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AGENDA

Ordinary Council Meeting to be held at
Council Chamber,
Darebin Civic Centre,
350 High Street Preston
on Monday 16 March 2020 at 6.00 pm.

Public question time will
commence shortly after 6.00 pm.



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

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

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

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

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



(2)

English

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

Arabic

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

Chinese

这是市议会会议议程。如需协助了解任何议项，请致电8470 8888。

Greek

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

Hindi

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

Italian

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

Macedonian

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

Nepali

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

Punjabi

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

Somali

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

Spanish

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

Urdu

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

Vietnamese

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

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Agenda

1. MEMBERSHIP

Cr. Susan Rennie (Mayor) (Chairperson)

Cr. Susanne Newton (Deputy Mayor)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Tim Laurence

Cr. Kim Le Cerf

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Julie Williams

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

Recommendation

That the Minutes of the Ordinary Meeting of Council held on 24 February 2020 be confirmed as a correct record of business transacted.

5. QUESTION AND SUBMISSION TIME

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

QUESTIONS

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

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

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

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

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

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

SUBMISSIONS OR COMMENTS

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

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

HOW TO SUBMIT YOUR QUESTION OR MAKE A COMMENT OR SUBMISSION

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

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

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

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

6. PETITIONS

7. URGENT BUSINESS

8. CONSIDERATION OF REPORTS

8.1 2019–20 QUARTER 2 ACTION PLAN PROGRESS REPORT INCLUDING FINANCIAL STATEMENT

Author: Coordinator Planning and Reporting

Reviewed By: General Manager Governance and Engagement

EXECUTIVE SUMMARY

Council is required by the *Local Government Act 1989* (the Act) to prepare a Council Plan containing the strategic objectives of Council, strategies for achieving those objectives, and indicators to monitor the achievement of those objectives.

In accordance with Council's commitment to continuous improvement and transparency, attached is an integrated progress report that provides an update on Council Plan actions, the capital works program, the status of Council resolutions and the financial statements.

Included in the report are the outcomes of the mid-year financial review, which assessed the financial performance of Council for the first half of the financial year.

To comply with the Act, the report also includes the following comparisons for the six months ended 31 December 2019:

- Actual and budgeted operating revenues and expenses.
- Actual and budgeted capital revenues and expenses.
- Actual and budgeted movements in the balance sheet.
- Actual and budgeted movements in the cash flow statement.

Recommendation

That Council:

- (1) Notes the 2019–20 Quarter 2 Progress Report at **Appendix A**.
 - (2) Notes the year-to-date financial results against budget and endorses the Financial Report six months ended 31 December 2019 (commencing at page 57 in **Appendix A**), including the budget and financial adjustments, the capital works budget adjustments and the adjusted end-of-year forecast results.
-

BACKGROUND / KEY INFORMATION

Supporting the Council Plan is an annual action plan that outlines the principal activities that will be undertaken over the course of each financial year.

Under the Act, the Chief Executive Officer must also ensure that every three months a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented at a Council meeting which is open to the public.

In response to the requirements described above, as well as the Council resolution requesting quarterly updates on progress against the action plan, the attached report now covers the progress against the action plan, the investment in our infrastructure (capital works) and the resources that are allocated to deliver these outcomes (financial statements).

To inform this report, a forensic and detailed mid-year budget review was conducted in December and January. All aspects of the budget were reviewed including operating, capital and project budgets and progress of projects against timeframes. This enabled the identification of emerging issues and assessment of progress of the agreed Council Plan actions.

This process had several benefits, including:

- An assessment of projects progress against timeframes and budget targets.
- Identification of potential savings, emerging unbudgeted costs and potential impacts on the upcoming 2020–21 budget, including carry-overs.
- Developing a forecast for the end-of-year financial result.

COMMUNICATIONS AND ENGAGEMENT

Consultation

The mid-year budget review was supported by all senior leaders from across the organisation and involved detailed discussions with every Manager, Service Manager and Project Manager.

Communications

A communications plan has been prepared for the progress report, which includes distribution through the Darebin corporate website, the Darebin 2021 Council Plan website and social media.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 6 - A well governed Council

This is relevant to Council Plan Strategy 6.3 “We will communicate our progress on the actions in this Council Plan to residents, community leaders, community organisations, business, industry, and Victorian and Federal governments to ensure we can all act together.”

Environmental Sustainability Considerations

The Council Plan has a specific goal that addresses Council's commitment to environmental sustainability, which is a theme that runs through the goals of the plan.

Climate Emergency

The Council Plan contains initiatives that respond to Council's commitment to responding to the climate emergency.

Equity, Inclusion and Wellbeing Considerations

The Council Plan has a specific goal that addresses Council's commitment to equity and the development of programs that benefit all, including our most vulnerable.

Cultural Considerations

The Council Plan has a specific goal that recognises that our diverse community is our greatest asset.

Economic Development Considerations

The Council Plan has a specific goal that addresses Council's commitment to support and attract local businesses and industries.

Financial and Resource Implications

The report includes a finance report for the six months ended 31 December 2019.

Legal and Risk Implications

Undertaking a comprehensive mid-year review allows the identification of issues and potential issues that may affect the delivery of Council's work plan and allows those issues to be addressed to minimise the impact on the community and Council.

DISCUSSION

A detailed update on the Council Plan actions, the capital works program and the financial statements for the period ending 31 December 2019 is attached. Key matters are discussed below.

Council Plan Action Plan Activities

The attached progress report includes updates on all 180 actions from the Council Plan Action Plan and the 16 Big Actions from the Council Plan. Highlights from the second quarter include the following.

- The new Community Engagement Strategy and Framework was adopted.
- As of the latest data (October 2019), the total amount of solar power installed in Darebin is just over 36 MW which meets the ambitious target in the Council Plan well ahead of schedule.
- Council held its Climate Emergency Ambassadors Dinner - this is a program to engage 1,000 people from a diversity of backgrounds and community sectors about the climate emergency.
- Council has completed the installation of 40 km/h speed limits in three priority locations in Alphington, Thornbury West and Reservoir near Reservoir Views and Newlands Primary Schools.

- The Darebin Schools Yarning Conference was held with more than 350 Year 5 students attending from 15 Darebin primary schools to learn about Aboriginal history and culture.
- The Social and Sustainable Procurement Policy was adopted.
- Council advocacy on the Reservoir level crossing resulted in improvements to the design of the precinct and installations such as bicycle parking, increases in tree planting, use of local native species in landscaping, wider pedestrian plaza and the addition of kiosks at the station area.
- Bundoora Homestead Art Centre delivered the Darebin Art Prize and exhibition which featured the works of over 40 contemporary artists from across Australia.
- A review of the Language Aide and Multilingual Service resulted in an increase in the number of languages available and a significant increase in the average speed of response.

Second Quarter Financial Report

As noted, in line with best financial practice, an extensive mid-year review has informed the second quarter financial statement. The end of the second quarter provides an opportunity to investigate trends within the financial and operating environments and to revise budget forecasts with greater certainty. This process also aims to ensure that:

- Council resources are managed responsibly and strategically.
- Trends and emerging issues are identified.
- Council's strong financial position is maintained to ensure long-term financial sustainability.

The financial statements contain the following summaries.

Operating performance

For the six months ended 31 December 2019, Council has recorded an operating surplus of \$68.5 million, which is \$1.83 million behind of the year-to-date budget. After eliminating capital and other items, the adjusted underlying surplus is \$64.91 million, which is \$0.8 million behind budget.

The main items contributing to this unfavourable variance are rates and charges, statutory fees and fines, capital grants and materials and services, offset by a favourable variance in employee costs and other income. The forecast operating result for the year ending 30 June 2020 is an operating surplus of \$10.09 million, which is \$2.30 million less than budget. The forecast adjusted underlying surplus is \$2.49 million, which is \$2.46 million less than budget.

Capital performance

For the six months ended 31 December 2019, Council has expended \$17.1 million on the capital works program, which is \$3.65 million behind the year to date budget. The variance is due mainly to delays in buildings works, land improvements and parks, open space and streetscapes.

As at 31 December 2019, a further \$23.45 million has been committed by way of issued purchase orders. Commitments are not reflected in the reported capital expenditure and may indicate that many projects are well progressed. The mid-year review process provides confidence that the forecast total to be expended on capital works for the year ending 30 June 2020 is \$52.90 million, which is \$0.7 million less than the adopted budget.

The mid-year review identified two capital works projects which are programmed for delivery in the 2019-20 financial which will require some the budgeted funds to be carry forward to the 2020-21 year. The value of this is \$0.3 million. These projects are:

- JE Moore Park female pavilion
- Bundoora Homestead play space.

Over the last six months, unforeseen or urgent works have affected the capital works program and in turn the forecast year end results as follows:

- Bundoora Homestead play space \$154K
- Play space upgrade program \$150K.

Financial position

The financial position as at 31 December 2019 shows a cash and investment balance of \$86.18 million, which is \$23.61 million ahead of budget. The variance is due mainly to timing differences in receipt of rates, other income, payments to employees and suppliers, payments for capital works and a higher opening cash and investment position compared with budget. The cash and investment balance of \$86.18 million was sufficient to meet restricted cash and intended allocation obligations of \$34.47 million at the end of December.

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 \$128.07 million, which is \$20.28 million more than budget. The net asset position of \$1.51 billion is \$92.97 million less than budget. The forecast financial position as at 30 June 2020 shows a cash position of \$68.55 million and net current assets of \$45.15 million.

OPTIONS FOR CONSIDERATION

1. That Council:

- Notes the 2019–20 Quarter 2 Progress Report.
- Notes the year to date financial results against budget and endorses the 'Financial Report 6 months ended 31 December 2019' (commencing page 57 in **Appendix A**) including the budget/financial adjustments, the capital works budget adjustments and the adjusted end of year forecast results.

This is the recommended option as it complies with the strategic aims of the Council Plan.

2. That Council does not:

- Note the 2019–20 Quarter 2 Progress Report.
- Note the year to date financial results against budget or endorse the 'Financial Report 6 months ended 31 December 2019' (commencing page 57 in **Appendix A**) including the budget/financial adjustments, the capital works budget adjustments and the adjusted end of year forecast results.

This is not the recommended option.

IMPLEMENTATION STRATEGY

Once formally noted by Council, the 2019–20 Quarter 2 Progress Report will be promoted using a variety of communication channels. The endorsed financial adjustments will be communicated to all relevant stakeholders.

RELATED DOCUMENTS

- Council Plan 2017–21.
- 2019–20 Council Plan Action Plan.
- 2019–20 Annual Budget.

Attachments

- Second Quarter Action Plan Progress Report (**Appendix A**)

DISCLOSURE OF INTEREST

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

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

8.2 MOTION TOPICS FOR THE 2020 ALGA NATIONAL GENERAL ASSEMBLY**Author:** Coordinator Governance, Council Business & Civic Services**Reviewed By:** General Manager Governance and Engagement

EXECUTIVE SUMMARY**PURPOSE**

This report seeks Council's approval to submit motions to the Australian Local Government Association (ALGA) National General Assembly to be held on 14 to 17 June 2020.

EXECUTIVE SUMMARY

Through the ALGA National General Assembly, Council has an opportunity to advocate for issues and promote initiatives that impact on the livelihood and wellbeing of the Darebin community. The identification of topics and issues to form the basis of motions was discussed at the Councillor Briefing Session held on the 10 March 2020. The following topics were identified;

- Advocacy and support for Refugees and Asylum Seekers to be released from immigration detention into the community
- A call for Federal support for a National Charter of Human Rights.
- Advocacy for Product Stewardship legislation (across a range of products)

In view of the timeframes and the need for Officers to draft the proposed motions and supporting rationale the proposed motions will be circulated prior to the meeting.

Recommendation

That Council determine the final wording of the motions to be submitted to the Australian Local Government Association (ALGA) National General Assembly to be held on 14 to 17 June 2020.

BACKGROUND / KEY INFORMATION

The ALGA is the peak federal body for local government. The ALGA's National General Assembly will be held from 14 - 17 June 2020. Council has an opportunity to put forward motions for consideration at this forum

ALGA National General Assembly

The theme for the 2020 ALGA Assembly is 'Working together for Our Communities'. To be eligible for inclusion in the assembly papers, motions must meet the following criteria:

- (1) Be relevant to the work of local government nationally
 - (2) Be consistent with the themes of the assembly
 - (3) Complement or build on the policy objectives of the state local government association
-

- (4) Be from a council which is a financial member of their state local government association
- (5) Propose a clear action and outcome
- (6) Not be advanced on behalf of external third parties that may seek to use the assembly to apply pressure to board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Motions for the ALGA Assembly are due to be lodged by 27 March 2020.

Previous Council Resolution

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

COMMUNICATIONS AND ENGAGEMENT

Consultation

In response to an approach from the City of Moreland regarding the possibility of Darebin aligning itself with motions that Moreland are considering, attached as Appendix A are two motions that Moreland City Council are proposing to submit, noting that Moreland City Councils position on this matter will be determined at their Council Meeting on the 11 March 2020;

- Disability and Physical Access and
- Support for the Treaty on the Prohibition of Nuclear Weapons.

