



the place
to live

AGENDA OF THE ORDINARY COUNCIL MEETING

To be held on Monday 31 January 2022 at 6.00pm

This Council Meeting will be held virtually.

This meeting will be closed to the public pursuant to Section 395 of the Local Government Act 2020.

This meeting will 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. QUESTION AND SUBMISSION TIME	2
7. PETITIONS	3
8. CONSIDERATION OF REPORTS	4
8.1 GOVERNANCE REPORT - JANUARY 2022	4
8.2 PROPERTY MATTERS (DEFERRED FROM 15/12/2021).....	22
8.3 PROPERTY MATTERS	34
8.4 INVESTMENTS RELATING TO NUCLEAR WEAPONS	67
8.5 FINANCIAL REPORT FOR THE THREE MONTHS ENDED 30 SEPTEMBER 2021.....	85
8.6 CONTRACT AWARD - CT2021114 - DAREBIN RESOURCE RECOVERY CENTRE - CONCRETE RETAINING WALL, PAVEMENT AND DRAINAGE CONSTRUCTION	109
8.7 APPOINTMENT OF INDEPENDENT HR ADVISOR	117
9. NOTICES OF MOTION	118
9.1 IMPLEMENTATION REPORT ON LOVE LOCAL CARD	118
9.2 EXTENDING PENSIONER RATE REBATE TO OFFSET INTRODUCTION OF WASTE CHARGES.....	119
9.3 UNNAMED LANEWAY.....	120
9.4 PRESTON MARKET	121
9.5 EXTENDING CONCESSIONS TO ALL RESIDENTIAL PROPERTY OWNERS	123
9.6 EXPLORING OPTIONS TO RESPOND TO THE STATE WIDE RECYCLING VICTORIA REFORMS	124
9.7 SEPARATE WASTE CHARGE	125
9.8 CLEMENTS RESERVE SOIL CONTAMINATION COMMUNITY UPDATE	126
10. URGENT BUSINESS.....	127
11. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL	127
12. CLOSE OF MEETING.....	127

Agenda

1. OPENING OF MEETING AND MEMBERSHIP

Cr. Lina Messina (Mayor) (Chairperson)

Cr. Trent McCarthy (Deputy Mayor)

Cr. Emily Dimitriadis

Cr. Gaetano Greco

Cr. Tom Hannan

Cr. Tim Laurence

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

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 15 December 2021, the Special Council Meeting held on 23 December 2021 at 5pm and the Special Council Meeting held on 23 December at 6pm be confirmed as a correct record of business transacted.

6. QUESTION AND SUBMISSION TIME

Members of the public can lodge questions for Council to answer at an Ordinary Council meeting.

Due to the current COVID-19 health crisis and associated requirements, residents and interested persons are strongly encouraged to view this Council meeting online.

The meeting will not be open to the public and accordingly public questions to be answered at the meeting will only be received up until 12.00 noon on the day of the meeting.

QUESTIONS

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

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

Questions from the gallery must be submitted in writing to the Council Officer in attendance in the gallery prior to the commencement of the meeting.

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

In accordance with the Council 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 OR COMMENTS

Due to the meeting not being open to members of the public no submissions or comments will be able to be made on reports listed on the agenda.

HOW TO SUBMIT YOUR QUESTION OR MAKE A COMMENT OR SUBMISSION

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

- (A) ONLINE AT DAREBIN.VIC.GOV.AU/QUESTIONSANDSUBMISSIONS; OR
- (B) BY MAIL TO PO BOX 91, PRESTON 3072.

COUNCIL MEETINGS CAN BE VIEWED AT THE WATCH COUNCIL AND PLANNING COMMITTEE MEETINGS WEB PAGE.

AGENDAS WILL BE AVAILABLE FOR VIEWING ON COUNCIL'S WEBSITE AT THE 'MEETING AGENDAS AND MINUTES' PAGE BY 5PM, UP TO 6 DAYS PRIOR TO THE DATE OF THE MEETING.

7. PETITIONS

8. CONSIDERATION OF REPORTS

8.1 GOVERNANCE REPORT - JANUARY 2022

Author: Senior Council Business Officer

Reviewed By: General Manager, Governance and Engagement

EXECUTIVE SUMMARY

The matters covered under the Governance Report for the month of January 2022 are:

- Summary of Advisory Committees, Councillor Briefing and other informal meetings of Councillors;
- Reports by Mayor and Councillors;
- Responses to the questions taken on notice during Public Question Time at the Council Meeting held on 15 December 2021;
- Change the name of 'Darebin Women's Advisory Committee' to 'Gender Equity Advisory Committee';
- Administrative Protocol for the Conduct of Virtual Council Meetings

Officer Recommendation

That Council:

- (1) Notes the Governance Report – January 2022.
 - (2) Notes the Summary of Advisory Committees, Councillor Briefings and other Informal Meetings of Councillors 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) Notes the responses to the questions taken on notice during Public Question Time at the Council meeting held on 15 December 2021, at **Appendix B** to this report.
 - (5) Endorses changing the name of 'Darebin Women's Advisory Committee' to 'Gender Equity Advisory Committee'
 - (6) Approves the 'Administrative Protocol for the Conduct of Virtual Council Meetings' at **Appendix C** to this report.
-

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 the Reports of Standing Committees (for example the Hearing of Submissions Committee), Summary of Meetings (for example Briefings, Advisory Committee), responses to Public Questions taken on notice and reports by Mayor and Councillors.

Instead of having multiple reports for these governance / administrative matters on each agenda, it is considered appropriate to consolidate these matters in one single standing report to provide a single reporting mechanism for a range of statutory compliance, transparency and governance matters.

This is in accordance with best practice, good governance principles, transparent and accountable reporting of governance activities and to ensure compliance with the requirements of the Act, Council's Governance Rules and related regulations. This report additionally incorporates matters including but not limited to reporting of advisory committees, items relating to the delegation of Council powers, policy and strategy reporting, and the reporting on Councillors expenses.

DISCUSSION

The matters covered in this Governance Report are:

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

In accordance with Council's Governance Rules 2020 for any meeting of an Advisory Committee established by Council attended by at least one Councillor or a scheduled or planned meeting to discuss the business of Council or to brief Councillors, and which is attended by at least half of the Councillors and one member of Council staff and which is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting the Chief Executive Officer must ensure that a summary of the meeting is:-

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

The summary of the meeting should include a) the time, date and location of the meeting, b) the Councillors in attendance, c) the topics discussed, d) the positions of Council officers in attendance, e) the organisation that any attendees external to council are representing and f) any conflicts of interest declared, including the reason. A Summary of the following Advisory Committees, Councillor Briefings or other Informal Meetings of Councillors are attached at **Appendix A** to this Report:

- Active and Healthy Ageing Advisory Committee – 18 November 2021
- Darebin Disability Advisory Committee – 6 December 2021
- Darebin Women's Advisory Committee – 7 December 2021
- Active and Healthy Ageing Advisory Committee – 9 December 2021
- Councillor Briefing Session – 13 December 2021

Reports by Mayor and Councillors

The Mayor and Councillors submit their monthly report by 4.00pm on the day of each Ordinary Council Meeting, detailing their attendance at various functions and activities since the last Council Meeting. Reports submitted by Mayor and Councillors will be recorded in the minutes of this meeting.

Responses to Public Questions taken On Notice – Council meeting 15 December 2021

Pursuant to the Councils Governance Rules the response to a question from the public taken on notice must be recorded in the minutes of the next Ordinary Council meeting.

Questions taken on notice at the Ordinary Council meeting held on 15 December 2021 and subsequently responded to are provided in **Appendix B** to this report.

Change the name of ‘Darebin Women’s Advisory Committee’ to ‘Gender Equity Advisory Committee’

Darebin Women’s Advisory Committee at its meeting held on 7 December 2021 proposed to change the name of the Committee to ‘Gender Equity Advisory Committee’. The voting was unanimous in favour of the name change.

The proposed change reflects sector change and ensures that gender-diverse persons are included in the discussion. ‘Gender Equity Advisory Committee’ is more inclusive, contemporary, and appropriate. It recognises the structural barriers facing anyone who identifies as a woman, gender diverse or non-binary.

It is proposed that the Council endorses the name change of the Committee.

Administrative Protocol for the Conduct of Virtual Council Meetings

The COVID-19 pandemic has seen the introduction of State health restrictions and public health advice which continue to affect the conduct of Council meetings.

The State Government amended the Local Government Act 2020 in early 2020 to allow for Council meetings to be conducted online instead of in person. These provisions have been extended twice and are currently due to cease in April 2022, although it is anticipated that they will be further extended. Further, the Minister for Local Government released guidelines pursuant to Section 87 of the Act: the Local Government Minister’s Good Practice Guideline MGPG - 1: Virtual Meetings, which articulated the general rules that all Councils need to comply with when they conduct virtual meetings.

Local Government Victoria also undertook consultation with the sector in mid-2021 on the broader issue of permitting Councils to conduct virtual meetings permanently. The status of this matter and timeframes for any permanent change is not yet known.

The City of Darebin has complied with the Minister’s guidelines in its conduct of virtual meetings to date and has developed the ‘**Administrative Protocol for the Conduct of Virtual Council Meetings**’ to complement and supplement these guidelines and to;

- a) clearly articulate the decision-making criteria that the Chief Executive Officer will consider when determining whether to hold a meeting online; and
- b) provide ‘specific’ direction insofar as how the City of Darebin conducts its virtual meetings (in particular its public question time and submission process) having specific reference to our Governance Rules.

The ‘Administrative Protocol for the Conduct of Virtual Council Meetings’ is provided at **Appendix C** to this report for approval 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

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

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

There are no direct financial management issues to be considered.

Overarching Governance Principles and Supporting Principles

- (a) Council decisions are to be made and actions taken in accordance with the relevant law;
- (i) the transparency of Council decisions, actions and information is to be ensured.

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

Nil

Equity, Inclusion, Wellbeing and Human Rights Considerations:

Nil

IMPLEMENTATION STRATEGY

NA

Related Documents

Nil

Attachments

- Summary of Meetings of Councillors - 31 January 2022 (**Appendix A**) [!\[\]\(7e90f000b36d0318f53f471e0cf2674e_img.jpg\) !\[\]\(ec19932ea4fdddc186babe562d5a17b6_img.jpg\)](#)
- Record of Public Questions taken on notice - 15 December 2021 (**Appendix B**) [!\[\]\(82fecf9f48916476d55ecb5856a527cd_img.jpg\) !\[\]\(303a19e32f3d5dd460d6d2e8bec087a7_img.jpg\)](#)
- Administrative Protocol for the Conduct of Virtual Council Meetings 2022 (**Appendix C**) [!\[\]\(f8c646e6c2b957fa13f2030898e73dd8_img.jpg\) !\[\]\(0f3b789e2a00e442b124b67569e5d6f6_img.jpg\)](#)

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:	AHAAC – Active and Healthy Ageing Advisory Committee induction meeting
	Date:	Thursday 18 November 2021
	Location:	Online (Zoom)
PRESENT:	Councillors:	Cr. Greco, Cr. Rennie, Cr. Williams
	Council Staff:	Kerry McGrath, GM Community Shadi Hanna, Manager Supported & Connected Living Stephen Mahon, Coordinator Council Business Gillian Damonze, Coordinator Social Connection & Inclusion Jette Achleitner, Community Engagement Officer
	Other:	Nicholas Nicholau, Win Stenton, Geoffrey Richards, Amanda Tan, Eric Black, Nalliah Suriyakumaran, Marion Harper, Raymond Cocking, Peter Byrne, Diana Pais, Dulcie Hook, Karen Bruce
APOLOGIES:		

The briefing commenced at 3pm and concluded at 4.36pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Overview of Darebin Council	No disclosures were made
2	Council advisory committee induction	
3.	Perspective and learnings from returning AHAAC members	
4.	Committee governance	

The meeting concluded at 4.35pm

RECORD COMPLETED BY:	Officer Name:	Jette Achleitner
	Officer Title:	Community Engagement Officer Supported and Connected Living

This form is to be completed by the nominated Council Officer and returned to the Council Business Team within 3 working days for inclusion the agenda of the next Council meeting and in the register available for public inspection.



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

MEETING DETAILS:	Title:	Darebin Disability Advisory Committee
	Date:	6 December 2021
	Location:	MS Teams online
PRESENT:	Councillors:	No Councillors were present
	Council Staff:	Jess Fraser, Manager Equity and Wellbeing Ania Sieracka, Community Development Officer Access and Inclusion Jade Myconos, Community Development Officer Economic Participation Katherine Kiley, Senior Team Leader Access and Inclusion Jette Achleitner, Community Engagement Officer, Supported and Connected Living
	Other:	Nil
APOLOGIES:		Councillor Julie Williams, Virginia Mahoney (community member)

The Meeting commenced at 11.06am

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Present and apologies	No disclosures were made.
2	Matters arising from previous minutes / drop off zone items and a round table check in	No disclosures were made.
3	Welcome to new members	No disclosures were made.

SUMMARY OF MEETINGS – PUBLIC RECORD (CONT)

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4	Commemorating a past DDAC member	No disclosures were made.
5	DDAC Terms of Reference (ToR)	No disclosures were made.
6	Review of 2021	No disclosures were made.
7	Priorities for 2022	No disclosures were made.
8	Work experience program and IDPwD project	No disclosures were made.
9	General Business	No disclosures were made.
10	Meeting feedback	No disclosures were made.

The Meeting concluded at 1.02 pm

RECORD COMPLETED BY:	Officer Name:	Ania Sieracka
	Officer Title:	Community Development Officer Access and Inclusion

This form is to be completed by the nominated Council Officer and returned to the Council Business Team within 3 working days for inclusion the agenda of the next Council meeting and in the register available for public inspection.



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

MEETING DETAILS:	Title:	Darebin Women's Advisory Committee
	Date:	Tuesday 7 December 2021
	Location:	Council Chambers / Zoom
PRESENT:	Councillors:	Councillor Emily Dimitriadis
	Council Staff:	Samuel Muchoki, Disa Linden-Perlis, Sally Lay, Jessica Chaaban
	Other:	Members of the Darebin Women's Advisory Committee (11)
APOLOGIES:		Members of the Darebin Women's Advisory Committee (3)

The Meeting commenced at 5.34pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Welcome, Acknowledgment of Country, Apologies	No disclosures were made. One members resignation was noted.
2.	Actions arising from previous meeting	No disclosures were made.
3.	Gender Equity and Preventing Violence Against Women Plan – Key Achievements and Focus Areas Presentation	No disclosures were made.
4.	Committee name change	No disclosures were made. Committee voted in favour of name change – <i>Gender Equity Advisory Committee</i> .
5.	Key Council Plan actions / projects relevant to the Committee in 2022	No disclosures were made.
6.	Other business: <ul style="list-style-type: none"> • Northcote Golf Course consultation • 2022 Committee meeting dates 	No disclosures were made.

SUMMARY OF MEETINGS – PUBLIC RECORD (CONT)

The Meeting concluded at 7.02pm

RECORD COMPLETED BY:	Officer Name:	Samuel Muchoki
	Officer Title:	Acting Coordinator Equity and Diversity

This form is to be completed by the nominated Council Officer and returned to the Council Business Team within 3 working days for inclusion the agenda of the next Council meeting and in the register available for public inspection.



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

ASSEMBLY DETAILS:	Title:	Active and Healthy Ageing Advisory Committee
	Date:	Thursday 9 December 2021
	Location:	Zoom
PRESENT:	Councillors:	Cr Gaetano Greco Cr Susan Rennie
	Council Staff:	Shadi Hanna Manager Supported & Connected Living (SCL), Gillian Damonze Coordinator SCL, Jette Achleitner Community Engagement Officer SCL
	Other:	Marika Bosinova, Nicholas Nicholau, Win Stenton, Geoffrey Richards, Amanda Tan, Eric Black, Lis De Vries, Marion Harper, Raymond Cocking, Peter Byrne, Dulcie Hook, Karen Bruce
APOLOGIES:		Cr Greco attended at 4.30pm

The Assembly commenced at 4pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Review of AHAAC Terms of Reference	ToR to be updated
2	Age Friendly Darebin – history and updates	
3.	Priorities for 2022	

The Assembly concluded at 5.40pm

RECORD COMPLETED BY:	Officer Name:	Jette Achleitner
	Officer Title:	Community Engagement Officer Supported and Connected Living

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



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

MEETING DETAILS:	Title:	Councillor Briefing
	Date:	Monday 13 December 2021
	Location:	Council Chamber, Preston
PRESENT:	Councillors:	Cr. Messina, Cr. Greco, Cr. Hannan, Cr. Newton, Cr. Rennie, Cr. Williams Cr. McCarthy joined the meeting at 3.54pm Cr. Dimitriadis joined the meeting at 6.03pm
	Council Staff:	Sue Wilkinson, CEO Jodie Watson, GM Governance & Engagement (Items 4.2, 4.3, 5.1, 5.2, 5.4) Sam Hewett, GM Operations and Capital (Item 5.3) Rachel Ollivier, GM City Sustainability and Strategy (Item 4.1) Kerry McGrath, GM Communities Srini Vasam, A/Manager Finance (Item 4.2) Kassia Gibbs, Coordinator Corporate Strategy (Item 4.3) Chad Griffiths, Manager City Futures (Item 4.1) Stevie Meyer, Coordinator Strategic Planning (Item 4.1)
	Other:	Kate Oliver, Maddocks Lawyers
APOLOGIES:		Cr. Laurence

The briefings commenced at 3.00pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4.1	Planning Committee pre-briefing	No conflicts were disclosed
4.2	Investments associated with Nuclear Weapons	No conflicts were disclosed
4.3	2022/23 Planning and Budget Process	No conflicts were disclosed
	General Business	
5.1	IntoWork Update	No conflicts were disclosed

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
5.2	Draft Sale of Minor Council Property Policy – update on consultation	No conflicts were disclosed
5.3	Northcote Golf Course	No conflicts were disclosed
Councillor Only Session		
5.4	Legal briefing	Sue Wilkinson declared a conflict of interest and left the meeting prior to the commencement of this Item.

The briefing concluded at 6.25pm

RECORD COMPLETED BY:	Officer Name:	Jodie Watson
	Officer Title:	General Manager Governance & Engagement

This form is to be completed by the nominated Council Officer and returned to the Council Business Team within 3 working days for inclusion the agenda of the next Council meeting and in the register available for public inspection.

Question and Submission Time

Council Meeting – 15 December 2021

**Question and Submission Time –
Questions taken on notice**

Pursuant to the Councils Governance Rules the response to a question from the public taken on notice must be recorded in the minutes of the next Ordinary Council meeting.

At the Council meeting held on 15 December 2021, the following questions were taken on notice by the Chairperson, Mayor Messina

Name: John Nugent of Epping

1. Could you please advise if the mean spirited instructions delivered by your GM that there will be no photo copying of anything for the customers who come to front desk in Customer Service. Will this policy change in 2022?

Response from General Manager Governance and Engagement

Customer Service does not offer the service of printing or scanning documents for community members. This service is offered through our Libraries where community members can access computers, printers and scanners.

This is a longstanding practice that has been in place for a number of years. Whilst key Council documents are available in print form to assist customer requests and key documents such as Council meeting agendas, minutes and public registers are available to review, there are no plans to offer a photocopying or print service of documents through Customer Service.

2. Could you please advise when will the Preston Market Parking and Leasing out the city oval to NFNL in September be finalised? Mayor Messina this is your ward and you also know that the shopkeepers lose between 10 and 20% of their income on match days. Mayor Messina isn't about time that that this Council finally lookout for the shopkeepers? There is a win/win situation (available) but its not up to me to tell highly paid executive s what is the resolution?

Response from Coordinator Strategic Planning

Council is able to enforce car parking restrictions put in place by the privately owned site. On market days, all users have 2 hours free and another 2 hours ticketed. Any car staying longer than that will be liable for a fine. Council does not have the authority to restrict the type of person or visitor that may park in the car park. Further, the use of the Preston City Oval by NFNL during finals requires alternative parking sites to be established at the TAFE college and the promotion of sustainable transport options for both teams and patrons.

3. Could you please advise if our Managers are responsible for checking that the work force start work on time then Mayor Messina who checks that the Executive staff start work?

Response from General Manager Governance and Engagement

All staff, including executive staff, are employed by the Chief Executive Officer. They are responsible for the operations of Council, and they or their delegate is responsible for staff meeting set expectations which are outlined in a variety of operational policies

A5818487

Question and Submission Time**Council Meeting – 15 December 2021**

Name: Carolyn Lunt of Northcote

Councillors you may not be aware that the green material used to make the bike lanes is coming away from the surface of the road and is collecting in the gutters. This material seems to be glass or plastic and will end up in our waterways.

1. What is Council doing to prevent this litter from entering our waterways?

On Friday 3 December I noticed slurry flowing onto the Merri Creek bank, the slurry had come from 8 Ross Street. They were having their roof done and the roofing company washed the slurry down the stormwater drain. For 35 years of my 40 years living there I have been trying to get Council to look at the illegal stormwater flow.

I rang the Council on 3 December and they said to ring the EPA. I rang the EPA who emailed me and stated it was a Council responsibility. Council is looking at it but it took 8 days. This shows that the Council and the EPA, nobody is really concerned about our water ways.

2. What is the Council doing to address the issue of an illegal stormwater drain and to remove the slurry in a careful manner.

Response from General Manager, Operations and Capital

Officers have contacted Ms Lunt in relation to her enquires.

She has been advised that the materials used in green bike lanes is generally glass. Council encourages the use of recycled materials to reduce the impact on our environment. It is typical for a portion of the surface to wear, as is typical with any road surface such as asphalt. The Department of Transport has also approved this material for its roads.

Question 1

Council shares your concerns about waterway litter and has more than 30 gross pollution traps across the municipality catching litter before it enters waterways.

We also work closely with Melbourne Water and the EPA on joint priorities – most recently on joint efforts to improve water quality at Edwardes Lake.

In relation to the matter at Ross St, Council's inspector attended and spoke with you about this incident. The stormwater drain in question is not deemed illegal because it was not illegal at the time the property was built, so council does not have authority to retrospectively require compliance with current standards. We'll continue working with EPA and Melbourne Water on these issues.

Question 2

A number of Council staff, inspectors and engineers have discussed this matter with you on site and over the phone. Inspection of the concrete slurry has determined that removal will cause more soil disturbance and may encourage more weed growth at the site. Stormwater will continue to drain and we hope the source material will reduce over time.

A5818487

City of Darebin
Administrative Protocol for the Conduct of Virtual
Council Meetings

31 January 2022

The COVID-19 pandemic in 2020, 2021 and continuing into 2022 has seen the introduction of State health restrictions and public health advice which continue to affect the conduct of Council meetings. In particular, the stay-at-home restrictions and advice, mask-wearing requirements, density provisions and social distancing requirements have all operated or continue to operate to protect the safety of Councillors, staff and the community. They have also had an impact on how Council meetings can operate.

The State Government amended the *Local Government Act 2020* in early 2020 to allow for Council meetings to be conducted online instead of in person. These provisions have been extended twice and are currently due to cease in April 2022, although it is anticipated that they will be further extended. Further, the Minister for Local Government released guidelines pursuant to Section 87 of the Act: the Local Government Minister's Good Practice Guideline MGPG - 1: Virtual Meetings, which articulated the general rules that all Councils need to comply with when they conduct virtual meetings.

It is also worth noting that Local Government Victoria undertook consultation with the sector in mid-2021 on the broader issue of permitting Councils to conduct virtual meetings permanently. The status of this matter and timeframes for any permanent change is not yet known.

Due to the rapid and unpredictable changes in COVID-19 restrictions, health advice, or other circumstances, operational decisions about the conduct of Council meetings will sometimes be made at short notice by the Chief Executive Officer.

The City of Darebin has complied with the Minister's guidelines in its conduct of virtual meetings to date and this administrative protocol is being introduced to complement and supplement these guidelines and to;

- a) clearly articulate the decision-making criteria that the Chief Executive Officer will consider when determining whether to hold a meeting online; and
- b) provide 'specific' direction insofar as how the City of Darebin conducts its virtual meetings (in particular its public question time and submission process) having specific reference to our Governance Rules.

Decision-making criteria for conducting a meeting online

In determining whether to hold a Council meeting online rather than in person, the Chief Executive Officer will consider:

1. the safety of Councillors, Council staff and members of the public;
2. compliance with legal restrictions, public health advice and occupational health and safety requirements; and
3. maximizing Community access to enable community members to observe the

Council meeting, whether in person or online.

These criteria also apply to working out operational arrangements for in-person Council meetings during the pandemic, including setting a limit on observer numbers if needed, along with any associated registration process.

