



the place
to live

AGENDA

Ordinary Council Meeting to be held at
on Monday 17 August 2020 at 6.00 pm.

This Council Meeting will be held virtually

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

The meeting will be available for the public to watch through livestreaming via Councils website www.darebin.vic.gov.au

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

Persons wishing to submit a 'Public Question' may do so online by 12.00 noon on the day of the meeting via the Question and Submissions form or by email Q&S@darebin.vic.gov.au



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

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

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

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

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



English

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

Arabic

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

Chinese

这是市议会会议议程。如需协助了解任何议项，请致电8470 8888。

Greek

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

Hindi

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

Italian

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

Macedonian

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

Nepali

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

Punjabi

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

Somali

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

Spanish

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

Urdu

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

Vietnamese

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

Table of Contents

Item Number	Page Number
1. MEMBERSHIP	1
2. APOLOGIES.....	1
3. DISCLOSURES OF CONFLICTS OF INTEREST.....	1
4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS	1
5. QUESTION AND SUBMISSION TIME	3
6. PETITIONS	4
7. CONSIDERATION OF REPORTS.....	5
7.1 MAYER PARK MASTER PLAN ADOPTION.....	5
7.2 PENDERS PARK - STAGE TWO PLAYSPACE DESIGN.....	24
7.3 CAT CURFEW DECISION.....	41
7.4 DAREBIN LIBRARIES AND LEARNING STRATEGY 2020-24.....	47
7.5 PROPERTY AQUISITION AND DISPOSAL REPORT	52
7.6 DELEGATIONS OF POWER, DUTIES AND FUNCTIONS TO COUNCIL STAFF	61
7.7 DECLARATION OF A SPECIAL CHARGE: SOLAR SAVER RESIDENTIAL (BATCH 4).....	65
7.8 INTENTION TO DECLARE A SPECIAL CHARGE SCHEME: SOLAR SAVER RESIDENTIAL (BATCH 5).....	77
7.9 CONTRACT AWARD - CT201945 PROVISION OF INTEGRATED FINANCE SYSTEM.....	85
7.10 CT201995 - AWARDING OF CONTRACT FOR THE PROVISION OF PROACTIVE TREE MAINTENANCE SERVICES.....	93
7.11 NARC DESIGN AND PROCUREMENT UPDATE	100
7.12 TRAM ROUTE 11 EXTENSION ADVOCACY.....	107
7.13 PARLIAMENTARY INQUIRY INTO ECOSYSTEM DECLINE	114
8. CONSIDERATION OF RESPONSES TO PETITIONS, NOTICES OF MOTION AND GENERAL BUSINESS.....	120
9. NOTICES OF MOTION	121
9.1 FUTURE USE OF THE FORMER RESERVOIR POLICE STATION	121
9.2 OPTIONS TO UPGRADE THE OLD RESERVOIR LIBRARY BUILDING....	122
9.3 ENGAGEMENT OF LOCAL ARTIST TO PAINT SLOGANS ON COUNCIL FOOTPATH NEAR MANTRA BELL	123
9.4 100TH ANNIVERSARY OF THE OPENING OF EDWARDES PARK LAKE AND THE BOATHOUSE.....	124

Table of Contents

Item Number		Page Number
9.5	FUTURE BUDGET IMPACTS OF ANY INCREASES OR FALLS IN DAREBIN COUNCIL'S WORKCOVER PREMIUMS	125
10.	URGENT BUSINESS	126
11.	REPORTS OF STANDING COMMITTEES	126
12.	RECORDS OF ASSEMBLIES OF COUNCILLORS	127
12.1	ASSEMBLIES OF COUNCILLORS HELD	127
13.	REPORTS BY MAYOR AND COUNCILLORS	128
14.	CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL	129
14.1	LEVEL CROSSING REMOVAL PROJECT ASSET MANAGEMENT	
14.2	MANTRA BELL CITY PLANNING PERMIT	
14.3	CONTRACTUAL MATTER	
15.	CLOSE OF MEETING	130

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 AND PLANNING COMMITTEE

An error in the minutes of the 13 July Planning Committee regarding Item 5.2 Development Plan - Village Bell was identified after they were published. Councillors will recall that the motion Cr Newton moved and Cr Amir seconded had points 1(a) and 1(b) as detailed below.

There were subsequent amendments by Cr McCarthy and Messina adopted and the final Committee decision was as detailed below (with points 1(a) and 1(b))

To rectify this error the following has occur -

- (1) The corrected minutes were reissued and republished on Councils webpage
- (2) When the minutes of the 13 July Planning Committee are confirmed this error in the published minutes will be highlighted and the action undertaken to rectify it outlined
- (3) The Applicant has been formally advised and reissued correct advice

Committee Decision

MINUTE NO. 20-121

MOVED: Cr. S Newton

SECONDED: Cr. S Amir

That Council, having considered all the matters required under Section 60 of the Planning and Environment Act, 1987, endorse the Development Plan prepared under Schedule 11 of Clause 43.04 of the Darebin Planning Scheme for the land identified as 1-6, 8-15, 17, 19, 21, 23-27 Stokes Street Preston, 1-14 & 16 Penola Street, Preston, 56-66 Showers Street, Preston, 1, 3, 5, 7, 9, 11, & 13 Railway Place, West Preston, 1-12 Kenwood Court, Preston, 20-30 Oakover Road, Preston VIC 3072, subject to the following conditions:

1. The Development Plan amended to include detail of the following requirements regarding social housing provision and building heights:
 - a) The Development Plan and all associated documents amended to display maximum heights in accordance with the DPO-11 discretionary limits for each sub-precinct (i.e. the 'baseline proposal' detailed in Section 11.0 of the Development Plan). Buildings OR2 and OR6 must be amended to be Social Housing buildings. The amended building heights must provide for a minimum social housing yield of 50% of the total dwelling yield in the Village Bell Development in accordance with the requirements of Condition 1(b).
 - b) Provision of an appendix to the Development Plan that details an agreement under Section 173 of the Planning and Environment Act 1987 (to be executed before development starts for any planning permit granted under the Development Plan) relating to the social housing yield within the Village Bell Development Plan being a minimum of 50% of the total dwelling yield.
2. Provision of a traffic management master plan that details traffic management measures to be delivered in the vicinity of the site on the surrounding local road network, at the cost of the owner / developer, to the satisfaction of the Responsible Authority. This will also extend to contributions to traffic management and cycling and pedestrian safety installations beyond the site that are demonstrated to be impacted by and/or benefit the development and surrounds. The traffic management plan and proposed safety works will be presented to Council for consideration.
3. Provision of a streetscape master plan, detailing streetscape improvements that will be delivered within and externally to the site, at the cost of the owner / developer, to the satisfaction of the Responsible Authority. The master plan can be updated with the written consent of the Responsible Authority, without an amendment to the Development Plan. This is to include payment toward works in Newman Reserve as part of required public open space contributions. This payment will fund an Improvement Plan and the associated Improvement Works at Newman Reserve.
4. Section 11.3 (Building Height & Setbacks – Oakover and Stokes/Penola) amended to confirm the buildings fronting Newman Reserve on Showers Street are subject to the building street wall requirements.
5. Section 11.3 (Building Height & Setbacks – Oakover and Stokes/Penola) to include detail of the 45-degree rear setback profile requirements for boundaries abutting land not in the DPO-11 area.
6. The vehicle loading options listed in Section 11.6 (Interfaces/Equitable Development - Oakover) of the Development Plan amended to identify the rear loaded option as the primary vehicle access method for dwellings adjacent the right of way. The front-loaded vehicle option updated to be identified as the secondary vehicle access option, only for those dwellings unable to take access from the Showers Street right of way.
7. Compliance with Melbourne Water's referral response requirements and conditions dated 4 December 2019.
8. The Development Plan and all accompanying reports updated in accordance with any amendments required by these conditions of approval.
9. Section 9.0 (Housing Diversity) be amended to show that private dwellings will be available to first home buyers for a period of 12 weeks.
10. That future planning permits issued in the development plan include a minimum of one changing places toilet in each of the two precincts, a graffiti management plan and conditions to require waste management plans that include recycling and treatment of food waste that demonstrates the minimisation of waste going to landfill."

CARRIED

For: Cr's Rennie, Newton, Greco, Le Cerf, McCarthy, Messina and Williams (7)

Against: Cr Amir (1)

Recommendation

That the Minutes of the Planning Committee as amended held on 13 July 2020 and the Ordinary Council Meeting held on the 20 July 2020 be confirmed as a correct record of the 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

As this meeting is being held virtually you may elect to have the Mayor read your question(s) or to attend the virtual meeting to read your question(s). If you advise us that you wish to be admitted to the meeting you will be sent a link to the meeting prior to the meeting commencing.

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

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

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

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

SUBMISSIONS OR COMMENTS

As this meeting is being held virtually you or a representative must be present in the virtual meeting to read your submission. If you or a representative is not present your submission will not be read out. If you advise us that you or a representative wish to be admitted to the meeting you will be sent a link to the meeting prior to the meeting commencing. Submissions must be as brief as possible and no longer than 2 minutes.

HOW TO SUBMIT YOUR QUESTION OR MAKE A COMMENT OR SUBMISSION

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

- (a) online at darebin.vic.gov.au/questionsandsubmissions; or
- (b) by email to Q&S@darebin.vic.gov.au; or
- (c) by mail to PO Box 91, Preston 3072.

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.

6. PETITIONS

7. CONSIDERATION OF REPORTS

7.1 MAYER PARK MASTER PLAN ADOPTION

Author: Landscape Architect

Reviewed By: General Manager City Sustainability and Strategy

EXECUTIVE SUMMARY

This report recommends that Council adopts the *Future Mayer Park* master plan (**Appendix A**) which has been developed following extensive community engagement.

In developing this master plan Council trialled a process of high levels of engagement with a Project Control Group (PCG) made up of local community members and supported by officers. Over 18 months between June 2018 and February 2020, officers have worked collaboratively with the PCG to understand their advice at a deep level and this is reflected in the master plan.

The content of the master plan is guided by the PCG's vision for the park which focuses on the park as a welcoming and inclusive space offering a range of experiences that enables the community to come together to be happy and healthy.

Since June 2018, the PCG have had over 20 meetings. In that time, the PCG have familiarised themselves with the site context, Council's policies and demographic data, workshopped the Vision Statement, developed and led engagement with the broader community, and summarised the engagement data, to inform the development of the master plan.

Later stages of engagement particularly targeted those who were underrepresented in earlier phases, and those who are key users of the park, such as the soccer club, to ensure their voices were heard in the process and their views understood and responded to.

The master plan proposes improvements based on five design principles that guide the implementation of the community vision for Mayer Park:

1. **A Shared Park** – a park that hosts many activities, enabling the community to share a range of experiences while also building on the value of the existing uses.
2. **Better Park Amenity** – a park with great amenities and facilities for all to enjoy while retaining what makes it great – its open green space.
3. **An Open and Welcoming Park** – a park that is open, welcoming and draws the community in while being inclusive of all users.
4. **Nature and Environment** – a park where the community comes to have a break from urban life and to connect with nature.
5. **Better Links** - a park that plays a key role in improving links between people, flora and fauna and other open spaces in the Thornbury neighbourhood, wider Darebin area and beyond.

Master plans are designed to provide a framework for guiding improvements to open spaces over many years. The improvements proposed in the Mayer Park master plan stem from the 5 design principles listed above and are categorised into short, medium and long term actions to be implemented over a 10 year time frame. A preliminary high - level costing for the total amount of capital works needed to implement the master plan is in the order of \$1-2 million over the next 5-10 years. The draft master plan was released to the wider community for feedback over a five-week period in May 2020. A total of 116 comments were received, with generally strong support for the draft master plan and the proposed improvements for the park.

The following items were included in the final master plan as a result of the consultation:

- More clarity around the proposed fencing upgrade along the boundary of the park interfacing with adjoining roads.
- Minor changes to the implementation priorities e.g. investigation of new walking trail connecting Mayer Park to the Beavers Road footbridge brought forward.
- Ensuring that old cricket nets are removed only when new nets are in place.
- Design considerations e.g. ensuring minimal disruption to tree lined views; considering softer and natural footpath materials such as compacted granitic gravel; adding distance markers along footpaths; and upgrading steps in the north-west park entry.

The Future Mayer Park master plan reflects these minor amendments.

Recommendation

That Council:

- (1) Adopts the *Future Mayer Park Master Plan*
 - (2) Thanks the Project Control Group for their work and commitment throughout the project and the community members and stakeholders for their feedback in developing this master plan.
-

BACKGROUND / KEY INFORMATION

Mayer Park is located at 99 Leinster Grove (corner of Normanby Avenue and Leinster Grove), Thornbury. Approximately 3.98 hectares, the park contains two soccer pitches, a turf cricket wicket and a sport pavilion to cater for organised sport. Several community groups use the existing Leinster Grove Community Hall located at the south-east corner. The park also caters for informal recreation needs of the local community such as walking, using the outdoor gym, BBQ and picnic facilities, off lead dog play and community events including outdoor movie nights.

Breathing Space – The Darebin Open Space Strategy determines the level of infrastructure and investment at Mayer Park and classifies the park as:

- District Level Park - drawing visitors from the surrounding suburbs as well as people who live within walking distance.
- Type A level of investment in the park, which suggests a level of provision that might include amenities such as a public toilet, lighting, internal walking path network, park furniture, playground, canopy trees and/or garden beds.

At its 28 February 2018 meeting, Council resolved to support a community led design process to create a new master plan for Mayer Park and launch an Expression of Interest for a PCG. Submissions from local community members were received and evaluated by officers.

At its 30 April 2018, Council resolved to appoint eight community members to the PCG and endorsed the PCG Terms of Reference.

Over the past 18 months the PCG have had over 20 meetings (PCG meetings and stakeholder meetings) to develop the master plan.



Figure 1 – Mayer Park, Thornbury

Previous Council Resolution

At its meeting held on 28 February 2018, Council resolved to:

- (1) *Endorse the development of a masterplan for Mayer Park only, excluding the Northcote Golf Course.*

At its meeting held on 27 April 2020, Council resolved to:

- 1) *Endorse the release of the Future Mayer Park Draft Master Plan for consultation with the broader community.*
- 2) *Thank the Project Control Group for their work and commitment through 2018 and 2019*

COMMUNICATIONS AND ENGAGEMENT

Consultation

The PCG collaborated with officers in creating the community engagement strategy for the draft master plan. The Communications and Engagement Plan (**Appendix C**) outlines this strategy, taking into consideration the current COVID-19 restrictions.

Consultation activities completed to date

The key engagement activities included a 4,000-house mail out, community drop in session, targeted discussions with key stakeholders via email, phone or in person and online surveys supported by social media posts. *The Community Engagement Summary Report* prepared by the PCG can be found at **Appendix B**.

The top themes that emerged from the consultation were:

- Retaining open space for formal sporting and informal recreation, dog walking and open vistas.
- The need for a new playspace that caters for all ages.
- Additional native tree and shrubs planting and landscaping.
- An overall improvement to park amenities including park furniture, footpaths and walking tracks, new BBQ facilities and shelter.

These have been addressed in the master plan.

Phase One Council-led consultation

Prior to the creation of the PCG, officers led the preliminary round of community consultation in March 2018 to gather initial feedback to inform the first draft of the community's vision for the park. Over 66 comments were collected, which were grouped into ten general themes.

A summary of the insights is as follows:

- The top themes were Park Amenity Improvements, Retaining Open Space, New Playspace, and Landscape Improvements.
- Retaining Open Space and New Playspace had the greatest number of individual comments with 15 and 14 respectively, meaning that these were the two items with strongest support.
- These were closely followed by Landscape Improvements (trees, planting) and Walking Track with 9 individual comments each.

Phase Two community consultation – Understanding Community Expectations

Community consultation led by the PCG took place over eight weeks in October and November 2018 to seek feedback on the master plan vision and key themes to be considered in the master plan.

The engagement activities included a drop-in session at the park on 13 October 2018, coinciding with the Makers Market, postcards dropped to 4,000 households around the park with the option to fill out and return a comment section on the postcards, an online survey and targeted requests for comments from stakeholders. The PCG completed the analysis of the Phase Two consultation and displayed the findings at a follow up drop in session at the park on December 1.

Feedback from the consultation indicated very strong support for the Vision Statement.

Findings from Phase Two community consultation confirmed some of the initial feedback trends received in Phase One. This feedback included:

- Continuing the community movie nights
- New playspace for children of all ages
- Improving park amenities (e.g. BBQ, park furniture)
- Upgrading pavilion and toilet
- Retaining the green open space
- Additional tree planting.
- Other ideas included retaining off lead dog areas, providing better walking paths, bicycle infrastructure.
- There were comments about provision of a fenced dog off lead area, or generally about fencing around the park for safety.

The PCG noted that young people were underrepresented at the drop-in session due to the typical demographic that usually attend the Makers Market, i.e. young couples with children and people in the older demographic. Young people were targeted to ensure their voices were heard in later phases of engagement.

The themes that had the most negative reactions were Skate & BMX, Games Area and Multipurpose courts. This was also again indicative of the underrepresentation of young people at the drop-in session. It is to be noted that a large proportion of the subsequent feedback received via emails and postcards noted the need to include activities for older children and teenagers, including numerous requests for a basketball half court.

External Stakeholder Consultation

- 28 external stakeholders were contacted directly by the PCG to seek initial comments. The stakeholders were given the option to provide feedback or comments by reply email or to complete the online survey. A list of stakeholders is included in the Community Engagement Summary Report (**Appendix B**)
- Written submissions were received from Darebin United Soccer Club, Merri Creek Management Committee and The Bridge Thornbury (who manage the Leinster Grove Community Hall and the community groups that use the hall, including the Japanese Karate Association, Nick Healey Dance, Wonder Garden Dance, Italian Senior Citizens, Blossoming Head Yoga & Dance). The written submissions are included in as attachments to the Community Engagement Summary Report (**Appendix B**)
- Representatives from the Open Space Unit of Moreland City Council met on site with a representative of the PCG and Darebin City Council staff to discuss the master plan process and provide comments and feedback. Notes from this meeting are included as attachments to the Community Engagement Summary Report (**Appendix B**)
- A representative of the PCG and Darebin City Council staff met on site with representatives of the Wurundjeri Land Council at the early stage of the master planning process. Refer Cultural Considerations section of this report. Notes from this meeting are included as attachments to the Community Engagement Summary Report (**Appendix B**)

Internal Stakeholder Consultation

Future Mayer Park was developed in consultation with the following officers:

- Aboriginal Contact Officer
- Community Safety Officer
- Coordinator Bushland Management
- Coordinator City Design
- Coordinator Community Engagement and Demographics,
- Coordinator Community Participation and Development
- Coordinator Community Wellbeing
- Coordinator Open space and Horticulture
- Coordinator Recreation and Leisure
- Coordinator Recreation Planning and Participation
- Manager Creative Culture and Events
- Manager Environment and Sustainable Transport
- Manager Equity and Wellbeing

- Manager Families, Youth and Children
- Manager Parks and Vegetation
 - Senior Communications Advisor,
 - Senior Transport Engineer
 - Senior Transport Planner
 - Team Leader Horticulture
 - Team Leader Youth Services

Darebin Advisory Committees Consultation

- Proposed improvements at Mayer park were presented and discussed with relevant Darebin Advisory Committees including:
 - Darebin Nature Trust
 - Darebin Bicycle Advisory Committee
 - Advice from the Darebin Aboriginal Advisory Committee has been sought at their 4 March 2020 committee meeting. The Committee was also requested to provide feedback via email in May 2020.

Phase Three Community Consultation – Seeking Feedback on the Draft Master Plan

Between 7 May and 8 June 2020, a community consultation process was conducted to seek feedback on the draft master plan, including the proposed improvements to Mayer Park and the staging of the improvements. A total of 116 comments were submitted, including:

- 88 online survey responses
- 18 emails
- 10 postcards

Due to the COVID-19 pandemic restrictions, face to face engagement activities and gatherings were not allowed. The engagement and communication methods were tailored to abide by the restriction rules for the safety of the community and DCC staff.

These included:

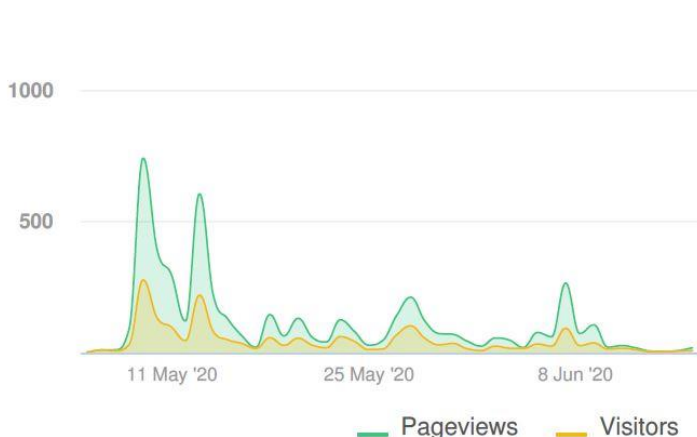
- 4,000 postcard mail drop to households to 1.5km radius around Mayer Park. Postcard comments can be emailed to City Design or dropped into Bridge Thornbury mailbox within walking distance of the park.
- Your Say page where the Draft master plan report is downloadable for review
- Online form to provide feedback
- Social media posts on Darebin City Council social media outlets weekly over 4 weeks
- Promotion on Council's website
- Post on community Facebook group such as the Friends of Mayer Park page
- A3 Posters on site that direct to Your Say page
- Real estate boards on site with information on the draft master plan
- Information and key messages about the draft master plan were translated to the top 5 languages in Thornbury West and posted on site. Translation services were also available on the Your Say page.

