



the place
to live

AGENDA OF THE ORDINARY COUNCIL MEETING

To be held on Monday 23 October 2023 at 6.00pm

This Council Meeting will be held in the Council Chamber, 350 High Street, Preston.

This meeting will be a scheduled hybrid meeting, at which both councillors and members of the public may participate either in person or virtually.

This meeting will also be livestreamed and may be accessed from Councils website www.darebin.vic.gov.au.

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



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

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

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

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

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



English

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

Arabic

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

Chinese

这些是市议会会议纪要。如需协助了解任何纪要项目，请致电8470 8888。

Greek

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

Hindi

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

Italian

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

Macedonian

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

Nepali

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

Punjabi

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

Somali

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

Spanish

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

Urdu

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

Vietnamese

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

Table of Contents

Item Number	Page Number
1. OPENING OF MEETING AND MEMBERSHIP	1
2. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS.....	1
3. APOLOGIES.....	1
4. DISCLOSURES OF CONFLICTS OF INTEREST	1
5. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS	1
6. COUNCIL'S OCCUPATIONAL HEALTH AND SAFETY RESPONSIBILITIES	1
7. QUESTION AND SUBMISSION TIME	2
8. PETITIONS	3
9. CONSIDERATION OF REPORTS	4
9.1 ANNUAL REPORT 2022-23.....	4
9.2 2023 DAREBIN ANNUAL COMMUNITY SURVEY RESULTS	10
9.3 VICTORIAN CONTAINER DEPOSIT SCHEME	21
9.4 AWARD CONTRACT CT202356 - MICROSOFT ENTERPRISE AGREEMENT RENEWAL	35
9.5 REVIEW OF ELECTION PERIOD POLICY 2020	40
9.6 KINDERGARTEN EXPANSION PROGRAM.....	82
9.7 PROPERTY MATTERS - LEASING OF KINDERGARTENS & CHILDCARE CENTRES.....	96
9.8 PROPERTY MATTERS – SALE OF MINOR ASSETS (CLEMENTS RESERVE).....	103
9.9 DCMC AUDIT REPORT.....	112
9.10 MERRI COMMON GRANT PROPOSAL	118
9.11 GOVERNANCE REPORT - OCTOBER 2023.....	138
9.12 DECLARATION OF A SPECIAL CHARGE: SOLAR SAVER ROUND 4.2 (BATCH 3)	170
9.13 CEO EMPLOYMENT MATTERS COMMITTEE - INDEPENDENT CHAIR	185
10. ITEMS TO BE TABLED	189
11. NOTICES OF MOTION	190
11.1 USING FIRST NATIONS PLACE NAMES ON MAIL AND CORRESPONDENCE.....	190
12. URGENT BUSINESS.....	192
13. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL	193
14. CLOSE OF MEETING.....	193

Agenda

1. OPENING OF MEETING AND MEMBERSHIP

Cr. Julie Williams (Mayor) (Chairperson)
Cr. Susanne Newton (Deputy Mayor)
Cr. Emily Dimitriadis
Cr. Gaetano Greco
Cr. Tom Hannan
Cr. Tim Laurence
Cr. Trent McCarthy
Cr. Lina Messina
Cr. Susan Rennie

2. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

3. APOLOGIES

4. DISCLOSURES OF CONFLICTS OF INTEREST

5. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

Recommendation

That the Minutes of the Ordinary Meeting of Council held on 25 September 2023 be confirmed as a correct record of business transacted.

6. COUNCIL'S OCCUPATIONAL HEALTH AND SAFETY RESPONSIBILITIES

7. QUESTION AND SUBMISSION TIME

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

QUESTIONS

Members of the public can ask up to three (3) questions at an Ordinary Council meeting. Members of the public wishing to ask a question must register their question using the Questions and Submission Time Form before 12 noon on the day of the meeting.

Questions that are not lodged by 12 noon on the day of the Council Meeting will not be accepted, and **no questions will be taken from people *in attendance on the night of the Council Meeting***.

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

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

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

SUBMISSIONS

Members of the public wishing to make a 2 minute submission on a report listed on the Agenda (unless not permitted pursuant to the Councils Governance Rules) must register online before 12 noon on the day of the Ordinary Council Meeting or Hearing of Submissions Meeting and be in attendance on the day of the Meeting to make their submission.

If the person wishing to make a submission or their representative is not in attendance (including virtual attendance for a scheduled hybrid meeting) when the Agenda item is to be considered, their submission will not be read out.

The person making the submission must clearly state their name and their suburb. The name of the submitter will be recorded in the Minutes, as an official record.

No member of the public can make a submission to a Notice of Motion, Petition (unless originator of petition, Governance Rule 16.3(6)) or item of Urgent Business presented at a Council meeting.

HOW TO SUBMIT YOUR QUESTION OR MAKE A COMMENT OR SUBMISSION

Members of the public who wish to ask a question, or make a submission to an agenda item, at an Ordinary Council Meeting may register their question or intent to make a submission before 12.00 noon on the day of the meeting in one of the following ways:

- (a) online at darebin.vic.gov.au; or
- (b) by mail to PO Box 91, Preston 3072.

Council meetings can be viewed at the 'Watch Council and Planning Committee' meetings page via Council's website.

Agenda's will be available for viewing on Council's website at the 'Meeting Agendas and Minutes' page up to 6 days prior to the date of the meeting.

8. PETITIONS

9. CONSIDERATION OF REPORTS

9.1 ANNUAL REPORT 2022-23

Author: Senior Advisor - Corporate Communications

Reviewed By: General Manager, Governance and Engagement

EXECUTIVE SUMMARY

The *Local Government Act 2020* (section 98) requires each Council in Victoria to prepare an Annual Report for the previous financial year that contains a report of operations, the audited financial and performance statements, and a copy of the Auditor's report on the financial statements.

This is the second Annual Report following the full implementation of the *Local Government Act 2020*. To increase transparency in our reporting, Council has aligned the Annual Report 2022-23 against the six sets of principles incorporated in the *Local Government Act 2020*, whilst ensuring compliance with legislative reporting requirements and best practice.

The Annual Report 2022-23 will contain Darebin City Council's audited Financial and Performance Statements ('Statements') which were subject to an earlier Council report at the September Council meeting. These Statements provide information on Council operations and services delivered to and for the Darebin community for the 2022-23 financial year. The Statements have been presented to, and considered by, the Audit and Risk Committee. The Financial and Performance Statements and the Auditor-General reports will be included in the Annual Report 2022-23.

The Annual Report 2022-23 (**Appendix A**), contains the key highlights and achievements of Darebin Council for the second year of the implementation of the Council Plan 2021-25. Since the commencement of the *Local Government Act 2020*, the previous legislative requirement for Council to submit the annual report to the Minister has been repealed therefore no longer a requirement.

A summary of the Annual Report is currently in development to include as content on the Council website to inform the community Darebin Council's achievements over the past year. The Full Annual Report will also be available on the website to view or download.

Officer Recommendation

That Council:

- (1) Notes the Darebin City Council Annual Report 2022–23, attached at **Appendix A**, in accordance with s 98 of the *Local Government Act 2020*.
 - (2) Notes that a summary of the Annual Report 2022-23 will be available digitally on Council's website, to increase transparency and accessibility, along with a full copy of the Annual Report 2022-23 for download.
-

BACKGROUND / KEY INFORMATION

Under the section 98 of the *Local Government Act 2020* (the Act), Council is required to prepare an annual report in respect of each financial year. This must contain the following:

- A report of operations of the Council, including a statement of progress on implementation of the Council Plan, which includes the results of strategic indicators; a statement of progress in relation to major initiatives identified in the budget or revised budget; the prescribed indicators of service performance for the services provided by the Council; and any other information prescribed by the regulations.
- An audited Performance Statement containing the prescribed indicators of service performance, the prescribed indicators of financial performance, the prescribed indicators of sustainability performance and any other information prescribed by the regulations.
- Audited Financial Statements including any other information prescribed by the regulations and prepared in accordance with the regulations.
- A copy of the Auditor's report on the financial statements under Part 3 of the *Audit Act 1994*;
- Any other matters prescribed by the regulations.

Section 100 of the Act requires that the annual report be considered by the Council at a meeting open to the public within 4 months of the end of the financial year (31 October 2022).

The Annual Report 2022–23 at **Appendix A** contains the audited Performance and Financial Statements. Council's Audit and Risk Committee at its meeting on 11 September recommended to Council that the Financial and Performance Statements for the year ending 30 June 2023 be adopted at the 23 October Council meeting.

The Annual Report 2022-23 has been prepared in accordance with the *Local Government Act 2020* and meets the State Government's performance reporting framework that became mandatory from 1 July 2014. All Councils are required to report results as part of their Annual Report. The framework was introduced to ensure Councils measure and report on their performance in a consistent way.

Previous Council Resolution

At its meeting held on 28 August 2023, Council resolved:

'That Council:

- (1) *Endorses the 2022-23 quarter four Performance Report 2022-23 including Council Plan Action Plan Progress at Appendix A.*
- (2) *Notes the quarter four update of the Capital Works program at Appendix A.*
- (3) *Notes the quarter four update on Council Resolution and Planning Committee Resolution contained within this report.*
- (4) *Notes the quarter four Procurement update contained within this report.'*

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 1: Vibrant, Respectful and Connected

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

4.1 We will ensure balanced and responsible financial decision making that meets the needs of our community now and into the future

DISCUSSION

The primary intent of the Annual Report 2022-23 is to inform the Darebin community and stakeholders of Council's performance in 2022-23 against the objectives and priorities outlined in the Council Plan 2021-25.

In addition, the annual report also reports on how Council has applied the six sets of principles in the *Local Government Act 2020*.

The draft Annual Report 2022-23 includes:

- The Year in Review – including highlights of the year in relation to the strategic directions outlined in the Council Plan 2021-25, Mayor and Chief Executive Officer's messages, and capital works.
- Our City – an overview of information about our city, our community and our Council.
- Our People – an overview of senior management team and corporate structure, health and safety performance.
- Our Service Performance – sets out how we have applied the service performance principles in the Local Government Act 2020.
- Our Strategic Planning – sets out how we have applied the strategic planning principles in the Local Government Act 2020.
- Our Public Transparency – sets out how we have applied the public transparency principles in the Local Government Act 2020.
- Our Governance – sets out how we have applied the governance principles in the Local Government Act 2020, including information about our governing processes, Council meetings, Council committees, privacy and information required by the Victorian Government.
- Our Community Engagement – sets out how we have applied the community engagement principles in the Local Government Act 2020.
- Our Financial Management – sets out how we have applied the financial management principles in the Local Government Act 2020, including the audited performance and financial statements that we are required by law to provide.

Key achievements highlighted for the 2022-23 year include:

- A Memorandum of Understanding between Aboriginal Housing Victoria and Council was signed in November 2022. Rates concessions for the 84 properties in Darebin were confirmed under the 2022-23 Revenue and Rating Plan.
- The new Darebin Intercultural Centre was officially opened on Sunday 19 March 2023.
- Continued construction of Northcote Aquatic and Recreation Centre with 90% of the project complete as at 30 June. The facility is on track to open to the community in the coming months.
- The Northcote Aquatic and Recreation Centre was awarded a 6 Star - Green Star - Design rating by the Green Building Council of Australia
- Rewilding Darebin continues to enhance plant biodiversity with 50,000 indigenous tubestock planted during 2022-2023.
- The Reservoir Revitalisation program suite of projects was delivered in partnership with the State Government to improve the look and feel of Reservoir while improving connections within the local community and strengthening their sense of pride in the suburb.
- Reviewed Council's 10-year Financial Plan to ensure a level of revenue and expenditure that maintains a balance between service delivery, asset maintenance and renewal, and provides a strong, sustainable base for the future.
- Council advocated to protect the Preston Market through a strong public campaign and submission to the Standing Advisory Committee.
- Council adopted the Place and Road Naming Policy during the 2022-23 financial year to better reflect Darebin's Aboriginal cultural heritage, migrant and cultural diversities and gender diversity in our community.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

The Annual Report 2022-23 includes a financial report and performance statement for the twelve months ended 30 June 2023.

Community Engagement

The preparation of the Annual Report 2022-23 was supported by all senior leaders from across the organisation and involved detailed discussions with Managers, Service Managers and Project Managers.

The community will be informed of the content of the Annual Report 2022-23 by publishing it on the corporate website and promoting on social media.

Other Principles for consideration

Overarching Governance Principles and Supporting Principles

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

Public Transparency Principles

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

Strategic Planning Principles

- (a) an integrated approach to planning, monitoring and performance reporting is to be adopted;

Service Performance Principles

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

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

The 2021-25 Council Plan has specific strategic directions and objectives that address Council's commitment to environmental sustainability, which is a theme that runs through the strategic directions and objectives of the plan and the Annual Report 2022-23.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

The 2021-25 Council Plan has specific strategic directions and objectives that address Council's commitment to equity, inclusion, wellbeing and human rights considerations, which are themes that run through the strategic directions and objectives of the plan and the Annual Report 2022-23.

Language translations, multilingual telephone line details, Speak Your Language, and National Relay Service information is listed on the back cover of the report.

Economic Development and Cultural Considerations

The 2021-25 Council Plan has specific strategic directions and objectives that address Council's commitment to economic and cultural development, which are themes that run through the strategic directions and objectives of the plan and the Annual Report 2022-23.

Operational Impacts

The in-house graphic design team will design the layout for this report.

Legal and Risk Implications

Preparing the Annual Report 2022-23 allows the identification of issues and potential issues that may affect the delivery of Council's work plan and allows those issues to be addressed to minimise the impact on the community and Council.

IMPLEMENTATION ACTIONS

A summary of the Annual Report is currently in production for Council's website to share with the community Darebin Council's achievements over the past year in an engaging and accessible way.

A graphically designed version of the Annual Report 2022-23 is being prepared and will be available on Council's website in late November 2023.

RELATED DOCUMENTS

- Council Plan 2021–25
- Darebin City Council Annual Budget 2022–23
- Council Plan Action Plan 2022–23

Attachments

- Annual Report 2022/2023 (**Appendix A**) Enclosed under separate cover 

DISCLOSURE OF INTEREST

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

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

9.2 2023 DAREBIN ANNUAL COMMUNITY SURVEY RESULTS**Author:** Senior Adviser - Community Engagement & Demographics**Reviewed By:** General Manager, Governance and Engagement

EXECUTIVE SUMMARY

This report provides a summary of the 2023 Darebin Annual Community Survey results. The Community Survey was conducted as a telephone interview with 1,001 residential households from 7 to 26 June 2023.

Overall performance has declined this year, from a “good” to a “solid” level of satisfaction.

The results of the Community Survey Program will be publicised on the Darebin corporate website and planning has commenced to improve customer satisfaction in areas which fell behind in the 2023 survey.

Officer Recommendation

That Council:

- (1) Notes the results from the 2023 Darebin Annual Community Survey
 - (2) Note that Darebin’s overall performance has declined 7% on the previous year, taking satisfaction down from ‘good’ to ‘solid’.
 - (3) Notes that the most common reasons for dissatisfaction with Council’s overall performance related to issues with Council’s governance, management, and performance, issues with Council’s communication, consultation, and engagement with the community, and some concerns around specific Council services and facilities.
 - (4) Notes that the four services and facilities with “excellent” satisfaction were Darebin Libraries, Weekly garbage collection, and Council’s festivals and events and activities supporting LGBTIQ inclusivity.
 - (5) Notes that the CEO is undertaking further analysis of the issues and themes and with a briefing to councillors, outlining key actions.
-

BACKGROUND / KEY INFORMATION

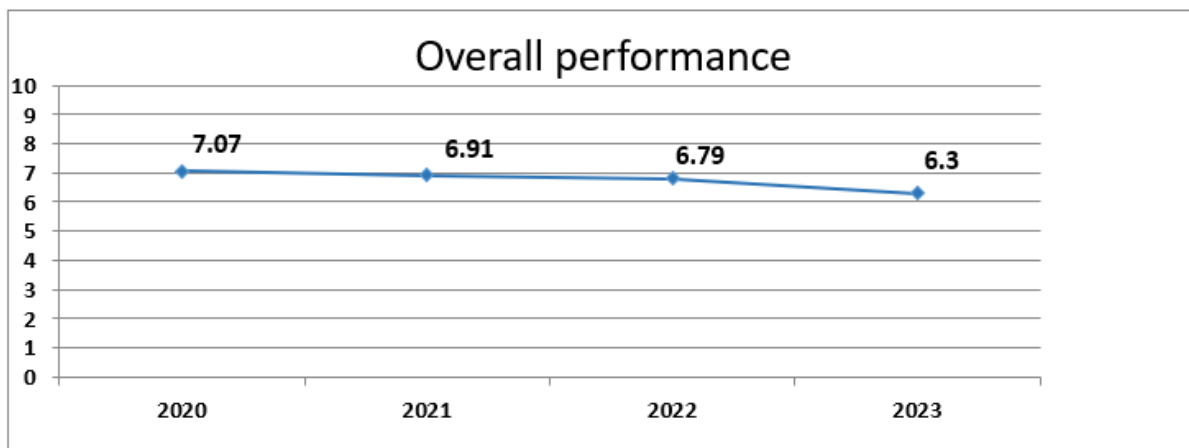
The 2023 Darebin Annual Community Survey was conducted by Metropolis Research which is the survey contractor that has been engaged to conduct this annual survey on behalf of Darebin Council. The Community Survey was conducted as a telephone interview and was completed from 7 to 26 June 2023.

A total of 1,001 residential households across the municipality were included via a random sample of 21,905 residential numbers, which mostly included mobile phone numbers but also included landlines where available. A full copy of the report is attached at **Appendix A**, and the following report provides a high-level snapshot of the results.

Key findings

The following results are displayed as average (mean) scores from 0-10, where scores less than 5 are categorised as ‘extremely poor’ and scores of 7.75 and above are categorised as ‘excellent’.

Overall Performance

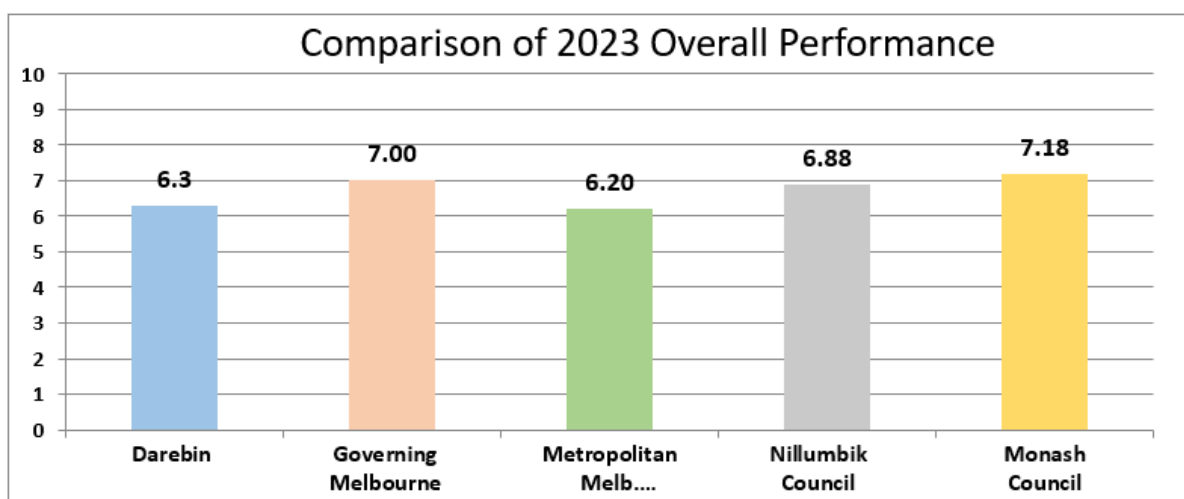


Darebin’s overall performance score in 2023 was 6.3, which is a 7% decline from the previous year’s score of 6.79 and the level of satisfaction is categorised as “solid”, down from “good”.

Almost three-quarters (74% down from 79%) of respondents were satisfied with Council’s overall performance, whilst 16% (up from 12%) were dissatisfied.

The most common reasons why respondents were dissatisfied with Council’s overall performance related to issues with Council’s governance, management, and performance, issues with Council’s communication, consultation, and engagement with the community, and some concerns around specific Council services and facilities.

Comparison of Overall Performance for 2023

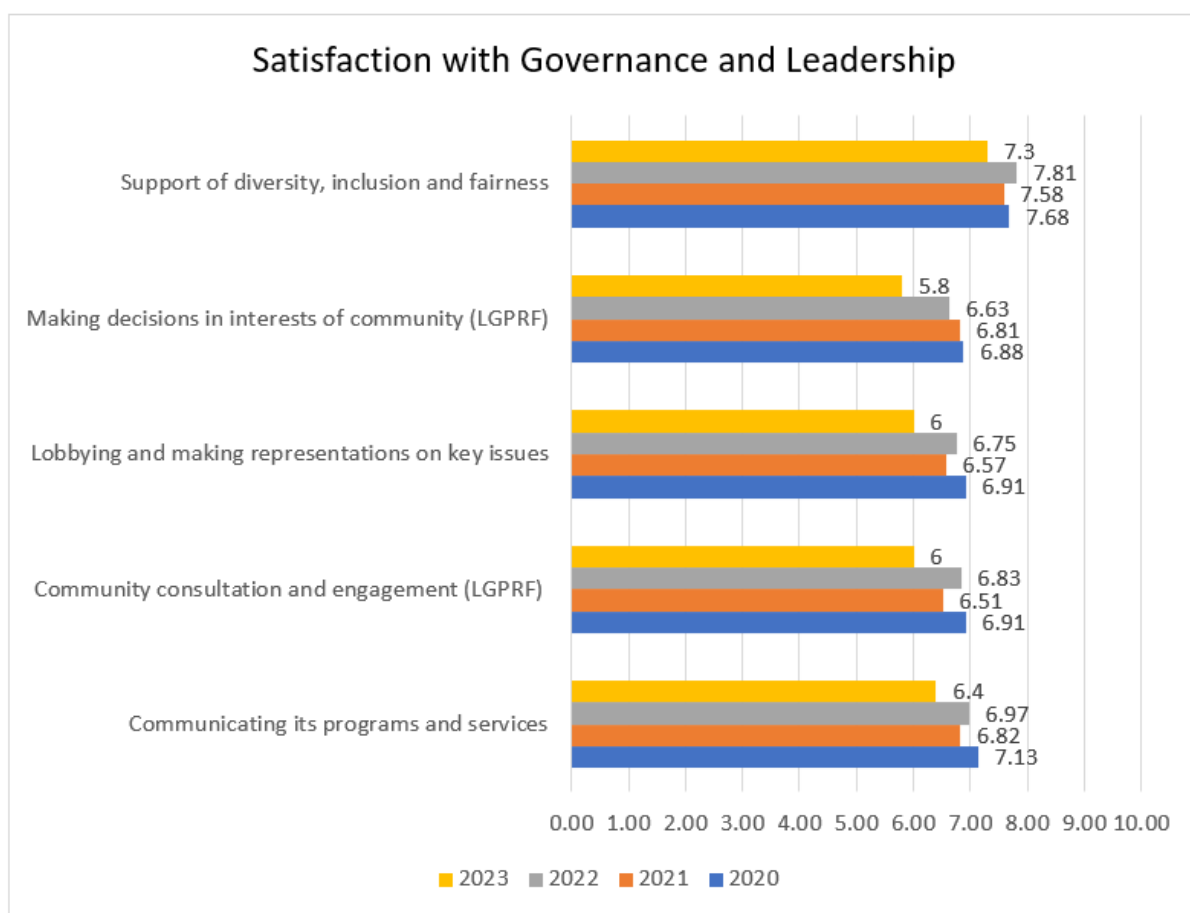


The comparison of overall performance is drawn from the 2023 Local Government Satisfaction telephone survey (administered by JWS Research on behalf of Local Government Victoria), and the 2023 Governing Melbourne Survey which is an independent survey of community members in metropolitan Melbourne undertaken by Metropolis Research to provide an objective, consistent and reliable basis on which to compare some satisfaction results. The overall performance scores of two other metropolitan Councils have also been included in the comparison.

Darebin’s score was lower than the 2023 Governing Melbourne average of 7.0 and higher than the 2023 Local Government Satisfaction Survey overall performance average score for Metropolitan Councils of 6.20

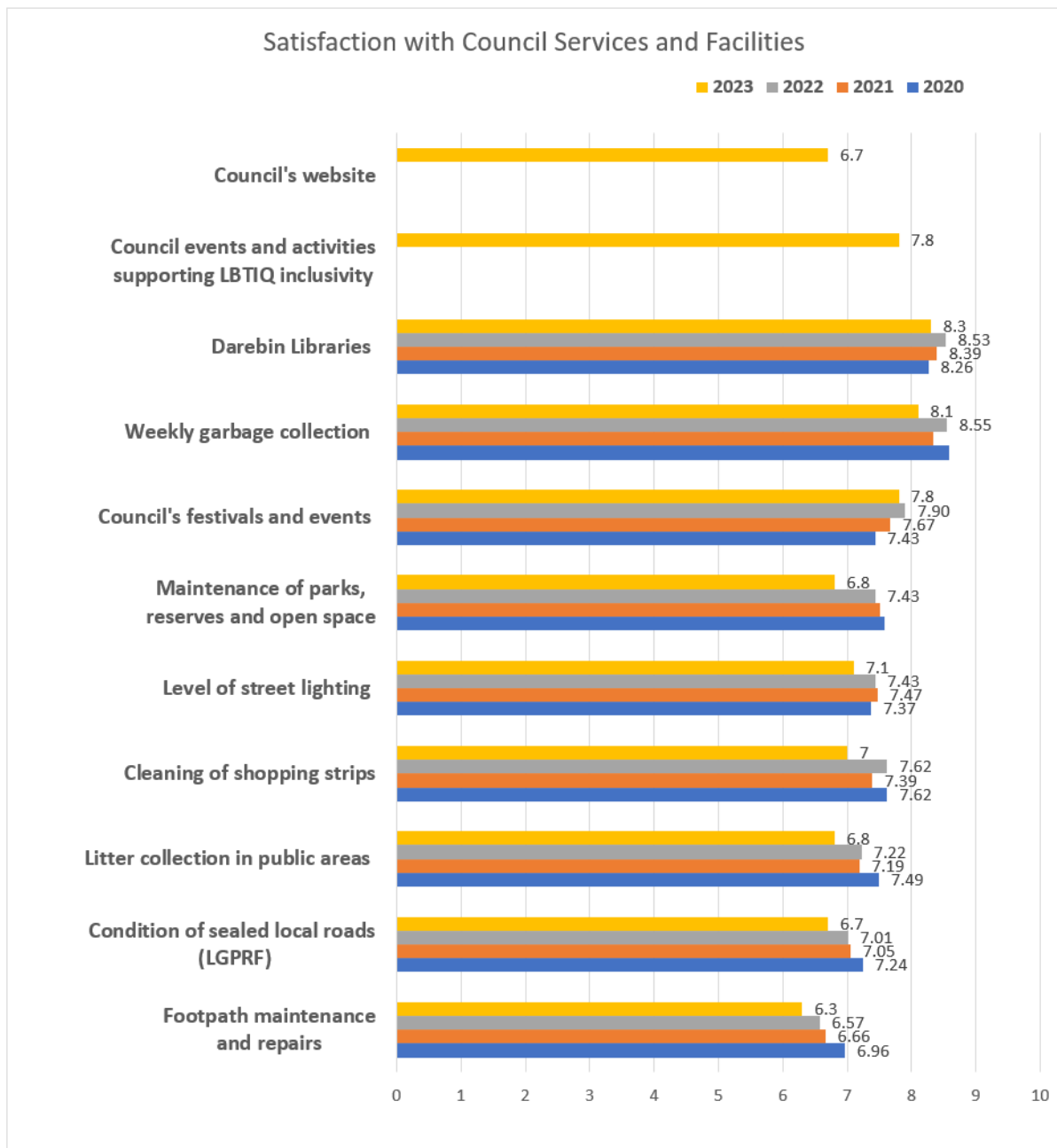
This result was also lower than the overall performance score of Nillumbik Council (6.88) which used the same methodology of telephone. It was also lower than Monash Council (7.18), which used door-to-door methodology, however the consultant states the telephone methodology is not a factor in the low results for Darebin this year.

Satisfaction with Governance and Leadership



Satisfaction ratings with all five Governance and Leadership aspects have declined from the previous year, from “good” to “solid”.

Satisfaction with Council Services and Facilities

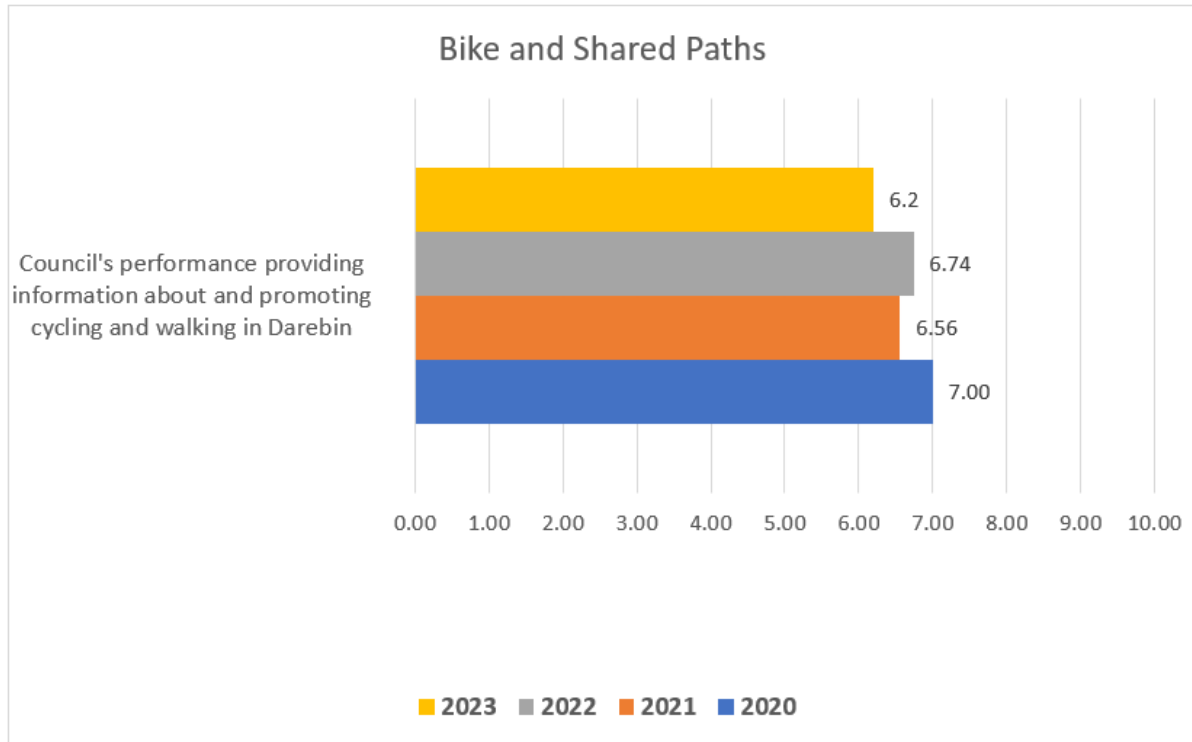


The average satisfaction with the 11 included Council services and facilities was 7.2 out of 10 this year, or a “good” level of satisfaction.

The four services and facilities with “excellent” satisfaction were Darebin Libraries (8.3 down from 8.5), Weekly garbage collection (8.1 down from 8.6), and Council’s festivals and events (7.8 down from 7.9) and events and activities supporting LBTIQ inclusivity (7.8, new).

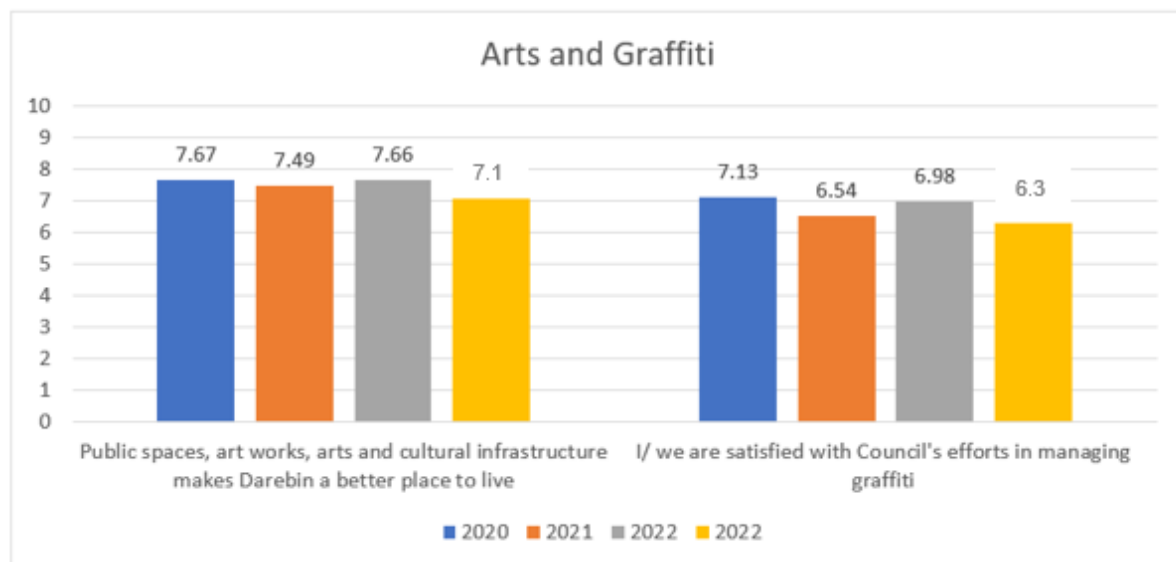
The three services and facilities with lower-than-average satisfaction were Litter collection in public areas ((6.8 down from 7.2), Condition of sealed local roads (6.7 down from 7.0), Footpath maintenance and repairs (6.3 down from 6.6).