Ordinary Council Meetings - Public Question Time and the Making of Submissions

The City of Darebin Governance Rules articulate the process and timeframes for persons wishing to submit questions during Public Question Time (PQT) and to make submissions on Council reports at Ordinary Council Meetings.

For virtual meetings held to date, public questions lodged by the prescribed 12.00 noon deadline on the day of the Council Meeting have been read out by the Mayor and answered where possible. It has not been possible for questioners to be 'admitted' to the virtual meeting to ask their question. Similarly, the practice of persons wishing to make a submission prior to a Council report matter has been suspended.

This protocol provides that PQT questioners and persons wishing to make a submission who wish to attend a meeting virtually, will be admitted to the virtual meeting with all the provisions set out in the Governance Rules being applicable with the exception of the timeframes for the lodgment of public questions and the registering of an intention to make a submission. These altered timeframes will facilitate time for the orderly liaison and coordination of PQT questions and submissions.

For community members who wish to "attend" virtual Ordinary Council Meetings to ask their question(s) or make their submissions "in person", the following timeframes apply:

- lodgment of public questions via the normal methods must be done by 8.00 am on the day of the meeting.
- registering of intention to make a submission on an item at an Ordinary Council Meeting must be done by 8.00 am on the day of the meeting.

A Council officer will contact community members who have requested to "attend" and who have met the relevant requirements of the Governance Rules and this Protocol, to make appropriate arrangements.

For community members who wish to submit their questions or submissions but not attend the meeting virtually, the Governance Rules requirements and timeframes continue to apply (ie lodgement by 12 noon).

Virtual or In Person Meetings

Council Meetings will be held either in person or virtually. Council will not conduct a hybrid model of 'in person' and virtual meeting for attendance by one or more Councillors or for Community members.

Information and advice

In planning and adjusting arrangements for Council meetings during the pandemic, the CEO and staff will consider requirements, guidelines, advice and information as relevant including:

- (1) Current State Government of Victoria COVID restrictions (or other restrictions as described)
- (2) Other relevant State or federal public health and safety advice

- (3) Relevant legislation including *Local Government Act 2020*, and legislation enacted as part of State of Emergency provisions
- (4) Local Government Minister's Good Practice Guideline MGPG-1: Virtual Meetings (as updated and amended) and any other advice from Local Government Victoria
- (5) The City of Darebin Governance Rules
- (6) Relevant Council resolutions on changes to the delivery of service during the COVID-19 pandemic
- (7) Any other relevant feedback from Councillors, staff and community

Notification

Councillors and the community will be advised as soon as reasonably possible of relevant changes to the conduct of Council meetings and appropriate notifications placed on Council's website.

If any members of the public have previously registered to attend or speak at a meeting, and arrangements for the meeting have needed to change, then those members of the public will be specifically advised of changes affecting their presence or participation.

Authorised

Approved by Council at its meeting on 31 January 2022

8.2 PROPERTY MATTERS (DEFERRED FROM 15/12/2021)**Author:** General Manager, Governance and Engagement**Reviewed By:** Chief Executive Officer

EXECUTIVE SUMMARY

This report provides Council an update on the completion of the statutory procedures to discontinue the road adjoining 1 and 3 Merrilands Road and 4 Hughes Parade, Reservoir.

The report further recommends the land from the discontinued road be sold to the owners of 4 Hughes Parade, Reservoir, by private treaty in accordance with Council Policy.

Officer Recommendation

Discontinued road adjoining 1 and 3 Merrilands Road and 4 Hughes Parade, Reservoir**That Council:**

1. Notes that following completion of the statutory procedures under section 206 and clause 3 of Schedule 10 to the Local Government Act 1989 for the discontinuance and sale of the road adjoining the rear of 1 to 11 Merrilands Road, 4 to 10 Hughes Parade and 12 Asquith Street, Reservoir, the owners of both 1 and 3 Merrilands Road, Reservoir have declined to purchase from Council the land adjoining their properties shown as Lots 10 and 8 respectively on Title Plan TP967921V (version 8) in **Appendix A**.
 2. Directs that the land from the discontinued road, shown as Lot 5 on Title Plan TP967921V (version 6) in **Appendix A** be sold to the owners of 4 Hughes Parade, Reservoir, by private treaty in accordance with Council Policy.
 3. Authorises the Chief Executive Officer to sign all documents relating to the sale of the land.
 4. Transfers to itself any land from the road not sold.
 5. Authorises the Chief Executive Officer to undertake all actions required to transfer to Council any land not sold.
-

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 and proposed Road declarations. In accordance with best practice and good governance principles reporting of property matters has been consolidated into one single standing report.

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 2020 Act, 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 2020 Act

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, it is recommended that Council 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.

Previous Council Resolutions

At its meeting held on 26 April 2021, resolved:

"That Council:

Having given public notice of a proposal to discontinue the road adjoining adjoining the rear of 1 to 11 Merrilands Road, 4 to 10 Hughes Parade and 12 Asquith Street, Reservoir, shown hatched on **Appendix A** to this report, and having considered/heard the submissions from the owners of 1, 3, 5 and 11 Merrilands Road in accordance with section 223 of the *Local Government Act 1989*:

- (a) Has formed the opinion that the road shown in the statutory plan in **Appendix A** and coloured yellow on the aerial view in **Appendix B** to this report, is no longer required for road purposes;
- (b) Discontinues the road in accordance with section 206 and schedule 10, Clause 3 to the *Local Government Act 1989*;
- (c) Directs that a notice be published in the Victoria Government Gazette;

- (d) Directs that the land from the road be sold by private treaty to the owners of the adjoining properties at 8 Hughes Parade, 10 Hughes Parade, 5 Merrilands Road, 7 Merrilands Road and 12 Asquith Street, Reservoir, in accordance with Council policy and transfer to itself any land from the road not sold to the adjoining property owners, in accordance with Council policy;
- (e) Directs that specifically having taken into consideration the submissions from the owners of 1 and 3 Merrilands Road, the land from the road located at the rear of 4 Hughes Parade and 1 & 3 Merrilands Road be divided in a fair and equitable manner and sold by private treaty to the owners of 4 Hughes Parade, 1 Merrilands Road and 3 Merrilands Road, in accordance with Council's Sale of Minor Council Property Assets Policy.
- (f) Authorises the Chief Executive Officer to sign all documents relating to the sale of any land from the discontinued road to the owners of the adjoining properties and to do all other acts to enable any land from the Road not sold to the adjoining property owners to be transferred to Council; and
- (g) 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 road in connection with any sewers, drains or pipes under the control of Yarra Valley Water and Darebin City Council in or near the road.
- (h) Directs that the Chief Executive Officer notify in writing each person who has made a separate submission of the decision of Council and the reasons for the decision, the reasons being:
 - (i) Council considers that the road is not reasonably required as a road for public use.
 - (ii) that Council considers that it is acting in accordance with the functions and powers conferred upon it under the Local Government Act 1989 (Vic), having regard to its role, purposes and objectives, particularly in relation to the efficient management of resources in Council's control and having regard to the long-term occupation and use of the road.

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 3: Climate, Green and Sustainable

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's property portfolio must meet current service needs while providing the flexibility to meet future requirements. Roads, reserves, revenue strips and other pieces of land of unusual shape and limited usefulness that are less than 200m² in area (collectively referred to as minor Council property assets) were originally set aside in early plans of subdivision for a particular purpose, such as access or drainage.

In many cases these parcels of land are still required for and need to remain open and available to the public. In situations where a minor Council property asset is no longer reasonably required for that purpose or any other strategic purposes it may be considered surplus and suitable for sale.

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

The purchase price has been determined through an independent valuation and all associated transfer costs have been agreed with the Applicant through a signed letter of offer.

This work will be undertaken within current budget parameters.

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

(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)**

The land is currently occupied as passive open space and any future use of the land will be guided through planning and building regulations and controls.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

An Equity Impact Assessment (EIA) / Gender Impact Assessment has been conducted.

The proposed sale of land process undertaken was confirmed to accord with suitable EIA measures. This included that that all adjoining landowners were:

- afforded an equal opportunity to purchase the land
- had financial capacity to purchase
- protect their current and future property rights
- ensure that each adjoining landowner were not prohibited by language barriers or Covid related issues (which affected their ability to respond).

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 given the land is not actively managed as public open space and all drainage rights are reserved in favour of Yarra Valley Water.

Legal and Risk Implications

Any legal or other risks and governance implications associated with the matter have been highlighted in the reporting to Council.

IMPLEMENTATION ACTIONS



Timeline

It is expected that all relevant actions will be implemented within 4 - 6 weeks of Councils decision.

RELATED DOCUMENTS

- *Local Government Act 1989*
- *Local Government Act 2020*
- *Road Management Act 2004*
- Sale of Minor Council Property Assets Policy 2015

Attachments

- Appendix A - Sites & Plans (**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

Discontinued road adjoining 1 and 3 Merrilands Road and 4 Hughes Parade, Reservoir

To contextualise the property matter:

- Victoria Government Gazette notice is shown as **Figure 1**.
- The Title Plan TP967921V (version 8) is shown as **Figure 2**.
- The Title Plan TP967921V (version 6) is shown as **Figure 3**.
- The Aerial View is shown as **Figure 4**.

Figure 1 - Victoria Government Gazette notice discontinued road adjoining 1 and 3 Merrilands Road and 4 Hughes Parade, Reservoir

Victoria Government Gazette

G 22 3 June 2021

1091

**GOVERNMENT AND OUTER BUDGET
SECTOR AGENCIES NOTICES**

DAREBIN CITY COUNCIL

Road Discontinuance

Pursuant to section 206 and Schedule 10, Clause 3 of the **Local Government Act 1989**, the Darebin City Council at its ordinary meeting held on 26 April 2021, resolved to discontinue the road adjoining the rear of 1 to 11 Merrilands Road, 4 to 10 Hughes Parade and 12 Asquith Street, Reservoir, shown on the plan below and to sell the land from the road by private treaty to the adjoining property owners and to transfer to itself any land not sold to the adjoining property owners.

The land from the road shown E-1 on the plan below is to be sold subject to the right, power or interest held by Yarra Valley Water in connection with any sewers, drains or pipes under the control of that authority in or near the road.

The land from the road shown E-2 on the plan below is to be sold subject to the right, power or interest held by Darebin City Council in connection with any drains or pipes under the control of that authority in or near the road.

The land from the road shown E-3 on the plan below is to be sold subject to the right, power or interest held by both Yarra Valley Water and Darebin City Council in connection with any sewers, drains or pipes under the control of those authorities in or near the road.



SUE WILKINSON
Chief Executive Officer

Figure 2 – Title Plan TP967921V (version 8) discontinued road adjoining 1 and 3 Merrilands Road and 4 Hughes Parade, Reservoir

TITLE PLAN		EDITION 1	TP967921V	
LOCATION OF LAND PARISH: KEBUNODORA TOWNSHIP: - SECTION: - CROWN ALLOTMENT: - CROWN PORTION: 13 (PART) LAST PLAN REFERENCE: L96681 DEPTH LIMITATION: 99% NOT APPLY TITLE REFERENCE: VOL10145 FOL858 MGA CO-ORDINATES: E 324 480 APPROX. CENTRE OF LAND BY PLAN: N 5 828 000 ZONE 55		WARNING THIS PLAN REPRESENTS AN EXPECTED DIVISION OF LAND. ANY ONE LOT MAY NOT HAVE BEEN CREATED. CHECK THE LOT/PLAN INDEX FOR CURRENT INFORMATION.		
		NOTATIONS LOT 5 HAS BEEN OMITTED FROM THIS PLAN. THIS PLAN IS NOT BASED ON SURVEY.		
EASEMENT INFORMATION				
LEGEND: E- ENCUMBERING EASEMENT OR CONDITION IN CROWN GRANT IN THE NATURE OF AN EASEMENT OR OTHER ENCUMBERANCE A- APPURTENANT EASEMENT B- ENCUMBERING EASEMENT (ROAD)				
EASEMENT REFERENCE	PURPOSE	WIDTH (METRES)	ORIGIN	LAND BENEFITED/IN FAVOUR OF
E-1 & E-3	AS PROVIDED FOR IN SEC.287C LGA 1989	SEE DIAGRAM	SEC.287C LGA 1989	YARRA VALLEY WATER
E-2 & E-3	AS PROVIDED FOR IN SEC.287C LGA 1989	SEE DIAGRAM	SEC.287C LGA 1989	DAREBIN CITY COUNCIL
SEE SHEET 2 FOR DIAGRAM				
SHEET 1 OF 2 SHEETS ORIGINAL SHEET SIZE: A3		LICENSED SURVEYOR ANDREW CLUNTON SMITH		FILE NO : LGD
BARKER MONAHAN A DIVISION OF TERRAIN CONSULTING GROUP PTY LTD SURVEYORS, DEVELOPMENT AND LOCAL GOVERNMENT CONSULTANTS 4/10 HUB STREET, LEV 3/00 224 RIVER STREET, TRARALGO TELEPHONE 9418 4333 FAX 9410 5389 E-MAIL: survey@barkermonahan.com.au		SIGNATURE DATE / /		DEALING CODE : LGA
		REF: 99362 COMPUTER FILE: 99362PL04G	VERSION 08 DATE: 01/07/2021	

Figure 3 - Title Plan TP967921V (version 6) discontinued road adjoining 1 and 3 Merrilands Road and 4 Hughes Parade, Reservoir.

TITLE PLAN		EDITION 1		TP967921V	
LOCATION OF LAND PARISH KEOBUNDORA TOWNSHIP - SECTION - CROWN ALLOTMENT - CROWN PORTION 13 (PART) LAST PLAN REFERENCE LP8481 DEPTH LIMITATION DOES NOT APPLY TITLE REFERENCE VOL.4984 FDL723 MGA CO-ORDINATES E 324 480 (APPROX. CENTRE OF LAND IN PLAN) N 5 826 000 ZONE 55				WARNING THIS PLAN REPRESENTS AN EXPECTED DIVISION OF LAND. ANY ONE LOT MAY NOT HAVE BEEN CREATED. CHECK THE LOT/PLAN INDEX FOR CURRENT INFORMATION.	
				NOTATIONS	
				THIS PLAN IS NOT BASED ON SURVEY.	
EASEMENT INFORMATION					
LEGEND: E- ENCUMBERING EASEMENT OR CONDITION IN CROWN GRANT IN THE NATURE OF AN EASEMENT OR OTHER ENCUMBRANCE A- APPURTENANT EASEMENT R- ENCUMBERING EASEMENT (ROAD)					
EASEMENT REFERENCE	PURPOSE	WIDTH (METRES)	ORIGIN	LAND BENEFITED/IN FAVOUR OF	
E-1 & E-3	AS PROVIDED FOR IN SEC.207C LGA 1989	SEE DIAGRAM	SEC.207C LGA 1989	YARRA VALLEY WATER	
E-2 & E-3	AS PROVIDED FOR IN SEC.207C LGA 1989	SEE DIAGRAM	SEC.207C LGA 1989	DAREBIN CITY COUNCIL	
SEE SHEET 2 FOR DIAGRAM					
SHEET 1 OF 2 SHEETS ORIGINAL SHEET SIZE: A3		LICENSED SURVEYOR ANDREW CLINTON SMITH SIGNATURE DATE / /		FILE NO : LGD DEALING CODE : LGA	
BARKER MONAHAN A DIVISION OF TERRAIN CONSULTING GROUP PTY LTD SURVEYORS, DEVELOPMENT AND LOCAL GOVERNMENT CONSULTANTS 501 OLDFIELD ROAD, PRESTON 3072 P.O. BOX 1546 HEIDELBERG WEST 3012 TELEPHONE 9478 9100 FAX 9478 1588 EMAIL survey@barkermonahan.com.au		REF. 19362 VERSION 06 COMPUTER FILE: 19362TP.DWG DATE: 26/10/2020			

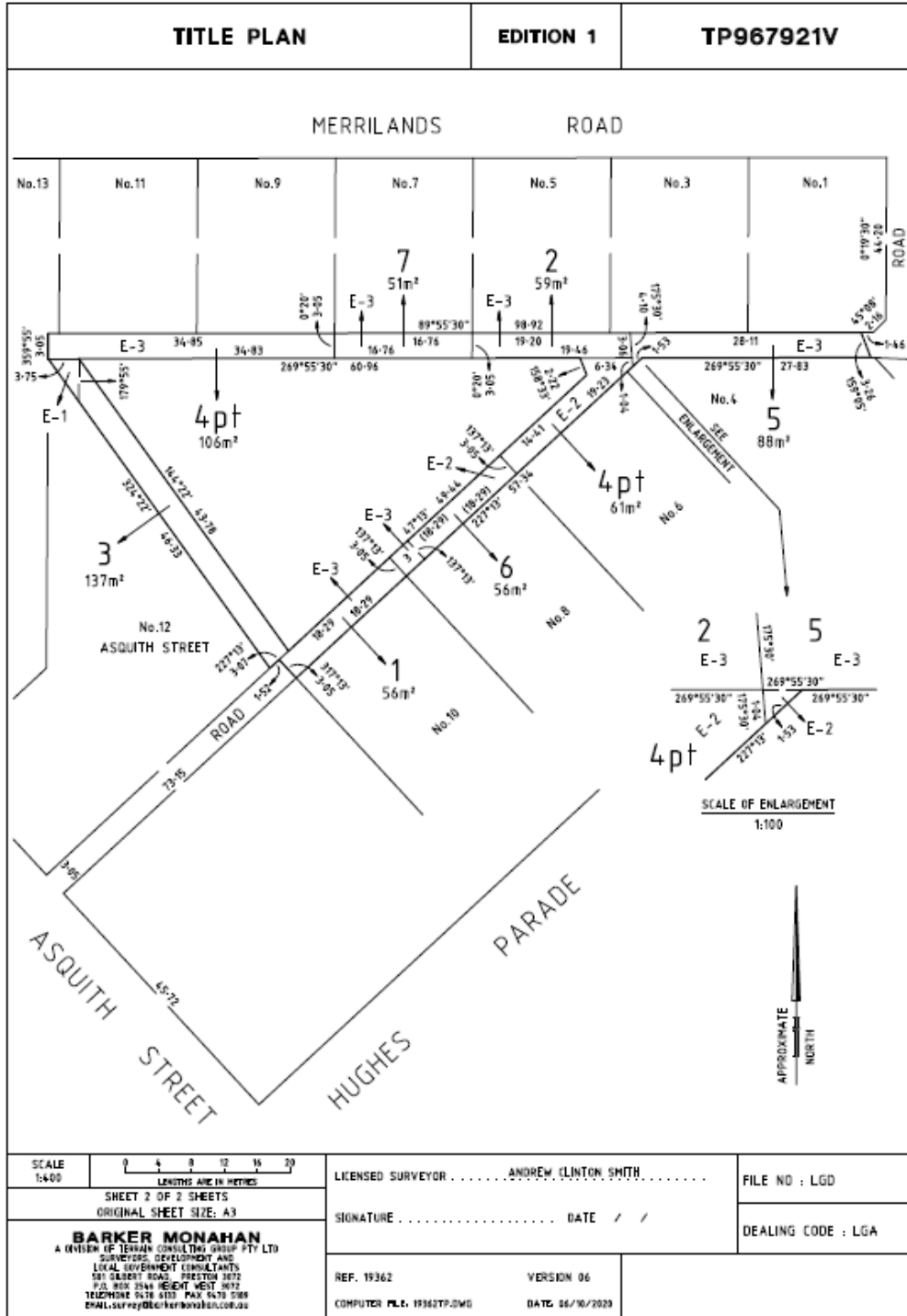


Figure 4 - Aerial View discontinued road adjoining 1 and 3 Merrilands Road and 4 Hughes Parade, Reservoir



Background Information discontinued road adjoining 1 and 3 Merrilands Road and 4 Hughes Parade, Reservoir

On 26 April 2021, Council resolved to discontinue the road adjoining the rear of 1 to 11 Merrilands Road, 4 to 10 Hughes Parade and 12 Asquith Street, Reservoir, and to sell the land by private treaty to the adjoining property owners in accordance with Council policy. The discontinuance was gazetted in the Victoria Government Gazette on 3 June 2021, shown in **Figure 1**.

In relation to the sale of part of the land adjoining the properties at 1 and 3 Merrilands Road and 4 Hughes Parade, Reservoir, Council directed that, after it had taken into consideration the submissions received from the owners of 1 and 3 Merrilands Road, the land at the rear of the properties be divided in a fair and equitable manner and sold by private treaty to the three adjoining owners of 1 and 3 Merrilands Road and 4 Hughes Parade, in accordance with Council policy.

In accordance with this decision, the land from the discontinued road at the rear of the properties was divided into three equal portions shown as Lots 8, 9 and 10 on Title Plan TP969921V (version 8) in **Figure 2**.

Letters of Offer to acquire the land from council were subsequently forwarded to the owners of 1 and 3 Merrilands Road and 4 Hughes Parade. In response, the owners of 1 and 3 Merrilands Road have expressed no interest in acquiring Lots 10 and 8, respectively.

The owners of 4 Hughes Parade have agreed to acquire Lot 9 on Title Plan TP969921V (version 8) and have also expressed an interest in acquiring the remaining lots if the owners of 1 and 3 Merrilands Road were not interested.

Given that the owners of 1 and 3 Merrilands Road no longer have an interest in the land, Council is in a position to sell all of the land to the owners of 4 Hughes Parade, Reservoir by private treaty, in accordance with its policy. This allocation would accord with the long-term occupation and use of the land by the owners of 4 Hughes Parade.

The owners of 4 Hughes Parade had previously signed a Letter of Offer to acquire all of the land from the road adjoining their property shown as Lot 5 on Title Plan TP969921V (version 6) in **Figure 3** at market value as well as meeting a share of the reasonable costs associated with Council discontinuing the road and it is proposed to revert to this Offer in moving forward with this proposal.

COMMUNICATIONS AND ENGAGEMENT

All immediate adjoining property owners were consulted as part of the formal procedures for the proposed discontinuance and sale of the road. As part of the formal process, the owners of both 1 and 3 Merrilands Road lodged written submissions with Council and addressed Councils Hearing of Submissions Committee at its meeting held on 29 March 2021 in support of their submissions.

Following the discontinuance of the road, the owners of 1 and 3 Merrilands Road and 4 Hughes Parade were once again consulted and provided with a Letter of Offer to confirm their interest or otherwise in purchasing part of the discontinued road from Council, in line with Council's decision of 26 April 2021.

The owners of 1 and 3 Merrilands Road have expressed no interest in acquiring the land allocated to them and have offered no objection to the land being sold to the owners of 4 Hughes Parade.

The owners of 4 Hughes Parade have confirmed their interest in acquiring the land shown as Lot 5 on Title Plan TP969921V (version 6) in **Figure 3** at market value as well as meeting a share of the reasonable costs associated with Council discontinuing the road

OPTIONS FOR CONSIDERATION

Option 1 – Abandon the Proposal or Do Nothing

Council could resolve to abandon the proposal, take no action or may make no resolution on the matter. This option would mean that the land would continue to remain vested in Council and with the adjoining property owners at 4 Hughes Parade continuing to occupy the land. Council may be perceived as knowingly encouraging and enabling property owners to continue to occupy other parcels of land within Darebin to the detriment of the community (whether financially or as a benefiting right). Council may, at some time in the future, resolve to recommence the statutory process for the sale of the land.

Option 2 – Proceed with the Sale of the land (Recommended)

Council could resolve to proceed with the sale of the land. This would be consistent with the statutory procedures which have been completed and in accordance with the wishes of the 3 abutting property owners. Benefits of finalizing the sale will result in the receipt of revenue from the sale of the land which is no longer required for its original purpose.

IMPLEMENTATION STRATEGY

- Arrange for the land to be sold and transferred to the owners of 4 Hughes Parade, Reservoir, by private treaty in accordance with Council policy.
- Arrange for the land to be transferred to Council's ownership if not sold.

8.3 PROPERTY MATTERS**Author:** Manager Property & Asset Strategy**Reviewed By:** Chief Executive Officer

EXECUTIVE SUMMARY

This report provides Council an update on the completion of the statutory procedures for the proposed sale of the discontinued right of way/road adjoining 7 Dumbarton Street and 55 Dundee Street, Reservoir.

The report also seeks Council approval to commence statutory procedures for the following property matters:

- (1) Discontinued road at the rear of 16 Furzer Street and 17 Hosken Street, Reservoir.
- (2) Proposed discontinuance and sale of right of way/road at the rear of 116 Leamington Street and Units 3 and 4/105 Barton Street, Reservoir; and

Officer Recommendation

Recommendation 1:**Discontinued road adjoining 7 Dumbarton Street and 55 Dundee Street, Reservoir**

That Council:

Having given notice of intention under section 114 of the Local Government Act 2020 to sell the land from the discontinued road adjoining the rear of 7 Dumbarton Street and 55 Dundee Street, Reservoir, shown hatched on the site plan in **Appendix A** and shown as Lot 15 on Title Plan TP884494Y in **Appendix A** and having received no submissions in respect of this proposal:

1. Directs that the land be sold by private treaty to the owner of 7 Dumbarton Street, Reservoir, in accordance with Council policy.
2. Authorises the Chief Executive Officer to sign all documents relating to the sale of the land.