- Email all stakeholders (all stakeholders identified in Phase Two, including park user groups and sports clubs) and all people on mailing list, including people registered to the Your Say page and people who provided feedback in the first two rounds of consultation.
- Email local high schools and primary schools and share Your Say page link
- Option for community members to provide feedback via phone call
- Promote the consultation period on Community eNewsletters including What’s On Intercultural Centre (approx. 1,200 recipients), What’s On For Families (approx. 1,500 families recipients) and What’s On Darebin Libraries (approx. 25,000 recipients)
- A media release about the project was completed.

The dedicated Your Say page was updated to provide the key messages around the project, with translations available. The draft master plan was available for review and download. A short survey was created to collect the community feedback and comments on the draft master plan. Between 7 May and 8 June 2020, some of the key online visitor information were:

- 2,100 visits of the web page
- 975 views/ downloads of the draft master plan document
- 943 informed visitors
- 88 individual feedback/ comments received via the online survey
- 72 new registrations to the Your Say page
- 52 views/ downloads of the Mayer Park Community Engagement Summary report

Visitors Summary



Highlights



Fig. 1 – Visitor Summary of online Your Say page

Findings from Phase Three community consultation confirmed the initial feedback trends received in Phase One and Two. This feedback included:

- There was generally very positive feedback and support on the draft master plan approach, vision and proposed improvements.
- Survey respondents indicated the most support for the following key proposed improvements:
 - Additional tree and understorey planting

- Additional paths
- New playspace
- Fencing upgrade to the park perimeter
- Walking trail through the golf course to the new pedestrian footbridge
- BBQ and shelter facilities
- Basketball half court
- Some survey respondents provided additional suggestions including:
 - Making the golf course more accessible to the general public
 - Bringing the implementation of the walking trail through the golf course to the Beaver Street footbridge forward in the staging plan
 - Providing a fenced dog off lead area
 - Providing a community garden
 - Enforcing parking restrictions along Leinster Grove
- Some survey respondents raised some concerns including:
 - The long timeframe for implementation of the master plan
 - Lack of consultation with Darebin United Soccer Club
 - Ensuring that the new cricket nets are installed before the existing nets are removed
 - Ensuring that uninterrupted tree lined views looking west are not disturbed if a new shared pavilion/ community facility is constructed on the western side of the park
- A petition with 317 signatures was received via email to “*request that a perimeter fence be installed around Mayer Park, Thornbury, as a matter of priority*” to stop balls, kids and dogs from running onto the adjacent roads.

Details of how the feedback above has been addressed can be found in the **Discussion** section.

Communications

A Communication and Engagement Plan was prepared to guide the communication and engagement process during the COVID-19 restrictions. This engagement plan was reviewed and approved by Council’s Incident Control Team. Refer **Appendix C**.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 1 - A sustainable city

The development of the master plan is part of Council's commitment to Goal 1.3 of the Council Plan 2017-2021 to '*expand and improve our network of open and green spaces, parks and natural environments to provide the lungs for our city and reduce the impacts of climate change*'.

Environmental Sustainability Considerations

Mayer Park has a number of canopy trees along its perimeter, mostly eucalypts and some exotic species dating back to the establishment of the park. Trees that are in good health will be retained, with additional canopy trees planted over time to aim for 25% canopy cover of the park. Succession planting of existing Desert Ash trees (classified as weeds) is recommended to be undertaken over time, as the trees mature and decline in health. The plan also proposes additional understorey planting to improve biodiversity and habitat links.

Climate Emergency

Climate Emergency has been considered in the master plan and will inform the implementation of the actions. The challenges of a warmer and drier climate and access to affordable water have been recognised and addressed in the master plan and are supported by the *Better Park Amenity* and *Nature and Environment* design principles. The actions outlined below play a role in reducing greenhouse gas emissions by direct and indirect means.

- Plant new native and indigenous trees over time to double the existing canopy cover to 25% coverage.
- Perform regular tree assessment, maintenance of tree health and succession planting of trees reaching maturity and those in decline
- Mulch around existing trees and within new garden beds
- Incorporate recycled materials where it is more sustainable than natural materials
- Provide bike hoops to encourage sustainable transport modes
- Retain and protect existing trees

Equity, Inclusion and Wellbeing Considerations

Public open spaces enhance the social and community value of these neighbourhoods by providing important opportunities for social gathering, interaction and exercise. Intensification of local built environments and populations highlight the increased need for diverse and accessible public open spaces.

The master plan addresses these requirements by proposing good quality walking paths, accessible park amenities such as wheelchair accessible picnic tables and BBQ facilities and new playspace and active spaces for children of all age groups.

To address incident and safety concerns raised by the community, a community safety audit of the park was completed and the recommendations considered in the master plan. Some of the key recommendations were:

- Retain sightlines, activation and access to the park
- Upgrade/ construct new paths along the perimeter of the park
- Extend opening hours of the public toilet and make improvements to lighting and amenity
- Improve park signage at park entries

- Make changes to fencing, lighting and amenity of the sports clubroom and community hall
- Provide accessible car park and bicycle parking
- Improve lighting for both sports use and general use

A request for collision statistics involving pedestrians along Normanby Avenue was sent to Victoria Police. The statistics revealed that over a period of 3 years, only 1 reported incident was recorded at the corner of Normanby Avenue and Leinster Grove, which had to do with non-compliance to traffic signals.

Cultural Considerations

The users of Mayer Park and its facilities, including the Leinster Grove Community Hall, are from diverse communities. Consultation on the draft master plan will reach out to all residents and park users inclusive of cultural groups.

Initial consultation with traditional owners was conducted at the early stage of the master plan development. The Wurundjeri Council appreciated being consulted however, due to the early stage of the process, were not able to offer tangible recommendations. The Wurundjeri Council will be consulted further on the draft master plan. Some potential ideas to integrate a cultural layer to the master plan could include:

- Incorporate indigenous themes in the design of the new playspace.
- Incorporate local indigenous stories and place making elements within the park: e.g. through a mural.

Economic Development Considerations

Great public open spaces contribute positively to the local community by being places where the community can meet, connect and build healthy relationships with each other and with nature, reinforcing the cohesiveness of the community and attracting new residents and businesses to Darebin, as well as retaining the existing.

Financial and Resource Implications

A number of improvements were completed at Mayer Park in 2018-2019 including the sport ground levelling and returfing works to establish a second soccer pitch, installation of new drainage and irrigation, the installation of a new cricket turf pitch between the two soccer pitches and installation of a high netted fence to catch soccer balls. In 2019-2020, the existing sport lighting was upgraded with six new flood lights.

Some planned works for delivery in 19/20 to shared paths were impacted by Covid-19 and were unable to go ahead, and will now be considered in future stages. Rewilding works are planned for the park for 20/21. More details about planned delivery for this financial year can be found in the Discussion section under 'Delivering Park Improvements in 20/21'.

The remaining park improvements will be considered in future council budgets. If external funding opportunities arise in the form of grants, Council and the community could use the master plan as a basis for seeking grant funding for some of the initiatives.

Master plans are designed to provide a framework for guiding improvements to open spaces over many years. The improvements proposed in the Mayer Park master plan are categorised into short, medium and long term actions to be implemented over a 10 year time frame. A preliminary high - level costing for the total amount of capital works needed to implement the master plan is in the order of \$1-2 million over the next 5-10 years.

Legal and Risk Implications

An Environmental Significance Overlay (ESO) applied to the whole park due to its proximity to the Merri Creek catchment. Any proposed improvements works will be referred to Council's Planning Unit to ascertain planning permit requirements.

A Special Building Overlay (SBO) applies to some areas of Mayer Park. Improvement works that occur in an SBO may trigger the requirement for a planning permit and written approval from Melbourne Water. This is addressed in the master plan by locating significant structures outside of the SBO.

Operational Impacts

Improvements to Mayer Park, e.g. additional planting, new facilities such as the playspace, footpaths, lighting, fencing, etc. will generally incur increased and ongoing operational requirements in terms of maintenance budget and resources. The exact cost implications to operational budgets and resources will be determined as the projects are delivered, in consultation with Parks and Open Space.

DISCUSSION

Future Mayer Park Master Plan Vision

Mayer Park is a welcoming and inclusive space offering a range of experiences that enables the community to come together to be happy and healthy.

To support the community vision above, the master plan proposes a range of improvements to the amenity at the park, while retaining its open character. This ensures that the needs of current and future communities are catered for by offering, for example, better access to and through the park with good quality walking and cycling paths, improved park furniture and BBQ facilities, a new playspace and additional shade trees, garden beds and landscaping using a mix of native and indigenous species.

The master plan proposes improvements based on five design principles that guide the implementation of the community vision for Mayer Park:

6. **A Shared Park** – a park that hosts many activities, enabling the community to share a range of experiences while also building on the value of the existing uses.
7. **Better Park Amenity** – a park with great amenities and facilities for all to enjoy while retaining what makes it great – its open green space.
8. **An Open and Welcoming Park** – a park that is open, welcoming and draws the community in while being inclusive of all users.
9. **Nature and Environment** – a park where the community comes to have a break from urban life and to connect with nature.
10. **Better Links** - a park that plays a key role in improving links between people, flora and fauna and other open spaces in the Thornbury neighbourhood, wider Darebin area and beyond.

A petition with 317 signatures was received via email during the Phase 3 community consultation period to “request that a perimeter fence be installed around Mayer Park, Thornbury, as a matter of priority”. Comments in the petition expressed that a fence was needed to stop balls, kids and dogs from running onto the adjacent roads. Refer **Appendix** for a copy of the petition.

Officer comment:

The petition was prepared by one of the PCG members in May 2019, while the development of the draft master plan was in progress. The PCG member did not formally lodge the petition at the time, however their views on the perimeter fence were considered by the PCG when developing and discussing the draft master plan at subsequent meetings.

Whilst there is already an existing post and rail fence along the perimeter of the park, it is understood that the request of the petition is for this fencing to be less permeable to balls, kids and pets.

Council officers conducted a Community Safety Audit on 29 August 2019 (Refer **Appendix F**) with members of the PCG and the President of Darebin United Soccer Club in attendance. The audit recommended several improvements to the park, which are considered in the master plan. As part of the report, a request for collision statistics involving pedestrians along Normanby Avenue was sent to Victoria Police. The statistics revealed that over a period of 3 years, only 1 reported incident was recorded at the corner of Normanby Avenue and Leinster Grove, which had to do with non-compliance to traffic signals.

In the draft master plan, Design Principle 3: An Open and Welcoming Park addresses and strengthens the existing park boundary conditions (page 22) to improve useability and safety for soccer players, kids and pets. These include:

- An existing post and rail fence along the perimeter of the park on Normanby Avenue and Leinster Grove be upgraded to a low post and mesh fence with additional trees and dense shrubs along the fence
- An existing high ball stop fence (approx. 10m high from the ground) opposite one of the soccer pitches to catch stray ball before they reach Normanby Avenue
- The parallel car parking bays along the north side of the park, creates an additional buffer between the park and the road
- An existing embankment on the north-western corner of the park, which creates a natural buffer to the road

Design Principle 3 also discusses the proposed improvements to the park boundary (page 23). These include:

- Fencing upgrade options include retrofitting the existing post and rail fence with chain mesh infill panels or replacing the post and rail fence with new 1.2m high post and chain mesh fence. Examples of possible fencing upgrades are shown
- Additional trees and dense low planting along the fence will improve the soft barrier
- Use low mounds to create an additional buffer where possible
- The installation of a similar high ball stop fence opposite the second soccer pitch to serve the same purpose

Officers have considered the merits of including a continuous fence around the whole park but have concluded that there are significant drawbacks to this approach such that we do not recommend this as a perimeter treatment. Officers advise that the recommended approach is overall expected to achieve a better outcome considering various safety risks including the need for people to be able to see into the park to create a safe environment within the park, and to enable emergency access.

The master plan fence improvements align with CPTED principles and include:

- Low fence and shrubs should not impede views through the park for park users. A fence higher than 1.2m is not recommended as this would create an unnecessary visually intrusive barrier around the park
- Maintaining views in and through the park will promote passive surveillance and perception of safety
- 1m wide gaps need to be provided at intervals along the fence (e.g. every 20m) to provide easy to locate exit points from the park in case of emergency, but also to allow easy access in and out of the park from the adjoining car parks

The recently completed sports lighting upgrade has greatly improved visibility in the park at night. The sports lights will typically be on until 10pm in winter, while soccer training is underway. The master plan recommends further lighting along the proposed shared path along the northern end of the park, providing greater perception of safety and visibility along Normanby Avenue.

It is the officers recommendation that the improvements above will lead to a safer outcome for all park users than a continuous perimeter fence, as well as satisfying the design principle and community vision to keep an open and welcoming park.

Consultation with Darebin United Soccer Club

A number of respondents commented about a perceived lack of consultation with Darebin United Soccer Club, and requested upgrades to the existing sports pavilion.

Officer comment:

Darebin United Soccer Club are an important user of the park and their needs and aspirations have been fully considered during the preparation of the master plan. Club members have been invited to provide feedback at all three phases of consultation of the master planning process. The club executives were contacted directly and invited to provide feedback. Club executives were also encouraged to share with their membership base the details of the Your Say page and ways to provide feedback such as email or online survey. Darebin United Soccer Club were kept informed of the progress of the master plan and invited to contribute to feedback at all key stages, including:

- 17 March 2018 - Darebin United Soccer Club members attended the Phase One drop in session at the park and provide initial feedback
- October 2018 - Darebin United Soccer Club executives were notified of the Phase Two consultation session on site and invited to provide feedback and comments, as well as complete the online survey. Executives were invited to share the details of the community consultation period with their membership base
- Darebin United Soccer Club provided a written letter detailing their requests as part of Phase Two consultation session. Refer to the Community Engagement Summary Report (**Appendix B**) for a copy of the letter
- 29 August 2019 - Darebin United Soccer Club President, Michael Peros, attended a community safety audit conducted at the park, organised by Darebin Council officers and attended by PCG members
- 6 May 2020 - Darebin United Soccer Club was contacted by the Team Leader Leisure Services by email and phone call to advise them of the community consultation details.

- May 2020 - City Design emailed all stakeholders, including Darebin United Soccer Club to request that they provide feedback on the draft master plan. Two emails were sent – the first at the start of the consultation period, and a follow up reminder a week before the end of the consultation period
- Darebin United Soccer Club were kept informed of the progress of the master plan by the Team Leader Leisure Services via email updates and during face to face meetings on site with club executives
- At all three phases of community consultation, signs were posted on site to notify all park users of the consultation period, including Darebin United Soccer Club and its local members. The signs included A3 posters and two large real estate boards detailing the master plan recommendations and how to provide feedback. Refer to the Community Engagement Summary Report (**Appendix B**) for more details on community engagement

Upgrades to sports pavilions are guided by Darebin's Outdoor Sports Infrastructure Framework (OSIF), adopted by Council on 29 June 2020. The OSIF provides a list of prioritised works to upgrade or improve outdoor sports facilities. At Mayer Park, the pavilion is not deemed a high priority due to recent upgrades completed in 2012. Several other pavilions in other reserves are in more urgent need of upgrades. The recommendation in the Mayer Park Master Plan to "investigate feasibility of new multi-purpose building to replace existing sports pavilion when it is due for replacement" which aligns with the OSIF.

Response to Community Feedback

There was overall strong support for the vision, design intent and proposed improvements for Mayer Park. Additional ideas were put forward by some community members. Some ideas have been incorporated in the revised master plan and some others have not.

Community feedback raised through consultation which **has not been** incorporated into the draft master plan

- **Allowing public access to the Northcote Golf Course**

A number of local residents have commented on the need for open space and suggesting that the Northcote Golf Course should be made more accessible to the general public.

Officer comment:

The Future Mayer Park Master Plan focusses mainly on Mayer Park, in line with the Terms of Reference for the PCG. The draft master plan proposes a couple of improvements that support better access to Northcote Golf Course, namely the off-street walking trail from Mayer Park to the Beavers Road footbridge and the investigation of a new multipurpose community facility to be shared with the golf course on the western boundary of the park.

Some community members' suggestion to allow more access to the golf course is however supported by Breathing Space: Darebin's Open Space Strategy, which notes that "*there is potential to repurpose the Northcote Public Golf Course to broaden the range of users.*"

A more detailed review of Northcote Golf Course would be required, which should be a separate but complementary project to the Mayer Park Master Plan.

- **Creating a fenced dog area**

Whilst Mayer Park is already a designated dog off-lead park, some community members suggested using an area of the park to create a fenced dog area. One comment included the request for a fenced area dedicated specifically to greyhounds.

Officer comment:

Mayer Park is already a dog off-lead park. During community consultation, local residents strongly reinforced the need to retain green open space for all park users to share. The suggestion to include a separate fenced area for dogs does not align with Design Principle 1: A Shared Park and Design Principle 2: An Open and Welcoming Park, where one of the aims is to minimise fencing to retain the open and welcoming feel of the park.

Officers do not recommend a Greyhound slip track in this location. These are designed specifically for this breed of dog and have particular design requirements to allow them to run at full speed over a minimum recommended distance. Generally, greyhound slip tracks are not inclusive of other dog breeds and would be a single use area for a specific user group, which does not align with Design Principle 1: A Shared Park.

All dog-related feedback received as part of the development of this master plan will also be referred to Council's officer team that is implementing *Breathing Space: The Darebin Open Space Strategy*. Over time officers are reviewing needs for dog walkers and other park users across the open space network.

- **Reducing the implementation timeframe**

A small number of local residents have commented on the long implementation timeframe of 10+ years and suggested to reduce this timeframe to 6 years.

Officer comment:

The proposed 10 year staging of implementation aims to align itself with Council's 10 year Capital Works program and is dependent on yearly Council funding. The implementation program is indicative only and could be subject to change depending on Council priorities and availability of external funding sources. The likelihood of all the master plan actions being implemented in a 6 year timeframe is unrealistic and therefore not supported. This is typical for master plans, which are designed to provide direction for park improvements over many years.

- **Implementing parking restrictions along Leinster Grove and providing an off-street car park**

A small number of residents felt that the proposed upgrades would attract more visitors to the park, especially along Leinster Grove, and suggested that parking restrictions with time limits should be in place and residents issued with parking permits. One resident requested that on-site carparking needed to be provided at the park.

Officer comment:

Mayer Park services a local catchment, where walking and cycling to the park will be made more appealing, through provision of additional paths and bicycle parking at the park and improvements to safe access to the park via a new wombat crossing on Leinster Grove. The master plan also proposes the shared use of Northcote Golf Course car park at non peak golf times and/ or game days at Mayer Park, to alleviate the parking concerns at Leinster Grove. An on-site car park is not recommended at Mayer Park as this suggestion does not align with

the local community’s views on retaining green open space. Council will continue to monitor parking and transport management throughout the implementation of the Master Plan.

- **Community garden**

A small number of community members requested a community garden at Mayer Park.

Officer comment:

The idea of a community garden at Mayer Park was not strongly supported at all Phases of community consultation. Council’s Community Garden Assessment Guidelines states that *“Establishing and maintaining a community garden requires substantial community involvement and commitment. Community groups should not underestimate the importance of gaining broad support for the garden from the local community before commencing the project.”* The guidelines will be provided to the local residents who showed interest in a community garden, in case they wish to lodge an application with Council.

Community feedback and ideas which **has been** incorporated in the draft master plan:

Community idea	Proposed change in the draft master plan
<p>Petition A petition with 317 signatures was received via email to <i>“request that a perimeter fence be installed around Mayer Park, Thornbury, as a matter of priority”</i>. Some of the comments in the petition noted that the fence was needed to stop balls, kids and dogs from running onto the adjacent roads.</p> <p>Refer Appendix E for a copy of the petition.</p>	<p>Refer Improving Safety and Perception of Safety at Mayer Park section in this report.</p> <p>In the draft master plan, Design Principle 3: An Open and Welcoming Park (page 22 and 23) addresses the existing park boundary conditions and the proposed improvements to the park boundary.</p> <p>To provide further clarity in the master plan, the section on proposed park boundary improvements (page 23), will be reworded to: “The existing post and rail fence along Normanby Avenue and Leinster Grove will be upgraded to a low post and mesh infill fence. Additional trees and dense shrubs will be planted along the fence to improve the soft barrier around the park. The fence design is to align with Crime Prevention Through Environmental Design (CPTED) principles, i.e. maintain views and passive surveillance into the park and provide exit points in case of emergency.”</p> <p>Action number 8 on Page 28 will be updated to state: “Upgrade perimeter fence to post and mesh infill fencing, along with dense low height shrub planting and in line with CPTED principles.”</p>
<p>Bringing forward the investigation of the walking trail through the golf course to the Beavers Rd footbridge.</p>	<p>Five submitters suggested that the walking trail connecting Mayer Park through the Northcote Golf Course to the Beavers Road footbridge should happen earlier than the 10 years timeframe. Investigations can begin earlier and this recommendation has been moved to the medium term.</p>
<p>Install new cricket nets before removing the old nets</p>	<p>Three submitters suggested that the existing nets be removed only after the new nets are installed. The master plan will note that the existing nets will be removed after the new nets are in place.</p>
<p>Ensuring uninterrupted tree lined views looking west are not disturbed if a new building is constructed</p>	<p>One submitter noted that new buildings on the west side will break tree line views. The representation of the proposed building envelope on page 21 is indicative only. This footprint will be reduced in size on the plan.</p>

on the western side of the park	Action 21 (page 21) will include an additional note to state that the new building is to blend in the landscape, with potential new trees planting to soften the built form and minimise impact on the tree lined view.
Using less concrete for the walking paths throughout the park.	Two submitters raised concerns about the use of materials such as concrete for the internal walking paths and suggested a softer material such as compacted granitic gravel, which is less impactful on knee joints. A key driver for the internal paths is that they are suitable for all mobility levels (walkers, pram, wheelchairs). Officers know of an example of a new accessible path type - a granitic gravel, all abilities walking path constructed in a nature reserve in Ocean Grove and will explore this option.
Add distance markers around along the paths for joggers and walkers.	One submitter suggested distance markers along the new paths. The master plan will make note of distance markers along the paths and will be included at the detailed design phase of the new internal footpath.
Upgrade the existing steps at the north-west corner of the park.	One submitter suggested upgrading the existing steps at the north-west corner of the park. This suggestion will be noted in the master plan and included at the detailed design phase of the new internal footpath.