Satisfaction with Bike and Shared Paths



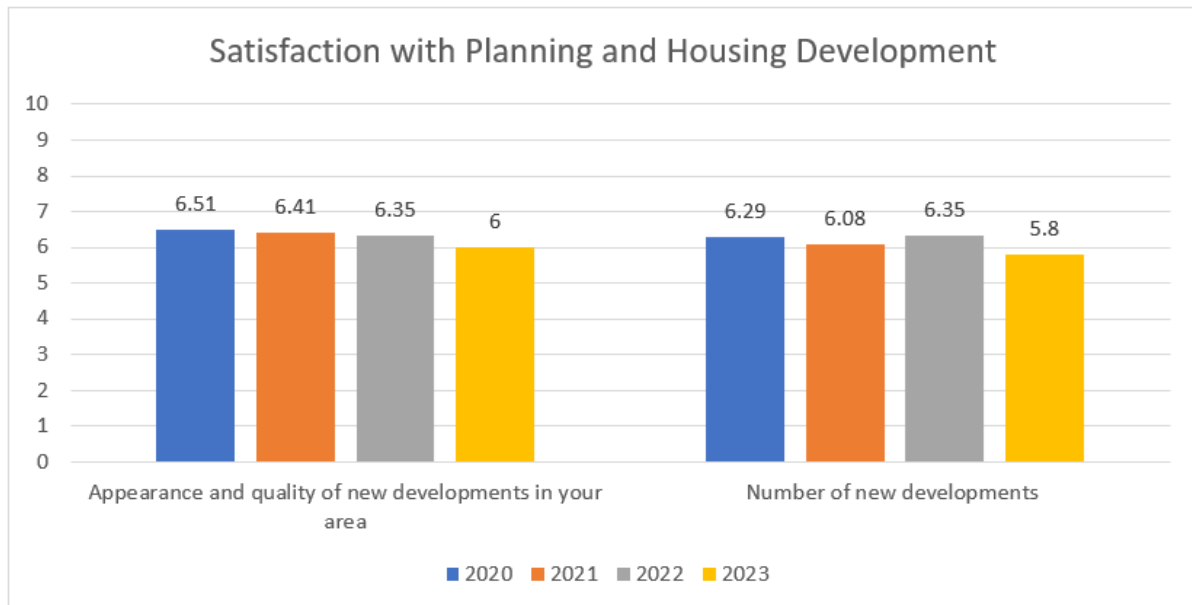
Satisfaction with information about and promoting cycling and walking in Darebin declined measurably this year, down 7% to 6.2 “solid”. This is the lowest satisfaction score recorded since 2013.

Agreement with Arts and Graffiti



Agreement with the two aspects of creative culture and graffiti management declined measurably this year. The consultant notes that agreement with both statements was at the lowest level recorded since these statements were first included in the survey program in 2017-18.

Satisfaction with Planning and Housing Development



Satisfaction with the two planning and housing development aspects have both declined from the previous year with a measurable decrease in 'Appearance and quality of new developments in your area' (down 5% to 6.0, "solid") and a notable decrease in 'Number of new developments' (down 5% to 5.8, "poor").

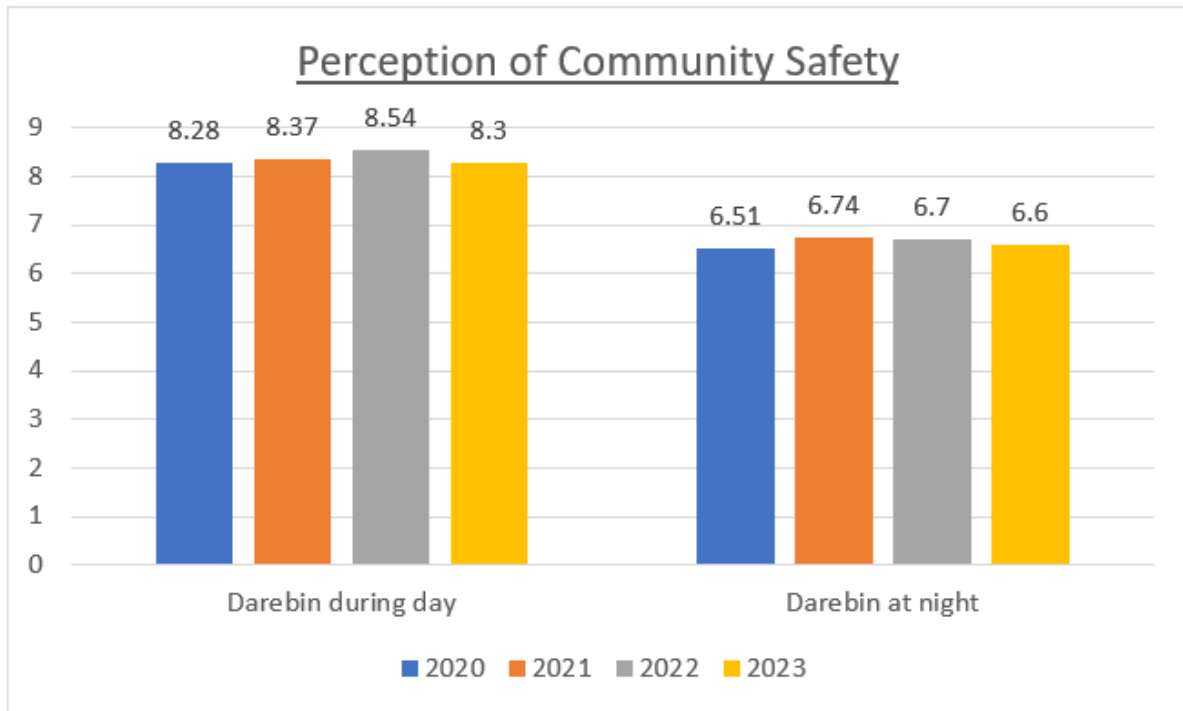
Satisfaction with Customer Service experience and the final outcome



Satisfaction with the overall customer service experience remained stable this year at 6.9 out of 10, or a "good" level of satisfaction. Given the decline in satisfaction with many aspects covered in the survey this year, the consultant suggests that this is a positive result that reflects well on the performance of Council providing customer service.

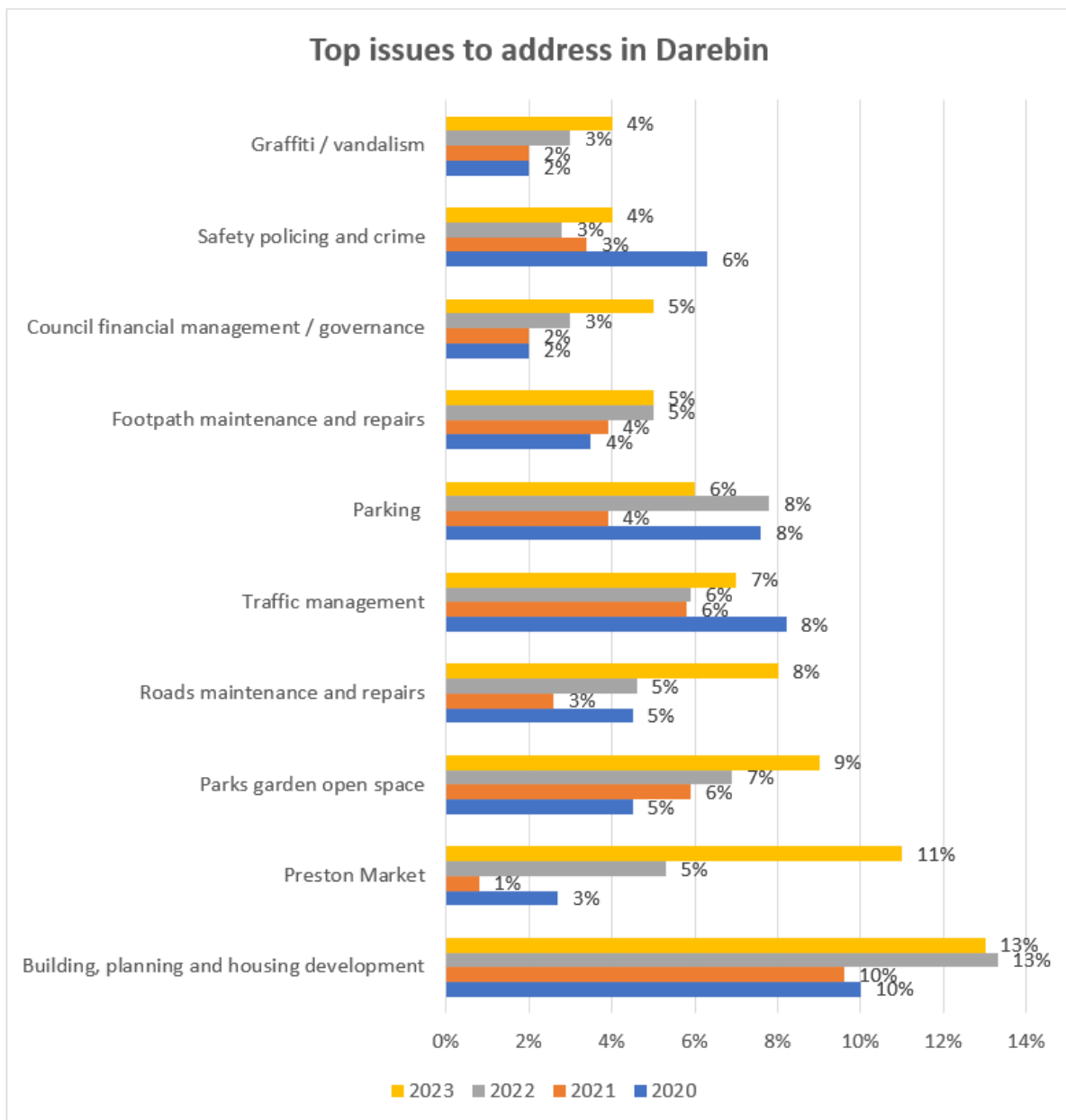
Satisfaction with the final outcome of the respondents’ engagement with Council, however, declined measurably and significantly this year, down eight percent to 6.0 out of 10, which was a “solid”, down from a “good” level of satisfaction. This is the lowest satisfaction with the final outcome recorded since the question was first included in the survey program in this format back in 2020.

Perception of Community Safety – During the day and at night



The perceptions of safety remain consistent with the long-term average perception of safety of 8.3 during the day and 6.7 at night. The ‘Safety during the day’ result was marginally lower than the Governing Melbourne metropolitan Melbourne average of 8.50. The ‘Safety at night’ result was measurably lower than the Governing Melbourne metropolitan Melbourne average of 7.1.

Top issues in Darebin



The Community Survey explores issues experienced by Darebin residents through the question: ‘Can you please list what you consider to be the top three issues for the City of Darebin at the moment?’

The results showed:

- A total of 1,332 individual issues were mentioned in 2023 by 697 respondents. This is an increase from the 1,304 total responses which were provided by 647 respondents in the previous year.
- The top three identified issues were: ‘Building, Planning and Housing Development’ (13%), ‘Preston Market’ (11%) and ‘Parks, gardens open space’ (6.9%).

Previous Council Resolution

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

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 1: Vibrant, Respectful and Connected

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

- 4.1 We will ensure balanced and responsible financial decision making that meets the needs of our community now and into the future
- 4.3 We will transform our services and service delivery models to ensure they meet the current, emerging and future needs of our community

The Community Survey ensures that Council is regularly assessing community satisfaction and sentiment towards services and programs. The results and commentary received from residents are analysed carefully and addressed to ensure that services and programs meet the needs of the community. The Annual Community Survey relates overall mostly with the above strategic directions. However, there are other key performance indicators measured via the survey which relate to other strategic directions.

DISCUSSION

There is some evidence of three key themes impacting this year's results. The first was the impact of Protected Industrial Action on litter collections, maintenance of parks and gardens and other maintenance and repairs. The other two issues which may have also impacted results was the ongoing fight to advocate for the protection of the Preston Market and the report issued by the Municipal Monitor earlier in the year.

Overall summary of 2023 Darebin Community Survey Results

- Overall performance has declined measurably and significantly this year, from a "good" to a "solid" level of satisfaction.
- The most significant finding in the report this year was that the average satisfaction with the five aspects of governance and leadership declined measurably and significantly this year, from "good" to "solid".
- The top three performing services were: libraries, weekly garbage collection, and Council's festivals and events.
- The top three areas for improvement were: footpath maintenance and repairs, the condition of sealed local roads, and Council's website.
- The top three issues for Darebin were: 'Building, Planning and Housing Development', 'Preston Market' and 'Parks, gardens open space'.
- The consultant advises that the content and structure of the survey tool makes it difficult to make stronger statements about the true extent of community sentiment in relation to the performance of Darebin City Council. The consultant recommends the following changes:

1. The inclusion of a more comprehensive list of Council services and facilities in the services section
2. The inclusion of a measure of how important the respondent believes it is that Council provide each of the services and facilities.
3. The inclusion of the full set of core governance and leadership measures, including value for rates and performance maintaining community trust and confidence.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

The survey is an annual requirement funded through the Operational budget.

Community Engagement

The survey was performed via telephone conversations with 1,001 Darebin residents representing a cross-section of ages, genders, backgrounds and postcodes across the municipality.

The community will be informed of the results of the 2023 Annual Community Survey as they will be publicised on the corporate website. Additionally, the results of the 2023 Annual Community Survey will be used to inform the planning of future community engagement projects.

Overarching Governance Principles and Supporting Principles

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

Public Transparency Principles

- (b) Council information must be publicly available unless (i) the information is confidential by virtue of this Act or any other Act; or (ii) public availability of the information would be contrary to the public interest;

Strategic Planning Principles

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

Service Performance Principles

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

COUNCIL POLICY CONSIDERATIONS

Environmental Sustainability Considerations (including Climate Emergency)

While the Community Survey has no direct impact on environmental sustainability, previous indicators and questions in the survey have influenced operational activities, for example questions around promoting cycling and walking in Darebin. This survey was conducted via telephone and had minimal environmental impact.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

The 2023 Darebin Annual Community Survey was conducted by Metropolis Research. Equity, inclusion, wellbeing and human rights considerations were applied when selecting this company through a tender process. Darebin's Community Survey includes a representative, weighted sample of different community voices. This ensures that our responses to the results are grounded in equity, inclusion, wellbeing and human rights considerations

Economic Development and Cultural Considerations

There are no direct economic development considerations. The survey is conducted with consideration of our diverse communities. The telephone methodology involved multiple (up to four) attempts to contact each randomly selected telephone number, to give the household multiple opportunities to participate. Multilingual staff were available to assist and there were approximately 12 interactions where the Community Survey was conducted in either part or fully in a language other than English, including various Indian languages, Vietnamese, Tagalog, Arabic, Mandarin, and Cantonese.

Operational Impacts

The results of the Community Survey do have an impact on operations as they indicate the services and facilities that residents are most and least satisfied with. The results will be reported widely to the organisation and discussed with the relevant business units.

Legal and Risk Implications

There are no significant implications.

IMPLEMENTATION ACTIONS


The results of the Community Survey Program will be publicised on the corporate website.

A range of internal presentations and briefings will be scheduled to share the results and commence planning to improve customer satisfaction in areas which fell behind in the 2023 survey.

RELATED DOCUMENTS

For details of the 2023 Darebin Annual Community Survey results refer to **Appendix A**.

Attachments

- 2023 Darebin Annual Community Survey results report (**Appendix A**) Enclosed under separate cover 

DISCLOSURE OF INTEREST

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

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

9.3 VICTORIAN CONTAINER DEPOSIT SCHEME**Author:** Acting Manager City Works**Reviewed By:** General Manager Operations and Capital

EXECUTIVE SUMMARY

The Victorian Container Deposit Scheme (CDS) is a State Government Program designed to encourage people to recycle their used drink containers. People will receive a 10-cent refund for every eligible drink can, carton and bottle they return. The program will commence on 1 November 2023.

Darebin has long advocated for a program like this to improve sustainability outcomes and reduce littering and welcomed the State Government's announcement.

Council has committed to assist in the roll out of the CDS by promoting the scheme to the broader community, as well as ensure our clubs, businesses and community groups are aware of how they can participate.

Visy Recycling is the scheme operator in Darebin and is responsible for establishing and maintaining refund collection points. Council has been in discussions with Visy about the best locations for refund points and is committed to assisting them to identify and secure suitable refund locations.

Visy and Council both concur that commercial centres are the highest priority sites, given co-benefits of helping bring people into commercial areas, and by providing the best access for community. To date, Visy has confirmed several refund locations across the municipality on commercial land and there are others that are in consideration.

None of Visy's identified priority sites are on Council land. Officers have explored several secondary priority sites and are working with Visy to consider progressing, along assisting in identifying other potential sites in priority locations. Any decisions about leasing Council land would come to a future Council Meeting for consideration in due course.

The purpose of this report is to note Council's support for the CDS and confirm its commitment to assist in its implementation s.

Officer Recommendation

That Council confirms its commitment to supporting roll out of the Container Deposit Scheme and notes that:

- (1) Council welcomes the Victorian Container Deposit Scheme.
- (2) Council is committed to promoting the scheme to the broader community, as well as ensuring our clubs, businesses and community groups are aware of how they can participate.
- (3) Council is committed to working with Visy to help them identify suitable sites for refund points for the scheme's implementation beyond the 1 November 2023 commencement.

- (4) Council is progressing initial investigations of three locations as potential refund points: Reservoir Activity Centre, Darebin Resource Recovery Centre and the Darebin Arts Centre, noting that any decision to proceed with a particular location will come to Council at a future meeting for formal decision.
-

BACKGROUND / KEY INFORMATION

The Victorian Container Deposit Scheme (CDS) is a State Government Program designed to encourage people to recycle their used drink containers through a legal framework. People will receive a 10-cent refund for every eligible can, carton and bottle they return. The program will commence on 1 November 2023.

Darebin welcomed the State Government's announcement of the CDS, noting its shared benefits to the community, environment and economy by delivering:

- Increased and cleaner recycling.
- Less waste – old containers become new ones.
- Less litter – cut by up to half.
- Hundreds of new jobs and economic opportunities across Victoria.

The CDS will work by:

- Customer purchases a drink.
- Customer returns empty drink container to a refund point.
- Customer receives a 10-cent refund for every eligible container returned. Customer can choose to keep the funds or donate to a participating charity, community group, environmental group, educational organisation or sports group.
- Customer's returned container is given a new lease on life. The material is recycled and manufactured into a new product, saving it from landfill or littering the environment.

The CDS will target beverage containers that most commonly contribute to litter and are often consumed away from home. This includes plastic soft drink bottles, glass beer bottles, soft drinks and alcohol sold in cans, and small fruit juice cartons.

Victoria is divided into three regions and serviced by three different Network Operators appointed by the State Government. Visy will be the CDS operator for Darebin, which is part of the North Zone.

It is Visy's responsibility to establish and maintain the refund points. Council has no obligations or responsibilities for the CDS, however, Council is committed to supporting the scheme through:

- Proactively promoting scheme to broader community.
- Ensuring our clubs, businesses and community groups are aware of how they can participate.
- Reacting appropriately to questions and concerns from community, in particular any concerns they have regarding Council participation.
- Working with Visy to help identify suitable locations for RVMs.

The CDS provides charities, community groups, environmental organisations, sports groups and educational organisations with opportunities via:

- Receiving donations from the community – customers can choose to pocket their refund or donate to a participating charity.
- Initiate a collection drive – receive containers from the community.
- Run a refund point as a business.

There are three types of refund points that Visy have advised Council of:

- Reverse Vending Machines: Shipping container sized, automated collection points where people can “post” their containers. Designed to process up to 10,000 containers per day. RVMs must be accessible for use daily from 7.00am to 8.00pm.
- Depots: industrial sized drive through warehouses designed to accept up to 50,000 containers per day.
- Over the Counter: manual collection at a local business designed for up to 1,000 containers per day. Over the Counter collection points must be open 27 hours during the week (Mon – Fri) and 8 hours across Saturday and Sunday.

Council has been in discussions with Visy about the best locations for refund points and is committed to assisting them in identifying and securing suitable refund locations. Visy and Council concur that commercial centres are the highest priority sites given co-benefits of commercial activation and providing greatest access. To date, Visy has confirmed several refund locations across the municipality on commercial land and have others that are in consideration with Department of Education and other State Government Authorities

Refund point type	Location	Confirmed	Commission date
RVM	Visy property, Reservoir	Yes	1 November
	Northland Shopping Centre	Yes	Post November 2023
	Preston South Woolworth	No	Post November 2023
Depot	Quinn St, Preston	Yes	Post November 2023
Over the Counter	11 spread across Darebin	Yes	1 November 2023

Although the program must commence by 1 November 2023, it is not expected that all network sites will be operational on this date. The legislation allows for a rolling commencement. The expected expansion to eight network sites is for within 12 months of the scheme commencement.

Visy and Council have discussed several potential RVM sites on Council land, a majority of which have been deemed secondary priority as they are situated near residential areas and predominantly co-located with community, recreation and leisure facilities.

Previous Council Resolution

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

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 3: Climate, Green and Sustainable

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 3: Climate, Green and Sustainable

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

3.5 We will reduce waste and stimulate a local circular economy, where waste resources are re-used rather than discarded

DISCUSSION

Given the benefit to community, officers recommend that Council work with Visy and the State Government to support the scheme as outlined below. It is worth understanding that Council doesn't have obligations in relation to this scheme, and primary responsibility for establishment sits with Visy.

1. **Actively welcome and promote the CDS, and support opportunities for businesses, club, and community group participation.**

Council welcomes the CDS and is committed to promoting the scheme to the broader community. Whilst the State Government and Visy have a dedicated communications plan, Council will:

- Proactively promote scheme to broader community.
- Ensure our clubs, businesses and community groups are aware of how they can participate.

Promotion of the opportunities have already begun with presentations to sports clubs and plans for targeted promotion through existing communication channels for clubs, community groups, businesses and charities.

2. **Prioritise Tier 1 Commercial sites as Primary Locations**

It is recommended that Council support Tier 1 commercial sites as the primary locations for RVMs. This approach fosters producer responsibility, maintains a focus on reducing waste at its source, has co-benefits of commercial activation, and provides greatest access.

The sites that Visy has confirmed have not required any Council support. Council has not had a role either as landowner or approval authority; officers have shared their assessment that these are high priority localities from a strategic point of view.

Council is committed to working with Visy to help identify suitable sites for refund on both Council and non-Council land in high priority locations for the scheme's implementation beyond the 1 November 2023 commencement. Locations within the Summerhill, Reservoir, Fairfield and Northcote Activity Centres will be the key focus of investigations.

3. **Expanding RVM locations on Council Land**

While it is not Council's responsibility or obligation to provide sites for RVMs, Council may choose to provide commercial lease arrangements with Visy to support the CDS program. As previously noted, both Council and Visy agree that the highest priority locations for refund points are within commercial centres, and Council was anticipating that Visy would identify adequate RVM sites across Darebin's commercial locations.

However, the latest update from Visy indicates that this has proven difficult, with only a limited number of confirmed sites to date. Whilst Council will continue to support Visy in identifying locations in commercial centres, it would also be prudent to consider options for refund locations on Council land to support Visy's efforts.

Council officers recommend investigating an RVM at the Darebin Resource Recovery Centre (DRRC), where there is value to our community and customers of a one-stop-shop. At this time, Visy have indicated they are not interested in this location due to the opening hours. Officers will work this through with Visy as there are some potential options that may be able to address Visy's concerns.

In addition, Council officers recommend investigating RVM sites within the Reservoir Activity Centre, and at the Darebin Arts Centre. These locations would support expansion into higher priority commercial areas. Officers would continue to work with Visy on this and update Councillors further. Any decision to proceed with a particular location will come to Council for formal decision.

4. Incorporating Revenue Sharing in Procurement/Negotiations (2024 Contract Renewal):

It is expected that some kerbside bin users will continue putting eligible containers into commingled recycling bins, and (in future) glass bins, rather than utilising a refund point. There is provision within Scheme for Councils to share refunds arising from kerbside collections. Council's existing recyclables contract expires in June 2024. Refund sharing will be negotiated into this new contract.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

There are no resources available to Council from the State Government to manage any of the costs associated with the Container Deposit Scheme.

Except for where any RVMs are to be located, a particular financial impact is not expected. Visy and any private land owners, clubs or businesses would make their own arrangements to cover costs and consider revenue sharing.

If any RVMs are ultimately proposed to be located on Council land, costs and potential revenue would be detailed and considered in a report to Council relating to that specific site. Generally, officers would recommend that Visy cover any direct costs and/or make a payment to Council for use of its land. Costs that may arise are:

- Any establishment costs (such as upgrading power to the site, or leveling it)
- Any disestablishment costs at the end of the lease term.
- Costs associated with managing dumping around the site.
- Indirect costs associated with managing community complaints
- Opportunity cost associated with use of Council land

For containers that are included in the kerbside recycling bins, there is an opportunity for 50% revenue sharing from containers.

Community Engagement

A communications plan is being developed to support the State Government scheme roll out. In addition, sport clubs have been communicated with regarding the opportunities to participate.

Visy has advised it is not intending to undertake community consultation on placement of RVMs and would not plan to cover costs associated with such a consultation relating to any sites on Council land.

Note that as it is not a Council run service, the CDS was not covered by Council's kerbside waste services consultation which took place in August and September of this year.

Other Principles for consideration

Overarching Governance Principles and Supporting Principles

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

Public Transparency Principles

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

Strategic Planning Principles

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

Service Performance Principles

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

COUNCIL POLICY CONSIDERATIONS

Environmental Sustainability Considerations (including Climate Emergency)

Access to RVMs and other CDS aspects will contribute to improving waste management and growing a circular economy. It is expected to reduce litter and reduce recyclable content going to landfill.

When drop off sites are located in accessible locations and co-located with other services, it can minimise emissions from transport by reducing the number of separate trips a household needs to make. This is one benefit of locations within major activity centres.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

From a socio-economic perspective, reasonable accessibility for all residents is important, particularly in areas like Summerhill and specific sections of Reservoir, as well as in proximity to higher-density residential neighbourhoods.

For some households, this scheme may offer an additional revenue stream which could help them mitigate financial challenges and contribute to wellbeing.

By locating RVMs in activity centres, where there is existing activity and passive surveillance, the sites can minimise risks relating to safety or perceptions of safety.

No other equity, inclusion, wellbeing and human rights impacts have been identified.

Economic Development and Cultural Considerations

Officers have identified the following economic development and cultural considerations:

- Businesses will have the opportunity to participate in the scheme becoming an “Over the Counter” drop off point.
- Sporting clubs and community groups will have the opportunity to raise funds through partnering with the scheme as either donation partners or refund points.
- It is anticipated that RVMs at Tier 1 Commercial sites will have the greatest economic benefit through activation and by bringing people into the activity centres where they may also do other things while they are there.

Operational Impacts

It is unclear what impacts the CDS will have on kerbside waste operations or on public litter bin use. Generally, we expect the CDS scheme to reduce the quantity of containers received by these other recycling channels and to reduce contamination in the garbage stream.

Legal and Risk Implications

A range of legal and risk implications would arise from any lease or licence with Visy to local RVMs on Council land, however these would be detailed in a future report to Council at the time of decision.

There is a risk that many in the community will assume it is a Council service because of Council’s long term role managing waste as well as its role in many approval decisions about planning and developments. This means that if issues arise, Council could be contacted with enquiries, or receive criticism in public. Officers would monitor this risk and if needed seek to manage it with communications.



IMPLEMENTATION ACTIONS

1. Implement Council CDS Communications Plan to proactively promote the scheme to the broader community, and ensure clubs, businesses and community groups are aware of how they can participate.
2. Work with Visy to help identify suitable sites for refund points on both Council and non-Council land for the scheme’s implementation beyond 1 November 2023 commencement.
3. Seek formal request from Visy to commence initial investigations of three refund points; Reservoir Activity Centre, Darebin Resource Recovery Centre, and the Darebin Arts Centre. Note that any decision to proceed with a particular location will come to Council for formal decision.

RELATED DOCUMENTS

Nil

Attachments

- Victoria's Container Deposit Scheme Factsheet (**Appendix A**) [↓](#) 
- Victorian Charity and Community Groups Information Sheet August 2023 (**Appendix B**) [↓](#) 

DISCLOSURE OF INTEREST

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

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

Victoria’s container deposit scheme

Designed for all Victorians



Victoria’s container deposit scheme (CDS) will:

- 🔄 increase recycling and reduce litter by up to half
- 🔄 be convenient and accessible with many types and locations of collection points
- 🔄 bring new jobs and economic opportunities for disadvantaged people, charity and community groups, and regional Victoria.

It’s a new and accessible way for charities and community groups to raise money:

- collecting containers for refunds
- running container collection drives
- receiving donations – people will be able to donate their refunds to their favourite registered group
- running a refund collection point.

How it will work

Like all Australian container deposit schemes, beverage suppliers will fund the Victorian CDS.

To ensure an efficient, low-cost scheme and one that maximises container returns and recycling Victoria’s CDS will adopt a split responsibility governance model with beverage industry having a strong role in administration and funding of the scheme.

The Victorian CDS will create new economic opportunities and jobs, with the responsibilities for running the scheme split between a scheme coordinator and network operators, appointed using a competitive tender process.

Coordinator role:

- manage finances and commercial viability
- audits to prevent fraud
- pay refund amounts and collection network costs to network operator/s
- report against government performance targets.

Network operator/s role:

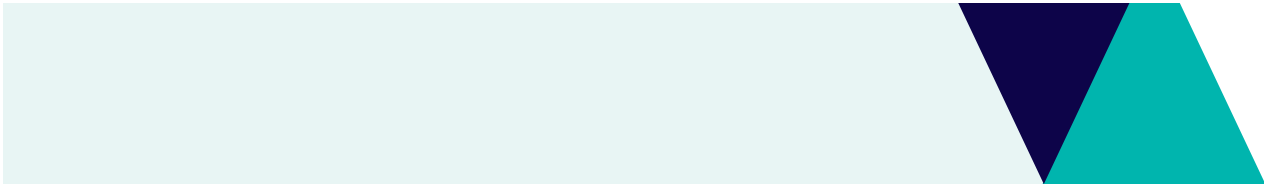
- establish and maintain a network of refund points
- distribute refund amounts to consumers
- distribute payments to collection point operators
- report on participation and redemption rates.



Why are we doing it this way?

Our scheme adopts key elements from other schemes to maximise return of drink containers for recycling. By sharing responsibility for its operation, the scheme will have checks and balances so it is clear and accountable and ensure collection points are convenient and accessible, which is crucial for an effective CDS.

We meet regularly with our Community Organisations Reference Group, made up representatives from charity and community groups, to make sure the way we set up our CDS means they can take part and benefit.

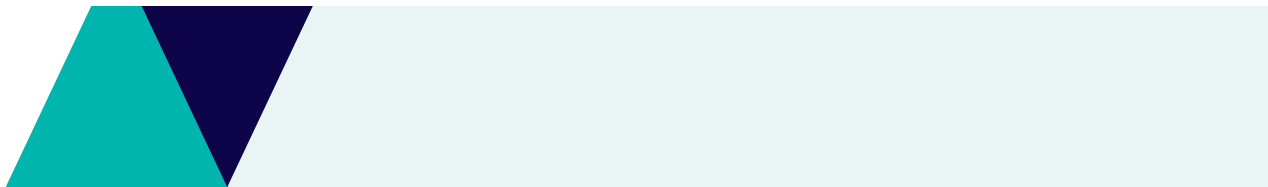


A comparison of container deposit schemes in Australian states*

All schemes across Australia offer a 10-cent refund for drink containers 150ml to 3 litres in volume. They exclude drink containers generally consumed at home. South Australia also accepts some containers under 150ml.

Data as at March 2021

State and start date of CDS	Average price increase per container in the first 12 months of the scheme	Containers returned	Number and types of places to return containers	Return points run by charity, community and sports groups
South Australia 1977	<i>Not comparable</i>	77% <i>(2019-20 return rate)</i>	126 (1 per 14,040 people): 100% waste management depots	15
New South Wales Dec 2017	7.7c	68% <i>(2020 calendar year return rate)</i>	630 (1 per 12,959 people): 49% reverse vending machines 43% over the counter at shops 4% depots 4% Donation stations	145
Queensland Nov 2018	9.9c	60% <i>(2019-20 return rate)</i>	307 (1 per 16,835 people): 43% Depots 39% Bag drop offs 22% Pop-up points 5% Reverse vending machines	19
Western Australia Oct 2020	<i>Not available</i>	<i>Not applicable</i>	214 (1 per 12,439 people): 43% Depots 30% Bag drop offs 25% Pop-up points 2% Reverse vending machines	78
Tasmania Starting 2022				
Victoria Starting 2023				



How the CDS works for beverage companies

In all cases the beverage suppliers pay for the cost of the scheme in arrears, except for NSW where the beverage suppliers pay in advance.

In Western Australia and Queensland, governments have provided beverage suppliers with loans to cover the significant start-up costs of the scheme.

The Victorian Government will provide a loan to beverage suppliers for the start-up costs.

Average cost to industry (cents per container)

Note: South Australia not available.



New South Wales



Queensland



Western Australia

Who runs (or will run) the container deposit schemes in Australia?

Structure	Who runs (or will run) it?
Scheme coordinator and network operator/s.	<p>New South Wales - scheme coordinator, Exchange for Change (established by Asahi, Coca Cola Amatil, Coopers, CUB, Lion) and network operator TOMRA Cleanaway, appointed via competitive open market process.</p> <p>Tasmania - TBA, appointed via competitive open market process.</p> <p>Victoria - TBA, appointed via competitive open market process.</p> <p>Australian Capital Territory - scheme coordinator, Exchange for Change (established by Asahi, Coca Cola Amatil, Coopers, CUB, Lion) and network operator, Return-It (recycler owned by Re.Group) appointed by competitive open market process.</p>
A single coordinator	<p>Queensland - COEX (established by Coca Cola Amatil and Lion) appointed by government without a market process.</p> <p>Western Australia - WARRRL (established by Coca Cola Amatil and Lion) appointed via competitive open market process.</p>
Multiple coordinators	<p>South Australia - three super collectors, including Statewide (owned by Coca Cola Amatil) and Marine Stores (owned by Coopers and Lion), operating since 1977.</p> <p>Northern Territory - scheme commenced in 2012 and has four coordinators, Statewide (owned by Coca Cola Amatil), Marine Stores (owned by Coopers and Lion), Envirobank (recycler) and NT Coordinators (recycler).</p>



Information for charities and community groups

Donation partners

Victoria's Container Deposit Scheme (CDS Vic) will give charities, schools, community groups, environmental groups, sporting clubs and educational organisations new ways to raise funds.