Recommendation 2:**Road at the rear of 16 Furzer Street and 17 Hosken Street, Reservoir**

That Council:

1. Commences the statutory procedures under section 114 of the Local Government Act 2020 to sell the land from the discontinued road adjoining 16 Furzer Street and 17 Hosken Street, Reservoir, shown as being part of Lot 2 (in two parts) shown hatched on Title Plan TP877742W **Appendix A** to the owners of 16 Furzer Street, Reservoir, by private treaty in accordance with Council Policy.
2. Gives notice of its intention to sell the land on Council's website and in such notice states that Council proposes to sell the land from the former road to the owners of 16

Furzer Street, Reservoir, by private treaty and transfer to itself any land not sold, in accordance with Council policy.

3. As part of its community engagement process, Council invites both written and verbal submissions on the proposed sale and deal with any submissions received in line with the principles set out in section 223 of the Local Government Act 1989.
4. That any submissions received be considered by Council's Hearing of Submissions Committee at a meeting to be held on 15 March 2022.

Recommendation 3:

Road at the rear of 116 Leamington Street and Units 3 and 4/105 Barton Street, Reservoir

That Council:

1. Commences the statutory procedures under section 206 and clause 3 of Schedule 10 to the *Local Government Act 1989* to discontinue and sell the Road at the rear of 116 Leamington Street and Units 3 and 4/105 Barton Street, Reservoir, shown hatched in Figure 1 in **Appendix A**, and section 114 of the *Local Government Act 2020* to sell the land from the Road; and
2. Gives public notice under section 223 of the *Local Government Act 1989* and section 114 of the *Local Government Act 2020* in the appropriate newspapers and on Council's website of the intention to discontinue the road and sell the land to the owner of 116 Leamington Street, Reservoir by private treaty and transfer to itself any land from the Road not sold in accordance with Council policy.
3. As part of its community engagement process, Council invites both written and verbal submissions on the proposed sale and deal with any submissions received in line with the principles set out in section 223 of the Local Government Act 1989.
4. That any submissions received be considered by Council's Hearing of Submissions Committee at a meeting to be held on 15 March 2022.

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 and proposed Road declarations. In accordance with best practice and good governance principles reporting of property matters has been consolidated into one single standing report.

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 2020 Act, 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 2020 Act

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, it is recommended that Council invite both written and verbal submissions on the proposal, and deal with any submissions received, in line with the Community Engagement Policy and in accordance with the Community Engagement Plan contained within this report.

Through the Community Engagement Plan, 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. This approach aligns to the principles of s223 of the Local Government Act 1989.

Previous Council Resolutions

Discontinued road adjoining 7 Dumbarton Street and 55 Dundee Street, Reservoir

At its meeting held on 26 July 2021, Council resolved:

That Council defer this item until contact is made with the owners at 55 Dundee Street, Reservoir, so that Council can ensure due process for all directly affect parties before any decision is made on this matter.

Discontinued road adjoining 7 Dumbarton Street and 55 Dundee Street, Reservoir

At its meeting held on 27 September 2021, Council resolved:

That Council commences the statutory procedures under section 114 of the Local Government Act 2020 to:

1. Sell the land from the discontinued road at the rear of 7 Dumbarton Street and 55 Dundee Street, Reservoir, shown as Lot 15 on Title Plan TP884494Y in **Appendix A** to the owner of 7 Dumbarton Street, Reservoir, by private treaty in accordance with Council Policy.
2. Gives notice of its intention to sell the land on Council's website and in such notice states that Council proposes to sell the land from the former road to the owners of 7 Dumbarton Street, Reservoir, by private treaty and transfer to itself any land not sold, in accordance with Council policy.

3. As part of its community engagement process Council invites both written and verbal submissions on the proposed sale and deal with any submissions received in line with the principles set out in section 223 of the Local Government Act 1989.
4. That any submissions received be considered by Council's Hearing of Submissions Committee on 8 November 2021 (5.30pm).

Discontinued road adjoining 16 Furzer Street and 17 Hosken Street, Reservoir

No previous Council Recommendation.

Road at the rear of 116 Leamington Street and Units 3 and 4/105 Barton Street, Reservoir

No previous Council Recommendation.

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 3: Climate, Green and Sustainable

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's property portfolio must meet current service needs while providing the flexibility to meet future requirements. Roads, reserves, revenge strips and other pieces of land of unusual shape and limited usefulness that are less than 200m² in area (collectively referred to as minor Council property assets) were originally set aside in early plans of subdivision for a particular purpose, such as access or drainage.

In many cases these parcels of land are still required for and need to remain open and available to the public. In situations where a minor Council property asset is no longer reasonably required for that purpose or any other strategic purposes it may be considered surplus and suitable for sale.

At its meeting on 26 July 2021, Council resolved to defer this matter until contact had been made with the owner of 55 Dundee Street, Reservoir.

Officers have been working hard to establish contact the owners of 55 Dundee St. It is understood that this property is managed as an 'estate' and is currently vacant. Council's standard letter of offers have been sent (twice) seeking an agreement to express an interest in acquiring the land. Both remain unanswered. As does a further written request from Council's legal representatives. Phone calls to the owner (both landline and mobile) have remained unanswered or confirmed as disconnected. The one option we have not been able to exercise is to directly door knock the property personally, due to the most recent lockdowns.

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

The purchase price has been determined through an independent valuation and all associated transfer costs have been agreed with the Applicants through a signed letter of offer.

This work will be undertaken within current budget parameters.

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

(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)**

The land is currently occupied as passive open space and any future use of the land will be guided through planning and building regulations and controls.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

An Equity Impact Assessment (EIA) / Gender Impact Assessment has been conducted.

The proposed sale of land process undertaken was confirmed to accord with suitable EIA measures. This included that that all adjoining landowners were:

- afforded an equal opportunity to purchase the land
- had financial capacity to purchase
- protect their current and future property rights
- ensure that each adjoining landowner were not prohibited by language barriers or Covid related issues (which affected their ability to respond).

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. The land of the discontinued road at the rear of 7 Dumbarton Street and 55 Dundee Street, Reservoir; the road at the rear of 16 Furzer Street and 17 Hosken Street, Reservoir and the road at the rear of 116 Leamington Street and Units 3 and 4/105 Barton Street, Reservoir are not actively managed as public open space and all drainage rights are reserved in favour of Yarra Valley Water.

Legal and Risk Implications

Any legal or risks and governance implications associated with the items will be documented in the options provided in the summary information attachment provided to Council.

IMPLEMENTATION ACTIONS

Timeline

It is expected that all relevant actions will be affected within three months of this report.

RELATED DOCUMENTS

- *Local Government Act 1989*
- *Local Government Act 2020*
- *Road Management Act 2004*
- Sale of Minor Council Property Assets Policy 2015

Attachments

- Summary of Information (**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.

SUMMARY INFORMATION ON PROPERTY MATTERS**ITEM 1****Discontinued road adjoining 7 Dumbarton Street and 55 Dundee Street, Reservoir**

To contextualise the property matter:

- Victoria Government Gazette notice is shown as **Figure 1**.
- The Title Plan is shown as **Figure 2**.
- The Site Plan is shown as **Figure 3**.
- The Aerial View is shown as **Figure 4**.

Figure 1 - Victoria Government Gazette notice - Discontinued road adjoining 7 Dumbarton Street and 55 Dundee Street, Reservoir

Victoria Government Gazette G 13 29 March 2017 533

**GOVERNMENT AND OUTER BUDGET
SECTOR AGENCIES NOTICES**

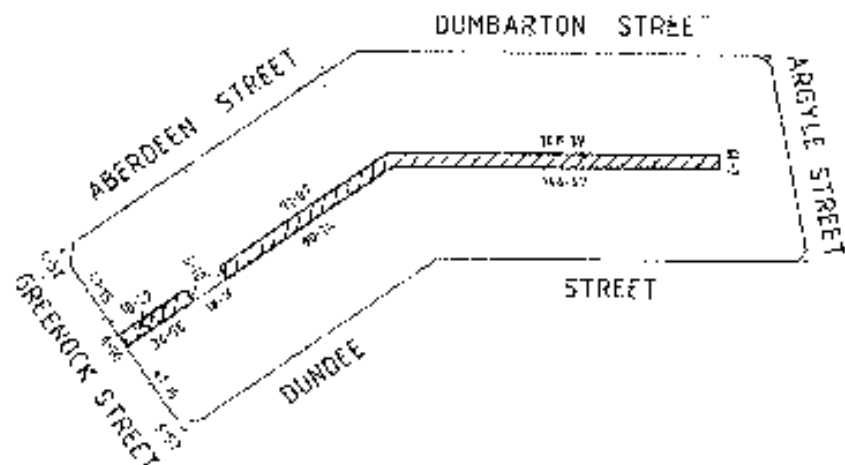
DAREBIN CITY COUNCIL

Road Discontinuance

Pursuant to section 216 and schedule 10, clause 3 of the **Local Government Act 1989**, the Darebin City Council at its ordinary meeting held on 29 March 2017, formed the opinion that the road at the rear of 22 and 24 to 29 Aberdeen Street, 1 to 17 Dumbarton Street, 37, 39 and 43 to 63 Dundee Street and adjacent 14 Greenock Street, Reservoir, and shown by hatching and cross-hatching on the plan below, is not reasonably required as a road for public use and resolved to discontinue the road and to sell the land from the road by private treaty to the abutting property owners.

The section of the road shown hatched is to be sold subject to the right, power or interest held by Yarra Valley Water Limited, in the road in connection with any sewers, drains or pipes under the control of that authority in or near the road.

The section of the road shown cross-hatched is to be sold subject to the right, power or interest held by both Yarra Valley Water Limited and the City of Darebin, in the road in connection with any sewers, drains or pipes under the control of these authorities in or near the road.



WILLIAM ULBRICK
Chief Executive Officer

Figure 2 – Title Plan - Discontinued road adjoining 7 Dumbarton Street and 55 Dundee Street, Reservoir

This document is the production of a computer system controlled by the State of Victoria. It is produced in accordance with the provisions of Section 32 of the State of Victoria, 1992 (or pursuant to a written agreement). The information is only valid at the time and in the form obtained in the LANDATA® System. Name of the State of Victoria, LANDATA®, Victorian Land Registry Services Pty. Ltd. ARN 85 627 836 295 as trustee for the Victorian Land Registry Services Trust ABN 83 205 743 897 accept responsibility for any subsequent release, publication or reproduction of the information.

TITLE PLAN		EDITION 5	PLAN NUMBER TP884494Y
LOCATION OF CHAIN PARISH: DUMBOURNA TOWNSHIP: SECTION: CROWN ALLUDED: CROWN PLOT NO.: IN PART ASY PLAT REFERENCE: L-3438 DEPTH LIMITATION: 60% OF AREA PARENT TITLE REFERENCE: 201 5422 00 004 HGA CO-ORDINATES: E 325 750 N 2 425 100		MATRONS: THE PLAN REPRESENTS AN UNREGISTERED EASEMENT AND SHOULD NOT BE USED FOR ANY PURPOSES UNLESS IT HAS BEEN REGISTERED. NOTATIONS: THIS PLAN IS NOT BASED ON SURVEY.	
EASEMENT INFORMATION			
LEGEND	LAND TO BE EASEMENTED	THE UNDERLYING EASEMENT	ADJACENT ROAD
LAND TO BE EASEMENTED	REFERENCE	WIDTH (MILLIMETRES)	THICKNESS (MILLIMETRES)
ALL THE LAND SHOWN ON THIS PLAN	AS SHOWN ON THE PLAN	610	500
LOT 1	AS SHOWN ON THE PLAN	610	500
LOT 8	DRAINAGE	SEE DIAG.	AF135418Y
LOT 10	DRAINAGE	SEE DIAG.	AF135418K
LOT 14	DRAINAGE	SEE DIAG.	AF135468D
LOT 16	DRAINAGE	SEE DIAG.	AF135544P
LOT 20	DRAINAGE	SEE DIAG.	AF135518F
LOT 18	DRAINAGE	SEE DIAG.	AF135538C
LOT 17	DRAINAGE	SEE DIAG.	AF137478L
LOT 8	DRAINAGE	SEE DIAG.	AF137581H
LOT 6	DRAINAGE	SEE DIAG.	AF137617U
LOT 3	DRAINAGE	6.10	AH953463J
LOT 4	DRAINAGE	6.10	AH953492D
LOT 5	DRAINAGE	6.10	AH942415
LOT 11	DRAINAGE	SEE DIAG.	AL572551A
LOT 12	DRAINAGE	SEE DIAG.	AL572551A
LOT 13	DRAINAGE	6.10	AL572551A
SEE SHEETS 2 & 3 FOR DIAGRAM			
BARKER MONAHAN 100 BARKER STREET DARWIN NT 1308 PHONE: 08 1300 1300 FAX: 08 1300 1300 EMAIL: bmonahan@bmonahan.com.au		GOVT. GAZ. NO.13 29/03/2004 PAGE 533 DEPOSED SIGNATURE: JAMIE JIM MONAHAN SIGNATURE: JAMIE JIM MONAHAN DATE: 29/03/2004 VENDOR: JAMIE JIM MONAHAN DATE: 29/03/2004	
		FILE NO : AF135415B DEALING CODE : 207D SHEET 1 OF 4 SHEETS SERIAL SHEET SIZE A3	

Figure 3 - Site Plan - Discontinued road adjoining 7 Dumbarton Street and 55 Dundee Street, Reservoir

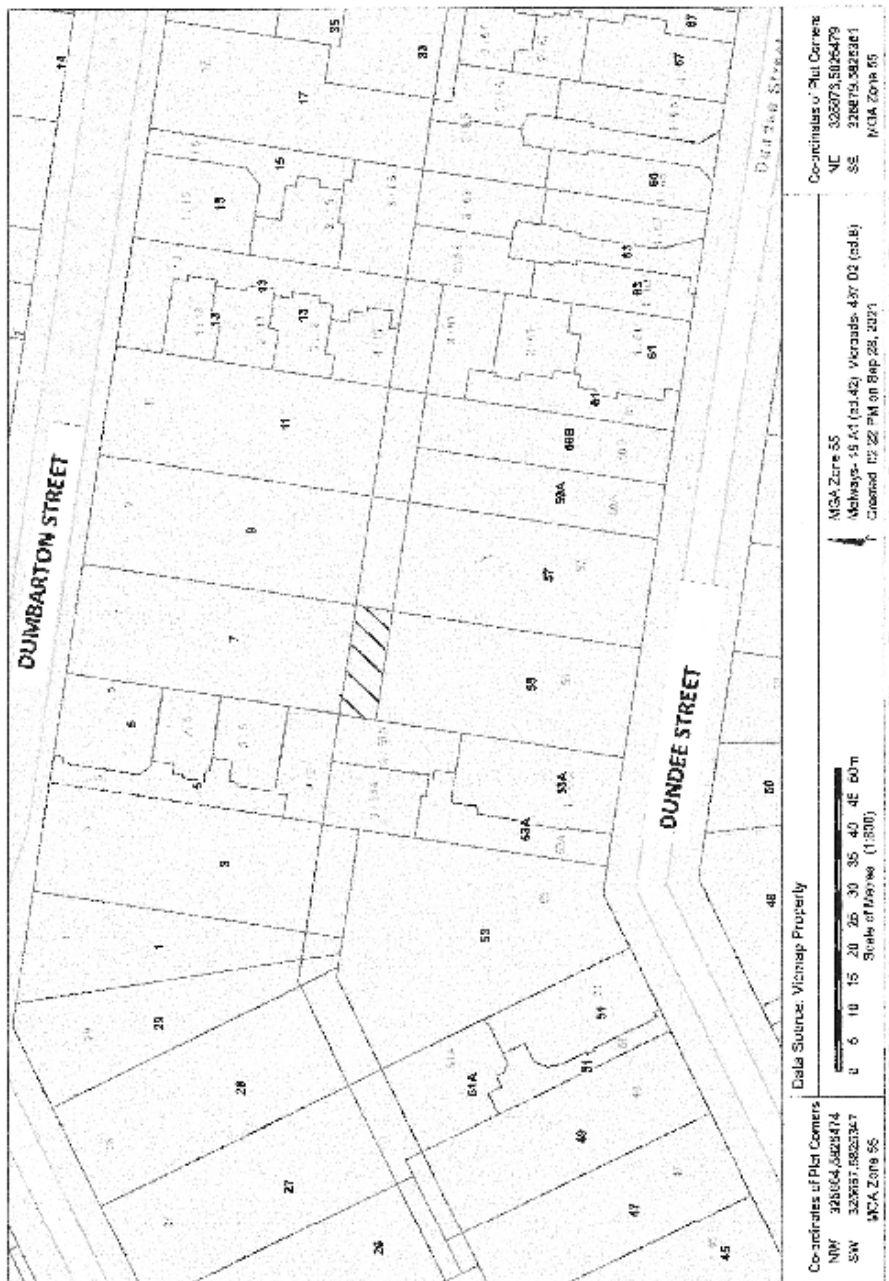


Figure 4 - Aerial View - Discontinued road adjoining 7 Dumbarton Street and 55 Dundee Street, Reservoir



Background information – discontinued road adjoining 7 Dumbarton Street and 55 Dundee Street, Reservoir

On 19 March 2007, Council resolved to discontinue the road the rear of 22 and 24 to 29 Aberdeen Street, 1 to 17 Dumbarton Street, 37, 39 and 43 to 65 Dundee Street and adjacent 14 Greenock Street, Reservoir and to sell the land by private treaty in accordance with Council policy. The discontinuance was gazetted in the Victoria Government Gazette on 29 March 2007, shown in **Figure 1**.

In April 2021 Council received an enquiry from an adjoining property owner at 7 Dumbarton Street, Reservoir looking to purchase the land at the rear of that property, being part of the unsold land from the discontinued road. The land is known as Lot 15 on Title Plan TP884494Y in **Figure 2**.

Investigations revealed that the parcel of land, shown hatched in the site plan in **Figure 3** remains unsold. The land appears to have been enclosed within the adjoining property at 55 Dundee Street, Reservoir, for many years, as shown in the aerial view in **Figure 4**.

The owner of 7 Dumbarton Street, Reservoir, has agreed, in principle, to purchase the land adjoining that property at market value as well as meeting all reasonable costs associated with the statutory process, should Council resolve to sell the land.

Whilst numerous letters have been forwarded to the owner of 55 Dundee Street, Reservoir, no response has been received to date. Telephone calls and letters forwarded by registered post by Council's legal representatives have also remained unanswered. It is understood that the property may be managed as the Estate of a deceased owner and be currently vacant.

COMMUNICATIONS AND ENGAGEMENT

Notice of Council's intention to sell the land was given on Council's website commencing Monday 4 October 2021 to the end of the submission period on Monday 1 November 2021. In addition, written notification was given to all adjoining property owners and occupiers. No submissions were received.

Internal departments and Service Authorities were consulted when the road was discontinued in 2007 and an easement in favour of Yarra Valley Water was saved over the land at the time. Whilst Council currently does not have any assets within the land, an easement for drainage purposes in favour of Council will be created over the land to cater for the installation of drainage in the future.

Financial and Resource Implications

Council's Valuer has placed a market value of \$385.00 per square metre (inc GST) on the land. Lot 15 on Title Plan TP884494Y with an area of 112 m², is intended to be sold to the owner of 7 Dumbarton Street, Reservoir, for the amount of \$43,120.00 (inc. GST). The owner will also be meeting Council's legal and administrative costs of \$3,000.00 associated with undertaking the project. The land will also attract Council rates once transferred.

OPTIONS FOR CONSIDERATION**Option 1 – Abandon the Proposal or Do Nothing**

Council could resolve to abandon the proposal, take no action or may make no resolution on the matter. This option would mean that whilst Council would continue to hold title to the land the adjoining property owners would continue to occupy the land. Council may be perceived as knowingly encouraging and enabling property owners to continue to occupy other parcels of land within Darebin to the detriment of the community (whether financially or as a benefiting right).

Council may, at some time in the future, resolve to recommence the statutory process for the sale of the land.

Option 2 – Proceed with the Statutory Procedures (Recommended)

Council could resolve to proceed with the statutory procedures to sell the land. This would be consistent with the statutory procedures which have been completed with no submissions having been received. Benefits of finalizing the statutory process, depending upon Council's decision on the proposed sale, could result in the receipt of revenue from the sale of the land which is no longer required for its original purpose.

IMPLEMENTATION STRATEGY

- Arrange for the land to be sold and transferred to the owner of 7 Dumbarton Street, Reservoir, by private treaty in accordance with Council policy.

Item 2

Road at the rear of 16 Furzer Street and 17 Hosken Street, Reservoir

To contextualise the property matter:

- Victoria Government Gazette notice is shown as **Figure 1**.
- The Title Plan is shown as **Figure 2**.
- The Site Plan is shown as **Figure 3**.
- The Aerial View is shown as **Figure 4**.

Figure 1 – Victorian Government Gazette notice – Discontinued road adjoining 16 Furzer Street and 17 Hosken Street, Reservoir

Victoria Government Gazette 2819 No. 78—5 September 1979

LOCAL GOVERNMENT DEPARTMENT

At the Executive Council Chamber, Melbourne, the twenty-eighth day of August, 1979

PRESENT:

His Excellency the Governor of Victoria
Mr Grant Mr Maclellan
Mr Jura

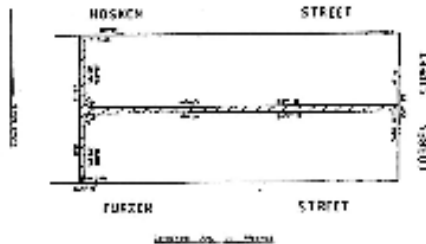
ROAD DISCONTINUED—CITY OF COBURG

Whereas it is provided in section 528 (2) of the Local Government Act 1958, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of the Council of the municipality in which such road is situated make not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if any) of the land and the owners and occupiers (if any) of lands adjoining or immediately adjacent to the road notice of intention to make such a road may by Order published in the Government Gazette direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly.

And whereas the Council of the City of Coburg has requested that the Governor in Council direct that a road between Hosken and Furzer Streets, North Coburg, be discontinued and not less than one month previously has published in a newspaper generally circulating in the district and posted to the registered proprietor of the land in the road and to the owner and occupiers of lands adjoining or immediately adjacent to the road notice of intention to make such a request:

Now therefore, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs:—

- (a) that the said road, which is shown by hatching on the plan hereunder, shall be discontinued;
(b) that notwithstanding such discontinuance the Melbourne and Metropolitan Board of Works shall continue to have and possess the same rights, title power authority or interest in or in relation to the whole of the land shown by hatching on the said plan as it had or possessed prior to such discontinuance with respect to or in connection with any drains or pipes laid or erected in on or over such lands for the purposes of drainage or sewerage; and
(c) that, subject to any such right, title power authority or interest, the land in the said road may be sold by the Council of the City of Coburg by agreement.



And the Honorable Digby Glen Crozier, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRESTAL
Clark of the Executive Council

LOCAL GOVERNMENT DEPARTMENT

At the Executive Council Chamber, Melbourne, the twenty-eighth day of August, 1979

PRESENT:

His Excellency the Governor of Victoria
Mr Grant Mr Maclellan
Mr Jura

CONFIRMATION OF SEPARATE RATE—(EAGLING, HESLOP AND BOLBURN STREETS, KEELOR)—CITY OF KEELOR

In pursuance of the provisions of section 285 of the Local Government Act 1958, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby confirms a separate rate of two pence per six (2-18) cents in the dollar on the site value on the properties described in the Schedule hereunder which rate was made by the Council of the City of Keelor on August 7, 1979 for the construction of road pavements, kerbs and channels and drainage for the whole of Eagling, Heslop and Bolburn Streets, Keelor.

SCHEDULE

- 1. Calder Highway, Keelor, Nos. 767, 768, 769, 769, 807 and 808.
2. Church Street, Keelor Nos. 48 and 50.
3. Eagling Street, Keelor, Nos. 2, 4, 6, 8, 10, 12, 1, 3, 5, 7, 9, 11, 13 and 15.
4. Heslop Street, Keelor, Nos. 2, 4, 6, 8, 10, 12, 14, 16, 1, 3, 5, 7, 9-11 and 13-17.
5. Bolburn Street, Keelor, Nos. 2, 4, 6, 8, 10, 1, 3, 5, 7, 9 and 11.