Delivering park improvements in 20/21

The 20/21 Council budget has allocated funds to Mayer Park to go towards planting new canopy trees as part of the Urban Forest program and new planting and revegetation as part of the Re-Wilding Darebin program.

Funding has also been approved for detailed design and construction of two traffic improvement devices (wombat crossings) on Leinster Grove near Woolton Avenue and on Woolhouse Street north of Beavers Road.

Existing park furniture (seats, benches, picnic tables) will be renewed through the Park Asset Renewal program.

A new playspace at Mayer Park was one of the key improvements strongly supported by the community. Throughout the three phases of community consultation on the master plan, the local community and the PCG told us that:

- The new playspace should cater to kids of all ages, but especially older kids
- The playspace is to be easily accessible, with some accessible play elements
- The playspace is to complement the park and the existing amenities (e.g. the outdoor gym)
- The playspace should not be visually intrusive or create a visual barrier
- The playspace should use or reference natural elements, have new planting including indigenous and native trees and understorey
- Fencing should be included on the Leinster Grove side

Based on this feedback, the design of the new playspace has commenced and a concept design prepared. Community consultation on the draft concept is scheduled for early 2021.



Fig. 1 – Artist impression of Mayer Park playspace concept, including BBQ and shelters

OPTIONS FOR CONSIDERATION

Option One: Recommended

Adopt *Future Mayer Park Master Plan*, begin to implement the high priority actions over time and thank the PCG, community members and stakeholders for their feedback in developing the master plan.

Option two:

Do not adopt *Future Mayer Park Master Plan*.

IMPLEMENTATION STRATEGY

Details

Next steps

If the master plan is adopted, the next steps will be:

- Thank the PCG, community members and stakeholders for their feedback in developing the master plan and share the final master plan with them.
- Notify the community about the adoption of the master plan and continue its implementation.

Communication

- Your Say page newsfeed article
- Emails to all external stakeholders inviting people to view the adopted master plan
- Social Media posts

Timeline

- 18 - 21 August – Social media post, Your Say page newsfeed and email reflecting Council's decision.

RELATED DOCUMENTS

Nil

Attachments

- Future Mayer Park Masterplan- Final July 2020 (**Appendix A**)
- Mayer Park Community Engagement Report - Final (**Appendix B**)
- Mayer Park Community Engagement Plan (**Appendix C**)

DISCLOSURE OF INTEREST

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

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

7.2 PENDERS PARK - STAGE TWO PLAYSPACE DESIGN**Author:** Planning Landscape Architect**Reviewed By:** General Manager City Sustainability and Strategy

EXECUTIVE SUMMARY

This report recommends that Council approve for construction the draft concept design for stage 2 of the new, all abilities playspace at Penders Park, Thornbury.

Following extensive community engagement, including the involvement of an active Project Control Group made up of community members, the Penders Park Master Plan was adopted by Council in November 2019.

The highest priority action of the master plan was the delivery of an all-abilities playspace. Stage 1 of the playspace began construction at the end of last financial year and is almost complete. Following Council budget approval for stage 1 in 2019-20, stage 1 of the playspace is nearing construction completion.

During early stage 1 works, it became clear that several trees, that were nearing end of life and were scheduled to be removed, were valued by parts of the local community. A working session was held in February with community members who had strong views about the trees, and those who were passionate about the playspace. Following this session, the designs were amended so that trees could be retained, whilst also delivering all pieces of stage 1 play equipment.

Given the high levels of community interest in the project, officers held two online webinars on Monday 27 July 2020 to allow interested community members to let us know their priorities for stage 2 delivery. Given the nature of custom-made design projects such as this one, it is likely that there will be variations as the project is delivered. The community webinars provided an opportunity for the community to provide feedback on the playspace priorities and discuss what the community aspirations are for stage 2.

The community feedback on priorities received during community engagement activities has informed an updated stage 2 concept design. Broader feedback outside the scope of this stage will inform future stages of master plan delivery.

The design intent of the concept is to prioritise the delivery of more adventurous accessible play elements with a focus on inclusivity, sharing experiences with peers, and movement. This design intent will be the touchstone throughout delivery, within the context of the available budget, as well as associated technical considerations which are typical to the design and delivery of an open space, public realm project.

Recommendation

That Council:

- (1) Notes that Stage One of the all abilities playspace is in the final stages of delivery at Penders Park, based on community feedback received to date.
- (2) Endorse the Penders Park playspace Stage Two Engagement Report for delivery and construction and update the community with the approved design (**Appendix A**).
- (3) Thank the community for their continued involvement in shaping park improvements and the playspace priorities for the new playspace at Penders Park.

BACKGROUND / KEY INFORMATION

Penders Park is a district park located in the newly designated South-Central Ward (formerly Rucker Ward) and is bounded by St David Streets, Collins Street, Tharratt Street and Pender Street, Thornbury.

The park caters for informal recreation needs of the local community such as walking, using the playground, access to picnic and BBQ facilities, parties and gatherings, use of the shelter and toilet facilities. The park is informally used by various other users, including disability services groups, day care centres, and exercise groups and off lead dog play.



Image: Penders Park Aerial View

Park establishment and early history

Penders Park was established in 1908 and is recognised as a heritage park with a long history of meeting the active and passive recreational needs of the community.

Decision to prepare a master plan and Council endorsement

In 2017, Council began the development of a new master plan for Penders Park and as a new approach to community engagement, established a community-led Project Control Group. Council appointed eight community members to the PCG who met fortnightly between March

2018 to June 2019 to shape the master plan vision, design principles and priorities for future park improvements, including the new all abilities playspace.

The delivery of a new, all abilities playspace is one of the key priorities identified by the community in the Penders Park Master Plan and this is supported by the Council Plan to deliver and build 24 playspaces over the Council term, including one playspace for all abilities. Council adopted the Penders Park Master Plan on 6 November 2019.

Previous Council Resolution

At its meeting held on 9 November 2019, Council resolved:
'That Council'

- 1) *Adopt the Penders Park Master Plan 2019.*
- 2) *Notes the work in progress to make improvements at the Park as part of Council's 2019/20 work program.*
- 3) *Congratulates and thanks the members of the PCG, community members and stakeholders for their effort, feedback and advice in developing the Penders Park Master Plan.*

Progress on delivery of the all abilities play space

Design and documentation for stage 1 of the new, all abilities playspace was undertaken in parallel with the development phase of the Penders Park Master Plan. Community feedback received during the master plan development informed both the long-term master plan as well as the design of the new playspace.

As part of considering the 2019-20 budget, Council consulted on its plans to start work on the playspace and decided to proceed in 2019-20 to construct the stage 1 of the new play space.

Following a public tender process, construction to deliver the stage 1 of the playspace began in January 2020. As at late July 2020, the construction of stage 1 is nearing final completion and the contractual handover of the stage 1 playspace, to Council's assets and maintenance teams, is anticipated in early August 2020.

As part of considering the 2020-21 budget, Council consulted on its plans to start work on stage 2 of the playspace and decided to proceed in 2020-21 to undertake the detailed design and construction of the second stage of the new, all abilities play space.

Development of stage 2 playspace design

Following Council's budgetary adoption on 15 July 2020, the following activities have been undertaken by officers in the preparation of the stage 2 concept design:

- reviewing the existing trees and updating tree protection zones, based on advice from Council's expert arborists
- Reviewing feasibility options for re-purposing existing playspace equipment, from the older norther playspace, as part of project sustainability
- updating feature and levels surveys of the site including the newly constructed, stage 1 playspace
- procurement of specialist playspace designers for detailed design and contract documentation,
- updating cost estimations and quotes for currently proposed play elements, including customised all abilities play equipment

- community engagement activities (two webinars) to enable community feedback to be received by Council to help shape the play priorities for stage 2

COMMUNICATIONS AND ENGAGEMENT

Consultation

External Consultation

Since adoption of the Penders Park Master Plan in November 2019 (see **Appendix B**), Council has undertaken community engagement activities to ensure the delivery of both stages of the new playspace meet the community aspirations.

Specific activities have included a targeted community working session in February 2020 and online community webinars delivered in July 2020.

Community Engagement Webinar Sessions – July 2020

Following Council's budget adoption, community webinars were delivered to update the community on the project progress and to deliver targeted engagement activities to ensure the currently proposed play elements for stage 2 align with community aspirations. Council delivered two, facilitated sessions to ensure that community residents had the option of attending either a midday or evening session.

The following methods were used to notify the community of the webinars:

- Printed, laminated posters on site at Penders Park
- Social media posts on Council's official Facebook, Instagram, Twitter and LinkedIn profile
- Update of the dedicated have your say Penders Park project page
- Email invitations were sent to community members that:
 - registered for project updates during previous face-to-face consultations
 - registered through the Penders Park Have Your Say website,
 - participated in the February community design working session,
 - written a submission to Council in support of retaining the garden bed vegetation,
 - were former Project Control Group community members with an expressed interest in receiving ongoing project correspondence.
- Telephone and email discussions were offered in all notification correspondence if community residents preferred to talk through the stage 2 proposal with one of Council's city designers.

Translation services were offered in all notification correspondence to ensure community residents from culturally and linguistically diverse backgrounds had an opportunity to participate and shape the playspace priorities for stage 2.

The outcomes of the July community webinars have shaped the proposed concept design and are detailed under the discussion section of this report.

See **Appendix C** – Penders Park Playspace Stage Two Engagement Report for a summarised report of the community feedback received during the community webinars.

Community Design Working Session – February 2020

During construction of stage 1, the strength of community feeling towards the south-eastern garden bed vegetation became apparent, through a small on-site protest and as a petition which requested that Council 'reconsider the removal of the garden bed vegetation'. Council paused construction and prepared a targeted community design working session to ensure the design of the playspace balanced the aspirations for Penders Park and was in line with the adopted master plan.

Notification of the session was placed at Penders Park in the weeks leading up to the community working session. Email invitations were sent to members of the community who had provided email contacts throughout earlier consultations, including the former Project Control Group members, as well as community residents who had provided their emails in support of the January 2020 petition received by Council to review the removal of the garden bed vegetation.

Several design scenarios were prepared and presented for discussion at the February session, along with targeted engagement activities, to understand what the community aspirations were for stage 1 of the playspace. The community feedback that was received both during and leading up to this session informed the final design for stage 1 of the playspace.

Key themes raised by the community included:

- preserving the design intent for all abilities
- delivering all the proposed play activities that were in the previous stage 1 design
- retaining as much of the garden bed vegetation and garden bed form as possible
- enhancing biodiversity and habitat

Previous Consultations

Consultation activities that were undertaken during the development of the Penders Park Master Plan included seeking community feedback on the vision, principles and design of the new all abilities playspace. The key engagement activities that were undertaken during the master planning and earlier playspace consultations included:

- a mail out to 5000 households
- a community drop - in session
- an inclusive community cinema event
- targeted discussions with key stakeholders via email, phone or in person by a member of the PCG or a council officer
- an online survey with an ideas wall supported by social media posts. The survey was made available in hardcopy and accessible at the drop-in session
- site meetings with the Wurundjeri Woi-Wurrung Aboriginal Cultural Heritage Consultants
- targeted consultations with local primary schools, kindergartens and day care bush play groups
- targeted consultations with disability agencies as well as the City of Darebin's Disability Advisory Committee

The extensive community engagement activities and community feedback that was received during the master planning development provide the basis for the overall playspace design.

Communications

Council, together with the former community-led Project Control Group, prepared and delivered a comprehensive community engagement plan which was reported to Council on 6 November 2019. This plan details the extensive community engagement activities that have been undertaken to shape the overall playspace vision and design.

The present community engagement and communications have been delivered as an additional measure given the high level of community interest and connection to the Penders Park playspace.

All communications have been delivered in accordance with Council's current operational requirements regarding external communications during Covid-19 restrictions. This includes internal stakeholder approval from Community Engagement & Demographics, Communications and Media teams.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 2 - Opportunities to live well

Council Plan Goal 2.2 Build or upgrade 24 playgrounds including one for all abilities in consultation with local children.

Environmental Sustainability Considerations

Improvements to Penders Park are supported by the *Resilience and Sustainability* principle in the Penders Park Master Plan and include actions:

- When upgrading infrastructure relocate and reuse seats and play equipment within the municipality where possible.
- Perform regular tree assessment, maintenance of tree health and succession planting of trees reaching maturity and those in decline.
- Investigate opportunities to reuse the toilet block structure as part of upgrade to accessible toilets and a Changing Place facility.
- Use rubbish and recycling stations and water dispensing areas as opportunities to educate the community about sustainable use of resources (posters, signage etc).
- Mulch around existing heritage trees and within garden beds.
- Incorporate recycled materials where it is more sustainable than natural materials.
- Provide bike hoops to encourage sustainable transport modes.

There is a heritage overlay HO290 on the trees and path layout within the park. Improvements to the park will comply with heritage controls on areas of significance. The sustainability and open space teams have been consulted during the development of the master plan and are supportive of the actions.

As part of environmental sustainability, Council has reviewed the feasibility of re-locating existing play equipment, such as the climbing net, from the older playspace. Council sought independent expert advice around the safety and cost to relocate these play elements. The independent advice received recommends not relocating this existing equipment given it's reached the end of its useful life cycle and requires full replacement.

Climate Emergency

The Climate Emergency will inform the design and delivery of the second stage of the playspace. The challenges of a warmer and drier climate, including reduced rainfall and water shortages, have been recognised and addressed in the master plan and are supported by the *Natural & Built Elements and Resilience and Sustainability principles*. The actions outlined below play a role in reducing greenhouse gas emissions by direct and indirect means.

- Ensure that existing trees, including trees of heritage significance, are retained, mulched appropriately and accommodated into the design with best practice tree protection zones and measures.
- A diversity of native and indigenous flowering species will be planted to enhance biodiversity and habitat for local fauna, based on the expert advice and recommendations received by Darebin Nature Trust, Council's biodiversity officer and parks maintenance teams.
- Deciduous shade trees will be planted in appropriate places to increase the tree canopy cover, provide natural cooling and shading of the new playspace and create an urban forest for passive recreation.
- Locally and sustainably sourced materials will be specified in the design of stage 2.
- Recycled materials will be specified where they offer a more sustainable solutions than natural materials.

Equity, Inclusion and Wellbeing Considerations

Equity, inclusion and wellbeing considerations are supported by the Penders Park Master Plan *Accessible, Equitable and Universal* principle and include actions:

- Design and deliver the second stage of the new all abilities play space
- Ensure most of the new play activities provide for accessible play foremost, followed by inclusive play for children with mobility impairments
- Design appropriate surfaces and pathways to support wheelchair and pram access within and around the park and playspace
- Install accessible parking space adjacent to the all abilities play space, in consultation with specific user groups of wheelchair accessible vehicles
- Investigate social equity opportunities to donate existing play equipment that is proposed to be de-commissioned to Flemington Rotary Club for use in orphanages in Sri Lanka and East Timor

The equity and inclusion team have been consulted during the development of the master plan and are supportive of the actions.

Cultural Considerations

Cultural considerations are supported by the *Distinctive Identity* principle in the Penders Park Master Plan, which include the following actions:

- Develop a suite of interpretative signage and artwork to tell the story of Penders Park before and after European contact and the cultural diversity of current park users
- Protect, maintain and provide interpretation for areas with remnant Eucalypt trees and grasses
- Progress the naming process for the new all-abilities playspace an Indigenous name in Wurundjeri Woi-Wurrung language

- Incorporate local Indigenous stories, narratives and Indigenous place making elements within the park. e.g. kangaroo paw prints in the paths and a mural

Economic Development Considerations

The impacts of the coronavirus have been devastating on the local community and economy. Council continues to follow the government health advice including all relevant restrictions and guidelines.

Where possible and where it is safe to do so, Council is continuing with project delivery to safeguard jobs whilst meeting community needs. This project presents an ideal opportunity for this kind of delivery. The design and delivery of the new playspace continues to support, where possible, a range of local businesses and consultants. This includes to date:

- Surveying companies based in Darebin
- Facilitation and community engagement specialists based in Darebin
- Videographer and photography services based in Darebin
- Printing services based in Darebin
- Heritage planning consultancies based in neighbouring municipalities
- Design consultancies based in metropolitan Melbourne
- Landscape construction companies based in metropolitan Melbourne

Council continues to prioritise the engagement of local consultancies and contractors as part of supporting local business during these challenging times.

Financial and Resource Implications

As part of the current FY2020-21 budget, Council has adopted \$300,000 for the design and delivery of stage 2 of the playspace, in accordance with the open space improvements and playspace programs. The design and delivery of stage 2 of the playspace has been prepared to fit within the adopted budget.

Legal and Risk Implications

There are no factors in this briefing which impact on Legal and Risk Implications.

Operational Impacts

The delivery of stage 2 of the playspace will increase the operational serviceability for Penders Park as a new Council asset. The Parks and Open Space teams including the playground maintenance team continue to be included, as key internal stakeholders, to design related meetings to ensure ongoing maintenance and operational matters are addressed throughout the detailed design phase.

DISCUSSION

The stage 2 concept design has been prepared to respond to community feedback including community playspace priorities and aspirations, as well as align to the Penders Park Master Plan vision, design principles and the goals and directions of *Breathing Space: The Darebin Open Space Strategy*.

Scope of Stage 2 engagement

The purpose of the engagement webinars was to inform the prioritisation of play elements for stage 2 delivery in this financial year. Participants were informed that, due to stage of the project and the extensive engagement carried out to get to this point, the following were outside of the scope of the discussions:

- The available budget for this financial year
- The vision and design principles set out in the master plan
- Additional elements that are not part of stage 2 delivery

Where there were views on elements that were outside of the scope of this stage of work, these were captured to inform future stages.

Playspace priorities based on community feedback:

Community feedback received was that stage 2 of the playspace should deliver more challenging and all abilities play for older children. The community feedback prioritised larger pieces of equipment that enabled highly physical experiences for all abilities, rather than smaller pieces of sensory or non-inclusive play equipment. Play activities that were considered to provide greater outcomes of inclusive, socially engaging play opportunities between all abilities users and peers were expressed as the community priorities.

The play equipment delivered in stage 1 focuses on younger children, so more adventurous play will realise the community vision of a true all-abilities playspace. Conversely, community members felt sensory play elements were less important.

Community playspace priorities listed in order:

1. In-ground inclusive trampoline
2. Inclusive flying fox with dual seats (high back harness/ standard pommel seats)
3. Challenging rope climbing course with inclusive play element
4. Inclusive spinning carousel
5. Natural timber tepee (equal fourth)
6. Enhancing the existing sensory wall
7. Swing set with three seats (basket/ harness/ standard seats)
8. Spinning spicas

Note the inclusive spinning carousel and timber tepee were voted as equal fourth.

See **Appendix C** – Penders Park Playspace Stage Two Engagement Report for a summarised report of the community feedback around play space priorities, received during the community webinars and one follow-up email from a community member.

Additional feedback received by community:

The purpose of recent community engagement was to define priorities for the delivery of pieces of play equipment to complete the all-abilities playspace. However, further feedback on more general matters was also collected. The following community aspirations are outside of the scope of the existing piece of work, but can be considered as part of longer-term master plan delivery or through operational budgets where appropriate:

- Landscape treatments or fencing to distinguish and separate the Collins Street footpath from newly constructed playspace elements that are near to the footpath.
- Providing appropriate landscape treatments, including fencing and signage where necessary, to manage dog off lead park use against the new playspace areas.
- Some sheltered area over future picnic seating to support all-weather social celebrations in the new playspace.
- A preference for two smaller formal barbeque and picnic areas rather than a single consolidated picnic area.
- Delivery of accessible parking bays that are vertically aligned to the kerb, rather than parallel parking, to cater for wheelchair accessible vehicles (loading from the rear).
- Providing an accessible, changing places toilet.
- Providing all abilities barbeques and suitable picnic settings with a designated picnic shelter.
- Deliver programs to park users to improve awareness and understanding of the shared uses of the park including the dog off lead use against the newly built playspace and other park uses.
- Rubbish bins should be provided within the playspace

Design Response to Community priorities and key themes

Based on the community feedback received and the technical work undertaken to date, officers advise that the community priorities, where possible, have been incorporated into the design.

See **Appendix A** – Design Concept for Stage Two of the Penders Park Playspace. The design concept incorporates the community playspace priorities along with other open space design considerations and project constraints. The design concept is proposed to be used as the basis for ongoing detailed design, construction documentation and delivery.