These motions are presented in the ALGA template with commentary on the national objective and summary of supporting rationale / argument. No formal resolution is required for Councils delegates to the ALGA General Assembly to support these motions.

Communications

N/A

ANALYSIS

Alignment to Council Plan / Council policy

Alignment to Council Plan / Council Policy

Goal 6 - A well governed Council

Environmental Sustainability Considerations

Motions may address environmental sustainability considerations, depending on which motions are put forward by Council.

Equity, Inclusion and Wellbeing Considerations

Motions may address equity, inclusion and wellbeing considerations, depending on which motions are put forward by Council.

Cultural Considerations

Motions may address cultural considerations, depending on which motions are put forward by Council.

Economic Development Considerations

Motions may address economic development considerations, depending on which motions are put forward by Council.

Financial and Resource Implications

Nil

Legal and Risk Implications

Nil

Environmental Sustainability Considerations**DISCUSSION**

In previous years, Darebin has contributed a significant number of motions for consideration at ALGA National Assembly. Officers have previously advised Council that it is appropriate to carefully consider the effectiveness of this approach and likely impact, and the importance of wording of motions put forward (if any) being very carefully considered.

Submitting Motions to the ALGA National General Assembly enables Council to broaden its advocacy reach on key issues and platforms, however prudent strategic consideration of the issue(s) raised is paramount.

IMPLEMENTATION STRATEGY

Draft motions (if any) for the ALGA National General Assembly will be presented to the 16 March Council meeting for consideration.

Attachments

- City of Moreland - Proposed Motions ALGA National General Assembly 2020 (Appendix A)

DISCLOSURE OF INTEREST

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

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

8.3 PROPOSED DISCONTINUANCE AND SALE OF ROAD REAR 182 TO 186 HIGH STREET AND ADJOINING 1 BUTLER STREET, NORTHCOTE**Author:** Property Officer**Reviewed By:** Chief Executive Officer

EXECUTIVE SUMMARY

To seek approval to commence the statutory procedures for the proposed discontinuance of the right-of-way/road adjoining 182 to 186 High Street and 1 Butler Street Northcote, shown hatched in the statutory plan in **Appendix A** and in orange in the aerial view in **Appendix B** (Road).

In June 2018, Council received an enquiry from the owner of 186 High Street, Northcote, requesting the discontinuance and sale of the 3.05-metre-wide road adjoining their property.

Preliminary investigations into the discontinuance and sale of the section of Road were undertaken. The investigations identified that although the Road remains a road on title, and is listed on Council's Register of Public Roads, it is not constructed, is overgrown with vegetation and does not appear to have been used for access by the adjoining properties for many years, as shown on the aerial photo in **Appendix B**.

All adjoining property owners at 182, 184 and 186 High Street, Northcote 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 discontinue the Road and sell the land. Council will transfer to itself any land that remains unsold, protecting its interests in the land.

Recommendation

That Council:

- (1) Commences the statutory procedures under section 206 and clause 3 of Schedule 10 of the *Local Government Act 1989* (the Act) to discontinue the road adjoining 182 to 186 High Street and 1 Butler Street, Northcote, shown hatched in the statutory plan in **Appendix A**.
 - (2) Gives public notice under sections 207A and 82A and 223 of the Act of the proposed discontinuance in the appropriate newspapers and on Council's website and in such notice, state that if discontinued, Council proposes to sell the land from the road to the adjoining property owners by private treaty and transfer to itself any land from the discontinued road not sold to the adjoining property owners.
-

BACKGROUND / KEY INFORMATION

In June 2018, Council received an enquiry from the owner of 186 High Street, Northcote, requesting the discontinuance and sale of the 3.05-metre-wide road adjoining the rear of 182 to 186 High Street and adjoining 1 Butler Street, Northcote, shown hatched in the statutory plan in **Appendix A** and in orange in the aerial view in **Appendix B** (Road).

While the Road is open and listed on Council's Register of Public Roads, is not constructed, is overgrown with vegetation and not used for access. The Road would need to be removed from Council's Register of Public Roads should Council resolve to discontinue the Road.

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 Road.

Previous Council Resolution

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

COMMUNICATIONS AND ENGAGEMENT

Consultation with adjoining property owners

All immediate adjoining property owners were informed of the proposal and no objections were received.

The owners of 182, 184 and 186 have confirmed an interest in acquiring the land shown as Lots 3, 2 and 1 respectively in the Title Plan in **Appendix C** at current market value, as well as agreeing to meet a share of the reasonable costs associated with Council discontinuing and selling the Road, in accordance with Council policy.

Consultation with Service Authorities and Council Departments

Internal departments and service authorities were consulted regarding the proposal and no objections were received. There are no assets located in the Road nor any requirement for easements to be saved over the land.

Consultation with the community

The statutory procedures require Council to give public notice of its intention to close and sell the Road 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 whether to discontinue and sell the Road, part of the Road or not to discontinue and sell the Road.

Communications

- 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 provided in **Appendix C**.
- The owners of 182, 184 and 186 High Street, Northcote, have agreed in principle to purchase the land adjoining their properties at current market value (as well as meeting a share of the reasonable costs associated with Council discontinuing and selling the Road, in accordance with Policy).

ANALYSIS

Alignment to Council Plan / Council policy

Goal 6 - A well governed Council

Property Assets Management Strategy

Sale of Minor Council Property Assets Policy

Environmental Sustainability Considerations

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

Climate Emergency

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

Equity, Inclusion and Wellbeing Considerations

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

Cultural Considerations

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

Economic Development Considerations

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

Financial and Resource Implications

There are no financial or resource implications as a result of commencing the statutory procedures as contained in this report.

Costs associated with undertaking the statutory process would be recoverable from the purchasers, should Council decide in future to discontinue the Road and sell the land. Should Council decide not to proceed with the discontinuance and sale, then the costs associated with conducting the statutory process would be funded from existing budget allocations.

Legal and Risk Implications

Risks associated with each option are covered under the analysis of each option.

DISCUSSION

Council's property portfolio must meet current service needs while providing the flexibility to meet future requirements. Roads, reserves, revenge strips, hiatus and other pieces of land of unusual shape and limited usefulness that are less than 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 that purpose and need to remain open and available to the public. In situations where a minor Council property asset is no longer reasonably required for that purpose or other strategic purposes, it may be considered surplus and suitable for sale.

Deregistration of the Public Road Status

As the Road, shown hatched in **Appendix A**, is currently listed on Council's Register of Public Roads under the *Road Management Act 2004*, its removal from the register will be attended to if a decision is taken by Council to discontinue the section of road, as it will no longer be considered to be reasonably required for general public use.

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 the status quo would remain. This would leave Council responsible for any ongoing maintenance and management costs associated for the Road, which is currently unmade and unused.

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 to obtain 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, or discontinue part or all of the Road and sell the land from the Road (if discontinued) to the adjoining property owners 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 any unsold land).

IMPLEMENTATION STRATEGY

Details

- Commence the statutory process by giving public notice
- Report back to Council on the outcome of statutory process and seek a resolution on the future of the Road

Communication

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

Timeline

- Commence the statutory process in March 2020
- Report to Council on outcomes of the statutory process in May 2020

RELATED DOCUMENTS

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

Attachments

- Statutory Plan (**Appendix A**)
- Aerial View (**Appendix B**)
- Title Plan (**Appendix C**)

DISCLOSURE OF INTEREST

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

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

8.4 COUNCIL MEETING GOVERNANCE RULES (MEETING PROCEDURE AND COMMON SEAL LOCAL LAW NO.1 OF 2020) ADOPTION

Author: Coordinator Governance, Council Business & Civic Services

Reviewed By: Chief Executive Officer

EXECUTIVE SUMMARY

Council's current local law on meeting procedures, which is the Governance Local Law No. 1 of 2017, was identified as requiring review in late 2018. A review process was undertaken during 2019 culminating in Council in December commencing the statutory process to make a new Local Law to governing its meetings.

Council at its Ordinary Council Meeting on the 16 December 2019 resolved to advertise its intention to make the City of Darebin Council Meeting Governance Rules (Meeting Procedure and Common Seal) Local Law – No.1 of 2020. The relevant advertisements and gazettal notices were published during the week on 21 January 2020.

No submissions or comment has been received in response to the advertising and consultation process undertaken and accordingly this report recommends that Council proceed to 'make' the local law.

Recommendation

That Council:

Having advertised its intention pursuant to Section 119(2) of the Local Government Act 1989 (the Act) resolve to ' make ' the City of Darebin Council Meeting Governance Rules (Meeting Procedure and Common Seal) Local Law – No.1 of 2020 and it commence on the 7 April 2020

BACKGROUND / KEY INFORMATION**Previous Council Resolution**

At its meeting held on 16 December 2019, Council resolved as follows:

That Council:

- (1) *Pursuant to Section 119(2) of the Local Government Act 1989 (the Act), advertises its intention to make the City of Darebin Council Meeting Governance Rules (Meeting Procedure and Common Seal) Local Law – No.1 of 2020.*
- (2) *In accordance with Section 119(4) Considers submissions (if any) pursuant to Section 223 of the Act at a Hearing of Submissions Committee meeting to be held at 5.30pm on Monday 2 March 2020 in the Council Chamber of the Darebin Civic Centre 350 High Street, Preston (if required) and thereafter consider a further report on this matter at the Ordinary Council meeting on Monday 6 April 2020.*

- (3) *Subject to there being no submissions received pursuant to Section 223 of the Act, makes the City of Darebin Council Meeting Governance Rules (Meeting Procedure and Common Seal) Local Law – No.1 of 2020 and completes the statutory requirements pursuant to Section 119 of the Act.*

COMMUNICATIONS AND ENGAGEMENT

Consultation

During the review of this local law, a significant range of internal and external engagement has been undertaken including;

- Input from staff across the organisation
- Community input from a 'drop in session' held during the early phases of the review
- Multiple Councillor Briefings across the review timeframe most recently in September and October 2019
- A review of the draft local law by council's legal services provider.

After Council resolved in December to advertising its intention to 'make' the local law and seek submissions, a comprehensive advertising and consultation process was undertaken including the statutory notifications and also detailed information on Councils website and 'Your Say ' page. This was complemented with social media posts and reference in other weekly media channels.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 6 - A well governed Council

Environmental Sustainability Considerations

Not applicable

Climate Emergency

Not applicable

Equity, Inclusion and Wellbeing Considerations

In line with Council's Equity and Inclusion Policy 2012–15, the local law was assessed using the Equity and Inclusion Planning and Audit Tool (EIPAT). This process identified a range of matters that were incorporated into the local law, including the use of non-binary language. Additionally, the local law was evaluated against the *Charter of Human Rights and Responsibilities Act 2006*. The local law is compatible with the Charter.

Cultural Considerations

Not applicable

Economic Development Considerations

Not applicable

Financial and Resource Implications

Not applicable

Legal and Risk Implications

The City of Darebin Council Meeting Governance Rules (Meeting Procedure and Common Seal) Local Law – No.1 of 2020 has been reviewed by Council's solicitors to ensure it is not inconsistent with the Act and addresses all issues required.

At the time of this report being prepared the Local Government Bill 2020 had not been passed by the Victorian Parliament. This Bill introduces changes to the process of making local laws and introduces a requirement that Council make 'Governance Rules'.

The current Bill anticipates that these provisions will not be proclaimed until the 1 September 2020. Notwithstanding this the Bill includes transitional provisions (Section 328(1) & (2) in particular) that facilitate the conclusion of processes commenced under the Local Government Act 1989 post the repeal of that Act.

DISCUSSION

Legislative Context

Section 111 of the Act provides Council with the authority to make local laws and Section 91 'Conduct of Meetings' requires a Council to make a local law governing the conduct of Council Meetings and Special Committees.

Before a Council makes a local law, it must comply with the following procedure outlined in Section 119 of the Act (*the notes below in italics clarify the process*):

1. Give Notice in the Government Gazette and a public notice stating:

i. the purpose and general purport of the proposed local law

(the notice should clearly explain what local law is about)

ii. that a copy of the proposed local law can be obtained from the Council offices

(This part of the process involves Council resolving to advertise its intention to 'make' the local law, which would be advertised in the local newspapers and the Government Gazette)

iii. that any person affected by the proposed local law may make a submission relating to the local law under Section 223

(Section 223 of the Local Government Act provides the process for a person to submit a written submission on the local law (or other statutory matters) and address a Committee or Council Meeting convened to hear such submission. Council has a Hearing of Submissions Special Committee with delegated authority to hear submissions.)

No submissions were received and thus the Hearing of Submissions Committee was not convened.

Council is currently at this stage in the process and subject to Council adopting the recommendation of this report steps 2 and 3 below will be undertaken.