These organisations and groups will be able to benefit in several ways:

- applying to become a donation partner to receive donations from members of the community when they return their eligible drink containers – people can give their refunds to a donation partner rather than keeping them themselves
- collecting donations of containers from their communities and supporters that can then be returned for a refund from a refund point
- applying to your Zone Operator to set up and run a refund point. Note: there are specific conditions that must be met to operate a Refund Point, including minimum opening hours

What is a donation partner?

Being a donation partner is open to not-for-profit organisations such as a charity, school, sports club, or community group that have registered with CDS Vic (via cdsvic.org.au) and set up a payment account with one or more of the Zone Operators. Refunds from eligible drink containers can then be donated to these organisations by anybody who chooses to do so.

How can my group become a donation partner?

Step 1: Register on the Donation Partner Register at cdsvic.org.au

Step 2: Sign-up with your relevant Zone Operator/s.

The Donation Partner Register will be available from 1 October 2023, ahead of the scheme commencement on 1 November 2023. Keep an eye on the cdsvic.org.au website for details.

Once you've registered, you will receive a Donation Partner ID from VicReturn. You will then need to contact the relevant Zone Operator(s) and provide some further details, such as an eligible bank account, so that you can start to receive donation payments.

How can I promote my group as a donation partner?

A number of resources including templates and signage will be made available to community groups and charities closer to the Scheme commencing on 1 November 2023.

VICTORIA'S CONTAINER DEPOSIT SCHEME

Who is eligible to be a donation partner?

Donation partners need to carry out activities in Victoria, and be:

- a registered charity, or
- a sporting, community, educational or environmental body that is established primarily for charitable, community or educational purposes, and your activities are not for profit or gain, or
- a school

Once launched, the Donation Partner Registry on the CDS Vic website can help guide you through your eligibility.

How will my group receive donations from our supporters?

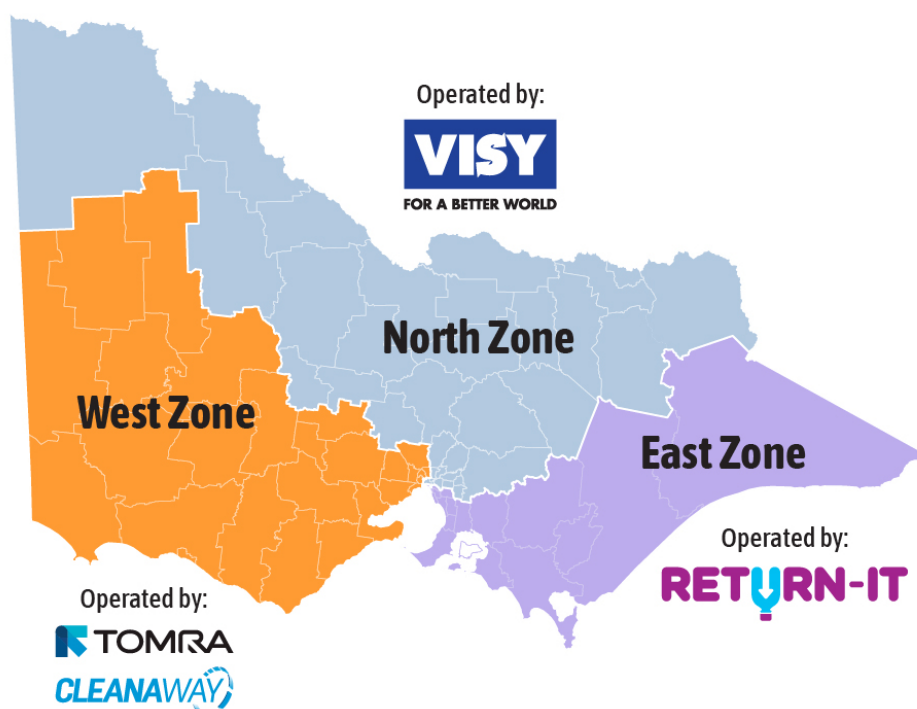
At a refund point, people can choose to donate their refund to your organisation in a number of different ways, including via the Zone app, sharing your Donation Partner ID (or barcode) or using a handy search function on the CDS Vic website (coming soon).

You can also host your own collection drive, by encouraging your members and supporters to collect and deposit containers and donate their refunds to your organisation.

Will I need to sign up with all Zone Operators?

If you only fundraise in your local area, your Donation Partner ID only needs to be activated with your local Zone Operator. However, if your organisation operates across more than one zone, or you are planning a state-wide initiative, we recommend signing up with all Zone Operators relevant to your organisation to ensure maximum coverage.

Map of Zone Operators:



VICTORIA'S CONTAINER DEPOSIT SCHEME

Hosting a refund point

How does my group sign up as its own refund point?

Any organisation that hosts a refund point will need to meet minimum accessibility and safety requirements set by the Victorian Government. This includes a minimum number of operating hours you are open, which varies depending on whether you are in a remote, regional, or metropolitan location. In some limited cases, these requirements may be adjusted by the Victorian Government while ensuring the refund point network meets the expectations of the community.

If you're interested in becoming a refund point, and think you'll meet the criteria, contact your local Zone Operator to find out more.

Do I have to be a refund point to receive donations?

No, organisations don't need to host a refund point to fundraise. Charities and community groups can be a donation partner, and have people nominate for their refund to be directed to your group. You can also host your own collection drive, by encouraging your members and supporters to collect and donate their eligible containers to your organisation.

Get in contact

Zone Operators

To find out more about how to be a donation partner, or host a refund point, contact your local Zone Operator:

TOMRA Cleanaway: enquiries@tomracleanaway.com.au

Visy: cdsvic@visy.com

Return-It: vic@returnit.com.au

CDS Vic Donation Partner Registry

To register for future updates from CDS Vic on the Donation Partner Registry, please email donationpartners@vicreturn.com.au



After more info on CDS Vic?
Email enquiries@cdsvic.org.au or call 134 237



9.4 AWARD CONTRACT CT202356 - MICROSOFT ENTERPRISE AGREEMENT RENEWAL

Author: Manager Information Services

Reviewed By: General Manager, Governance and Engagement

EXECUTIVE SUMMARY

This report outlines the rationale and benefits of renewing the Microsoft Enterprise Agreement (EA) for the Council. The strategic imperative of renewing the EA is underpinned by multifaceted considerations, primarily revolving around the requirements of sustained access to critical Microsoft software and services, strengthening our IT Infrastructure and ongoing digital transformation endeavours, ensuring comprehensive compliance with software licensing obligations, and diligently optimizing associated costs. By securing licenses for a range of Microsoft software products, this endeavour will not only facilitate the seamless continuation of the user experience but will also uphold considerations such as optimal security, reliability, and collaboration and further strengthen our capacity to support flexible remote work capabilities.

Considering these compelling reasons, this report seeks the Council's endorsement to renew a new 3-year Enterprise Agreement with Microsoft, commencing on 1st December 2023. This proposed agreement is intended to govern the provision of specified Microsoft products, thus revitalising the Council's technology landscape, and facilitating seamless operations across the council.

Officer Recommendation

That Council:

- (1) Awards Contract CT202356 for the Renewal of Microsoft Enterprise Agreement to Microsoft Software License Service Provider for the contract sum of \$..... for the period 1 December 2023 to 30 November 2026.
- (2) Approves an amount of \$..... for Annual Licenses True-up cost, Azure Cloud Services, and backup storage over the 3-year agreement. This service was excluded from the RFQ as these numbers cannot be predicted precisely in advance. Reasonable estimates have been made based on the previous usage of this service for the past 24 months.
- (3) Authorises the Chief Executive Officer to finalise and execute the contract documentation on behalf of the Council.

BACKGROUND / KEY INFORMATION

The Council relies extensively on Microsoft products as a foundation of its operational infrastructure. These include individual user tools like Microsoft Windows, Microsoft Office 365 Cloud-based Email, SharePoint, MS Teams, and Security Suite, as well as back-office solutions such as Microsoft Server Operating System, Microsoft SQL Server, and Azure Cloud Services. These products play a pivotal role in Council operations, and their continued use is strongly recommended to ensure the ongoing stability and efficiency of our processes and protocols.

Microsoft 365 and MS Teams are particularly vital tools, significantly enhancing productivity and collaboration for our staff. Additionally, the latest version improves staff mobility and enhances the Council's overall security posture, governance, and compliance. These tools are indispensable for creating documents, presentations, and email communications.

In September 2023, the Council replaced an aging old telephony system with a Microsoft Teams Phone calling system to achieve the following benefits.

- Enhanced cooperation between internal staff and external parties.
- Excellent hands-off features.
- Increased productivity and collaboration among staff members.
- Video and Audio Conferencing.
- Ability to record and transcribe calls.
- Affordable calling plans.
- Flexibility and accessibility.
- Supports remote work.

Microsoft's operational framework revolves around licensing, allowing users to access their products through an "Enterprise Agreement" (EA). This agreement includes an annual software subscription and an assurance component. The software subscription, like the M365 Office suite, enhances staff productivity, while the assurance component grants the Council access to BackOffice servers, database product support, and future software upgrades, addressing critical aspects of security and functionality.

Annually, Microsoft requires us to reconcile our Enterprise Agreement (EA) with the total number of licenses added in the preceding 12 months, a process known as 'License True-Up.' This involves an audit to validate the Council's license requirements, accounting for qualified devices and users, and system processors.

In the last three years, Microsoft has had a few main price increases. Moreover, in the current contract period, the Council has embarked on substantial digital transformation efforts. These include implementing Teams calling, strengthening security measures, expanding server capacity, increasing its presence and storage on Azure, and broadening its utilisation of Microsoft cloud services. Additionally, the Council has extended its services to accommodate light-touch, non-office-based mobile users, constituting approximately one-third of its current licenses. These initiatives have resulted in a rise in licensing and usage costs.

Confidentiality

Confidential information is contained in **Appendix A to D** as circulated in the confidential section of the agenda attachments, in accordance with section 66(2)(a) and the definitions of 'confidential information' in section 3(1) of the *Local Government Act 2020* (Vic). The information relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

The item has been included in the public agenda to facilitate transparency and accountability in the Council's decision-making. If a discussion of the confidential information in the attachment to this report is required for the Council to decide, this item will be deferred to the confidential section of the agenda.

Previous Council Resolution

At its meeting held on 7 December 2020, the Council resolved:

That Council:

- (1) *Awards Contract CT2020118 for the Renewal of Microsoft Enterprise Agreement to Insight Enterprises Australia Pty Ltd for the contract sum of \$3,152,457 GST inclusive, for the period 11 December 2020 to 30 November 2023.*
- (2) *Approves an amount of \$444,933 GST inclusive for Azure Cloud Services and backup storage from Insight Enterprises Australia Pty Ltd. This service was excluded from the RFQ as these numbers cannot be predicted precisely in advance. Reasonable estimates have been made based on the previous usage of this service for the past 12 months.*
- (3) *Authorises the Chief Executive Officer to finalise and execute the contract documentation on behalf of the Council..*

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 1: Vibrant, Respectful and Connected

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

4.1 We will ensure balanced and responsible financial decision making that meets the needs of our community now and into the future

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

DISCUSSION

A competitive Request for Quote (RFQ) was sought through the MAV tender (Microsoft Arrangement, RFT Number: NPN 2.17-3). MAV pre-established panel arrangement consisting of three resellers, namely, Crayon Australia, Data#3 Limited and Insight Enterprises were invited to provide quotations.

Due to the contract's anticipated value of over \$1 million, and per the Procurement Policy, Anne Dalton & Associates engaged as the independent external probity adviser throughout the entire process.

Additionally, all required officers completed probity awareness training, and no conflicts of interest were identified during the process.

On 4 September 2023, an RFQ was released to the MAV panel members and closed on 14 September 2023. At the time of closing, procurement received three (3) submissions from Crayon Australia, Data#3 Limited, and Insight Enterprises, assessed as being compliant. The quoted costs (including GST) are mentioned in the confidential documents attached.

In addition to the license and software assurance costs shown above, allowances must be made for the increase in numbers (True-Up), which is expected to occur at the end of each year of the 3-year Enterprise Agreement and Azure Cloud services and data usage (ongoing). As these numbers cannot be predicted precisely in advance, reasonable estimates of \$1,088,914 Inc. GST have been made based on previous growth patterns.

Based on the RFQ Panel recommendations the total estimated cost over a 3-Year Agreement is \$..... + \$..... = \$.....

The RFQ panel consisted of:

- Procurement Advisor – Al Mlinarevic, Procurement Business Partner
- Probity Advisor– Anne Dalton, Probity Practitioner & Public Notary
- Project Manager – Anton Fernando, Coordinator IT Operations
- Team Chair – Lalitha Koya, Manager Information Services
- Evaluation Team Members –Con Validas, Winston Fernando, Anton Fernando
- Evaluation minute taker and non-scoring member: Om Delhikar

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

The overall expenditure for the proposed 3-Year Enterprise Agreement is \$.....

This spending projection is within the Information Services Operational budget.

Community Engagement

As an operational matter, community engagement was not deemed necessary to implement this project.

Overarching Governance Principles and Supporting Principles

- (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- (e) innovation and continuous improvement is to be pursued;
- (g) the ongoing financial viability of the Council is to be ensured;

Public Transparency Principles

- (b) Council information must be publicly available unless (i) the information is confidential by virtue of this Act or any other Act; or (ii) public availability of the information would be contrary to the public interest;

Service Performance Principles

- (c) quality and costs standards for services set by the Council should provide good value to the municipal community;
- (d) a Council should seek to continuously improve service delivery to the municipal community in response to performance monitoring;

COUNCIL POLICY CONSIDERATIONS

Environmental Sustainability Considerations (including Climate Emergency)

In line with Darebin's declaration of Climate Emergency and other environmental sustainability commitments, tender evaluation criteria gave weight to suppliers who demonstrated commitment to minimising adverse environmental impacts through processes and work practises.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

In line with Darebin's Social and Sustainable Procurement Policy, the RFQ evaluation criteria gave weight to social initiatives and practices. Submissions were assessed on their ability to demonstrate commitment to address disadvantage, improve equity and deliver social value.

Economic Development and Cultural Considerations

Due to the nature of the contract and market forces, there are no local economic considerations available to the Council.

Operational Impacts

There are no factors in this report that impact operational matters.

Legal and Risk Implications

The supplier recommended for the project has demonstrated the appropriate level of expertise.

IMPLEMENTATION ACTIONS

Once endorsed by Council, the bidders will be notified of the outcome of their submission in October 2023 with the contract term set to commence on 1 December 2023. The contract will be in place for a 3-year term.

Attachments

- Recommendations - CT202356 Microsoft Enterprise Agreement (EA) Renewal (**Appendix A**) Confidential - enclosed under separate cover
- Procurement process and cost estimates - CT202356 Microsoft Enterprise Agreement (EA) Renewal (**Appendix B**) Confidential - enclosed under separate cover
- Evaluation Matrix - CT202356 Microsoft Enterprise Agreement (EA) Renewal (**Appendix C**) Confidential - enclosed under separate cover
- Probity Report - CT202356 Microsoft Enterprise Agreement (EA) (**Appendix D**) Confidential - enclosed under separate cover

DISCLOSURE OF INTEREST

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

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

9.5 REVIEW OF ELECTION PERIOD POLICY 2020**Author:** Coordinator Governance Services**Reviewed By:** General Manager, Governance and Engagement

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the requirement to review the Election Period Policy 2020 (the Policy) no later than 12 months prior to the next general election, pursuant to Council's Governance Rules and seek endorsement of the Policy.

Officer Recommendation

That Council endorses the Election Period Policy 2020 attached at **Appendix A** to this report.

BACKGROUND / KEY INFORMATION

Pursuant to Section 60 of *Local Government Act 2020* (the Act) the Policy resides within Council's Governance Rules (Chapter 11 – Election Periods). Council adopted its Election Period Policy on 6 November 2019.

The objectives of the Policy are to:

- Ensure the highest standards of governance are achieved by the incumbent Council and Council staff.
- Ensure elections are conducted in an environment that is open and fair to all candidates by clearly outlining how the use of Council resources (by incumbent Councillors) occurs, and how Council publications, functions and events, requests for information, media liaison and Councillor expenditure is managed.
- Supplement the requirements of the Act.

The Policy has been reviewed and updated (refer **Appendix B**) to include the timing of the 2024 general election. The 'pre-election period' has been removed to provide consistency with the Act and definitions table has also been added. The majority of other changes are grammatical in nature and removal of duplication for ease of reading.

Previous Council Resolution

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

'That Council adopt the Election Period Policy 2020 as attached at Appendix A'

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 1: Vibrant, Respectful and Connected

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

1.2 We will help to build an inclusive and empowered community, where social cohesion and community harmony are fostered

DISCUSSION

The Election Period Policy details requirements, restrictions and procedures for Councillors, candidates and Council officers during an election period. It also ensures Council resources are not used for candidacy purposes at any time (including State and Federal elections).

The next general Council election will be held on Saturday 26 October 2024.

The election period, or caretaker period, is the period commencing 32 days before the election. The 2024 Election Period will commence at 12pm on Tuesday 24 September 2024 and end at 6pm on Saturday 26 October 2024.

In 2016 the City of Darebin defined in its election period policy a 'Pre election Period' which was in addition to the 32-day legislated period. This 'Pre election Period' commenced on the Entitlement date which was 57 days from the date of the election. It is proposed that Council remove this additional 'pre-election period' to provide consistency with the Act.

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

Not Applicable

Community Engagement

The adoption of the revised Election Period Policy 2020 has implications for candidates in the 2020 General Elections and significant implications for the organisation, in particular Council's planning and management of projects and the delivery of services during the election period.

In this context, broad communication will be undertaken with all Council staff to ensure there is full awareness of the policy and proper and early consideration is given to its impact on the delivery of projects.

Other Principles for consideration

Not applicable

Overarching Governance Principles and Supporting Principles

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

Public Transparency Principles

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

Strategic Planning Principles

Not applicable

Service Performance Principles

Not applicable

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

Not applicable

Equity, Inclusion, Wellbeing and Human Rights Considerations:

Not applicable

Economic Development and Cultural Considerations

Not applicable

Operational Impacts

Not applicable

Legal and Risk Implications

There are significant risks to the Council and the Chief Executive Officer if the conduct of the Council during the election period contravenes the legislative requirements of the Act. At their most extreme, if Council made a major policy decision, such a decision could be deemed as invalid. Similarly, the prohibition on Council and the Chief Executive in relation to the printing, publishing and certification of material if contravened attracts significant penalties.

Additionally, there are significant risks associated with the integrity of the electoral process and reputational damage to Council if Council acts in a way that contravenes either the legislative requirements or its Election Period Policy.

IMPLEMENTATION ACTIONS

The revised Election Period Policy 2020 will be included in the Governance Rules pursuant to section 60 of the Act.



Additionally, Election Period Policy will be:

- Given to each Councillor as soon as practicable after it is adopted.
- Available for inspection by the public at the Council office and any district offices.
- Published on Council's website.

RELATED DOCUMENTS

- *Local Government Act 2020*
- Governance Rules
- [Electoral Advertising Signage and Electioneering Policy](#)

Attachments

- Election Period Policy 2023 clean (**Appendix A**) [↓](#) 
- Election Period Policy 2023 tracked changes (**Appendix B**) [↓](#) 

DISCLOSURE OF INTEREST

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

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

CHAPTER 11 – ELECTION PERIODS

Overview Notes:

The Election Period Policy governs the conduct of Council, Councillors and members of Council staff during an election period to ensure appropriate decision-making in the lead up to a Council election.

The Election Period prohibits the use of Council resources for any election campaign and puts in place a procedure to ensure Council does not print, publish or distribute any material that may influence the outcome of the election.

11.1 Election Periods Generally

- (1) Council in accordance with section 69 of the Act⁶ will have in place an Election Period Policy that:
 - (a) governs decision making during a local government election period, including what may be considered at a *Council Meeting* or *Delegated Committee 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.
 - (e) sets out the requirements for a Councillor who is a candidate in an election including a Federal, State or Council election.
- (2) At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its election period policy.
- (3) The Election Period Policy forms part of these Rules.
- (4) The operation of Council Advisory Committees shall be suspended upon the commencement of the election period ahead of a general Council election.
- (5) Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

⁶ **69 Governance Rules to include election period policy**

- (1) A Council must include an election period policy in its Governance Rules.
- (2) An election period policy must prohibit any Council decision during the election period for a general election that—
 - (a) relates to the appointment or remuneration of the *Chief Executive Officer* but not to the appointment or remuneration of an *Acting Chief Executive Officer*; or
 - (b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
 - (c) the Council considers could be reasonably deferred until the next Council is in place; or
 - (d) the Council considers should not be made during an election period.
- (3) An election period policy must prohibit any Council decision during the election period for a general election or a by- election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

11.2 Election Period Policy

1. Introduction

Section 60 of the *Act* requires Council to develop, adopt and keep in force Governance Rules which include 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. Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of it contravening Section 69(2) is entitled to compensation from the Council for that loss or damage.⁷

Under Section 69(3) of the *Act* the election period policy must prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

Section 304 of the *Act* states:

- (1) a Councillor or member of Council staff must not use Council resources in a way that—
 - (a) is intended to; or
 - (b) is likely to—affect the result of an election under this *Act*; and
- (2) a Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council.
- (3) 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.
- (4) 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).

⁷ Section 69(5)

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, including Advisory 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' as the period that starts at the time nominations close on nomination day and ends at 6pm on election day (32 days).

The 2024 Election Period will commence at 12pm on Tuesday 24 September 2024 and end at 6pm on Saturday 26 October 2024.

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.
- 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

Pursuant to section 69(2) of the *Act*, 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.

In addition to the decisions outlined in section 69(2), other examples of inappropriate decisions may 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.

5.3 Extraordinary Circumstances

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.

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 Head of Governance & Risk in the first instance.

5.4 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, under section 69(2) of the *Local Government 2020*, or 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, pursuant to 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.

5.5 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.

5.6 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

5.7 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 Governance Services 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*.

5.8 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 or friends with Councillors / candidates via their social media pages unfriend the Councillor / candidate during this period.
- There will be no Ward or Councillor 'Meet and Greet' meetings held.
- The Executive Officer to the Mayor and Councillors or any other Council staff member will not be asked to undertake any tasks connected directly or indirectly with electioneering.
- Reimbursements of Councillors' out-of-pocket expenses during the Election Period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.
- Where Councillors have Council funded equipment, including laptops, tablets, printers and mobile phones, these are not to be used for election purposes or in a manner that could be perceived as supporting or being connected with a candidate's election campaign.

Council Facilities and Meeting Rooms

Council Facilities / Halls for Hire can be hired by Federal and State political members and officers, and local candidates (including Councillors) at the normal corporate hire rate determined for the facility, in the lead up to an election, but not during the election period.

To avoid a perception that Council facilities are being used to promote any candidacy, no promotional material related to the event / hired use, apart from directional signage, can be displayed in the common public areas of the facility being hired. This will be advised at the 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.

5.9 Election Signage on Council and Electioneering Practices

In order to ensure Council resources including buildings, assets 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 asset, land, municipal building or road; and
- (b) The requirements for candidates or their supporters electioneering in public places.

Signs illegally placed on Council assets or land are in breach of *Environment Protection Act 2017* and thus subject to infringement.

A copy of the policy will be provided to all candidates and is available on Councils website.

5.10 Public Consultation and Council Events

Public consultation is an integral part of Council's policy development process and operations, however, there are concerns that consultation undertaken close to a general election may become an issue and influence voting.

Council events in the lead up to an election can also raise concerns over the potential use of sitting Councillors using them for electioneering purposes.

If consultation must be undertaken or an event held during this time, the Council must explain to the community the special circumstances making it necessary and how the risks influencing the election will be mitigated or prevented.

Therefore:

- No formal public consultation, like previously specified in section 223 of the 1989 Act, will be conducted during this period.
- Consultation for the purpose of planning permit applications and operational issues such as canvassing residents' views on small-scale traffic treatments, installation of single trees and the like will be allowed as they are operational in nature and are unlikely to impact the conduct of the election.
- Consultation on larger projects and initiatives, strategies or plans will not occur during the election period.
- Civic Events will cease during this time.
- No election material or active campaigning is to be conducted at Council sponsored festivals.

Councillors may attend external events as a representative of Council however must not to use the opportunity to promote their election campaign.

5.11 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 General Manager who will maintain a register of requests made and advice provided. Such information will not relate to new policy development, new projects or matters that are the subject of public or election debate or that might be perceived connected with a candidate's election campaign.

A copy of the document / advice will then be passed to the Head of Governance & Risk 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 Governance Services 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 Head of Governance & Risk.

5.12 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 the CEO will only comment on operational matters or confirm previous resolutions of Council.
- During the election period, publicity campaigns, other than for the purpose of conducting the election, will be avoided. Where a publicity campaign is deemed necessary for a Council service or operation, it must be approved by the *Chief Executive Officer*. In any event, Council publicity during the election period will be restricted to promoting the normal services or operations of the Council.
- Any requests for media advice or assistance from Councillors during the election period will be channeled through the *Chief Executive Officer* or the Manager Governance & Communications. In any event, no media advice and/or assistance or media releases will be provided in relation to election campaign matters, or regarding publicity that involves specific Councillors.

- Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of matters that could be construed as relating to an election campaign.

Information published on Council's website regarding 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 continue to hold office during the election / caretaker period.

The only new material published on Council's websites or social media sites during an election period will be:

- The Agenda and Minutes for any Council or Delegated 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.

5.13 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, 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*.

5.14 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 only be admitted in accordance with Councils Governance Rules.

6 Miscellaneous

During the Pre-election period or the Election period, the *Chief Executive Officer* may, at their absolute discretion, introduce additional provisions to this policy they believe 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.

8 Associated Documents

- Governance Rules 2020
- Electoral Advertising Signage and Electioneering Policy
- *Local Government Act 2020*
- Summary of Election Period Restrictions – **Appendix 1**
- Certification Memo – **Appendix 2**
- Definitions – **Appendix 3**

Appendix 1 - Summary of Election Period Restrictions

		Election Period 32 days before election
4	Council staff standing as a candidate	Must take leave and return all Council equipment and information
4	Committee member standing as a candidate	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
5(7)	Reimbursement of out-of-pocket expenses to Councillors	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
5(7)	Officer assistance in preparing campaign material	Not permitted
5(7)	Officer provision of databases and contact lists	Not permitted
5(10)	Maintenance of an Information Request Register	Required
5(9)	Routine community consultation	Permitted
5(9)	Significant community consultation	Not permitted
5(6)	Printing, publishing or distributing a handbill, pamphlet or notice containing electoral matter	Not permitted
5(6)-	Printing, publishing or distributing a handbill, pamphlet or notice <u>not</u> containing electoral matter	Permitted following certification by the Chief Executive
5(7)	Publication of the Darebin News or similar publication	Not permitted
5(11)	Councillor details on Council's website	Restricted to names, contact details and committee or other appointments
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
5(11)	Publicity campaigns for Council services or functions	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
5(2)	Council making Major Policy Decisions	Not permitted, except in accordance with the Act
5(2)	Council making Significant Decisions (defined in Act as inappropriate decisions)	To be avoided, except where it is urgent and cannot be deferred
5(13)	Public Question Time / Submissions at <i>Council Meetings</i>	Suspended

		Election Period 32 days before election
5(13)	Discussion of matters and raising of Urgent Business	Comments by Councillors not to include Electoral Matter. Urgent Business permitted
5(9) 5(11)	Councillor attendance at meetings, events and functions	Permitted
5(9)	Speeches by Councillors at Council events	Limited to a short welcome, with no reference to the election.
5(9)	Annual <i>Mayoral</i> fundraising event (or similar)	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.
5(12)	Enquiries to Council from candidates	Shall be referred to the Returning Officer
6	Introduction of additional provisions by the Chief Executive	Permitted

Appendix 2 – Request for Certification of Publication During the Election Period

2024 Council Elections



REQUEST FOR CERTIFICATION OF PUBLICATION DURING THE ELECTION PERIOD

1. Author to Complete

Document Description (attach document):	
Intended Distribution Channel:	

I declare that the material contained in the attached document has been checked by me and to the best of my knowledge, it does not contain any electoral matter.

Name & Title

Signature

Date

2. General Manager to Complete

I have reviewed the material contained in the attached document and can advise that to the best of my knowledge, it does not contain any electoral matter.

Name & Title

Signature

Date

Once signed, return to Head of Governance & Risk for vetting.

3. Chief Executive Officer to complete

In accordance with Chapter 11 of the Governance Rules adopted by Council on 22 August 2022, I certify that the attached advertisement, handbill, pamphlet or notice may be printed, published or distributed during the election period on behalf of the City of Darebin.

CEO Name *Chief Executive Officer*

Signature

Date

Appendix 3 – Definitions

Where terms used in this Policy are defined in the *Local Government Act 2020 (Act)*, their use in this Policy is consistent with the definitions in the Act.

Words	Meaning/Definition
Act	means the <i>Local Government Act 2020 (Vic)</i> .
Candidate	means a person who is nominated to stand for a Council, Federal or State election.
Chief Executive Officer	means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position.
Councillor	means a person who holds the office of member of a Council.
Council Meeting	means a Council meeting that complies with the Act.
Delegate	means a General Manager or Head of Governance & Risk as appointed.
Election Day	means the day of an election as determined under the Act.
Election period	has the same meaning as 'election period' in section 3(1) of the Act and means the period that starts on the last day on which nominations for that election can be received and ends at 6pm on election day.
Electoral advertisement, handbill, pamphlet or notice	means any document that is produced for the purpose of communicating with the community and which contains electoral matter, such as: <ul style="list-style-type: none"> (a) Newsletters and other circulars (including those sent by email); (b) Media releases; (c) Leaflets, pamphlets, handbills, flyers, magazines and brochures; (d) Any new email, web based publications or social media posts; and (e) Mailouts to multiple addresses.
Electoral Material	means an advertisement, handbill, pamphlet or notices that contains Electoral Matter, but does not include an advertisement that is only announcing the holding of a meeting.
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. Electoral 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: <ul style="list-style-type: none"> (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
Inappropriate decisions	Includes any of the following: <ul style="list-style-type: none"> (a) decisions that would affect voting in an election; or (b) decisions that could reasonably be made after the election.

Words	Meaning/Definition
Information Request Register	This Information Request Register will be a public document that records all requests relating to Electoral Matters and non-routine requests for information by Councillors and Candidates, and the responses given to those requests.
Member of Council Staff	means a natural person appointed by the Chief Executive Officer (other than an independent contractor under a contract for services or a volunteer) to enable: (a) the functions of the Council to be carried out; and (b) the Chief Executive Officer to carry out their functions. The Chief Executive Officer is also a member of Council Staff.
Public consultation	A process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy, and includes discussion of that matter with the public.
Publish	means publish by any means including by publication on the internet.
Major Policy Decision	Is defined by the Act to mean a decision: (a) Relating to the employment or remuneration of a CEO, other than a decision to appoint an acting CEO; (b) To terminate the appointment of a CEO; To enter into a contract the total value of which exceeds 1% of Council's total revenue from rates and charges in the preceding financial year.
Significant decision	In the context of this policy, significant decisions include: (a) decisions that may irrevocably commit the incoming Council to substantial expenditure or to other significant actions; and (b) decisions that may have an irrevocable and significant impact on the municipality or a significant section of the community.

CHAPTER 11 – ELECTION PERIODS

Overview Notes:

The Election Period Policy governs the conduct of Council, Councillors and members of Council staff during an election period to ensure appropriate decision-making in the lead up to a Council election.

The Election Period prohibits the use of Council resources for any election campaign and puts in place a procedure to ensure Council does not print, publish or distribute any material that may influence the outcome of the election.

11.1 Election Periods Generally

- (1) Council in accordance with section 69 of the Act⁶ will have in place an ~~election~~Election ~~period~~ ~~policy~~Policy that:
 - (a) governs decision making during a local government election period, including what may be considered at a *Council Meeting* or Delegated Committee Meeting;
 - (b) prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
 - (c) sets out the conditions for any community engagement required to be undertaken during an election period, including consultations and Civic events sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
 - (d) defines roles and responsibilities in relation to who is the spokesperson for Council during an election period; ~~and~~
 - (e) sets out the requirements for a Councillor who is a candidate in an election including a Federal, State or Council election.

- (2) At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its election period policy.

- (3) The Election Period Policy forms part of these Rules.

- (4) The operation of Council Advisory Committees shall be suspended upon the commencement of the election period ahead of a general Council election.

⁶ **69 Governance Rules to include election period policy**

- (1) A Council must include an election period policy in its Governance Rules.
- (2) An election period policy must prohibit any Council decision during the election period for a general election that—
 - (a) relates to the appointment or remuneration of the *Chief Executive Officer* but not to the appointment or remuneration of an *Acting Chief Executive Officer*; or
 - (b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
 - (c) the Council considers could be reasonably deferred until the next Council is in place; or
 - (d) the Council considers should not be made during an election period.
- (3) An election period policy must prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

- (5) Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

11.2 Election Period Policy

1. Introduction

~~Section 60 of 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 which include~~ 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~~ Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of it contravening Section 69(2) is entitled to compensation from the Council for that loss or damage.⁷

Under Section 69(3) of the Act the election period policy must prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

Section 304 of the Act states:

- (1) a Councillor or member of Council staff must not use Council resources in a way that—
 - (a) is intended to; or
 - (b) is likely to—
 affect the result of an election under this Act; and
- (2) a Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council.

⁷ Section 69(5)

This does not include material that only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

Section 123 of the *Act* prescribes serious penalties for any Councillor who inappropriately makes use of their position or information obtained in their role, to gain an advantage, or disadvantage another (Misuse of Position).

3. Objectives

To support and ensure the conduct of good governance for Council and the organisation during Election Periods through the transparency and accountability of Councillors, Council officers, and candidates during an election period.

4. Application

Candidates for Elections

Councillors must comply with this policy, regardless of whether they intend to nominate or have already nominated as candidates for election.