The concept design for stage 2 reflects the community priorities by incorporating physically and socially engaging all abilities and inclusive play elements, thereby delivering the community aspirations and vision for the playspace.

High Priority Elements

The concept design includes the following elements as part of stage 2:

- Inclusive, inground trampoline
- inclusive, dual ride flying fox
- a challenging rope climbing course
- inclusive spinning carousel
- natural timber tepee

Lower Priority Elements

Officers are taking a flexible approach to consideration of other elements by testing the market through the competitive construction tendering process. These items will be included in the construction tender as optional additional items to be taken up at the discretion of Council, providing Council the flexibility to make decisions through the tendering process. These would be prioritised in accordance with the available budget and in order of the identified community priority as follows:

- the sensory wall additions
- swing set with at minimum a basket seat, if not three seats (basket/harness/strap seats)
- spinning spicas

- picnic shelter and associated picnic furniture and infrastructure

Council considerations that have shaped the design response:

As with any open space design project, several project considerations and constraints have informed the overall design response, in addition to the community playspace priorities and aspirations that were identified during recent engagement activities. As an example, some of the additional considerations which have informed the overall design response for stage 2 of the Penders Park playspace include:

- alignment to the Penders Park Master Plan, vision and design principles
- ensuring the play space is truly all-abilities
- ensuring the design meets Crime Prevention Through Environmental Design and improves the perception of community safety
- responding to site conditions and constraints
- delivering infrastructural and park assets which respond to park activities and open space programming
- enhancing biodiversity and habitat with appropriate planting palettes that respond to the biodiversity and climate emergency
- delivering built form outcomes that are appropriate and durable for public realm environments
- specifying materials that meet operational asset maintenance and serviceability requirements over the life of the project
- ensuring best practice for heritage park planning and protection of heritage elements including significant trees
- delivering practical constructability of designed elements
- deliverability against the project schedule and critical paths
- manufacturing lead times of bespoke and standard items, including the anticipated coronavirus-related impacts on supply chains
- meeting a broad range of Australian Standards and Construction Codes which concern technical provisions for the design and construction of built structures
- ensuring design and delivery can be achieved within the approved budget envelope
- proportioning the project budget expenditure appropriately
- planning for project contingency, construction and contract variations

Response to Community Feedback

There was overall strong support for the playspace activities that were proposed for consideration in stage 2, as well as the all abilities design intent. Additional ideas were put forward by some community members. Some ideas have been incorporated in the revised master plan and some others have not. The table below provides a detailed response to the community feedback that was raised during the webinar consultations and not fully incorporated into the design concept.

Community Feedback	Officer Response
<p>Can all the proposed playspace items be delivered?</p>	<p>Council cannot guarantee that all the proposed playspace elements for stage 2 can be included as the tendering process may produce pricing which is not favourable to do so. Council has undertaken the additional community engagement activities to understand the community priorities for stage 2 and the feedback received has supported the focus on delivering more challenging and all abilities play equipment for senior (children) users.</p> <p>The overall playspace priorities from the community engagement activities are as follows:</p> <ol style="list-style-type: none"> 1) In-ground inclusive trampoline 2) Inclusive flying fox with dual seats (high back harness/ standard pommel seats) 3) Challenging rope climbing course with inclusive play element 4) Inclusive spinning carousel 5) Natural timber tepee (<i>equal fourth</i>) 6) Enhancing the existing sensory wall 7) Swing set with three seats (basket/ harness/ standard seats) 8) Spinning spicas <p>The top community priorities will be included in stage 2 and are reflected in the concept design, including the inground trampoline, inclusive flying fox, challenging rope climbing course, inclusive spinning carousel and the timber tepee.</p> <p>The remaining items will be tender options and should the tender pricing be favourable, Council can additionally deliver these in accordance with the overall community priorities.</p>
<p>Provide landscape treatments or fencing to distinguish and separate the Collins Street footpath from newly constructed playspace elements that are near to the footpath.</p>	<p>Some community members suggested that fencing was required along interface of the new playspace (both stage 1 and 2) and the Collins Street footpath</p> <p>The detailed design of stage two of the playspace will include a short section of fencing (approximately 4 metres) for the interface of the newly delivered swings and Collins Street footpath.</p> <p>Stage 2 of the playspace is proposed to have a greater offset from the Collins Street footpath, thereby not warranting the use of fencing along the Collins Street footpath and stage 2 playspace area. This is demonstrated in the concept design.</p>
<p>Provide appropriate landscape treatments, including fencing and signage where necessary, to manage</p>	<p>Penders Park is a designated dog off-lead park. Some community members suggested that fencing would minimise conflicts between dog off lead park users and new playspace users. Community members also suggested that dog behaviour</p>

<p>dog off lead park use against the new playspace areas.</p>	<p>could become problematic around the picnic setting and barbeques.</p> <p>Officers do not recommend the use of fencing around the new playspace as fencing can potentially exclude some users from the park environs. Distinguishing the picnic and playspace areas from the broader park and dog off lead areas will be achieved through planting of small canopy trees and/or low height shrub planting to create a soft, landscaped buffer between the picnic areas and the park, in line with CPTED principles.</p> <p>The concept design demonstrates that the newly designated barbeque and picnic areas as well as primary park pathways include a landscape buffering as an appropriate interface to the broader park areas.</p> <p>Signage can be incorporated as part of stage 2, where appropriate, to remind park users that all dogs must be on leash within 25m of a playspace, as per Council Policy.</p> <p>Officers are currently reviewing options to deliver educational programs for dog off lead park users.</p>
--	---

<p>Provide a sheltered area over the proposed picnic area to support all-weather social celebrations in the new playspace.</p>	<p>Officers recommend that implementation of a picnic shelter is deferred to future years given the approved budget is to deliver an all abilities playspace. The community feedback received is that the focus of stage 2 should be on more challenging and all abilities play.</p> <p>The barbeque area that is nearer to the playspace will be future-proofed so that a picnic shelter can be implemented in future years, subject to future Council budget consideration.</p> <p>Additional canopy tree plantings, that are quick growing species and planted in semi-mature sizes, will be provided along the northern aspects of the playspace to ensure natural shade is achieved as quickly as possible. Many of the recently planted Eucalyptus Sideroxolyn (Ironbark) trees that are within the stage 2 footprint are growing well and will provide additional shade of the stage 2 playspace.</p> <p>Delivery of a smaller picnic shelter can be considered as a Tender Option and should the tender pricing be favourable, Council can additionally deliver the shelter in accordance with the overall community priorities.</p>
<p>Provide two smaller formal barbeque and picnic areas rather than a single consolidated picnic area.</p>	<p>The design concept demonstrates that two separate barbeques will be retained and provided with new picnic settings. This will ensure that two different park user groups can host barbeques at the same time.</p> <p>The barbeque area nearest to the centre of the playspace will have hard surfacing and accessible picnic furniture. This barbeque/picnic area will also be future proofed whereby a picnic shelter can easily be implemented in future years, subject to future Council budget consideration.</p>

<p>And</p> <p>Providing all abilities barbeques and suitable picnic settings with a designated picnic shelter.</p>	<p>Refer to the response above regarding the picnic shelter.</p>
<p>Deliver vertically aligned to the kerb, rather than parallel parking, to cater for wheelchair accessible vehicles (loading from the rear).</p>	<p>The original plans for the playspace, that were developed in collaboration with the community-led Project Control Group, included parallel accessible car parking bays along Collins Street, to provide adequate car parking for the anticipated all abilities users.</p> <p>Some community members who utilise wheelchair accessible vehicles requested that vertically aligned, accessible car parking bays are provided instead, to minimise safety risks by ensuring that users would not have to load and unload wheelchairs onto Collins Street.</p> <p>Officers will review the proposed car parking configuration with transport teams including the feasibility of delivering vertically aligned car parking bays along Collins Street.</p> <p>Whilst some of the project budget has been apportioned for implementing accessible car parking bays, more significant changes which require higher investment may be outside the scope of delivery. Should this be the case then the delivery of vertically aligned, accessible car parking bays could be considered as part of future Council budget decisions.</p>
<p>Improve the toilet conditions.</p> <p>And</p> <p>Provide an accessible, changing places toilet facility.</p>	<p>The community members provided feedback that the toilet conditions are currently not at a high enough standard to service the existing families as well as the future anticipated all abilities users and families. Some community members requested that even minor improvements would be beneficial, if a changing places facility is not possible.</p> <p>Council has delivered several small, operational improvements to the toilet facilities in the last few months, based on recent community feedback and requests.</p> <p>During the master plan development, Council progressed architectural feasibility studies for retrofitting the Penders Park toilets to a changing places facility, versus demolishing the existing building and delivering a new toilet facility. Officers recommend that a new facility would deliver greater outcomes over the longer-term and officers are currently reviewing options for this scenario.</p> <p>Upgrading of toilet facilities requires significant investment and other parks in the municipality are considered a higher priority than Penders Park, for delivery of new changing places toilet facilities.</p>

	<p>Whilst the Penders Park Master Plan identifies that a changing places toilet should be implemented, this is not included for delivery in the current approved budget for this financial year. The upgrade of the toilet facilities would therefore be considered by Council as part of future budget decisions.</p> <p>Officers are currently seeking alternative funding sources to fast track the delivery of a changing places toilet at Penders Park, to ensure the facilities meet the needs of all abilities park users.</p>
<p>Deliver programs to park users to improve awareness and understanding of the shared uses of the park including the dog off lead use against the newly built playspace and other park uses.</p>	<p>As per above response, officers are currently reviewing options to deliver educational programs for dog off lead park users.</p>
<p>Rubbish bins should be provided within the playspace</p>	<p>Rubbish bins are currently provided near to the existing toilet block which directly across from the playspace.</p> <p>Officers do not recommend placing rubbish bins within the playspace or within proximity to barbeque and picnic areas, as bins can release unpleasant odours, particularly in busy parks in summer. Officers recommend that bins are placed conveniently at primary entrances and exit points instead.</p> <p>Officers will review options for additional rubbish bins to be placed appropriately.</p>

OPTIONS FOR CONSIDERATION

Option 1 (recommended) Endorses the Penders Park stage two playspace concept design for delivery and construction and update the community with the approved design.

Approval of the concept for construction is recommended as Council has undertaken the necessary community engagement to ensure the playspace priorities meet the aspirations for Penders Parks. The delivery of the new all abilities has been identified as a key priority by the community in the Penders Park Master Plan and Council’s decision to commence to construction phase will ensure the second and final stage of the playspace is delivered this financial year, in accordance with Councils budgetary decision.

Should Council decide to approve the concept for construction, the community would be notified of the approved concept through onsite signage, social media updates and on Council’s website.

Option 2 (not recommended) defer the construction phase for the playspace at this time and/or request further work be done before Council decide.

If Council decide to defer the construction phase and/or request additional work, this would delay construction of the new all abilities playspace until at least the next financial year, subject to future Council budget consideration.

This option is not recommended given that extensive community engagement has been undertaken to ensure the proposed playspace concept and priorities for stage 2 align to the aspirations for Penders Park. The proposed design incorporates community feedback from multiple phases of engagement as well as internal consultation with key stakeholders, therefore additional work is not anticipated to deliver any additional benefits or insights to an already matured design proposition.

IMPLEMENTATION STRATEGY**Details**

If Council endorses the draft concept design for construction, officers will immediately complete the detailed design and contract documentation phase. The completion of the detailed design phases will be followed by strategic procurement and construction phase for delivery of the stage 2 to be completed within this financial year.

Communication

Noting continuing COVID-19 restrictions and the need to prioritise the safety of the community, future communications regarding Council's decision is proposed to focus on non-face-to-face methods.

If Council endorses the draft concept for construction, officers propose to update the community by placing visually engaging signage at the park and creating a short video, to be promoted through social media. The video will include the approved playspace concept along with the recently constructed stage 1 playspace elements.

More traditional methods will also continue to be used, such as emails to key community and stakeholder groups who use the park, letter drop to local homes where safe to do so, telephone calls, posters in the park and an update to the Penders Park YourSay page.

Timeline

- August 2020 – Updating the community and Detailed Design phase
- September – October 2020 – Detailed Design and Contract documentation phase
- November 2020 – Strategic Procurement and Construction Tendering phase
- December – January 2020 – Tender Evaluation and Award of Construction Contract.
- February 2021 – Construction Commencement.
- June 2021 – Project Completion.
- July 2021 – Project Handover to Council.

RELATED DOCUMENTS

Nil

Attachments

- Design Concept for Stage Two of the Penders Park Playspace (**Appendix A**)
- Penders Park Master Plan (**Appendix B**)
- Penders All Playspace Stage Two Engagement Report (**Appendix C**)

DISCLOSURE OF INTEREST

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

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

7.3 CAT CURFEW DECISION**Author:** Manager City Safety & Compliance**Reviewed By:** General Manager City Sustainability and Strategy

EXECUTIVE SUMMARY

This report outlines the results of the consultation undertaken in relation to a proposal to introduce a dusk till dawn cat curfew (7pm to 7am).

Community consultation has demonstrated strong community support for the cat the curfew as proposed. Having considered community feedback, officers recommend that Council adopt a dusk to dawn cat curfew as proposed. This is expected to address cases of cats trespassing and nuisance and to also limit the impact of cats on the environment and local wildlife.

Recommendation

That Council:

- (1) Formally adopts a dusk till dawn cat curfew (7pm to 7am) effective 1 January 2021.
 - (2) Supports a community education program prior to the implementation date.
 - (3) Gives approval for the formal gazettal in the Victoria Government Gazette of a dusk till dawn cat curfew (7pm to 7am) to take effect from 1 January 2021.
-

BACKGROUND / KEY INFORMATION

Under the provisions of the *Domestic Animals Act 1994* all Councils in Victoria are required to develop a Domestic Animal Management Plan which requires renewal every 4 years. This plan outlines the services, programs and policies the Council has established to address the administration of the Act and the management of dog and cat issues in their community.

Council's current Domestic Animal Management Plan 2017-2021 includes the following strategy: "*Evaluate current information and consider the introduction of a cat curfew to prevent cats preying on native wildlife.*"

Previous Council Resolution

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

- (1) *That Council Endorses a draft proposal for a dusk till dawn cat curfew for consultation with the community.*
- (2) *Receives a further report summarising the outcome of community consultation and providing a recommendation for Council adoption.*

COMMUNICATIONS AND ENGAGEMENT

Consultation

A consultation plan was developed with assistance from the Communications and Equity and Diversity Teams. "Have your Say" on this issue was developed on Council's website for a 28-day period ending on 7 August 2020. In addition, direct communication was undertaken with the following stakeholder groups seeking their comments:

- Darebin Nature Trust
- Cate Rescue Groups
- Domestic Animal management Reference Group
- Environmental groups
- RSPCA
- Neighbouring Councils - Whittlesea Council, Moreland Council, Banyule Council, City of Yarra

Appendix A outlines the community consultation findings.

Communications

A communication plan was developed to promote the proposal to introduce a cat curfew and seek feedback via Council's website - "Your Say" and social media. 646 online surveys were completed, with 14 email submissions and 4 social media posts across 3 platforms. A summary of the findings of "Your Say" can be found in **Appendix A**.

Overwhelmingly the community is supportive of the introduction of a cat curfew with the majority citing that the initiative will support the environment, reduce the adverse effects of stray animals on wildlife and will restrict nuisance issues at night.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 3 - A liveable city

Using a risk-based approach, respond appropriately, consistently and in a timely manner to matters affecting the safety and amenity of our community.

Environmental Sustainability Considerations

Cats are most active at night, particularly at dusk to dawn. This coincides with the activity periods of many species of native wildlife. If given the opportunity, cats will instinctively hunt and kill wildlife, even if they are not hungry. Keeping cats confined at night-time will help protect our Australian wildlife.

Equity, Inclusion and Wellbeing Considerations

The health and wellbeing aspects of responsible pet ownership are well documented. The consideration of a cat curfew seeks to manage the nuisance elements caused by cats straying on to neighbouring properties. This may lead to greater harmony between neighbours,

improve amenity and decrease complaints. The adverse effects on environment and wildlife will also be better managed.

Cultural Considerations

Education material will be developed and will be made available in community languages.

Economic Development Considerations

There are several options for confining a cat most of which are low or no cost.

- Simply keep the cat inside the household with the occupants.
- Confine the cat at night in a shed or garage.
- Build a cat enclosure outside.
- Purchase a cat enclosure (solid or net), or modular cat park for outside.
- Build a cat-proof boundary fence around the property.

Financial and Resource Implications

It is anticipated that this initiative can be implemented using existing resourcing and as such does not have a direct finance or resource implication.

Legal and Risk Implications

Under section 25 of the *Domestic Animals Act 1994*, Council may by resolution make an order prohibiting or regulating the presence of cats or dogs in “specified areas” during times specified in the order.

Operational Impacts

It is not proposed that Council’s after-hours service would be extended to respond to this type of enquiry as this after-hours service is strictly limited to urgent public safety issues (such as dog attacks). As a result, this proposal is not anticipated to have a resource or financial impact.

There may be an increased demand for cat trapping services and as a result a potential impact on the number of cats entering the EAWF (Epping Animal Welfare Facility).

DISCUSSION

Benefits to cats and wildlife of curfews

Cat curfews have benefits for the welfare of cats as well as to native wildlife.

Around half the local governments in Melbourne currently have a cat curfew in operation. Many councils recommend keeping cats indoors at all times. This provides the cat with the longest and happiest life possible, while protecting local wildlife. Cats make wonderful pets, but they are also expert hunters and kill an estimated 77.6 million birds in Australia every year.

With almost half of our threatened animals living in cities and towns, cats can devastate native wildlife if left outside.

As well as keeping our local wildlife safe, keeping cats indoors decreases their risk of getting sick or injured from a road accident, fight, poison or disease. Keeping cats inside increases their lifespan to up to three times as long as an outdoor cat's. Keeping a cat at home avoids the risk of disease, injury or death from:

- Being hit or run over by a car.
- Being attacked by a dog.
- Fighting with other neighbourhood cats.
- Acquiring a serious infection, such as feline immunodeficiency virus (fiv) or feline leukaemia virus (felv), which can be fatal or have life-long consequences.
- Eating poison baits intended for other animals such as rats or foxes or eating rats or mice that have ingested poison baits. Pet cats may also be victims of intentional poisoning by people that consider them to be pests.
- Being stolen or abused.
- Picking up ticks or fleas and acquiring related illnesses such as tick paralysis.
- Being bitten by a venomous snake.

Approximately 80% of accidents involving cats occur at night. Cats allowed to roam can be killed or injured through car accidents and fights with other animals. They may contract fatal diseases such as Feline AIDS or be more likely to require veterinary attention for fleas, ticks, worms, abscesses, cuts, diarrhoea and other illnesses. They may also get lost or join an unowned cat colony. For these reasons, cats kept inside generally live at least three times longer than cats which are not confined. The safety benefits are even greater for cats kept inside or in an enclosure both day and night.

Contrary to popular belief, cats do not have an innate need to roam; they simply require opportunities for exercise and play, as well as around 19 hours of sleep per day. Many city cats become better pets and enjoy long, healthy and contented lives inside a house or flat 24 hours a day.

Community consultation has shown clear majority support

Council has received a large number of responses in the consultation phase of this project including 646 survey responses. This reflects how many in our community have an interest in this topic.

A clear majority of participants supported a cat curfew. Some submitters raised concerns or issues. **Appendix A** summarises the feedback including the main themes. It includes responses to the main issues raised. Having considered this feedback officers recommend that Council adopt a dawn to dusk Curfew as the benefits outweigh the drawbacks.

A curfew would be expected to reduce the number of cat related complaints Council receives

By keeping cats confined, they will not be able to annoy neighbours by spraying and howling. Roaming cats also cause disputes and anxiety between neighbours by causing dogs to bark, by fighting with other cats, and by defecating in gardens. This should have a positive result on the amenity of our neighbourhoods and decrease the number of complaints resulting from nuisance cats.

Council received the following complaints relating to cats during the period November 2018 – November 2019):

- Cat Nuisance service requests: 279 (64%)
- Cat traps borrowed by Darebin residents: 158 (36%)

The main reasons for cat nuisance complaints were:

- Cats causing stress disruption to resident animals and people.
- Faeces and urine left by stray cats.
- Stray cats preying on wildlife.
- Breeding.
- Fighting with other animals.

OPTIONS FOR CONSIDERATION

Option 1: Adopt a dawn to dusk cat curfew.

Consultation has shown a clear majority support for a cat curfew and officers recommend it because of the benefits it brings in regard to achieving Council's goals in relation to biodiversity and animal welfare.

Option 2: Choose not to adopt the curfew (not recommended)

The main drawback of this option would be missing the opportunities to improve animal welfare and biodiversity.

Option 3: Consider another type of curfew such as a 24/7 curfew (not recommended)

Other types of curfew have been considered but are not recommended

A 24 hour - 7 day a week (24/7) curfew is a much stricter form of restriction and would in practice result in many cat owners building cat runs on their properties. This is obviously at a significant cost to residents.

There are several 24/7 cat curfews in regional and urban fringe areas of Victoria including Baw Baw, Yarra Ranges and Mornington Peninsula. There has been strong community feedback in a number of these areas against a 24/7 curfew with concerns including that cat owners would effectively be "forced to spend hundreds of dollars on enclosures or surrender their animals altogether". A 24/7 curfew would be expected to result in greater benefit to wildlife.