2. **After the local law has been made, Council must give notice in the Government Gazette and a public notice specifying:**
 - i. the title of the local law
 - ii. the purpose and general purport of the proposed local law
 - iii. that a copy of the local law may be inspected at the Council offices
(This step follows the formally making of the local law by Council which takes into consideration any submissions received pursuant to Section 223)
3. **After the local law has been made, Council must send a copy to the Minister for Local Government**

Process of Review and Development of New Local Law

The process of review and development of this local law has focussed on delivering a contemporary meeting procedure local law that is easy-to-read and navigate, and that takes into consideration provisions within the current Local Government Bill.

This local law to be adopted will be known as the City of Darebin Council Meeting Governance Rules (Meeting Procedure and Common Seal) Local Law – No.1 of 2020 and is attached as **Appendix A** to this report.

The revised local law is structured slightly differently to the previous local law and is drafted so that it reads more clearly. Other enhancements include:

- Changes to improve and clarify processes and/or enable the procedures for decision-making to be undertaken more efficiently
- Changes to better reflect contemporary business and communication practices
- Style and grammar changes to improve readability and overall clarity.

OPTIONS FOR CONSIDERATION

Option 1 (Recommended)

Council resolved to 'make ' the City of Darebin Council Meeting Governance Rules (Meeting Procedure and Common Seal) Local Law – No.1 of 2020.

Option 2 (Not Recommended)

Council undertakes further discussion through its Councillor Briefings on the proposed local law. This is not the recommended option as any significant or material changes to the local law would necessitate the readvertising of the local law.

IMPLEMENTATION STRATEGY

The recommendation to this meeting is that Council resolve to 'make' the City of Darebin Council Meeting Governance Rules (Meeting Procedure and Common Seal) Local Law – No.1 of 2020 and that it commences on the 7 April 2020.

The advertising and gazettal process outlined above will be undertaken in the week commencing 23 March 2020.

RELATED DOCUMENTS

- *Local Government Act 1989*
- *Local Government Bill 2019*

Attachments

- Council Governance Rules (Meeting Procedure and Common Seal) - Final Version As Amended by Council 16 December 2019 (**Appendix A**)

DISCLOSURE OF INTEREST

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

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

8.5 TOWARDS AN AGE FRIENDLY DAREBIN INTERIM REPORT**Author:** Coordinator Department Transition and Assessment**Reviewed By:** Chief Executive Officer

EXECUTIVE SUMMARY

This report provides Council with a progress report midway into the implementation of the first year of Towards an Age Friendly Darebin.

Council has many reasons to be proud of what has been achieved so far as a result of the significant investment and commitment made to the implementation of Towards an Age Friendly Darebin.

Recommendation

That Council:

- (1) Notes the progress through Year 1 toward making Darebin a more Age Friendly City.
 - (2) Endorses the Towards an Age Friendly Darebin Progress report (**Appendix A**) for public release.
-

BACKGROUND / KEY INFORMATION

The Age Friendly Darebin Review was launched in 2018. It considered everything that Council does to support older people and proactively responded to the then expected cessation of block-funded home support services that was planned by the Commonwealth for June 2020.

The final Towards an Age Friendly Darebin report, with 98 recommendations, was presented to Council in July 2019. Most of the recommendations were accepted in a unanimous decision. Furthermore, the review and recommendations also provided practical actions regarding Council's commitment to the Age Friendly Victoria declaration.

Officer advice, from across Council's various departments, was provided for each of the Panel's recommendations. The community response and participation in the review consultation and implementation has been extensive, and largely positive to date.

Since the endorsement of the report in July 2019, a Year One Implementation plan has been developed to operationalise the recommendations, along with a Service Improvement Plan which focuses on improving the delivery of externally funded aged care services.

A Project Control Group (PCG) was established to guide the implementation of Towards an Age Friendly Darebin. This report outlines the progress of the PCG.

Previous Council Resolution

At its meeting held on 22 July 2019, Council resolved:

“That Council

- (1) Thanks all participants for their contribution to the Age Friendly Darebin review, and thanks the Independent Panel for their work.*
- (2) Accepts or takes other action for each of the recommendations, as set out in the final column of Appendix A.*
- (3) Allocates the \$500,000 set aside in the 2019/20 budget for implementation of the Aged Friendly Darebin recommendations as follows:*
 - (a) Trial implementation of the new Social inclusion Volunteering Program and Aged Care Navigation Support Service - \$200,000*
 - (b) Trial implementation of a lawn mowing and/or gardening service or volunteer program, subject to future Council decision - \$120,000*
 - (c) Implement service improvement plan to address improvements and expansion of Council’s existing aged care services - \$50,000*
 - (d) Implement Senior Citizens Groups Action Plan - \$60,000*
 - (e) Implement new grants for community groups - \$15,000*
 - (f) Funding for Your Community Health Men’s Shed - \$32,000*
 - (g) (g) Miscellaneous programs, information and workshops as recommended - \$23,000*
- (4) Notes that a report on options for the lawn mowing and/or gardening service or volunteer gardening program will be considered by Council in September 2019.*
- (5) Notes that Council will receive an Age Friendly Darebin implementation progress report in February 2020, and annual implementation reports from August 2020.*
- (6) Reaffirms commitment to the World Health Organisation (WHO) Global Network for Age Friendly Cities and Communities, noting that the WHO requirements for a cycle of planning, implementation, progress evaluation and continual improvement will be met by the Age Friendly Darebin implementation and governance.*
- (7) Continues to advocate to other levels of government for improvements to systems, resourcing and infrastructure that supports equity, wellbeing and quality of life outcomes for older people, including the extension of block funding for Commonwealth Home Support Program services beyond June 2022.”*

COMMUNICATIONS AND ENGAGEMENT

Consultation

The Age Friendly Darebin Review engaged with the community through two periods of consultation. Over 1,100 community members and stakeholders engaged with the first consultation period through 50 different events and activities. A second round of consultation was held following the release of the Panel’s Draft Report to inform the final report.

Several of the initiatives arising from the report will involve further consultation to develop, implement and evaluate.

Three of the Age Friendly domains pertain to the social environment, namely:

- Social participation
- Social inclusion and non-discrimination
- Civic engagement and employment.

These domains advocate for more visible, tangible and influential involvement of older people in civic and community activity

In support of more frequent and various community participation and consultation in council activities, we are actively building (via regular engagement, promotion and outreach) a diverse and inclusive database of residents interested in being involved.

This community participation framework has guided the development of the community summary version of the Age Friendly Darebin progress report. A group of older residents drawn from our diverse database was consulted about the content, design and modes of distribution of the summary report attached (Appendix B).

Communications

A detailed communications plan for Age Friendly Darebin implementation has been developed with specific sections for identified projects. Key messages include:

- Darebin is becoming an Age Friendly City.
- Darebin Council adopted in July 2019 most of the 98 recommendations from the Age Friendly Review.
- Darebin Council is committed to maintaining investment in the health and wellbeing of our older residents, including those from CALD and socio-economic disadvantaged backgrounds.
- Reducing barriers and disadvantage is key consideration in the implementation of the Towards Age Friendly Darebin.
- Darebin Council is committed to provide aged services whilst the Commonwealth Government continues to provide block-funding for these services.
- Darebin Council is advocating for the stability and continuation of block funding.
- Darebin Council cares for its clients and for the Darebin community. The needs of older people are considered in all council activities and decisions.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 3 - A liveable city

A Liveable city in the new era of integration

- Council's role in relation to older residents has historically been weighted toward that of Service Provider.
- Changes in the aged care system, in the interests and preferences of older people themselves and with contemporary planning frameworks such as Liveability and Age Friendly mean that Councils are reviewing their scope, role, and impact.

- In some contexts, service provision is the role council remains best placed to serve, however consideration can also be given to opportunities for development of the role of broker or enabler in partnership with others.
- Darebin Council has become a member city of The World Health Organisation (WHO) Global Network for Age Friendly Cities and Communities. An initial five-year cycle of integrated planning, implementation, progress evaluation and continual improvement is required across the eight Age Friendly domains encompassed by the Social Environment, the Physical Environment and Municipal Services.

Environmental Sustainability Considerations

Darebin Environment and Sustainable Transport staff have direct representation on the Project Control Group and were consulted broadly and contributed specifically to recommendations involving their work.

Climate Emergency

Climate change impacts are important considerations in making Darebin more Age Friendly.

Older people are among the most affected by climate impact including extreme weather events in terms of health, wellbeing, ability to live and function independently and often lack the material means to mitigate these effects.

Age Friendly Darebin is a vehicle to connect and engage older residents in relation to council's climate emergency action and initiatives. The Climate Emergency and Environment team were consulted on specific aspects of the Age Friendly project and contributed to the Project Control Group.

Equity, Inclusion and Wellbeing Considerations

Equity, inclusion and wellbeing considerations are central to Age Friendly principles and reducing barriers to access and disadvantage for community is integral to planning and implementation of Age Friendly activities. The Equity Impact Assessment has been undertaken for this progress report in collaboration with the Equity and Wellbeing team.

Equity and Wellbeing staff have contributed via membership on the Project Control Group and an equity lens will be applied in the delivery of recommendations. Further to this, the new Towards Equality Framework and Equity Impact Assessment strengthens Darebin's capacity to be age friendly, as it recognises the increase risk of social isolation and loneliness that many older people face, including people from CALD and socio-economic disadvantaged backgrounds.

Cultural Considerations

Creative Culture and Events team contributes via representation on the Project Control Group. Considerations of the needs of and engaging older people is part of the planning for cultural activities and events.

Economic Development Considerations

The Economic Development team was consulted on numerous occasions and contributed specifically to recommendations involving their work area.

Financial and Resource Implications

As per the Council resolution, \$500,000 was allocated in the 2019-20 budget to implement Age Friendly recommendations as detailed in Table 1.

Table 1- Progress on expenditure

Item	Allocation	Update as at February 2020
Trial implementation of the new social inclusion volunteering program and Positive Ageing Darebin Information and Support Service	\$200,000	Staff employed, budget on track to meet target. More than 200 residents benefited from this trial so far.
Community-led gardening program/service and list of preferred providers	\$120,000	Procurement process underway, expect to engage partners in March 2020
Service improvement and expansion (aged services)	\$50,000	In progress.
Senior Citizens Groups action plan & implementation	\$60,000	Procurement process commenced for an external consultant to progress this work. The first round of procurement was unsuccessful in engaging a suitable consultant. Another round is planned to commence in March 2020.
New grants for community groups	\$15,000	\$4000 has been allocated to U3A, as per recommendation number 79. Further grants will be developed which will form part of the new grants model.
Funding for Your Community Health's Men's Shed	\$32,000	Completed, funding agreement executed in November 2019.
Miscellaneous programs and workshops	\$23,000	These funds will support volunteer initiatives.

Legal and Risk Implications

- Revising operational arrangements may have industrial implications, the People and Development team and stakeholders will be engaged in managing these risks. Contractual requirements will need to be considered and evaluated against project and Council objectives.
- Changes, even if improvements, to front-facing aspects of service models will impact clients and will be carefully managed to minimise concerns or disruption.

DISCUSSION

1. Project Control Group and governance

Recommendations 96-98 of Towards an Age Friendly Darebin relate to the establishment and role of a cross-organisational Project Control Group (PCG). The PCG was opened by

the CEO and is convened by the General Manager Community. The PCG has met monthly since August 2019. Terms of Reference for the PCG have been endorsed.

2. Progress of Recommendations

The majority of recommendations are in progress and three have been completed, as summarised in Table 2 below.

A summary of progress against each recommendation is provided in **Appendix A** Age Friendly Darebin Progress Report. A 2-page summary version for hardcopy community distribution is provided in **Appendix B – Interim Age Friendly Darebin Summary Community Report**.

Table 2- Towards an Age Friendly Darebin Recommendations: Summary of progress

Recommendation Status	Recommendation Number	Total
Not accepted	13, 36, 77,	3
Not started	4, 5, 9, 12, 15, 17, 25, 30, 31/32, 37/38, 39, 41, 45, 53, 57, 60, 63, 68, 70, 71, 72, 73, 76, 81, 82, 84, 85, 86,	30
In Progress	1, 2, 3, 6, 7, 8, 10, 11, 14, 16, 18/19, 20, 21, 22/23, 24, 26, 27, 28, 29 33, 34, 35, 40, 43, 44 46 47 48, 49, 50, 51, 52, 54, 55, 56, 58, 59, 61, 62, 64, 65, 66/67, 69, 74, 75, 78,80, 83, 87, 88, 90/91, 92, 93, 94, 95, 96/97/98	62
Completed	42, 89, 79	3

3. Progress Highlights

Appendix A provides a summary of achievements so far. Community members have provided a lot of positive feedback via various consultation and other engagement opportunities. Officers are confident that there will be many more Age Friendly achievements in the remainder of Year 1 and in the years to follow. Officers propose that this be made available on the council website and distributed electronically.