And the Honorable Digby Glen Crozier, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRESTAL
Clark of the Executive Council

LOCAL GOVERNMENT DEPARTMENT

At the Executive Council Chamber, Melbourne, the twenty-eighth day of August, 1979

PRESENT:

His Excellency the Governor of Victoria
Mr Grant Mr Maclellan
Mr Jura

ROAD DISCONTINUED—CITY OF PRESTON

Whereas it is provided in section 528 (2) of the Local Government Act 1958, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of the Council of the municipality in which such road is situated make not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if any) of the land and the owners and occupiers (if any) of lands adjoining or immediately adjacent to the road notice of intention to make such a request may by Order published in the Government Gazette direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly.

And whereas the Council of the City of Preston has requested that the Governor in Council direct that a road at the rear of 618 Murray Road, Preston, be discontinued and not less than one month previously has published in a newspaper generally circulating in the district and posted to the registered proprietor of the

Figure 2 – Title Plan - Road at the rear of 16 Furzer Street and 17 Hosken Street, Reservoir

Delivered by LRS on 15/01/2022 09:56:03 Page 1 of 8
 © State of Victoria. This publication is copyright, no part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Real Property Act 1957 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. State of the State of Victoria, LANDATA®, Victorian Land Registry Services Pty. Ltd. ABN 88 627 808 385 as trustee for the Victorian Land Registry Services Trust, ABN 93 208 748 897 accept responsibility for any subsequent release, publication or reproduction of this information.

TITLE PLAN		EDITION 2	TP 877742W
LOCATION OF LAND Range: JIKALKA Township: - Section: - Crown Allotment: - Crown Parcel: - Land Plan Reference: P 2817 Deed Folio: VOL 5821 FOL 484 Deed Particular: -		Relation: SEE ROAD DISCONTINUANCE IN LGD0023 (TP871954N) ANY REFERENCE TO MAP OR THE BEST MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	
Description of Land/Easement Information		THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES COMPLETED: DATE: 15/01/2022 VERIFIED: A. DALLAS Assistant Registrar of Titles	
FOR DIAGRAM SEE SHEET 2			
LENGTHS ARE IN METRES	Metric = 0.3048 Feet Metric = 0.201 168 x 1 Inch	Sheet 1 of 2 sheets	

Informal Valuation/OTDA, reference 000000014 1/1/22 Page 2 of 3

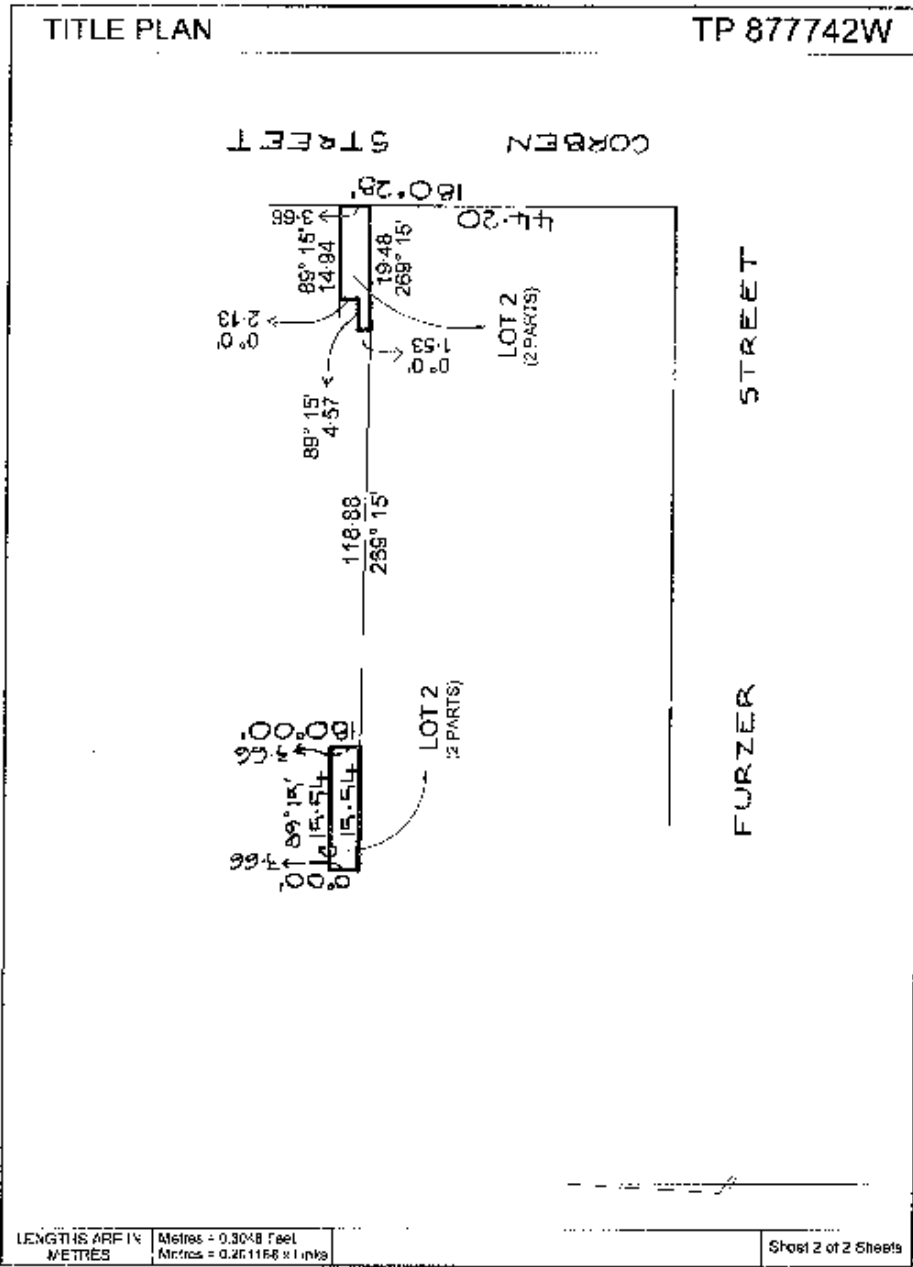


Figure 3 - Site Plan - Discontinued road at the rear of 16 Furzer Street and 17 Hosken Street, Reservoir



Figure 4 - Aerial View - Discontinued road at the rear of 16 Furzer Street and 17 Hosken Street, Reservoir



Background Information discontinued road adjoining 16 Furzer Street and 17 Hosken Street, Reservoir.

The former City of Coburg had resolved to discontinue and sell the road at the rear of Hosken Street and Furzer Street, Reservoir, in 1979. The discontinuance was gazetted in the Victoria Government Gazette on 5 September 1979, shown in **Figure 4**.

Whilst the majority of the land was sold at the time, two parcels of land from the discontinued road remain, shown as being Lot 2 (in two parts) on the Title Plan TP877742W in **Figure 2**. Council has title to the land in Certificate of Title Vol. 11847 Fol. 029.

In February 2019 Council received an enquiry from the adjoining property owners at 16 Furzer Street, Reservoir, looking to purchase the land at the rear of that property, being part of the unsold land from the discontinued road, more particularly the portion of Lot 2 on Title Plan TP 877742W shown hatched in **Figure 2**.

Investigations revealed that the parcel of land, shown hatched in the statutory plan in **Figure 1** remains unsold (**the Land**).

The Land is severely overgrown with vegetation which appears to flow on from the rear of the adjoining property at 17 Hosken Street, Reservoir, as shown in the aerial view in **Figure 3**. Consultation with the owner of 17 Hosken Street, Reservoir, has elicited no response in regard to acquiring any land.

The owners of 16 Furzer Street, Reservoir, have agreed, in principle, to purchase the Land adjoining their property at market value as well as meeting all reasonable costs associated with the statutory process, should Council resolve to sell the Land. Council will transfer to itself any land that remains unsold, protecting its interest in the land.

COMMUNICATIONS AND ENGAGEMENT

All immediate adjoining property owners were consulted regarding the proposal and no objections were received.

The owners of 16 Hosken Street, Reservoir, have confirmed an interest in acquiring the Land, shown as being the part of Lot 2 (in two parts) shown hatched on the Title Plan TP877742W in **Figure 2** at current market value, as well as agreeing to meet all of the reasonable costs associated with Council selling the Land.

Internal Council departments and Service Authorities were consulted when the road was discontinued in 1979. Yarra Valley Water has a sewer in the land and accordingly an easement was saved over the land in favour of Yarra Valley Water as part of the discontinuance.

At the time the then Melbourne and Metropolitan Board of Works (now Yarra Valley Water) had a sewer in the Land and accordingly an easement was saved over the Land in favour of the Melbourne and Metropolitan Board of Works as part of the discontinuance.

In addition to the notice on Council's website, all abutting property owners will be advised of the proposal in writing and informed of their right to make a submission.

At the conclusion of the above consultation, a further report will be presented to Council for a decision whether to sell the land, part of the land or not to sell the land and whether or not to take title to any of the land.

OPTIONS FOR CONSIDERATION

Option 1 – Abandon the Proposal or Do Nothing

Council could resolve to abandon the proposal, take no action or may make no resolution on the matter. This option would mean that whilst Council would continue to hold title to the land the adjoining property owners would continue to occupy the land. Council may be perceived as knowingly encouraging and enabling property owners to continue to occupy other parcels of land within Darebin to the detriment of the community (whether financially or as a benefiting right). Council may, at some time in the future, resolve to recommence the statutory process for the sale of the land.

Option 2 – Commence the Statutory Procedures (Recommended)

Council could resolve to commence the statutory procedures to potentially sell the land. This would extend the consultation to the wider community and enable all affected property owners a formal opportunity to make a submission. This option would assist Council in obtaining further insight into the overall consensus of surrounding property owners and the community in relation to the sale. It would also enable Council to make an informed assessment on the proposed sale of the land from the former road. Benefits of commencing the statutory procedures, depend on Council's decision on the proposed sale, could result in receipt of revenue from the sale of the land that is no longer required for its original purpose.

IMPLEMENTATION STRATEGY**Details**

- Commence the statutory process by giving notice of Council's intentions to sell the land on Council's website and written notification to adjoining property owners and occupiers.
- Report back to Council on outcome of the statutory process and seek a resolution on the sale of the land.

Item 3

Road at the rear of 116 Leamington Street and Units 3 and 4/105 Barton Street, Reservoir

To contextualise the property matter:

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

Figure 1 – Title Plan - Road at the rear of 116 Leamington Street and Units 3 and 4/105 Barton Street, Reservoir

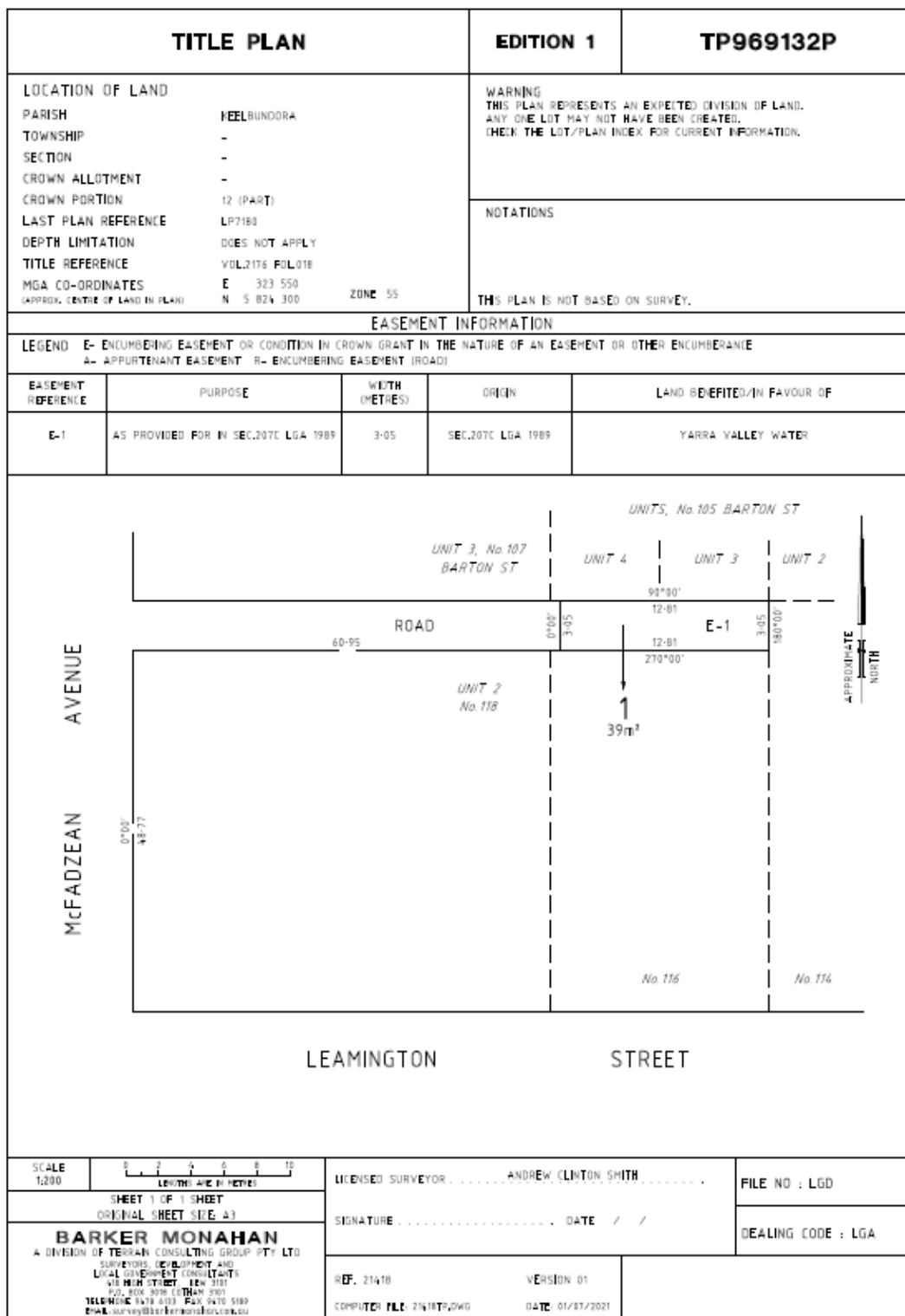


Figure 2 - Site Plan - Road at the rear of 116 Leamington Street and Units 3 and 4/105 Barton Street, Reservoir



Figure 3 - Aerial View - Road at the rear of 116 Leamington Street and Units 3 and 4/105 Barton Street, Reservoir



Background information

In August 2020, Council received an inquiry from an adjoining owner requesting the discontinuance and sale of the 3.05 metre wide right-of way /Road at the rear of 116 Leamington Street and Units 3 and 4/105 Barton Street, Reservoir.

The investigations identified that although the Road remains a road on title, it is not listed on Council's Register of Public Roads.

The section of Road at the rear of 116 Leamington Street, Reservoir appears to have been enclosed within that property for many years, as shown on the aerial view in **Figure 3**.

The section of road to the east, from the rear of 114 Leamington Street, Reservoir to Whitby Street was previously discontinued and sold in December 1999. The remainder of the road to the west, from the rear of 118 Leamington Street, Reservoir to McFadzean Avenue is open, constructed and used for access.

Once initial investigations confirmed the feasibility of the proposed discontinuance, Macquarie Lawyers were commissioned to undertake further consultation with a view to Council commencing the statutory procedures to facilitate the possible discontinuance and sale of the 3.05m wide section of Road.

All immediate adjoining property owners have been informed of the proposal and no objections or issues have been raised. The dimensions and proposed allocation of the land are shown in the Title Plan TP969132P provided in **Figure 1**.

The owner of 116 Leamington Street, Reservoir, has confirmed an interest in acquiring the land shown as Lot 1 in the Title Plan TP969132P in **Figure 1** at current market value, as well as agreeing to meet all of the reasonable costs associated with Council discontinuing and selling the Road, in accordance with policy.

COMMUNICATIONS AND ENGAGEMENT

All immediate adjoining property owners were consulted regarding the proposal and no objections were received. The dimensions and proposed allocation of the land are shown in the Title Plan TP969132P provided in **Figure 1**.

The owner of 116 Leamington Street, Reservoir, has confirmed an interest in acquiring the land shown as Lot 1 in the Title Plan TP969132P in **Figure 1** at current market value, as well as agreeing to meet all of the reasonable costs associated with Council discontinuing and selling the Road, in accordance with policy.

Consultation with Service Authorities and Council Departments

Internal departments and the Service Authorities were consulted regarding the proposal and no objections were received.

Yarra Valley Water has a sewer within the land and will require an easement to be saved over the land if the Road is discontinued.

Consultation with the community

All immediate adjoining owners were consulted regarding the proposal and no objections were raised. The dimensions and proposed allocation of the land is shown in the Title Plan TP969132P provided in **Figure 1**.

The owner of 116 Leamington Street, Reservoir, has confirmed an interest in acquiring the land shown as Lot 1 in the Title Plan TP969132P in **Figure 1** at current market value, as well as

agreeing to meet all of the reasonable costs associated with Council discontinuing and selling the Road, in accordance with policy.

OPTIONS FOR CONSIDERATION

Option 1 – Abandon the Proposal or Do Nothing

Council could resolve to abandon the proposal, take no action or may make no resolution on the matter. This option would mean that the Road would continue to vest in Council and with the adjoining property owners continuing to occupy the Road. Council may be perceived as knowingly encouraging and enabling property owners to continue to occupy other roads or rights of way within Darebin to the detriment of the community (whether financially or as a benefiting right). Additionally, Council may lose future rights to the Road if adjoining property owners are able to accrue possessory rights.

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

Option 2 – Commence the Statutory Procedures (Recommended)

Council could resolve to commence the statutory procedures to potentially discontinue the Road. This would extend the consultation to the wider community and enable all affected property owners a formal opportunity to make a submission.

This option would assist Council in obtaining further insight into the overall consensus of surrounding property owners and the community in relation to the Road. It would also enable Council to make an informed assessment on the future of the Road, to potentially open part or all of the Road, discontinue part or all of the Road and sell the land from the Road (if discontinued) to the adjoining property owner and take title to the land if not sold.

Further benefits of commencing the statutory procedures depend on Council's decision on the future of the Road. These may include the asset being opened to the public and used for its prescribed purpose, potential revenue from the sale of part or all of the Road (if discontinued), and/or the ongoing protection of a public asset (if the Road is discontinued and Council takes title to the land if not sold).

IMPLEMENTATION STRATEGY

- Commence statutory process.
- Report back to Council on the outcome of the statutory process

Communication

- Council Departments
- Macquarie Local Government Lawyers
- Owners and occupiers of the adjoining properties
- Statutory authorities

Timeline

It is expected that a further report in relation to the matter will be provided to Council within two months of this report.

Item 4

Road at the rear of 955 to 961 High Street and adjoining 2 Barry Street, Reservoir

To contextualise the property matter:

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

Figure 1 – Title Plan - Road at the rear of 955 to 961 High Street and adjoining 2 Barry Street, Reservoir

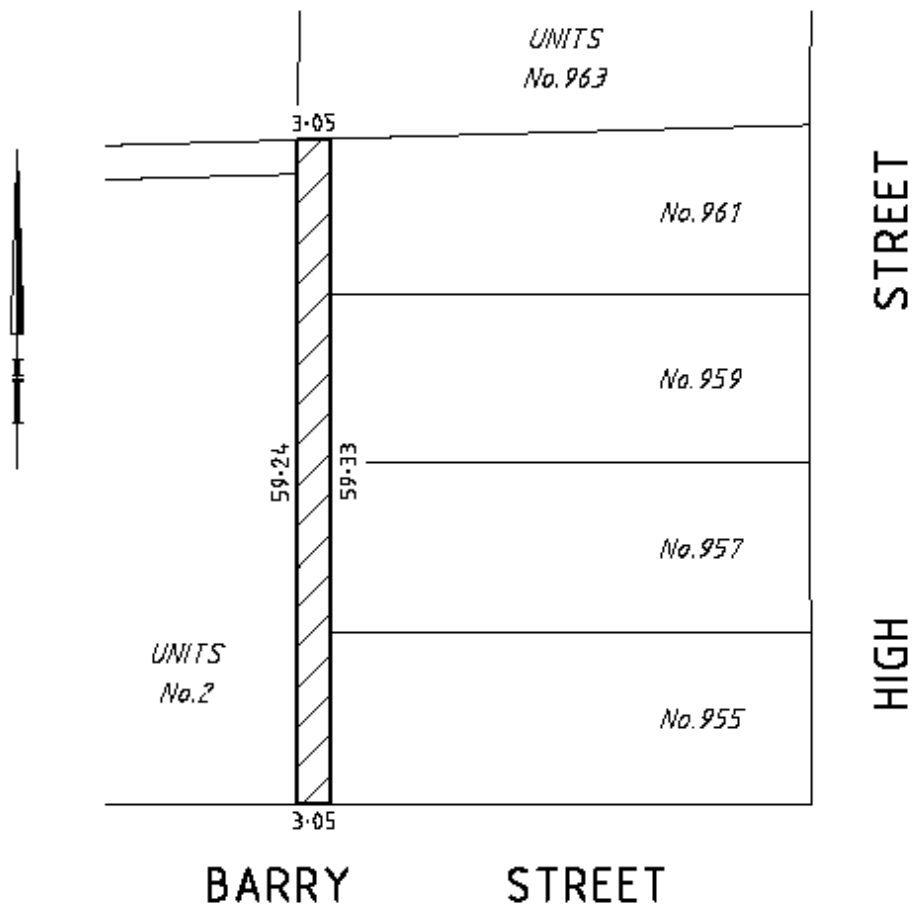


Figure 2 - Site Plan - Road at the rear of 955 to 961 High Street and adjoining 2 Barry Street, Reservoir

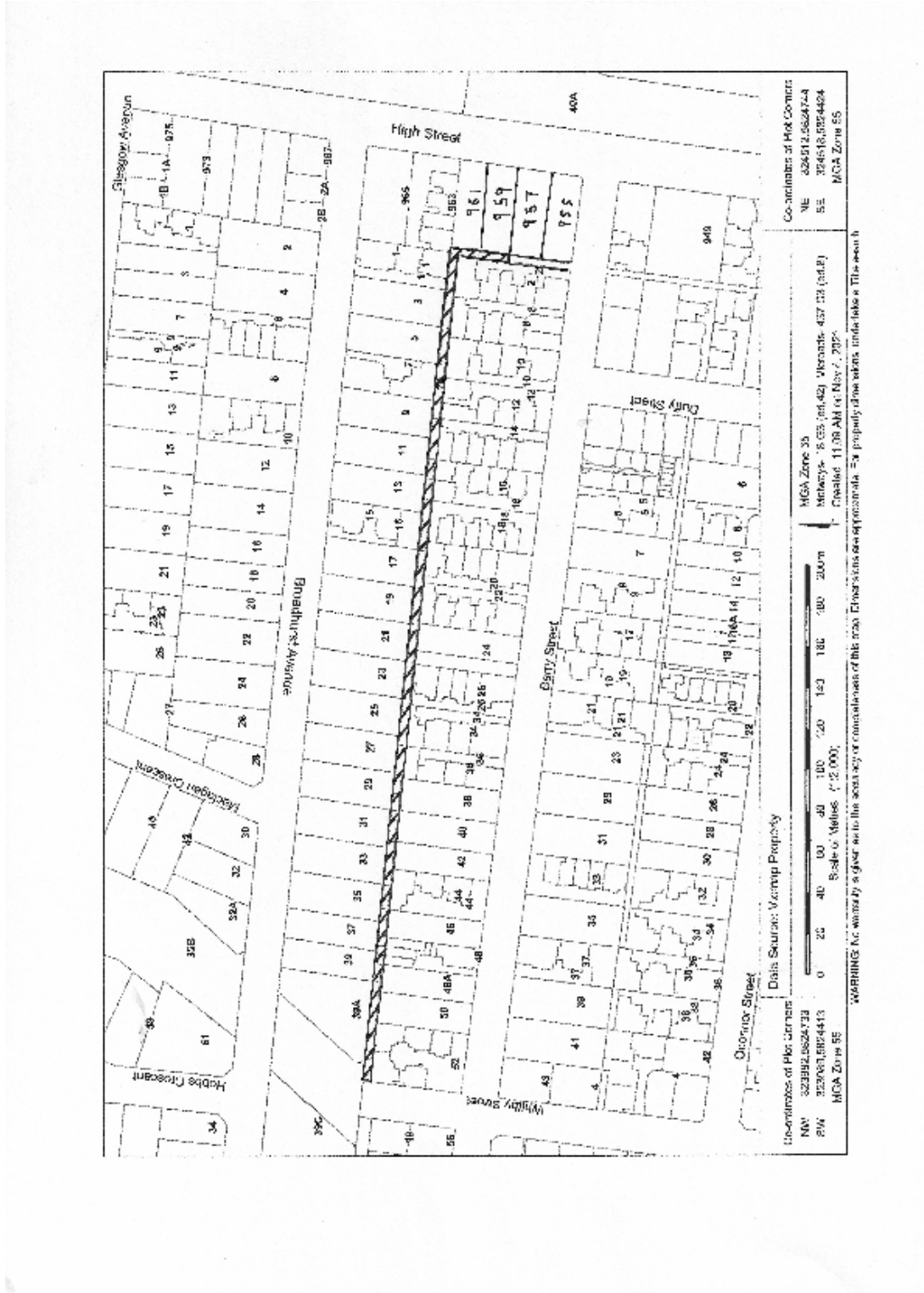


Figure 3 - Aerial View - Road at the rear of 955 to 961 High Street and adjoining 2 Barry Street, Reservoir



Background Information road at the rear of 955 to 961 High Street and adjoining 2 Barry Street, Reservoir

Council has been dealing with a proposed development of 15 townhouses at 957 to 961 High Street, Reservoir. The planning permit (D/674/2019) for the proposed development requires the road at the rear of 955 to 961 High Street and adjoining 2 Barry Street, Reservoir, shown hatched in the site plan in **Figure 1**, be constructed by the developer to Council's specifications in order to provide a legal point of access to the proposed development.