Officers advise that on balance a 24/7 curfew is not recommended at this time. Many community members are facing financial strain or uncertainty at this time, and a dusk to dawn curfew is expected to make a significant difference. The dawn to dusk cat curfew will apply to cats being restricted to their property and this will deal with the issue of keeping animals out of public places and will protect local wildlife.

A ban of animals on public land has also been considered, but this is not recommended because it is very difficult to enforce in practice and doesn't address nuisance. It is less effective than other options.

IMPLEMENTATION STRATEGY

Details

It is important to note that should Council decide to approve a cat curfew this would not come into effect until the date of Gazettal in the Victorian Government Gazette.

It is recommended that Council undertakes an effective community education program in relation to the requirements for cats to be contained on to their properties during the dusk till dawn period (7pm to 7am) prior to gazettal in January 2021.

Communication

A mailout is planned to all registered cat owners on Council's database advising them of the implementation of a cat curfew.

Timeline

Mailout to registered cat owners in 2020 ahead of the formal implementation date.

Late 2020 -Community education campaign involving media, website, social media and mailouts preparing the community for a cat curfew starting 1 January 2021.

RELATED DOCUMENTS

Attachments

- Cat Curfew Consultation Summary (**Appendix A**)

DISCLOSURE OF INTEREST

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

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

7.4 DAREBIN LIBRARIES AND LEARNING STRATEGY 2020-24**Author:** Senior Coordinator Darebin Libraries**Reviewed By:** Manager Recreation and Libraries

EXECUTIVE SUMMARY

To consider the adoption of the *Darebin Libraries and Learning Strategy 2020-24* (Strategy) following the final round of consultation.

The draft Strategy was released on Your Say Darebin on 11 June 2020 and closed on 26 June 2020. Twenty-four responses were received from interested community members.

Feedback gathered through the consultation processes has influenced the final Strategy and will inform the future annual action plans throughout the life of the Strategy. Overall, the feedback expressed support for the goals outlined in the Strategy as well as the merger of the library strategy with the lifelong learning strategy.

The Strategy will influence and direct the operational focus of Darebin Libraries services, programs, technology and spaces over the next four years. Annual action plans will bring the Strategy to life, delivering on community priorities and responding to emerging issues and community feedback. These actions will be delivered collaboratively in partnership with other Council teams as well as community organisations and individuals to ensure effective impact, especially for communities at risk of exclusion.

Recommendation

That Council;

- (1) Adopt the *Darebin Libraries and Learning Strategy 2020-24*.
 - (2) Receive a report on progress and outcomes as part of the Council Annual Report.
-

BACKGROUND / KEY INFORMATION

In February 2015, Council endorsed the *Darebin Libraries Strategy 2014–19*. The strategic intent of this document has been progressed and achieved. Council officers worked with the Darebin Libraries Strategy Implementation Reference Group to design a comprehensive and meaningful consultation process to review and renew the Darebin Libraries Strategy.

In August 2017, Council endorsed the membership of the Lifelong Learning Strategy Reference Group to support the development of the Lifelong Learning Strategy. Council officers worked with the Lifelong Learning Strategy Reference Group to design a meaningful consultation process that focused on understanding key issues that lifelong learning could improve or impact, barriers to participation and Council's role in this space.

These two projects were combined, resulting in the *Darebin Libraries and Learning Strategy 2020-24* (**Appendix A**). The new Strategy builds on the previous Darebin Libraries strategic approach, focuses on access and equity, embedding lifelong learning and aligns activities to respond to the climate emergency and COVID-19.

Previous Council Resolution

At its meeting held on 9 June 2020, Council resolved:

'That Council endorses the draft Darebin Libraries and Learning Strategy 2020-24 for consultation'

COMMUNICATIONS AND ENGAGEMENT

Consultation

Council's draft *Darebin Libraries and Learning Strategy 2020-24* was released on Your Say Darebin for the final round of community consultation on 11 June 2020.

An invitation to provide feedback on the draft Strategy was sent to more than 22,000 email addresses including: Lifelong Learning Strategy and Darebin Libraries Strategy Implementation Reference Group members, Council's Advisory Committees, participants in previous consultation activities and the Darebin Libraries e-newsletter list.

The consultation was promoted to the wider community through website and social media posts linking to Your Say Darebin.

The invitation to provide feedback was also shared through Council networks to connect with community members not reached through the above communication methods.

Consultation closed on 26 June 2020 with 24 responses received from interested community members. All feedback was acknowledged with a response from the Project Manager.

In summary, the feedback:

- Expressed support for the goals outlined in the Strategy as well as the merger of the library strategy with the lifelong learning strategy.
- Suggested ways to strengthen alignment with other Council strategies and activities and community priorities.
- Provided ideas and support to shape future actions and partnerships to bring the Strategy to life.
- Reinforced the value of libraries services as inclusive and diverse spaces offering essential services for the Darebin community.

The Strategy has been updated to reflect feedback contributed through this consultation process (**Appendix A**):

- Goal 2 was renamed to include resilience in the title and intention driving the actions related to this area of work.
- Specific terminology was used to align with language used in the *Age Friendly Darebin* report, especially in relation to Goals 2 and 3.
- References to educating the community about the safe use of technology and the Darebin Climate Emergency Plan were included in the Introduction.
- Goal 13 Climate action included in the list of UN Sustainable Development Goals addressed by libraries and lifelong learning.

Most of the feedback was operational in nature and will be incorporated into the annual action plan activities to support the delivery of the Strategy.

Communications

A community engagement plan, in line with Council's Community Engagement Strategy and Framework, was developed and implemented. Due to COVID-19 restrictions, consultation activities focused on digital promotion mechanisms seeking responses via Your Say Darebin. Two opportunities were provided to encourage feedback via telephone with the Project Manager; one community member provided feedback in this way.

When providing feedback, community members were asked to consider the following:

- Have we got it right?
- Is there anything we have missed?
- Do we need to include anything else as a result of COVID-19 to support the community through libraries and lifelong learning?

ANALYSIS

Alignment to Council Plan / Council policy

Goal 2 - Opportunities to live well

- *Towards Equality – Equity Inclusion and Human Rights Framework 2019-2029*
- *Towards an Age Friendly Darebin (July 2019)*

Environmental Sustainability Considerations

Climate Emergency

The role of the library in supporting Council's environmental sustainability focus has been heightened in the Strategy.

A key outcome in Goal 2 is to 'Help the Darebin community meet the challenges of the climate emergency'. Key actions to support this include revising the Event Framework to include an environment target and develop services, collections and programs to support communities in this space using co-design approaches in collaboration with our community and the Climate Emergency and Sustainable Transport teams.

Feedback received in the final round of consultation focused on strengthening the focus on the climate emergency and activities to support this; changes have been incorporated in the Strategy to reflect this including a reference to the Darebin Climate Emergency Plan in the Introduction and Goal 13 Climate action included in the list of UN Sustainable Development Goals addressed by libraries and lifelong learning.

Equity, Inclusion and Wellbeing Considerations

Equity, inclusion and wellbeing are at the heart of the library's work and was embedded into the consultation and engagement undertaken. Each goal within the Strategy specifically addresses inclusion while several key actions specifically target communities at risk of exclusion.

The *Health and Wellbeing Plan 2017–21*, *Towards Equality – Equity, Inclusion and Human Rights Framework 2019-29* and *Towards an Age Friendly Darebin* were strong reference points and influenced the focus and outcomes identified in the Strategy.

Feedback received in the final round of consultation recognised this focus. Changes were made to align terminology with the *Age Friendly Darebin* report, especially in relation to Goals 2 and 3.

Cultural Considerations

As identified above, cultural considerations are a key focus of the Strategy and several outcomes and actions focus specifically on communities from a CALD background.

Feedback was received from a number of community members from a CALD background, with an offer to help improve community language collections (which has been accepted) and encouragement to work more closely with the Intercultural Centre and other potential partners to meet the needs of CALD communities at risk of exclusion. These will be incorporated into the annual action plan activities to support the delivery of the Strategy.

Economic Development Considerations

Skills acquisition and lifelong learning is considered an important aspect of building community capacity and increases economic development opportunities. A key action in Goal 2 is to 'Consult local businesses to identify their learning and development needs and implement collections, events and programs to support them'.

Financial and Resource Implications

An independent report by SGS Economics and Planning found that **for every \$1 invested in Darebin Libraries, \$5.60 is returned in community benefits** (*Libraries Work! The socio-economic values of public libraries to Victorians*, 2018).

Most initiatives in the Strategy and action plans can be achieved through current and projected future budget allocations. The introduction of new and emerging technologies will continue to be proposed for funding through the library technology capital 10-year plan and annual budget process. New library furniture and long-term planning for purpose-built or expanded libraries will be referred for consideration to future capital works programs. External funding will also be sought for library infrastructure building projects and other identified project initiatives.

Two key actions will likely require increased operational funding: the outcomes of the review of library opening hours and review of library fines and charges. These will be specifically addressed through future Council reports.

Legal and Risk Implications

No legal or risk implications have been identified.

Operational Impacts

The Strategy will influence and direct the operational focus of Darebin Libraries services, programs, technology and spaces over the next four years. Annual action plans will be delivered collaboratively in partnership with other Council teams as well as community organisations and individuals to ensure effective impact, especially for communities at risk of exclusion.

DISCUSSION

Extensive community consultation was undertaken to develop the Strategy and feedback submitted on the draft reinforced strong alignment with community priorities and needs.

The Strategy is a framework to focus development of a dynamic annual action plan to bring the Strategy to life, delivering on community priorities and responding to emerging issues and community feedback. Feedback gathered through the consultation processes has influenced the Strategy and will inform the future annual action plans throughout the life of the Strategy.

OPTIONS FOR CONSIDERATION

The following options are available to Council:

- Option 1: Adopt the *Darebin Libraries and Learning Strategy 2020-24*. This is the recommended option.
- Option 2: Do not adopt the *Darebin Libraries and Learning Strategy 2020-24*. This is not recommended.

IMPLEMENTATION STRATEGY

Details

Following Council adoption, the Strategy will be implemented through annual action plans and progress reporting will occur on an annual basis.

Communication

Following adoption, the Strategy will be made available through Council's website, the Darebin Libraries website and Your Say Darebin to close the loop with interested community members. Emails and social media posts will inform the community when the final Strategy is available.

Timeline

Once adopted, the Strategy be designed, the Mayor's Message will be inserted (once approved) and made available to the public.

RELATED DOCUMENTS

- Darebin Libraries and Learning Strategy 2020-24 (**Appendix A**)

Attachments

- Darebin Libraries and Learning Strategy 2020-24 (**Appendix A**)

DISCLOSURE OF INTEREST

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

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

7.5 PROPERTY ACQUISITION AND DISPOSAL REPORT**Author:** Property Officer**Reviewed By:** Acting General Manager Governance & Engagement

PURPOSE

This report seeks Council approval for various property matters. Specifically;

1. The discontinuance of the right-of-way/road adjoining the rear of 1 to 11 Merrilands Road, 12 Asquith Street and 4 to 10 Hughes Parade, Reservoir.
2. Report on the outcome of the statutory procedures for the proposed sale of a parcel of land from the discontinued right-of-way/road at the rear of 62 King William Street and 67 Southernhay Street, Reservoir).
3. Commence the statutory procedures for the proposed sale of a parcel of land from the discontinued right-of-way/road adjoining the rear of 17 Howard Street and 18 Delaware Street, Reservoir.

A new reporting format for Council property matters including acquisitions and disposals has been developed to enable Council to consider routine property items in a more efficient and timely manner.

There are no acquisitions for consideration in in this report.

Recommendation

Recommendation 1:**Road adjoining rear of 1 to 11 Merrilands Road, 12 Asquith Street and 4 to 10 Hughes Parade, Reservoir**

1. **That** Council:
 - (a) Commences the statutory procedures under section 206 and clause 3 of Schedule 10 to the *Local Government Act 1989* ("the Act") to discontinue the road adjoining the rear of 1 to 11 Merrilands Road, 12 Asquith Street and 4 to 10 Hughes Parade, Reservoir, shown hatched in the statutory plan as **Appendix A**
 - (b) 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 states 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 Road not sold.

Recommendation 2**Road adjoining the rear of 62 King William Street and 67 Southernhay Street, Reservoir**

2. **That** Council having given public notice of the proposal under section 189 of the *Local Government Act 1989* ("the Act") to sell the land from the discontinued road adjoining the rear of 62 King William Street and 67 Southernhay Street, Reservoir, and to transfer to itself and land that remains unsold, shown hatched on **Appendix C** to this report and shown as Lots 4, 5 and 7 on Title Plan TP896344C as **Appendix G**:

- (a) Directs that the land be sold by private treaty to the adjoining property owners, in accordance with Council policy.
- (b) Authorises the Chief Executive Officer to sign all documents relating to the sale of the land.
- (c) Transfers to itself any land from the road not sold.
- (d) Authorises the Chief Executive Officer to undertake all actions required to transfer any land not sold to Council.

Recommendation 3**Road adjoining the rear of 17 Howard Street, Reservoir**

- (3) **That** Council:
- (a) Commences the statutory procedures under Section 189 of the *Local Government Act 1989* ('the Act') to:
 - (b) Sell the land from the discontinued road adjoining the rear of 17 Howard Street, Reservoir shown as Lot 32 on Title Plan TP10924D in **Appendix H**, to the owners of 17 Howard Street, Reservoir, in accordance with Council Policy.
 - (c) Gives public notice under Sections 189, 82A and 223 of the Act of the proposed sale in the appropriate newspapers and on Council's website, and in such notice, state that Council proposes to:
 - (d) Sell the land from the former road to the owners of 17 Howard Street, Reservoir by private treaty.
 - (e) Transfer to itself any land that remains unsold.
-

BACKGROUND / KEY INFORMATION**Road adjoining rear of 1 to 11 Merrilands Road, 12 Asquith Street and 4 to 10 Hughes Parade, Reservoir**

In early 2015, Council commenced preliminary investigations into the discontinuance and sale of the section of road. The investigations identified that although the Road remains a road on title, it is not listed on Council's Register of Public Roads and that whilst some of the adjoining owners appear to have been using the land for growing plants and vegetables, and with the exception of 4 Hughes Parade and 11 Merrilands Road, the majority of the land is unoccupied and is not used as a road as shown on the aerial photo as **Appendix B**.

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

Road adjoining the rear of 62 King William Street and 67 Southernhay Street, Reservoir

On 1 October 2007, Council resolved to discontinue the road bound by Southernhay Street, King William Street, Alexandra Street and High Street, Reservoir, and to sell the land by private treaty in accordance with Council policy. However not all parcels of land were sold at the time, with the unsold parcels of land continuing to vest in Council. The discontinuance was gazetted in the Victoria Government Gazette on 18 October 2007, shown as **Appendix I**.

In April 2018, Council received an enquiry from an adjoining property owner at 62 King William Street, Reservoir, looking to purchase the land at the rear of that property, being part of the unsold land from the discontinued road. The land is known as Lot 5 on Title Plan TP89634C shown as **Appendix G**.

Investigations revealed that the four parcels of land, shown hatched, cross-hatched and as Parcel A in the statutory plan (**Appendix C**) remain unsold. The four parcels appear to have been enclosed within the 4 adjoining properties in Southernhay Street for many years.

At the time of the initial report to Council in April 2020, consultation with the adjoining property owners has confirmed the feasibility of selling only one parcel of land. The owners of 62 King William Street, Reservoir, have indicated an interest in purchasing the land shown hatched as **Appendix C** by signing an “in principle agreement” to purchase the land from the discontinued road at market value, as well as meeting all reasonable costs. The owners of 63 and 69 Southernhay Street and 58 and 64 King William Street have not expressed any interest in purchasing the land, shown cross hatched as **Appendix C**. Accordingly, it is Council’s intention to transfer this land to itself.

At the time of the initial report to Council, negotiations were ongoing with the owners of 65 Southernhay Street and 60 King William Street for the sale of the land shown as Parcel A on **Appendix C**. Accordingly, no action was proposed at that stage. Since that time, the owners of 65 Southernhay Street have expressed an interest in purchasing Parcel A. Accordingly, a report was presented to Council at its meeting held on 29 June 2020 to commence the formal procedures for the possible sale of Parcel A and the outcome will be reported to Council in the near future.

Road adjoining the rear of 17 Howard Street, Reservoir

On 4 August 1997, Council resolved to discontinue the road bound by Howard Street, Delaware Street, Mendip Road and Centre Street, Reservoir, and to sell the land by private treaty in accordance with Council policy. However not all parcels of land were sold at the time, with the unsold parcels of land continuing to vest in Council. The discontinuance was gazetted in the Victoria Government Gazette on 11 February 1999, shown in **Appendix J**.

In August 2019, Council received an enquiry from an adjoining property owner at 17 Howard Street, Reservoir, looking to purchase the land at the rear of that property, being part of the unsold land from the discontinued road. The land is known as Lot 32 on Title Plan TP010924D shown as **Appendix H**.

Investigations revealed that the land, shown hatched in the statutory plan (**Appendix E**) remain unsold and appears to have been enclosed within the adjoining property at 18 Delaware Street for many years. Consultation with the adjoining property owners at 18 Delaware Street has confirmed they have no objection to the land being sold to the adjoining property owners at 17 Howard Street, who have indicated an interest in purchasing the land shown hatched as **Appendix E** by signing an “in principle agreement” to purchase the land from the discontinued road at market value, as well as meeting all reasonable costs.

Previous Council Resolutions

The matter regarding the proposed discontinuance of the right-of-way/road adjoining the rear of 1 to 11 Merrilands Road, 12 Asquith Street and 4 to 10 Hughes Parade, Reservoir, is not the subject of a previous Council resolution.

At its ordinary meeting held on 6 April 2020, Council resolved:

“That Council commences the statutory procedures under Section 189 of the Local Government Act 1989 (“the Act”) to:

- (a) Sell the land from the discontinued road adjoining the rear of 62 King William Street, Reservoir, shown as Lot 3 on Title Plan TP896334C in Appendix B to the owners of 62 King William Street, Reservoir.*
- (b) Take title to the land shown as Lots 4 and 7 on Title Plan TP896334C in Appendix B in accordance with Council Policy.*
- (c) Gives public notice under Sections 189, 82A and 223 of the Act of the proposed sale in the appropriate newspapers and on Council’s website, and such notice state that Council proposes to:*
- (d) Sell the land from the former road to the owners of 62 King William Street, Reservoir, by private treaty.*
- (e) Transfer to itself any land that remains unsold”.*

The matter regarding the proposed sale of a parcel of land from the discontinued right-of-way/road adjoining the rear of 17 Howard Street and 18 Delaware Street, Reservoir is not the subject of a previous Council resolution.

COMMUNICATIONS AND ENGAGEMENT

Road adjoining rear of 1 to 11 Merrilands Road, 12 Asquith Street and 4 to 10 Hughes Parade, Reservoir

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

The owners of 10 Hughes Parade, 5 Merrilands Road and 12 Asquith Street, Reservoir, have confirmed an interest in acquiring the land shown as Lots 1, 2 and 3, respectively, in the Title Plan as **Appendix K** 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 policy. The owners of 4 Hughes Parade have previously indicated that they were going to acquire the land they through an adverse possession application, however no such application has been forthcoming. Council will transfer to itself any land that remains unsold (shown as Lot 4 and Lot 5 in the Title Plan as **Appendix K**), protecting its interest in the land.

Yarra Valley Water has a sewer within part of the land and will require an easement to be saved over part of the land if the Road is discontinued. Similarly, Council has drainage assets in part of the land and will also require an easement to be saved over part of the land if the Road is discontinued

Road adjoining the rear of 62 King William Street and 67 Southernhay Street, Reservoir

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

The owners of 62 King William Street, Reservoir, have confirmed an interest in acquiring the land, shown as Lot 5 in the Title Plan TP896334C as **Appendix G**, at current market value, as well as agreeing to meet all of the reasonable costs associated with the purchase of the Land.

Internal departments and the Service Authorities were consulted when the road was discontinued in 2007 and an easement in favour of Yarra Valley Water and Darebin City Council was saved over the road at the time.

Road adjoining the rear of 17 Howard Street, Reservoir

All immediate adjoining property owners were consulted regarding the proposal and no objections were received. The occupying property owners at 18 Delaware Street has confirmed they have no objection to the land being sold to the adjoining property owners at 17 Howard Street, Reservoir.

The owners of 17 Howard Street, Reservoir, have confirmed an interest in acquiring the land, shown as Lot 32 in the Title Plan TP10924D in **Appendix H**, at current market value, as well as agreeing to meet all the reasonable costs associated with the purchase of the Land.

Internal departments and the Service Authorities were consulted when the road was discontinued in 2007 and an easement in favour of Yarra Valley Water and Darebin City Council was saved over the road at the time.

Consultation with the community

The statutory procedures require Council to give public notice of its intentions to discontinue and sell the Road adjoining the rear of 1 to 11 Merrilands Road, 12 Asquith Street and 4 to 10 Hughes Parade, Reservoir as well as the land from the previously discontinued roads at the rear of 62 King William Street and 67 Southernhay Street, Reservoir and the rear of 17 Howard Street and 18 Delaware Street, Reservoir and invite submissions from affected parties.

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

Communications

All immediate adjoining owners were consulted regarding the proposal and no objections were raised. The dimensions and proposed allocations of the land is shown in the Title Plans provided in **Appendix K, G and H** respectively.

The owners of 10 Hughes Parade, 5 Merrilands Road and 12 Asquith Street, Reservoir, have agreed in principle to purchase the land from the road adjoining their respective 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.