Council Officers who are candidates for 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, including Advisory 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.~~

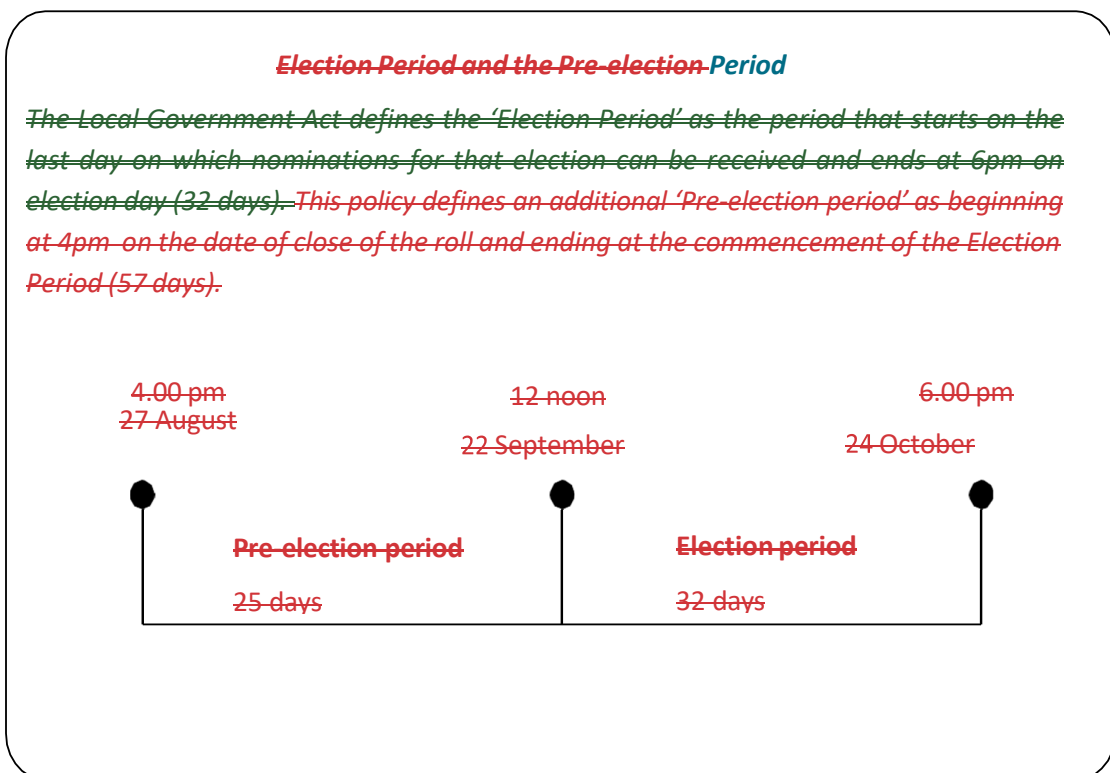
~~This policy defines an additional ‘Pre-Election Period’— in addition to the 32 days — which will commence on the date legislated for the close of the roll — 57 days before the election day.~~

~~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.~~

~~The Local Government Act defines the ‘Election Period’ as the period that starts at the time nominations close on the last day on which nomination day at s for that election can be received and ends at 6pm on election day (32 days).~~

~~The 2024 Election Period will commence at 12pm on Tuesday 24 September 2024 and end at 6pm on Saturday 26 October 2024.~~



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.~~

Pursuant to section 69(2) of the Act, 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.

In addition to the decisions outlined in section 69(2), other examples of inappropriate decisions may 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.

5.3 Extraordinary Circumstances

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~~Head of Governance & Risk in the first instance.

5.35.4 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~~under 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~~pursuant to 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.

5.45.5 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.

5.55.6 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

5.65.7 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 Services 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*.

5.75.8 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 or friends with Councillors / candidates Facebook via their social media pages ~~or who are friends with them~~ unfriend the Councillor / candidate during this period.
- There will be no Ward or Councillor 'Meet and Greet' meetings held.
- The Executive Officer to the *Mayor* and Councillors or any other Council staff member will not be asked to undertake any tasks connected directly or indirectly with electioneering.

- Reimbursements of Councillors' out-of-pocket expenses during the Election Period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.
- Where Councillors have Council funded equipment, including laptops, tablets, printers and mobile phones, these are not to be used for election purposes or in a manner that could be perceived as supporting or being connected with a candidate's election campaign.

Council Facilities and Meeting Rooms

Council Facilities / Halls for Hire can be hired by Federal and State political members and officers, and local candidates (including Councillors) at the normal corporate hire rate determined for the facility, in the lead up to an election, but not during the election period.

To avoid a perception that Council facilities are being used to promote any candidacy, no promotional material related to the event / hired use, apart from directional signage, can be displayed in the common public areas of the facility being hired. This will be advised at [the](#) 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.

5.85.9 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.

5.95.10 Public Consultation and Council Events

Public consultation is an integral part of Council's policy development process and operations, however, there are concerns that consultation undertaken close to a general election may become an issue and influence voting.

Council events in the lead up to an election can also raise concerns over the potential use of sitting Councillors using them for electioneering purposes.

If consultation must be undertaken or an event held during this time, the Council must explain to the community the special circumstances making it necessary and how the risks influencing the election will be mitigated or prevented.

Therefore:

- No formal public consultation, like previously specified in section 223 of the 1989 Act, will be conducted during this period.
- Consultation for the purpose of planning permit applications and operational issues such as canvassing residents' views on small-scale traffic treatments, installation of single trees and the like will be allowed as they are operational in nature and are unlikely to impact the conduct of the election.
- Consultation on larger projects and initiatives, strategies or plans will not occur during the election period.
- Civic Events will cease during this time.
- No election material or active campaigning is to be conducted at Council sponsored festivals.

Councillors may attend external events as a representative of Council however must not to use the opportunity to promote their election campaign.

5.105.11 Equitable Access to Council Information

The Council recognises that all election candidates have a right to information from the Council administration. However, it is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles. Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns, and transparency will be observed and practised in the provision of all information and advice during the election period.

Information and briefing material prepared by staff for Councillors during the election period will relate only to factual matters or to existing Council policies and services. All such requests are to be issued through the offices of the responsible ~~Council~~ General Manager who will maintain a register of requests made and advice provided. Such information will not relate to new policy development, new projects or matters that are the subject of public or election debate or that might be perceived connected with a candidate's election campaign.

A copy of the document / advice will then be passed to the ~~Manager Governance~~Head of Governance & Risk 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 Services 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~~Head of Governance & Risk.

5.115.12 **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 the CEO will only comment on operational matters or confirm previous resolutions of Council.
- During the election period, publicity campaigns, other than for the purpose of conducting the election, will be avoided. Where a publicity campaign is deemed necessary for a Council service or operation, it must be approved by the *Chief Executive Officer*. In any event, Council publicity during the election period will be restricted to promoting the normal services or operations of the Council.
- Any requests for media advice or assistance from Councillors during the election period will be channeled through the *Chief Executive Officer* or the Manager Governance & Communications~~Engagement~~. In any event, no media advice and/or assistance or media releases will be provided in relation to election campaign matters, or regarding publicity that involves specific Councillors.
- Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of matters that could be construed as relating to an election campaign.

Information published on Council's website ~~with regard to~~regarding 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 continue to hold office during the election / caretaker period.

The only new material published on Council's websites or social media sites during an election period will be:

- The Agenda and Minutes for any Council or ~~Special-Delegated~~ 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.

5.125.13 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~~ 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*.

5.135.14 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 be admitted in accordance with Councils Governance Rules.

6 Miscellaneous

During the Pre-election period or the Election period, the *Chief Executive Officer* may, at ~~her or his~~their absolute discretion, introduce additional provisions to this policy ~~where~~ they believes ~~they~~ are necessary to support the achievement of its stated policy objectives.

Any changes made by the *Chief Executive Officer* will be reflected in an update to this policy and published on *Councils* website and sent to all Councillors and candidates.

7 Monitoring, Evaluation and Review

The requirements of this policy will be monitored throughout the caretaker period to ensure compliance.

~~The policy will be further reviewed and updated not later than 12 months before the commencement of each subsequent general election period.~~

8 Associated Documents

- Governance Rules 2020
- Electoral Advertising Signage and Electioneering Policy
- Local Government Act 2020
- Summary of Election Period Restrictions – Appendix 1
- Certification Memo – Appendix 2
- Definitions – Appendix 3

Appendix 1 - Summary of Election Period Restrictions

		Pre-election Period 57 days before election	Election Period 32 days before election
4	Council staff standing as a candidate	No restriction	Must take leave and return all Council equipment and information
4	Committee member standing as a candidate	No restriction	Must lodge apologies for meetings and return all Council equipment and information
5(7)	Council resources used in conjunction with an election campaign	Not permitted	Not permitted
5(7)	Reimbursement of out-of-pocket expenses to Councillors	Cannot include expenses that could be perceived as electoral expenses	Cannot include expenses that could be perceived as electoral expenses
5(7)	Use of Council logo, branding of phone number in campaign material	Not permitted	Not permitted
5(7)	Officer assistance in preparing campaign material	Not permitted	Not permitted
5(7)	Officer provision of databases and contact lists	Not permitted	Not permitted
5(10)	Maintenance of an Information Request Register	Not required	Required
5(9)	Routine community consultation	Permitted	Permitted
5(9)	Significant community consultation	Permitted	Not permitted
5(6)	Printing, publishing or distributing a handbill, pamphlet or notice containing electoral matter	Permitted	Not permitted
5(6)-	Printing, publishing or distributing a handbill, pamphlet or notice <u>not</u> containing electoral matter	Permitted	Permitted following certification by the Chief Executive
5(7)	Publication of the Darebin News or similar publication	Permitted, subject to restrictions	Not permitted
5(11)	Councillor details on Council's website	Restricted to names, contact details and committee or other appointments	Restricted to names, contact details and committee or other appointments

		Pre-election Period	Election Period
5(11)	Employee of Council or subsidiary organisation making a public statement that could be construed as influencing the election	Not permitted, apart from clarifications made by the Chief Executive	Not permitted, apart from clarifications made by the Chief Executive
5(11)	Publicity campaigns for Council services or functions	Should be avoided where possible, and otherwise approved by the Chief Executive	Should be avoided where possible, and otherwise approved by the Chief Executive.
5(11)	Councillor requests for media assistance	Must be approved by the Chief Executive or delegate but cannot relate to election campaigns or promote individual Councillors	Must be approved by the Chief Executive or delegate but cannot relate to election campaigns or promote individual Councillors
5(2)	Council making Major Policy Decisions	Permitted	Not permitted, except in accordance with the Act
5(2)	Council making Significant Decisions (defined in Act as inappropriate decisions)	Permitted	To be avoided, except where it is urgent and cannot be deferred
5(13)	Public Question Time / Submissions at <i>Council Meetings</i>	Continues as normal	Suspended
5(13)	Discussion of matters and raising of Urgent Business	Continues as normal	Comments by Councillors not to include Electoral Matter. Urgent Business permitted
5(9) 5(11)	Councillor attendance at meetings, events and functions	Permitted	Permitted
5(9)	Speeches by Councillors at Council events	Permitted	Limited to a short welcome, with no reference to the election.
5(9)	Annual <i>Mayoral</i> fundraising event (or similar)	Not permitted	Not permitted
5(9)	Attendance by Councillors at external events as representatives of Council	Permitted, but Councillors not to use the opportunity to promote their election campaign.	Permitted, but Councillors not to use the opportunity to promote their election campaign.
5(12)	Enquiries to Council from candidates	Shall be referred to the Returning Officer	Shall be referred to the Returning Officer
6	Introduction of additional provisions by the Chief Executive	Permitted	Permitted

Appendix 2 – Request for Certification of Publication During the Election Period

2024 Council Elections



REQUEST FOR CERTIFICATION OF PUBLICATION DURING THE ELECTION PERIOD

1. Author to Complete	
Document Description (attach document):	
Intended Distribution Channel:	
I declare that the material contained in the attached document has been checked by me and to the best of my knowledge, it does not contain any electoral matter.	
Name & Title	<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 Manager Corporate Governance Head of Governance & Risk for vetting.</i>	
3. Chief Executive Officer to complete	
In accordance with Chapter 42-11 of the Governance Rules adopted by Council on 202022 August 2022 , 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="CEO Name Chief Executive Officer"/>
Signature	<input type="text"/>
Date	<input type="text"/>

Appendix 3 – Definitions

Where terms used in this Policy are defined in the *Local Government Act 2020 (Act)*, their use in this Policy is consistent with the definitions in the Act.

<u>Words</u>	<u>Meaning/Definition</u>
<u>Act</u>	<u>means the <i>Local Government Act 2020 (Vic)</i>.</u>
<u>Candidate</u>	<u>means a person who is nominated to stand for a Council, Federal or State election.</u>
<u>Chief Executive Officer</u>	<u>means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position.</u>
<u>Councillor</u>	<u>means a person who holds the office of member of a Council.</u>
<u>Council Meeting</u>	<u>means a Council meeting that complies with the Act.</u>
<u>Delegate</u>	<u>means a General Manager or Head of Governance & Risk as appointed.</u>
<u>Election Day</u>	<u>means the day of an election as determined under the Act.</u>
<u>Election period</u>	<u>has the same meaning as 'election period' in section 3(1) of the Act and means the period that starts on the last day on which nominations for that election can be received and ends at 6pm on election day.</u>
<u>Electoral advertisement, handbill, pamphlet or notice</u>	<u>means any document that is produced for the purpose of communicating with the community and which contains electoral matter, such as:</u> <u>(a) Newsletters and other circulars (including those sent by email);</u> <u>(b) Media releases;</u> <u>(c) Leaflets, pamphlets, handbills, flyers, magazines and brochures;</u> <u>(d) Any new email, web based publications or social media posts; and</u> <u>(e) Mailouts to multiple addresses.</u>
<u>Electoral Material</u>	<u>means an advertisement, handbill, pamphlet or notices that contains Electoral Matter, but does not include an advertisement that is only announcing the holding of a meeting.</u>
<u>Electoral Matter</u>	<u>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. Electoral 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:</u> <u>(a) the election; or</u> <u>(b) a candidate in the election; or</u> <u>(c) an issue submitted to, or otherwise before, the voters in connection with the election</u>
<u>Inappropriate decisions</u>	<u>Includes any of the following:</u> <u>(a) decisions that would affect voting in an election; or</u> <u>(b) decisions that could reasonably be made after the election.</u>

<u>Information Request Register</u>	<u>This Information Request Register will be a public document that records all requests relating to Electoral Matters and non-routine requests for information by Councillors and Candidates, and the responses given to those requests.</u>
<u>Member of Council Staff</u>	<u>means a natural person appointed by the Chief Executive Officer (other than an independent contractor under a contract for services or a volunteer) to enable:</u> <u>(a) the functions of the Council to be carried out; and</u> <u>(b) the Chief Executive Officer to carry out their functions.</u> <u>The Chief Executive Officer is also a member of Council Staff.</u>
<u>Public consultation</u>	<u>A process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy, and includes discussion of that matter with the public.</u>
<u>Publish</u>	<u>means publish by any means including by publication on the internet.</u>
<u>Major Policy Decision</u>	<u>Is defined by the Act to mean a decision:</u> <u>(a) Relating to the employment or remuneration of a CEO, other than a decision to appoint an acting CEO;</u> <u>(b) To terminate the appointment of a CEO;</u> <u>To enter into a contract the total value of which exceeds 1% of Council's total revenue from rates and charges in the preceding financial year.</u>
<u>Significant decision</u>	<u>In the context of this policy, significant decisions include:</u> <u>(a) decisions that may irrevocably commit the incoming Council to substantial expenditure or to other significant actions; and</u> <u>(b) decisions that may have an irrevocable and significant impact on the municipality or a significant section of the community.</u>

9.6 KINDERGARTEN EXPANSION PROGRAM**Author:** Planning and Project Officer**Reviewed By:** General Manager Community

EXECUTIVE SUMMARY

The roll-out of funded three-year-old kindergarten and the planned introduction of Pre-Prep for four-year-olds, combined with population growth, mean that significant additional kindergarten capacity is required in Darebin over the next 10 years to meet the needs of the community.

Council has stated its intention to expand kindergarten capacity in Darebin in the 2021-25 Council Plan and the 2021-2041 Early Years Infrastructure Planning Framework. The 2023-24 Council budget includes capital funding for kindergarten expansions in 2023-24 and over the subsequent three financial years.

Council is working in close partnership with the State Government to develop an agreed program of kindergarten expansion projects to meet the demand that will be created by the kindergarten reforms. Council and the Department of Education are close to agreeing a Building Blocks Partnership Agreement, which outlines in-principle agreement from both parties to contribute funds to a pipeline of kindergarten expansion projects in Darebin.

This report seeks Council's approval to commit to an initial tranche of expansion projects and enter into a Building Blocks Partnership Agreement. Three options have been identified for the initial tranche of projects to be included within Council's kindergarten expansion program, with option three forming the basis for the Officer recommendation in this report. All three options work within the four-year Capital Works Plan allocations for three-year-old kindergarten and align with Council's policy intentions to respond to kindergarten in areas of high need, address equity in access to sessional kindergarten and community managed integrated childcare and kindergarten services and support the sustainability of community-managed kindergarten and childcare services.

Officer Recommendation

That Council:

- (1) Notes an update on the Kindergarten Expansion Program.
- (2) Endorses Option 3 of the Kindergarten Expansion Program which includes: -
 - a. Approving delivery of the following projects in 2023-24 as part of the three-year-old kindergarten capital program:
 - i. Upgrade of 2A Raleigh Street, Thornbury to licensing standard (22 additional places).
 - ii. Stage 1 expansion of Merri Community Child Care & Kindergarten (5 additional places).
 - b. Agreeing in principle to the delivery of the expansion of Maryborough Avenue Kindergarten (38 additional places) (subject to confirmation through the annual budget process) to be delivered by January 2026.

- c. Deferring a decision on Merri Stage 2 until further information is available about feasibility and costs of expansion at other sites, which will be known by 30 June 2024.
 - (3) Delegates to the Chief Executive Officer to negotiate final details and enter into a Building Blocks Partnership Agreement, as outlined in draft form in **Appendix D**, with the Department of Education to confirm both parties' in principle agreement to fund and deliver the Stage 1 expansion of Merri Community Child Care & Kindergarten and the expansion of Maryborough Avenue Kindergarten, as well both parties' intention to continue to progress planning and design for potential expansion at other sites with a view to adding further projects to the expansion pipeline in future years.
 - (4) Requests a further update on the Kindergarten Expansion Program, including on the progress of planning and design for expansion of other sites, by 30 June 2024 to enable a decision about the projects to be progressed in the later years of the Kindergarten Expansion Program.
-

BACKGROUND / KEY INFORMATION

The expansion of kindergarten capacity to meet the extra demand created by the roll-out of funded three-year-old kindergarten and the introduction of four-year-old Pre-Prep is a Council priority reflected in the Council Plan 2021-25, which includes strategic action 2-6 ("Expand funded 3-year-old kindergarten") as well as two big actions which reference this priority (Big Actions 2 and 10). This priority is also outlined in the Early Years Infrastructure Planning Framework 2021-2041 which includes Action 4: "Provide additional service capacity in localities where additional capacity is needed through, where feasible and cost effective, expansion of existing facilities".

Kindergarten expansion is a major State Government priority. Officers have been in discussions with the Department of Education (DE) for the last two years to develop a Building Blocks Partnership Agreement that will outline an in-principle agreement for co-investment in a pipeline of kindergarten projects. This approach is intended to provide greater funding certainty for both DE and Council about co-investment intentions, supporting DE and Council to forward plan infrastructure budgets and deliver facilities in line with kindergarten demand. These discussions have progressed in tandem with planning and design work for expansion projects at a number of existing Council kindergarten and childcare sites as well as collaboration on the delivery of kindergarten on school sites.

Council and DE are now in a position to sign a Building Blocks Partnership Agreement outlining in-principle agreement to deliver an initial tranche of expansion projects, as well as noting both parties' intention to continue to progress design and feasibility of expansion at other sites with a view to adding to the expansion pipeline in future years.

Three options have been developed for the kindergarten expansion pipeline for the next four years, to be reflected in the Building Blocks Partnership. All of these options align with the capital works allocations for funded three-year-old kindergarten in the four-year Capital Works Plan adopted as part of the 2023-24 budget process. These options are presented in the table below.

Kindergarten Expansion Pipeline Options (see Appendix A for proposed timelines for delivery of these projects)

Options	Deliverables	Four-year funding totals	Additional licensed places created
Option 1	<ul style="list-style-type: none"> • Upgrade of 2A Raleigh Street, Thornbury (22 additional places) • 2-stage expansion of Merri Community Child Care and Kindergarten, Thornbury) (16 additional places) • Expansion of Maryborough Avenue Kindergarten, Kingsbury (38 additional places) • Expansion at 4th site, location to be confirmed (expected 22 additional places) 	<p>Council funds: \$6.2M</p> <p>Expected State Government Grants: \$3.8M</p> <p>Expected total funding: \$10.0M</p>	<p>38 in Thornbury</p> <p>38 in Kingsbury</p> <p>Expected 22 in location to be confirmed</p> <p>Expected total: 98 places</p>
Option 2 Replacing Merri Stage 2 with an expansion at a different site (location to be determined).	<ul style="list-style-type: none"> • Upgrade of 2A Raleigh Street, Thornbury (22 additional places) • Stage 1 expansion only of Merri Community Child Care and Kindergarten, Thornbury (5 additional places) • Expansion of Maryborough Avenue Kindergarten, Kingsbury (38 additional places) • Expansion at 4th site, location to be confirmed (expected 22 additional places) • Expansion at 5th site, location to be confirmed (expected 22 additional places) 	<p>Council funds: \$6.2M</p> <p>Expected State Government Grants: \$4.3M</p> <p>Expected total funding: \$10.5M</p>	<p>27 in Thornbury</p> <p>38 in Kingsbury</p> <p>Expected 44 in locations to be confirmed</p> <p>Expected total: 109 places</p>
Option 3 (recommended option) Defer decision on Merri stage 2 until further information is available about feasibility and costs of expansion at other sites.	<ul style="list-style-type: none"> • Upgrade of 2A Raleigh Street, Thornbury (22 additional places) • Stage 1 expansion only of Merri Community Child Care and Kindergarten, Thornbury (5 additional places) • Expansion of Maryborough Avenue Kindergarten, Kingsbury (38 additional places) • Expansion at 4th site, location to be confirmed (expected 22 additional places) <p>Future decision to be made about progressing either:</p> <ul style="list-style-type: none"> • Stage 2 expansion of Merri Community Child Care and Kindergarten, Thornbury (11 additional places) <p>OR</p> <ul style="list-style-type: none"> • Expansion at 5th site, location to be confirmed (expected 22 additional places) 	<p>Council funds: \$6.2M</p> <p>Expected State Government Grants: \$4.3M to \$4.8M (TBC)</p> <p>Expected total funding: \$10M to \$10.5M (TBC)</p>	<p>27 in Thornbury</p> <p>38 in Kingsbury</p> <p>Expected 33 to 44 in additional locations to be confirmed pending future decision about progressing Merri Stage 2 or 5th site</p> <p>Expected total: 98 to 109 places (to be confirmed)</p>

The key difference between the three options relates to the expansion of Merri Community Child Care and Kindergarten.

All options include a Stage 1 expansion of Merri Community Child Care and Kindergarten through increasing the size of the existing three-year-old room to accommodate 5 additional licensed places.

Option 1 includes a second stage of expansion at Merri which would add an additional, new 11-place room and move the administrative and staff areas to a new second storey on the building.

Option 2 would not include this second stage expansion of Merri, with priority given to progressing a potential 22 place expansion at an alternative site to be selected following the completion of feasibility testing for expansion across five sites (listed in the discussion section).

Option 3, the recommended option, would defer a decision on Merri Stage 2 until further investigation and design work has been completed on other sites, so that a reasonable comparison can be made of the costs and benefits of Merri Stage 2 against the cost and benefits of expansion at alternative sites. This information would be brought to Council for a decision by 30 June 2024.

Previous Council Resolution

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

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 2: Prosperous, Liveable and Flourishing

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 2: Prosperous, Liveable and Flourishing

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

2.1 We will deliver equitable and accessible infrastructure to provide opportunities for our community to live well

The Council Plan 2021-25 includes strategic action 2-6: Expand funded 3-year-old kindergarten. The expansion of kindergarten infrastructure and places is also referenced in Council Plan Big Actions 2 and 10.

DISCUSSION

The options presented in this report are based on planning assumptions related to the stage of planning and design work completed at different sites. The projects listed for inclusion within the initial tranche of the Building Blocks Partnership Agreement are those which are well progressed in terms of planning and design. The status of those projects is summarised in the table below:

Project	Proposed delivery year	Status
Expansion of Maryborough Avenue Kindergarten in Kingsbury	To commence in 2024-25 for completion in 2025-26	<ul style="list-style-type: none"> Fully designed to tender specification stage Planning permit received Pre-tender Cost Plan D received
Expansion of Merri Community Childcare & Kindergarten in Thornbury	Stage 1 in 2023-24 Stage 2 to be decided	<ul style="list-style-type: none"> Detailed design completed for both stages Planning permit received for both stages Cost Plan C received

Five projects are proposed to be listed as potential future expansion projects subject to further feasibility testing, design, and planning work:

- Expansion of JS Grey Reserve Kindergarten in Preston West.
- Expansion of Gellibrand Crescent Kindergarten in Reservoir West.
- Expansion of Blake Street Kindergarten in Reservoir East.
- Expansion of Thornbury Kindergarten in Thornbury.
- Expansion of Clyde Street Kindergarten in Thornbury.

Expansion options at each of these sites are to be tested in 2023-24 with funding from Department of Education planning grants. This funding will also enable Council to progress at least two of these sites to concept design stage and one site to design development by June 2024. Until further information becomes available, we have assumed, for planning purposes, that the expansions at any of these sites will be 22 places. A 22-place expansion would qualify for a \$1,000,000 expansion grant from the State Government; larger expansions would increase the State Government funding by \$45k per additional place. Pending further information on feasibility and cost of expansion, it is anticipated that over the next four years Council will be able to add one or two of these sites to the expansion program.

Upgrade of 2A Raleigh Street, Thornbury

Upgrade works to the Council facility at 2A Raleigh Street have not been included in the Building Blocks Partnership Agreement as the State Government has previously provided funding to make this facility into a licensed children's service under a project completed in 2015. A grant application has been submitted under the Building Blocks Improvement Stream which, if successful, will enable a full refurbishment of this centre including increasing the size of the indoor and outdoor play spaces. If the grant is not successful a more limited scope of works would be delivered from Council funds to deliver the minimum upgrades to achieve licensing standard for this facility to be used to deliver kindergarten services.

Rationale for project selection

- The projects that are proposed for inclusion within the kindergarten expansion program and the Building Blocks Partnership Agreement have been selected based on four primary criteria: *Meeting unmet demand for kindergarten places*. Analysis conducted jointly by the Department of Education and Council in 2020, which is currently being updated, identifies localities that are expected to have insufficient supply of kindergarten places through the roll-out of funded three-year-old kindergarten and 30-hours of Pre-Prep for four-year-olds. Priority localities for Darebin based on this analysis are Reservoir East, Thornbury, Reservoir West, Preston West and Northcote. Analysis of travel patterns for families accessing Maryborough Avenue Kindergarten indicates that expanding this service will help meet demand in Reservoir East, a position that has been accepted by the Department of Education.
- *Supporting equity in access to sessional kindergarten and community-managed childcare services*. Council's Early Years Infrastructure Planning Framework outlines Council's commitment to enabling children across Darebin to have equitable access to both models of service delivery i.e., sessional kindergarten and kindergarten delivered in long-day care settings. Priority localities based on the current distribution of standalone (sessional) kindergartens are Reservoir West, Preston East, Preston West, Alphington-Fairfield and Kingsbury.
- Service viability. The future viability of small single-room kindergartens is an issue of concern under a future service model where all four-year-olds will be entitled to 30 hours per week of Pre-Prep and all three-year-olds will be entitled to 15 hours per week of kindergarten. Darebin currently has five single-room kindergartens that operate from Council facilities. Three of these are included in the current program of work, either in the construction tranche (Maryborough Avenue) or the design and planning tranche (Blake Street, Clyde Street). The two services that have not been included are in localities that are not currently eligible for State Government funding due to unmet demand estimates (Gower Street Kindergarten in Preston East and Alfred Nuttal Memorial Kindergarten in Alphington-Fairfield).
- Return on investment for Council capital investment. Where projects have progressed to the stage of being costed, the return on investment for Council's expected contribution to a project has been assessed factoring in the expected amount of State Government funding that is expected to be available.

Appendix B outlines how each of the proposed projects has been assessed in relation to these criteria. Confidential Appendix C provides the current estimated costs for the proposed projects (these figures are confidential so as not to prejudice Council's position in procurement processes to deliver these projects).

Department of Education-led projects

Council's collaboration with the Department of Education also includes working closely to support the Victorian School Building Authority's (VSBA) delivery of new infrastructure on school sites and other locations. One new kindergarten has already been delivered through the VSBA's Kindergarten on School Sites program: the Reservoir East Family Centre which opened in February 2023 on the Reservoir East Primary School site.

Two further VSBA-delivered projects have been announced for delivery in Darebin:

- Thornbury High School Kindergarten (interim name) has been announced for delivery on the Thornbury High School site, to open in 2025.
- Reservoir has been announced as the location for one of 50 new government-owned and operated, affordable early learning (childcare) centres across Victoria, to be delivered between 2025 and 2028.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

The options proposed work within the Council funding allocation within the Capital Works Plan budget for the next four-years. They seek to use Council funding to leverage maximum available investment from the State Government through the Building Blocks funding.

To the maximum extent possible within available budgets, expansion projects will not only seek to deliver increased capacity but will also seek to improve the condition of the facilities with a view to reducing future maintenance costs.

Community Engagement

Community and stakeholder engagement was undertaken on the Early Years Infrastructure Planning Framework, which provides the overarching framework under which the proposed kindergarten expansion projects would be delivered.

Committee members and staff at Maryborough Avenue Kindergarten and Merri Community Child Care & Kindergarten have been extensively engaged in the planning and design processes for the proposed expansions at those sites. Similar engagement will be undertaken with other services where design and planning is proposed to commence this year.

All relevant Kindergarten and Child Care centres have been advised that this report is being presented to Council and advised of how they can make a submission should they wish to speak to the report.

Other Principles for consideration

The kindergarten expansion program seeks to deliver equitable access to kindergarten programs for current and future generations of three- and four-year-old children.

Overarching Governance Principles and Supporting Principles

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

COUNCIL POLICY CONSIDERATIONS

Environmental Sustainability Considerations (including Climate Emergency)

Environmental sustainability considerations are a central consideration within the scope of works for design and delivery of all kindergarten expansion projects, in line with the Early Years Infrastructure Planning Framework principles and the Environmentally Sustainable Design Building Policy.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

An Equity Impact Assessment was undertaken during the development of the Early Years Infrastructure Planning Framework, which is guiding this program of work. The planning principles from the Early Years Infrastructure Planning Framework have been used throughout the planning and delivery of this program to date, with a particular focus on addressing equity and inclusion through application of the following principles:

- **Equity.** Ensuring equitable access to affordable and high-quality services across Darebin, with a focus on ensuring access for communities experiencing disadvantage.
- **Access.** Providing accessible conveniently located facilities for all children and families, including those with disability, and addressing gaps in the current supply.
- **Diversity and inclusion.** Providing welcoming, culturally safe and inclusive facilities and services for all children and families.
- **Choice.** Supporting a diversity of service models so that families have the opportunity to choose services that suit their circumstances, preferences and needs, including both sessional and integrated kindergarten programs in long day care.

Economic Development and Cultural Considerations

Economic development considerations are addressed through the procurement process for design and construction through application of the Social and Sustainable Procurement Policy.

Operational Impacts

Officers from Families, Youth & Children and Capital & Major Projects are working closely with colleagues in relevant operational teams, particularly Facilities Management and Parks & Open Space to ensure operational and maintenance considerations are appropriately considered in the planning and design of the expansion projects.

Legal and Risk Implications

Legal advice has been obtained on the proposed Building Blocks Partnership Agreement Memorandum of Understanding. The advice was that the MOU is low risk given that it is non-binding and does not commit Council to any funding or other actions. Final legal review of the MoU will be obtained prior to execution.



IMPLEMENTATION ACTIONS

- CEO to sign Building Blocks Partnership Agreement with Department of Education based on agreed option by Council.
- Projects to be delivered in 2023-24
 - Stage 1 expansion of Merri Community Child Care & Kindergarten
 - Upgrade to 2A Raleigh Street
 - Feasibility assessment and design on potential future expansion sites
- Update Council on progress of planning and design work and to be presented with options for tranche 2 expansion projects – June 2024

RELATED DOCUMENTS

- Council Plan 2021-25
- Early Years Infrastructure Planning Framework 2021-2041
- Kindergarten Infrastructure and Services Plan 2021
- Environmentally Sustainable Design Building Policy
- Social and Sustainable Procurement Policy
- Towards Equality: Equity, Inclusion and Human Rights Framework 2019-2029

Attachments

- Kindergarten expansion program delivery timeframes (**Appendix A**) [↓](#) 
- Assessment of kindergarten expansion projects (**Appendix B**) [↓](#) 
- Kindergarten expansion cost estimates (**Appendix C**) Confidential - enclosed under separate cover
- Draft Building Blocks Partnership MOU (**Appendix D**) Confidential - enclosed under separate cover

DISCLOSURE OF INTEREST

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

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

Appendix A: Kindergarten Expansion Program delivery timelines**Option 1**

Year	Projects to be delivered	Outcomes (additional licensed places)
2023-24	Upgrade of 2A Raleigh Street (Thornbury) to become a licensed kindergarten site	22 additional places in Thornbury
	Deliver Stage 1 expansion of Merri Community Child Care & Kindergarten (Thornbury)	5 additional places in Thornbury
	Progress feasibility testing and design for expansion at other sites: JS Grey Kindergarten (Preston West), Blake Street Kindergarten (Reservoir East), Gellibrand Crescent Kindergarten (Reservoir West), Thornbury Kindergarten (Thornbury), Clyde Street Kindergarten (Thornbury)	
2024-25	Commence expansion of Maryborough Avenue Kindergarten (Kingsbury) expansion	
	Continue design and planning for expansion at other sites	
2025-26	Complete Maryborough Avenue expansion (complete by December 2025)	38 additional places in Kingsbury
	Deliver Stage 2 expansion of Merri Community Child Care & Kindergarten (Thornbury)	11 additional places in Thornbury
	Continue design and planning for expansion at other sites if required	
2026-27	Deliver 4 th expansion – site to be confirmed based on further planning and design work	Size and location of expansion to be confirmed

Option 2

Year	Projects to be delivered	Outcomes (additional licensed places)
2023-24	Upgrade of 2A Raleigh Street (Thornbury) to become a licensed kindergarten site	22 additional places in Thornbury
	Deliver Stage 1 expansion of Merri Community Child Care & Kindergarten (Thornbury)	5 additional places in Thornbury
	Progress feasibility testing and design for expansion at other sites: JS Grey Kindergarten (Preston West), Blake Street Kindergarten (Reservoir East), Gellibrand Crescent Kindergarten (Reservoir West), Thornbury Kindergarten (Thornbury), Clyde Street Kindergarten (Thornbury)	
2024-25	Commence expansion of Maryborough Avenue Kindergarten (Kingsbury) expansion	
	Continue design and planning for expansion at other sites	
2025-26	Complete Maryborough Avenue expansion (complete by December 2025)	38 additional places in Kingsbury

	Deliver 4 th expansion – site to be confirmed based on further planning and design work	Size and location of expansion to be confirmed
	Continue design and planning for expansion at other sites if required	
2026-27	Deliver 5 th expansion – site to be confirmed based on further planning and design work	Size and location of expansion to be confirmed

Option 3

Year	Projects to be delivered	Outcomes (additional licensed places)
2023-24	Upgrade of 2A Raleigh Street (Thornbury) to become a licensed kindergarten site	22 additional places in Thornbury
	Deliver Stage 1 expansion of Merri Community Child Care & Kindergarten (Thornbury)	5 additional places in Thornbury
	Progress feasibility testing and design for expansion at other sites: JS Grey Kindergarten (Preston West), Blake Street Kindergarten (Reservoir East), Gellibrand Crescent Kindergarten (Reservoir West), Thornbury Kindergarten (Thornbury), Clyde Street Kindergarten (Thornbury)	
2024-25	Commence expansion of Maryborough Avenue Kindergarten (Kingsbury) expansion	
	Continue design and planning for expansion at other sites	
2025-26	Complete Maryborough Avenue expansion (complete by December 2025)	38 additional places in Kingsbury
	TO BE DETERMINED: Deliver Stage 2 expansion of Merri Community Child Care & Kindergarten (Thornbury) OR Deliver 5 th expansion – site to be confirmed based on further planning and design work	11 additional places in Thornbury Size and location of expansion to be confirmed
	Continue design and planning for expansion at other sites if required	
2026-27	Deliver 4 th expansion – site to be confirmed based on further planning and design work	Size and location of expansion to be confirmed

Notes

These timelines are indicative only based on currently available information, and may change as projects progress through planning, design and construction stages. Council will be kept updated on changes to the program through regular briefings and reports.