Appendix B was developed via a co-design process with a focus group of older residents from our engagement data base. The residents workshopped together and advised Aged and Disability and the PCG on format, content and language, and then reviewed the final version.

This publication provides a brief 2-sided version of highlights that officers propose be produced in hardcopy for postal distribution to our contacts who prefer hardcopy (clients, subscribers) and for our usual hardcopy promotion distribution points (libraries, clubs, centres).

4. Next Steps

The Project Control Group will continue to meet and oversee the implementation of the remainder of the Year 1 plan and will report the full year results to Council in August 2020.

In addition, planning for Year 2 implementation will commence. This will also include promotion and communication to community, increasing awareness among staff, and sharing our success with other organisations, including internationally via the World Health Organisation Age Friendly Cities Network.

The current Active and Healthy Ageing Strategy 2011-2021 is approaching expiry. The significant investment by council and the community in the Age Friendly Darebin review, consultation and implementation over the past two years provides the basis for transition for succeeding the Active and Healthy Ageing Strategy. The annual Age Friendly Darebin report to be presented for council consideration in August 2020 will include recommendations to formally transition the Strategy to Age Friendly.

OPTIONS FOR CONSIDERATION

Option 1 (recommended):

That Council accept the Officer recommendation to endorse the progress report.

Option 2 (not recommended):

Council could resolve not to endorse the progress report or its public release.

IMPLEMENTATION STRATEGY

Details

The Year One implementation plan will continue to be actioned. The PCG will oversee development and implementation of a Year Two Implementation Plan

Communication

A detailed communications plan in relation to the interim report will be prepared and implemented for all stakeholders (whole of council staff, current Age & Disability clients and the wider community), this includes:

- Appendix A published on the council website and distributed electronically.
- Appendix B published in hardcopy and distributed by mail and at pick-up points across Council and relevant community facilities. This report will be available in community languages

Timeline

- Council meeting 16 March 2020
- Project Control Group meetings monthly till June
- March-June implementation of remainder of Year 1 actions, planning for Year 2
- Implementation for Year 2 commences 1 July 2020

RELATED DOCUMENTS

Nil

Attachments

- Age Friendly Darebin Progress Report (**Appendix A**)
- Interim Age Friendly Darebin Summary Community Report. (**Appendix B**)

DISCLOSURE OF INTEREST

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

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

8.6 OUTDOOR SPORTS INFRASTRUCTURE FRAMEWORK**Author:** Project Manager**Reviewed By:** General Manager Community

EXECUTIVE SUMMARY

This paper puts forward the draft Outdoor Sports Infrastructure Framework for consideration by Council for the final round of community consultation. The draft Outdoor Sports Infrastructure Framework will inform infrastructure investment, development and renewal of Council's outdoor sports facilities for the next 10 years. This Framework will replace the current Outdoor Sports Venues Infrastructure Policy 2012 and provides an evidence base to inform future decision making.

Recommendation

That Council endorse the draft Outdoor Sports Infrastructure Framework for the purpose of community consultation.

BACKGROUND / KEY INFORMATION

A key direction of the Leisure Strategy 2010 – 2020 was to ensure sports infrastructure is renewed, upgraded, maintained and operated to meet service standards and to encourage increased participation, especially by women, girls and groups identified as underrepresented in sport and/or experiencing disadvantage.

The Leisure Strategy resulted in the development of the Outdoor Sports Venues Infrastructure Policy 2012, followed by the Outdoor Sports Venues Infrastructure Priority Plan 2013 which provided a list of prioritised works until 2018/19.

Since 2013 Council has provided approximately \$15.5M of funding for outdoor sports infrastructure. This investment includes;

- 11 pavilions
- 15 cricket nets and practice cages
- 13 major lighting projects.

A list of these projects can be found in **Appendix A** (page 3).

With the majority of projects having now been delivered, the Outdoor Sports Infrastructure Framework has been renewed to reflect current Council goals and strategic direction.

A scoring matrix to assess each facility has been developed. The matrix is an input into how Council determines future infrastructure priorities. It takes into consideration the three following criteria:

- **Fit for Purpose and Functionality:** building condition, ESD, and meeting relevant sports code requirements. This includes ensuring that facilities meet Disability Discrimination Act (DDA) requirements and have change rooms and toilets for unisex participation.

- Participation Outcomes: how can the facility increase participation, in particular for groups currently not catered for or underrepresented such as ability, age, cultural diversity and gender.
- Need and Community Benefit: improves the self-sufficiency and viability of user groups, increases use for formal and informal activities and promotes and/or supports community wellbeing.

See **Appendix A** (page 10) for more detail on the scoring matrix.

The high-level findings of this project demonstrate how facility condition in turn causes capacity (or use) constraints. These include:

- 39% of facilities have female friendly facilities.
- 50% of sports fields have adequate lighting for training and match play.
- While 64% of current sports facilities are at capacity, this is an overall average figure and many sites are at or are close to capacity. The biggest impact on current use are existing facility limitations (such as lighting), which impact significantly on the ability to maximise usage at many sites.

Underpinning the Framework is an enduring commitment to the principles and integration of equity, inclusion and human rights, as represented within the scoring matrix. Projects will also be subject to the Equity Impact Assessment process.

The Framework identifies a number of high priority facilities that require investment based on the matrix assessment.

Consistent with Towards Equality, Darebin City Council's Equity, Inclusion and Human Rights Framework 2019-2029, in addition to the Outdoor Sports Infrastructure Framework evaluation, all projects will be required to undertake an Equity Impact Assessment as well other relevant considerations. This will allow for the "Darebin" lens to be overlayed at a project level, incorporating up to date quantitative and qualitative information such as: club achievements, club governance, opportunities and constraints and updated participation numbers as well as external funding opportunities (grants), project readiness and site conditions. Projects that target CALD communities and areas of socio-economic disadvantage will be prioritised when the differential in scoring is marginal. This can be seen in the identification in the priority lists of a range of projects at facilities that both cater for culturally based Sporting Clubs and/or are in areas of socio economic disadvantage.

The identification of high priority facilities will allow the development of a pipeline of projects that are fully designed, costed and ready to implement (pending a budget allocation).

Previous Council Resolution

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

COMMUNICATIONS AND ENGAGEMENT

Consultation

The consultation and engagement plan included engagement with the following groups:

Internal Stakeholders:

- Project Control Group
- Council Officers across a range of areas including; Recreation and Libraries, City Design, Facilities, Major Projects, Parks and Gardens, EPMO, Finance, City Futures, Aged and Disability and Equity and Wellbeing

External Stakeholders:

- Darebin sport and recreation clubs/organisations
- Relevant Regional/State Sporting Associations

Clubs and organisations that use outdoor sporting facilities within Darebin were given the opportunity to complete a survey to help guide the future provision, upgrade and development of these facilities. The survey provided an opportunity for users to identify key issues and needs with current facilities based on existing and projected participation. Approximately one third of user groups provided feedback through the online survey.

Communications

On 16 March, Council will consider endorsing the draft Outdoor Sports Infrastructure Framework for the purposes of public consultation. If released, the Framework will be available to the community through the “Your Say” page for a period of three weeks along with direct invitations to stakeholders to provide comments.

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

Goal 2 - Opportunities to live well

Goal 5 – Involving our diverse community

- Council Plan Action Plan 2018-2019 – Undertake a comprehensive investigation into the current asset condition of sporting facilities.
- Council Plan Action Plan 2019-2020 – Implement the Outdoor Sports Venues Infrastructure Plan to prioritise upgrades that ensure facilities are inclusive and accessible.
- Leisure Strategy 2010-2020
- Outdoor Sports Venues Infrastructure Policy 2012
- Outdoor Sports Venues Infrastructure Priority Plan 2013
- Leisure Strategy Action Plan – 2015-2020
- Breathing Space: The Open Space Strategy 2019

Environmental Sustainability Considerations

The scoring matrix prioritises sustainable design requirements for any future development of sports infrastructure by using the following criteria:

Environmental Benefit/Impact

- The project will reduce energy/resource consumption, providing cost benefits OR is consistent with Council's Environmental Sustainable Design (ESD) policy.

The criteria has a weighting of 10% within the assessment matrix.

Climate Emergency

Energy efficiency in buildings remains one of the most effective ways to reduce energy use and carbon emissions. Council will continue to adopt the ESD guidelines in the development and renewal of sporting pavilions that have been established to help achieve Council's climate and other environmental strategies.

The Framework also calls for:

- The upgrading of sports field lighting to energy efficient LED's;
- The introduction of solar panelling on all new builds and;
- The investigation of opportunities to construct synthetic fields that are recyclable and require less maintenance and no irrigation.

Equity, Inclusion and Wellbeing Considerations

The scoring incorporates Equity, Inclusion and Wellbeing considerations for any future development of sports infrastructure through the following criteria areas:

Participation Outcomes

- The project maximises the use or multi-use of the facility and caters for a broader range of facility users including CALD communities and multi-cultural groups as well as people of all age groups.
- The project will increase participation rates in sport and/or recreation.
- The project will cater for all genders or a gender not currently catered for at the facility.
- The project will cater for all age groups or an age group not currently catered for at the facility.
- The project enhances access and inclusion and/or provides an accessible facility for people with a disability.

Need and Community Benefit

- Improves the self sufficiency and viability of the club / user groups.
- Provides access to healthy sport and recreation environments promoting community wellbeing.
- The project will enable increased usage of an underutilised sport or recreation facility for formal or informal activities.

Combined, these criteria have a weighting of 25% within the scoring matrix.

In addition to this, Disability Discrimination Act (DDA) requirements and male and female changerooms and toilets are considered within Category One of the scoring matrix under 'Fit for Purpose and Functionality' and 'SSA Facility Guidelines/Rules of Competition' criteria areas. This Category One component carries a criteria weighting of 50% (in addition to the 25% already established through 'Participation Outcomes' and 'Need and Community Benefit').

Key Findings from this assessment indicate:

- Participation rates in Darebin are on par and in some cases exceed the Victorian average (tennis is the only assessed sport that sits below the state average).
- Only 39% of facilities are equipped with female friendly change spaces.

Each year, projects identified in the priority list will be subject to further review including application of the Equity Impact Assessment Tool, and taking account of the relevant considerations such as: equity policies and programs that exist within Clubs and evidence of gender equity on committees. Projects can shift in the priority list as a result of these assessments.

Cultural Considerations

The Framework prioritises cultural considerations for any future development of sports infrastructure. Considerations for people from CALD communities and multi-cultural groups are considered within the Participation Outcomes component of the matrix, with projects aligning to these groups to be prioritised when the scoring differential is marginal.

Participation Outcomes carry a total weighting of 15% within the assessment matrix.

Economic Development Considerations

While there have been no economic development considerations identified in this program, wherever possible, local contractors will continue to be sought to deliver the prioritised list of projects over the next 10 years – in line with the New Social and Sustainable Procurement Policy.

Financial and Resource Implications

The draft Outdoor Sports Infrastructure Framework will provide an important input into determining the priorities for facility renewal and redevelopment including pavilions, sports field lighting and practice nets.

In order to ensure the longevity of Council's sporting infrastructure, whilst providing facilities that are inclusive and welcoming of women, children, people of socio-economic disadvantage backgrounds, CALD communities and people of all abilities, the renewal and redevelopment of facilities that are no longer fit for purpose will require investment.

This will allow for a pipeline of projects that can be planned and budgeted for over a 10 year period. Initial project costings have been provided and will be strengthened throughout the design process, providing confirmation of project cost when applying through the budget process.

The ten year capital works plan reflects the assessment outcomes of the draft Outdoor Sports Infrastructure Framework.

Legal and Risk Implications

There are major risk implications to the community should Council not commit to supporting and developing sport as an integral part of its broader community development, health and wellbeing approach. Major risks include:

- Declining and/or stagnant rates in physical activity and sports participation as a result of facility limitations
- Limiting opportunities for community development and social interaction
- Neglecting facilities that are no longer fit for purpose or structurally sound and not conducive to safe accessibility or equitable use.

DISCUSSION

Introduction and Background

Extensive community consultation was undertaken during the development of the Leisure Strategy 2010 – 2020 with input by sporting clubs, residents, primary and secondary schools, representative committees including the Darebin Ethnic Communities Council and Darebin Disability Advisory Committee and focus groups with representatives from new and emerging communities.

One of the key issues that was identified by the community was the need for upgrade and improvement of existing sporting and recreational facilities. Three directions were developed within the Leisure Strategy specifically addressing asset renewal:

- Direction 3.2 – Develop a framework to ensure existing and future leisure infrastructure is renewed, upgraded, maintained and operated to meet service standards to support participation in leisure activity;
- Direction 3.3 – Develop a process that works towards linking facility provision, standards and quality of facilities [to guide] occupancy arrangements, maintenance levels, capital works and fees and charges; and
- Direction 3.5 – Develop a pavilion hierarchy and development plan to guide the future redevelopment of pavilions with a priority given to clubs who are meeting the Leisure Strategy Vision and goals.