The owners of 62 King William Street, Reservoir, have agreed in principle to purchase the land from the former road adjoining the rear of their property at current market value as well as meeting all of the reasonable costs associated with the purchase of the Land, in accordance with Policy.

The owners of 17 Howard Street, Reservoir, have agreed in principle to purchase the land from the former road adjoining the rear of their property at current market value as well as meeting all of the reasonable costs associated with the purchase of the Land, 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

Environmental Sustainability Considerations

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

Climate Emergency

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

Equity, Inclusion and Wellbeing Considerations

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

Cultural Considerations

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

Economic Development Considerations

There are no factors in this report which 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 allocations.

Legal and Risk Implications

Legal and risk implications 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 and other pieces of land of unusual shape and limited usefulness that are less than 200m² in area (collectively referred to as minor Council property assets) were originally set aside in early plans of subdivision for a particular purpose, such as access or drainage. In many cases these parcels of land are still required for and need to remain open and available to the public. In situations where a minor Council

property asset is no longer reasonably required for that purpose or any other strategic purposes it may be considered surplus and suitable for sale.

OPTIONS FOR CONSIDERATION

Option 1 – Abandon the Proposal or Do Nothing

1 to 11 Merrilands Road, 12 Asquith Street and 4 to 10 Hughes Parade, Reservoir

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 with some of the adjoining property owners continuing to occupy the Road. Council may be perceived as knowingly encouraging and enabling property owners to continue to occupy other roads or rights of way within Darebin to the detriment of the community (whether financially or as a benefiting right). Additionally, Council may lose future rights to the Road if adjoining property owners are able to accrue possessory rights. Council may, at some time in the future, resolve to commence the discontinuance process.

62 King William Street and 67 Southernhay Street, Reservoir

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

17 Howard Street and 18 Delaware Street, Reservoir

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

Option 2 – Commence the Statutory Procedures (Recommended)

1 to 11 Merrilands Road, 12 Asquith Street and 4 to 10 Hughes Parade, Reservoir

Council could resolve to commence the statutory procedures to potentially discontinue the Road. This would extend the consultation to the wider community and enable all affected property owners a formal opportunity to make a submission. This option would assist Council in obtaining further insight into the overall consensus of surrounding property owners and the community in relation to the Road. It would also enable Council to make an informed assessment on the future of the Road, to potentially open part or all of the Road, discontinue part or all of the Road and sell the land from the Road (if discontinued) to the adjoining property 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 the land if not sold).

62 King William Street and 67 Southernhay Street, Reservoir

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

17 Howard Street and 18 Delaware Street, Reservoir

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

IMPLEMENTATION STRATEGY**1 to 11 Merrilands Road, 12 Asquith Street and 4 to 10 Hughes Parade, Reservoir**

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

62 King William Street and 67 Southernhay Street, Reservoir

- Arrange for the land in Lot 5 in the Title Plan TP896334C to be sold and transferred to the owners of 62 King William Street, Reservoir, by private treaty in accordance with Council Policy.
- Arrange for the land in Lots 7 and 4 in the Title Plan TP896334C to be transferred to Council's ownership.

17 Howard Street and 18 Delaware Street, Reservoir

- Commence statutory process by giving public notice of Council's intentions.
- Report back to Council on outcome of statutory process.

RELATED DOCUMENTS

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

Attachments

- Statutory Plan - road rear 1-11 Merrilands Road, 4-10 Hughes Parade and 12 Asquith Street, Reservoir (**Appendix A**)
- Aerial View - road rear 1-11 Merrilands Road, 4-10 Hughes Parade and 12 Asquith Street, Reservoir (**Appendix B**)
- Statutory Plan - former road at the rear of 63 to 69 Southernhay Street and 58 to 64 King William Street, Reservoir (**Appendix C**)
- Aerial View - former road at the rear of 63 to 69 Southernhay Street and 58 to 64 King William Street, Reservoir (**Appendix D**)
- Statutory Plan - 17 Howard Street and 18 Delaware Street, Reservoir (**Appendix E**)
- Aerial View - 17 Howard Street and 18 Delaware Street, reservoir (**Appendix F**)
- Title Plan - former road at the rear of 63 to 69 Southernhay Street and 58 to 64 King William Street, Reservoir (**Appendix G**)
- Title Plan TP010924D - 17 Howard Street and 18 Delaware Street, Reservoir (**Appendix H**)
- Victorian Government Gazette - 63-69 Southernhay Street and 58-64 King William Street, Reservoir (**Appendix I**)
- Victorian Government Gazette - 17 Howard Street and 18 Delaware Street, Reservoir (**Appendix J**)
- Title Plan - road rear 1-11 Merrilands Road, 4-10 Hughes Parade and 12 Asquith Street, Reservoir (**Appendix K**)

DISCLOSURE OF INTEREST

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

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

7.6 DELEGATIONS OF POWER, DUTIES AND FUNCTIONS TO COUNCIL STAFF**Author:** Governance Project Officer**Reviewed By:** Acting General Manager Governance & Engagement

EXECUTIVE SUMMARY

To ensure the efficient and effective administration of a broad range of legislation and regulation for which councils are responsible, the *Local Government Act 2020* (the Act) enables councils to delegate certain powers, duties, functions and decision-making under any Act it administers to appropriate officers within the organisation.

As legislation is amended by Parliament, councils must constantly review their instruments of delegation to ensure they remain correct and current. The previous instrument of delegation was approved by Council on 14 October 2019.

This report takes into account recent legislative changes and seeks Council approval for the revised instrument of delegation. The amendments to the instrument of delegation are minor; examples include:

- a) Sections 46GY(2) and 46GZA(2) of the *Planning & Environment Act 1987* have been updated to reference the new Local Government Act.
- b) Sections 252, 262(1) and 263(3) of the *Residential Tenancies Act 1997* have been repealed, while some new sections have been added.
- c) Update of *Residential Tenancies (Caravan Parks and Movable Dwellings) Regulations and Standards* including renumbering.

Appendix A contains the revised instrument of delegation.

To inform this process, Council relies on routine updates issued by Maddocks Lawyers. The latest Maddocks update recommends a new form of words for the CEO financial delegation to ensure that “expenditure” that falls outside the definition of a “contract” is specifically referenced in the instrument of delegation. This ensures all expenditure authorised by the CEO is subject to the specified limit, and assures compliance with the sections of the new Local Government Act that relate to delegations.

Recommendation

That Council:

- (1) In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, resolves that:
 - a) There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the attached instrument of delegation, to members of Council staff, the powers, duties and functions set out in that instrument attached as **Appendix A**, subject to the conditions and limitations specified in that instrument.

-
- b) The instrument comes into force immediately when the common seal of Council is affixed to the instrument.
 - c) On the coming into the force of the instrument, all previous delegations to members of Council staff, other than the Chief Executive Officer, are revoked.
 - d) The duties and functions set out in the instrument must be performed, and the powers set out in the instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
- (2) In relation to the Instrument of Delegation to the CEO adopted on 20 July 2020, resolves to amend clause 4.1 to read:
- 4.1 awarding a contract or making any expenditure exceeding the value of \$750,000 (including GST);
-

BACKGROUND / KEY INFORMATION

Under the Local Government Act 2020, one of Council's powers is to delegate decision-making to appropriate levels within the organisation. Councils also have a range of powers, duties and functions under various other acts, including the *Planning and Environment Act 1987*, the *Road Management Act 2004*, the *Domestic Animals Act 1994*, *Residential Tenancies Act 1997* and many more.

Amendments to legislation are made from time-to-time and to ensure officers are operating and enforcing under the current legislation, Council is required to update delegations conferred on various positions within the organisation by Council. Council is now required to adopt the updated Council to Council Staff delegation incorporating legislative changes since the last review adopted by Council in October 2019.

Notwithstanding that the new Local Government Act requires all delegations to be reviewed by 1 September 2020, this report and process of updating delegations is a routine matter of ongoing governance compliance.

To inform the process, Council relies on routine updates issued by Maddocks Lawyers. The latest Maddocks update (July 2020) recommends a new form of words for the CEO financial delegation to ensure that "expenditure" that falls outside the definition of a "contract" is specifically referenced in the instrument of delegation.

This ensures all expenditure authorised by the CEO is subject to the specified financial delegation limit and also ensures compliance with the delegation requirements at section 11 of the *Local Government Act 2020*. Specifically, Maddocks have recommended that the section in the Council to CEO delegation that:

The delegate must not determine the issue, take the action or do the act or thing:

4. *If the issue, action, act or thing is an issue, action, act or thing which involves:*

4.1 *awarding a contract for the purchase of goods and services or for the carrying out of works exceeding the value of \$750,000 (including GST);*

should be amended so that clause 4.1 reads:

4.1 *awarding a contract or making any expenditure exceeding the value of \$750,000 (including GST);*

Previous Council Resolution

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

“That in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached instrument of delegation, Council resolves that:

- (1) There be delegated, to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the attached instrument of delegation, to members of Council staff, the powers, duties and functions set out in that instrument attached as **Appendix A**, subject to the conditions and limitations specified in that instrument.*
- (2) The instrument comes into force immediately when the common seal of Council is affixed to the instrument.*
- (3) On the coming into the force of the instrument, all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.*
- (4) The duties and functions set out in the instrument must be performed, and the powers set out in the instrument must be executed, in accordance with any guidelines or policies of Council that it may adopt from time-to-time .”*

COMMUNICATIONS AND ENGAGEMENT

Consultation

- Chief Executive Officer, relevant General Managers, Managers and Coordinators
- Maddocks Lawyers

Communications

Not applicable.

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

Not applicable.

Cultural Considerations

Not applicable.

Economic Development Considerations

Not applicable.

Financial and Resource Implications

Not applicable.

Legal and Risk Implications

If Council does not confer updated delegation on positions within the organisation, officers will not be able to fulfil the obligations of their roles, especially in relation to enforcement.

DISCUSSION

The delegation of Council powers to the members of Council staff is a long-established practice facilitated and regulated by the Act to enable day-to-day statutory and operational decisions to be made. The proposed instrument of delegation is based on the model developed by Maddocks Lawyers and used by the majority of Victorian Councils.

OPTIONS FOR CONSIDERATION

There are no options associated with this report.

IMPLEMENTATION STRATEGY

Details

A copy of the instrument of delegation of Council powers to the members of Council staff will be published on the Darebin website, as required by the *Local Government (General) Regulations 2015*.

RELATED DOCUMENTS

- Delegations and Authorisations Service – Maddocks Lawyers
- Council Minutes – 14 October 2019

Attachments

- S6 - Instrument of Delegation to Members of Council Staff - 17 August 2020 (**Appendix A**)

DISCLOSURE OF INTEREST

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

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

7.7 DECLARATION OF A SPECIAL CHARGE: SOLAR SAVER RESIDENTIAL (BATCH 4)**Author:** Residential Program Officer**Reviewed By:** General Manager City Sustainability and Strategy

EXECUTIVE SUMMARY

The Solar Saver program is a key action of the Council Plan and Council's *Climate Emergency Plan*. The report considers the declaration of a residential Special Charge Scheme. This is for Residential Special Charge batch 4, including 13 installations, adding **62.37kW** of solar capacity to Darebin.

The value of the proposed Special Charge scheme is **\$78,218.90** (\$115,334.89 gross including GST and pre STC claim and pre rebates).

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

All participants are expected to be eligible for state government rebates and this would reduce the amount of the Special Charge that would be required to be raised, as well as the upfront cost to Council. Officers estimate that the total amount raised will be reduced by approximately \$22,000 after rebates are confirmed.

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

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

Recommendation

That Council:

- (1) Having complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act 1989* ("Act"), and otherwise according to law, declares a Special Charge ("Special Charge") under section 163 of the Act as follows:
 - a) A Special Charge is declared for the period commencing on the day on which Council issues a notice levying payment of the special rate and concluding on the tenth anniversary of that day.
 - b) The Special Charge is declared for the purpose of defraying any expense incurred by Council in relation to the provision of solar energy systems on properties participating in the Solar Saver scheme, which:

- i. Council considers is or will be a special benefit to those persons required to pay the Special Charge (and who are described in succeeding parts of this resolution); and
 - ii. Arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.
 - c) The total:
 - i. Cost of performing the function described in paragraph 1(b) of this resolution is \$78,218.90; and
 - ii. Amount for the Special Charge to be levied is \$78,218.90, or such other amount as is lawfully levied as a consequence of this resolution
 - d) The Special Charge is declared in relation to all rateable land described in the table included as **Appendix A** to this report, in the amount specified in the table as applying to each piece of rateable land.
 - e) The following list is specified as the criteria that form the basis of the Special Charge so declared:
 - Ownership of any land described in paragraph 1(d) of this resolution.
 - f) The following is specified as the manner in which the Special Charge so declared will be assessed and levied:
 - i. A Special Charge calculated by reference to the size of the solar energy system being installed and the particular costs of installation at each property participating in the Solar Saver scheme, in respect of which an Agreement has been executed, totalling \$78,218.90 for the residential batch, being the total cost of the scheme to Council
 - ii. To be levied each year for a period of 10 years.
 - g) Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, let it be recorded that the owners of the land described in paragraph 1(d) of this resolution will pay the Special Charge in the amount set out in paragraph 1(f) of this resolution in the following manner:
 - i. Payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or
 - ii. Payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.
- (2) Considers that there will be a special benefit to those required to pay the Special Charge *because* there will be a benefit to them that is over and above, or greater than, the benefit that is available to those who are not subject to the proposed Special Charge, as a result of the expenditure proposed by the Special Charge, in that the properties will have the benefit of a solar energy system being installed.
- (3) For the *purposes* of having determined the total amount of the Special Charge to be levied:
 - a) Considers and formally records that only those rateable properties included in the Solar Saver scheme as proposed will derive a special benefit from the imposition of the Special Charge, and there are no community benefits to be paid by Council; and

- b) Formally determines for the purposes of section 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Special Charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to those who are liable to pay the Special Charge is 100%.
- (4) Directs that notice be given to all owners and occupiers of properties included in the Scheme in writing of the decision of Council to declare and levy the Special Charge, and the reasons for the decision. For the purposes of this paragraph, the reasons for the decision of Council to declare the Special Charge are that:
- a) There is no objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Charge from all property owners and occupiers.
- b) Council considers that it is acting in accordance with the functions and powers conferred on it under the *Local Government Act 1989*, having regard to its role, purposes and objectives under the Act, particularly in relation to its functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.
- c) All those who are liable or required to pay the Special Charge and the properties respectively owned or occupied by them will receive a special benefit of a solar energy system being installed at the property.

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

BACKGROUND / KEY INFORMATION

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

Key aspects of the program include:

- Council undertakes procurement of good value solar systems and installation with 10-year warranties.
- Solar Saver participants register interest, receive quotes and the property owners have signed an owner agreement.
- Council declares a Special Charge and pays the upfront cost of the solar system and installation for participants.
- Solar Saver participants pay the Special Charge over a 10-year period to reimburse Council's upfront payment – which is more than offset by their energy bill savings.
- As detailed below Council has resolved that interest is not charged to participants and that the program will be funded through Council's existing budget.

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

Previous Council Resolution

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

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

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

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

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

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

-
- ii. *Arises out of Council's functions of advocating and promoting proposals which are in the best interests of the community and ensuring the peace, order and good government of Council's municipal district.*
 - c) *The total:*
 - i. *Costs of performing the function described in paragraph 1(b) of this resolution is: \$78,218.90.*
 - ii. *Amount for the Special Charge to be levied \$78,218.90 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 \$78,218.90 being the total cost of the scheme to Council;*
 - ii. *The Special Charge will be levied each year for a period of 10 years.*
 - g) *Having regard to the preceding paragraphs of this resolution and subject to section 166(1) of the Act, it is recorded that the owners of the land described in paragraph 1(d) of this resolution will, subject to a further resolution of Council, pay the Special Charge in the amount set out in paragraph 1(f) of this resolution in the following manner:*
 - i. *Payment annually by a lump sum on or before one month following the issue by Council of a notice levying payment under section 163(4) of the Act; or*
 - ii. *Payment annually by four instalments to be paid by the dates which are fixed by Council in a notice levying payment under section 163(4) of the Act.*
 - 2) *Council considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons or organisations that is over and above, or greater than, the benefit that is available to persons or organisations who are not subject to the proposed Special Charge, as a result of the expenditure proposed by the Special Charge, in that the properties will have the benefit of a solar energy system being installed.*
 - 3) *For the purposes of having determined the total amount of the Special Charge to be levied:*
 - (a) *Council considers and formally records that only those rateable properties included in the Solar Saver scheme as proposed will derive a special benefit from the imposition of the Special Charge, and there are no community benefits to be paid by Council; and*
 - (b) *Formally determines for the purposes of section 163(2) (a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Special Charge to which the performance of the function or the exercise of the power relates (including all special benefits and community benefits) that will accrue as*

special benefits to the persons who are liable to pay the Special Charge is 100%.

- 4) *Council gave public notice in The Age newspaper of Council's intention to declare, at its ordinary meeting to be held on 17 August 2020, the Special Charge in the form set out above.*
- 5) *Council will send a notification, enclosing a copy of this resolution; **Appendix A** to this report; and the public notice referred to in Paragraph 4 of this resolution, to the owners of the properties included in the scheme, advising of Council's intention to levy the Special Charge, the amount for which the property owner will be liable, the basis of calculation of the Special Charge, and notification that submissions and/or objections in relation to the proposal will be considered by Council in accordance with sections 163A, 163B and 223 of the Act.*
- 6) *Council will convene a meeting of the Hearing of Submissions Committee, at a date and time to be fixed, to hear persons or organisations who, in their written submissions made under section 223 of the Act, advise that they wish to appear in person, or to be represented by a person specified in the submission, at a meeting in support of their submission.*
- 7) *Council authorises the Manager Climate Emergency and Sustainable Transport to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under sections 163A, 163(1A), (1B) and (1C), 163B and 223 of the Act.*

COMMUNICATIONS AND ENGAGEMENT

Consultation

All participating households have received a site visit and quotations to participate in the program. Council gave public notice and notified the participating ratepayers as per the resolutions made on the 29 June 2020 above at 4 and 5.

Communications

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

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

ANALYSIS

Alignment to Council Plan / Council policy

Goal 1 - A sustainable city

Climate Emergency Plan

Environmental Sustainability Considerations - Climate Emergency

This project is a key action in the *Darebin Climate Emergency Plan 2017*. The current residential batch is expected to see the installation of 62.37kW across 13 installations and an estimated equivalent annual greenhouse gas saving of 91.8 tCO₂-e.

Equity, Inclusion and Wellbeing Considerations

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

Cultural Considerations

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

Economic Development Considerations

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

Financial and Resource Implications

Should the proposed Special Charge scheme proceed, Council will pay **\$115,334.89** (including GST and pre STC claim), for the supply and installation of the solar PV systems on the residential properties listed in **Appendix A**.

Council will pay upfront for installation and supply of the solar power systems as listed in **Appendix A**. Around 30% to 40% of this cost is returned to Council at the point that works are invoiced for the STCs generated by the solar systems. The balance is repaid by beneficiaries of the Special Charge Scheme over 10 years. All participants are also expected to be eligible for state government rebates and this is expected to reduce the upfront cost to Council and Special Charges to be raised. Officers estimate that the total upfront cost will be reduced by approximately \$22,000 after rebates are confirmed.

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

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

Council is expected to receive approximately **\$5,600** in Special Charge repayments annually for this scheme over the 10-year period. Some households may pay the total amount earlier.

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

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

Legal and Risk Implications

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

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

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

DISCUSSION

COVID-19 outbreak and impacts on the Solar Saver program

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

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

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

Proposed Special Charge declaration

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

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

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

The guideline requires that Council identify the following:

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

A. Purpose of the Works

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

B. Ensure Coherence

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

C. Calculate the Total Cost

The proposed solar system installation includes the following items:

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

For the purposes of section 163(1) of the Act, the total cost of the works is calculated at \$78,218.90 (relating to a total installation value of \$115,334.89 gross – including GST and pre STC claim), for the residential batch based on signed agreements.

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

D. Identify the Special Beneficiaries

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

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

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

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

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

E. Determine Properties to Include

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

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

F. Estimate Total Special Benefits

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

$$TSB = TSB_{(in)} + TSB_{(out)}$$

- **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:

$$R = \frac{TSB_{(in)}}{TSB_{(in)} + TSB_{(out)} + TCB}$$

Where:

- TSB_(in)** = \$78,218.90 for the residential batch;
- TSB_(out)** = 0
- TCB** = 0
- R** = 1

I. Calculate the Maximum Total Levy

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

$$S = R \times C$$

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

Therefore **S** = 1 * \$78,218.90 = **\$78,218.90**

Note there is no community benefit amount payable by Council.

Apportionment of Costs

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

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

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

Statutory Process

The Act requires Council to give public notice of its proposed declaration of the special charge and write to all people who will be liable to contribute. The proposed declaration of the special charge has been prepared in accordance with the Act. Public notice has been issued in accordance with the Act and no objections have been received.

OPTIONS FOR CONSIDERATION

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

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

IMPLEMENTATION STRATEGY**Details**

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

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

Timeline

- Subject to declaration of the Special Charge scheme, installation of solar will occur from 18 August 2020 onwards over a period of around 2-3 months.