Appendix B: assessment of kindergarten expansion projects against key decision criteria

Project	Locality	Additional licensed places	Service type	Response to demand	Equity of access	Service viability	Return on Investment (ROI) for Council funding
Sites in proposed pipeline options							
Upgrade of 2A Raleigh Street	Thornbury	22	Long Day Care with Integrated Kindergarten	Thornbury has high projected unmet demand for kindergarten to 2032	Thornbury is relatively well served with three community-managed childcare services.	Access to additional room and capacity will significantly enhance service viability for Raleigh Street Community Children’s Centre	If Council receives a State Government grant the project will represent an excellent ROI for Council’s co-contribution. If the grant is not successful the project will be rescoped, Council’s ROI will still be high for the additional places created.
Stage 1 expansion of Merri Community Child Care & Kindergarten	Thornbury	5	Long Day Care with Integrated Kindergarten	Thornbury has high projected unmet demand for kindergarten to 2032	Thornbury is relatively well served with three community-managed childcare services.	Additional capacity will enhance service viability	Excellent ROI for additional places created factoring in State Government contribution (5 place expansion eligible for \$227,000 in State Govt funding)
Stage 2 Expansion of Merri Community		11				Addition of a 5 th room would significantly enhance service viability	ROI for additional places is lower than other projects that are currently costed

Project	Locality	Additional licensed places	Service type	Response to demand	Equity of access	Service viability	Return on Investment (ROI) for Council funding
Child Care & Kindergarten							due to lower number of places created (11 place expansion eligible for \$500,000 in State Govt funding)
Maryborough Avenue Kindergarten expansion	Kingsbury	38	Standalone kindergarten	Kingsbury is not an area of high projected unmet demand, but additional capacity is expected to service families from Reservoir East which has high projected unmet demand.	Kingsbury has low provision of sessional kindergarten services with Maryborough Avenue the only standalone kindergarten in the locality.	Addition of a 2 nd room would significantly enhance service viability	High ROI for additional places created factoring in State Government contribution (38 place expansion eligible for \$1.7M in State Govt funding)
Sites for further for planning and design work							
Expansion of JS Grey Reserve Kindergarten	Preston West	TBC	Standalone kindergarten	Preston West has high projected unmet demand. Demand for this service consistently exceeds the number of places available.	Preston West has low provision of sessional kindergarten services with JS Grey the only standalone kindergarten in the locality.	Additional capacity will enhance service viability	Not known at this stage until costed designs are developed
Expansion of Gellibrand Crescent Kindergarten	Reservoir West	TBC	Standalone kindergarten	Reservoir West has high projected unmet demand. Demand for this service currently exceeds the number of places available.	Reservoir West has low provision of sessional kindergarten services with Gellibrand Crescent the only	Addition of a 2 nd room would significantly enhance service viability	Not known at this stage until costed designs are developed

Project	Locality	Additional licensed places	Service type	Response to demand	Equity of access	Service viability	Return on Investment (ROI) for Council funding
					standalone kindergarten in the locality following the closure of Kookaburra Kindergarten in 2022.		
Expansion of Blake Street Kindergarten	Reservoir East	TBC	Standalone kindergarten	Reservoir East has high projected unmet demand.	Reservoir East is relatively well serviced by sessional kindergarten services, with Blake Street one of five standalone kindergartens operating across the locality.	Addition of a 2 nd room would significantly enhance service viability	Not known at this stage until costed designs are developed
Expansion of Thornbury Kindergarten	Thornbury	TBC	Standalone kindergarten	Thornbury has high projected unmet demand.	Thornbury has relatively low provision of sessional kindergarten places with two stand-alone kindergarten services.	Additional capacity will enhance service viability	Not known at this stage until costed designs are developed
Expansion of Clyde Street Kindergarten	Thornbury	TBC	Standalone kindergarten	Thornbury has high projected unmet demand.	Thornbury has relatively low provision of sessional kindergarten places with two stand-alone kindergarten services.	Addition of a 2 nd room would significantly enhance service viability	Not known at this stage until costed designs are developed

9.7 PROPERTY MATTERS - LEASING OF KINDERGARTENS & CHILDCARE CENTRES**Author:** Coordinator Property Services**Reviewed By:** General Manager Operations and Capital

EXECUTIVE SUMMARY

This report seeks Council endorsement to proceed with community consultation about a proposal to enter in a new lease with each of the 18 Early Years Services Associations (service providers) to ensure the ongoing delivery of early childhood services from the Council-owned facilities from 1 January 2024, for two years. All current lease agreements are due to expire on 31 December 2023.

Council has a long-standing relationship and commitment to support Early Years Services. The proposed leases would continue to support the Early Years Services through its provision of Early Years Centres, and by providing rental subsidies at almost 100% by providing a 'nominal' rental rate.

Consultation would be undertaken in line with the statutory process required under Section 115 of the *Local Government Act 2020*, (Lease of Land). When consultation is completed, a further report will come to Council at which time Council will consider whether it wishes to proceed with the proposed leases. Council is required to consult community before it makes a decision about the Leases when the market value of the land exceeds \$100,000 per annum, which is the case for most of these premises.

The Early Learning Leases have been operating on a five-year lease and lease renewal tenure. The proposal is that the new leases would be for a 2-year term to enable Council to complete development and consultation of a holistic Leasing and Licensing Policy for all its community facilities. This term would enable a consistent and transparent approach to leasing across the City to be applied to future leases. Before the expiry of the 2 year terms, a recommendation about future Lease terms would be made to Council to consider incorporating any Policy elements from the new Leasing and Licensing Policy.

Officer Recommendation

That Council:

- (1) Notes that all current lease agreements are due to expire on 31 December 2023.
 - (2) Endorses the proposal to undertake a community engagement program in accordance with Section 115 of the *Local Government Act 2020* ("the Act") of its intention to enter into a lease with each of the 18 (not-for-profit) Early Years Services Associations for the provision of Kindergarten and Childcare services at the various Council-owned premises.
 - (3) Notes that any submissions will be considered by Council's Hearing of Submissions Committee at a meeting to be held in the Council Chamber on Monday 11 December 2023 at 6:30pm.
 - (4) Notes if no submissions are received, a further report be presented to Council to consider completion of the statutory procedures for the lease.
-

BACKGROUND / KEY INFORMATION**Previous lease agreement**

In January 2013 Council entered into 5-year leases (with the option of a further term of 5-years) with Early Years Services Associations across 18 separate Council owned premises. These leases are due to expire on 31 December 2023. Each Service Provider has been advised of the upcoming lease expiry and each has registered its non-binding interest in taking up a new lease subject to the terms and conditions endorsed by Council (following community engagement).

Service delivery

All leases are required for the effective service delivery of the current Early Years Services and education services. Each centre is at capacity to accommodate 3- and 4-year-old kindergarten services and there is no plans to decant any service under Council's long-term capital infrastructure program. Each Early Years Service has also signed a new Service Agreement which will run concurrently with the proposed lease term.

This proposal is for the Early Years Learning centres located at:

- 34 Separation Street, Fairfield (Alfred Nuttall Memorial Kindergarten)
- 2 Oldis Avenue, Northcote and 11 Bastings Street, Northcote (Annie Dennis Children's Centre)
- 79 Elm Street, Northcote (Batman Park Kindergarten)
- 55 Clifton Street, Northcote (Clifton Street Children's Centre)
- 64 Clyde Street, Thornbury and 70 Clyde Street, Thornbury (Clyde Street Kindergarten)
- 260 Gower Street, Preston (Darebin Childcare and Kindergarten – Preston)
- 6-8 Kenilworth Street, Reservoir (Darebin Childcare and Kindergarten – Reservoir)
- 91-95 North Road, Reservoir and 12 Acheron Avenue, Reservoir (Oakhill Children's Centre)
- 1-5 Dole Avenue, Reservoir (Keon Park Children's Hub Kindergarten)
- 146 Gower Street, Preston (Gower Street Kindergarten)
- 524 Gilbert Road, Reservoir and 25 Sheffield Street, Preston (J.S. Grey Kindergarten)
- 26 Gellibrand Crescent, Reservoir (Gellibrand Crescent Kindergarten)
- 109 Blake Street, Reservoir (Blake Street Kindergarten)
- 14-16 Maryborough Avenue, Kingsbury (Maryborough Avenue Kindergarten)
- 127-129 Perry Street, Fairfield (Perry Street Childcare and Elizabeth Gorman Kindergarten)
- 28 Raleigh Street, Thornbury (Raleigh Street Community Children's Centre)
- 313 St Georges Road, Thornbury (Merri Community Childcare Centre & Kindergarten)
- 8 Newcastle Street, Thornbury (Thornbury Kindergarten)

Previous Council Resolution

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

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 1: Vibrant, Respectful and Connected

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

Subject to the availability of resources, the Early Years Services Associations must give due and proper consideration to the Council policies, in particular the Early Years Infrastructure Planning Framework 2021-2041 or succeeding policies, plans and frameworks, in its implementation in the development of its Service program, enrolment policies and staffing policies.

Early Years Services Associations to consider other relevant Council policies including Darebin's Towards Equality Framework and Darebin's Disability Access and Inclusion Plan. The Service will be accessible to all families within the community regardless of nationality, language, religion or disability.

In performing the service program, the Early Years Services Associations must comply, and must ensure that its personnel comply with, any lawful and reasonable direction given by the Council.

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

1.2 We will help to build an inclusive and empowered community, where social cohesion and community harmony are fostered

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

2.1 We will deliver equitable and accessible infrastructure to provide opportunities for our community to live well

2.5 We will invest in services and the built environment to improve access for our residents and visitors

4.1 We will ensure balanced and responsible financial decision making that meets the needs of our community now and into the future

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

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

DISCUSSION

The proposed leases would be on the following terms and conditions:

Term

The term will be a period of two-years with no further open to renew.

The Early Learning Leases have been operating on a five-year lease and lease renewal tenure. The proposal is that the new leases would be for a 2-year term to enable Council to complete development and consultation of a holistic Leasing and Licensing Policy for all its community facilities. A 2 year term would enable a consistent and transparent approach to leasing across the City to be applied to future leases. Before the expiry of the 2 year terms, a recommendation about future Lease terms would be made to Council to consider incorporating any Policy elements from the new Leasing and Licensing Policy.

Rent

This report recommends that Council proceed with providing a full rental subsidy to each these providers at the value of the annual market rent (as shown in **Appendix A** column headed NAV). This significant contribution is recommended considering the community benefit that these Early Years Services provide and recognising the not-for-profit nature of these operators.

A \$104 annual fee (set by crown and included in Council annual Fees and Charges schedule). While this is an increase from the current set rate of \$58, it remains a nominal fee.

Community benefit is defined as '*All public benefit, not for profit / fully funded Council service, First Nations organisation, volunteer managed, and community purpose criteria clearly articulated and met. Little or no income generated*'.

The Net Annual Value and Market Rent of each centre can be found in **Appendix A**.

Outgoings / Utilities / Maintenance

The Tenant would be responsible for the following occupancy costs:

- All statutory rates and taxes as assessed.
- All utility costs.
- Maintenance to the fixtures and fittings to the building and property (noting that this is the agreement under the current Leases and is not proposed to change).
- Reimbursement of the Essential Services Maintenance of the emergency fixtures and fittings which is managed by Council. These service may include, but not limited to, electrical tagging, fire protection, security lighting etc

Legal Costs

Each party is responsible for their legal costs with Council being responsible for drafting and engrossing the Lease.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

This proposal provides minimal change to the existing financial situation for the Tenant and Council excepting the requirement for Council to seek reimbursement for the cost of engaging a contractor to undertake the Essential Services Maintenance on the property. This cost can range from \$600 to \$1,300 per annum depending on the size of the building.

Community Engagement

Darebin City Council is required to give notice under Section 115 of the *Local Government Act 2020* ("the Act") of its intention to enter into a lease with each of the 18 (not-for-profit) Early Years Services Associations for the provision of Kindergarten and Childcare services at the various Council-owned premises.

Council must comply with its community engagement policy, which has a set of principles, and a minimum level of standards that are either consultative or deliberative.

A person may make a submission on the proposal.

A notice will be published on Council's website and correspondence will be distributed to each of the Early Years Service Provider's as part of Council's community engagement policy.

A Hearing of Submissions meeting will be held for any responses received relating to the matter, and a further report will be presented to Council following the conclusion of the community engagement process.

Other Principles for consideration

Overarching Governance Principles and Supporting Principles

- (a) Council decisions are to be made and actions taken in accordance with the relevant law;
- (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- (g) the ongoing financial viability of the Council is to be ensured;
- (i) the transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

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

Strategic Planning Principles

- (a) an integrated approach to planning, monitoring and performance reporting is to be adopted;
- (d) strategic planning must identify and address the risks to effective implementation;

Service Performance Principles

- (a) services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community;
- (b) services should be accessible to the members of the municipal community for whom the services are intended;
- (d) a Council should seek to continuously improve service delivery to the municipal community in response to performance monitoring;

COUNCIL POLICY CONSIDERATIONS

Environmental Sustainability Considerations (including Climate Emergency)

There are no particular environmental sustainability considerations on these agreements given the short tenure of the Leases. Sustainability considerations (including mitigation and adaptation) relating to all Council's buildings are managed through Council's Asset Management planning and long term budgeting processes and Council is committed to addressing Climate Risk.

Equity, Inclusion, Wellbeing and Equity, Inclusion, Wellbeing and Human Rights Considerations:

An Equity Impact Assessment has not been undertaken on the proposed Leases.

Economic Development and Cultural Considerations

There are no economic developments and cultural considerations in relation to the drafting and implementation of this Policy.

Operational Impacts

Council will need to ensure that any maintenance matters undertaken by a Tenant or Licensee are carried out by professional tradespersons and to the standard acceptable by Council.

Legal and Risk Implications

Council will need to ensure that any maintenance undertaken by the Tenant or Licensee is undertaken in compliance with Occupational Health and Safety regulations.

It is also noted that one of the purposes of Council and its Early Years Service Providers entering into leases and service agreements is to reduce risk.


IMPLEMENTATION ACTIONS

1. Seek Council endorsement to proceed to Community Engagement – October 2023
2. Proceed to Community Engagement – November 2023
3. Evaluation of Community Engagement responses – November/December 2023
4. Report to Council on the outcome of the Community Engagement – December 2023
5. Execute lease agreements – January/February 2024

RELATED DOCUMENTS

NIL

Attachments

- Appendix A - Property Matters - Leasing of Kindergartes and Childcare Centres (Appendix A) [↓](#) 

DISCLOSURE OF INTEREST

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

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

SUBURB	Address	Tenant	NAV
FAIRFIELD	Perry Street, 129	Perry Street Childcare and Elizabeth Gorman Memorial Kindergarten Inc.	122,500.00
FAIRFIELD	Separation Street, 34	Alfred Nuttal Memorial Kindergarten Inc.	90,000.00
KINGSBURY	Maryborough Avenue, 14-16	Northern Darebin Combined Kindergarten Assoc. Inc.	52,500.00
NORTHCOTE	Clifton Street, 55 - Northcote Kindergarten	Clifton Street Children's Centre Assoc.Inc	320,000.00
NORTHCOTE	Elm Street, 79 - Northcote Kindegarten	Batman Park Kindergarten Association Inc	160,000.00
NORTHCOTE	Oldis Avenue, 2 - Annie Dennis Childrens Centre	Annie Dennis Children's Centre Assoc. Inc.	235,000.00
PRESTON	Gilbert Road, 524	JS Grey Kindergarten Assoc.Inc	183,000.00
PRESTON	Gower Street, 146 - Preston Kindergarten	Gower Street Kindergarten Assoc. Inc.	83,000.00
PRESTON	Gower Street, 260 - Preston Day Childcare	Darebin Childcare and Kindergarten Assoc. Inc.	146,000.00
RESERVOIR	Blake Street, 109	Northern darebin Combined Kindergarten Assoc. Inc.	52,000.00
RESERVOIR	Dole Avenue, 7	Early Childhood Management Services	265,000.00
RESERVOIR	Gellibrand Crescent, 26	Northern darebin Combined Kindergarten Assoc. Inc.	58,500.00
RESERVOIR	Kenilworth Street, 6-8 - Reservoir Childcare	Darebin Childcare and Kindergarten Assoc. Inc.	152,070.00
RESERVOIR	North Road, 91-95	Early Childhood Management Services	145,270.00
THORNBURY	Clyde Street, 70	Clyde Street Kindergarten Assoc. Inc.	315,000.00
THORNBURY	Newcastle Street, 8C - Thornbury Kindergarten	Thornbury Kindergarten Assoc. Inc.	141,000.00
THORNBURY	Raleigh Street, 28 - Thornbury Childcare	Raleigh Street Children's Assoc. Inc.	78,550.00
THORNBURY	St Georges Road, 313 - Thornbury Childcare	The Merri Community Childcare Centre and Kindergarten Inc.	118,320.00
Total adjusted net Annual Value			\$2,307,383
Current rent Charged			\$1,008
Financial Return on Investment			0.044%

**9.8 PROPERTY MATTERS – SALE OF MINOR ASSETS
(CLEMENTS RESERVE)****Author:** Coordinator Property Services**Reviewed By:** General Manager Operations and Capital

EXECUTIVE SUMMARY

This report recommends completion of the statutory procedures for the proposed discontinuance and vesting of unused roads, forming part of Clements Reserve Reservoir, otherwise shown hatched on the site plan shown hatched in Figure 1 in **Appendix A**.

This report recommends Council endorse the discontinuance having given public notice of a proposal to discontinue and vesting of unused roads, forming part of Clements Reserve Reservoir, in accordance with Council's Sale of Minor Assets Policy May 2022.

Officer Recommendation

That Council:

Having given public notice of a proposal to discontinue and vest unused road, forming part of Clements Reserve Reservoir, and having received no written and verbal submissions regarding the proposal:

- (1) Discontinues the roads forming part of Clements Reserve Reservoir, otherwise shown hatched on the site plan shown hatched in Figure 1 in **Appendix A**, acting under section 206 and clause 3(a) of Schedule 10 to the *Local Government Act 1989*.
 - (2) Directs that notice of the discontinuance be published in the Victoria Government Gazette.
 - (3) Authorises the Chief Executive Officer to sign all documents in relation to the transfer of title of the discontinued road in accordance Council's Community Engagement Policy 2022 and Sale of Minor Assets Policy May 2022.
 - (4) Directs that the discontinuance and sale will not affect any right, power or interest held by Yarra Valley Water and Darebin City Council, in the roads and reserve in connection with any sewers, drains or pipes under the control of Yarra Valley Water and Darebin City Council in or near the roads and reserve.
-

BACKGROUND / KEY INFORMATION

Council is required to consider a range of property matters for decision. These include matters such as property acquisitions and disposals, statutory naming processes, Right of Way disposals, proposed Road declarations and leasing of Council property.

Local Government Act

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

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

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

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

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

In contrast to the now repealed s. 189 of the *Local Government Act 1989*, Section 114 of the *Local Government Act 2020* does not require Council to publish a public notice in a newspaper circulated within the municipality nor provide for the lodgement of submissions to Council and the consideration of those submissions, pursuant to section 223 of the *Local Government Act 1989*.

Nevertheless, in order to provide a mechanism for feedback from interested parties as part of Council's community engagement process, Council intend to invite both written and verbal submissions on the proposal, and deal with any submissions received, in line with the principles set out in section 223 of the *Local Government Act 1989*.

Under the principles, the notice of intention to sell the Land will afford affected parties the right to lodge a written submission with Council. Submitters may request to be heard by Council prior to a decision being made to proceed or otherwise with the proposal. Any verbal submissions received will be considered by Council's Hearing of Submissions Committee.

Section 190 (Restriction on power to lease land) of the *Local Government Act 1989* was revoked on 1 July 2021 and replaced by Section 115 of the *Local Government Act 2020*.

Section 115 of the *Local Government Act 2020* is similar to section 190, however the exemption from compliance with section 223 (the right to make a submission) has been removed.

Previous Council Resolution

At its meeting held on 28 August 2023, Council resolved:

"That Council:

- (1) Commences the statutory procedures under section 206 and clause 3 of Schedule 10 to the Local Government Act 1989 to discontinue part of an unused road known as Blenheim Avenue, within Clements Reserve, Reservoir, shown hatched in Figure 1 in Appendix A, and to take title to the land from the unused road.*
- (2) Gives public notice under section 223 of the Local Government Act 1989 in the appropriate newspapers and on Council's website of the intention to discontinue the road and to take title to the land in accordance with Council's Community Engagement Policy 2022 and Sale of Minor Assets Policy May 2022.*
- (3) Invites both written and verbal submissions on the proposed discontinuance and transfer of land into Council's name as part of its community engagement process and deal with any submissions received in line with the principles set out in section 223 of the Local Government Act 1989.*

- (4) *Notes that any submissions will be considered by Council's Hearing of Submissions Committee at a meeting to be held in the Council Chamber on Monday 9 October 2023 at 5:45pm.*
- (5) *Notes if no submissions are received, a further report be presented to Council to consider completion of the statutory procedures for the discontinuance and transfer of the road into Council's name."*

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 2: Prosperous, Liveable and Flourishing

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

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

DISCUSSION

Council officers have been liaising VicRoads and various State Government departments regarding the status of various parcels of land comprising Clements Reserve, Reservoir.

As part of the investigations for this matter, officers have found that one of the parcels within Clements Reserve is part of an unused road known as Blenheim Road, being contained in certificate of title Vol. 11548 Fol. 570 shown in **Figure 2 of Appendix A**.

The investigation identified that although the land remains a road on title and is still in the name of the original registered proprietor. The road has not been constructed nor has it been used for the purpose which it was designated. The land that forms this unused road has been incorporated as part of Clements Reserve.

For practical reasons and in the interests of resolving any anomalies involved with the titles comprising of Clements Reserve, it is proposed that Council discontinue the unused road and take title to that parcel of land. This action is consistent with Council's current use of Clements Reserve.

Yarra Valley Water has a sewer and Council has a drain in the road and as such both authorities will require appropriate encumbrances to be saved as part of the discontinuance.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

Any costs associated with Council discontinuing the road and taking title to the land would be managed within annual budget allocations.

Community Engagement

Council at its meeting on 28 August 2023, resolved to commence the statutory procedures for the possible discontinuance and sale of the road.

Public Notice of Council's intention to discontinue and sell the road appeared in the Herald Sun newspaper and on Council's website from 6 September 2023 for the duration of the 28-day submission period. In addition, written notification was given to all adjoining property owners and occupiers.

No submissions were received in response to the public notice and the Hearing of Submissions meeting was subsequently cancelled for 4 October 2023.

Other Principles for consideration

Overarching Governance Principles and Supporting Principles

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

Public Transparency Principles

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

Strategic Planning Principles

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

Service Performance Principles

(e) service delivery must include a fair and effective process for considering and responding to complaints about service provision.

COUNCIL POLICY CONSIDERATIONS

Environmental Sustainability Considerations (including Climate Emergency)

The land is currently occupied as passive open space and is being managed by Council in line with its service plan for open space.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

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

Economic Development and Cultural Considerations

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

Operational Impacts

There are no operational impacts for this as the unused road is actively managed by Council as public open space.

Legal and Risk Implications

Council will mitigate any legal risk by engaging legal counsel to manage the discontinuance of the unused road and transfer of this land to Council.


IMPLEMENTATION ACTIONS

- Arrange for a notice to be published in the Victoria Government Gazette.
- Arrange for the land to be sold and transferred to the owners of the adjoining property by private treaty in accordance with Council policy.

RELATED DOCUMENTS

- *Local Government Act 1989*
- *Local Government Act 2020*
- *Road Management Act 2004*
- Sale of Minor Council Property Assets Policy 2015
- Sale of Minor Council Property Assets Policy 2022
- Toward Equality Framework
- Property Framework 2023-28

Attachments

- Appendix A - Property Matters - Sale of Minor Assets - Clements Reserve (**Appendix A**) [↓](#) 

DISCLOSURE OF INTEREST

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

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

APPENDIX A**ITEM 1: Discontinuance of road within Clements Reserve, Reservoir.**

To contextualise the property matter:

- The Site Plan is shown as **Figure 1**.
- The Advertising Plan is shown as **Figure 2**.
- The Aerial View is shown as **Figure 3**.

Figure 1 - Site Plan - road within Clements Reserve, Reservoir.

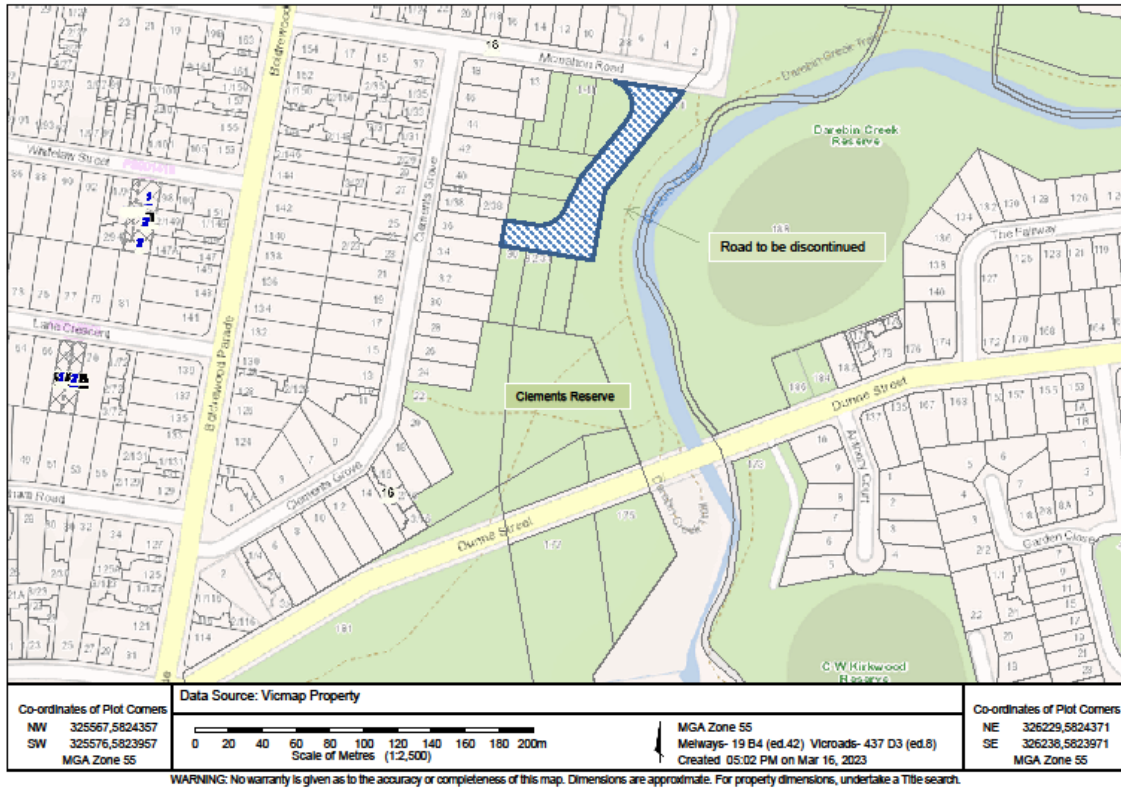


Figure 2 – Advertising Plan - road within Clements Reserve, Reservoir.

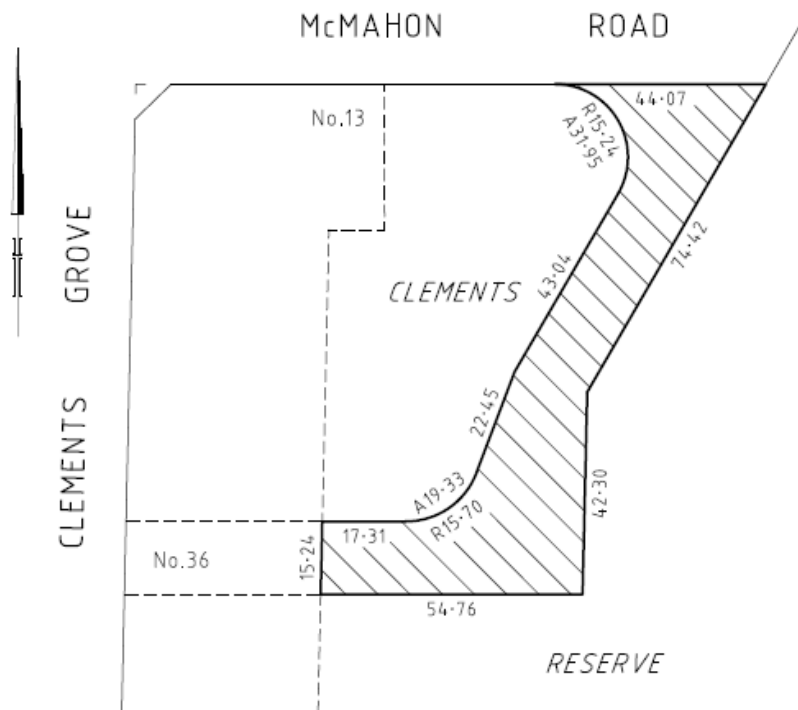
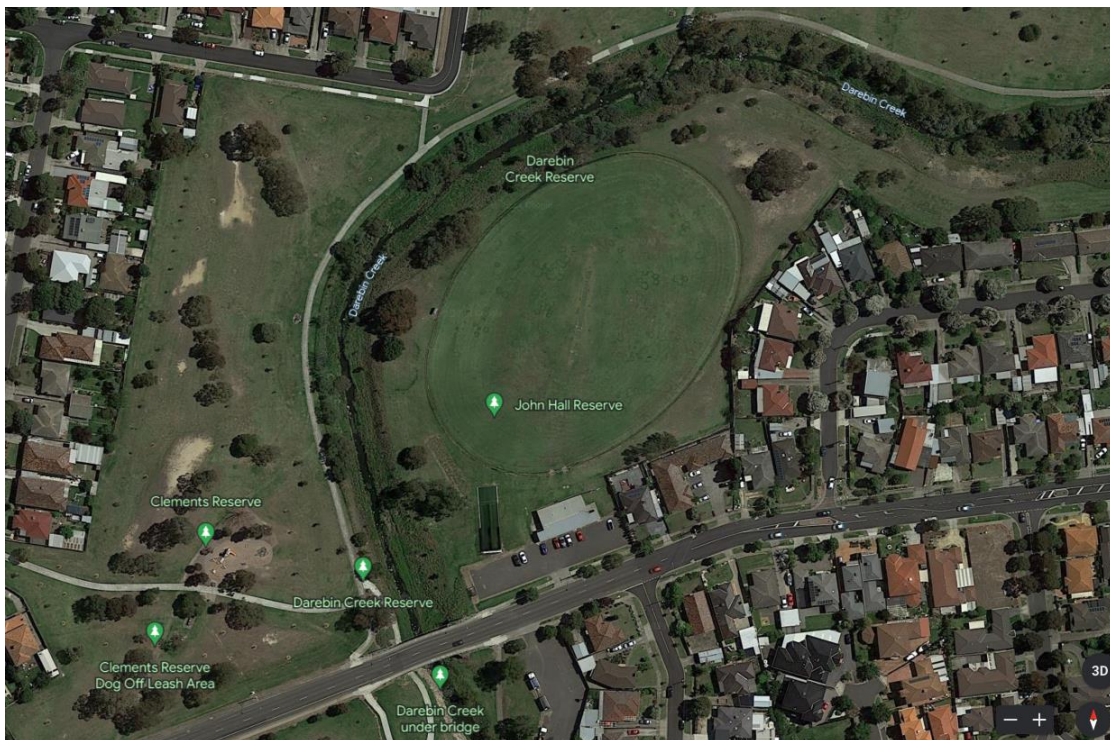


Figure 3 Aerial View - road within Clements Reserve, Reservoir.



9.9 DCMC AUDIT REPORT**Author:** Manager Parks & Open Space**Reviewed By:** General Manager Operations and Capital

EXECUTIVE SUMMARY

Council has an established Memorandum of Understanding (MoU) with the Darebin Creek Management Committee (DCMC) which is responsible for delivering on-ground environmental works, education and advocacy along the Darebin Creek corridor, and primarily, within 'Darebin Parklands'.

