuss service, resource planning, route planning and all associated documentation	Early August 2020
Commence service	10 September 2020

## RELATED DOCUMENTS

- Council Plan 2017-2021
- Climate Emergency Plan 2017-2022
- Darebin Climate Emergency Plan 2017-2022
- Council Action Plan 2019-2020
- Darebin Waste and Recycling Strategy 2020
- Strategic Procurement and Probity Plans
- Risk Assessment
- Request for Tender and tender documentation
- Conflict of Interest declarations
- Evaluation endorsement
- Evaluation matrix



**Attachments**

- CT2019145 Recycle Contact Tender (**Appendix A**) Confidential - enclosed under separate cover
- Tender Evaluation Matrix (**Appendix B**) Confidential - enclosed under separate cover
- Financial and Resource Implications (**Appendix C**) Confidential - enclosed under separate cover
- Legal & Risk Implications (**Appendix D**) Confidential - enclosed under separate cover
- Probity Advisor Report (**Appendix E**) 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. CONSIDERATION OF RESPONSES TO PETITIONS, NOTICES OF MOTION AND GENERAL BUSINESS**

Nil

## 9. NOTICES OF MOTION

### 9.1 BUSINESS BOYCOTT OF BELL CITY

**Councillor:** Trent MCCARTHY

**NoM No.:** 483

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Take notice that at the Council Meeting to be held on 20 July 2020, it is my intention to move:

***That Council:***

- (1) *Writes to Mantra to advise that it will boycott all activities held at Bell City and other Mantra facilities while refugees and asylum seekers are held in prison-like conditions in any of its facilities.*
- (2) *Calls on Mantra to use its corporate influence to publicly advocate to the Federal Government for the humane treatment of refugees and asylum seekers detained at Bell City and ensure the provision of vital health and medical services and other supports addressing the significant physical and mental health concerns of detainees. This would include enabling these vulnerable people to have freedom of movement, access to education, training and employment opportunities, and use of health, community and recreation facilities and services such as those that have already been offered by Darebin Council and other local organisations.*
- (3) *Writes to local MPs, neighbouring councils, NORTH Link and other local business networks and associations asking them to join Council in a 'Business Boycott of Bell City' until a humane outcome is provided for refugees and asylum seekers currently detained at Bell City.*
- (4) *Writes to Brisbane City Council, Adelaide City Council and any other councils with a Mantra facility in or near their council area asking them to take a similar approach to Council in the interests of human rights and basic decency."*

### **Rationale**

Council has already taken a strong stance in line with community values to oppose the detention of refugees and asylum seekers at Mantra Bell City. Council and other local organisations have also made offers of direct support to the men who are detained at Bell City; however these have been rejected by the Federal Government. Council, local businesses and community members can use our collective economic power to positively influence the dreadful situation currently facing these men, who are suffering significant physical and mental stress.

**Notice Received:** 2 July 2020

**Notice Given to Councillors** 9 July 2020

**Date of Meeting:** 20 July 2020

### **Attachments**

Nil

**9.2 SECURING THE FUTURE OF CLEMENTS RESERVE****Councillor:** Trent MCCARTHY**NoM No.:** 484

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Take notice that at the Council Meeting to be held on 20 July 2020, it is my intention to move:

*“**That** Council calls for a report detailing the options and process required to purchase the Victorian Government-owned land at [1-11 McMahan Road](#), Reservoir and adjoining land at the rear of 22 Clements Grove and 32-34 Clements Grove, Reservoir and the budgetary impacts (noting that some parts of the report may be required to be confidential).“*

**Rationale**

*Council has previously opposed the rezoning of VicRoads-owned land at 1-11 McMahan Road, Reservoir and has sought to have the land transferred to DELWP or sold to Council. This land, along with adjoining land at the rear of 22 and 32-34 Clements Grove, is known as Clements Reserve and has been identified as having public open space and biodiversity value. Clements Reserve will have a secure future if it is in Council ownership.*

**Notice Received:** 6 July 2020**Notice Given to Councillors** 9 July 2020**Date of Meeting:** 20 July 2020**Attachments**

Nil

**9.3 REPORT ON INTOWORK ACTIVITIES****Councillor: Gaetano GRECO****NoM No.: 485**

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Take notice that at the Council Meeting to be held on 20 July 2020, it is my intention to move:

*'That Council receives an urgent report on IntoWork's activities.'*

**Rationale**

*IntoWork is a not for profit company established by Moreland, Yarra and Darebin Council mainly to promote and facilitate apprenticeship and traineeship jobs for young people. For a number of years now Councillors have not received a formal report on the activities of IntoWork. Given the Covid-19 crises and the devastating impact it is having on youth unemployment in our area it would highly relevant for Council to receive a report from IntoWork.*

**Notice Received: 6 July 2020****Notice Given to Councillors 9 July 2020****Date of Meeting: 20 July 2020****Attachments**

Nil

**10. URGENT BUSINESS**

**11. REPORTS OF STANDING COMMITTEES**

Nil

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## 12. RECORDS OF ASSEMBLIES OF COUNCILLORS

### 12.1 ASSEMBLIES OF COUNCILLORS HELD

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Section 80A of the Local Government Act 1989 which outlined the requirements to be observed in respect to Assemblies ie

*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.*

was repealed on the 1 May 2020 by the *Local Government Act 2020*.