RELATED DOCUMENTS

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

Attachments

- Solar Saver - Batch 4 Property Addresses - 17 August 2020 (**Appendix A**)
- CONFIDENTIAL Solar Saver - Batch 4 Property Addresses and prices - 17 August 2020 (**Appendix B**) Confidential - enclosed under separate cover
- Final Owner Agreement - Solar Saver Residential (**Appendix C**)

DISCLOSURE OF INTEREST

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

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

**7.8 INTENTION TO DECLARE A SPECIAL CHARGE SCHEME:
SOLAR SAVER RESIDENTIAL (BATCH 5)**

Author: Residential Program Officer
Coordinator Solar Saver

Reviewed By: General Manager City Sustainability and Strategy

PURPOSE

To recommend that Council give notice of its intent to declare a Special Charge Scheme for the third batch of the residential Solar Saver program for the 2020-21 financial year (fifth batch for this round).

EXECUTIVE SUMMARY

The Solar Saver program is a key action of Council's Climate Emergency Plan. The proposed Special Charge scheme relates to the 2020-21 program. The Declaration of this Special Charge is expected to be considered by Council on 28 September 2020, after the public advertising period has closed. Note that this advertising is considered routine business and is allowed to take place during the pre-election period.

The 27 households included in this batch have received and accepted quotes for their properties. The installations for this batch would add a total of 135.63kW of solar capacity in Darebin. In line with Council's focus for the Solar Saver Special Charge program in 2020-21 these are all residential and low-income households.

The proposed Special Charge scheme totals **\$170,951.77 (Special Charge Amount** - see also Appendices A and B) (The gross amount is \$251,789.75 including GST and before the Small-Scale Technology Certificate [STC] claim).

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

All participants are expected to be eligible for state government rebates and will reduce the upfront cost to Council and Special Charges to be raised. Officers estimate that the total upfront cost will be reduced by around \$45,409.14 (exc GST) after rebates are confirmed.

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

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. Cost of performing the function described in paragraph 1(b) of this resolution is \$170,951.77; and
 - ii. Amount for the Special Charge to be levied is \$170,951.77, 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 \$170,951.77, 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 Age newspaper of Council's intention to declare, at its ordinary meeting to be held on 28 September 2020, the Special Charge in the form set out above.
 - (5) Council will send separate letters, enclosing a copy of: this resolution; Appendix B to this report; and the public notice referred to in Paragraph 4 of this resolution, to the owners of the properties included in the scheme, advising of Council's intention to levy the Special Charge, the amount for which the property owner will be liable, the basis of calculation of the Special Charge, and notification that submissions and/or objections in relation to the proposal will be considered by Council in accordance with sections 163A, 163B and 223 of the Act.
 - (6) Council will convene a meeting of the Hearing of Submissions Committee, at a date and time to be fixed, to hear any persons or organisations who, in their written submissions made under section 223 of the Act, advise that they wish to appear in person, or to be represented by a person specified in the submission, at a meeting in support of their submission.
 - (7) 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 / KEY INFORMATION

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

Key aspects of the Solar Saver Rates Program include:

- The Solar Saver Rates program is currently offered to low income residential rate payers for solar systems up to 10kW.
- Council undertakes procurement of good value solar systems and installation with 10 year warranties.

- Solar saver rates program participants register interest, receive quotes and the property owner signs an Owner Agreement (see **Appendix 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 Darebin Council Solar programs.

Launch of Solar Saver Bulk Buy stream

Council has recently launched its new Solar Saver Bulk Buy program to help residents and businesses that are not low income. Officers have started offering this to residents that have previously registered interest in the Solar Saver Program. Promotion will continue and broaden over the next few months

At time of writing this report, 215 households had joined the Bulk Buy stream of the program, based on initial promotion of the program. Officers expect an increase in interest from the general public and further promotions roll out including the August edition of Darebin Community News.

Previous Council Resolution

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

“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.

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.

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.

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.

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.

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.”

At the Council meeting on **16 December 2019** Council appointed EnviroGroup 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 EnviroGroup for the period 1 January 2020 to 30 June 2021, with the possibility of extension to September 30 2021.

COMMUNICATIONS AND ENGAGEMENT

Consultation

All participants have received a site assessment and quotation to participate in the program.

Communications

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

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

ANALYSIS

Alignment to Council Plan / Council policy

Goal 1 - A sustainable city

Climate Emergency Plan

Environmental Sustainability Considerations

Climate Emergency

This project is a key action in the *Darebin Climate Emergency Plan 2017*. The current Special Charge batch is expected to install 135.63kW across 27 installations, with an estimated equivalent annual greenhouse gas saving of 199.60 tCO₂-e.

Equity, Inclusion and Wellbeing Considerations

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

Cultural Considerations

Households who need interpreters or other communication support are assisted to participate.

Economic Development Considerations

The program is designed so that participants will save more money 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 would pay up to **\$251,789.75** (including GST and pre STC claim), for the supply and installation of the solar PV systems on the properties in **Appendix B**.

Council will pay upfront for installation and supply of the solar power systems as listed in Appendix C. Council will be repaid these costs, also as detailed in Appendix C. Around 30% to 40% of this cost is returned to Council when works are invoiced and the STC credits generated by the solar systems are applied. The balance is repaid by beneficiaries of the Special Charge Scheme over 10 years. All participants are also expected to be eligible for state government rebates and this is expected to reduce the upfront cost to Council and Special Charges to be raised. Officers estimate that the total upfront cost will be reduced by approximately \$45,409.14 (exc GST) after rebates are confirmed.

The rebate adjustments will be made after council's decision and when rebates for all participants are confirmed.

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 C** (and subject to adjustments as above), by equal instalments apportioned over a 10-year period, commencing from January 2021.

Council is expected to receive approximately **\$12,554.26** in Special Charge repayments annually for this scheme over the 10-year period (after rebates have been deducted). Some participants may pay the total amount in the first year. The Special Charge scheme is effectively an interest free loan to these participants.

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 draft 2020-2021 budget. The installation and supply of these solar systems is done under contract at the contract rates as adjusted for any applicable variations.

Legal and Risk Implications

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

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

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

Operational Impacts

This project is provided for within current operational arrangements.

DISCUSSION

It is recommended that Council give notice of its intent to declare a Special Charge. The Declaration of this Special Charge will be considered by Council in September, after the public advertising period has closed.

Beneficiaries have indicated support

The 27 households included in this batch have received and accepted quotes for their properties. The installations for this batch would add a total of **135.63kW** of solar capacity in Darebin. In line with Council's planned focus in 2020-21 (as included in the draft budget), these are all residential and low-income households.

See **Appendix A** for further details of the Special Charge declaration.

COVID-19 outbreak and impacts on the Solar Saver program

A risk assessment has been completed in light of the recent COVID-19 outbreak, and adjustments have been made to work practices (see risk section above). At the time of writing (4 August 2020), Officers are working to confirm how Stage 4 will impact the Solar Saver program but anticipate that installations will need to pause during Stage 4.

OPTIONS FOR CONSIDERATION

Officers recommend announcing Council's intention to declare this Special Charge.

Council does not have to progress the proposed Special Charge Scheme. It could choose to defer or abandon the proposal at this stage.

IMPLEMENTATION STRATEGY

The households included in this Special Charge batch are expected to have their solar systems installed from August to October 2020.

Communication

A communications plan has been prepared to guide the delivery of communications relating to the changes to the Solar Saver program and the opening of the Solar Saver Bulk Buy. Planned communications are expected to be largely complete by the beginning of the pre-election period, and any further public communications will then be paused until after the election.

Timeline

Subject to Council resolution:

- Council report – intention to declare Special Charge scheme – 17 August 2020
- Copies of the proposed declaration to property owners – from 21 August 2020
- Copy of proposed declaration available for public inspection – from 21 2020
- Public notice of proposed declaration – from 21 August 2020
- Receipt of written submissions – by 5pm 25 September 2020

- Hearing of submissions (if required) – TBA
- Council report – Declaration of Special Charge scheme – 28 September 2020
- Subject to declaration of the Special Charge scheme, installation of solar will occur from 18 August onwards over a period of around 2-3 months.
- Council may consider the establishment of another Special Charge scheme in 2020-2021

RELATED DOCUMENTS

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

Attachments

- Solar Saver - Further Details of the Special Charge Declaration (**Appendix A**)
- Solar Saver - Batch 5 Property Addresses (**Appendix B**)
- CONFIDENTIAL Solar Saver - Batch 5 Property Addresses and Prices (**Appendix C**)
Confidential - enclosed under separate cover
- Solar Saver - Intention to Declare - Final Owner Agreement Residential (**Appendix D**)

DISCLOSURE OF INTEREST

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

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

7.9 CONTRACT AWARD - CT201945 PROVISION OF INTEGRATED FINANCE SYSTEM

Author: Project Manager Integrated Finance System

Reviewed By: Acting General Manager Governance & Engagement

EXECUTIVE SUMMARY

The appointment of an expert supplier for the implementation of the Darebin Integrated Finance System (IFS) and associated support & maintenance works, was sought via a public tender process.

The IFS was initiated in 2019 to be run as a multi-year project. Council has allocated funds in the 2020/21 budget to meet the costs of the new IFS. The system implementation is proposed to be completed by July 2021.

The new Integrated Finance System (IFS) will replace the legacy system, Computron. The new system will replace the current obsolete business processes of Computron, with a contemporary financial services platform that facilitates automation and improves future business processes of the Council.

Most critically, the IFS will mitigate the imminent business risk of financial and procurement non-compliance due to lack of controls in the current system.

Recommendation

That Council:

- (1) Awards contract CT201945 Provision for the Integrated Finance System to _____ at an estimated cost of _____ over the five (5) year contract.
- (2) Authorises the Chief Executive Officer to exercise Council’s option to continue the contract at the end of three (3) years, as a two (2) by one-year option, subject to the contractor’s satisfactory performance of the service delivery as per the contract.
- (3) Authorises the Chief Executive Officer to exercise Council’s option to extend the contract at the end of five (5) years, subject to the contractor’s satisfactory performance of the contract and suitability of system licensing, maintenance and managed service.
- (4) Authorises the Chief Executive Officer to finalise and execute the contract documentation on behalf of the Council.

BACKGROUND / KEY INFORMATION

The new Integrated Finance System (IFS) will ensure efficiency and compliance in financial services with the adoption of industry best practices via a technology driven platform.

The recommended technology product, its configuration and implementation across Council will be outsourced to a supplier who has extensive expertise in automating financial business processes in Local Government settings. In addition to system implementation, the supplier will also facilitate the ongoing licensing, service & maintenance and business services

(managed service). The procurement process sought a supplier that is an industry-leader that was able to demonstrate consistency with and adherence to Darebin Council’s values.

The Integrated Finance System aims to deliver the following items to enhance and automate Council-wide financial, procurement and compliance operations:

Mandatory	<p>Provide a system that facilitates the functionality of all standard features in key areas of:</p> <ul style="list-style-type: none"> • Financial management • Procurement • Accounts payable • Accounts receivable • Cash receipting • General ledger • Treasury and banking • Stock management • Asset accounting • Project accounting • Strategic planning and forecasting • Financial reporting • Security and Privacy • Audit, compliance, and legislative and regulatory controls (i.e.: reporting)
Mandatory	<p>Provide a system that effectively integrates with existing enterprising systems:</p> <ul style="list-style-type: none"> • Pathway • Carelink+ • Chris21 • EDRMS/ECM system • Open Windows • PowerBudget • Work Order System (CAMS system) • Westpac Bank Suite, ADVAM and other current payment collection interfaces • Scanning and optical character recognition system (Kofax/EasyScan/Barcode) • LINKS
Mandatory	<p>Provide a robust and secure SaaS (Software as a Service) based Financial Services system that will be expandable and is scalable with future business requirements.</p>
Mandatory	<p>All software build, design and configuration related intellectual property rights to be transferred to the Council service teams via workshops and training sessions.</p>
Mandatory	<p>All identified subject matter experts and end users of the system to be thoroughly trained with the following training material to be provided:</p>

	<ul style="list-style-type: none"> • Train-the-trainer materials • User guides • Frequently asked questions and knowledge base
Mandatory	A system that will provide automated business rules and workflow driven functionality to increase efficiency in routine and standard tasks; e.g.: the raising and approval of purchase orders.
Mandatory	Identified key business data and live transactional data will be thoroughly cleansed and migrated into the IFS.
Mandatory	Identified historical financial data, as per Council's data guidelines, will be available for referencing or enquiry as per the Public Records Office Victoria (PROV) data retention guidelines.
Mandatory	The IFS will act as the single source of truth for financial transactions to ensure the integrity and currency of data. All other associated systems can feed transactional data into the proposed system and refer to the proposed system for key referential data and vice versa.
Mandatory	Information privacy and security standards will be enforced and comply with Australian statutory standards recommended for government agencies.
Mandatory	A system that provides predictive analysis and forecasting.
Mandatory	A system that mitigates procurement non-compliance and improved controls.
Mandatory	Business Intelligence (BI), forecasting and data analytics-based data reporting capability.

An extensive procurement process was carried out between April - July 2020 and included rigorous scrutiny of suppliers' expertise, product suitability, market trends, value for money and business functionality criteria. The procurement process ensured the recommended supplier's compliance with Council values in terms of integrity, financial viability, social procurement and environment sustainability.

Previous Council Resolution

This matter is not the subject of a previous Council resolution. Council was briefed on the procurement program on 15 June 2020 and 10 August 2020.

COMMUNICATIONS AND ENGAGEMENT

Consultation

The following key stakeholders were consulted as part of this contract:

Title	Division
General Manager Governance and Engagement	Governance and Engagement
Manager Finance	Financial Services and Procurement
Manager Information Services	Information Services
Coordinator Procurement	Financial Services and Procurement
Senior Procurement Officer	Financial Services and Procurement

- The business managers and teams across all Council business units were engaged, their business requirements were elicited and included in the tender specification that lead to formulating the contractual obligations.

- Direct community consultation was not deemed to be required, as this administration system has no direct impact to community.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 6 - A well governed Council

The IFS project aligns with Council Plan Action Plan 2017-2021 objectives and Council Goal #6 - 'We will be a leading, modern and open council to meet our challenges, now and in the future.'

The identified business benefits of the proposed system include:

- Uninterrupted operational continuity and enhancement of financial services
- Reinforced process adherence, governance and compliance (i.e.: purchasing, invoicing, capital delivery and asset financials) for Council to adhere to Local Government regulation in their financial and procurement activities.
- Single source of information for financial reporting, planning and forecasting data.
- Increased accuracy and no double-handing due to data integration with other enterprise systems.
- Increased quality and efficiency in financial service, resulting in Council delivering a better service to the community, regarding business transactions.
- Streamlined authorisation processes with access to supporting documentation and the ability to be completed anywhere, anytime on any device.
- Automated forecasting, budgeting and strategic planning.
- Future-proof technology platform with a managed service support structure to mitigate the need for more internal supporting staff.
- Ability to measure and report on performance using KPIs, targets and SLAs to demonstrate improved stakeholder experience.
- All staff will be trained to follow a uniform process and best practices in financial and procurement operations.
- Improved privacy and security compliance embedded within the systems, data and processes.

Environmental Sustainability Considerations

The IFS Evaluation criteria implemented a mandatory gating criterion to ensure that Council only engages the suppliers who have strong ethics and corporate policy on Environment Sustainability. The elected supplier has met both mandatory gating criteria as well as 5% score-based Environmental Sustainability requirements, which align with Darebin Environment Sustainability KPIs.

Climate Emergency

Council's tender specification explicitly required, as specified in the mandatory gating criteria, tenderers to demonstrate their corporate responsibility towards carbon emissions, recycling and their contribution to such campaigns in order for them to be eligible to contest in scored criteria. The IFS project and supplier will also comply with the Green Star certification process

to deliver several key sustainability outcomes including reduced energy consumption, improved sustainable transport outcomes, improved indoor environment quality, reduced reliance on potable water and use of recycled materials and products.

Equity, Inclusion and Wellbeing Considerations

A supplier with strong Corporate Social Responsibility (CSR) is nominated for the tender, who is qualified through a mandatory (pass/fail) evaluation, that covers Occupational Health and Wellbeing, Equity and Inclusion factors as indicated in Social and Sustainable Procurement Policy. In addition, this category carries a 10% of the overall tender score.

Cultural Considerations

A supplier with strong cultural values is nominated as the finalist. Their ability to comply with Council's indigenous and other cultural consideration are also evaluated under Social Procurement category.

Economic Development Considerations

The recommended supplier has demonstrated their ability to contribute to the employment of youth, people with disabilities and local communities. This aspect carried 5% of the total tender score.

Financial and Resource Implications

Council has provisionally allocated \$1,466,401 for the contract and council related project costs (GST inclusive) to deliver the Integrated Finance System (IFS) in the 2020/21 financial year. Finally, the cost to deliver the IFS was assessed based on the recommended supplier's contract value and associated information services delivery costs. The cost for the life of the contract has been included in future year budgets.

The IFS budget and expenditure breakdown can be found in the Confidential attachment issued under separate cover (**Appendix C**).

Legal and Risk Implications

A contract management approach (regular meetings, performance reviews, audits, spot checks etc) will also be used to manage the performance of the contractor and to maximise customer satisfaction. A detailed legal risk assessment on the contractor also was carried out by an independent advisor (see **Appendix D**).

No other legal considerations were identified for the delivery of the solution.

Operational Impacts

The newly Integrated Finance System will be run in parallel with the current legacy system (Computron) for three (3) months under on-site supervision and hyper-care support by the supplier, as underpinned in the Contract. This will minimise any operational impacts during transition. As a backup plan, a thoroughly tested roll-back approach will be available. Hence no operational impact or business risk is identified in the provisioning of IFS.

DISCUSSION

The Request for Tender (RFT) for the Provision of the Integrated Finance System was advertised in The Age newspaper on 21 March 2020. A tender briefing was not offered to potential tenderers as it is non-mandatory and due to COVID-19 situation. Additional communications and Q&A's were posted via Darebin e-Tending portal to increase awareness of Council service requirements.

The RFT closed on 21 April 2020 and eight (8) vendors submitted a tender through Council's e-Tender system.

The evaluation panel agreed on the evaluation criteria and this information also formed part of the RFT specifications as outlined in the following table.

Mandatory Evaluation Criteria
A. Financial Viability
B. Social and Sustainable Procurement
C. Business Risk Mitigation
D. OHS Compliance
E. Compliance with legislative requirements
Scored Evaluation Criteria
1. Local Business, Environmental and Social Sustainability
2. Total Price (Capex and Opex)
3. Suitability of Product
4. Supplier Expertise and Process Excellence
5. Delivery, Implementation Approach and Quality Assurance
6. Council's business and functional requirements
7. Security and Privacy, Business as Usual and Non-Functional Requirements

The members of the panel, evaluation details, pricing and evaluation results are provided in the confidential attachment issued under a separate cover.

OPTIONS FOR CONSIDERATION

Refer to confidential report circulated to councillors under separate cover for options for consideration.

IMPLEMENTATION STRATEGY

Details

Following the Council resolution, a letter of appointment and contract documentation will be issued to the approved Tenderer. The Tenderer will be required to provide signed copies of the contract, a COVID-19 business continuity plan and other preliminary documentation for Council approval prior to the commencement of the contract.

The project manager and the supplier will then commence the implementation phase of the contract to determine the best way to disengage the legacy system and to source configuration requirements for the integration of IFS.

Timeline

The following schedule outlines the key delivery milestones:

Date	Project Delivery Milestone
<i>Aug 2020</i>	Contract Endorsement and Award
<i>Sep 2020</i>	Vendor engagement and commencement of work
<i>Sep-Oct 2020</i>	Design, configuration and integration workshops
<i>Nov-Dec 2020</i>	SME walkthrough and verification
<i>Jan 2021</i>	Training
<i>Feb 2021</i>	Testing and User Acceptance
<i>Mar 2021</i>	Change management
<i>Apr 2021</i>	End User Training
<i>Apr 2021</i>	Go Live (soft launch)
<i>Apr-Jun 2021</i>	Parallel Run and Hypercare
<i>Jul 2021</i>	Full Go-live and Managed Services

Communication

Given the significance of the IFS project and its benefits to Council financial process, many communication and reporting modes will be adopted in engaging council wide stakeholders.

Council will be updated on the progress of the IFS implementation via Council Briefings and Council Reports. The executive management and business teams will receive status updates through EMT reports, Intranet announcements, the internal Project Control Group (PCG) updates and Enterprise Project Management Office (EPMO) reports.

RELATED DOCUMENTS

- Council Plan 2017-2021
- Council Action Plan 2019-2020
- 10 Year Capital Works Plan 2020-2030
- Darebin Social and Sustainability Policy
- Strategic Procurement and Probity Plans
- Risk Assessment
- Request for Tender and tender documentation
- Conflict of Interest declarations
- Evaluation endorsement
- CT201945 – Tender Evaluation Matrix

Attachments

- IFS Confidential Tender Report (**Appendix A**) Confidential - enclosed under separate cover
- IFS Tender Evaluation Matrix (**Appendix B**) Confidential - enclosed under separate cover
- IFS budget and expense breakdown (**Appendix C**) Confidential - enclosed under separate cover
- IFS Contractor Legal and Business Risk Assessment (**Appendix D**) Confidential - enclosed under separate cover
- IFS Probity Advisor Report (**Appendix E**) Confidential - enclosed under separate cover

DISCLOSURE OF INTEREST

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

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

7.10 CT201995 - AWARDING OF CONTRACT FOR THE PROVISION OF PROACTIVE TREE MAINTENANCE SERVICES**Author:** Coordinator Tree Management**Reviewed By:** General Manager Operations and Capital

EXECUTIVE SUMMARY

The City of Darebin plays an important role in managing an urban forest of street, park and bushland trees. There are more than 45,000 street trees that require regular maintenance to ensure ongoing resilience, provide essential canopy and amenity to the community and compliance with regulations.