A recent VAGO recommendation that councils undertake a review and assessment of grants and funding agreements resulted in Banyule City Council (in partnership with Darebin) engaging an external consultant (RSM) to undertake an independent audit into the governance practices of DCMC.

The purpose of the audit was to “*evaluate the benefits of the recurrent grant funding provided to DCMC to ensure proper governance, transparency, and fairness, and that public money was being spent as intended*”. The report was completed in March 2023 and subsequently presented to DCMC and later councillors via a briefing in July 2023.

The audit identified a number of risks pertaining to both DCMC and Council and provided a series of recommendations to improve governance and mitigate potential risks.

Council officers have assessed which of these risks relate to Council and identified actions to mitigate the Council risks. Some of these actions are operational and have been initiated by officers under delegation, and other actions are proposed to be undertaken ahead of the end of the current MoU to inform Council's future decision.

The audit findings are attached in **Appendix A (Confidential)**. The Management of DCMC have also provided a formal response to the risks that pertain specifically to their organisation (**Appendix B (Confidential)**)

Officer Recommendation

That Council:

- (1) Formally notes the finalised audit of the DCMC governance practices and thanks DCMC for their contribution and participation in this.
 - (2) Acknowledges the DCMC Management response in relation to the audit findings.
 - (3) Notes the Council actions in progress to mitigate several risks to Council.
 - (4) Endorses the Council actions proposed to enable Council to consider how to best mitigate further risks ahead of the end of the current MoU in June 2025,
 - (5) Requests a report to Council outlining options for the period beyond the end of the current MoU with DCMC by the end of 2024.
-

BACKGROUND / KEY INFORMATION

The Darebin Creek Management Committee Inc. was formed in 2001 through the amalgamation of the Darebin Creek Co-ordinating Committee and the Darebin Parklands Committee of Management.

Legally, DCMC is an independent entity, however its membership is small and made up of organisations and it is not a 'community group' that has many individual members. DCMC comprises of seven-member organisations; Darebin, Banyule, Whittlesea and Yarra councils La Trobe University and 2 community organisations: Friends of Darebin Creek and the Darebin Parklands Association.

Council has established a Memorandum of Understanding (MoU) which was signed on 1 July 2022 for three years *"to provide operational certainty and increase clarity to both parties and to provide transparency of Council's commitment."*

The RSM audit identified a number of areas where governance, reporting and board functionality could be improved, along with recommendations to improve transparency, board composition and complaints handling. Whilst these issues pertain to DCMC as an organisation specifically, some risks for Council were identified in the audit.

Previous Council Resolution

On 23 May 2022, Council Resolved:

That Council:

- 1) *Notes the funding reconciliation between Council and the Darebin Creek Management Committee (DCMC), the Merri Creek Management Committee (MCMC) and notes the DCMC's agreement with the financial contribution Council has proposed.*
- 2) *Requests that the CEO develop a new 3-year memorandum of understanding with the DCMC and the MCMC to provide operational certainty and increase clarity to both parties and to provide transparency of Council's commitment.*
- 3) *Requests that the annual contribution to each organisation be set at previous year contribution plus an annual increase at the level of the rate cap. Specific contributions details will be determined and communicated to each organisation once the annual rate cap has been declared.*
- 4) *Authorises the Chief Executive Officer to execute the 3-year MoU to both the DCMC and MCMC and the annual agreements for Council's contributions on the basis outlined in this resolution.'*

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 2: Prosperous, Liveable and Flourishing

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

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

DISCUSSION

Officers have identified four key risks areas specific to Council that arose out of the Governance audit.

1. Land Management and environmental responsibility relating to land in DCMC management control, but owned by Darebin City Council.
2. Value for money in regards to the funding Council provides.
3. Duty of care to Council staff and councillors who are also members of the DCMC board.
4. Procurement policy and probity matters relating to funding provided by Council.

Risk mitigation proposals are outlined of below.

Land Management and environmental responsibility

The main risks for Darebin are at the Darebin Parklands site for which Council is the owner and is therefore the landlord. DCMC has other risks related to Banyule owned land or other work on land owned by others, but this doesn't give rise to a direct risk to Darebin Council. While DCMC also has responsibilities in relation to this, Council as landowner retains several responsibilities relating to environmental management and duty of care relating to safety of public and staff.

As with any supplier, tenant or contractor, it is appropriate for Council to seek information to assure itself that the management systems and practices the site manager has in place are sufficient.

There are some operational roles and responsibilities where there the is a need for further clarity and which aren't detailed in the current MOU.

Actions in progress

These risks can and should be managed operationally in Council's role as landlord. Officers have put in place the following actions under delegation, which are generally expected to be sufficient to address these risks:

- Council's management has written to DCMC seeking assurance from DCMC that appropriate safety, environment and public liability management provisions are in place. This is consistent with Council's normal practices for any large supplier or service provider.
- The current MoU includes a number of reporting requirements.
- Roles and responsibilities will be clarified regarding land management and environmental management responsibilities and formalised into an appropriate form of agreement during the 2023/2024 year.

Value for money

Through its budget and the MOU, Darebin has committed to providing funding of \$289,121.22 (Inc GST) in 2023/2024 which is for funding catchment wide works (approx \$65,000), with the remainder to be spent on the maintenance and management of the Parklands themselves.

As stewards of community funds, ensuring value for the funding provided is an important role Council plays. This can be appropriately assessed, and advice provided to Council when it considers its approach beyond the end of the current MOU. This assessment will include considering the value provided through volunteer contributions, or through third party contributions or grants.

Actions proposed:

- Review value for money of current service provision prior to the end of the current MoU (June 30, 2025).

Duty of care to staff and councillors.

Independent organisation

Legal advice obtained by Council clearly articulates that DCMC is an independent entity and that members of the committee must act independently, even though they have been appointed by member organisations.

Council has a duty of care for its staff and councillors who are nominated to the DCMC committee to ensure they are aware of the requirements of the role and the responsibilities that come with it. As independent decision makers for DCMC, it is essential that any staff or councillors that sit on the board understand their obligations and are suitably skilled to undertake the role.

Council can manage its risks associated with duty of care by providing any board members with information and access to training about their roles as independent committee members with obligations under the Associations Incorporation Act.

Actions in progress

- Officers will provide future committee members with clear information relating to roles and responsibilities of the board.
- There are other options Council could consider in future to address this risk such as Nominating Community representatives based on skills mix or reconsidering whether to nominate councillors as members. Officers are continuing to investigate these options and will provide further advice to Councillors in future.

Procurement policy and probity

Given the level of funding provided to DCMC annually, the work undertaken has identified that Council has a clear obligation from a procurement and probity perspective to undertake a tender process for the delivery of services of this scale.

There are several possible approaches given the nature of the work such as grant funding streams, tenders for service, and/or a membership fee component.

Actions proposed:

- Review funding mechanisms prior to the end of the current MoU (June 30, 2025).

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

Costs associated with the RSM Audit were split evenly between Banyule City Council and Darebin.

Councils' contribution to DCMC was established as part of Council's operating budget for 2023/2024.

Community Engagement

Given the operational nature of this matter, community engagement is not required and has not been undertaken. Council staff have and will continue to meet regularly with stakeholders including the DCMC and member Councils.

Other Principles for consideration

Overarching Governance Principles and Supporting Principles

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

Public Transparency Principles

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

Strategic Planning Principles

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

Service Performance Principles

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

COUNCIL POLICY CONSIDERATIONS

Environmental Sustainability Considerations (including Climate Emergency)

Management of open space within Darebin has direct links to environmental sustainability and climate resilience. Any future management activities along the Darebin and Merri Creek corridors will need to factor in these considerations. These may include biodiversity work, weed management, water management, any environmental management plans, rewilding and tree planting efforts, cool burning practices, educational work and any work in collaboration with First Nations Peoples.

Climate Emergency

Improving the health of our open space network and waterways supports flora and fauna resilience in the face of climate change. Any future work to improve open space along the creek corridors would contribute to growing resilience.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

Improvements to access to high quality open spaces and amenity have positive impacts on both physical and mental wellbeing. These considerations are present throughout decision making.

Economic Development and Cultural Considerations

All works undertaken in and around the Darebin and Merri Creek corridors are sensitive to areas of cultural significance. Any work arising will prioritise local businesses as per Council's Social and Sustainable Procurement Policy.

Operational Impacts

Operational impacts have been considered and informed the recommendation made in this report. Regular meetings between member Councils and the DCMC will continue to occur to throughout the process to support implementation actions and next steps.

Legal and Risk Implications

Risk mitigation is the key purpose of this report.

IMPLEMENTATION ACTIONS

Should Council resolve to endorse the recommendation made in this report, Council officers will:

- Communicate Council's decision with the DCMC and relevant stakeholders and
- Begin working with the DCMC to clarify and resolve any outstanding issues identified in the audit.

RELATED DOCUMENTS

- Darebin Creek Management Committee MOU

Attachments

- RSM Audit (**Appendix A**) Confidential - enclosed under separate cover
- Audit Recommendations & DCMC Comments (**Appendix B**) Confidential - enclosed under separate cover

DISCLOSURE OF INTEREST

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

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

9.10 MERRI COMMON GRANT PROPOSAL**Author:** Principal Parks Strategic Planner**Reviewed By:** General Manager Operations and Capital

EXECUTIVE SUMMARY

Council recently received correspondence from the Department of Energy, Environment and Climate Action (DEECA) to advise that it was eligible for funding as part of the Better Parks and Playground Program. The stated amount available to Council is up to \$1,500,000 for the *'design and delivery of open space improvements at Merri Common, Northcote.'*

Merri Common is a State Government owned site. It is unusual for Council to be named as an eligible party for a grant for works at a site that it does not own or maintain. This report provides information for Council to consider next steps. Three main options are outlined for Council's consideration:

Option A – Apply for the Better Parks and Playground grant with an adjusted scope. This proposal would improve outcomes to the open space network and meet the needs of the local community through improvements at several local open spaces including the Merri Common, Caddayes Corner, Peters Reserve and Green Memorial Reserve. Council Officers have spoken with the Department of Energy, Environment and Climate Action who have indicated that this type of application would be considered. This option proposes any improvements made to Merri Common would be owned and maintained by the landowner, VicTrack rather than Council. *(Recommended)*

Option B – Apply for the grant as offered to include upgrades only to the Merri Common. This option recommends that improvements made to non-Council owned land remain with the responsibility of the landowner, VicTrack.

Option C – Do not apply for the grant.

No option in this report recommends that Council assume maintenance responsibility for State Government Land. While it would be in theory possible for Council to consider maintaining State Government land, Council does not have a funding source available to do so and if it were to consider doing this it would have to reduce maintenance of other existing Council land, or reduce other community services.

Any grant application made for capital improvement works that is on State Government land will be subject to approval by the landowner.

Officer Recommendation**That Council:**

- (1) Directs the CEO (or delegate) to apply for a grant from the Better Parks and Playground program for 'Option A' as outlined in this report to make open space improvements to Merri Common Reserve, Caddayes Corner, Peters Reserve and Green Memorial Reserve, and on the basis that the State Government would retain ownership and maintenance responsibility for any improvements on its land.
 - (2) Delegates to the CEO (or delegate) to finalise the grant application and any necessary grant agreements, including making moderate adjustments to the project budget breakdown or project delivery scope, subject to these being largely consistent with Option A as outlined in this report.
 - (3) Notes that should the grant application be successful, the CEO (or delegate), would progress with implementation, in line with the CEO's normal delegations from Council.
 - (4) Notes that officers will communicate Council's decision to VicTrack, the Department of Energy, Environment and Climate Action and the Merri Common Stationeers.
-

KEY INFORMATION /BACKGROUND

In 2022, an election commitment was made on behalf of the State Labor Government for \$1,500,000 for a new vision for the Merri Common Pocket Park. This was subsequently incorporated into the State Government Budget. The Department of Energy, Environment and Climate Action (DEECA) has now established a grant process via the Better Parks and Playground Program seeking applications for open space improvements at Merri Common, a State Government owned site.

The State Government has granted Council an extension to the 27 October 2023 to enable Council to consider this matter at an ordinary meeting.

Merri Common is a parcel of land located to the east of Merri Station in Northcote. The site is owned, managed, and maintained by VicTrack and no formal leasing or maintenance agreement exists. At present, Council does not undertake maintenance activities at this site. It is unusual for Council, who is not the land or lease holder, to have been identified as the eligible party to apply for the grant.

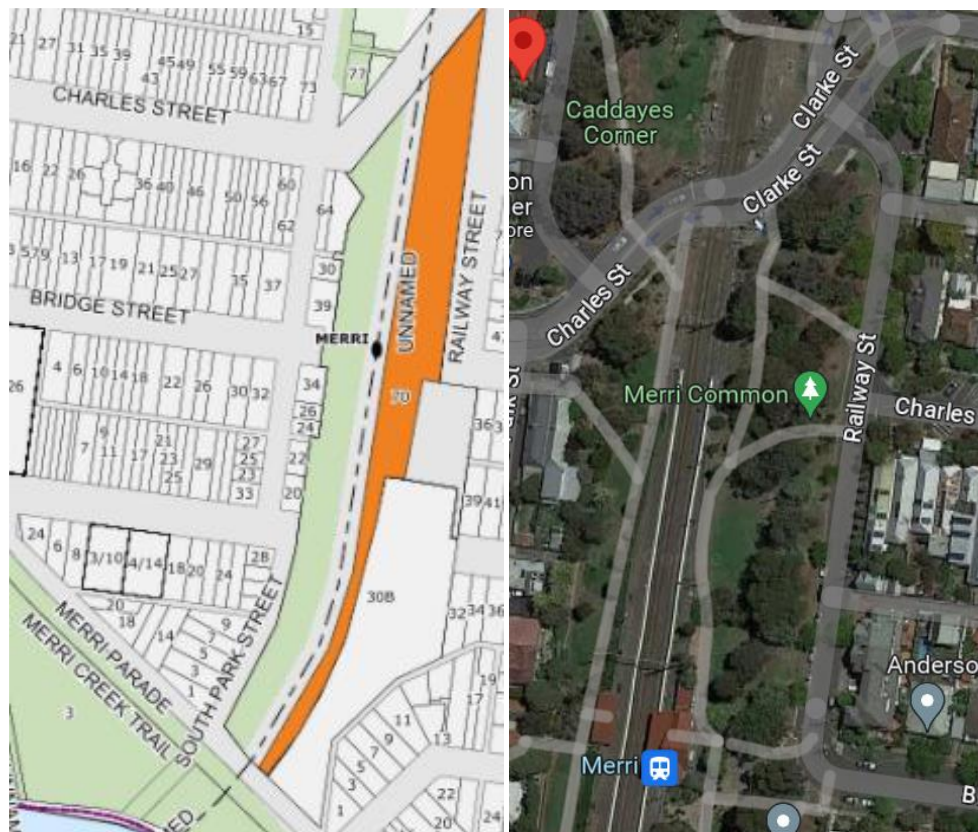


Figure 1 – The highlighted section above is referred to as Merri Common Reserve – Lot 30

In the 1980's and in response to community advocacy, the former Northcote City Council initiated various improvements to the land. Upgrades included the construction of paths, planting of trees and grassland, the installation of seating and feature fencing. During this period, Council would care for and maintain the land without any maintenance formal agreement.

In November 2021, officers briefed Council on the risks and associated costs of management of land owned by other agencies. Funding limitations and increasing operational costs have created a strain on Council's maintenance budgets with resources being consumed across many parcels of land that Council does not own. Merri Common was identified as a parcel of land that officers recommended Council did not purchase, nor take maintenance responsibility for. This advice was based on a strategic assessment of the site against financial, resourcing and risk implications.

As well as the VicTrack owned Merri Common site (shown as 101 on the site below, there are several nearby Council owned/managed open spaces):



The following matters were considered in forming a recommendation to Council.

Needs assessment and strategic priorities in this location

Council's open space strategy, *Breathing Space*, provides direction for how Council will prioritise investment in improvements. This directs Council's investment to prioritise where there is need to uplift infrastructure to meet needs.

Merri Common is a local linear park of 0.68 hectares in Northcote West. Based on its size and classification, standards for a parklet of this size indicate that the infrastructure at Merri Common is above Council's normal standards and that it has more seats (4), bins (1) and lights (3) than Council would recommend at this location if it were a Council open space. On this basis, the asset assessment hasn't identified a particular need for additional infrastructure at Merri Common.

There is an existing local play space within 220m, located at Peters Reserve. It is nearby and suitable to service the same local community as the Merri Common site. This reserve is however tucked away and some of the community may not be aware of it. It would be possible to improve usage with better signage and access points and meet local community need via an improved facility at this site. A single play space in this local neighbourhood has been assessed as appropriate to meet need.

Previous Council Resolution

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

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 2: Prosperous, Liveable and Flourishing

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

4.1 We will ensure balanced and responsible financial decision making that meets the needs of our community now and into the future

DISCUSSION

Three options have been identified:

Officers have explored several options to understand the various benefits and costs of each approach:

Option A: Apply for the Better Parks and Playground grant with an extended scope that includes the Merri Common, Caddayes Corner, Peters Reserve and Green Memorial Reserve. (Recommended)

Officers have identified that investment in minor improvements at Merri common as well as several open spaces nearby can achieve a very good community outcome, without additional maintenance costs. Officers recommend this option to Council on the basis that the State Government continues to manage and maintain its own land and any assets within its land.

An existing close-by playground would be improved and made more accessible through signage and better connections.

Council Officers have spoken with the Department of Energy, Environment and Climate Action who have indicated that this type of application would be considered.

Assessment of benefit:

Renewal of infrastructure, paths and vegetation would be done at Merri Common and other nearby locations. Maintaining these new assets would be a similar cost as current and would be done by the respective land-owners (VicTrack or Council as appropriate).

The recommended approach seeks to:

- Address the intention of the grant offered to Council through strategic uplift to Merri Common.
- Reflect feedback from discussions held between DECCA, the Merri Common Stationeers and drawing on data from Council's strategic plans and open space policies.
- Extend the benefit of the grant within the local community to benefit a diverse range of Darebin's community by also improving neighbouring sites through a regional uplift.

There is some benefit of the early renewal of some assets as this would extend their life.

Proposed works and indicative cost breakdown

Site Name	Indicative Scope – to be refined through the project development and market testing process.	Indicative costing (to be further refined)
Merri Common	<ul style="list-style-type: none"> Connectivity and pathway improvements to improve overall design, appeal, activity and accessibility. Asset upgrade, to include the replacement of outdated asset. Installation of natural seating. Beautification works, planting, trees and mulch. 	\$500,000
Caddayes Corner	<ul style="list-style-type: none"> Connectivity and pathway improvement to improve design, appeal, activity and accessibility. Re-wilding and beautification works, to include including planting, trees and mulch. 	\$200,000
Peters Reserve	<ul style="list-style-type: none"> Play space update. Re-wilding and beautification works (re-wilding and mulch.) Connectivity and pathway improvement to improve accessibility, design and appeal. 	\$350,000
Green Memorial Reserve	<ul style="list-style-type: none"> Wayfinding signage and re-vegetation works 	\$10,000
Project Management Costs		\$200,000
Concept plan, community consultation, design and relevant permits		\$140,000
Contamination management	<ul style="list-style-type: none"> In this location assessing whether soil contamination needs to be managed through any works is a critical element. Depending on the initial assessments this budget line would be adjusted. 	\$100,000

Risks and costs

If successful, the grant is expected to cover the full cost of upfront capital works, as above. Maintenance costs of improvements on Council land are estimated to be similar to current maintenance costs at these sites.

While officers have an understanding of the region and its needs based on site audit data and strategic planning records, broader community views about this proposal are not understood. To ensure that community views are reflected in any improvements made to the region, community consultation would be undertaken to help refine project scope and design.

There is a risk that the State Government may not confirm that it would be able to maintain new assets at Merri Common. If this were to be the case, officers would seek to agree with the State an adjusted scope for the grant that the State Government could maintain, or to focus the application on the non-State Government sites.

It is likely the site has some level of contamination, and this could increase cost and risk during both construction and maintenance periods.

Option B: Apply for the Better Parks and Playground grant as offered to include upgrades only to the Merri Common.

Council could apply for the grant as offered for Merri Common and commence community consultation on the design for improvement works to be included in the scope. This option would initiate improvements that are focused on Merri Common and designed to serve a smaller local neighbourhood. A play space is not proposed in this option.

An application for Option B would to be made on the basis that the State Government continues to manage and maintain Merri Common and be subject to approval by the landowner.

Proposed works and indicative cost breakdown

Site Name	Indicative Scope – To be refined through the consultation process.	Indicative costing (to be further refined through negotiations)
Merri Common	<ul style="list-style-type: none"> Connectivity and pathway improvements to improve overall design, appeal, activity and accessibility Asset upgrade, to include the replacement of outdated assets Installation of natural seating. Beautification works, planting, trees and mulch 	\$500,000
Project Management Fees		\$200,000
Concept plan, community consultation, design and relevant permits		\$100,000
Soil Contamination		\$100,000

Assessment of benefit

State government capital investment would result in an improved site in the local area. While Merri Common has not been identified as a priority for Council, targeted improvements would provide an uplift of the reserve along the train line.

Risks/cost

This option would see Council initiate improvements to non-Council owned or managed land and is contingent on successful negotiation with the landowner to commence improvement works and maintain the site.

There is a risk that the State Government may not confirm that it would be able to maintain new assets at Merri Common. If this were to be the case, officers would seek to agree with the State an adjusted scope for the grant that the State Government could maintain, or to focus the application on the non-State Government sites.

It is likely the site has some level of contamination, and this could increase cost and risk during both construction and maintenance periods.

Unlike Option A, Council would not benefit from early renewal of some assets.

Option C: Decline the opportunity to apply for the grant. (Not recommended)Assessment of benefit

It is possible that the State Government may proceed with improvements at Merri Common in any case and if so, their capital investment would result in an improved open space in the local area. This option would mean that Council would not take on any cost or risk and not impact operating budgets or capital planning works undertaken.

Risks/cost

It is possible that the State Government may not choose to proceed. This is not expected to have a significant practical impact for community considering the good standard of current open space, however it may be disappointing to some community members and a missed opportunity to improve the open space network.

Relationship management with State Government may be impacted should Council select Option C.

Unlike Option A, Council would not benefit from early renewal of some assets.

Other options

There are two other potential options that were not explored in full detail:

- Council could offer to maintain Merri Common for the State Government (as a modification of either option A or B above). This was not explored in detail because Council does not have access to new funding streams for additional maintenance and to do so would require reducing maintenance from another open space area, or reducing other community services. It is reasonable for the State Government to continue to maintain its land.
- Council could propose improvements at Merri Common of a greater scale closer to the full value of the grant, however the needs assessment has not identified particular value in this and it would have the drawback of increasing maintenance costs. Option B has been scoped at an appropriate level for the function and location of Merri Common and a larger scale project is not recommended.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

There would be no cost to Council of the construction phase of any grant.

There would be substantial financial costs to Council if it were to agree to maintain the Merri Common site, which it currently does not maintain. For this reason, none of the options outlined in this report recommend that Council would maintain any new infrastructure at Merri Common.

Doing so would require Council to redirect funding and labour from other maintenance locations in the city or from other community services. This is because in the rate capped environment Council does not have the option to increase revenue for this purpose.

Asset management and maintenance forecast modelling indicates that a \$1,500,000 infrastructure investment of an additional play space and a variety of other standard park assets would cost the Council an estimated \$3,000,000 in replacement costs within the next 15 - 25 years. This is in addition to annual maintenance charges which are likely to equate to approximately \$150,000 over this period. All options detailed in this report seek to mitigate this to some degree by constructing improvements to a lesser value than \$1.5 million which would in turn reduce the future renewal and maintenance costs.

Community Engagement

Community engagement has not yet been undertaken. Should Council resolve to apply for the Better Parks and Programs grant, broader community consultation will be undertaken to ensure improvements fit the vision and aspirations of the local community.

Consultation would seek community views on elements of design that could be adjusted with feedback such as selection of vegetation or elements of any play space improvements at Peters Reserve. In the consultation process, Council would communicate elements of the proposal that are not proposed to change such as which open spaces are to be improved, or the main functional elements.

Consultation will include targeted engagement with the Merri Common Stationeers who are an active community stakeholder. Officers would work with Merri Common Stationeers with the aim of providing the opportunity to support planting and beautification works as volunteers.

Other Principles for consideration

Overarching Governance Principles and Supporting Principles

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

Public Transparency Principles

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

Strategic Planning Principles

- (b) strategic planning must address the Community Vision;

COUNCIL POLICY CONSIDERATIONS

Environmental Sustainability Considerations (including Climate Emergency)

In developing the recommendation to Council, officers have prioritised works which improve the health of our open space network. Increasing canopy cover and Indigenous planting to ensure that capital projects enhance environmental resilience in the face of climate change.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

Equity, inclusion and wellbeing are essential considerations in strategic planning for the built and natural environment.

Community need has been assessed in relation to this site and a particular need has not been identified in this area and therefore it is not an area that would be prioritised for investment soon from an equity perspective. Other areas where there is an identified need would be prioritised first.

Economic Development and Cultural Considerations

Well planned and maintained public open spaces provide tremendous benefits to the community. Not only providing positive health and wellbeing outcomes, but also contributing to the liveability of a municipality. Well considered strategic planning for public open space is critical to ensure Darebin continues to be a place where people wish to live, visit, and enjoy.

This site is not close to an economic activity centre and is not expected to have a specific local economic development effect. Cultural considerations would be factored into any future consultation and design phase.

Operational Impacts

If Council decided to take over maintenance of Merri Common reserve from the State Government, a re-allocation of Council resources would be required. This would either reduce service levels in other Council owned parks and open spaces or require re-allocation of funding from other community services. To facilitate a new capital project, officers would also need to adjust unit plans and there is some risk of delay to other projects.

Legal and Risk Implications

Any improvements made to the land and initiated by Council, could result in liability relating to maintenance, public safety and other risks. Some of this could be mitigated through appropriate leasing or licensing terms and/or insurance.

Contamination of railway land

Soil on rail land generally consists of imported fill overlying the natural soils of the area. Typically, old fill soil is more likely to contain contaminants than natural soils. Given the proximity to the railway, it is possible that Merri Common could be contaminated. Contaminants typically found in fill soils on rail land include heavy metals, herbicides, polycyclic aromatic hydrocarbons, petroleum hydrocarbons and asbestos containing material.¹

¹ Source: *Environmental Management Plan for Sensitive Use on VicTrack Land, VicTrack Property Management Guideline (Doc ID: PROGL-005) (12/10/2022)*

This risk would need to be investigated and managed during any construction phase of a project. While this can be costly, it is generally considered manageable.

If Council were to maintain a site like this over the long term, there would potentially be operational risks adding to the operational costs of the site. Some of this risk could be mitigated through appropriate licensing or leasing terms.

IMPLEMENTATION ACTIONS

Should Council resolve to progress this opportunity as recommended in this report, the following actions will be undertaken.

1. Progress an application for the Better Parks and Playgrounds Grant with DECCA for improvements at Merri Common, Caddaeyes Corner and Peters Reserve.
2. Seek approval from VicTrack for Council to undertake improvements at Merri Common Reserve and Caddaeyes Corner (VicTrack owned sites).
3. Should the application be approved, initiate community consultation on the program of improvements.
4. Finalise design for works (under delegation to the CEO)
5. Tender for works and construct (depending on final project this may fall within the CEO delegation, or may come to Council)

RELATED DOCUMENTS

- Breathing Space: the Darebin Open Space Strategy

Attachments

- Better Parks and Playground Guidelines (**Appendix A**) [↓](#) 

DISCLOSURE OF INTEREST

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

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

Better Parks and Playgrounds



Program Guidelines

What is the Better Parks and Playgrounds program?

The Victorian Government’s Better Parks and Playgrounds program seeks to improve Victoria’s open space network by investing \$7.4 million in projects that will ensure that Victorians have easy access to much needed open green open space to exercise, relax or just enjoy the outdoors.

This investment will provide funding to specific public land managers to design and deliver eleven new or upgraded parks in designated locations across Victoria. This program also supports the continued implementation of the Victorian Government’s Open Space for Everyone Strategy 2021.

environment.vic.gov.au

This Program aims to:

- Provide funding for projects to cater for increased demand for open space for recreational use arising from population growth and higher population density
- Invest in projects that will optimise and revitalise the quality, safety, amenity, shared use, accessibility and function of the existing open space network in targeted locations.



Contents

Who can apply, project details and funding amounts?	1
What might be funded?	2
What will not be funded?	3
What are the funding details?	3
What are the assessment criteria?	3
What supporting documents will need to be provided?	4
What are the funding conditions?	4
What is the application process?	6
Additional information	6
What is the notification process?	7
Key dates	7
Checklist	8

Who can apply, project details and funding amounts?

This program will provide capped funding to specific eligible organisations (public land managers) for the purpose of delivering better parks and playgrounds. Identified public land managers can apply for funding in accordance with the table below.

Table 1: Eligible organisations, project detail and maximum available funding

Eligible organisations	Project Detail	Available Funding (ex GST)
City of Melbourne	Design and delivery of a new green space in the area bound by Sturt Street, Grant Street, Dodds Street and the Australian Centre for Contemporary Art, Southbank.	Up to \$1,500,000
City of Darebin	Design and delivery of open space improvements at Merri Common, Northcote.	Up to \$1,500,000
La Trobe City Council	Design and delivery of a new Adventure Playground at Mathison Park, Churchill.	Up to \$1,000,000
Parks Victoria	Design and delivery of a facility upgrade focussed on improving inclusiveness at the Deep Rock Sporting Precinct in Yarra Bend Park.	Up to \$1,000,000
City of Whittlesea	Design and delivery of a park upgrade at Hendersons Creek Wetlands playground, South Morang.	Up to \$500,000

Eligible organisations	Project Detail	Available Funding (ex GST)
City of Whittlesea	Design and delivery of a new playspace in Doreen (site to be confirmed by public land manager).	Up to \$500,000
Capel Sound Foreshores Committee of Management (CoM)	Design and delivery of open space improvements at Capel Sound Foreshore Reserve camping grounds.	Up to \$500,000
Banyule City Council	Design and delivery of a park upgrade at Greensborough War Memorial Park, Greensborough.	Up to \$400,000
Hobsons Bay City Council	Design and delivery of a new community garden at Brooklyn Reserve, Brooklyn.	Up to \$250,000
City of Greater Dandenong	Design and delivery of wetlands related park improvements at Alex Wilkie Nature Reserve, Springvale South.	Up to \$220,000
City of Kingston	Design and delivery of a park upgrade at Chelsea Street playground, Cheltenham.	Up to \$75,000

What might be funded?

The Program will provide capped funding to eligible organisations for existing parks and reserves in the identified locations and high-level project scope details for funding up to the maximum amount as outlined in Table 1.

Eligible organisations may use a component of the grant funding to complete the required planning/approvals, design, community consultation (including engagement with Traditional Custodians) and project management costs of delivering the project. These costs cannot exceed an amount greater than 20% of the total grant funding (i.e. a minimum of 80% of the grant funding must be used for construction of the project).

Each project application will be required to submit a proposed budget breakdown for the project. Project applications will also need to provide indicative project delivery timelines, including timelines to complete a concept and detailed design, community consultation, construction commencement and practical completion of the project.

Works must commence on site within 18 months of executing the grant funding agreement and must be completed by no later than 30 June 2026.

What will not be funded?

The program will not fund the following activities:

- the purchase of land;
- the remediation of contaminated land (unless approved by DEECA as a component of the project proposal and subsequent funding agreement);
- routine or ongoing maintenance activities (unless approved by DEECA as a component of the project proposal and subsequent funding agreement);
- Works that have already commenced;
- Planning/approvals, design, community consultation and project management costs of delivering the project that exceed 20% of the grant (refer 'What might be funded'); and
- Works that do not directly relate to the project detail outlined in **Table 1**.

What are the funding details?

The total funding available for this program is up to \$7.4 million.

Funding is capped for each project and is conditional on the final scope and budget of the project being endorsed and approved by DEECA.

Eligible organisations are encouraged to contribute towards the overall cost of the project(s). These contributions can be a combination of in-kind support (time associated with planning and project management) and cash contributions. Co-contributions can also be from other project partners or grants but must be outlined in the application.

What are the assessment criteria?

Project applications will be checked for eligibility by DEECA to ensure:

- alignment with these program guidelines; and
- project documentation is to a satisfactory standard for a funding agreement to be executed between DEECA and the organisation.

As the Better Parks and Playgrounds program is a package of eleven targeted projects in designated locations there is no weighted assessment criteria.

The assessment of each application submitted by the eligible organisation will focus on how the project will be delivered, in accordance with the following:

- demonstrating how the project is financially viable and represents value for money;
- demonstrating that the organisation/ public land manager has the necessary capacity and capability to deliver the project;
- considering how the project can incorporate cooling and greening into the project design;
- outlining the necessary planning, approvals, design and consultation (including with Traditional Custodians) required to deliver the project and demonstrating that those planning considerations can be factored into the project schedule and still be delivered within the required timeframes;
- outlining the proposed funding contributions with a budget breakdown (this will be provided in the program briefing and will be required to be submitted as part of the application); and

- having considered and addressed any potential impacts on gender equity, accessibility and Traditional Custodians.

What supporting documents will need to be provided?

Please submit the following documents with your application where available and/or applicable to the project:

- Site plan;
- Design concept;
- Information relating to any community consultation undertaken at the site;
- A Preliminary Site Investigation (PSI) that demonstrates the land is not contaminated or potentially contaminated;
- Any relevant supporting strategies or plans (e.g. Park Masterplan, Council Open Space Plan etc).
- Evidence of confirmation of other funding sources;
- Evidence of relevant works permit/s and/or approvals.



wonguim wilam Park, Warrandyte. Wurundjeri Country.

What are the funding conditions?

Funding agreements

Successful applicants must enter into a funding agreement with DEECA. The Victorian Common Funding Agreement is used for funding agreements with not-for-profit organisations and Local Government Authorities. It is recommended that applicants review the terms and conditions before applying. Information about the Victorian Common Funding Agreement is available on <https://www.vic.gov.au/victorian-common-funding-agreement>.