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

Officers anticipate that the issue of public transparency and accountability in relation to forums involving Councillors previously defined as Assemblies of Councillors will be addressed in the Councils Governance Rules which must be adopted by the 1 September 2020.

Until the Governance Rules are developed and adopted by Council the 'regime' previously followed will continue in the interests of good governance.

An Assembly of Councillors record was kept for:

- Darebin Nature Trust Meeting #17 – 23 June 2020
- Councillor Briefing – 1 July 2020
- Councillor Briefing – 6 July 2020
- Art & Heritage Advisory Panel Meeting – 7 July 2020
- Councillor Briefing – 13 July 2020

<b>Recommendation</b>
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**That** the record of the Assembly of Councillors held on 23 June and 1, 6, 7 & 13 July 2020 and attached as **Appendix A** to this report, be noted and incorporated in the minutes of this meeting.

#### Attachments

- Assemblies of Councillors - 20 July 2020 (**Appendix A**) [↓](#)



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b>	Darebin Nature Trust Meeting #17
	<b>Date:</b>	Tuesday 23 June 2020
	<b>Location:</b>	Online meeting via Microsoft Teams
<b>PRESENT:</b>	<b>Councillors:</b>	Cr. Gaetano Greco, Cr. Trent McCarthy
	<b>Council Staff:</b>	Michelle Van Gerrevink, Steve Tierney, Andrea Canzano, Vanessa Petrie
	<b>Other:</b>	Community Representatives of Darebin Nature Trust: Ray Radford, David Taylor, Nadine Richings, Megan Ivey-Law, Neal Masters
<b>APOLOGIES:</b>		Cr. Susanne Newton

The Assembly commenced at 6:30 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Biodiversity pilot – Rewilding Darebin update followed by discussion	None
2	Parliamentary Inquiry into Biodiversity & Ecosystem Decline update and discussion	None
3	Darebin Council Meeting discussion	None
4	Working Group Forward Planning discussion	None
5	Forward Agenda Planning	None
6	Other business	None

The Assembly concluded at 8.00pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Andrea Canzano
	<b>Officer Title:</b>	Senior Environment Officer (Biodiversity)





## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b>	Councillor Briefing
	<b>Date:</b>	Wednesday 1 July 2020
	<b>Location:</b>	Briefing held virtually held via MS Teams
<b>PRESENT:</b>	<b>Councillors:</b>	Cr. Susan Rennie (Mayor), Cr. Steph Amir , Cr. Susanne Newton, Cr. Trent McCarthy, Cr. Kim Le Cerf, Cr. Lina Messina Cr. Julie Williams, Cr. Gaetano Greco,
	<b>Council Staff:</b>	Sue Wilkinson, Ingrid Bishop, Rachel Ollivier, Sam Hewett, Damian Hogan, Jim Barrett, Vanessa Petrie, Paul Edwards, Felicity Leahy, Sunny Haynes, Anika Labadie, Amanda Rozich
<b>APOLOGIES:</b>	<b>Other:</b>	Cr. Tim Laurence

The Assembly commenced at 5.33 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Financial Update	No disclosures were made. Cr. Amir arrived at 5.40pm Cr. Greco arrived at 6:03pm Cr. Le Cerf left at 6:09pm and returned at 6:44pm Cr. Rennie handed Chair to Cr. Newton at 6:19 pm and resumed Chair at 6:43 pm
2	Consideration of Responses to Budget Submissions	No disclosures were made.
3	Draft Council Plan Action Plan	No disclosures were made.