The section of road at the rear of 959 and 961 High Street and adjoining 2 Barry Street, Reservoir, together with the road at the rear of 1 to 39 Broadhurst Avenue and 2 to 52 Barry Street, Reservoir, shown hatched in the overall plan in **Figure 2** was originally discontinued by Council on 1 February 2001.

The land from the former road at the rear of 959 and 961 High Street and adjoining 2 Barry Street, Reservoir, was never subsequently sold and continued to provide rear access to the adjoining properties. The land vests in Council.

Furthermore, the section of road at the rear of 955 and 957 High Street and adjoining 2 Barry Street, Reservoir, which was not discontinued at the time, remains as a road on title. It is unmade, open and used for access.

The land is also shown coloured yellow on the aerial photograph in **Figure 3**.

It is proposed that Council declare the road to be a public highway for the purposes of the Local Government Act 1989 in order to provide permanent access to the development. If the road is declared a public highway it will also be placed on Councils Register of Public Roads under the Road Management Act 2004.

COMMUNICATIONS AND ENGAGEMENT

All immediate adjoining property owners have been consulted regarding the proposal and no objections were received.

Consultation with the Community

The statutory procedures require Council to give publish notice of its intention to declare the land a public highway and invite submissions from affected parties.

Submitters may request to be heard by Council prior to a decision being made to proceed or otherwise with the proposal. In addition, all abutting property owners would be advised of the proposal in writing and informed of their right to make a submission. Following which, a report will be presented to Council for a decision on each of the matters.

The developer of the units at 957 to 961 High Street has agreed to meet all of the costs associated with Council declaring the road to be a public highway.

OPTIONS FOR CONSIDERATION

Option 1 – Abandon the Proposal or Do Nothing

Council could resolve to abandon the proposal, take no action or may make no resolution on the matter. This option would mean that the road although open and used for access would not enjoy the status of a public highway and its on-going use for vehicle access to the proposed development may be in question. The situation would also be at odds with the conditions of the planning permit issued for the development of 957 to 961 High Street, Reservoir.

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

Option 2 – Commence the Statutory Procedures (Recommended)

Council could resolve to commence the statutory procedures to potentially declare the road to be a public highway. This would extend the consultation to the wider community and enable all affected property owners a formal opportunity to make a submission.

This option would assist Council in obtaining further insight into the overall consensus of surrounding property owners and the community in relation to the future of the road, including further enhancing the status of the land as a road for public use in order to facilitate vehicular access to the proposed development, and be consistent with the conditions of the planning permit for the development at 957 to 961 High Street, Reservoir.

IMPLEMENTATION STRATEGY

Details

- Commence the statutory process by giving public notice of Council's intentions to declare the road to be a public highway.
- Report back to Council on outcome of the statutory process and seek a resolution on the future status of the road.

8.4 INVESTMENTS RELATING TO NUCLEAR WEAPONS

Author: Financial Accountant
Chief Financial Officer

Reviewed By: General Manager, Governance and Engagement

EXECUTIVE SUMMARY

In response to a Notice of Motion at the Council meeting on 23 August 2021, a review of Council's investments in term deposits portfolio was undertaken to check on banks and financial institutions who have either direct or indirect investments with companies associated with production of Nuclear weapons. Of the fifteen banks and financial institutions where Council holds term deposits, eight of them are either Nuclear weapons free or in the process of excluding Nuclear weapons from their investments. The remaining seven have Nuclear weapons related investments.

To ensure embedding exclusions of nuclear weapons in Council investment policies in alignment with the Climate Emergency Plan (Key Direction 6 – Fossil Fuel Divestment), It is proposed that the following wording could be incorporated to give effect to the intent of the Notice of Motion.

“Treaty on the Prohibition of Nuclear Weapons

Council does not invest directly in companies that produce nuclear weapons. Wherever practical, Council preferences financial institutions and investment products that do not directly or indirectly fund any activities in the Arms industry.”

The Investment Policy is reviewed annually by the Audit and Risk Committee and was last reviewed in March 2021. The Investment policy is an operational policy approved by the CEO and was last presented to Council at its meeting on 19 June 2017.

It is recommended that the draft Investment Policy at **Appendix A** be adopted by Council.

Officer Recommendation

That Council:

- (1) Note that Council does not currently invest directly in companies that produce nuclear weapons.
 - (2) Note the assessment that Council currently has investments with 6 institutions that have investments associated with nuclear weapons.
 - (3) Note the recommended inclusion in the draft Investment Policy at **Appendix A** to inform all future investment decisions, stating *“Council does not invest directly in companies that produce nuclear weapons. Wherever practical, Council preferences financial institutions and investment products that do not directly or indirectly fund any activities in the Arms industry.”*
 - (4) Adopt the draft Investment Policy (**Appendix A**).
 - (5) Note the advice outlined as to how Council can advocate to ensure Council's preferred super fund excludes nuclear weapons from its investment portfolio.
 - (6) Note the advice on further advocacy to encourage other councils, organisations and communities to take action to prohibit nuclear weapons.
-

BACKGROUND / KEY INFORMATION

Council's current investment policy is in accordance with the Victorian Local Government Act 2020, relevant regulations and guidelines or directions issued by the Victorian Local Government Minister and Local Government Victoria.

The Investment Policy is intended to provide guidance on the effective and responsible utilisation of Council's surplus cash funds within the government legislative framework and comply with applicable Federal and State regulations. The policy is reviewed to the Audit and Risk Committee annually and was last reviewed in March 2021.

Particular emphasis is directed towards investment decisions that limit unnecessary exposure to risk and optimise return on investment whilst ensuring sufficient liquidity for Council's on-going operating commitments.

Council's investment portfolio earns on average \$0.5 million of investment income per year, this is approximately 0.4% of rate revenue.

Council's current investment policy does not include any reference to transacting with companies associated with the production of nuclear weapons.

The current Investment Policy provides a framework within which the investment of Council funds is to be undertaken by authorised Council officers. The policy sets out:

- Objectives being pursued through the investment of surplus funds
- Legislative requirements
- Types of approved investments
- Parameters for exposure to credit risk, product risk and institutional risk
- Criteria to assist in selecting investments
- Processes for evaluating and reporting investment performance against established benchmarks.

The primary objective of the investment policy is to maximise the earnings from investment of surplus funds within an appropriate risk-based framework. The principles which guide this objective are:

- Preservation of capital
- Maintenance of sufficient cash to meet day to day liquidity requirements
- Diversification of investments across different institutions / issuers
- Targeted investment returns against relevant benchmarks.

Council's current investment policy is silent on the investment of funds with organisations and institutions associated with the production of nuclear weapons.

It should be noted that Council previously had a Fossil Fuel Investment Policy, adopted on 4 July 2016. This policy was incorporated into the Investment Policy and the revised Investment policy was presented to Council on 19 June 2017 for noting. The current Investment Policy is an operational policy and it is proposed that this transition to a strategic policy adopted by Council.

As at 31 December 2021, the Council's investment in term and floating rate deposits was valued at \$25.58 million.

Previous Council Resolution

At its meeting held on 23 August 2021, Council resolved:

'That Council'

- i. Examines how Council can possibly embed exclusions of nuclear weapons in Council investment policies in alignment with the Climate Emergency Plan (Key Direction 6 – Fossil Fuel Divestment).*
- ii. Reviews whether Council is currently transacting with companies associated with the production of nuclear weapons and if so provide options on how to possibly divest from these companies.*
- iii. Considers how Council can advocate to ensure Council's preferred super fund excludes nuclear weapons from its investment portfolio.*
- iv. Receive advice on further advocacy and communications opportunities to encourage other councils, organisations and communities to take action to prohibit nuclear weapons.*

At its meeting on 4 June 2017, Council resolved:

'That Council:

- (1) Notes Westpac has released its third Climate Change Action Plan on 28 April 2017 which has the effect of not enabling Westpac to provide finance to Adani's Carmichael mine in the Galilee Basin.*
- (2) Notes the revised Investment Policy (attached as **Appendix A**) incorporates both the previous Investment Policy and the Fossil Fuel Investment Policy.*
- (3) Notes that the Fossil Fuel Investment Policy is superseded by the revised Investment Policy.*
- (4) Notes the revised Investment Policy has eased the credit and counterparty credit frameworks to allow a greater percentage to be invested with institutions which do not finance fossil fuel projects.*
- (5) Notes that Council will continue to invest with and borrow from Westpac and its subsidiaries in accordance with Council's strategies and policies.*
- (6) Continues with the current Agreement for the Provision of Cash and Banking Services with Westpac until its expiry date 30 September 2018.*
- (7) Notes that at the conclusion of the existing agreement, preference will be given to non-fossil fuel aligned financial institutions to provide cash and banking services, where the value proposition is equivalent to that provided by other financial institutions.*
- (8) The Investment Policy returns to Council later in 2017, following consultation with NAGA and EAGA regarding their current investigation into zero fossil fuel divestment options for Victorian councils.'*

At its meeting on 4 July 2016, Council resolved:

'That Council adopt the Fossil Fuel Investment Policy attached as Appendix A to this report.'

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 3: Climate, Green and Sustainable

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

2.10 We will leverage investment, partnerships and advocacy to drive Darebin's growth and sustainability

To strengthen Council's commitment to socially responsible investments, Council's Investment Strategy could give preference to financial institutions that divest from investing in companies producing Nuclear weapons.

DISCUSSION***Investment Policy***

Council's Investment Policy is currently an operational policy and is informed by an annual review by the Audit and Risk Committee. The last review by the Audit and Risk Committee was in March 2021.

Having reviewed similar policies across other metro Melbourne Council's, it is proposed that the Investment Policy transition to a strategic policy adopted by Council. This change provides Council with oversight on the approach to the investment of Council funds.

There is no existing policy position or guidance on investing with entities that support or finance nuclear weapons.

It is proposed that wording be incorporated into the Investment Policy to strengthen Council's commitment to socially responsible investments, so that Council's investment decisions are guided by preference to financial institutions that divest from investing in companies producing Nuclear weapons.

This is proposed as an additional statement that reads:

"Treaty on the Prohibition of Nuclear Weapons

Council does not invest directly in companies that produce nuclear weapons. Wherever practical, Council preferences financial institutions and investment products that do not directly or indirectly fund any activities in the Arms industry."

This wording has been incorporated into the revised Investment Policy (shown at **Appendix A**), drafted to incorporate this change (highlighted in bold red text).

Should the revised Investment Policy be adopted, this will provide direction to all future investment decisions and the existing operational Investment Policy will be revoked by the CEO.

Approach to Council's future investment decisions

If the draft Investment Policy is adopted by Council, this will set the direction for all future investment decisions of Council. Future investment decisions will ensure that Council does not invest directly in companies that produce nuclear weapons. It will further ensure that

wherever practical, Council preferences financial institutions and investment products that do not directly or indirectly fund any activities in the Arms industry.

Review of Council's Current Investments

Council currently invests funds solely with financial institutions and has no direct investments in publicly listed companies. A review of the websites of the financial institutions with which Council holds investments indicate that they are committed to their corporate and social responsibilities.

The financial institutions with whom we have invested our term deposits are not transparent enough with their disclosure of their investments with organisations that are associated with the production of nuclear weapons and this has not formed part of Council's assessment process previously. To inform the requested review, officers sought the support of The Medical Association for Prevention of War, Australia and the International Campaign to Abolish Nuclear Weapons, Australia.

This means taking the Treaty on the Prohibition of Nuclear considerations into account when selecting, retaining or realising investments for the Council. The Medical Association for Prevention of War, Australia (MAPWA) assisted officers in investigating whether any of the banks with whom we have invested Council's term deposits have exposure to nuclear weapons. A table of their findings are given below:

<i>Banks</i>	<i>Amount (\$)</i>	<i>MAPWA Findings</i>
Judo Bank Ltd	3,005,235	Nuclear weapons free.
UBS AG AUSTRALIA	1,000,000	Has nuclear weapons investments.
Suncorp Bank	1,500,000	Possible investments in nuclear weapons because they do not have an exclusion policy for nuclear weapons.
Royal Bank of Canada	1,000,000	Has nuclear weapons investments.
Rabobank Nederland (Aust)	500,000	Is in the process of excluding nuclear weapons.
Newcastle Permanent Building Society Ltd	500,000	Nuclear weapons free
MyState Bank Limited	2,750,000	Nuclear weapons free as they do not undertake any institutional lending.
Macquarie Bank Ltd	3,000,000	Has nuclear weapons investments.
Bendigo & Adelaide bank	1,602,500	Nuclear weapons free.
Bank of Queensland	1,900,000	Probably nuclear weapons free as it only provides loans to Australian organisations and nuclear weapons companies are all multinationals.
Bank of China	1,000,000	Has nuclear weapons investments.
Bank Australia Limited	2,750,000	Nuclear weapons free.
Auswide Bank	1,000,000	Nuclear weapons free
AMP Bank	4,073,920	Has nuclear weapons investments.
Grand Total	25,581,655	

Options to divest from investments relating to nuclear weapons

- Council does not currently invest directly in companies that produce nuclear weapons. No divestment action is required.
- According to this review, Council has investments with six financial institutions that may have or do have nuclear weapon related investments (excluding those already divesting). These include:
 - UBS AG Australia
 - Royal Bank of Canada
 - Macquarie Bank Ltd
 - Bank of China
 - AMP Bank
 - Suncorp Bank (possible, not confirmed)

Should Council adopt the draft Investment Policy at **Appendix A** this would inform all future investment decisions. This is one way, over time, to reduce investments that Council hold with companies or financial institutions associated with the production of nuclear weapons. The wording contained within the draft Investment Policy at Appendix C states that: *“Wherever practical, Council preferences financial institutions and investment products that do not directly or indirectly fund any activities in the Arms industry.”* This change does not exclude Council from any investments, balancing the other considerations within the Investment Policy.

Should Council seek to establish a stronger position than that recommended, one of ‘no investments with institutions that hold nuclear related investments’, this would require further direction from Council and amendment to the draft Investment Policy at **Appendix A**.

In considering options to divest from the seven institutions listed, it should be noted that one of these is the Westpac Banking Corporation which is Council’s primary banking institution.

Key steps that could be taken with regard to divestment include:

- Writing to the seven financial institutions to:
 - convey Council’s direction to provide preference to financial institutions and investment products that do not directly or indirectly fund any activities in the Arms industry.
 - Seek confirmation of their position and any planned divestment from related activities or investments.
- Taking action to seek alternative investment options for the funds currently invested in the seven institutions, with consideration to the ability to withdraw the investment and any associated penalty or financial loss and the financial impact of an alternative investment option in accordance with the requirements of the Investment Policy and financial management principles.

Advocacy to Council’s preferred super fund to exclude nuclear weapons from its investment portfolio.

Councils default employer superannuation contributions in respect of its employees are made to the Local Authorities Superannuation Fund (the Fund). This Fund has two

categories of membership, accumulation and defined benefit, each of which is funded differently.

Officers investigated Vision Super, with the assistance of The Medical Association for Prevention of War, Australia and the summary of the findings are below:

Vision Super has holdings in at least three nuclear weapons companies:

1. Raytheon Technologies (April 2021)
2. (Safran), (May 2021)
3. Thales (April 2021)

Vision Super Fund, in its website state that:

“Vision Super only divests from products where we don’t believe engagement can reduce harm, or where we believe there is a long-term risk to our members’ money. In general, we believe corporate engagement is more effective in improving the way companies operate, reducing the environmental impact and increasing transparency. Vision Super is currently divested from ... Controversial Weapons.”

Controversial Weapons:

“Controversial weapons are ones that can have a severe impact on civilians and are generally banned under international treaties. Land mines, cluster bombs and nuclear weapons are deemed to be particularly controversial because of their indiscriminate impacts on civilians and the disproportionate harm they cause in the case of land mines for many years after a conflict has ended. Despite being widely considered to be controversial and often prohibited by international treaties, these weapons are still produced in some parts of the world. Vision Super avoids investing in any companies directly involved in the production or sale of these controversial weapons. We do not believe their harm can be reduced through engagement.”

Recommendation to advocate for Vision Super to be Nuclear Weapons free

1. Raise the matter with other Councils to request the MAV lead an advocacy campaign to encourage Vision Super to divest its holdings in Raytheon, Safran and Thales.
2. Submit a motion to the MAV State Council Meeting to be held May 2022 to seek MAV to advocate to Vision Super to divest its holdings in Raytheon, Safran and Thales.

Recommendation to advocate to other Councils to take action

All Council investments must comply with the Victorian Local Government Act 1989, relevant regulations and guidelines or directions issued by the Victorian Local Government Minister or Local Government Victoria.

Following the successful adoption of motion moved by Darebin at the National General Assembly in Canberra on 21 June 2021, the Australian Local Government Association unanimously passed a motion calling on Australia to sign and ratify the Treaty on the Prohibition of Nuclear Weapons, further advocacy could be done at the next Assembly to encourage divestment.

It would also be possible for Council to raise the matter with the Municipal Association of Victoria (MAV) or directly with all other Victorian Councils to advocate for action to establish a similar policy position regarding investments if one is not already in place.

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

Financial risks must be monitored and managed prudently having regard to divestment from financial institutions dealing with Nuclear weapons companies. Divesting may have an impact on income to the Council through lower investment income from the term deposits.

Community Engagement

Not Applicable

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

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

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)**

Council's investment policy addresses Council's commitment to environmental sustainability as the policy outlines a preference for financial and authorised deposit-taking institutions which indicate a strong commitment to Corporate Social Responsibility (CSR).

Equity, Inclusion, Wellbeing and Human Rights Considerations:

There are no factors in this report which impacts on equity, inclusion and wellbeing.

Economic Development and Cultural Considerations

There are no factors in this report which impacts on equity, inclusion and wellbeing.

Operational Impacts

There are no factors in this report which impacts on the operations.

Legal and Risk Implications

Legal and risk implications are considered in all investment decisions undertaken. The investment portfolio will continue to be monitored in accordance with the investment policy recommendations

IMPLEMENTATION ACTIONS

Review all current and future financial institutions to ensure they have a strong commitment to ethical and social responsibility.

RELATED DOCUMENTS

Financial Plan

Attachments

- Draft Investment Policy (**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.



Investment Policy

Purpose	<p>This policy provides a framework within which the investment of Council funds is to be undertaken by authorised Council Officers. The policy sets out:</p> <ul style="list-style-type: none"> • Objectives being pursued through the investment of surplus funds • Legislative requirements • Types of approved investments • Parameters for exposure to credit risk, product risk and institutional risk • Criteria to assist in selecting investments • Processes for evaluating and reporting investment performance against established benchmarks. 										
Scope	<p>This Policy applies to all staff involved in investment of Council Funds.</p>										
Definitions and Abbreviations	<table border="0"> <tr> <td data-bbox="453 1061 580 1173"> Authorised Deposit-taking Institutions </td> <td data-bbox="612 1061 1362 1240"> <p>Authorised Deposit-taking Institutions (ADIs) are corporations which are authorised under the <i>Banking Act 1959</i>. ADIs include banks, building societies, and credit unions.</p> <p>All ADIs are subject to the same Prudential Standards but the use of the names 'bank', 'building society' and 'credit union' is subject to corporations meeting certain criteria.</p> </td> </tr> <tr> <td data-bbox="453 1263 533 1285"> BBSW </td> <td data-bbox="612 1263 836 1285"> Bank Bill Swap Rate </td> </tr> <tr> <td data-bbox="453 1330 549 1397"> Credit Rating Agency </td> <td data-bbox="612 1330 1394 1487"> <p>A credit rating agency is a company that assigns credit ratings, which rate a debtor's ability to pay back debt by making timely interest payments and the likelihood of default. An agency may rate the creditworthiness of issuers of debt obligations, of debt instruments, and in some cases, of the servicers of the underlying debt, but not of individual consumers.</p> </td> </tr> <tr> <td data-bbox="453 1532 580 1576"> Direct Divestment </td> <td data-bbox="612 1532 1394 1778"> <p>No direct investment in any company that involves fossil fuel in their core business strategy or principle business activity. This usually refers to stocks held for resources companies and alike and has been the main focus of many organisations that have declared their commitment to fossil fuel divestment.</p> <p>Constrained by the <i>Local Government Act 2020</i>, Council cannot invest in direct shares of companies or invest in managed funds without ministerial approval and therefore is already in compliance with direct divestment.</p> </td> </tr> <tr> <td data-bbox="453 1823 580 1868"> Indirect Divestment </td> <td data-bbox="612 1823 1362 1912"> <p>Divest from financial institutions or companies that invest in fossil fuel companies. Diversification of portfolios amongst companies makes it difficult to readily identify all indirect investments; therefore companies usually limit their divestment policies to direct investments only.</p> </td> </tr> </table>	Authorised Deposit-taking Institutions	<p>Authorised Deposit-taking Institutions (ADIs) are corporations which are authorised under the <i>Banking Act 1959</i>. ADIs include banks, building societies, and credit unions.</p> <p>All ADIs are subject to the same Prudential Standards but the use of the names 'bank', 'building society' and 'credit union' is subject to corporations meeting certain criteria.</p>	BBSW	Bank Bill Swap Rate	Credit Rating Agency	<p>A credit rating agency is a company that assigns credit ratings, which rate a debtor's ability to pay back debt by making timely interest payments and the likelihood of default. An agency may rate the creditworthiness of issuers of debt obligations, of debt instruments, and in some cases, of the servicers of the underlying debt, but not of individual consumers.</p>	Direct Divestment	<p>No direct investment in any company that involves fossil fuel in their core business strategy or principle business activity. This usually refers to stocks held for resources companies and alike and has been the main focus of many organisations that have declared their commitment to fossil fuel divestment.</p> <p>Constrained by the <i>Local Government Act 2020</i>, Council cannot invest in direct shares of companies or invest in managed funds without ministerial approval and therefore is already in compliance with direct divestment.</p>	Indirect Divestment	<p>Divest from financial institutions or companies that invest in fossil fuel companies. Diversification of portfolios amongst companies makes it difficult to readily identify all indirect investments; therefore companies usually limit their divestment policies to direct investments only.</p>
Authorised Deposit-taking Institutions	<p>Authorised Deposit-taking Institutions (ADIs) are corporations which are authorised under the <i>Banking Act 1959</i>. ADIs include banks, building societies, and credit unions.</p> <p>All ADIs are subject to the same Prudential Standards but the use of the names 'bank', 'building society' and 'credit union' is subject to corporations meeting certain criteria.</p>										
BBSW	Bank Bill Swap Rate										
Credit Rating Agency	<p>A credit rating agency is a company that assigns credit ratings, which rate a debtor's ability to pay back debt by making timely interest payments and the likelihood of default. An agency may rate the creditworthiness of issuers of debt obligations, of debt instruments, and in some cases, of the servicers of the underlying debt, but not of individual consumers.</p>										
Direct Divestment	<p>No direct investment in any company that involves fossil fuel in their core business strategy or principle business activity. This usually refers to stocks held for resources companies and alike and has been the main focus of many organisations that have declared their commitment to fossil fuel divestment.</p> <p>Constrained by the <i>Local Government Act 2020</i>, Council cannot invest in direct shares of companies or invest in managed funds without ministerial approval and therefore is already in compliance with direct divestment.</p>										
Indirect Divestment	<p>Divest from financial institutions or companies that invest in fossil fuel companies. Diversification of portfolios amongst companies makes it difficult to readily identify all indirect investments; therefore companies usually limit their divestment policies to direct investments only.</p>										

Dec 2021



	<p>Market Forces An affiliate project of Friends of the Earth Australia. Market Forces present the results of their research online (http://www.marketforces.org.au/banks/compare) to give a guide to bank investment/ financing of fossil fuel assets.</p> <p>Negative screening This refers to stopping dealing with ADIs that are involved in fossil fuel investments</p> <p>Positive screening This refers to increasing dealings with ADIs that commit to fossil fuel free investments</p> <p>ST / LT Short term / Long term</p> <p>Standard & Poor's Standard & Poor's Financial Services (also referred to as S&P) is an American financial services company, founded by Henry Varnum Poor in 1860 in New York. S&P controls approximately 40% of the global credit rating market share</p>
<p>Policy Statement(s)</p>	<p>Objectives / Principles</p> <p>The primary objective of this policy is to maximise the earnings from investment of surplus funds within an appropriate risk-based framework. The principles which guide this objective are:</p> <ul style="list-style-type: none"> • Preservation of capital • Maintenance of sufficient cash to meet day to day liquidity requirements • Diversification of investments across different institutions/issuers • Targeted investment returns against relevant benchmarks. <p>Credit ratings provided by ratings agencies are one form of analytical filter that Council can consider when making investment decisions. Appendix 1 contains a summary of credit rating definitions provided by Standard and Poor's. Other relevant factors to consider include liquidity requirements, counterparty risk and the duration of investment decisions. Each of these elements is given consideration in this policy.</p> <p>Ethical and sustainability considerations</p> <p>Financial institutions to be selected for investments must indicate their commitment to core values of integrity, trust, customer service and the highest ethical standards along with their strong commitment to Corporate Social Responsibility (CSR).</p> <p>Darebin City Council is concerned about the impact of that the consumption of fossil fuels has on greenhouse gas emissions. Council recognises the role of financial institutions in financing new fossil fuel projects in Australia.</p> <p>To ensure Council will move away from directly investing in any company for whom the extraction, production, refining, or distribution of fossil fuels forms a core part of their business strategy, or in any company whose principal business involves providing infrastructure or services to companies previously mentioned, Council will adopt a positive screening approach for Council's investment with financial institutions.</p> <p>This will be implemented through actively investing with fossil free financial institutions within the parameters of this policy.</p> <p>Council's investment strategy will give preference to authorised deposit-taking institutions that state they do not finance fossil fuel projects where:</p>

Dec 2021



- the investment transaction is compliant with the credit risk, product risk and institutional risk parameters specified in this policy, and
- the rate of investment is within 0.05 percentage points when compared against other investments available to Council at the time.