These directions resulted in the development of the Outdoor Sports Venues Infrastructure Plan 2013 which has seen approximately \$15.4 million of funding for facility renewal and development since 2013.

The draft Outdoor Sports Infrastructure Framework 2020 includes the following key components:

- A summary of the audit process undertaken at Darebin sporting facilities
- A sports venue classification system (in line with Breathing Space: The Darebin Open Space Strategy)
- Criteria for prioritising development and refurbishment of sporting facilities

A ten-year capital works plan is then informed by the findings of this work.

Audits

The audit process has been completed through site visits to each sporting facility by structural engineers and specialist leisure consultants. During these site visits the structural condition of the pavilions were assessed as well as their suitability and fit for purpose, including against state sports facility guidelines which include a focus on facility developments that cater for uni-sex and CALD participants, and universal design principles.

Recently completed audits around sportsground lighting and practice net facilities have also been reviewed and implemented into the final audits for each facility completed in this study, including the *Australian Cricket Facilities Audit 2015/16* and the *Darebin City Council Light Pole Assessment and Audit Report 2016*.

Facility Hierarchy

A framework has been designed to support community to access recreation and sports facilities. The framework involves classifying recreation and open space by the: function or role it plays in the community; the setting or form it takes; the catchment it serves; and the nature of settlement it is located.

In line with Council's recently adopted Open Space Strategy – Breathing Space, the following facility hierarchy has been adopted:

- Regional: Draws visitors from across the municipality and beyond
- District: Draws visitors from surrounding suburbs as well as people who live within walking distance
- Local: Draws visitors from within walking distance from the location suburb, or suburbs directly adjacent

The way in which facilities are categorised in this hierarchy has no impact on the scoring matrix. The matrix criteria prioritises community based facilities over facilities that host elite competition due the community benefit that can be leveraged.

Assessment Matrix

The assessment matrix used the following three categories:

Category One

- Fit for Purpose and Functionality – 30%
- Condition – 25%
- State Sporting Association Guidelines/Rules of Competition – 20%

Category Two

- Participation Outcomes – 15%

Category Three

- Need and Community Benefit – 10%

While Clubs will always be asked to contribute to any facility upgrades and improvements, their ability to contribute and the amount they contribute is not considered as part of the matrix. This ensures that a club's ability to contribute financially does not perversely prioritise facility investment.

Project Exclusions

Netball and tennis courts have been excluded from this study (tennis pavilions have been included). This is for the following reasons:

- Since 2015/16, the State Government Inner City Netball program has resulted in the number of netball courts increasing from 8 to 28 in the municipality. Being new, the condition of this infrastructure category is known to be good and not requiring investment.
- Further investigation of the condition of tennis courts will be scheduled but is not immediately urgent. Currently, Tennis Clubs are required to contribute 50% of the cost to upgrade and replace court surfaces; this is to be reviewed moving forward.

Indoor recreation and sports venues have also been excluded from this study as the Darebin venues in this category are highly specialised (e.g. cycling velodrome at JCMP, ice skating rink in Reservoir) and require specific expertise to audit and evaluate or are under investigation through other projects (e.g. NARC and RLC).

OPTIONS FOR CONSIDERATION

The following options are available to Council with respect to the draft Outdoor Sports Infrastructure Framework:

Option 1 – Endorse the draft Outdoor Sports Infrastructure Framework for the purpose of undertaking community consultation. The Framework will be put before Council for consideration for adoption post the community consultation period. **This is recommended.**

Option 2 – Adopt the draft Outdoor Sports Infrastructure Framework without undertaking community consultation.

Option 3 – Do not endorse the draft Outdoor Sports Infrastructure Framework. This option will jeopardise the accuracy in which future consideration is given to capital works budgets/projects moving forward.

IMPLEMENTATION STRATEGY

Details

Once adopted, the Outdoor Sports Infrastructure Framework will inform Council's decision making regarding the future capital investment in sports infrastructure, aligned to the 10-year capital works plan.

Communication

Should Council endorse the Outdoor Sports Infrastructure Framework for the purposes of community consultation on the 16 March 2020, the Framework will be available to the community through the "Your Say" page for a period of three weeks. While the consultation will be open to the general public, an invitation to comment to be sent to stakeholders (sports clubs and State and Regional Sporting Associations).

Following consideration of the community feedback received, the Framework will come back to Council for final adoption.

If adopted, the Outdoor Sports Infrastructure Framework will be shared internally with relevant Council departments. Relevant user groups will also be notified upon budget adoption each financial year as to the redevelopment and renewal of their facilities based on the input from the scoring matrix and the Equity Impact Assessment as detailed above.

Timeline

Project Milestone	Date
Council consideration for adoption for the purpose of public consultation of the Outdoor Sports Infrastructure Framework	16 March 2020
Consultation Period x 3 weeks	17 March – 3 April 2020
Council consideration for adoption of the Outdoor Sports Infrastructure Framework	18 May 2020

RELATED DOCUMENTS

Na

Attachments

- Draft Outdoor Sports Infrastructure Framework (**Appendix A**)

DISCLOSURE OF INTEREST

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

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

8.7 INTENTION TO DECLARE A SPECIAL CHARGE SOLAR SAVER

Author: Coordinator Solar Saver
Commercial Solar Officer

Reviewed By: Manager Climate Emergency and Sustainable Transport

PURPOSE

To recommend that Council gives notice of its intent to declare a Special Charge scheme, for which would provide for special charges for both the third batch of the non-residential Solar Saver program and for the first batch of this year's residential solar Saver program.

EXECUTIVE SUMMARY

The Solar Saver program is a key action of Council's Climate Emergency Plan. The proposed Special Charge scheme would cover:

- 10 non-residential properties, which would add **139kW** of solar to Darebin.
- 11 residential properties (for a total of **50.16kW** solar). This is the first batch of residential Special Charges for the 2020 round of the Solar Saver program.

The value of the proposed Special Charge scheme is:

- **\$187,772.85** (\$276,890.75 gross including GST and pre STC claim) for the non-residential installations and
- **\$59,614.45** (\$89,134.60 gross including GST and pre STC claim) for the residential installations.

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

Recommendation

That Council:

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

- ii. Arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.
- (c) The total:
 - i. Costs of performing the function described in paragraph 1(b) of this resolution are: \$187,772.85 (non-residential) and \$59,614.45 (residential).
 - ii. Amount for the Special Charge to be levied is \$187,772.85 (non-residential) and \$59,614.45 (residential), or such other amount as is lawfully levied as a consequence of this resolution
- (d) We declare the Special Charge in relation to all rateable land described in the table included as Appendix B to this report, in the amount specified in the table as applying to each piece of rateable land.
- (e) Ownership of any land described in paragraph 1(d) of this resolution is the basis of the Special Charge.
- (f) The Special Charge will be assessed and levied as follows:
 - i. Each Special Charge is calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the Solar Saver scheme, in respect of which an Owner Agreement has been executed, totalling \$187,772.85 (non-residential) and \$59,614.45 (residential), being the total cost of the scheme to Council;
 - ii. The Special Charge will be levied each year for a period of 10 years.
- (g) Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, it is recorded that the owners of the land described in paragraph 1(d) of this resolution will, subject to a further resolution of Council, pay the Special Charge in the amount set out in paragraph 1(f) of this resolution in the following manner:
 - i. Payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or
 - ii. Payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.
- 2) Council considers that there will be a special benefit to the persons or organisations required to pay the Special Charge because there will be a benefit to those persons or organisations that is over and above, or greater than, the benefit that is available to persons or organisations who are not subject to the proposed Special Charge, as a result of the expenditure proposed by the Special Charge, in that the properties will have the benefit of a solar energy system being installed.
- 3) For the purposes of having determined the total amount of the Special Charge to be levied:
 - (a) Council considers and formally records that only those rateable properties included in the Solar Saver scheme as proposed will derive a special benefit from the imposition of the Special Charge, and there are no community benefits to be paid by Council; and
 - (b) Formally determines for the purposes of section 163(2) (a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Special Charge to which the performance of the function or the exercise of the power relates

(including all special benefits and community benefits) that will accrue as special benefits to the persons who are liable to pay the Special Charge is 100%.

- 4) Council will give public notice in the *Northcote Leader* and *Preston Leader* newspapers of Council's intention to declare, at its ordinary meeting to be held on 16 December 2019, the Special Charge in the form set out above.
 - 5) Council will send separate letters, enclosing a copy of: this resolution; **Appendix A** to this report; and the public notice referred to in Paragraph 4 of this resolution, to the owners of the properties included in the scheme, advising of Council's intention to levy the Special Charge, the amount for which the property owner will be liable, the basis of calculation of the Special Charge, and notification that submissions and/or objections in relation to the proposal will be considered by Council in accordance with sections 163A, 163B and 223 of the Act.
 - 6) Council will convene a meeting of the Hearing of Submissions Committee, at a date and time to be fixed, to hear persons or organisations who, in their written submissions made under section 223 of the Act, advise that they wish to appear in person, or to be represented by a person specified in the submission, at a meeting in support of their submission.
 - 7) Council authorises the Manager Climate Emergency and Sustainable Transport to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under sections 163A, 163(1A), (1B) and (1C), 163B and 223 of the Act.
-

BACKGROUND

In the Council Plan 2017-2021 and the Climate Emergency Plan, Council committed to working with the community to expand the amount of solar PV in Darebin from 18,000 kW to 36,000 kW.

Key aspects of the program include:

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

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

Enviro Group and Solargain have been engaged by Council to provide and install solar for this Batch of the Non-residential stream of the Solar Saver program.

In December Council awarded the residential Solar Saver contract to Enviro Group for the next round of the program.

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

Previous Council Resolutions

This is the third Special Charge to be announced for the non-residential stream of the Solar Saver program.

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

- (1) *Offers the Darebin Solar Saver Program to all residential properties, with no interest charged as part of the special charge scheme for the contract period.*
- (2) *Authorises inclusion in the Darebin Solar Saver Program of non-residential properties up to 30kW in size, with no interest charged as part of the special charge scheme for the contract period.*
- (3) *Awards the appointment of Solargain, Enviro Group and Energy Matters as supply panel membership of contract number CT201842 for the supply and installation of Solar PV Systems for the Darebin Solar Saver Program for Supply Panel 1 - residential and small, non-residential installations: 1.5-10kW systems. The contract terms are to commence on 20 August 2018 and conclude on 30 June 2021 with a contract sum of \$16,134,030 GST inclusive.*
- (4) *Awards the appointment of Solargain, Enviro Group and Energy Matters as supply panel membership of contract number CT201842 for the supply and installation of Solar PV Systems for the Darebin Solar Saver Program for Supply Panel 2 - non-residential installations: 10-30kW systems. The contract terms are to commence on 20 August 2018 and conclude on 30 June 2021 with a total contract sum of \$1,980,000 GST inclusive.*
- (5) *Approves the award of Stage 1 of implementation for Supply Panel 1 – residential and small non-residential Solar PV Systems to Solargain to deliver the supply and installation of solar PV systems between 1 January 2019 and 30 June 2019 with a total contract sum of \$2,406,030 GST inclusive.*
- (6) *Authorises the Chief Executive to finalise and execute the supply panel membership contracts on behalf of Darebin Council, and Stage 1 of implementation for Supply Panel 1 - Residential and Small, non-residential Solar PV systems.*

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

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

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

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

COMMUNICATIONS AND ENGAGEMENT

Consultation

All participating organisations and households have received a site visit and quotations to participate in the program.

Internal consultation has occurred with the Sustainable Business Officer, Economic Development Coordinator and Interfaith Development Officer.

Communications

For non-residential installations, interested organisations were recruited directly who had previously expressed interest in participating in the program. No broad promotional activity was engaged in given that there were still many organisations on the waiting list. In the future the program may be advertised on the Council website, through Darebin News, newsletters and through networks, as required to gain more participants.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 1 - A sustainable city

Climate Emergency Plan

Environmental Sustainability Considerations – Climate Emergency

This project is a key action in the *Darebin Climate Emergency Plan 2017*. The current non-residential batch of Darebin Solar Saver is expected to install 133kW across 10 installations, with an estimated equivalent annual greenhouse gas saving of 204tCO₂-e and the residential batch is expected to see the installation of 50.16kW and 73.8tCO₂-e

Equity, Inclusion and Wellbeing Considerations

This batch of the non-residential Solar Saver program includes mainly businesses. In particular, there had previously been doubt about whether businesses on a retail lease could participate, and since that has now been resolved, a backlog of retail businesses have now come through in this batch.

The residential batch is primarily made up of high priority households (i.e. those who are pensioners, on a low income, or have specific communications needs) or who have missed out on previous rounds.

Cultural Considerations

This batch consists only of businesses and households and there are no particular cultural considerations, other than that households who need interpreters or other communication support are prioritised.