The Assembly concluded at 9.28 pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Officer Name – Ingrid Bishop
	<b>Officer Title:</b>	Officer Title – GM, Governance and Engagement



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b>	Councillor Briefing
	<b>Date:</b>	Monday 6 July 2020
	<b>Location:</b>	Briefing held virtually held via MS Teams
<b>PRESENT:</b>	<b>Councillors:</b>	Cr. Susan Rennie (Mayor), Cr. Steph Amir , Cr. Susanne Newton, Cr. Trent McCarthy, Cr. Kim Le Cerf, Cr. Lina Messina Cr. Julie Williams, Cr. Gaetano Greco,
	<b>Council Staff:</b>	Sue Wilkinson, Ingrid Bishop, Kerry McGrath, Sam Hewett, Rachel Ollivier, Stevie Meyer, Sophie Jordan, Paul Miziewicz, Jennifer Loulie, Sarah-Jade Chung, Enna Giampiccolo, Josie McCartney, Felicity Leahy, Darren Rudd
	<b>Other:</b>	Nil
<b>APOLOGIES:</b>		Cr. Tim Laurence

The Assembly commenced at 5.30 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	<b>Level Crossing Removal Project Update</b>	No disclosures were made.
2	<b>Townhall Avenue Affordable Housing Development – RFP Stage 2 Outcomes</b>	No disclosures were made.
3	<b>Update on Community Engagement Strategy and Framework</b>	No disclosures were made.
4	<b>NARC – Concept Design Stage – Community Consultation Findings</b>	No disclosures were made.
5	<b>CEO/General Managers Update</b>	No disclosures were made.

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
6.	Update on Edwardes Lake Boathouse Assessment and Proposed Future use.	No disclosures were made.
7.	Contract Extension – My Aged Care Regional Assessment Service	No disclosures were made.
8.	Draft Planning Committee Agenda – 13 July 2020	No disclosures were made.

The Assembly concluded at 9.12 pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Officer Name – Stephen Mahon
	<b>Officer Title:</b>	Officer Title – Coordinator Governance, Council Business and Civic Services



## ASSEMBLY OF COUNCILLORS PUBLIC RECORD

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b>	Art & Heritage Advisory Panel Meeting
	<b>Date:</b>	Tuesday 7 July 2020
	<b>Location:</b>	Online via Microsoft Teams
<b>PRESENT:</b>	<b>Councillors:</b>	Cr. Gaetano Greco, Cr. Susanne Newton
	<b>Council Staff:</b>	Vicky Guglielmo, Leah Crossman, Sophie Kahl, Renee Cosgrave, Boe Lin Bastian
	<b>Other:</b>	Community Representatives of the Art & Heritage Advisory Panel
<b>APOLOGIES:</b>		Cr. Tim Laurence

The Assembly commenced at 6.35 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Election of Chair of the Art & Heritage Advisory Panel	No disclosures were made
2	Recruitment of additional community members to the Art & Heritage Advisory Panel	No disclosures were made
3	General Business – discussion of key priorities and focus areas for the Art & Heritage Advisory Panel for the next 12 months	No disclosures were made

The Assembly concluded at 8.03 pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Leah Crossman
	<b>Officer Title:</b>	Acting Art & Collections Coordinator

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

<b>ASSEMBLY DETAILS:</b>	<b>Title:</b>	Councillor Briefing
	<b>Date:</b>	Monday 13 July 2020
	<b>Location:</b>	Briefing held virtually held via MS Teams
<b>PRESENT:</b>	<b>Councillors:</b>	Cr. Susan Rennie (Mayor), Cr. Steph Amir , Cr. Susanne Newton, Cr. Trent McCarthy, Cr. Kim Le Cerf, Cr. Lina Messina, Cr. Julie Williams, Cr. Gaetano Greco
	<b>Council Staff:</b>	Sue Wilkinson, Rachel Ollivier, Paul Miziewicz, Sunny Haynes, Jennifer Loulie, Allan Middlemast, Stephen Mahon
	<b>Other:</b>	Representatives of MTIA - Matt Thorpe, Jo Davie, Ian Ransley
<b>APOLOGIES:</b>		Cr. Tim Laurence

The Assembly commenced at 8.20 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Level Crossing Removal Project – Presentation with External Facilitators	No disclosures were made.
2.	Level Crossing Removal Project Update	No disclosures were made.
3	Notices of Motion – Council Meeting 20 July 2020	No disclosures were made.

The Assembly concluded at 10.32 pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Officer Name – Stephen Mahon
	<b>Officer Title:</b>	Officer Title – Coordinator Governance, Council Business & Civic Services

This form is to be completed by the nominated Council Officer and returned to the Governance, Council Business and civic Services Team within 3 working days for inclusion the agenda of the next Council meeting and in the register available for public inspection.

### 13. REPORTS BY MAYOR AND COUNCILLORS

<b>Recommendation</b>
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**That** Council note the Reports by Mayor and Councillors.

## 14. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

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

### 14.1 MSS - Business Management and Financial Model

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

This item is designated confidential because it is a matters affecting the security of Council property pursuant to Section 89(2) (g) of the Act.

This item is designated confidential because it is a Any other matter which the Council or special committee considers would prejudice the Council or any person pursuant to Section 89(2) (h) of the Act.

### CLOSE OF MEETING

**Recommendation**

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

### RE-OPENING OF MEETING

**Recommendation**

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

## 15. CLOSE OF MEETING






**CITY OF  
DAREBIN**

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