Treaty on the Prohibition of Nuclear Weapons

Council does not invest directly in companies that produce nuclear weapons. Wherever practical, Council preferences financial institutions and investment products that do not directly or indirectly fund any activities in the Arms industry.

Approved investments

In the context of the above legislative framework, the following investments are allowable under the Act and are typically made by Victorian local governments.

Investment	Description	Features	Benchmark	Horizon* (Short Term/ Long Term)
11am account	Cash funds are invested on overnight deposit up until 4pm each business day. Notice of withdrawal of funds to be submitted to the bank by 11am on the day required.	Ready access to funds. No fees. Interest rate usually 0.10% below the Reserve Bank cash rate.	Reserve Bank cash rate less 0.10% (10 basis points)	ST
Term deposit	Fixed period investment offered by authorised deposit-taking institutions.	Wide range of maturity dates available. Certainty of returns.	UBSA Bank Bill Index	ST / LT
Commercial bill	Highly negotiable products sold at a discount to their face value. The bank undertakes to pay the investor the face value upon maturity.	Highly liquid product which can be redeemed at any time by selling back to the bank.	UBSA Bank Bill Index	ST
Floating rate notes	FRNs are available for terms ordinarily of 1-3 years with regular coupons (interest) usually paid quarterly.	Interest rate is set as a margin over the 90 day Bank Bill Swap Rate (BBSW).	90 day BBSW + appropriate margin **	LT
Government and Semi-Government bonds	Long dated maturities with a sovereign debt rating. Considered to be the most resilient investments in regards to adverse market movements.	Lower return than other forms of investment.	UBSA Composite Bond Index	LT

Dec 2021



Managed funds with a minimum AAf rating	Enhanced cash funds independently managed by fund managers.	Rate of return is benchmarked against the UBS 90 day Bank Bill index.	UBS Bank Bill index + 0.20% (20 basis points)	ST / LT
---	---	---	---	---------

* ST generally refers to investment horizons suitable up to 12 months and LT suitable over 12 months.

** The appropriate margin would be reviewed and agreed at the point of investment.

Council may invest in any of the above investments subject to the limits listed below and subject to the specific requirements of the Act. Different investment products will have differing levels of use, practicality and desirability at different times of the economic cycle.

The decision regarding investment types will be made with regard to the prevailing economic and market conditions, the timeframe of the particular investment, and the rates of return applicable at the time.

When considering investments in managed funds, enquiries will be made regarding the investments made by the fund and independent advice must be sought.

In the event of the requirement to temporarily exceed the counterparty credit limits by any ADI, notification and approval must be provided to and support from the Manager Finance and GM Governance & Engagement obtained.

Overall portfolio rating limits

To control the credit quality on the investment portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P Long Term Rating*	S&P Short Term Rating*	Investment Maximum %
AAA	A1+	100%
AA+ to AA-	A1	100%
A+ to A-	A1	70%
A+ to A-	A2	70%
BBB+ to BBB	A2	70%
BBB- to BBB-	A3	50%

* Appendix 1 contains definitions of ratings provided by Standard and Poor's.

Counterparty credit framework

Exposure to an individual counterparty or institution will be restricted by its credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Long Term Rating	S&P Short Term Rating	Investment Maximum %
---------------------------------	----------------------------------	-----------------------------



	AAA	A1+	60%
	AA+ to AA-	A1	50%
	A+ to A-	A2	30%
	BBB+ to BBB	A2	30%
	BBB- to BBB-	A3	15%

If any of the investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable.

In addition to the above requirements, any single investment in a AA rated managed fund will represent no more than 40% of the investment portfolio.

Investment maturity

The maturity of investments will be based on forecast cash requirements and assessment of interest rates available at the time of investment. Investments will be placed at optimal maturities without compromising the objective of maintaining cash to meet daily liquidity requirements. The term of maturity of any investment may range from “at call” to five years.

Investments should not only take into account the typical risks including counterparty, diversification, liquidity, market, duration and capital risk, but also consider reinvestment risk.

Performance monitoring and reporting

A monthly investment report will be provided to the General Manager Governance & Engagement detailing the investments held at month-end, investment ratings, investment returns against relevant benchmarks and the investment maturity dates.

A quarterly report will be provided to the Executive Management team and a report to the Audit and Risk Committee will be provided on the mid-year and full-year investment performance.

Responsibilities	How are individuals responsible for the success of the policy?	
	All Finance staff involved in investments of funds to ensure funds are invested as in compliance with this policy.	
Responsibilities	How are managers responsible for the success of the policy?	
	Financial Accountant and Manager Finance to understand, effectively implement and both support and demonstrate a positive commitment to the policy.	
Organisational Values	Council’s organisational values enable and support the effective design and application of this policy by guiding staff in the course of their work.	
	We Make a Difference: We are driven by our desire to make a difference for the people we serve. Our work is purposeful and creates a positive impact for the community. We are proud to work here. Our work matters.	We have Integrity: We act with integrity and transparency in conversations and decision-making. Through open and clear communication, we build trust. We’re honest. We walk the talk.



	<p>We are Accountable: We are empowered to own and take responsibility for our actions. We follow through on our commitments and deliver on our promises. We make it happen.</p> <p>We are Collaborative: We are united by a common purpose to serve the community. We work together, connecting within our teams and across the organisation. We are inclusive and collaborative. We are one.</p>	<p>We show Respect: We are diverse, inclusive, respectful and caring. We encourage everyone to have a voice and we listen to each other. We recognise one another's contributions and treat people fairly. We look after each other.</p> <p>We are Creative: We are bold, courageous and innovative. We try new things, experiment and continuously improve. We are open-minded, creative and forward-thinking. We are leaders.</p>
Breach of Policy	Breaches of policies are treated seriously. Any concerns about non-compliance should be reported immediately to the owner of this policy.	

GOVERNANCE

Parent Strategy/ Plan	10 year Financial Plan
Related Documents	<p>This policy should be read in conjunction with Council's:</p> <ul style="list-style-type: none"> • Cashflow forecasting policy • "Detailed investment procedure" stored in objective • Council – Local Government Act & Ministerial Directions • Australian Accounting Standards • Fossil Fuel Divestment Policy
Supporting Procedures and Guidelines	N/A
Legislation/ Regulation	Council is governed by the Local Government Act 2020 ("the Act") which contains specific provisions on investments. The relevant sections of the Act are included in Appendix 2.
Author	Chief Financial Officer
Policy Owner/ Sponsor	General Manager Governance and Engagement
Date Adopted by Council	
Review Date	
Version Number	V5.0
Document ID	A6054213
Content enquiries	Financial Accountant

Dec 2021





Appendix 1 – Standard & Poor’s rating definitions

<u>SHORT TERM</u>		<u>LONG TERM</u>
Extremely strong capacity to pay	AAA	Extremely strong capacity to pay
Strong capacity to pay	AA+	Very strong capacity to pay
Satisfactory capacity to pay	AA AA-	
Adequate capacity to pay	A+	
Vulnerable to default/speculative	A A-	Strong capacity to pay
	BBB+ BBB BBB-	Adequate Capacity to Pay
	BB+ BB BB-	Uncertainties or Adverse Conditions could lead to inadequate capacity to Pay
	B+ B B-	Adverse conditions likely to impair capacity to pay
	CCC	Vulnerable to default
	CC	High risk of default
	D	Default



Investment Policy – Appendix 2

Legislative framework Local Government Act 2020

Financial management principles (section 101)

- (1) Revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans.
- (2) financial risks must be monitored and managed prudently having regard to economic circumstances;
- (3) financial policies and strategic plans, including the Revenue and Rating Plan, must seek to provide stability and predictability in the financial impact on the municipal community;
- (4) accounts and records that explain the financial operations and financial position of the Council must be kept.
- (5) For the purposes of the financial management principles, financial risk includes any risk relating to the following-
- (6) The financial viability of the Council;
- (7) The management of current and future liabilities of the Council;
- (8) The beneficial enterprise of the Council

Financial policies (section 102)

- (9) Council must prepare and adopt financial policies that give effect to the financial management principles
- (10) A financial policy must include any matters prescribed by the regulations.

Investments (section 103)

A Council may invest any money—

- (a) in Government securities of the Commonwealth;
- (b) in securities guaranteed by the Government of Victoria;
- (c) with an authorised deposit-taking institution;
- (d) with any financial institution guaranteed by the Government of Victoria;
- (e) on deposit with an eligible money market dealer within the meaning of the Corporations Act;
- (f) in any other manner approved by the Minister either generally or specifically, to be an authorised manner of investment for the purposes of this section.

8.5 FINANCIAL REPORT FOR THE THREE MONTHS ENDED 30 SEPTEMBER 2021**Author:** Financial Accountant**Reviewed By:** General Manager, Governance and Engagement

EXECUTIVE SUMMARY

The Q1 financial review assessed the financial performance of Council's year-to-date to 30 September 2021.

The outcome of the review indicates that Council has achieved a year-to-date operating surplus of \$104.55 million, which is \$5.83 million ahead of the year to date budget. The Q1 capital works expenditure was \$6.61 million, which is \$0.6 million behind the budget.

The forecast result for the year ending 30 June 2022 is an operating surplus of \$5.49 million and capital works expenditure of \$64.22 million. The forecast underlying result for the year ending 30 June 2022 is a surplus of \$0.2 million.

This report was deferred from the 15 December 2021 Council meeting for consideration in January 2022.

Officer Recommendation

That Council:

- (1) Note that the Quarter One financial report ended 30 September 2021 was presented to Council on 15 December 2021 and deferred to the January 2022 Council meeting.
 - (2) Receives the Quarter One financial report ended 30 September 2021 as **Appendix A** to this report and notes the year to date financial results against budget.
-

BACKGROUND / KEY INFORMATION

Under the *Local Government Act 2020*, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public as soon as practicable after the end of each quarter. The quarterly budget report must include: a comparison of the actual and budgeted results to date, an explanation of any material variations; and any other matters prescribed by the regulations.

The Quarter One financial report ended 30 September 2021 was presented to Council on 15 December 2021 and deferred to the January 2022 Council meeting for consideration.

Previous Council Resolution

At its meeting held on 15 December 2021, Council resolved:

“That the Order of the Business be amended as follows:

- *item 9.1 be considered at this point in the meeting*
-

- *and that consideration of all items 8.4 to 8.7, items 9.2 to 9.9, 10 and 11 be deferred to an Ordinary Council meeting on 31 January 2022.”*

(Note: this report was item 8.5 on the agenda)

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

This report provides an overview of Council’s financial result and financial position for the 3 months ended 30 September 2021. It includes some commentary on significant year-to-date variances

DISCUSSION

The Q1 financial review assessed the financial performance of Council’s year-to-date to 30 September 2021.

The outcome of the review indicates that Council has achieved a year-to-date operating surplus of \$104.55 million, which is \$5.83 million ahead of the year to date budget. The first quarter capital works expenditure was \$6.61 million, which is \$0.6 million behind the budget.

The forecast result for the year ending 30 June 2022 is an operating surplus of \$5.49 million and capital works expenditure of \$64.22 million. The forecast underlying result for the year ending 30 June 2022 is a surplus of \$0.2 million.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

BACKGROUND / KEY INFORMATION

In accordance with the *Local Government Act 2020* (s97), as soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget quarterly budget report is presented to the Council at a Council meeting that is open to the public. The quarterly budget report must include a comparison of the actual and budgeted results to date; an explanation of any material variations and any other matters prescribed by the regulations.

Operating Performance

For the three months ended 30 September 2021, Council has recorded an operating surplus of \$104.55 million, which is \$5.83 million ahead of the year-to-date budget. After eliminating capital and other items, the adjusted underlying surplus is \$103.79 million, which is \$5.07 million more than the full-year budget. An underlying surplus is the net surplus for the year adjusted for non-recurrent capital grants and contributions. It is an accepted measure of

financial sustainability as it is not impacted by non-recurring or once-off items of revenue and expenses that can often mask the operating results.

Total revenue year-to-date is favourable by \$1.83 million and total expenditure year-to-date is favourable by \$4.0 million. The main items contributing to this favourable variance are greater income than budgeted from operating and capital grants, monetary contributions less expenditure for employee costs and materials and services.

At this point in time, there are no significant variances forecast compared to the adopted budget. As part of the 2022-23 annual budget process, a more thorough review will be undertaken for the mid-year report.

Revenue in Statutory fees and fines are unfavourable due to traffic enforcement income tracking slower than budget \$0.80 million. This is primarily due to the State Government Covid-19 restrictions.

Contributions received from developers for public open space and other capital works are \$0.23 million greater than budget.

Capital Performance

For the three months ended 30 September 2021, Council has expended \$6.61 million on the capital works program, which is \$0.59 million behind of the year-to-date budget. The variance is due mainly to delays in infrastructure works offset by advance works undertaken at the new Narrandjeri Stadium \$2.8 million.

The adopted budget has increased from \$61.65 million to an annual forecast of \$64.22 million. This is due to additional carry forward works unbudgeted for infrastructure \$1.52 million, building renewals \$0.72 million, and \$0.28 million allocated towards IT infrastructure upgrades.

Financial Position

The financial position as at 30 September 2021 shows a cash and investment balance of \$63.24 million, which is \$7.67 million ahead of budget. The variance is due mainly to timing differences in receipt of rates, government receipts, payments to employees and suppliers and a higher opening cash and investment position compared with budget. The cash and investment balance of \$63.24 million was sufficient to meet restricted cash and intended allocation obligations of \$40.63 million at the end of September. Restricted cash is the amount of cash holdings Council requires to meet external restrictions such as trust funds, statutory reserves and cash for intended allocations, such as cash held to fund future capital works.

The net current asset position is \$140.05 million, which is \$2.46 million more than budget. Due mainly to the prior year revaluation decrement of infrastructure assets, the net asset position of \$1.59 billion is \$37.02 million less than budget.

Other Principles for consideration

Overarching Governance Principles and Supporting Principles

(g) the ongoing financial viability of the Council 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)**

The Council Plan 2021-25 strategic direction three addresses Council's commitment to environmental sustainability and has specific year one actions allocated to environmental sustainability consideration. The progress of these actions is included in the 2021-22 Quarter One Council Plan Action Plan Progress Report.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

The Municipal Health & Wellbeing Plan is embedded into the Council Plan 2021-25 and the actions in the 2021-22 Annual Budget.

Economic Development and Cultural Considerations

The 2021-22 Annual Budget addresses economic development and cultural considerations. The progress of these actions is included in the 2021-22 Quarter One Council Plan Action Plan Progress Report.

Legal and Risk Implications

Undertaking this first quarter financial report allows the identification of known and potential issues that may impact the delivery of the Annual Budget 2021-22 and allows those issues to be addressed to minimise the impact on the community and Council.

IMPLEMENTATION ACTIONS

Once formally noted by Council, the first quarter financial report will be accessible to the community via the Darebin website.

RELATED DOCUMENTS

- Council Plan Action Plan 2021–22
- Annual Budget 2021–22
- Local Government Act 2020

Attachments

- Financial Report for the 3 Months Ended 30 September 2021 (**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.

FINANCIAL REPORT

Three months ended
30 September 2021



Financial Report 3 months ended 30 September 2021

Contents

1.	EXECUTIVE SUMMARY	3
2.	FINANCIAL ANALYSIS	5
2.1	Operating Performance	5
2.2	Capital Performance	11
2.3	Financial Position	15
	APPENDIX A	
	Comprehensive Income Statement	19
	Balance Sheet	20
	Statement of Cash Flows	21
	Reconciliation of cash flows from operating activities to surplus	22
	Statement of Capital Works	23



Financial Report

3 months ended 30 September 2021

1 EXECUTIVE SUMMARY

1.2 Operating performance

	YTD Budget \$'000	YTD Actual \$'000	YTD Var \$'000	Adopted Budget \$'000
Operating				
Revenue	145,108	146,941	1,833	187,477
Expenditure	(46,392)	(42,396)	3,996	(181,990)
Surplus (deficit)	98,716	104,545	5,829	5,487
Capital & other				
Revenue / grants	0	(757)	(757)	(5,315)
Adjusted underlying surplus/(deficit)	98,716	103,788	5,072	172

For the three months ended 30 September 2021, Council has recorded an operating surplus of \$104.55 million, which is \$5.83 million ahead of the year-to-date budget. After eliminating capital and other items, the adjusted underlying surplus is \$103.79 million, which is \$5.07 million more than the full-year budget. An underlying surplus is the net surplus for the year adjusted for non-recurrent capital grants and contributions. It is an accepted measure of financial sustainability as it is not impacted by non-recurring or once-off items of revenue and expenses that can often mask the operating results.

Total revenue year-to-date is favourable by \$1.83 million and total expenditure year-to-date is favourable by \$4.0 million. The main items contributing to this favourable variance are greater income than budgeted from operating and capital grants, monetary contributions less expenditure for employee costs and materials and services.

At this point in time, there are no significant variances forecast compared to the adopted budget. As part of the 2022-23 annual budget process, a more thorough review will be undertaken for the mid-year report.

Revenue in Statutory fees and fines are unfavourable due to traffic enforcement income tracking slower than budget \$0.80 million. This is primarily due to the State Government Covid-19 restrictions.

Contributions received from developers for public open space and other capital works are \$0.23 million greater than budget.

1.2 Capital performance

	YTD Budget \$'000	YTD Actual \$'000	YTD Var \$'000	Adopted Budget \$'000	Forecast Budget \$'000
Property	4,305	5,077	(772)	39,023	39,794
Plant & equipment	938	653	285	6,258	6,538
Infrastructure	1,959	882	1,077	16,372	17,891
Total capital works	7,202	6,612	590	61,653	64,223

For the three months ended 30 September 2021, Council has expended \$6.61 million on the capital works program, which is \$0.59 million behind of the year-to-date budget. The variance is due mainly to delays in infrastructure works offset by advance works undertaken at the new Narrandjeri Stadium \$2.8 million.

The adopted budget has increased from \$61.65 million to an annual forecast of \$64.22 million. This is due to additional carry forward works unbudgeted for infrastructure \$1.52 million, building renewals \$0.72 million, and \$0.28 million allocated towards IT infrastructure upgrades.

Financial Report

3 months ended 30 September 2021

1.3 Financial position

	YTD Budget \$'000	YTD Actual \$'000	YTD Var \$'000	Adopted Budget \$'000	Audited 2021 \$'000
Cash and investments	55,574	63,242	7,668	34,544	64,579
Net current assets	137,593	140,050	2,457	15,544	36,315
Net assets and total equity	1,630,747	1,593,725	(37,022)	1,537,519	1,489,183

The financial position as at 30 September 2021 shows a cash and investment balance of \$63.24 million, which is \$7.67 million ahead of budget. The variance is due mainly to timing differences in receipt of rates, government receipts, payments to employees and suppliers and a higher opening cash and investment position compared with budget. The cash and investment balance of \$63.24 million was sufficient to meet restricted cash and intended allocation obligations of \$40.63 million at the end of September. Restricted cash is the amount of cash holdings Council requires to meet external restrictions such as trust funds, statutory reserves and cash for intended allocations, such as cash held to fund future capital works.

The net current asset position is \$140.05 million, which is \$2.46 million more than budget. Due mainly to the prior year revaluation decrement of infrastructure assets, the net asset position of \$1.59 billion is \$37.02 million less than budget.

2. FINANCIAL ANALYSIS

2.1 Operating performance

The information in the table below shows income and operating expenditure for the period ended 30 September 2021. The five columns of data provide information on the following:

- Full-year budget to 30 September 2021 (i.e. estimated timing of income and expenditure)
- Full-year actual results to 30 September 2021
- YTD variance of actuals compared to budget
- Original budget as adopted by Council

The report provides a year-to-date summary of Council's financial position and is a guide on the timing of receipts and payments. Timing differences can occur during the financial year and year to date variances do not imply that the annual budget will be affected.

The majority of YTD timing and permanent differences against budget are due to the on-going COVID impact on Council operations and services.