The DEECA Transfer Payment Agreement will be used for funding with Parks Victoria. Contact Open.Space@deeca.vic.gov.au if a copy is required.

The activity does not include using the funding for political campaigning or advocacy activities for political parties.

Legislative and regulatory requirements

In delivering the activity grant recipients are required to comply with all relevant Commonwealth and state/territory legislations and regulations, including but not limited to:

- *The Privacy Act 1988 (Commonwealth)*
- *The Freedom of Information Act 1982 (Vic)*
- *Occupational Health and Safety Act 2004 (Vic)*
- *Planning and Environment Act 1987 (Vic)*
- *Heritage Act 2017 (Vic)*
- *Aboriginal Heritage Act 2006 (Vic)*
- *Disability Act 2006 (Vic)*
- *Equal Opportunity Act 2010 (Vic)*
- *Local Jobs First Act 2003 (Vic)*

Tax implications

Applicants should consult the Australian Taxation Office or seek professional advice on any taxation implications that may arise from this grant funding.

Acknowledging the Victorian Government's support

Successful applicants are expected to acknowledge the Victorian Government's support and promotional guidelines (<https://www.deeca.vic.gov.au/grants>) will form part of the funding agreement. Successful applicants must liaise with the departmental program area to coordinate any public events or announcements related to the project and must comply with the [Acknowledgement and Publicity Guidelines](#).

Payments

Payments will be made as long as:

- the funding agreement has been signed by both parties;
- grant recipients provide reports as required, or otherwise demonstrate that the activity is progressing as expected;
- other terms and conditions of funding continue to be met.

Monitoring

Grant recipients are required to comply with project monitoring and reporting requirements as outlined in the funding agreement. This may include progress reports, site inspections, completion reports and acquittal documentation.

Privacy

Any personal information about you or a third party in your application will be collected by the department for the purposes of administering your grant application and informing Members of Parliament of successful applications. Personal information may also be disclosed to external experts, such as members of assessment panels, or other Government Departments for assessment, reporting, advice, comment or for discussions regarding alternative or collaborative grant funding opportunities. If you intend to include personal information about third parties in your application, please ensure that they are aware of the contents of this privacy statement.

Any personal information about you or a third party in your correspondence will be collected, held, managed, used, disclosed or transferred in accordance with the provisions of the Privacy and Data Protection Act 2014 and other applicable laws.

DEECA is committed to protecting the privacy of personal information. You can find the DEECA Privacy Policy online at www.deeca.vic.gov.au/privacy.

Requests for access to information about you held by DEECA should be sent to the Manager Privacy, P.O. Box 500 East Melbourne 8002 or contact by emailing Foi.unit@deeca.vic.gov.au.

What is the application process?

Applications are submitted online using the Grants Online Portal. A link will be provided to eligible organisations once a program briefing has been undertaken between DEECA and eligible organisations.

To apply, click on the 'Start New Application' button. To return to a saved draft application, click on the 'Access Saved Application' button.

Attaching required documents:

Supporting documents must be in an acceptable file type, such as Word, Excel, PDF, or JPEG. The maximum file size for each file is 10MB.

You will receive an application number when you submit an application online. Please quote this number in all communications with the department relating to your application.

If you have documents to submit that cannot be attached to your online application you can email them to grantsinfo@deeca.vic.gov.au, quoting your application number. Attach all documents to one email, zipping the files if required.

Applications must be submitted in accordance with the timeframes provided to eligible organisations in writing by DEECA.

Note: No hard copy applications will be accepted. Late and incomplete applications may not be considered.

Additional information

Additional information is available at the program webpage: <http://www.environment.vic.gov.au/better-parks>

The Open Space Programs team can be contacted at: Open.Space@deeca.vic.gov.au.



Horscroft Place Pocket Park, Moorabbin. Bunurong Country.
Photo credit: Kingston City Council

What is the notification process?

Successful and unsuccessful applicants will be notified in writing after the assessment process is completed. All decisions are final and are not subject to further review. Unsuccessful applicants can ask for feedback on their application.

Key dates

Program guidelines provided to eligible organisations	Late August 2023
Program briefing	5 September 2023
Applications open	11 September 2023
Applications close	13 October 2023
Applicants notified	November 2023
Project funding agreements established and finalised	December 2023
Projects formally commence	January 2024 onwards
Projects completed and final reports and financial acquittals submitted to DEECA	No later than 30 June 2026

NB: Key dates may be subject to change – eligible organisations will be advised of any changes accordingly.

Witternberg Reserve, Frankston. Bunurong Country. Photo credit: Frankston City Council



Checklist

Before applying, complete the checklist below.

Have you:

- read these guidelines carefully?
- discussed your project with the DEECA – Open Space Programs team?
- checked if you are, or your organisation is, eligible for this funding?
- checked if your project is eligible for this funding?
- checked that you would be able to comply with all relevant laws and regulations in delivery of your project?
- prepared the appropriate supporting documents?



Carrington Park, Knoxfield. Wurundjeri Country.

Cover Image: Brimbank Park. Wurundjeri Country. Credit: Parks Victoria.

© The State of Victoria Department of Energy, Environment and Climate Action August 2023.



This work is licensed under a Creative Commons Attribution 4.0 International licence. You are free to re-use the work under that licence, on the condition that you credit the State of Victoria as author. The licence does not apply to any images, photographs or branding, including the Victorian Coat of Arms, the Victorian Government logo and the Department of Energy, Environment and Climate Action (DEECA) logo. To view a copy of this licence, visit creativecommons.org/licenses/by/4.0/
 ISBN 978-1-76105-884-4 (pdf/online/MS word)

Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Accessibility

If you would like to receive this publication in an alternative format, please telephone the DEECA Customer Service Centre on 136 186, or email customer.service@deeca.vic.gov.au or via the National Relay Service on 133 677, www.relayservice.com.au. This document is also available on the internet at www.deeca.vic.gov.au

CS107AU23

environment.vic.gov.au

9.11 GOVERNANCE REPORT - OCTOBER 2023**Author:** Coordinator Governance Services**Reviewed By:** General Manager, Governance and Engagement

EXECUTIVE SUMMARY

- Summary of Advisory Committees, Councillor Briefing and other informal meetings of Councillors.
- Reports by Mayor and Councillors.
- Darebin Nature Trust - Appointment of new community members
- 2024 Council & Planning Meeting Schedule
- Quarterly Freedom of Information (FOI) statistics (1 July 2023 to 30 September 2023)

Officer Recommendation

That Council:

- (1) Notes the Governance Report – October 2023
- (2) Notes the Summary of attendance at Councillor Briefings at **Appendix A** to this report, for incorporation in the minutes of this meeting.
- (3) Notes that reports by Mayors and Councillors submitted prior to the meeting and circulated to Councillors, will be incorporated in the minutes of this meeting.
- (4) Endorses the appointment of nine (9) community members to the Darebin Nature Trust (DNT) as recommended in confidential **Appendix B** in accordance with the DNT Terms of Reference.
- (5) Resolves to hold the 2024 Council and Planning Committee Meetings as outlined in **Table 1** of this report.
- (6) Notes the Quarterly Freedom of Information statistics (1 July 2023 to 30 September 2023)

BACKGROUND / KEY INFORMATION

In accordance with Council's Governance Rules 2020, the agenda for each Ordinary Meeting is required to list certain governance/administrative matters in addition to other specified items.

These include Reports of Standing Committees i.e. Hearing of Submissions Committee, Summary of Meetings i.e. Briefings, Advisory Committee, responses to Public Questions taken on notice, reports by Mayor and Councillors, Councillor expenses and a range of other governance matters.

In accordance with best practice, good governance principles, transparent and account reporting, officers deem it appropriate to consolidate governance/administrative reports into one standing report to provide a single reporting mechanism for a range of statutory compliance, transparency and governance matters.

This also ensures compliance with the requirements of the *Local Government Act 2020* ('the Act'), Council's Governance Rules and related regulations.

Previous Council Resolution

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

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 1: Vibrant, Respectful and Connected

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

4.1 We will ensure balanced and responsible financial decision making that meets the needs of our community now and into the future

DISCUSSION

Matters covered in this report for the month of September 2023 are:

Summary of Advisory Committees, Councillor Briefing and other informal meetings of Councillors

Council's Governance Rules 2020 require any meeting of an Advisory Committee established by Council and attended by at least one Councillor, or a scheduled or planned meeting to discuss the business of Council, including briefing Councillors, and which is attended by at least half of the Councillors and one member of Council staff (excluding Council, Delegated Committee or Community Asset Committee meetings), the Chief Executive Officer must ensure that a summary of the meeting is:

- a) Tabled at the next convenient Council meeting; and
- b) Recorded in the minutes of that Council meeting.

The summary of the meeting should include:

- a) Time, date and location of the meeting;
- b) Councillors in attendance;
- c) Topics discussed;
- d) Positions of council officers in attendance;
- e) The organisation that any attendees external to council are representing; and
- f) Conflicts of interest declared, including the reason.

The Advisory Committees, Councillor Briefings or other Informal Meetings of Councillors are summarised at **Appendix A**.

Reports by Mayor and Councillors

By 4.00pm on the day of each Ordinary Council Meeting, the Mayor and Councillors submit a report detailing their attendance at various functions and activities since the last Council Meeting. These reports will be recorded in the minutes of this meeting.

Darebin Nature Trust - appointment of new members

In line with the Darebin Nature Trust Terms of Reference (**Appendix C**) an expression of interest process was undertaken in September 2023 seeking to fill nine (9) vacant positions on the Committee, with community members who have a keen interest and passion for one or more of the following areas: biodiversity, ecology, open space management, community engagement and advocacy.

Twenty-one (21) high quality applications (confidential **Appendix B**) were received and assessed against key selection criteria, with considerations including:

1. Relevant experience: Extent to which the applicant has skills complementary to council's in-house expertise and would represent the broader demographic diversity within the Darebin community in terms of professional background and experience.
2. Compatibility Darebin's values and culture, emphasis on collaboration and respect: The way that applicants relate to the enhancement of open space and biodiversity is in alignment with Darebin's values. The candidate demonstrates that they are capable of collaborating with others, even when they might have different opinions to theirs.
3. Quality of application: Level of detail and careful consideration of responses that allow the recruitment panel to make an informed decision.
4. Commitment: Extent to which the applicant shows a commitment to being an active member of the committee.
5. Diversity and equal opportunity: lived experience is an important aspect to consider as part of the assessment process to ensure that the Committee has a diverse membership base and is reflective of the Darebin community. Applications from Darebin's diverse community were encouraged including:
 - o Aboriginal and Torres Strait Islander community members
 - o People with a disability
 - o LGBTQI+ community members
 - o Culturally and linguistically diverse community members
 - o Students or people in their early career (18-25)

2024 Council and Planning Meeting Schedule

In accordance with the Council's Governance Rules 2020, Council must fix the date, time and place of all Council meetings. The schedule of Council Meetings must be published in publications that are distributed throughout the municipality (including Council publications) and on Council's website at least once each year or with such greater frequency as the Chief Executive Officer determines.

The setting of Ordinary Council and Planning Committee meetings for 2024 requires the consideration of issues associated with the General Elections to be held on 26 October 2024. This includes the Election Period (or Caretaker period) prior to Election Day and the limitations and restrictions that apply to Council decision-making during this period.

The 2024 Election Period will commence at 12pm on Tuesday 24 September 2024 and end at 6pm on Saturday 26 October 2024.

The Council and Planning Committee cycle has not been set beyond the General Election on 26 October 2024, to enable discussion with the new Council about the meeting cycle.

The schedule has been developed, based on the following approach:

- One Ordinary Council Meeting on the 4th Monday each month with the following exceptions of January and October 2024.
 - No Council meeting held in January 2024
 - October Council meeting proposed to be held on Monday 21 October 2024 due to the LG elections.
- One Planning Committee on the 2nd Monday each month with the exception of January, June and October.
 - No Planning Committee meeting held in January 2024.
 - March Planning Committee meeting to be held on Tuesday 12 March 2024 due to Labour Day Public Holiday.
 - To avoid a clash with the 2024 ALGA conference in Canberra (likely to be 11-14 June 2024), it is proposed the June Planning Committee meeting be held on Monday 17 June 2024.
 - October Planning Committee meeting proposed to be held on Monday 7 October 2024 due to LG elections.
- Councillor Briefings are not required to be formally set, but to enable Councillors to plan their time, briefings will be scheduled on the 1st and 3rd Monday of each month with an additional briefing on the 2nd Monday of each month prior to the Planning Committee meeting.
- For months with 5 weeks (i.e. April, July, September) the intention is to not schedule Briefings and enable Councillors to consider these 'free weeks', unless by agreement with the Mayor in consultation with Councillors.
- Special Council Meetings and Hearing of Submissions Committee meetings will be scheduled on an as-needs basis in accordance with the provisions of the *Local Government Act 2020* and Council's *Governance Rules 2020*.

It is proposed to convene all Council and Planning Meetings in the Council Chamber as hybrid meetings which will allow participants to attend in person or virtually. The Chief Executive Officer has discretion to schedule Special Council Meetings as virtual meetings or change the method of conduct outlined in Table 1 to virtual meetings, when and if required.

Table 1 below outlines the proposed schedule of the Council and Planning Committee meetings from February 2024 to October 2024.

Table 1

Meeting	Date	Time	Location
Planning Committee	Monday 12 February 2024	6.30 pm	Council Chamber
Ordinary Council	Monday 26 February 2024	6.00 pm	Council Chamber
Planning Committee	Tuesday 12 March 2024	6.30 pm	Council Chamber
Ordinary Council	Monday 25 March 2024	6.00 pm	Council Chamber
Planning Committee	Monday 8 April 2024	6.30 pm	Council Chamber
Ordinary Council	Monday 22 April 2024	6.00 pm	Council Chamber
Planning Committee	Monday 13 May 2024	6.30 pm	Council Chamber
Ordinary Council	Monday 27 May 2024	6.00 pm	Council Chamber
Planning Committee	Monday 17 June 2024	6.30 pm	Council Chamber

Meeting	Date	Time	Location
Ordinary Council	Monday 25 June 2024	6.00 pm	Council Chamber
Planning Committee	Monday 8 July 2024	6.30 pm	Council Chamber
Ordinary Council	Monday 22 July 2024	6.00 pm	Council Chamber
Planning Committee	Monday 12 August 2024	6.30 pm	Council Chamber
Ordinary Council	Monday 26 August 2024	6.00 pm	Council Chamber
Planning Committee	Monday 9 September 2024	6.30 pm	Council Chamber
Ordinary Council	Monday 23 September 2024	6.00 pm	Council Chamber
Planning Committee	Monday 7 October 2024	6.30 pm	Council Chamber
Ordinary Council	Monday 21 October 2024	6.00 pm	Council Chamber

Freedom of Information (FOI) Statistics (1 July 2023 – 30 September 2023)

The *Freedom of Information Act 1982* extends as far as possible, the right of the community to access information in the possession of the government bodies constituted under the law of Victoria (such as Council) for certain public purposes by:

- a) *making available to the public information about the operations of agencies and, in particular, ensuring that rules and practices affecting members of the public in their dealings with agencies are readily available to persons affected by those rules and practices; and*
- b) *creating a general right of access to information in documentary form in the possession of Ministers and agencies limited only by exceptions and exemptions necessary for the protection of essential public interests and the private and business affairs of persons in respect of whom information is collected and held by agencies.*

As part of Councils commitments made under the Public Transparency Policy, a snapshot of the number of FOI requests made and the outcomes of those requests will be presented to Council on a quarterly basis. The below snapshot encompasses the period 1 July 2023 to 30 September 2023.

	COUNT	COMMENTS
Total Number of Requests Received	17	This number excludes 'Not yet finalised (60 days to pass) per s34 of the FOI Act' and 'No Documents found' as it would result in a double count. VCAT reviews are also not counted in this.
Outcome of Requests		
Access granted in full (no exempt material)	2	Changed from last time to part as personal affairs redacted.
Access granted in part (some exempt material)	-	
Access denied in full (all material exempt)	-	
Withdrawn	1	Discussions made - Resolved outside FOI
Not Proceeded With	-	
Act does not apply	-	
No Documents found	2	

	COUNT	COMMENTS
Not yet finalised (60 days to pass) per s34 of the FOI Act	-	
Not yet finalised	12	
VCAT appeals lodged	-	
Outcome of VCAT Decision on Appeals Arising from Your Decision on Access		
VCAT confirmed agency decision	-	
VCAT varied agency decision	-	
VCAT Overturned agency decision	-	

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

Not applicable

Community Engagement

Not applicable

Other Principles for consideration

Overarching Governance Principles and Supporting Principles

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

Public Transparency Principles

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

Strategic Planning Principles

(a) an integrated approach to planning, monitoring and performance reporting is to be adopted;

Service Performance Principles

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

COUNCIL POLICY CONSIDERATIONS

Environmental Sustainability Considerations (including Climate Emergency)

Not applicable

Equity, Inclusion, Wellbeing and Human Rights Considerations:

Not applicable

Economic Development and Cultural Considerations

Not applicable

Operational Impacts

Not applicable

Legal and Risk Implications

Not applicable



IMPLEMENTATION ACTIONS

The 2024 Schedule of meetings will be published on Council's website.

RELATED DOCUMENTS

- *Local Government Act 2020*
- Governance Rules 2020

Attachments

- Summary of Councillor Attendance Records - Governance Report October 2023 (**Appendix A**) [↓](#) 
- Darebin Nature Trust Recruitment Summary of Candidates (**Appendix B**) Confidential - enclosed under separate cover
- Darebin Nature Trust Terms of Reference (**Appendix C**) [↓](#) 

DISCLOSURE OF INTEREST

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

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



SUMMARY OF ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

MEETING DETAILS:	Title:	Darebin Active and Healthy Ageing Advisory Committee
	Date:	8 June 2023
	Location:	Council Chambers, 350 High Street, Preston
PRESENT:	Councillors:	Mayor Cr Julie Williams (Chair)
	Council Staff:	Jeanne Poustie, Manager Supported & Connected Living Gillian Damonze, Coordinator Social Connection & Inclusion Charmaine Cauchi, Community Development Officer
	Other:	Members Active and Healthy Ageing Advisory Committee (4)
APOLOGIES:		1 Councillor, 3 members

The Meeting commenced at 3.00pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Federal aged care reforms - Council is preparing for national reforms that will affect how services will be delivered in the future.	No disclosures were made.
2	Age Friendly Darebin. Progresses made since 2019 report and recommendations.	No disclosures were made.
3	Role of committee members in meetings – purpose and direction.	No disclosures were made.
4	Committee member recruitment to commence in August 2023 for Term 2023-2025	No disclosures were made.

SUMMARY OF MEETINGS – PUBLIC RECORD (CONT)

The Meeting concluded at 5.00pm

RECORD COMPLETED BY:	Officer Name:	Jette Achleitner
	Officer Title:	Community Engagement Officer



SUMMARY OF ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

MEETING DETAILS:	Title:	Darebin Interfaith Advisory Committee
	Date:	31 August 2023
	Location:	Northern Community Church of Christ, 81 - 91 High Street, Preston
PRESENT:	Councillors:	Cr Gaetano Greco
	Council Staff:	Ana Galvez Charmaine Cauchi
	Other:	Northern Community Church of Christ, Thornbury Church of Christ, West Preston Baptist Church, Sikh Interfaith Council of Victoria, Community Representative, Victoria Police (2), Anglican Parish of South Darebin
APOLOGIES:		Mayor Williams, Focolare Movement, Bahai Community of Darebin, ISV Preston Mosque

The Meeting commenced at 5.30pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Committee Update: Good news and acknowledgement of festivities Relics Visit of Saints Maroun, Charbel, Nemetallah, Rafqa and Mary of the Cross Mackillop	No disclosures were made
2	Actions from previous meeting: Refugee Week Working Group Update Update: 2023 Place of Worship Tour (Hindu Temple) Pledge for endorsement	No disclosures were made
3	Committee discussion:	No disclosures were made

MATTERS CONSIDERED	DISCLOSURES AND COMMENTS
<p>Darebin Council’s Supported & Connected Living Unit</p> <p>Capacity Building Opportunity: Cancer Council, in partnership with Darebin Council</p> <p>Diwali Festival in Reservoir</p> <p>Community Invitations for Committee Members</p> <p>Industry Roundtables: Economic Recovery & Resilience (Summit)</p> <p>The FINCH Study: Research Opportunity</p>	

SUMMARY OF MEETINGS – PUBLIC RECORD (CONT)

The Meeting concluded at 7.30pm

<p>RECORD COMPLETED BY:</p>	<p>Officer Name: Officer Ana Galvez</p> <p>Officer Title: Interfaith & Multicultural Officer</p>
------------------------------------	--



SUMMARY OF ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

MEETING DETAILS:	Title:	Darebin Art & Heritage Advisory Panel
	Date:	Tuesday 5 September 2023
	Location:	Bundoora Homestead Art Centre, 7 Prospect Hill Drive Bundoora
PRESENT:	Councillors:	Cr. Susanne Newton Cr. Gaetano Greco
	Council Staff:	Leah Crossman, Art & Collections Coordinator Matt Pope, Manager, Creative Culture & Events Sarah Werkmeister, Curator, Bundoora Homestead Shae Nagorcka, Exhibitions & Collections Assistant
	Other:	<u>Advisory Committee members:</u> Sue Thornton Kate Bonser Amelia Marra Jacina Leong Zoe Bastin Kat Campbell
APOLOGIES:		Bridie Mackay Ramona Barry Asha Bee Abraham Uncle Alan Brown Victoria Jones Madeleine McClelland Bala Starr Gareth Syvret Giovanna D'Abaco

The Meeting commenced at 6pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	INTRODUCTIONS	No disclosures were made.
2	MIGRATION SCULPTURE PUBLIC ART PROJECT CONSULTATION	No disclosures were made.
3	DECOMMISSION OF CLYDE JONES RESERVE PUBLIC ARTWORK	No disclosures were made.

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4	WHAT'S COMING UP AT BUNDOORA HOMESTEAD	No disclosures were made.

The Meeting concluded at 7.30pm

RECORD COMPLETED BY:	Officer Name: Officer Title:	Leah Crossman Art & Collections Coordinator
-----------------------------	---	--



SUMMARY OF ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

MEETING DETAILS:	Title:	Darebin Gender Equity Advisory Committee
	Date:	Tuesday 5 September 2023
	Location:	Council Chambers
PRESENT:	Councillors	Cr. Susan Rennie
	Council Staff:	Wendy Dinning (Acting Manager Equity & Wellbeing) Jade Myconos (Gender Equity Officer) David Godden, (Planning Project Officer) Vanessa O'Shea, (Senior Strategic Planner) (online) Stella Radford , (Strategic Planner) (online) Lakshmanan Madhu (Senior Strategic Planner) (online)
	Other:	<u>Advisory Committee members:</u> Carmen Lahiff-Jenkins, Anna Scovelle (online) Megan Burke (online), Sandra Morris, Rosa Vasseghi (online)
APOLOGIES:		Cr. Emily Dimitriadis, Jo Van-Dort, Felicity Rorke, Emily Fraresso, Melissa Collins, Amanda Wilczynski, Samantha Young , Diana Pais.

The Meeting commenced at 5.30pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Integrated Families, Youth & Children Strategy	No disclosures were made.
2	Housing Strategy and Neighbourhood Character Study	No disclosures were made
3	General Business	No disclosures were made

The Meeting concluded at 7.10pm

RECORD COMPLETED BY:	Officer Name:	Jade Myconos
	Officer Title:	Gender Equity Officer



SUMMARY OF ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

MEETING DETAILS:	Title:	Darebin Active and Healthy Ageing Advisory Committee
	Date:	7 September 2023
	Location:	Conference Room, Darebin Civic Centre
PRESENT:	Councillors:	Cr Gaetano Greco (Chair)
	Council Staff:	Jeanne Poustie, Manager Supported & Connected Living Gillian Damonze, Coordinator Social Connection & Inclusion, Jette Achleitner, Community Engagement Officer, Ann Lupton Senior Team Leader Social Inclusion, Stephanie Lai, Senior Environment Strategy Officer
	Other:	
APOLOGIES:		1 Councillor, 4 members

The Meeting commenced at 3.10pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Federal aged care reforms - Council is preparing for national reforms that will affect how services will be delivered in the future.	No disclosures were made.
2	Age Friendly Darebin. Progresses made since 2019 report and focus points for committee.	No disclosures were made.
3	Darebin waste management review.	No disclosures were made.

SUMMARY OF MEETINGS – PUBLIC RECORD (CONT)

The Meeting concluded at 4.30pm

RECORD COMPLETED BY:	Officer Name:	Jette Achleitner
	Officer Title:	Community Engagement Officer



SUMMARY OF ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

MEETING DETAILS:	Title:	Councillor Briefing Session
	Date:	11 September 2023 at
	Location:	- Hybrid
PRESENT:	Councillors:	Mayor Williams, Cr Hannan Cr. Laurence (joined online from 4.45pm and from 5.05pm in person), Cr McCarthy, Cr Rennie
	Council Staff:	<p>Peter Smith, CEO</p> <p>Vanessa Petrie, General Manager City Sustainability and Strategy (Item 4.2)</p> <p>Kylie Bennetts, General Manager Community</p> <p>Tarnya McKenzie, General Manager Governance & Engagement (Item 4.1)</p> <p>Rachel Ollivier, General Manager Operations & Capital (Item 4.3 and 4.5)</p> <p>Enna Giampiccolo, Manager Governance and Communications</p> <p>Wendy Dinning Acting Manager Equity and Well Being (Item 4.1)</p> <p>Greg Phippen, Coordinator Property Services (Item 4.3)</p> <p>Seamus Lowe, Team Leader, Lease & Licensing (Item 4.3)</p> <p>Melanie McCarten, Manager Recreation and Libraries (Item 4.4) – and external presenters relating to the Community Gym Program.</p> <p>Chad Griffiths, Manager City Futures (Item 4.2 & 4.5)</p> <p>Neil Cooney, Acting Manager, City Development (item 4.2)</p>
	Other:	Georgie Ward (external presenter from Macquarie Lawyers) (Item 4.2)
APOLOGIES:		Cr Dimitriadis, Cr Greco, Cr Messina, Cr Newton.

The Meeting commenced at

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4.1	Streamlining Administration of Advisory Committees	No Disclosures were made
4.2	Planning Probity Procedures - Heading only (<i>report to be circulated separately</i>)	No Disclosures were made
4.3	Leasing & Licensing Policy - Draft	Cr Rennie declared an interest in relation to her position at Jika Jika and left the meeting. Cr McCarthy foreshadowed a potential conflict with respect to his employment.

SUMMARY OF MEETINGS – PUBLIC RECORD (CONT)

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4.4	East Reservoir Health and Wellbeing Outcomes - Community Gym Program (<i>No report, Presentation Only</i>)	No Disclosures were made
4.5	Extension of Temporary Parklets and new Outdoor Dining and Trading Policy - Heading only (<i>report to be circulated separately</i>)	No Disclosures were made

The Meeting concluded at

RECORD COMPLETED BY:	Officer Name: Enna Giampiccolo Officer Title: Manager Governance and Communications
-----------------------------	--



SUMMARY OF ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

MEETING DETAILS:	Title:	Councillor Briefing Session
	Date:	18 September 2023
	Location:	Hybrid: - In person – Chamber - Virtual
PRESENT:	Councillors:	Mayor Williams, Cr. Newton Cr Greco, Cr. Laurence (online from 4.50pm, in person from 5.04) Cr. McCarthy (online from 5.01pm), Cr. Rennie, Cr Dimitriadis (online from 5.39pm)
	Council Staff:	Peter Smith CEO Enna Giampiccolo, Acting General Manager City Sustainability and Strategy (items 4.1, 4.4, 4.6) Tarnya McKenzie, General Manager Governance & Engagement.(item 5.1) Lee McKenzie, Acting General Manager Operations & Capital Kylie Bennetts, General Manager Community (item 4.2, 4.5) Bobbie-Lea Bright, Acting Head Governance and Risk Chad Griffiths, Manager City Futures (item 4.1, 4.6) Hamish Jacobsen, Principal Strategic Planner (Item 4.1) Lee McKenzie, Manager Parks and Open Space (item 4.2) Allan Middlemast, Acting Manager Climate Emergency & Sustainable Transport (item 4.4) Wendy Dinning Acting Manager Equity and Wellbeing (item 4.3) Neil Cooney, Assistant Manager City Development (item 4.6) Jacqui Payne, Principal Planner (item 4.6) Alex McKenna-Cocks, Principal Planner (Item 4.6)
	Other:	
APOLOGIES:		Cr Hannan, Cr Messina.

The Meeting commenced at 3.59 pm.

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4.1	Amendment C210dare - Initial Open Space Contributions Changes and Next Steps	
4.2	Merri Common Grant Proposal	
4.3	Submission to the Federal Government Multicultural Framework Review	
4.4	Breen Street Open Streets Pilot - National Road Safety Action Grants	
4.5	Update of Feedback for Referendum	
4.6	687 - 705 High Street Preston - Preston Toyota Site	

The Meeting concluded at 6.32 pm.

RECORD COMPLETED BY:	Officer Name:	Enna Giampiccolo
	Officer Title:	Manager, Governance and Communications



SUMMARY OF COUNCILLOR ATTENDANCE AT ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

MEETING DETAILS:	Title:	CEO Employment Matters Committee
	Date:	18/09/2023
	Location:	Virtual Meeting
PRESENT:	Councillors:	Cr. Williams (Mayor) (Chairperson), Cr. Newton (Deputy Mayor), Cr. Greco
	Council Staff:	Yvette Fuller, Manager People & Culture
	External Attendees:	None
APOLOGIES:		Cr. Messina, Cr. Dimitriadis,

The Meeting commenced at 3pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Recruitment of Independent Chair – CEO Employment Matters Committee	No disclosures were made.

The Meeting concluded at 3.25pm

RECORD COMPLETED BY:	Officer Name:	Yvette Fuller
	Officer Title:	Manager People & Culture



SUMMARY OF ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

MEETING DETAILS:	Title:	Darebin Aboriginal Advisory Committee
	Date:	27 August
	Location:	High St Preston – Chambers
PRESENT:	Councillors:	Mayor Julie Williams; Cr Gaetano Greco; Cr Susan Newton; Cr Susan Rennie
	Council Staff:	Kylie Bennetts: Wendy Dinning, Stuart McFarlane, Cecile Tache, Kathie Duncan; Evander Mitchell, Naretha Williams, Kristy Dunn
	Other:	Uncle Alan Brown (Co-Chair), Uncle Owen Butler, Coen Brown, Worrelle Blow, Presenter Rob Patton
APOLOGIES:		Cr Trent McCarthy; Cr Tim Laurence; Aunty Erica Higgins; Uncle James Williams; Natalie Jamieson; Uncle John Brown

The Meeting commenced at 4.00pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Committee Update: Standing Agenda Items	No disclosures were made
2	Actions from previous meeting: Smoking Ceremony at Preston Chambers	No disclosures were made
3	Committee discussion: Festival and Events update: Ganbu Gulin Aboriginal Employment Programmes Officer Update: Aboriginal Employment Strategy	No disclosures were made

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
Climate Emergency Update: Climate Emergency Plan		
Voice to Parliament Update: Provided update on website and current social media activities		
Aboriginal Action Plan Update		
Recruitment of Advisory Committee Update		

SUMMARY OF MEETINGS – PUBLIC RECORD (CONT)

The Meeting concluded at 6.00pm

RECORD COMPLETED BY:	Officer Name:	Kathie Duncan
	Officer Title:	Co-ordinator Community Development and Wellbeing



SUMMARY OF ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

MEETING DETAILS:	Title:	Councillor Briefing Session
	Date:	2 October 2023
	Location:	- Hybrid In person – Chamber Virtual
PRESENT:	Councillors:	Mayor Williams, Cr. Susanne Newton, Cr. Emily Dimitriadis, Cr. Gaetano Greco, Cr. Laurence (left at 6.16pm), Cr McCarthy (virtual), Cr. Lina Messina, Cr Rennie
	Council Staff:	Peter Smith, CEO Vanessa Petrie, General Manager City Sustainability and Strategy (item 4.2) Kylie Bennetts, General Manager Community (item 4.3) Tarnya McKenzie, General Manager Governance & Engagement (item 4.1 & 4.4) Rachel Ollivier, General Manager Operations & Capital Jody Brodribb, Coordinator Governance Services Enna Giampiccolo, Manager Governance and Communications (item 4.1) Allan Middlemast, Acting Manager Climate Emergency & Sustainable Transport (item 4.2) Kevin de Leeuw, Team Leader, Transport Planning (item 4.2) Melanie McCarten, Manager Recreation and Libraries (item 4.3) Josie MacCartney, Leisure Major Projects Officer (item 4.3) Yvette Fuller, Manager People and Culture (item 4.4)
	Other:	Dale Hubner, Metropolis Research (external presenter)
APOLOGIES:		Cr Tom Hannan on an approved leave of absence.

The Meeting commenced at 5.19pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4.1	2023 Darebin Annual Community Survey Results	
4.2	Parking Permit Policy - Stage 2 Consultation Feedback and Draft Policy	
4.3	NARC Opening Events	
4.4	CONFIDENTIAL: EB Next Steps discussion with Councillors	

The Meeting concluded at 7.29pm

RECORD COMPLETED BY:	Officer Name:	Enna Giampiccolo
	Officer Title:	Manager Governance and Communications



SUMMARY OF COUNCILLOR ATTENDANCE AT ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

MEETING DETAILS:	Title:	CEO Employment Matters Committee
	Date:	2 October 2023
	Location:	Council Offices face to face
PRESENT:	Councillors:	Cr. Williams (Mayor) (Chairperson), Cr. Newton (Deputy Mayor), Cr. Dimitriadis, Cr. Greco, Cr. Messina
	Council Staff:	Peter Smith, CEO (from 4.25pm until 5.05pm) Yvette Fuller, Mgr People & Culture
	External Attendees:	Joe Carbone – Independent Chair
APOLOGIES:		N/A

The Meeting commenced at 4.10pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	CEO 6 month performance review	No disclosures were made.