Economic Development Considerations

These installations will have very good payback times (3-5 years) because most of the power generated by the solar systems will be used on-site. Participating organisations will be saving between around \$1,000 to \$2,000 annually per 10kW installed, even during the ten-year repayment period. Once they take ownership their savings will increase to around \$2,000 to \$3,000 per year. This will help these local businesses thrive into the future.

Most of the participants in this batch at High Street and Station Street businesses who are now able to participate since Council allowed installs smaller than 10kW to participate in the program. This supports small businesses who contribute to the vibrant High Street culture.

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

Financial and Resource Implications

Should the proposed Special Charge scheme proceed, Council will pay **\$187,772.85** (including GST and pre STC claim), for the supply and installation of the solar PV systems on the non-residential properties and **\$59,614.45** (including GST and pre STC claim) for the residential properties listed in **Appendix A**. Note that for the residential properties, rebates have not yet been applied for or approved. In order to achieve the installation timelines required as a condition of the Solar Homes rebates, it is important that rebate applications are made only after the Intention to Declare a Special Charge has been completed. Once rebate applications have been made and approved, it is anticipated that rebates will be applied to approximately 75% of households in any Special Charge batch (before Council is invoiced). For this batch, we anticipated all eleven households will be eligible, resulting in a reduction of approximately \$18,880.

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

Council is expected to receive **\$18,777.28** (non-residential) and **\$5,961.44** (residential) in Special Charge repayments annually for this scheme over the 10-year period. Some organisations and households may pay the total amount in the first year. The Special Charge scheme is effectively an interest free loan to these organisations and households.

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

The administrative, contract management, community engagement and communications and compliance costs associated with administration of the Solar Saver program is provided for within the 2019-20 budget.

Legal and Risk Implications

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

Random independent audits of the work will also be undertaken by Council to ensure installations comply with Council specifications. Occupational Health and Safety processes have been assessed and will be audited on site. Ten-year warranties are required on panels, inverters and installation.

DISCUSSION

Proposed Special Charge declaration

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

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

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

The guideline requires that Council identify the following:

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

A. Purpose of the Works

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

B. Ensure Coherence

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

C. Calculate the Total Cost

The proposed solar system installation includes the following items:

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

For the purposes of section 163(1) of the Act, the total cost of the works is calculated at **\$187,772.85** (non-residential) and **\$59,614.45** (residential) based on signed quotations.

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

D. Identify the Special Beneficiaries

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

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

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

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

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

E. Determine Properties to Include

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

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

F. Estimate Total Special Benefits

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

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

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

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

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

G. Estimate Community Benefits

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

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

H. Calculate the Benefit Ratio

The benefit ratio is calculated as:

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

Where:

$$\text{TSB}_{(\text{in})} = \$187,772.85 \text{ (non-residential) and } \$59,614.45 \text{ (residential)}$$

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

$$\text{TCB} = 0$$

$$R = 1$$

I. Calculate the Maximum Total Levy

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

$$S = R \times C$$

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

Therefore **S** = 1 * \$187,772.85 = \$187,772.85 (non-residential) and \$59,614.45 (residential)

Note there is no community benefit amount payable by Council.

Apportionment of Costs

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

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

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

Statutory Process

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

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

OPTIONS FOR CONSIDERATION

Council does not have to progress the proposed Special Charge Scheme. It could choose to defer or abandon the proposal at this stage. Abandoning the proposal is not recommended as Council would not meet its commitments in regards to the Solar Saver Program and participants would be expected to be disappointed given their interest in participating.

IMPLEMENTATION STRATEGY

Timeline

Subject to Council resolution

- Council report – intention to declare Special Charge scheme – 16 March 2020
- Copies of the proposed declaration to property owners – from 25 March 2020
- Copy of proposed declaration available for public inspection – from 25 March 2020
- Public notice of proposed declaration – 25 March 2020
- Receipt of written submissions – by 22 April 2020
- Hearing of submissions (if required) – TBA
- Council report – declaration of Special Charge scheme – 27 April 2020
- Subject to declaration of the Special Charge scheme, installation of solar will occur from 28 April 2020 onwards over a period of around 2-3 months.
- Council may consider the establishment of another Special Charge scheme in April 2020.

RELATED DOCUMENTS

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

Attachments

- Solar Saver - Property Addresses - 16 March 2020 (**Appendix A**)
- CONFIDENTIAL Solar Saver - Property addresses including prices - 16 March 2020 (**Appendix B**) Confidential - enclosed under separate cover
- Owner Agreement - Non-residential Solar Saver (**Appendix C**)
- Owner Agreement - Solar Saver Residential - Round 3.3 - 16 March 2020 (**Appendix D**)

DISCLOSURE OF INTEREST

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

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

8.8 SUPPLY OF ENERGY CONTRACTS FOR COUNCIL OPERATIONS**Author:** Energy Project Officer**Reviewed By:** General Manager City Sustainability and Strategy

EXECUTIVE SUMMARY

All of Council's current retail energy contracts are due to expire on June 30th, 2020. Cumulatively, these are at an annual cost of approximately \$2,030,000 million inclusive of GST.

For electricity, Council is currently developing a long-term contract arrangement for electricity supplies via a retail power purchase agreement with 47 other Councils, called the Local Government Power Purchase Agreement (LG PPA) Project. While the LG PPA Project is progressing, some unexpected delays have been experienced in releasing the tender to market. As a result, the LG PPA Project will not commence from July 1st, 2020, when Council's current electricity contracts expire.

It is therefore recommended that Council secures an interim contract arrangement for electricity supplies, otherwise it will revert to standard retail rates and likely to experience significantly higher costs. It is recommended that an interim contract arrangement be put in place for 12 months.

For natural gas accounts no renewable energy supplies exist, therefore continuing with a standard, fixed term retail supply agreement is recommended at this stage. Based on the options available and the competitive pricing, it is proposed that Council contracts its energy contracts via the Victorian Government's State Purchasing Contract.

Recommendation

That Council:

- (1) Approves Council to access the Victorian State Purchasing Contract for electricity and natural gas supplies for all market types.
- (2) Awards contract number CT202015 to Red Energy Pty Ltd for supplies for Large Market accounts and Streetlighting accounts, for the period 1st July 2020 to 30th June 2021.
- (3) Awards contract number CT202015 to AGL Sales Pty Ltd for supplies for Small Market accounts, for the period 1st July 2020 to 31st December 2021.
- (4) Awards contract number CT202015 to Red Energy Pty Ltd for supplies for Large Market Gas accounts for the period 1st July 2020 to 30th September 2023.
- (5) Awards contract number CT202015 to Origin Energy for supplies for Small Market Gas accounts for the period 1st July 2020 to 31st December 2021.
- (6) Approves the offsetting of the greenhouse gas emissions from Council electricity supplies, and calls for a further report to Council on carbon offsetting and carbon neutrality standards and options.
- (7) Delegates authority to the Chief Executive Officer to execute all documentation required to access these contracts.

BACKGROUND

Current Contracts

At present, all of Council's current retail energy contracts (established through the service of Procurement Australia (PA)), are with:

- AGL Sales Pty Ltd - for large market electricity unmetered streetlighting and large market gas accounts
- Origin Energy- for small market electricity and small market gas accounts

These were established following the Council resolution held of 9th April 2018, approving all energy contracts to be procured through the services of Procurement Australia. These contracts are due to expire on June 30th, 2020 with no option to extend. Cumulatively, these are at an annual cost of approximately \$2,030,000 million inclusive of GST.

Renewable Energy and LG PPA Project

Council is currently developing a long-term contract arrangement for electricity supplies from 100% renewable energy via a retail power purchase agreement with 47 other Councils, called the Local Government Power Purchase Agreement (LG PPA) Project. Darebin City Council is the lead organisation on behalf of the Council-only consortium, and on June 11th, 2019 resolved to commit Council's electricity supplies from the contract secured from this project.

It was originally planned that at the conclusion of its current contract arrangements, Council would then secure all future electricity supplies via the LG PPA Project. However, the project has experienced delays in releasing the tender resulting in the project being unable to commence supplies from 1st July 2020.

As a result, all Councils with a contract expiry date of 30th June 2020 will require alternative contract arrangements until such time they can roll-in to the LG PPA Project. Officers recommend putting an interim contract in place for 12 months until 1st July 2021 for Large Market and Streetlighting accounts, and 18 months until December 31, 2021 for Small Market accounts.

Officers have investigated interim contract options, including:

- State Purchasing Contract (SPC) - Councils can access the existing energy contracts established by the Department of Treasury and Finance (DTF)
- Municipal Association of Victoria (MAV) - are providing a new procurement process to establish electricity contracts only from 1st July 2020
- Procurement Australia - providing a new procurement process to establish electricity contracts only from 1st July 2020 similar to MAV.

State Purchasing Contract

The DTF manages several whole-of-government contracts that Councils are also able to access, including energy contracts. Due to their demand size, the state government has significant economies of scale in energy contracting. The state government have concluded tenders for all market types over the past 18 months resulting in the following supply arrangements:

Account Type			Provider		Contract reference number	Contract Expiry Date
Electricity-Markets	Large		Red Energy		SS-03-2018	July 1 st , 2022
Electricity-Markets	Small		AGL Sales Pty Ltd		SS-04-2018	December 31 st , 2021
Electricity-Markets	Large		Red Energy		SS-03-2018	July 1 st , 2022
Natural Gas-Markets	Large		Red Energy		SS-02-2018	September 30 th , 2023
Natural Gas-Markets	Small		Origin Energy		SS-03-2019	December 31 st , 2021

Table 1 Summary - State Government Energy Contracts

For Councils to access these contracts, DTF require the following minimum term commitments:

- Large market and Unmetered streetlighting electricity accounts- 12 months
- Small market electricity account - 18 months
- Large and small gas accounts - 12 months

Value for money

For large market and unmetered streetlighting supplied by Red Energy, DTF use an 'Optimised Procurement Strategy' whereby they seek the most competitive price for any given period is sought under the supply contract whereby:

- An agreed methodology for pricing is established with the retailer - this forms part of their contract with the department,
- DTF then strategically seeks prices for 'blocks' of electricity in advance from the retailer, when the market conditions are optimal, rather than seeking a fixed price upfront.
- If the price is attractive, DTF then purchase the energy at the agreed price,
- The final overall rate is derived from the different prices points to time are then applied to the customer's accounts during the given period.

DTF have estimated that this approach yields an approximate saving of 11% in comparison to their previous fixed price contract approach. With approximately 75% of Council's electricity consumption from large market and unmetered streetlighting accounts, this DTF contract could provide considerable financial value to Council.

In addition, the SPC also has a comprehensive contract administration function performed by energy advisors Schneider Electric, which includes functions for both electricity and gas accounts including:

- Bill Validation and Tariff review;
- Access to energy and cost consumption via online portals; and
- Document warehouse for easy access to invoices or image of an invoice.

Based on the options available, it is recommended that Council commences new contract arrangements for all energy accounts via the state government contracts according to the following:

- Electricity accounts - contracted for the shortest period of time, to enable to roll-in to the LG PPA Project as soon as possible;
- Gas accounts - contract until current state government expiry date.

Table 2 summarises the proposed contract period according to each market type.

Account Type	Contract Option	Provider	Commencement Date	Contract Expiry Date
Electricity- Markets Large	State Purchasing Contract	Red Energy	July 1 st , 2020	June 30 th , 2021
Electricity- Markets Small	State Purchasing Contract	AGL Sales Pty Ltd	July 1 st , 2020	December 31 st , 2021
Electricity- Markets Large	State Purchasing Contract	Red Energy	July 1 st , 2020	June 30 th , 2021
Natural Gas- Markets Large	State Purchasing Contract	Red Energy	July 1 st , 2020	September 30 th , 2023
Natural Gas- Markets Small	State Purchasing Contract	Origin Energy	July 1 st , 2020	December 31 st , 2021

Table 2 Proposed future energy contract arrangements

Previous Council Resolution

At its meeting held on 9th April, 2018 Council resolved:

'That Council

- (1) *Award contract number CT201819 Procurement Australia Energy: Fixed price fixed term procurement to the recommended tenderer(s) for all of Council's electricity and gas accounts, subject to the satisfactory outcome of the Procurement Australia tender process, for the period 1st July 2018 to 30th June 2020.*
- (2) *Authorises the Chief Executive Officer to negotiate the terms of the contract(s) (including the fees and charges) on the basis that she sees fit and execute all contract documentation.'*

COMMUNICATIONS AND ENGAGEMENT

Consultation

Council staff have consulted with all potential contract providers on their offers, including:

- State Purchasing Contract (SPC) - Councils are able to access the existing energy contracts established by DTF.
- Municipal Association of Victoria (MAV) - are providing a new procurement process to establish energy contracts from July 1st, 2020.
- Procurement Australia - have signalled their intent of providing a new procurement process to establish energy contracts from July 1st, 2020 similar to MAV.