Financial Report

3 months ended 30 September 2021

DAREBIN CITY COUNCIL

Comprehensive Income Statement

For the 3 months ended 30 September 2021

	YTD Budget \$'000	YTD Actual \$'000	YTD Variance \$'000	Annual Budget \$'000
Income				
Rates and charges	135,690	135,773	83	139,759
Statutory fees and fines	1,769	1,381	(388)	8,753
User fees	1,948	1,601	(347)	7,931
Grants - operating	3,708	5,297	1,589	17,075
Grants - capital	0	757	757	5,315
Contributions - monetary	1,364	1,598	234	5,456
Net gain (loss) on disposal of property, infrastructure, plant and equipment	(75)	230	305	631
Other income	704	304	(400)	2,557
Total income	145,108	146,941	1,833	187,477
Expenses				
Employee costs	22,226	21,016	1,210	93,897
Materials and services	15,433	13,626	1,807	52,632
Depreciation	6,087	5,705	382	24,767
Amortisation - intangible assets	111	127	(16)	29
Amortisation - right of use assets	0	0	0	66
Bad and doubtful debts	357	48	309	1,706
Borrowing costs	0	0	0	18
Other expenses	2,178	1,874	304	8,875
Total expenses	46,392	42,396	3,996	181,990
Surplus for the year	98,716	104,545	5,829	5,487
Less				
Grants - capital (non-recurrent)	0	(757)	(757)	(5,315)
Adjusted underlying surplus/ (deficit)	98,716	103,788	5,072	172

Financial Report

3 months ended 30 September 2021

Operating Revenue – notes

1. **Grants operating:** Major variances include:
 - Civic compliance is \$629K greater than budget. School crossing supervision received in advance. (T)
 - Library management and operations \$1,055K greater than budget. State Government funding received in advance. (T)
 - Working for Victoria \$409K. Final installment of the State Government funding received. (P)
 - Victorian Grants Commission (Financial Assistance Grants) for 2022-21 were 50% prepaid in 2020/21 and accordingly the grants received are \$521K less than budget. (T)
2. **Grants capital:** Major variances include:
 - Funding for Blackspot projects is \$410K greater than budget. Funding received in advance. (T)
 - Funding for Edwardes Lake dog off lead project is \$137K greater than budget. Project was not budgeted in 2021/22. (P)
3. **Contributions - monetary:** Major variances include:
 - Public open space contributions are \$119K greater than budget at the end of September. The State Government Covid-19 restrictions have had limited impact on property development undertaken within the municipality. (T)
4. **Other income:** Major variances include:
 - Lower deposit interest rates have resulted in the Interest received to be \$77K less than budget at the end of September. (P)

Operating Expenses – notes

5. **Employee costs:** Major variances are:
 - City development is \$192K less than budget at the end of September. (T)
 - City works is \$304K less than budget at the end of September. Operations, contracts and compliance salary adjustment. (T)
 - Climate emergency and sustainable transport is \$114K less than budget at the end of September. Potential savings in water and waste education programs. (P)
 - Creative culture and events is \$125K less than budget at the end of September. The State Government Covid-19 restrictions has forced the temporary closure of many Council facilities and the postponement of programs. (P)
 - Parks and open space is \$267K less than budget at the end of September. (T)
 - Recreation and libraries is \$277K less than budget at the end of September. The State Government Covid-19 restrictions has forced the temporary closure of many Council facilities and the postponement of programs. (P)
 - Assets and capital delivery is \$154K more than budget at the end of September. Project management costs for Q1 are yet to be allocated to specific capital works projects. (T)

Note: (T) Timing, (P) Permanent

Operating Expenses – notes

Financial Report

3 months ended 30 September 2021

6. **Materials and services:** Major variances are:

- Environment and sustainable transport is \$489K less than budget. Due to Covid-19 restrictions there have been delays in delivering environmental programs. (T)
- Communications and engagement is \$133k less than budget. Communications advertising costs lower than anticipated. (T)
- Creative culture and events is \$125K less than budget at the end of September. The State Government Covid-19 restrictions has forced the temporary closure of many Council facilities and the postponement of programs. (P)
- Equity and wellbeing is \$466K less than budget. Due to Covid-19 restrictions there have been delays in delivering various programs. (T)
- Parks and open space is \$204K less than budget at the end of September. DISC maintenance, the State Government Covid-19 restrictions has forced the temporary closure of many Council facilities and sports grounds. (P)
- Recreation and libraries is \$327K less than budget at the end of September. The State Government Covid-19 restrictions has forced the temporary closure of many Council facilities and the postponement of programs. (P)
- Supported and connected living is \$146K less than budget. Contract meals production, timing of invoice processing. (T)
- Assets and capital delivery is \$1,187K more than budget. Project management costs for Q1 are yet to be allocated to specific capital works projects. (T)

7. **Bad and doubtful debts:** Major variance is:

- Traffic enforcement bad and doubtful debts is \$286K less than budget. Over the first 3 months of the year there have been less infringements sent to Fines Victoria for processing. (P)

8. **Other expenses:** Major variances are:

- Community wellbeing community grant contributions are \$702K more than budget. Community grants funding expenditure paid in advance to assist with Covid-19 business recovery. (T)
- Legal fees attributable to rates and property valuation objections are \$132K less than budget. (T)

Note: (T) Timing, (P) Permanent

2.2 Capital performance

Financial Report

3 months ended 30 September 2021

The information in the table below shows capital expenditure for the period ended 30 September 2021. The six columns of data provide information on the following:

- Full-year budget to 30 September 2021
- Full-year actual results to 30 September 2021
- YTD variance of actuals compared to budget
- Original budget as adopted by Council

DAREBIN CITY COUNCIL

Statement of Capital Works

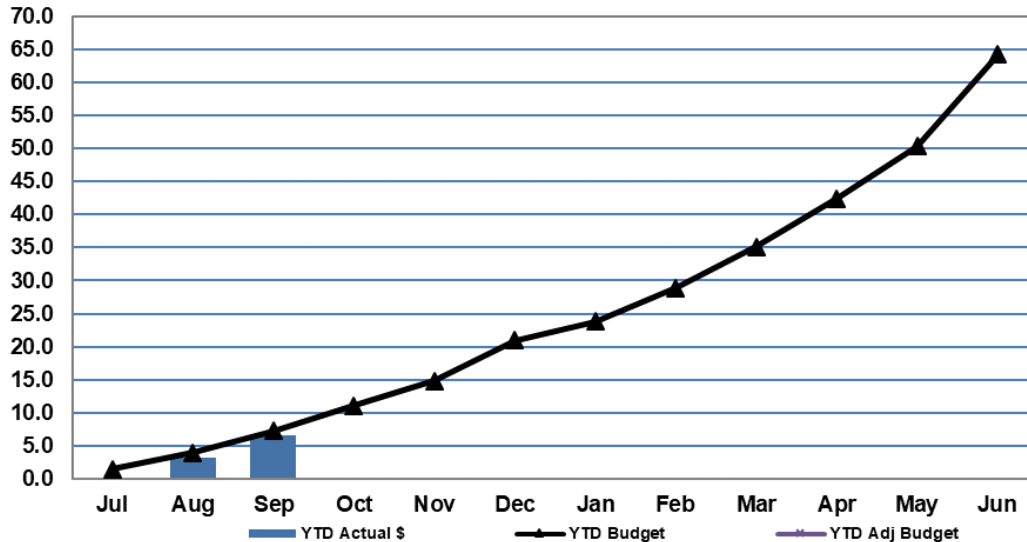
For the 3 months ended 30 September 2021

	YTD Budget \$'000	YTD Actual \$'000	YTD Variance \$'000	Annual Budget \$'000	Budget & CFWDs \$'000
Capital works					
Property					
Land	108	0	108	1,000	1,000
Buildings	4,197	5,077	(880)	38,023	38,794
Total property	4,305	5,077	(772)	39,023	39,794
Plant & equipment					
Plant, machinery & equipment	335	179	156	3,094	3,094
Computers & telecommunications	286	380	(94)	2,364	2,644
Library books	317	94	223	800	800
Total plant & equipment	938	653	285	6,258	6,538
Infrastructure					
Roads	526	222	304	4,556	4,859
Bridges	4	1	3	40	40
Footpaths & cycleways	197	105	92	1,732	1,820
Drainage	106	69	37	800	800
Land Improvements	344	0	344	2,673	3,173
Recreation, leisure & community facilities	177	25	152	1,568	1,636
Parks, open space & streetscapes	605	460	145	5,003	5,563
Total infrastructure	1,959	882	1,077	16,372	17,891
Total capital works	7,202	6,612	590	61,653	64,223
Represented by:					
Asset renewal	2,935	2,695	240	25,123	27,495
New assets	2,308	2,119	189	19,762	19,762
Asset expansion	1,063	976	87	9,099	9,099
Asset upgrade	896	822	74	7,669	7,867
Total capital works	7,202	6,612	590	61,653	64,223

Financial Report

3 months ended 30 September 2021

Cumulative capital works actual expenditure



Capital Expenditure – notes

1. **Land:** Major variances include:
 - Land acquisition project is \$108K less than budget at the end of September. (T)
2. **Buildings:** Major variances include:
 - Narrandjeri Stadium is \$2.82 million greater than budget at the end of September. The Narrandjeri Stadium project is a multi-year project. Progress on the stadium is in advance of the project plan. (T)
 - Northcote library and customer service centre facade upgrade is \$220K greater than budget at the end of September. Progress on the works is in advance of the project plan. (T)
 - BT Connor Reserve pavilion upgrade is \$233K less than budget. Progress on works is behind of the project plan. (T)
 - Northcote Aquatic and Recreation Centre redevelopment is \$1,468K less than budget. Progress on works is behind of the project plan. (T)
3. **Plant, machinery & equipment:** Major variances include:
 - Vehicular plant replacement program is \$239K less than budget. (T)
4. **Library books:** Major variances include:
 - Library product purchase is \$223K less than budget at the end of September. (T)
5. **Roads:** Major variances include:
 - Road Rehabilitation – future design works is \$182K less than budget. (T)
 - Kerbs and channel renewal program is \$102K greater than budget. (T)
6. **Land improvements:** Major variances include:
 - Dole Reserve wetland project is \$208K less than budget. (T)

Note: (T) Timing, (P) Permanent

Financial Report 3 months ended 30 September 2021

Capital Expenditure – notes

7. **Recreation, leisure & community facilities:** Major variances include:

- No individual significant item.

8. **Parks, opens space & streetscapes:** Major variances include:

- Streetscape improvement is \$204K less than budget. (T)
- Open Space rapid works for 2021-22 is \$307K greater than budget. Project is in advance of proposed project plan. (T)



Note: (T) Timing, (P) Permanent

Financial Report

3 months ended 30 September 2021

2.3 Financial position

	YTD Budget \$'000	YTD Actual \$'000	YTD Var \$'000	Adopted Budget \$'000
Cash and investments	55,574	63,242	7,668	34,544
Net current assets	137,593	140,050	2,457	15,544
Net assets and total equity	1,630,747	1,593,725	(37,022)	1,537,519

Cash balance

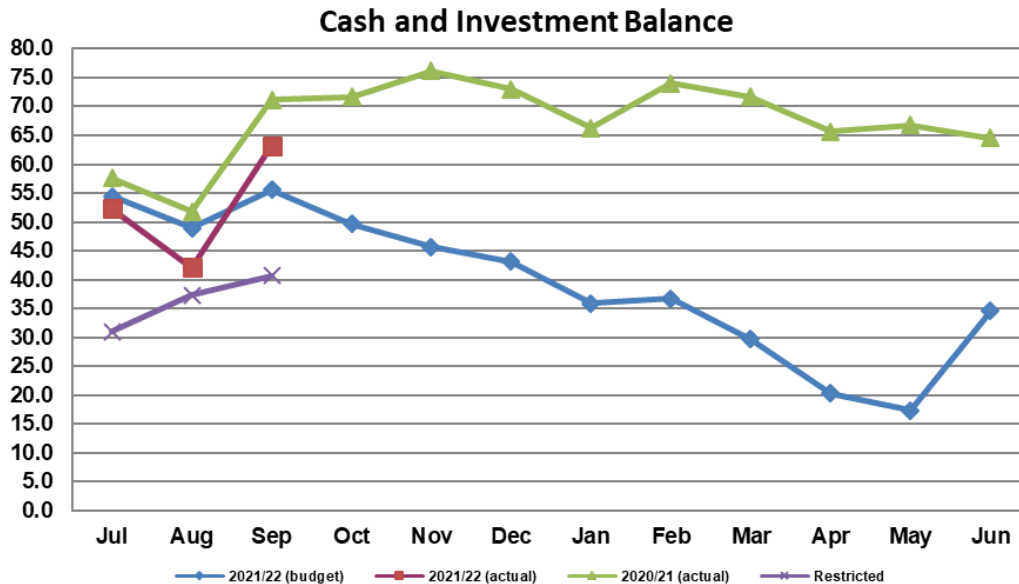
The chart below shows projections of how Council’s cash balance is expected to perform over the course of the 2021/22 financial year. The chart portrays:

- Budgeted 2021/22 cash balance
- Actual 2021/22 cash balance
- Actual 2020/21 cash balance
- Restricted Cash

Restricted cash includes:

- Developer contribution scheme
- Drainage development reserve
- Recreational lands contributions held on behalf of developers
- Carried forward capital works
- Trust funds and deposits.

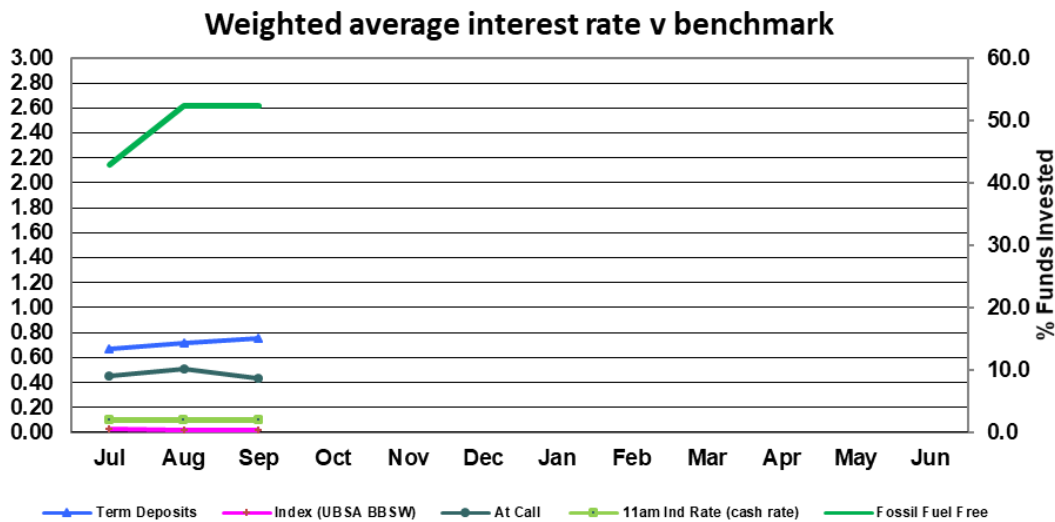
The graph below shows Council’s cash balance is within expectations. Every opportunity is taken to invest surplus cash to maximise investment returns.



Note: Cash and investments include term deposits with a maturity date exceeding 90 days which are classified as other financial assets in the Balance Sheet (\$24.81M).

Financial Report 3 months ended 30 September 2021

The graph below shows Council’s interest performance against the market as well as showing the percentage of investments that were placed with financial institutions and authorised deposit-taking institutions which do not have a record of funding fossil fuels. As at 30 September 2021, 52% of all invested funds were placed with financial institutions and ADIs which do not have a record of funding fossil fuels (30 September 2020 51%).

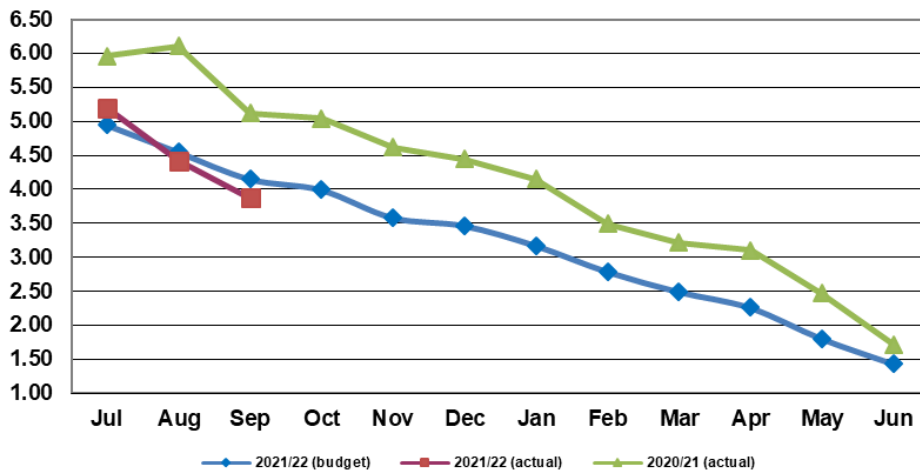


Working capital

The chart below shows projections of the movement in Council’s working capital over the course of the 2020/21 financial year. The chart portrays:

- Budgeted 2021/22 working capital
- Actual 2021/22 working capital
- Actual 2020/21 working capital

Working capital (current assets/current liabilities)



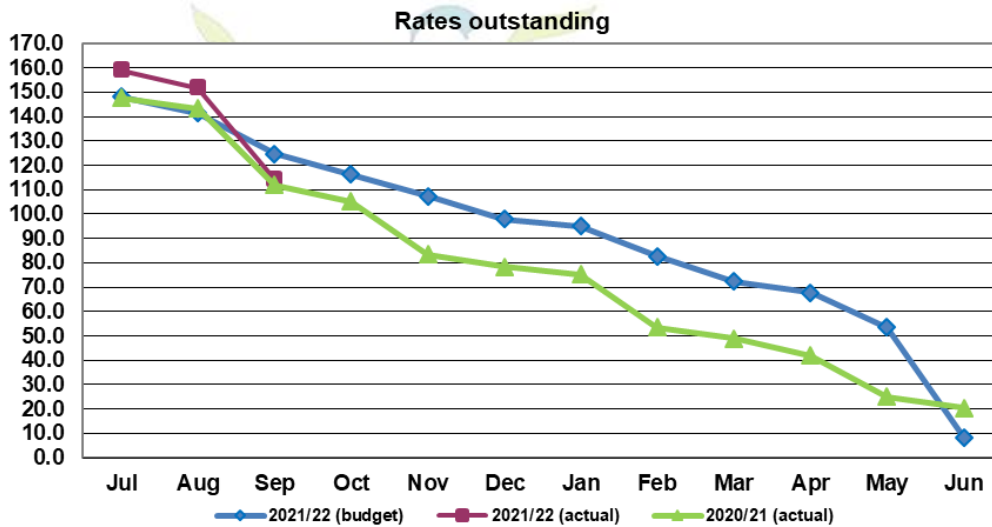
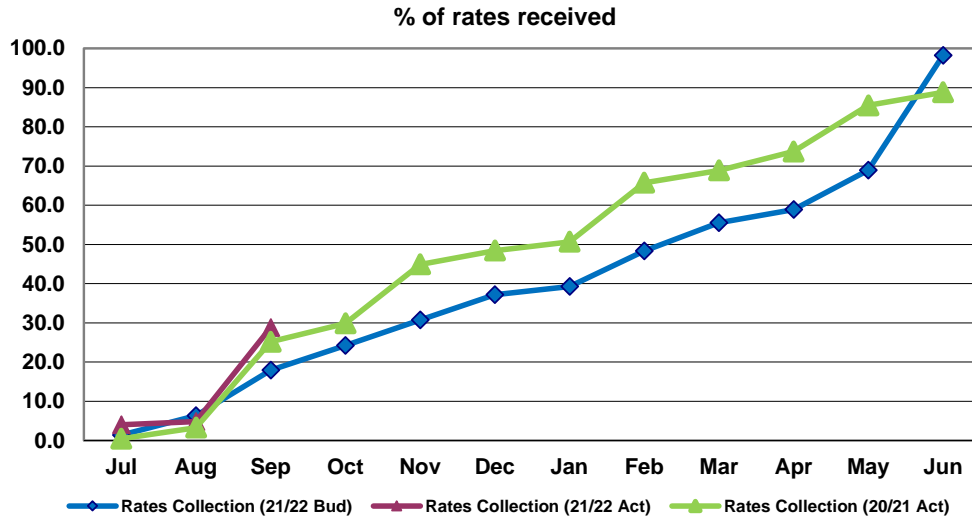
As at 30 September 2021, \$135.99 million was raised in general rates and charges including supplementary valuations generated by changes to council’s property base. At 30 September 2021, 28.8% of the rates raised have been collected compared to the same period of the 2020-21 financial year of 25.2%.

Financial Report

3 months ended 30 September 2021

Rates debtors

The following graphs show that current collection trends are closely following the 2020-21 collection trend and the budgeted collection trend:



Financial Report
3 months ended 30 September 2021

APPENDIX A

Comprehensive Income Statement
Balance Sheet
Statement of Cash Flows
Statement of Capital Works



Financial Report

3 months ended 30 September 2021

DAREBIN CITY COUNCIL

Comprehensive Income Statement

For the 3 months ended 30 September 2021

	YTD Budget \$'000	YTD Actual \$'000	YTD Variance \$'000	Annual Budget \$'000
Income				
Rates and charges	135,690	135,773	83	139,759
Statutory fees and fines	1,769	1,381	(388)	8,753
User fees	1,948	1,601	(347)	7,931
Grants - operating	3,708	5,297	1,589	17,075
Grants - capital	0	757	757	5,315
Contributions - monetary	1,364	1,598	234	5,456
Net gain (loss) on disposal of property, infrastructure, plant and equipment	(75)	230	305	631
Other income	704	304	(400)	2,557
Total income	145,108	146,941	1,833	187,477
Expenses				
Employee costs	22,226	21,016	1,210	93,897
Materials and services	15,433	13,626	1,807	52,632
Depreciation	6,087	5,705	382	24,767
Amortisation - intangible assets	111	127	(16)	29
Amortisation - right of use assets	0	0	0	66
Bad and doubtful debts	357	48	309	1,706
Borrowing costs	0	0	0	18
Other expenses	2,178	1,874	304	8,875
Total expenses	46,392	42,396	3,996	181,990
Surplus for the year	98,716	104,545	5,829	5,487
Less				
Grants - capital (non-recurrent)	0	(757)	(757)	(5,315)
Adjusted underlying surplus/ (deficit)	98,716	103,788	5,072	172

Financial Report

3 months ended 30 September 2021

DAREBIN CITY COUNCIL

Balance Sheet

As at 30 September 2021

	YTD Budget \$'000	YTD Actual \$'000	YTD Variance \$'000	Annual Budget \$'000	Audited 2021 \$'000
Current assets					
Cash and cash equivalents	55,574	38,429	(17,145)	34,544	47,727
Trade and other receivables	121,902	123,560	1,658	14,425	19,938
Other financial assets	0	24,813	24,813	0	16,852
Inventories	60	58	(2)	60	58
Other assets	3,430	1,879	(1,551)	2,525	2,212
Total current assets	180,966	188,739	7,773	51,554	86,787
Non-current assets					
Trade and other receivables	8,921	3,978	(4,943)	9,095	3,995
Other financial assets	0	6	6	0	6
Property, infrastructure, plant & equipment	1,482,745	1,448,002	(34,743)	1,518,590	1,447,095
Right-of-use assets	263	154	(109)	197	154
Investment property	2,790	2,714	(76)	2,790	2,714
Intangible assets	467	841	374	549	969
Total non-current assets	1,495,186	1,455,695	(39,491)	1,531,221	1,454,933
Total assets	1,676,152	1,644,434	(31,718)	1,582,775	1,541,720
Current liabilities					
Trade and other payables	13,542	9,097	4,445	8,792	15,004
Trust funds and deposits	7,501	9,135	(1,634)	4,527	5,123
Unearned Income	0	8,091	(8,091)	0	8,044
Provisions	22,218	22,352	(134)	21,918	22,227
Interest bearing loans and borrowings	0	0	0	706	0
Lease liability	112	14	98	67	74
Total current liabilities	43,373	48,689	(5,316)	36,010	50,472
Provisions	1,876	1,876	0	1,876	1,981
Interest bearing loans and borrowings	0	0	0	7,236	0
Lease liability	156	144	12	134	84
Total non-current liabilities	2,032	2,020	12	9,246	2,065
Total liabilities	45,405	50,709	(5,304)	45,256	52,537
Net assets	1,630,747	1,593,725	(37,022)	1,537,519	1,489,183
Equity					
Accumulated surplus	666,569	669,179	2,610	573,791	564,636
Asset revaluation reserve	936,646	898,504	(38,142)	936,646	898,505
Other reserves	27,532	26,042	(1,490)	27,082	26,042
Total equity	1,630,747	1,593,725	(37,022)	1,537,519	1,489,183

Financial Report

3 months ended 30 September 2021

DAREBIN CITY COUNCIL

Statement of Cash Flow

For the 3 months ended 30 September 2021

	YTD Budget \$'000	YTD Actual \$'000	YTD Variance \$'000	Annual Budget \$'000
Cash flows from operating activities				
Rates	25,096	33,892	8,796	138,425
Statutory fees and fines	1,769	1,130	(639)	9,577
User fees & charges (inclusive of GST)	2,749	(346)	(3,095)	8,677
Government receipts	5,224	778	(4,446)	22,174
Contributions - Monetary	1,365	1,598	233	5,456
Other income	1,006	191	(815)	2,627
Employee costs	(23,179)	(21,418)	1,761	(96,009)
Materials and services (inclusive of GST)	(20,082)	(16,431)	3,650	(70,702)
Net FSPL refund / payment	2,940	3,801	861	0
	(3,112)	3,194	6,306	20,225
Interest	(302)	(18)	285	593
Trust funds and deposits	0	216	216	0
Net GST refund / payment	2,224	2,792	569	8,915
Net cash provided by operating activities	(1,190)	6,185	7,375	29,733
Cash flows from investing activities				
Proceeds from sale of property, plant & equipment	(9)	735	743	694
Payment for property, infrastr, plant & equipment	(7,204)	(8,257)	(1,052)	(67,718)
Net cash used in investing activities	(7,213)	(7,522)	(309)	(67,024)
Cash flows from financing activities				
Finance costs	0	0	0	(18)
Proceeds of interest bearing loans and borrowings	0	0	0	8,000
Repayment of borrowings	0	0	0	(58)
Repayment of lease liabilities	0	0	0	(67)
Net cash used in financing activities	0	(0)	(0)	7,857
Net increase / (decrease) in cash & cash equivalents	(8,404)	(1,337)	7,067	(29,434)
Cash & cash equivalents at the beginning of the year	63,978	64,579	601	63,978
Cash & cash equivalents at the end of the period	55,574	63,242	7,668	34,544

Note: Cash and cash equivalents at the beginning of the year includes term deposits with a maturity date exceeding 90 days which are classified as other financial assets in the Balance Sheet (\$16.85M).