SUMMARY OF MEETINGS – PUBLIC RECORD (CONTINUED)

The Meeting concluded at 5.15pm

RECORD COMPLETED BY:	Officer Name:	Yvette Fuller
	Officer Title:	Manager People & Culture



SUMMARY OF COUNCILLOR ATTENDANCE AT ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

MEETING DETAILS:	Title:	CEO Employment Matters Committee
	Date:	2 October 2023
	Location:	Council Offices face to face
PRESENT:	Councillors:	Cr. Williams (Mayor) (Chairperson), Cr. Newton (Deputy Mayor), Cr. Dimitriadis, Cr. Greco, Cr. Messina
	Council Staff:	Yvette Fuller, Mgr People & Culture
	External Attendees:	Joe Carbone – candidate Mark Dixon – candidate
APOLOGIES:		N/A

The Meeting commenced at 2.30pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Recruitment of Independent Chair, CEO Employment Matters Committee	No disclosures were made.

SUMMARY OF MEETINGS – PUBLIC RECORD (CONTINUED)

The Meeting concluded at 4.10pm

RECORD COMPLETED BY:	Officer Name:	Yvette Fuller
	Officer Title:	Manager People & Culture

TERMS OF REFERENCE

Darebin Nature Trust



<p>1. Application of these Terms of Reference</p>	<p>These Model Terms of Reference apply to all Community Advisory Committees, Community Reference Groups and similar groups formally constituted by resolution of Darebin City Council.</p> <p>For the purpose of this Model Terms of Reference, all such groups and committees are referred to as “the Committee”.</p>
<p>2. Purpose and Scope</p>	<p>The <i>purpose</i> of this Committee is to provide advice and recommendations (were appropriate) to Council in relation to the matters specified in Appendix A.</p> <p>In conducting its activities associated with its purpose and scope the Committee will;</p> <ul style="list-style-type: none"> • Conduct itself according to, and within, the Terms of Reference and any relevant Council resolution; • Inform itself of issues, opportunities, constraints and urgent actions relating to maintenance and promotion of the Committee; • Provide honest, considered, constructive and impartial advice to Council that will improve Council decision making; • Provide advice on strategic and other planning work to help set short and longer-term direction and action; • Foster a Committee culture that seeks to understand and explore diverse views of Committee members so that advice to Council reflects such diversity of views, and; • Report to Council periodically on its work, in order to ensure accountability for its conduct. <p>In providing advice, all members will be given every opportunity, encouragement and support to put their views before the Committee and that this will be considered in Darebin’s policy, program and project development.</p> <p>The <i>scope</i> of this Committee is to act in an advisory capacity to the Council only and has no delegated authority to make decisions.</p> <p>The Committee does not have an operational role and neither it, nor its members, may direct Council staff in the performance of their duties.</p> <p>The Committee shall have regard to and act in accordance with Council’s strategic objectives and priorities. Specifically, the Committee will have regard to the strategies, plans, frameworks, policies and plans referenced in Appendix A.</p>

<p>3. Committee Specific Protocols and Operating Practices</p>	<p>It is acknowledged that these model Terms of Reference may not in all instances provide the required or adequate clarity regarding a Committees functioning. To this extent, Committees may develop specific protocols and operating practices to supplement these ToR.</p> <p>These protocols and operating practices may deal with any matters that the Committee determines are relevant to the efficient and effective functioning of the Committee and may include matters such as consideration of the social and cultural diversity of the Darebin community, inclusiveness of multicultural, educational, religious, disability, youth, aged, sexual and gender communities, Aboriginal and Torres Strait Islander peoples, membership numbers, support for members to facilitate participation and consideration of sitting fees.</p> <p>Any such protocols and operating practices must not conflict with these ToR and must be endorsed by the Committee, the relevant General Manager and be attached to these ToR when formally adopted by Council. Should agreement not be reached by the Committee and the relevant General Manager, this will be escalated to the Chief Executive Officer.</p>
<p>4. Composition, Recruitment, Appointment and Tenure</p>	<p>This Committee comprises Councillor(s) appointed by Council annually and a Council Officer nominated by the Chief Executive Officer (both non-voting) and any other persons, and representatives of organisations as determined by resolution of Council and as specified in Appendix A.</p> <p>All Advisory Committees will sunset on 30 June following each General Council election, unless they have been re-established in the new Council term or the work of an Advisory Committee has been completed prior to this date.</p> <p>All appointments will be for an initial period of 2 years with the option for a further maximum period through to the 30 June in the year following each General Election upon. Current Committee members who wish to continue beyond their initial 2-year appointment must notify the Council Officer responsible for the administration of the committee in writing of their intention to do so.</p> <p>If the Council Officer (in consultation with existing Committee members) believes that staggered appointment terms are appropriate for the Committee, these may be instituted within the parameters of the 2 years period.</p> <p>All vacancies shall be publicly advertised by Council prior to appointment.</p> <p>Prospective candidates shall submit an Expression of Interest in a form and manner prescribed by Council to enable Council to consider their appointment to the Committee. The criteria for the appointment of members will be developed by the Council Officer based on the required skills and knowledge and the existing Council policy and practices that promote diversity and inclusion. The Council Officer will consult with the Committee regarding any skill or experience deficiency or gap in the existing Committee that may need to be specifically considered during a recruitment and appointment process.</p> <p>Where vacancies occur 'mid-term', replacement Committee members may be appointed by Council's Chief Executive Officer, subject to an Expression of Interest process as above.</p> <p>Committee members appointed as a result of a 'mid-term' vacancy will serve the balance of the former Committee member's term.</p>

	<p>A position becomes vacant if a Committee member fails to attend 3 consecutive meetings without reasonable grounds, on a case by case basis.</p> <p>A member may not complete more than 2 successive Council terms ie 8 years unless exceptional circumstances supporting the continuation of the members participation are demonstrated.</p> <p>Where a member is appointed to the Committee as a representative of a particular organisation a proxy may attend meeting on their behalf if the nominated person cannot attend.</p> <p>Council will appoint one proxy Councillor to each Committee annually. Councillors appointed as a proxy through the annual appointment process may attend Committee meetings.</p> <p>Notwithstanding any of the above, Council may at any time by resolution set a date or a milestone that when reached or completed causes the cessation of the Committee and the expiry of Committee members' terms.</p>
<p>5. Responsibilities, Duties and Conduct of Members</p>	<p>In performing the purpose of the Committee, members must act honestly, treat others with respect, exercise reasonable care and diligence, and not make improper use of their position or make improper use of information acquired because of their position.</p> <p>The expectation of members' behaviour is that they will behave with respect and openness by listening to one another and by allowing all members to have a voice. Respectful behaviour is inclusive of all Committee meetings, emails, correspondence, telephone calls and on-line meetings.</p> <p>Members must work co-operatively with other members, respect the authority of the Chair and meeting procedures and must not seek to dominate the meeting or insist or imply that their own views and ideas carry more weight than those of others.</p> <p>Members must respect the confidential and sensitivity of information as appropriate.</p> <p>Committee members will be required to participate in an induction workshop arranged by Council and may be required to participate in specified training relevant to the work of the Committee from time to time.</p> <p>Upon appointment, Chairs including Co-Chairs must undertake or demonstrate relevant recent training and proficiency in running effective meetings.</p> <p>Committee members must not speak for Council and are not authorised to speak to the media in respect of the Committee's activities and deliberations.</p> <p>Committee Members are required to abide by Council's Employee Code of Conduct to the extent applicable to volunteers and the Council's Volunteer Policy. Failure to abide by the conduct principles, (and relevant Council policies, including Council's Occupational Health and Safety Guidelines) will result in the member being deemed to be in breach of their obligations and may result in their removal from the Committee by a Council resolution, or in urgent circumstances by Council's Chief Executive Officer if the Chief Executive Officer considers that such action is necessary.</p>

6. Meetings

Attendance at Committee meetings is expected in normal circumstances and is critical to fulfilment of appointment as a member.

The Chairperson shall be appointed as specified in **Appendix A**.

Meetings will be held quarterly unless determined by the Committee Chair and Council Officer in order to allow for the timely consideration and provision of advice to Council on particular, time-sensitive matters from time to time. Committees may, with the approval of the relevant General Manager, meet more frequently on a limited and specific basis (if required).

Working Groups may be established as required for a specific purpose and on a limited timeframe to enable a focus on a specific task or project. These are subject to the approval by the relevant General Manager after consideration of their specific need, the availability of resources to support their operation and their agreed timeframes and tenure.

If the Chairperson is not present at a meeting, the Committee members will determine to appoint a Chairperson for the purposes of conducting the meeting.

The appointed Council officer will take responsibility for providing executive support to the Committee including provision of meeting agendas and minutes.

Committee agendas will be forward to Committee members by email no later than five working days before a scheduled meeting.

Minutes will be provided to Committee members and all Councillors no later than 10 working days of the meeting and will include a summary of discussions, details of any conflicts of interest disclosed and any decisions made. The Chair, including Co-Chairs, shall ratify the minutes of the meeting prior to their distribution. Formal endorsement of the minutes will occur at the subsequent Committee meeting.

Committee agenda items will be identified by Council Officers in consultation with the Chairperson. Members are able to request items to be listed subject to them being raised with the Council Officer and with the Chairpersons consent

Notice of any additional Committee meetings will be provided 2 weeks in advance.

Committee meetings may be held virtually

Committee meetings are closed to the public.

Special guests / subject matter experts may be invited to the meeting at the combined discretion of the Chair, including Co-Chairs and Council officer.

A quorum will be half of the voting Committee members plus one. In the absence of a quorum, a Chairperson may conduct the meeting for discussion purposes. Committees have no delegated authority to make decisions on behalf of Council, therefore any vote is on a position or recommendation to be made to Council if appropriate.

Whilst voting on matters is expected to be uncommon a member must be in attendance (either virtually or in person) to vote.

Any Conflicts of Interest must be declared and recorded at the commencement of the meeting. A member who has a conflict of interest must leave the meeting when the item is discussed.

<p>7. Transparency</p>	<p>In order to maintain transparency of Committee operations and in alignment with Council's Governance Rules the following information is to be published on Council's website in respect of each Committee:-</p> <ul style="list-style-type: none"> a) The Terms of Reference. b) The names of all members (where appropriate) c) Minutes of Advisory Committees meetings d) Reports of Committee activities (as reported biannually to Council) as prepared by Council Officers
<p>8. Opportunities for Cross Collaboration and Induction of Committee members</p>	<p>Council may, from time to time, facilitate meetings, forums, workshops and the like to enable the members of the various Committees to come together for knowledge sharing, professional development and the collaborative provision of advice as appropriate.</p> <p>Committees and new Committee members will be provided with an appropriate induction at the commencement of their term that includes an overview of the Council's structure and functions, the relationship of the Committee with Councillors and the community and any other matters to ensure they are well supported.</p>
<p>9. Reporting, Monitoring and Evaluation</p>	<p>The specific advice of a Committee in relation to a particular matter will be communicated to Council by the relevant Council officer in an appropriate format if and when required. The progress and activities of a Committee will be reported annually through a combined Council meeting report on the progress and activities of all Committees to be prepared by Council Officers. The operation of the Committee will be evaluated annually via a number of methods including self-evaluation of the Committee (arranged by the Council Officer) to ensure that the Committee is achieving its objectives. Results of the evaluation will be reported in the annual progress report.</p>

APPENDIX A

Name of Committee	Darebin Nature Trust
ToR Clause 2	<p>The <i>purpose</i> of this Committee is to provide a sounding board (where appropriate) to Council in relation to:</p> <ul style="list-style-type: none"> • Matters affecting biodiversity and the natural environment in Darebin's open space; • Identifying opportunities to improve biodiversity, open space and urban liveability for Darebin; • increasing the profile of Darebin's green spaces and local biodiversity to the broader community; • Raising awareness, educating and building community custodianship of our natural spaces so that Darebin's biodiversity is valued; and • Advocacy and action to secure, protect and enhance green space for current and future generations. <p>The Committee shall have regard to and act in accordance with Council's strategic objectives and priorities. Specifically, the Committee will have regard to the following strategies, plans, frameworks, policies and plans</p> <ul style="list-style-type: none"> • Community Vision • Council Plan • Towards Equality Framework • Statement of Commitment to Traditional Owners and Aboriginal and Torres Strait Islander People • Breathing Space: the Darebin Open Space Strategy
ToR Clause 3	<p>The Committee's guiding practices are to:</p> <ul style="list-style-type: none"> • Protect and enhance local biodiversity to create viable long-term habitat for flora and fauna within Darebin in the face of climate change. • Have an open space network that is planned and managed in an integrated way to achieve landscape, liveability and biodiversity outcomes. • Advocate for the acquisition of new land by Council that will increase access to and extent of Darebin's open space and further these objectives. • Increase community engagement to raise awareness and appreciation of nature and to foster long-term stewardship. • Actively support council's work related to biodiversity and the natural environment.
ToR Clause 4	<p>The membership of the Trust will comprise up to nine community members and three Councillor representatives.</p> <p>Community member appointments will be appointed by Council based on the following criteria:</p> <ul style="list-style-type: none"> • Representation of Darebin's culturally and linguistically diverse community; • A keen interest and passion for one or more of the following areas: biodiversity, ecology, open space management, urban design, community engagement and advocacy; • Complementary thinking that aligns with Darebin Council values; and • Capacity to provide advice to Council in a timely and appropriate manner.

ToR Clause 6

The Committee Chairperson shall be

- a) a Councillor
- b) a Councillor with a Community member as Co-Chair

9.12 DECLARATION OF A SPECIAL CHARGE: SOLAR SAVER ROUND 4.2 (BATCH 3)**Author:** Sustainability Programs Officer**Reviewed By:** General Manager City Sustainability and Strategy**EXECUTIVE SUMMARY**

The Solar Saver program is an action of the Council Plan 2021-25 and the Climate Emergency Plan. A target of 150 system installations has been set in the Council Plan Action Plan for 2023/24 for the Solar Saver program.

There are 16 installations enabled through this special charge declaration batch. The value of this proposed Special Charge scheme is \$106,141.34 excl. GST. This price is calculated pre-rebate, but after STC claim and excl. GST. (The gross amount, pre-rebate, pre-STC and incl. GST is \$148,197.87). If all expected rebates are provided, the Special Charge amount will be \$87,050.39 ex GST (after the Small Technology Certificate (STC) claim and Solar Victoria rebate).

If supported, Council will pay upfront for installation and supply of the solar power systems and split systems at properties as listed in Appendix A. Council will be repaid these costs, as detailed in confidential Appendix B. Around 30-40% of the gross cost is returned to Council at the point that works are invoiced for the STCs generated by the solar systems. Most participants are eligible for State Government rebates, and this will reduce the upfront cost to Council and the amount of the Special Charge that will be raised. This is estimated to be \$20,363.68 excl. GST.

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 residential properties participating in the Solar Saver scheme. No objections were received in response to the public notification process.

Officer Recommendation**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 is \$106,141.34; and
 - ii. Amount for the Special Charge to be levied is \$106,141.34, 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 confidential Appendix B to this report, in the amount specified in the table as applying to each piece of rateable land.
 - e. The following list is specified as the criteria that form the basis of the Special Charge so declared:
 - Ownership of any land described in paragraph 1(d) of this resolution.
 - f. The following is specified as the manner in which the Special Charge so declared will be assessed and levied:
 - i. A Special Charge calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the Solar Saver scheme, in respect of which an Agreement has been executed, totalling \$106,141.34 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.

BACKGROUND / KEY INFORMATION

Through its Council Plan, Council is committed to take action on the climate emergency. This is detailed in Big Action 3 and in Strategic direction 3, which both highlight Darebin's leadership in driving reductions in greenhouse gas emissions and support for vulnerable communities. In Strategic Objective number 3, Council has committed to take an adaptation approach and build resilience in the community by focusing on vulnerable communities. Strategic Action 3.1 supports the 4-year program to support solar installation and energy efficiency retrofits for our vulnerable households.

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 Solar Saver program round 4.2.

Over 1,800 households have participated in previous Darebin Council Solar programs.

Public Notice

On 22 September 2023 the CEO through its delegation authorised the intention to declare a Special Charge (**Appendix C**):

CEO Authorises, through its current instrument of delegation passed on 24 October 2022:

(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. *Cost of performing the function described in paragraph 1(b) of this resolution is \$106,141.34; and*
 - ii. *Amount for the Special Charge to be levied is \$106,141.34, 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 \$106,141.34 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 Payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.*

(2) *Council considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons that is over and*

above, or greater than, the benefit that is available to persons who are not subject to the proposed Special Charge, as a result of the expenditure proposed by the Special Charge, in that the properties will have the benefit of a solar energy system being installed.

- (3) 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) CEO will give public notice in *The Age* newspaper of Council's via authorisation of this report. Authorisation form has been included in this report as Appendix C.
- (5) Council will send separate letters, enclosing a copy of: authorisation form, Appendix C to this report; 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 any 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) CEO 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.'

Previous Council Resolution

At its meeting held on 24 October 2022, Council resolved:

- (1) 'Awards the appointment of *The Environment Shop Pty Ltd* as the trustee for *Environment Futures Trust*, trading as *EnviroGroup* as supplier of contract no. CT20222 for the *Darebin Solar Saver Program 2022 – 2025 for Supply - Residential and non-residential systems: up to 100kW*. The contract terms are to commence on 21 November 2022 and conclude on 30 June 2025 with the option to extend to 31 December 2025.
- (2) Awards the appointment of *The Environment Shop Pty Ltd* as the trustee for *Environment Futures Trust*, trading as *EnviroGroup* as supplier of contract no. CT20222 for the *Darebin Solar Saver Program 2022 – 2025 for Supply – Efficient Heating and Cooling systems: up to 10kW*. The contract terms are to commence on 21 November 2022 and conclude on 30 June 2025 with the option to extend to 31 December 2025. This will be subject to a trial of 20 installations in 2022-2023.
- (3) Authorises the General Manager City Sustainability and Strategy to finalise and execute the supply contracts on behalf of Darebin Council, and all subsequent

contracts associated with future implementation stages for supply - residential and non-residential solar PV systems during the contract period.

- (4) *Authorises the General Manager City Sustainability and Strategy to finalise and execute the supply contracts on behalf of Darebin Council, and all subsequent contracts associated with future implementation stages for supply - efficient heating and cooling systems during the contract period.*
- (5) *Authorises the General Manager City Sustainability and Strategy to review and approve contract variation requirements within the scope of service provisions and subject to satisfactory performance reviews. This includes the 6 months price variation allowed in the contract.*
- (6) *Authorises the General Manager City Sustainability and Strategy to exercise options for extensions if and when required.'*

At its meeting held on 24 October 2022, Council resolved:

- (3) *'In the exercise of the powers conferred by Section 11 of the Local Government Act 2020 (the Act) and the other legislation referred to in the attached Instruments of Delegation, resolves:*
 - a. *To delegate to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the 'Instrument of Delegation to the Chief Executive Officer (S5)' (Appendix B) subject to the conditions and limitations specified in that Instrument of Delegation.*
 - b. *To delegate to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in the 'Instrument of Delegation to members of Council staff (S6)' (Appendix C) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.*
 - c. *Adopts and affix Council's Common Seal to the following Instruments of Delegation provided as attachments to this report:*
 - i. *Instrument of Delegation from Council to the CEO (S5) (Appendix B);*
 - ii. *Instrument of Delegation from Council to members of Council Staff (S6) (Appendix C);*
 - d. *That these instruments come into force immediately the Common Seal of Council is affixed to each instrument.'*

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 3: Climate, Green and Sustainable

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 3: Climate, Green and Sustainable

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

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

This project is aligned to Strategic Action 3-1. Through Solar Saver 4-year program, support solar installation and energy efficiency retrofits for our vulnerable households, including public and social housing, and renters.

Batch 3 in round 4.2 of the Solar Saver program will see 84kW of solar powered generation added to Darebin's mix grid, this will help avoid 123.5 tCO₂ per year, which is equivalent of taking 46 cars off the road each year.

DISCUSSION

Proposed Special Charge declaration

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

In this case, the installation of solar energy systems on properties as part of the Solar Saver scheme arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district and promotes the social, economic and environmental viability and sustainability of the municipal district.

Each participating property has signed an Owner Agreement with Council to participate in the scheme, which includes the overall cost and repayments which would be paid by the property should the scheme be approved (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 **\$106,141.34** 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 Confidential **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:

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

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

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

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

G. Estimate Community Benefits

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

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

H. Calculate the Benefit Ratio

The benefit ratio is calculated as:

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

Where:

$$\begin{aligned} \text{TSB}_{(\text{in})} &= \$106,141.34 \text{ for the residential batch;} \\ \text{TSB}_{(\text{out})} &= 0 \\ \text{TCB} &= 0 \\ R &= 1 \end{aligned}$$

I. Calculate the Maximum Total Levy

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

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

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

$$\text{Therefore } \text{S} = 1 * \$106,141.34 = \$106,141.34$$

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 confidential **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.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

- Should the proposed Special Charge scheme proceed, Council will pay \$106,141.34 (excluding GST, pre-rebate and post-STC claim), for the supply and installation of the solar PV systems on the residential properties listed in **Appendix A**.
- Council will pay upfront costs for installation and supply of the solar power systems as listed in confidential **Appendix B**. 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 also expected to be eligible for state government rebates and this is expected to reduce the upfront cost to Council and Special Charges to be raised. **Officers estimate that the total upfront cost will be reduced by approximately \$20,363.68 excl GST after rebates are confirmed. Thus, Council will pay \$87,050.39 (post STC, post rebates, excl GST) if all rebates are approved.**
- The rebates adjustments will be made after Council's decision and when rebates and confirmation from all participants is confirmed.
- 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-February 2024.
- Council is expected to receive **\$10,614.13** 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 2023-2024 Q1 and Q2 budget.

Community Engagement

- 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 CEO authorisation on the 25 September 2023.

Other Principles 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.

Overarching Governance Principles and Supporting Principles

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

Public Transparency Principles

- (b) Council information must be publicly available unless (i) the information is confidential by virtue of this Act or any other Act; or (ii) public availability of the information would be contrary to the public interest;

Strategic Planning Principles

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

Service Performance Principles

- (c) quality and costs standards for services set by the Council should provide good value to the municipal community;

COUNCIL POLICY CONSIDERATIONS

Environmental Sustainability Considerations (including Climate Emergency)

The current residential batch is expected to see the installation of 46kW across 16 installations and an estimated equivalent annual greenhouse gas saving of 123.5 tCO₂-e.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

This batch is made up exclusively of households meeting the eligibility criteria set up by Council. All are expected to be eligible for the Solar Homes rebate from the Victorian Government. This program is also oriented to people facing discrimination as per eligibility criteria.

Economic Development and Cultural 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.

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

Operational Impacts

The Council Plan Action Plan 2023-24 includes a review of the Solar Saver program to inform future directions. An operating project budget of \$200,000 has been allocated, with a 150 system installations target.

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.

IMPLEMENTATION ACTIONS



The next step will 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.

RELATED DOCUMENTS

- *Local Government Act 1989 and 2020*
- The Macquarie Special Rates and Charges Manual 2012

Attachments

- Solar Saver 4.2 - Batch 2 - list of addresses and cost to Council (**Appendix A**) [↓](#) 
- Solar Saver 4.2 Batch 3 - Property addresses and prices (**Appendix B**) Confidential - enclosed under separate cover
- Authorisation form - Intention to declare a Special Charge - Solar Saver 4.2 batch 3 (**Appendix C**) [↓](#) 

DISCLOSURE OF INTEREST

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

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

DECLARATION OF A SPECIAL CHARGE

23 OCTOBER 2023

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

Addresses
2/3 Grampian Street, PRESTON VIC 3072
1/18-20 Vauxhall Road NORTHCOTE VIC 3070
13 Mt Pleasant Road PRESTON VIC 3072
3/2 Grampian Street PRESTON VIC 3072
15 Marjorie Street PRESTON VIC 3072
11 Boothby Street NORTHCOTE VIC 3070
10 Bourke Street RESERVOIR VIC 3073
16A Balgonie Place NORTHCOTE VIC 3070
7 Whalley Street NORTHCOTE VIC 3070
1/43 McMahon Road RESERVOIR VIC 3073
52 Simpson Street NORTHCOTE VIC 3070
155 Hughes Parade RESERVOIR VIC 3073
52 Sanctuary Drive BUNDOORA VIC 3083
27 South Street PRESTON VIC 3072
1/200 Rathmines Street FAIRFIELD VIC 3078
65A Northernhay Street RESERVOIR VIC 3073

Total cost to households (post STC, ex GST) and pre-Solar Victoria rebates applied	\$106,141.34
---	--------------

SUMMARY

TOTAL kilowatts to be installed	84kW
Number of installations	16
TOTAL cost to households (exc GST, post STC, pre rebate)	\$106,141.34
Projected price of STCs to be claimed (inc GST)	\$31,442.40
Projected rebates from Solar Victoria (exc GST)	\$20,363.68
Projected GROSS total cost to Council (inc GST, pre- STCs and pre-rebates)	\$148,197.87
Projected final cost to council (exc GST, post STCs, post Solar Victoria rebates)	\$87,050.39

INTENTION TO DECLARE A SPECIAL CHARGE

21 SEPTEMBER 2023

Appendix E**Authorisation form: INTENTION TO DECLARE A SPECIAL CHARGE - SOLAR SAVER (4.2 BATCH 3)**

CEO Authorises, through its current instrument of delegation passed on 24 October 2022:

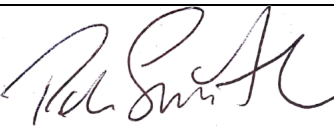
- (1) Council hereby gives notice of its intention to declare a Special Charge in accordance with section 163 of the Local Government Act 1989 (Act) as follows:
 - a) Council declares a Special Charge for the period commencing on the day on which Council issues a notice levying payment of the special 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. Cost of performing the function described in paragraph 1(b) of this resolution is \$106,141.34 exc GST (before rebates), if all expected rebates are approved the cost is \$87,050.39 exc GST; and
 - ii. Amount for the Special Charge to be levied is \$106,141.34 (before rebates), 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 \$106,141.34 exc GST (before rebates) 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

INTENTION TO DECLARE A SPECIAL CHARGE

21 SEPTEMBER 2023

- i. Payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.
- (2) Council considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the proposed Special Charge, as a result of the expenditure proposed by the Special Charge, in that the properties will have the benefit of a solar energy system being installed.
- (3) 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) CEO will give public notice in The Age newspaper of Council's via authorisation of this report. Authorisation form has been included in this report as **Appendix E**.
- (5) Council will send separate letters, enclosing a copy of: authorisation form, Appendix E to this report; Appendix B 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 any 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) CEO 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.

CEO: Peter Smith

Approved	Not approved
	
Date: Sep 22, 2023	Date:

**9.13 CEO EMPLOYMENT MATTERS COMMITTEE -
INDEPENDENT CHAIR****Author:** Manager People & Culture**Reviewed By:** General Manager, Governance and Engagement

EXECUTIVE SUMMARY

Council is required to have and enforce a CEO Employment and Remuneration Policy under *Section 45 of the Local Government Act 2020*. To facilitate the requirements under the Act, Council established a CEO Employment Matters Committee in 2017. To assist the Committee, Council engages an Independent Chair. The role is currently filled by an interim Chair pending the completion of a recruitment process.

The Committee have undertaken a recruitment process and are recommending the appointment of their preferred candidate for a two-year period with the opportunity of extension for a further two years.

Officer Recommendation

That Council adopts the CEO Employment Matters Committee recommendation to appoint Joe Carbone as the Independent Chair on a two-year contract from November 2023 until 30 October 2025.

BACKGROUND / KEY INFORMATION

The *Local Government Act 2020* (Section 45) requires:

- (1) *A Council must develop, adopt and keep in force a Chief Executive Officer Employment and Remuneration Policy.*
- (2) *A Chief Executive Officer Employment and Remuneration Policy must—*
- a) *provide for the Council to obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy; and*
 - b) *provide for the following—*
 - (i) the recruitment and appointment process;*
 - (ii) provisions to be included in the contract of employment;*
 - (iii) performance monitoring;*
 - (iv) an annual review.*

Council first established a CEO Employment Matters Committee in April 2017. Council is not required to have a CEO Employment Matters Committee or an Independent Chair. The establishment of the Committee for this purpose is considered a best practice approach to manage the employment and performance of the CEO and the high demand on the time and effort of elected Councillors.

The role of the Independent Chair is to assist the Employment Matters Committee with the above-mentioned activities.

Previous Council Resolution

At its meeting held on 27 February 2023, Council resolved (in part):

“That Council:

- (13) Authorise the extension of the interim Independent Chair of the CEO Employment Matters Committee, Joe Carbone, until such time as Council appoints an Independent Member following a recruitment process.”*

At its meeting held on 28 November 2022, Council resolved (in part):

“That Council:

(11) Appoints Joe Carbone, former independent HR Advisor to Council, as the interim Independent Chair of the CEO Employment Matters Committee up to 27 February 2023 at an agreed hourly rate, delegated to the General Manager Governance and Engagement to finalise.

(12) Notes that the CEO Employment Matters Committee Charter, CEO Employment and Remuneration Policy will be reported to Council at its December meeting, accompanied by a recommendation to advertise the Independent Chair, CEO Employment Matters Committee position.”

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 1: Vibrant, Respectful and Connected

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

4.1 We will ensure balanced and responsible financial decision making that meets the needs of our community now and into the future

DISCUSSION

An Interim Independent Chair, Joe Carbone, was appointed in November 2022 pending the outcome of a recruitment process to be undertaken by the Manager People & Culture.

The role of Independent Chair was advertised publicly for recruitment on 3 August 2023 until 13 August 2023. The position was advertised on Seek.

Council received three applications for the position. Two candidates met the key selection criteria and were shortlisted by the Manager People & Culture for interview.

Both candidates were interviewed on 2 October 2023 by the Employment Matters Committee and the Manager People & Culture. On 4 October 2023 the Employment Matters Committee selected their preferred candidate who was then referenced checked and Police Checked. The Committee is recommending to Council that Joe Carbone is the preferred candidate for the role of the Independent Chair, CEO Employment Matters Committee.

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

The Independent Chair will be remunerated in accordance with the market.

Other Principles for consideration**Overarching Governance Principles and Supporting Principles**

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

Public Transparency Principles

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

Strategic Planning Principles

- (a) an integrated approach to planning, monitoring and performance reporting is to be adopted;

Service Performance Principles

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

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

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

Equity, Inclusion, Wellbeing and Human Rights Considerations:

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

Economic Development and Cultural Considerations

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

Operational Impacts

There are no factors in this report which impact operations.

IMPLEMENTATION ACTIONS

The successful candidate will be informed by the Manager of People & Culture and a contract will be provided.

The unsuccessful candidates will be informed.

RELATED DOCUMENTS

- *Local Government Act 2020*
- CEO Employment and Remuneration Policy
- CEO Employment Matters Committee
- Recruitment and Selection Policy

Attachments

NIL

DISCLOSURE OF INTEREST

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

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

10. ITEMS TO BE TABLED

Nil

11. NOTICES OF MOTION

11.1 USING FIRST NATIONS PLACE NAMES ON MAIL AND CORRESPONDENCE

Councillor: Susanne NEWTON

NoM No.: 15/2023

Take notice that at the Council Meeting to be held on 23 October 2023, it is my intention to move:

That:

- (1) *Council notes that since August 2020, Gomeroi woman Rachael McPhail has been campaigning to have First Nations place names included on Australian postal addresses through the Place Names in Addresses campaign: https://www.instagram.com/place_names_in_addresses/ This has been welcomed and endorsed by Australia Post.*
- (2) *Council receives a report about including First Nations place names on mail, correspondence and all Darebin communications including but not limited to:*
 - a. *letters and correspondence such as rate notices, information letters, Darebin Community News*
 - b. *e-newsletters and social media*
 - c. *staff email signatures and*
 - d. *any other forms of communication such as online forms, fines notices, etc.*
- (3) *This report and recommendations for a way forward be presented to Council for consideration by May 2024.*
- (4) *Council notes that this Notice of Motion has received the support of the Darebin Aboriginal Advisory Committee (DAAC) at their October meeting.*

Notice Received: 9 October 2023

Notice Given to Councillors: 9 October 2023

Date of Meeting: 23 October 2023

Rationale:

In Darebin's Statement of Commitment to Traditional Owners and Aboriginal and Torres Strait Islander People, Council "acknowledges the Wurundjeri Woi-wurrung people as the traditional owners and custodians of the land and waters we now call Darebin and affirms that the Wurundjeri Woi-wurrung people have lived on this land for millennia, practising their customs and ceremonies of celebration, initiation and renewal.

Council acknowledges that Elders past, present and emerging are central to the cohesion, intergenerational wellbeing and ongoing self-determination of Aboriginal communities.

They have played and continue to play a pivotal role in maintaining and transmitting culture, history and language.” <https://www.darebin.vic.gov.au/-/media/Council/Files/Community-and-pets/Aboriginal-Darebin/Our-commitment/StatementofCommitment2019pdf.ashx>

In this light, Council should recognise that we are on Wurundjeri land in all correspondence and communications.

Since Rachael McPhail began campaigning for Australia Post to recognise First Nations place names on correspondence, Australia Post has accepted and endorsed this call. <https://www.broadsheet.com.au/national/city-file/article/australia-post-agreed-include-first-nations-place-names-in-addresses>

By adding First Nations place names to all Council correspondence and communications, we can support and elevate recognition and understanding of our past, present and future on Wurundjeri land.

Attachments

Nil

12. URGENT BUSINESS

13. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

In accordance with Section 66(2) of the *Local Government Act 2020*, Council may resolve to close the meeting to members of the public to consider the following items, deemed to be confidential in accordance with Section 3(1) of the Act for the reasons indicated:

13.1 CEO Performance Review

This item is designated confidential because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs, pursuant to Section 3(1) (f) of the Act.

CLOSE OF MEETING

Recommendation

That in accordance with section 66(2) of the *Local Government Act 2020*, Council resolves to close the meeting to members of the public to consider the items designated confidential by the Chief Executive Officer on the basis that the matters are confidential in accordance with Section 3(1) of the Act.

RE-OPENING OF MEETING

Recommendation

That the meeting be re-opened to the members of the public.


14. CLOSE OF MEETING

**CITY OF
DAREBIN**

274 Gower Street, Preston
PO Box 91, Preston, Vic 3072
T 8470 8888 F 8470 8877
E mailbox@darebin.vic.gov.au
darebin.vic.gov.au

 **National Relay Service**
relayservice.gov.au

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

 **Speak your language**
T 8470 8470

العربية	Italiano	Soomalil
繁體中文	Македонски	Español
Ελληνικά	नेपाली	اردو
हिंदी	ਪੰਜਾਬੀ	Tiếng Việt