Communications

Communications with both the affected Councils and the broader LG PPA Project buying group has been occurring since September 2019 when the delays were first identified. The project team has continued to keep the project participants up to date as soon as updates have been available.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 6 - A well governed Council

Having competitive prices for Council's energy consumption minimises overall operational costs and demonstrates best value principles of procurement.

Environmental Sustainability Considerations

Climate Emergency

Council has set a target to be carbon neutral by 2020 in the Darebin Climate Emergency Plan. Due to the delays in the LG PPA Project, Council will not be purchasing 100% renewable energy as originally intended from 1 July 2020.

Consideration for offsetting the greenhouse gas emissions associated with electricity supplies in lieu of the commencement of LG PPA project are recommended in this report, as well as an officer report outlining proposed approaches to carbon offsets purchases and carbon neutrality practices.

Equity, Inclusion and Wellbeing Considerations

There are no equity, inclusion or wellbeing impacts related to this report.

Cultural Considerations

There are no cultural impacts related to this report.

Economic Development Considerations

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

Financial and Resource Implications

The estimated value of the proposed contracts for each energy market segment is \$2,277,500 inclusive of GST, over the three financial years as shown in Table 3. These estimates have been derived using known utility rates (where available) and historical consumption data.

Category	2019-20 approx. annual costs	New contract period		
		2020/21	2021/22	2022/23
Electricity Large Market	\$720,000	\$615,000	N/A*	N/A*
Electricity Small Market	\$455,000	\$305,000	\$185,000**	N/A*
Electricity Streetlighting	605,000	\$525,000	N/A*	N/A*
Gas Large	\$148,000	\$150,000	\$155,000	\$160,000
Gas Small	\$105,000	\$90,000	\$92,500**	TBD***
Total	\$2,033,000	\$1,685,000	\$432,500	\$160,000
Total contract value (2020/21 – 2022/23)				\$2,277,500

Table 3 Estimated yearly contract value- electricity and gas contracts

*To be included under the LG PPA Project from July 1st, 2021

** Represents six months of the financial year (contract ending December 31st, 2021)

*** estimated future contract rates unknown

Legal and Risk Implications

Legal Implications

The Local Government Minister established an approval instrument in April 2009, enabling all local governments to procure goods and services under the Whole of Government State Government Contracts, as they represent good value, follow a rigorous and open tendering process and enable councils to take advantage of these savings that will flow through their access.

Risk Implications

Risks associated with high retail prices are managed by DTF's Optimised Procurement Strategy that seeks to purchase electricity for large market and unmetered streetlighting at the time when market prices are at their lowest. This hedge approach to retail pricing has resulted in lower prices over a number of years.

DISCUSSION

Involvement in the LG PPA Project is a unique opportunity to demonstrate leadership in the local government sector and remains the long-term focus for 100% renewable energy supplies. Delays in the LG PPA Project however require Council to establish a short-term contract arrangement for electricity supplies.

The state government have demonstrated an ability to attract significant value in their procurement activities in the energy sector, and it is recommended that Council access this buying power for both interim electricity contracts and fixed term natural gas contracts.

OPTIONS FOR CONSIDERATION

Recommendation

Officers recommend that Council:

- Access State government contracts for both electricity and natural gas contracts from 1st July 2020;
- Establishes interim contracts rather than long-term contracts for electricity, given the ongoing work with other councils across Victoria to secure a new PPA tender to provide 100% renewable energy for the long term;
- Continues fixed term contract arrangements for natural gas supplies.

The state government have demonstrated an ability to attract significant value in their procurement activities in the energy sector, and officers recommended that Council access this buying power for both interim electricity contracts and fixed term natural gas contracts.

Options

Option A (recommended): use the State Government contract for all market types **excluding GreenPower** and undertake additional carbon offset procurement activities to neutralise the emissions from this source.

Under this option Council would purchase acceptable 'carbon offsets' to neutralise the emissions from electricity separately from this contract. Compared to 2019-20 costs, the cost savings for this option would be up to \$304,000 including GST in 2020-21.

A range of carbon offset mechanisms are available including purchasing renewable energy certificates (i.e. Large-Scale Generation Certificates (LGCs)). Based on estimated costs of \$5 per carbon offset, this would cost approximately \$44,000 incl. GST for the 2020/21 period. It is recommended that the choice of LGCs and/or carbon offsets should be considered in line with Council's overall offset requirements, financial implications and carbon neutral targets in the Climate Emergency Plan.

A future officer report will be developed for Council consideration outlining potential approaches as well as more detailed financial implications.

Option B: use the State Government contract for all market types **including 100% GreenPower** for electricity supplies.

Under this option, the greenhouse gas emissions from Council's electricity supplies would be neutralised through the purchase of accredited GreenPower under the proposed state government contracts.

Compared to 2019-20 costs, the cost savings for this option would be up to \$68,000 including GST in 2020-21. The table below shows that the itemised cost of Green Power would be approximately \$320,000 in addition to the base electricity costs over the contract period.

Category	2019-20 approx. annual costs	New contract period		
		2020/21	2021/22	2022/23
Electricity all markets	\$1,780,000	\$1,445,000	\$185,000	N/A
Gas all markets	\$253,000	\$240,000	\$185,000	TBD
GreenPower	\$0	\$280,000	\$40,000	N/A
Total	\$2,033,000	\$1,965,000	\$472,500	\$160,000

Table 4 Estimated yearly contract value costs including GreenPower and Offset costs (electricity only)

Option C: use the State Government contract for all market types **excluding GreenPower** purchases.

In this option, electricity consumption by Council would generate emissions and not be offset. Compared to 2019-20 costs, the cost savings for this option would be up to \$348,000 including GST in 2020-21.

Communications

IMPLEMENTATION STRATEGY

Details

Upon approval of the recommended approach, the following will occur:

- Council Officers will confirm with DTF that all energy accounts will be sought through the associated State Purchasing Contracts
- Council Officers will complete the necessary paperwork to roll in the accounts, as per DTF's processes
- Transfer of accounts to the new arrangement will commence July 1st, 2020 and will take up to 4 months to complete.

Communication

Council officers will communicate with account managers across the organisation of the change in the lead up to commencement date of July 1st, to ensure a smooth transition period. For small market natural gas markets, the proposed contract arrangement has the same supplier as current arrangements, only the rates will change.

Timeline

Confirmation with DTF of planned roll-in	March 2020
Submit account transfer information	March 2020
Inform account managers of change	May 2020
Manage roll-in of all accounts	July -Sept 2020

RELATED DOCUMENTS

Nil

Attachments

Nil

DISCLOSURE OF INTEREST

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

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

8.9 MULTI-SPORTS STADIUM UPDATE**Author:** Project Manager**Reviewed By:** Chief Executive Officer

EXECUTIVE SUMMARY

The design for the Multi-Sports Stadium (MSS) has progressed to the detailed design phase and officers are now preparing for the construction tender.

The project quantity surveyor has prepared the cost plan for the construction of the MSS facility and the design is estimated to be within budget.

Legal and project management advice has been sought on the available procurement models for the construction contract. A design and construct procurement model has been selected for the construction of the MSS facility as it allows Council to transfer risks to the construction contractor and there are more opportunities to achieve time efficiencies with this procurement model.

The community engagement was completed in November 2019 and internal Council stakeholder engagement has been ongoing throughout the design process. The designs have been developed in accordance with the design brief and feedback provided by the various stakeholders.

It is recommended that Council proceeds with the construction tender phase with the next Council report to seek expenditure approval to proceed with the construction contract.

Recommendation

That Council endorse a design and construct procurement process for the construction of the for the Multi-Sports Stadium and that appropriately experienced contractors be invited to tender to construct the project.

BACKGROUND / KEY INFORMATION

Most of the detailed design phase for the Multi-Sports Stadium (MSS) project has been prepared and preparations for the pending construction contract are underway.

Officers have completed community consultation on the design of the MSS facility which included two community drop in sessions and information advertised on Council's website. A range of community members, sporting associations and sports club members attended the drop-in sessions. The feedback captured during the consultation process has been incorporated into the current design and specification for the MSS facility. Further details on the community consultation are provided under the communications and engagement section of the report.

Legal and project management advice has been sought on the available procurement options for the construction contract of the MSS facility. A design and construct contract has been selected as the preferred procurement model the following reasons:

- Council's overall risk profile is reduced under this procurement model as certain risks can be transferred over to the construction contractor.
- Certain elements within the design have been identified where the builder can impart design innovation and cost efficiencies such as the footings and steel structure.
- There is a single point of responsibility for the design and construction of the facility making the contractual relationship easier to manage in the event of a design error or building defect.
- Time efficiencies can be achieved by advertising the tender prior to finalising the construction documentation. This will be advantageous to allow for a construction contract to be award prior to the Council caretaker period in September 2020.
- There is a greater onus on the construction contractor to ensure the building is constructed and commissioned to attain the 5 star green star rating under the Green Building Council of Australia certification scheme.

The tender for the construction of the MSS facility is planned to be released in mid-March 2020.

Previous Council Resolution

At its meeting held on 14 October 2019, Council resolved to:

- (1) Endorse the concept design for the indoor Multi-Sports Stadium project.
- (2) Continue engagement and consultation with key external stakeholders.

COMMUNICATIONS AND ENGAGEMENT

Consultation

Throughout the development of each design stage, internal Council stakeholder workshops have been conducted regarding the proposed design options to ensure key needs, considerations and feedback were identified and captured. The teams and departments consulted included:

- Leisure Services
- Equity and Wellbeing
- Climate Emergency and Sustainable Transport
- City Futures
- Aged and Disability
- Creative Culture and Events
- Parks and Open Space
- City Works
- Assets and Capital Delivery

Consultation with state sporting associations such as Netball Victoria, Basketball Victoria and Volleyball Victoria has informed the design process for this MSS facility.

Sport and Recreation Victoria has also been engaged with on the project throughout its lifespan and has been consulted on design developments.

A key milestone for the project was the endorsement of the designs in October 2019, for the purpose of community engagement and consultation. The designs were published via various online channels including Darebin's website, Darebin Your Say Page; dedicated to the MSS project, Darebin Leisure's Facebook page, and Council social media platforms. Information published also included an invitation for the community to attend 2 open community consultation sessions. Residents within a 500m radius of John Cain Memorial Park (JCMP) were also invited to attend these sessions via a letter received in the mail, or to provide feedback through the Your Say Page.

The open community consultation sessions were attended by the following stakeholders:

- Local residents
- JCMP tenants and sporting club representatives
- Local Sporting Associations and Clubs (basketball, netball, soccer, futsal)

The feedback obtained during the consultation period is summarised below into key themes:

- Attendees were in support of the MSS facility and the benefits the new facility will provide to the community regarding sports participation and access to quality sporting facilities.
- Concerns were raised regarding the available car park spaces, lighting, traffic congestion, operational noises with in JCMP.
- Construction impacts were raised as a concern including noise, dust, timing of works and overall duration of construction.
- The use of Agg Street as an alternate entry/exit was perceived to be a concern due to the increased traffic.
- The intersection and entrance at JCMP and Bunnings was perceived to be a safety concern and there was a general consensus the current intersection does not function properly.

The design and construction specification have responded to the feedback and incorporated where possible.

Communications

The project communications and engagement plan will continue to be updated and tailored to the construction stage of the project.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 2 - Opportunities to live well

Council Plan 2017 – 2021

Goal 2.2 Build a Multi-Sports Stadium — a premier facility for women's sport — at John Cain Memorial Park

Darebin 2021

Big Action No.07 Build a Multi-purpose sports stadium — a premier facility for women's sport — at John Cain Memorial Park

Environmental Sustainability Considerations

The MSS stadium has been registered with the Green Building Council of Australia as a 5 star green star rated facility. The construction contractor will be required to construct the facility in accordance with the design and ensure the green star certification is achieved once constructed. The tender evaluation criteria will also include environmental considerations in accordance with Council's social and sustainable procurement policy.

Climate Emergency

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

Equity, Inclusion and Wellbeing Considerations

Equity, inclusion and wellbeing will be considered in this project via the use of the equity impact assessment tool. The Equity and Diversity team has also attended design workshop meetings during the development of the concept and schematic design which has ensure the facility will accommodate a variety of interest groups and users. Some key social and cultural considerations include:

- Accessible and changing place facilities
- Gender-neutral toilet facilities and team change rooms
- The isolated show court hall can be used for culturally sensitive events and programs while the remaining three court hall can be programmed for sports competitions or other programs.
- Multi-purpose rooms to be used for a range of activities and user groups. These spaces can also be used as a prayer room.

Cultural Considerations

The Creative Culture team has been consulted as part of the design phase of the project and public art has been integrated into the front glazing elements of the facility.

Economic Development Considerations

An economic impact assessment report prepared by Michael Connel and Associates in February 2020 has modelled the economic benefits and jobs created as a result of the construction activities on the MSS project. It is estimated the construction activity for the MSS will generate a total of 89 direct jobs (FTE during the 18-month construction period. This comprises 78 onsite construction jobs; and 11 jobs in the materials and equipment supply sectors. Construction and professional jobs are likely to be held by residents of the broader metropolitan area and materials/equipment supply jobs would be spread across Victoria.