Financial Report

3 months ended 30 September 2021

DAREBIN CITY COUNCIL

Statement of Cash Flow

For the 3 months ended 30 September 2021

Reconciliation of cash flows from operating activities to surplus

	YTD Budget \$'000	YTD Actual \$'000	YTD Variance \$'000	Annual Budget \$'000
Surplus for the year	98,716	104,545	5,829	5,487
Items not involving cash or non operating in nature				
Depreciation and amortisation	6,198	5,832	(366)	24,767
Interest expense	0	0	0	0
Bad & doubtful debts	357	48	(309)	1,706
Net (gain) / loss on sale of assets	75	(230)	(305)	(631)
Other	0	0	0	0
	<u>105,346</u>	<u>110,195</u>	<u>4,849</u>	<u>31,329</u>
Change in operating assets and liabilities				
Decrease / (Increase) in rate debtors	(109,140)	(101,949)	7,191	(3,986)
Decrease / (Increase) in other operating assets	1,058	(7,148)	(8,205)	7,546
(Decrease) / Increase in Trade creditors	(406)	841	1,247	(3,968)
(Decrease) / Increase in other operating liabilities	1,652	4,225	2,573	(1,188)
(Decrease) / Increase in provisions	300	20	(280)	0
	<u>(106,536)</u>	<u>(104,009)</u>	<u>2,527</u>	<u>(1,596)</u>
Net cash provided by operating activities	<u>(1,190)</u>	<u>6,185</u>	<u>7,375</u>	<u>29,733</u>



Financial Report

3 months ended 30 September 2021

DAREBIN CITY COUNCIL

Statement of Capital Works

For the 3 months ended 30 September 2021

	YTD Budget \$'000	YTD Actual \$'000	YTD Variance \$'000	Annual Budget \$'000	Budget & CFWDs \$'000
Capital works					
Property					
Land	108	0	108	1,000	1,000
Buildings	4,197	5,077	(880)	38,023	38,794
Total property	4,305	5,077	(772)	39,023	39,794
Plant & equipment					
Plant, machinery & equipment	335	179	156	3,094	3,094
Computers & telecommunications	286	380	(94)	2,364	2,644
Library books	317	94	223	800	800
Total plant & equipment	938	653	285	6,258	6,538
Infrastructure					
Roads	526	222	304	4,556	4,859
Bridges	4	1	3	40	40
Footpaths & cycleways	197	105	92	1,732	1,820
Drainage	106	69	37	800	800
Land Improvements	344	0	344	2,673	3,173
Recreation, leisure & community facilities	177	25	152	1,568	1,636
Parks, open space & streetscapes	605	460	145	5,003	5,563
Total infrastructure	1,959	882	1,077	16,372	17,891
Total capital works	7,202	6,612	590	61,653	64,223
Represented by:					
Asset renewal	2,935	2,695	240	25,123	27,495
New assets	2,308	2,119	189	19,762	19,762
Asset expansion	1,063	976	87	9,099	9,099
Asset upgrade	896	822	74	7,669	7,867
Total capital works	7,202	6,612	590	61,653	64,223

8.6 CONTRACT AWARD - CT2021114 - DAREBIN RESOURCE RECOVERY CENTRE - CONCRETE RETAINING WALL, PAVEMENT AND DRAINAGE CONSTRUCTION**Author:** Acting Coordinator Buildings and Leisure**Reviewed By:** General Manager Operations and Capital

PURPOSE

The purpose of this report is to award contract CT2021114 for Darebin Resource Recovery Centre - Concrete Retaining Wall, Pavement and Drainage Construction.

EXECUTIVE SUMMARY

The replacement of the existing waste transfer deck retaining wall at the Darebin Resource Recovery Centre (DRRC) was identified as high priority infrastructure work due to the deteriorated condition of the existing structure. Since completion of the original structural assessment, one section of the retaining wall has been further damaged by a truck impact and another has failed as a result of the September 2021 earthquake.

The appointment of an experienced contractor for the construction of the altered design for the replacement of the inadequate civil infrastructure at the DRRC separation facility was sought through a public open tender process in accordance with Council's Social and Sustainable Procurement Policy and procurement guidelines.

The new works will be undertaken successively over four phases to minimise any interruption to the recycling operations of the operators of the DRRC. A tender evaluation panel has completed a detailed evaluation process, financial checks, risk assessment and recommends awarding the contract to the preferred tenderer.

Officer Recommendation

That Council:

1. Rescinds its decision to award contract CT202068 on 7 December 2020 to complete the construction works on the retaining wall at the Darebin Resource Recovery Centre.
 2. Awards contract No. CT2021114 Darebin Resource Recovery Centre to _____ for the contract sum of _____ (inclusive of GST)
 3. Approves a contingency amount of _____ (inclusive of GST), being approximately 10% of the contract sum, to be used if required for variations and other unforeseen items as part of contract No. CT2021114 and authorise the Chief Executive officer to vary the contract;
 4. Authorises the Chief Executive Officer to finalise and execute the contract documentation.
-

BACKGROUND / KEY INFORMATION

The Darebin Resource Recovery Centre (DRRC) is located within an industrial area of Reservoir and is operated by Outlook Environmental on behalf of Darebin City Council. This site is the only service within Darebin which provides community access to drop off materials for recycling.

The replacement of the existing waste transfer deck retaining wall was identified as a high priority due to the deteriorated condition of the existing structure which was estimated to have a limited remaining functional life as advised by ACOR Consultants in 2019. Two sections of the retaining wall have recently failed leading to only 75% of the facility currently remaining operational for resource recycling services.

The main project construction deliverables are:

- Demolition of the existing retaining wall and construction of new precast concrete retaining wall
- Installation of new stormwater drainage infrastructure
- Construction of a concrete slab at the lower and upper levels of the new retaining wall
- Installation of safety barriers, guard rails, handrails and gates, along the entire length of the retaining wall.

The new commercially viable design and construction methodology was developed by the appointed consultant team consisting of DB Architects, ACOR Consulting and Civiltest. It uses an edge beam on screw piles type foundation, precast concrete wall panels and a refined concrete pavement design owing to the inadequate weak subgrade conditions. Soils were re-classified as a result of the changes to the Environment Protection Amendment Act 2018 that commenced in July 2021.

An initial contract for rectification works to the retaining wall was originally designed, tendered and awarded by Darebin Council in December 2020 (CT202068). The contractor uncovered latent conditions in February 2021, shortly after commencing works, relating to the footings and support cables for the existing retaining wall. The originally documented design and costing was no longer appropriate for the construction process given the changed circumstances, and consequently a new design and construction methodology was developed. The subsequent scale of changes made to the design and construction methodology resulted in the requirement for the proposed works to be abandoned and a new contract to be tendered.

Previous Council Resolution

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

That Council

Awards Contract CT202068 for the Darebin Resource Recovery Centre Retaining Wall Construction to Eastern Property Services Pty Ltd for the total contract value of \$963,209.50 (inclusive of GST and tender option 2),

- (2) *Approves a contingency amount of \$143,000 (inclusive of GST), being approximately 15% of the contract amount, to be used if required for latent conditions or other unforeseen items,*
- (3) *Council authorises the Chief Executive Officer to finalise and execute the contract documentation on behalf of Council.*

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 3: Climate, Green and Sustainable

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

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

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

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

Council is renewing existing civil infrastructure items such as retaining walls, pavements and drainage at its Resource Recovery Centre in Reservoir. This will:

- Allow the continuation of hard waste and refuse separation and recycling
- Provide a safer experience for Council's own personnel, the operator and the public
- Improve access to waste services to the community
- Increase the base value of its assets, whilst significantly reducing future facility maintenance needs.
- Control stormwater runoff and reduce the potential for contamination in Edgars Creek

With the overarching principle being the importance of acting decisively on the issue of climate emergency, this project ably demonstrates Council's commitment to care for the environment in a sustainably responsible manner to meet current and future community needs.

DISCUSSION**Public Tender**

In accordance with Council's Social and Sustainable Procurement Policy 2021, a public tender methodology was adopted. Tenders were advertised on Council's online portal website and in The Age newspaper. Tender conditions were based on Council's Standard Request for Tender document and contract conditions were based on AS4000 - 1997 General Conditions of Contract. The tender sought lump sum tender prices based on the project specifications.

Request for Tender (RFT)

The Request for Tender was issued on 2 October 2021 and closed on 11 November 2021. Interested tenderers were given the opportunity to visit the site on 13 October 2021 whilst following Covid-19 restrictions. Subsequently, clarification requests were received and addressed in the form of addenda.

Details of contractors that submitted proposals by the closing date and time are outlined in **Appendix A** - Confidential Report circulated to councillors under separate cover.

Tender Evaluation

Submissions were evaluated by the panel against the following pre-established criteria:

- Tender price
- Demonstrated previous relevant experience
- Proposed methodology
- Timeline / program
- Socially responsible initiative and practices
- Sustainably responsible initiative and practices
- Local business content
- Compliance: Conflict of interest declaration, OH&S and Covid-19 plan
- Compliance: Certificates of currency for insurances and WorkCover
- Compliance: Financial viability and Corporate Scorecard assessment

An independent evaluation of the proposed methodologies and programs was also undertaken by project design team members DB Architects Pty Ltd and ACOR Consultants (Vic) Pty Ltd, to ensure that the technical requirements of the submissions were compliant and in accordance with the specifications. The evaluation panel, consultants and probity advisor were satisfied that the submissions were deemed to be compliant and proceeded to full evaluation.

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

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

Council has a capital works budget of \$800,000 (excl. GST) in 2021/2022 to fund the design and construction of the Darebin Resource Recovery Centre Retaining Wall and associated works.

As the estimated contract value for these works is greater than the budget provided for, and subject to Council's decision, it is proposed that provision for the remainder of the funding will be made in the draft 2022/2023 capital works program.

Community Engagement

Council's refuse collection and recycling contractor Outlook Environmental was informed of the redesign process and advised that it could continue with its operations in Bays 4, 5, 7 and 8, subject to keeping outside the exclusion zone established for Bays 1, 2 3 and 6.

Relevant senior Council staff and Outlook Environmental have been consulted during the re-design phase. Outlook Environmental's Regional Manager Victoria has agreed to the construction being undertaken in four separate phases.

Construction works have been planned after the facility's peak times during December and January. Traffic management will occur during the works to notify the staff and community using the site of the construction works. This will be changed during construction to reflect the different stages of work.

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;
- (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

- (c) Strategic planning must take into account the resources needed for effective implementation;

Service Performance Principles

- (b) services should be accessible to the members of the municipal community for whom the services are intended;
- (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)

In the context of the redevelopment of the retaining wall, the opportunity of incorporating major environmental sustainability measures were limited. Nonetheless, the project team included the following measures:

- recycling all demolished materials such as timbers, concrete and steel to be sent to the appropriate registered recycling facilities to the extent possible
- separating construction waste
- minimising the impact of the construction upon the service thus allowing the community to keep recycling
- replacing / upgrading existing drainage infrastructure and gross pollutant traps.

No existing materials can be re-used on site in construction due to their advanced state of deterioration.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

The contractor has committed to encouraging the employment of female and LGBTIQ+ staff and apprentices among subcontractors on this project. The successful tenderer scored on par with the other tenderers in this category.

Economic Development and Cultural Considerations

Tenderers who were able to demonstrate a local economic contribution and to deliver on positive social value were viewed favourably, in line with the established evaluation criteria. With the company registered in Preston, there is an expectation that the employment of local Darebin LGA suppliers and subcontractors will be high for the direct financial benefit of the local community.

Operational Impacts

This project will involve replacing ageing infrastructure and improving current operational and safety constraints, thus enabling greater use of the resource recycling facility. Construction will be undertaken whilst the operator is continuing with the waste recycling operations at the waste transfer deck.

Council has consulted multiple times with Outlook Environmental management to ensure the proposed stages of work minimise impacts on its recycling business needs. Stages of work have been designed to ensure four bays of the waste transfer deck will continue to be operational throughout all works stages. Customers, Outlook Environmental staff and deliveries of skip bins will continue as usual outside the designated zoned work area.

Traffic management is an integral part of the works to provide adequate construction access whilst protecting the safety of the staff and community.

Outlook Environmental has confirmed its acceptance of the stages of work and is supportive of the proposed traffic management during construction.

Legal and Risk Implications

Council's Procurement Policy mandates that a probity advisor be engaged for all projects valued at \$1,000,000 or greater. An independent probity advisor was engaged to provide an overview of the probity tasks and findings in relation to the tender evaluation process. A report was received from the probity advisor that concluded all probity requirements had been met. See Confidential **Appendix B** issued under separate cover.

Environmental and Safety Risk Implications

A risk management plan has been developed for this project. Risks will be reviewed and assessed within the ongoing context of construction progress and the phasing of works. To achieve this outcome, and to ensure risks are managed in line with the processes and practices set out in the Council guidelines, officers will monitor the risk management plan and take appropriate action.

The nature of the contract works is considered low to medium risk with respect to occupational health and safety.

Key environmental risks will be managed by Greencap, a specialised occupational hygienist consultant. Greencap will advise the contractor and undertake due diligence regarding any removal and handling of the contaminated soil, provide weekly reports of daily gas monitoring and monitor water quality.

COVID-19 Impacts and Considerations

The impacts of COVID-19 on the construction contract have been carefully considered by Council. Tenderers were required to provide evidence of a COVID-19 business continuity plan as part of their tender submission. This will form part of the construction contract for the appointed contractor to implement during construction. The construction contract has specific clauses drafted to deal with the contractor's ability to claim for 'time only but not cost' due to delays caused by COVID-19 related events.

IMPLEMENTATION ACTIONS

Subject to Council's decision, the contract is scheduled to commence in mid-February 2022 and is expected to reach practical completion within 32 weeks at the end of September 2022, subject to extensions of time granted due to Covid-19 related incidents or inclement weather. This contract has a defects liability period of 52 weeks from the date the practical completion certificate is issued by Council's superintendent to the contractor.

Upon contract award, notification will be issued to Outlook Environmental to inform it of the re-commencement of construction.

Project milestones target dates

Milestone / Tasks	Date / Timeframe
Council resolution to appoint the preferred Tenderer	31 January 2022
Contractor notification and letter of intent formalisation of contract documentation	1 February 2022
Formalisation and execution of contract documentation	11 February 2022
Project re-commencement on site	14 February 2022
Practical completion of works on site (PC date)	30 September 2022
Defects rectification, final completion and handover	28 October 2022
End of defects liability period (EDLP)	29 September 2023

Communication

The following communications will be implemented:

- Provide notice and letter of intent to the successful contractor followed by the contract confirming the price and practical completion date.
- Formal fortnightly construction site meetings will commence upon start of works on site.
- The project information board will be erected with new construction details and dates.
- The building surveyor will be provided with the new information and structural engineer's certification.

Attachments

- Contract Award CT2021114 DRRC Concrete Retaining Wall, Pavement & Drainage Construction (**Appendix A**) Confidential - enclosed under separate cover
- Probity Report (**Appendix B**) Confidential - enclosed under separate cover
- Financial Report (**Appendix C**) 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.

8.7 APPOINTMENT OF INDEPENDENT HR ADVISOR

Author: Chief People and Culture Officer

Reviewed By: General Manager, Governance and Engagement

THIS REPORT WILL BE CIRCULATED SEPARATELY

9. NOTICES OF MOTION

9.1 IMPLEMENTATION REPORT ON LOVE LOCAL CARD

Councillor: Gaetano GRECO

NoM No.: 23/21 (Deferred from 15/12/21)

That Council:

Receives an report at the March 2022 Council meeting regarding the Love Local Card. The report should include (but not be limited to) information and an analysis on the following:

- a) General uptake by residents of the \$30 Love Local Card.*
- b) Number of pensioners, concession card holders and other eligible residents that have taken up the \$50 Love Local Card.*
- c) Postcode and SEIFA location analysis of all recipients.*
- d) Feedback and complaints registered by residents and participating businesses.*
- e) Improvements to make the Love Local Card more equitably accessible.*

Rationale

Community members have raised issues regarding The Love Local Card initiative. While letters were sent out by Council advising residents of the opportunity to redeem their \$30 or \$50 cards concerns exist about the equitable uptake by residents especially vulnerable groups and residents who have communication issues with Council. This motion calls for a report to examine challenges associated with the full implementation of the initiative.

Notice Received: 1 December 2021

Notice Given to Councillors 1 December 2021

Date of Meeting: 31 January 2022

Attachments

Nil

9.2 EXTENDING PENSIONER RATE REBATE TO OFFSET INTRODUCTION OF WASTE CHARGES**Councillor: Gaetano GRECO****NoM No.: 24/21 (Deferred from 15/12/21)**

That Council:

Receives a report at the February 2022 Council meeting on financial modelling to extend the pensioner rate rebate that equates to no net increase as a result of the separation of charges.

Rationale

The introduction of the separation of waste charges from general rates which will result in the net increase in rates and charges of \$100 to \$168 for most pensioners will virtually wipe out the existing Council Pensioner Rate Rebate of \$150. This motion seeks to obtain more information on how the rebate could be extended to achieve a no net increase for pensioners as a result of the introduction of the separate waste charge.

Notice Received: 1 December 2021**Notice Given to Councillors 1 December 2021****Date of Meeting: 31 January 2022****Attachments**

Nil

9.3 UNNAMED LANEWAY**Councillor: Emily DIMITRIADIS****NoM No.: 25/21 (Deferred from 15/12/21)**

That Council:

1. *Notes that the laneway between 2 Gooch Street and 1 Raleigh Street in Thornbury, 3071 remains unnamed.*
2. *Notes that the Road and Place Naming Policy states under Section 8, that a name to a road or place “should have some sense of connection or relevance to the local areas having regard to the historical and cultural significance of the area.”*
3. *Notes that the Road and Place Naming Policy states under Section 9, that “in respect to the naming or renaming of roads, places and localities, consideration shall be given to... the Cultural and ethnic diversity of Darebin i.e. its migration history and multicultural groups”.*
4. *Notes that the multicultural group, Papaflessas, has written to Council and provided submissions on numerous occasions suggesting to Council that the laneway be named “Kalamata Place” due to its cultural and historical significance when thousands of Greek migrants settled in Thornbury from the 1950’s from towns in Kalamata where there was a street named ‘Papaflessas’ after their local hero.*
5. *Notes that this laneway is adjacent to the Papaflessas’ Club local heritage home at 2 Gooch Street Thornbury.*
6. *Receives a report on the request by the multicultural group, Papaflessas to name the laneway Kalamata Place, following the consultation guidelines of the Road and Place Naming Policy, at the February 2022 Council meeting.*

Rationale

I have received numerous requests about the naming of the laneway between 2 Gooch Street and 1 Raleigh Street in Thornbury 3071. Since our Road and Place Naming Policy states that the naming of laneways “should have some sense of connection or relevance to the local areas having regard to the historical and cultural significance of the area”, processes should be undertaken to consult on naming the unnamed laneway to Kalamata Place as requested by the Papaflessas Club, with the outcome to be determined after due consultation.

Notice Received: 1 December 2021**Notice Given to Councillors 1 December 2021****Date of Meeting: 31 January 2022****Attachments**

Nil

9.4 PRESTON MARKET**Councillor: Gaetano GRECO****NoM No.: 26/21 (Deferred from 15/12/21)**

That Council:

1. *Notes that in September 2021, it called for a report by February 2022 “to provide an update on the progress of the VPA’s Preston Market project, the findings of the Standing Advisory Committee and to consider any new advice or issues that may arise in the months that follow” and calls for this report to include:*
 - a) *The response by the Minister for Planning to Council’s Preston Market petition which strongly demonstrates the strength of the community’s response to protect the existing market.*
 - b) *The response by the VPA to council’s request that the Standing Advisory Committee panel must include expertise on heritage, markets, and members with an understanding of the cultural significance of this market now and in the past for Melbourne’s multicultural and migrant communities.*
 - c) *A review and analysis of the 386 submissions made to the VPA*
 - d) *The outcome of the Mayor’s meetings to date with various state parliamentary representatives*
 - e) *Council’s response to the Save the Preston Market Action Group’s request for information and consideration regarding public acquisition of the Preston Market as a way of safe guarding the Market into the future against demolition and over development*
 - f) *What further advocacy actions and activities Council can take to raise community awareness to protect the existing Preston Market.*
2. *Writes to the VPA requesting that it consider broader issues in its review of community submissions and detailed in Council’s own submission that go beyond “building structure and building form”*

Rationale

The future of Preston Market is very important to residents of Darebin and the broader northern community as demonstrated by the response to Council’s submission and broader community efforts to save the existing Market. The community has not received a full update of Council’s advocacy effort in a council report. Also, should consider further advocacy actions and formally respond to a request was made by the Save the Preston Market Action Group regarding Compulsory Acquisition. Lastly Council should consider making further representations to the VPA in light of its review of community submissions.

Notice Received: 1 December 2021

Notice Given to Councillors 1 December 2021

Date of Meeting: 31 January 2022

Attachments

Nil

9.5 EXTENDING CONCESSIONS TO ALL RESIDENTIAL PROPERTY OWNERS**Councillor: Gaetano GRECO****NoM No.: 27/21 (Deferred from 15/12/21)**

That Council receives a report at the February 2022 Council meeting on a further concession to owner-occupiers in residential properties valued over \$500,000 by the Valuer General that equates to no net increase as a result of the separation of waste charges.

Rationale

In the November resolution and accompanying report that was passed by Council no consideration or analysis was provided on a concession to owner-occupiers in residential properties over \$500,000. This information is vital for Council in ensuring equity and fairness considerations are modelled and appropriately costed.

Notice Received: 1 December 2021**Notice Given to Councillors 1 December 2021****Date of Meeting: 31 January 2022****Attachments**

Nil

9.6 EXPLORING OPTIONS TO RESPOND TO THE STATE WIDE RECYCLING VICTORIA REFORMS**Councillor:** Gaetano GRECO**NoM No.:** 28/21 (Deferred from 15/12/21)

That Council receives a preliminary report at the February 2022 Council meeting on possible rating options (apart from separating waste service cost recovery from general rates) accompanied with summary financial information to respond to the State wide Recycling Victoria Reforms

Rationale

Over the past few weeks community members have requested more attention be given by Council in comprehensively considering how to equitably share the burden of the way in which council collects waste future waste costs. In order to achieve this in an informed and transparent manner Council should consider all possible options in meeting this challenge. So far Council has focussed on only one option by considering the separation of waste service cost from general rates without considering a more complete set of financial models. This notice of motion will enable for this work to be done and presented to Council and residents

Notice Received: 1 December 2021**Notice Given to Councillors** 1 December 2021**Date of Meeting:** 31 January 2022**Attachments**

Nil

9.7 SEPARATE WASTE CHARGE**Councillor: Julie WILLIAMS****NoM No.: 29/21 (Deferred from 15/12/21)**

That Council provides a report on:

- a) *The feasibility of not charging pension card holders;*
- b) *The total number of all concession cardholders who are home owners in Darebin;*
- c) *The adequacy of the current eligibility criteria for Councils Hardship Policy, in view of the introduction of the new waste charge and its impact on the most disadvantaged in our community*

Rationale

It is part of our policy and council plan to ensure council goes to community consultation. The intent of motion is to see how the current hardship criteria policy will help the most disadvantage effected by the introduction of the new waste charge.

Notice Received: 1 December 2021**Notice Given to Councillors 1 December 2021****Date of Meeting: 31 January 2022****Attachments**

Nil

**9.8 CLEMENTS RESERVE SOIL CONTAMINATION
COMMUNITY UPDATE****Councillor: Tim LAURENCE****NoM No.: 01/22**

Take notice that at the Council Meeting to be held on 31 January 2022, it is my intention to move:

That Darebin Council:

- 1. Writes to update residents within 300 metres of Clements Reserve following a response being received from the Environmental Protection Agency, on how residents can access the detailed report that was made public at 23/12/2021 special council meeting that shows the extent of lead and asbestos soil contamination and any other information recommended by the EPA.*
- 2. Update the onsite signs around the fenced off soil contamination areas so that the signs inform park users that the area has had lead contamination detected there.*
- 3. Council officers report back on advice, recommended action and precautionary measures recommended by the EPA following receipt of the EPA's response.*

Rationale:

Since council resolved to make the Prensa Report public on the 23/12/2021 it is important the Council now writes to the Community to better inform the Community of access to the report so that the Community can understand the nature of the soil contamination and update signage and consider potential options to better assist those who may want to seek medical advice.

Notice Received: 16 January 2022**Notice Given to Councillors 16 January 2022****Date of Meeting: 31 January 2022****Attachments**

Nil

10. URGENT BUSINESS

11. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL


12. 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