The procurement for the MSS construction will also consider social procurement outcomes by evaluating contractors against their ability to provide employment opportunities for young people, people with disabilities and disadvantaged groups.

Financial and Resource Implications

Council established a budget of \$33.4m for the design and construction of the MSS.

The following table summarises the project budget estimates for each work package to be delivered under the MSS project including the preferred concept design:

Table 1 – Budget Summary

Item	Cost Excl. GST
Gateway Entry Works (Darebin Road intersection)	\$2,694,097
Multi-Sports Stadium (Preferred Concept Design)	\$26,359,639
Outdoor Courts, access road, landscaping and pedestrian lighting	\$4,260,000
TOTAL	\$33,313,735

Legal and Risk Implications

Legal advice has been sought on the available procurement options which recommends that a design and construct procurement model is the most appropriate for the delivery of the MSS facility. This was recommended by the lawyers for the following reasons:

- The contractor takes on the design risks, construction risk and liabilities in defects. In the event of a building defect Council only has one party to pursue for rectification regardless of whether it was a design error or building defect.
- The contractor has a greater potential to introduce innovations and savings through construction innovations and approved substitutions. This can produce time efficiencies during construction, improved construction methodologies and potential construction cost savings.
- Council can advertise a tender sooner under a design and construct model as the design does not need to be 100% complete. This will reduce the time required to award a construction contract. The contractor can concurrently finalise the design documentation and commence site preliminary works further reducing the overall programme to complete the construction of the MSS. This will assist Council in meeting the DCP expenditure milestone.
- Council can more effectively allocate construction risk to a builder through and design and construct model as contractors are generally more accepting of risk under this form of contract.

DISCUSSION

Design Phase

Brand Architects was awarded the Principal Design Consultant contract in May 2019. The design has progressed through the concept, schematic and detailed design phase. Brand Architects and its sub-consultants met with the project working team (including the City Architect) on a fortnightly basis to workshop and resolve design issues.

A series of design workshops were held with various Council departments over the last 9 months to ensure the facility is fit for purpose, has low maintenance, low running costs and delivers sustainable and environmental outcomes in accordance with Council's policies and strategies.

The designs have been reviewed at each stake of design by the project working team and other key internal stakeholders. The design documentation is now ready to be advertised for the construction tender in the coming months.

Procurement Model

The available procurement models for the construction of the MSS include:

- **Design and construct model (Preferred)** – This model involves tendering the construction contract with a partially completed design (anywhere from concept to detailed design). The design consultant (Brand Architects) is then novated to the construction contractor. Novation is the legal term used to describe the transfer of design obligations to the construction contractor. The construction contractor is then responsible for both finalising the design and construction of the facility. Council has a contractual obligation to the construction contractor for both the design and subsequent construction of the facility. The key risk with this model is that Council no longer has complete control over the design. These risks can be mitigated by developing the design to a higher level of detail and developing a robust Principal's Project Requirements (PPR), which is a contractual document that outlines Council's functional design and construction requirements to ensure the final constructed facility meets Council and the community needs.
- **A construct only model (not preferred)** - This involves completing the design and specification to 100% prior to tendering the construction contract. The construction contractor is only responsible for the construction of the facility and has no design responsibilities. Council maintains a design contract with Brand Architects and a separate contract with the construction contractor. There is no contractual relationship between the builder and the architect. The key risk with this model is that Council maintains the design risk during the construction stage. If there is a design error encountered during construction, Council is likely to be liable to cover the construction costs associated with re-works or changes in the scope of works as a result of the error.

Legal advice has been sought, which recommends Council considers adopting a design and construct model for the project.

The main advantage with a design and construct procurement model includes:

- The contractor takes on the design risks, construction risk and liabilities in defects. In the event of a building defect Council only has one party to pursue for rectification regardless of whether it was a design error or building defect.
- The contractor has a greater potential to introduce innovations and savings through construction innovations and approved substitutions. This can produce time efficiencies during construction, improved construction methodologies and potential construction cost savings.
- Council can advertise a tender sooner under a design and construct model as the design does not need to be 100% complete. This will reduce the time required to award a construction contract. The contractor can concurrently finalise the design documentation and commence site preliminary works further reducing the overall programme to complete the construction of the MSS. This will assist Council in meeting the DCP expenditure milestone.
- Council can more effectively allocate construction risk to a builder through and design and construct model as contractors are generally more accepting of risk under this form of contract.

Tender Preparation

Preparation for the tender advertisement is underway with procurement and probity plans currently being prepared. An external probity advisor will be engaged to provide probity oversight to the evaluation panel who will be assessing the construction tenders.

The construction tender is planned to be advertised over the coming months.

Developer Contribution Plan (DCP) and outdoor courts

Officers are working on an amendment to the DCP and Council will be asked to consider this separately.

The outdoor netball courts at JCMP are under construction and are anticipated to be complete mid year 2020.

OPTIONS FOR CONSIDERATION

Option 1 - (recommended) – Proceed with the advertising the construction tender.

Option 2 – (not recommended) – Not proceed with tendering the construction contract. This will result in Council having to refund unspent DCP funds allocated to the project.

IMPLEMENTATION STRATEGY

Details

The following activities will take place in preparation for the construction contract tender:

- Prepare the procurement plan and probity plan for the MSS construction which will detail the preferred design and construct procurement model.
- Engage a probity advisor for the construction contract.
- Prepare the PPR document and draft construction contract to be included in the construction tender.
- Finalise the design for tender including tender schedules and specifications.
- Complete a final pretender cost plan to ensure the design meets the target budget.
- Advertise the construction tender in accordance with the procurement plan.
- Evaluate construction tenders

Communication

The project communications will continue to be implemented in accordance with the communications plan.

Timeline

The following timelines are planned regarding the procurement activities for the construction contractor:

Milestone	Date
Prepare procurement and probity documents	February 2020
Engage Probity Advisor	February 2020
Engage project management firm to prepare PPR	Complete
Prepare request for tender documentation, PPR and construction contract	February 2020
Milestone	Date
Finalise design documentation for tender	March 2020
Advertise construction tender	March 2020
Evaluation of tenders	June 2020
Award construction contract prior to Council caretaker period	July 2020

RELATED DOCUMENTS

Nil

Attachments

Nil

DISCLOSURE OF INTEREST

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

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

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

Nil

10. NOTICES OF MOTION**10.1 SPORTING CLUBS WITH LIQUOR LICENCES****Councillor:** Julie WILLIAMS**NoM No.:** 462

Take notice that at the Council Meeting to be held on 16 March 2020, it is my intention to move:

That Council:

- (1) Requests Council Officers prepare a report identifying which sporting clubs have liquor licences that include regulations and compliance that benefit of the community.*
- (2) Identifies the number of sporting clubs that have liquor licences.*
- (3) Identifies any reports or incidents that have occurred.*
- (4) Confirms the hours they are operating and what benefit it is having to the community.*

Notice Received: 3 March 2020**Notice Given to Councillors** 10 March 2020**Date of Meeting:** 16 March 2020**Attachments**

Nil

10.2 ANIMAL SHELTER**Councillor: Julie WILLIAMS****NoM No.: 463**

Take notice that at the Council Meeting to be held on 16 March 2020, it is my intention to move:

That Council:

- (1) Requests that Officers prepare a report regarding Council's contract with the RSPCA, rescue groups and Councils commitment to a No kill policy.*
- (2) Identifies the number of animals that have been euthanised*
- (3) Identifies if all or parts of the contract between RSPCA and Council is confidential*
- (4) Compares how many animals the rescue group received 4 years ago prior to the contract with RSPCA and how many animals the rescue groups receive today*
- (5) Identifies why there has been an increase of 40% of animals which are being euthanised compared to that of 5 years ago when it was less than 10% of animals euthanised.*

Notice Received: 3 March 2020**Notice Given to Councillors 10 March 2020****Date of Meeting: 16 March 2020****Attachments**

Nil

10.3 **MACEDONIAN SENIOR CITIZENS CLUB****Councillor:** **Julie WILLIAMS****NoM No.:** 464

Take notice that at the Council Meeting to be held on 16 March 2020, it is my intention to move:

That Council:

- (1) Request that Council Officers prepare a report for the 23 March 2020 Councillor Briefing regarding the refurbishment that has been covered in the current budget under the building renewal program for the Macedonian Senior Citizens club.*
- (2) Identifying the extent of the refurbishment upgrades.*
- (3) Identifying what groups are current users of this site, and any other groups that will benefit after the upgrades.*
- (4) Identifying the hours of operation and what the benefit is to the community, especially the elderly.*

Notice Received: **3 March 2020****Notice Given to Councillors** **10 March 2020****Date of Meeting:** **16 March 2020****Attachments**

Nil

10.4 ZWAR SCHEMATIC DESIGN**Councillor: Julie WILLIAMS****NoM No.: 465**

Take notice that at the Council Meeting to be held on 16 March 2020, it is my intention to move:

***That** Council requests to bring forward the Schematic Design to be included in the 2020 budget for Zwar Reserve."*

Notice Received: 3 March 2020**Notice Given to Councillors 10 March 2020****Date of Meeting: 16 March 2020****Attachments**

Nil

10.5 PRESTON MARKET 50TH ANNIVERSARY**Councillor: Gaetano GRECO****NoM No.: 466**

Take notice that at the Council Meeting to be held on 16 March 2020, it is my intention to move:

That Council:

- (1) Notes that the iconic Preston Market will be celebrating its 50th Anniversary in August this year;*
- (2) Establishes a Council working group charged with the task of planning celebratory events to mark the local significance of Preston Market's 50 years of trading and providing fresh produce to residents of Darebin and beyond;*
- (3) Invites representatives of Preston Market management, Preston Central, Save our Preston Market Group, Market traders, DECC, DADA and other relevant community stakeholders to be part of the Council working group.*

Notice Received: 3 March 2020**Notice Given to Councillors 10 March 2020****Date of Meeting: 16 March 2020****Attachments**

Nil

10.6 EDWARDES LAKE TOXICITY AND BOAT HOUSE DEVELOPMENT**Councillor: Gaetano GRECO****NoM No.: 467**

Take notice that at the Council Meeting to be held on 16 March 2020, it is my intention to move:

***That** Council receives a Council report in April on the status of the redevelopment of the Edwardes Lake Boat House and the toxicity of the water quality at Edwardes Lake. The report should also include address how the Boat House can be developed in a timely fashion and how Council can improve the water quality of the lake.*

Notice Received: 3 March 2020**Notice Given to Councillors 10 March 2020****Date of Meeting: 16 March 2020****Attachments**

Nil

**10.7 GARDENING SERVICE FOR CONCESSION CARD
HOLDERS ELIGIBLE FOR CARERS ASSISTANCE****Councillor: Gaetano GRECO****NoM No.: 468**

Take notice that at the Council Meeting to be held on 16 March 2020, it is my intention to move:

That Council receives a Council report in May 2020 on providing a gardening service for concession card holders who are eligible for carer's assistance from Centrelink.

Notice Received: 3 March 2020**Notice Given to Councillors 10 March 2020****Date of Meeting: 16 March 2020****Attachments**

Nil

10.8 BAHA'L COMMUNITY CONCERNS**Councillor: Gaetano GRECO****NoM No.: 469**

Take notice that at the Council Meeting to be held on 16 March 2020, it is my intention to move:

That Council:

- (1) *Expresses solidarity with the Baha'i community in the City of Darebin and expresses its support for people of the Baha'i faith in their period of anxiety and fear for the safety of their friends and family in light of the Iranian Government administrative decision to deny the Baha'i community legal status.*
- (2) *Writes to the Federal Minister for Foreign Affairs requesting that she make appropriate representations to defend the legal status of Baha'i people on human rights grounds."*

Notice Received: 3 March 2020**Notice Given to Councillors 10 March 202****Date of Meeting: 16 March 2020****Attachments**

Nil

11. REPORTS OF STANDING COMMITTEES

Nil

12. RECORDS OF ASSEMBLIES OF COUNCILLORS

12.1 ASSEMBLIES OF COUNCILLORS HELD

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

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

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

An Assembly of Councillors record was kept for:

- Darebin Nature Trust Meeting #15 – 18 February 2020
- Councillor Briefing – 2 March 2020
- Darebin Disability Advisory Committee – 2 March 2020
- Councillor Briefing – 10 March 2020

Recommendation

That the record of the Assembly of Councillors held on 18 February and 2 and 10 March 2020 and attached as **Appendix A** to this report, be noted and incorporated in the minutes of this meeting.

RELATED DOCUMENTS

Nil

Attachments

- Assemblies of Councillors held - 16 March 2020 (**Appendix A**)

13. REPORTS BY MAYOR AND COUNCILLORS

Recommendation

That Council note the Reports by Mayor and Councillors.

14. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL


15. 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

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relayservice.gov.au

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