Due to the specialised nature and amount of the work, there is a requirement to engage a suitably qualified and experienced contractor to provide proactive tree maintenance services on behalf of the City of Darebin.

The appointment of an experienced contractor for the redevelopment and associated works was sought via a competitive open tender process. The tender evaluation panel has evaluated the tenders and recommends awarding the contract to the preferred tenderer.

The proposed contract arrangement is a lump sum contract. Works are programmed to commence in October 2020 and are ongoing.

This report is a summary of the tender process inclusive of submissions, evaluation and recommendations.

Recommendation

That Council:

- (1) Awards contract CT201995 for the Provision of Proactive Tree Maintenance Services to _____ for the contract value of _____ (GST inclusive) over the entire 6 year term of the contract (should the extension be exercised).
 - (2) Enters into the initial contract term of 4 years commencing 1 October 2020 to 31 September 2024.
 - (3) Authorises the Chief Executive Officer to finalise and execute the contract documentation on behalf of the Council.
 - (4) Authorises the Chief Executive Officer to approve the contract extension term of one (2) year option, subject to performance reviews.
-

BACKGROUND / KEY INFORMATION

The City of Darebin plays an important role in planning and managing a diverse open space system. A range of parklands, linear parks, sporting reserves, historic parks, conservation areas, urban spaces and streetscapes are highly valued by the community. These spaces can be used for active organised sport, casual and unstructured recreation activities or preserved

for their environmental qualities. This open space system offers a range of settings and opportunities to meet community needs.

As a result of the Royal Commission into the catastrophic 'Black Saturday' bush fires of February 2009, in which non-clearance of vegetation away from power lines was attributed as a major contributing cause, the Electricity Safety (Electric Line Clearance) Regulations 2010 were made more stringent, increasing clearance distance of trees from power lines.

There are more than 45,000 street trees, with approximately 27,000 of these trees under power lines. These trees require regular maintenance to ensure ongoing resilience, provide essential canopy and amenity to the community and compliance with regulations. Councils are required by law to maintain the clearance space around these power lines which predominantly involves the pruning of the street trees, including clearance from the road and footpath. There are also selected trees located in parks and bushland, that require clearance to ensure the safety of the public and integrity of nearby electrical assets.

Due to the specialised nature and amount of the work, there is a requirement to engage a suitably qualified and experienced contractor to provide proactive tree maintenance services on behalf of the City of Darebin. The tender is a lump sum price contract locking in prices and capping prices rises to the CPI of the services for the duration of the contract. This gives certainty to short and medium-term budget planning.

The three components of the contract are:

- Electrical line clearance as per Electrical Safety Regulations
- Proactive tree maintenance, including clearance from road and footpath, deadwood removal and formative pruning
- Data collection for all street trees to inform strategic planting and maintenance programs.

The contract ensures a 'cradle to grave' maintenance of all street trees with a two-year maintenance cycle for all trees, with half the city cleared in one year, then the other half the following year. In order to ensure clearance for higher risk electrical assets (trees in proximity to high voltage), an annual program has been added to the contract for those streets with high voltage assets. Data on all street trees is collected as part of this contract to inform strategic planting and maintenance programs.

This contract will assist in the implementation and maintenance of the Open Space Strategy, Green Streets Strategy and Urban forest Strategy.

Previous Council Resolution

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

COMMUNICATIONS AND ENGAGEMENT

Consultation

Table 1 – Council Staff

Title	Directorate
General Manager Operations and Capital	Operations and Capital
Manager Parks and Open Space	Operations and Capital
Tree Management Coordinator	Operations and Capital
Bushland Management Coordinator	Operations and Capital
Title	Directorate
Horticulture and Open Space Coordinator	Operations and Capital
Senior Procurement Officer	Finance

Table 2 – External Organisations

Title	Description
Probity Advisor	Anne Dalton & Associates

Communications

A communications plan regarding this contract is not required.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 1 - A sustainable city

This contract aligns with the Council Plan 2017-2021 and achievement of Goal 1.3:

- Maintain parks, reserves and opens spaces
- Grow our Urban Forest

Environmental Sustainability Considerations

The tender process assessed environmental sustainability as part of all tenderers quality management procedures.

All tenderers are encouraged to use environmentally sustainable process, including use of recycled products where practicable. The successful tenderer was able to provide evidence of sustainable business practice.

Climate Emergency

Darebin Council is a member of the Northern Alliance for Greenhouse Action (NAGA). This is an alliance of the Councils of Banyule, Darebin, Hume, Manningham, Melbourne, Moreland, Nillumbik, Whittlesea and Yarra, and Moreland Energy Foundation Limited, aiming to create a low-carbon society resilient to the impacts of climate change.

In August 2017, Council put into place its 'Darebin Climate Emergency Action Plan'. This plan sets out nine key considerations to help Council reach its environmental core goals:

1. Climate Emergency mobilisation and leadership
2. Energy efficiency
3. Renewable energy and fuel switching

4. Zero emissions transport
5. Consumption and waste minimisation
6. Fossil fuel divestment
7. Adaptation and resilience
8. Engaging the community
9. Darebin Energy Foundation

This contract ensures the ongoing resilience of the urban forest to provide essential canopy cover and amenity to the community.

Equity, Inclusion and Wellbeing Considerations

The following considerations have been made as part of this contract:

- Provide opportunities to contractors who conduct business in an ethical and fair manner. The successful tenderer was able to provide evidence of ethical business practice.
- Provide opportunities to business who support youth employment. The successful tenderer was able to provide evidence of youth employment or apprenticeships.
- An assessment was carried out for each tenderer as part of the evaluation process in accordance with Council's procurement policy and guidelines.

Cultural Considerations

The following considerations have been made as part of this contract:

- Provide opportunities to business who support and promote Aboriginal people or communities through employment and/or training. The successful tenderer was able to provide evidence of supporting First Nations people.

Economic Development Considerations

With Municipal Association Victoria and Procurement Australia suppliers unable to provide the same level of value for money, Council has conducted a public tender process.

A local business assessment was carried out for each tenderer as part of the evaluation process in accordance with Council's procurement policy and guideline.

Financial and Resource Implications

Details of financial and resource implications and budget details can be found in confidential **Appendix A**, with a financial breakdown of contract costs detailed in **Appendix C**.

Legal and Risk Implications

Contract Works

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

Financial check

A financial check was completed on the shortlisted contractor through Dun and Bradstreet. The financial check undertaken on 4 August 2020 verified the financial capacity of the shortlisted contractor to complete the works.

Probity

Council’s Procurement Policy mandates that a probity advisor be engaged for all the projects valued at \$1,000,000 or greater. An independent probity advisor was engaged to provide an overview of the probity tasks and findings in relation to the evaluation process. The probity advisor engaged for this project has provided a report which is included at **Appendix B**. The report received on 31 July 2020 concluded that all probity requirements have been met.

Operational Impacts

This contract is intended to continue the tree maintenance services currently provided under CT201431, that expires 20 September 2020. This contract will improve the level of service for street trees and selected park trees, resulting in a reduction of reactive tree work requests.

DISCUSSION

Request for Tender

The Request for Tender (RFT) for the Provision of Proactive Tree Maintenance Services was advertised in ‘The Age’ newspaper on 6 June 2020. The tender was opened for 19 days as per Council’s Procurement Policy. A non-mandatory tender briefing session was held on 11 June 2020 to provide tenderers with an opportunity to familiarise with the site and the project. The RFT closed on Thursday 2 July 2020.

The RFT closed on 2 July 2020 and six companies submitted a tender through Council’s e-Tender system.

Details of contractors that submitted proposals before the closing date and time are provided in Confidential **Appendix A** circulated to councillors under a separate cover.

Tender Evaluation

Submissions were evaluated by the panel against the evaluation criteria detailed in Table 3 below. The evaluation criteria were established prior to the RFT being advertised and was included in both the Strategic Procurement Plan and the RFT documentation.

Table 3 – Evaluation Criteria

Evaluation criteria:
Price
Past Performance
Organisational Capacity and Key Personnel
Local Business
Social Initiatives and Practices
Environment Management / Sustainability
Commercial Viability
Quality Management System Including Customer focus
Occupational Health and Safety Management

Evaluation criteria:
Financial Viability
Risk Management
Tender Compliance

Evaluation Criteria and Methodology

Tenderers were assessed using the evaluation criteria as detailed in the above table.

Lump sum rates for the price component were collected and compared for services offered. Using the combination of weighted scores from the above table, a spreadsheet was used to compare lump sum rates for services to select a preferred tenderer.

Risk, insurance and OH&S were assessed as part of the tender evaluation process. Tenders that failed to meet any of these criteria were excluded from the assessment process.

Reference checks have also been carried out for the successful contractor.

The evaluation matrix can be found in confidential **Appendix D**.

OPTIONS FOR CONSIDERATION

Refer to confidential **Appendix A** circulated to councillors under separate cover for options for consideration.

Table 4 – Implementation strategy

Tasks	Timeframe
Award Contract CT201995 to the successful contractor	August 2020
Commence provision of works and services	October 2020
Awarding of option to extend (two years)	October 2024
Conclusion of contract	October 2026

RELATED DOCUMENTS

- Documents related to CT201995 – Provision of Proactive Tree Maintenance Services
 - Strategic Procurement and Probity Plans
 - Risk Assessment
 - Request for Tender and tender documentation
 - Conflict of Interest declarations
 - Evaluation Endorsement
 - Evaluation Matrix

Attachments

- CT201995 Provision of Proactive Tree Maintenance Services (**Appendix A**) Confidential - enclosed under separate cover
- Probity Report (**Appendix B**) Confidential - enclosed under separate cover
- Detailed Contract Costs (**Appendix C**) Confidential - enclosed under separate cover
- Evaluation Matrix (**Appendix D**) Confidential - enclosed under separate cover

DISCLOSURE OF INTEREST

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

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

7.11 NARC DESIGN AND PROCUREMENT UPDATE**Author:** Project Manager**Reviewed By:** General Manager Operations and Capital

EXECUTIVE SUMMARY

The Northcote Aquatic and Recreation Centre (NARC) redevelopment project has progressed such that the detailed design phase is ready to commence. Council officers are now preparing the documentation for the construction tender and seeking Council's approval to proceed to procurement.

The project quantity surveyor has prepared the cost plan for the construction of the new NARC facility and based on current design; the project is on target to be delivered on budget.

Legal and project management advice has been sought to inform the procurement process and assist officers to prepare the requisite documentation to deliver the construction of the NARC facility in the most efficient way that effectively shares risks with any future construction contractor and provides the flexibility in delivery required in these uncertain times.

The community engagement was completed in May 2020 and the internal Council stakeholder engagement has been ongoing throughout the design process. The design has been developed in accordance with the design brief and addresses valuable feedback received from the various stakeholders.

It is recommended that Council authorises officers to proceed to procurement for the construction of NARC. The procurement process will be a staged process, commencing with a market approach seeking expressions of interests from suitable contractors then shortlisting respondents and inviting them to provide detailed proposal.

In early 2021, Council will be asked to award a contract to construct the NARC.

Recommendation

That Council:

- (1) Authorises that the Northcote Aquatic and Recreation Centre proceed to the construction contractor procurement stage.
 - (2) Notes the design responses addressing community feedback.
-

BACKGROUND / KEY INFORMATION

The NARC project is moving into the detailed design phase. All feedback captured during the consultation on the schematic design has been thoroughly assessed against the original objectives of the project and design principles, and where appropriate addressed in the current design and specification for the NARC facility.

Legal and project management advice has been sought to inform the procurement for construction with the underpinning principles considered prior to procurement are:

- Appropriate distribution of risk, minimising Council's exposure to construction risks;
-

- Simplified contract administration, limited procurement mechanisms, streamlined transition from design to construction and flexibility in delivery, e.g. accelerated works.
- Clear accountabilities, e.g. the principal contractor becomes accountable for the facility achieving the 6- star green star rating under the Green Building Council of Australia certification scheme.

Previous Council Resolution

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

That Council:

- (1) *Awards Contract No. CT2018148 for the Northcote Aquatic and Recreation Centre principal design consultant services to Warren and Mahoney Architects Australia for the contract sum of \$2,958,840.50 (incl. GST).*
- (2) *Approves a contingency amount of \$591,768 (incl. GST), being approximately 20% of the contract amount, to be used if required for variations and other unforeseen items as part of the Contract No. CT2018148.*
- (3) *Authorises the Chief Executive to finalise and execute the contract documentation on behalf of the Council.'*

On 6 April 2020, Council resolved:

That Council:

- (1) *Endorse the concept design for the Northcote Aquatic and Recreation Centre and continue engagement with key external stakeholders and community.*
- (2) *Council receive a Council report on the outcomes of the consultation and engagement with key stakeholders and community members.*

On 20 July 2020, Council resolved:

That Council:

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

COMMUNICATIONS AND ENGAGEMENT

Consultation

A detailed report on the consultation and engagement methods and findings was considered by Council on the 20 July 2020.

The project team has since met with Darebin Climate Action Now (DCAN) regarding the ESD elements of the project. This engagement will continue.

The results of the consultation and engagement period, including councillor's feedback from the briefing held on the 6 July 2020, were incorporated as required into the design.

Key changes to the design as a result of the consultation and engagement process:

Item	Feedback	Design Response
Amenities	Need to ensure change rooms provided for all users' needs and not only gender-neutral spaces	Gender specific, family, ambulant, additional needs, changing places as well as gender neutral facilities are included in the design.
Toddler Pool	Concern around the outdoor aquatic space for small children and the size of the aquatic play area	The outdoor aquatic play space is designed to include nature-based play spaces with multiple water levels and sensory activities. There will be space to allow adults to connect with each other while watching children play and will be of an area no less than the existing provision level.
Multipurpose Room	Multipurpose space for use by clubs, groups and community	Two multipurpose rooms, one small and one larger room have been integrated into the facility design. The smaller room will be used as a prayer room, a quiet space and a breastfeeding space. The larger room will be available for (swimming) clubs, school groups, community groups and birthday parties.
Shade	Shading is needed over the outdoor splash play area	Design include a canopy area, providing shade for the outdoor aquatic activities, lifeguards, swim coaches and public.
Parking / Green Travel	Sufficient bike racks and provision for sustainable transport options	A green travel plan will be developed for the facility
Pool Wall / Boom	Consider pool wall / boom for sports and community usage	The inclusion of a boom is being tested but is likely to be cost prohibitive. Should future investment for NARC be contemplated, a boom might be considered at this time.

Procurement:

Consultation was carried out with the following stakeholders to inform the preferred procurement model for the construction of the NARC:

- Assets and Capital Delivery team
- Leisure team
- Procurement and Contracts team
- Warren and Mahoney Architects – Principal Design consultant for NARC
- Currie and Brown – Quantity Surveyor for NARC
- Root Partnership – Project Management Consultant
- Maddocks – Procurement Legal Advisory
- Anne Dalton and Associates – Probity Officer

Communications

The NARC Your Say webpage has been updated with the community consultation and engagement findings report. This site and the communication and engagement plan will continue to be updated throughout the life of the project.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 2 - Opportunities to live well

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

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

Environmental Sustainability Considerations

The NARC redevelopment project is on track to deliver a 6 Star Green Star rated facility (understood to be the first in Australia for an indoor aquatic centre). Continued engagement with the Green Building Council of Australia (GBCA) and by transferring accountability for the achievement of the 6 Star Green Star rating to the principal contractor and linking it to incentives is more likely to achieve this significant sustainability outcome.

Council's Environmentally Sustainable Developments Officer and ESD team have been and will be active members of the design team as we move into the detailed design phase.

Climate Emergency

As part of the Green Star certification process, NARC aims to outperform most public pools related to both climate change mitigation and resilience. The ESD targets are specific to energy consumption, accessibility and sustainable transport outcomes, indoor environment quality, reliance on potable water and use of recycled materials and products. The selection criteria will provide strong incentives as part of the selection criteria to provide a state-of-the-art facility with significantly reduced carbon footprint.

Equity, Inclusion and Wellbeing Considerations

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

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

The design includes quiet room to be used for prayer, a quiet area for children and breastfeeding parents seeking privacy. The warm water pool, being separated from the main pool hall in the proposed plans, allows for gender specific programming. The designs of the change rooms include a range of facilities to cater for men, women, families, gender neutral members, changing places users. This provides choice and promotes inclusion to all patrons of the facility.

The request for tender and evaluation criteria will include equity, inclusion and wellbeing considerations in the accordance with Council's Social and Sustainable Procurement Policy.

Cultural Considerations

Actions are continuing as per the report on the 20 July 2020.

Economic Development Considerations

Social procurement initiatives will be considered in the construction contract in accordance with Council's Social and Sustainable Procurement Policy.

Financial and Resource Implications

The cost plan for the NARC project is on budget and will be monitored through the design phase.

Council has a budget of \$63.5 million for NARC. Council's quantity surveyor Currie and Brown has provided a cost plan for the schematic design at \$63,485,000. A summary of the costs is shown in table 1.

COMPONENT	Budget (Excl. GST)
Net Construction Cost	\$47,736,638
Design and construction contingencies	\$6,683,130
Total Construction cost	\$54,419,768
Escalation costs	\$2,752,676
Total estimated project cost including escalation	\$57,172,444
Client costs	\$6,312,556
Total End Project Cost	\$63,485,000

Table 1 Breakdown of Cost Plan

This cost plan is based upon schematic design and the plan is high level, conservative and includes design and construction contingencies.

Legal and Risk Implications

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

- The principal contractor takes on the design risks, construction risk and liabilities in defects, meaning Council only has one party to pursue for rectification.
- The principal contractor has a greater potential to introduce innovations and savings through construction innovations and approved substitutions.
- Council can advertise a tender sooner under a design and construct model as the design does not need to be 100% complete, giving greater flexibility
- Council can expect a greater level competitive pricing because the principal contractor has greater certainty related to constructability of the design.

Operational Impacts

Due to COVID -19, the current facility is closed to public for the second time. As the situation continues to evolve, the procurement strategy will be revised and adapted to the market situation.

Expression of interest for the construction of NARC is not affected by the market conditions and provides benefit to the project to fast track procurement.

DISCUSSION

Consultation Phase

The consultation on the concept design has concluded and feedback from the community has been tested against the project's design principles and where possible incorporated into the design, allowing the project to move to the detailed design stage.

Procurement Model

Legal advice has been sought and it is recommended that Council adopts a design novate construct model for the project in a three-step approach – Expression of Interest (**EOI**), followed by a Request For Tender (**RFT**), followed by an Early Contractor Review (**ECR**), which is dependent on construction or operational restrictions related to Covid-19, followed by a design novate construct contract (**DNC**) for the construction of the NARC facility.

Tender Preparation

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

The expression of interest part of the construction tender is planned to be advertised over the coming months.

OPTIONS FOR CONSIDERATION

Option 1 - (recommended) – Proceed with procurement of the principal contractor for construction of NARC.

Option 2 - (not recommended) – Delay procurement, which will impact on the project timeline, by delaying the construction period and will likely increase the total project costs.

IMPLEMENTATION STRATEGY

Details

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

- Part 1: Expression of Interest (EOI)
- Part 2: First stage of the request for tender (RFT) / early contractor review (ECR) process
- Part 3: Final stage of the request for tender (RFT) and DNC contract.

Communication

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

Timeline

The following indicative timelines (only) are planned regarding the procurement activities for the procurement of the construction contractor.

Milestone	Date
Prepare procurement and probity documents	July 2020
Part 1: EOI Released on tender site	August 2020
EOI Closing date	September 2020
Completion of evaluation of EOIs	October 2020
Shortlisted contractors informed	October 2020

COVID -19 impact: The procurement strategy will be revisited and updated if the COVID-19 has affected the market.

Part 2: RFT using the ECR model is released to shortlisted Contractors	November 2020 to January 2021
Part 3: Final RFT	February 2021
Council awards construction contract	April 2021

RELATED DOCUMENTS

Nil

Attachments

Nil

DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any 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.

w

7.12 TRAM ROUTE 11 EXTENSION ADVOCACY**Author:** Senior Transport Planner**Reviewed By:** General Manager City Sustainability and Strategy

EXECUTIVE SUMMARY

The purpose of this paper is to provide options for Council on the proposed advocacy approach for extending Tram 11 in response to the Notice of Motion 480 from 29 June 2020.

Council has been advocating - for decades - to extend the Tram 11 route to Edwardes Street at Reservoir Station.

The Suburban Rail Loop, and the need to generate jobs and economic activity through infrastructure projects to recover from COVID-19, presents a timely opportunity to reinvigorate Council's advocacy.

This report proposes an advocacy campaign for early 2021, to call for a Tram 11 extension, and to reengage the Darebin community in this campaign.

This approach also includes advocating for a connecting electric bus in the short-term, which will provide an immediate lift in service levels while gathering patronage data to support a tram extension business case.

Recommendation

That Council:

- (1) Endorses advocacy in 2021 for an extension of Tram Route 11 to Reservoir Station as part of a comprehensive transport advocacy campaign in support of the following themes:
 - a) To act as a feeder service for a future Suburban Rail Loop station at Reservoir, in accordance with Council's resolution of 29 June 2020
 - b) To provide important community connections to reduce transport disadvantage in Darebin
 - c) To stimulate the local economy by providing jobs through construction during a time of unemployment and underemployment during the COVID-19 Pandemic;
 - (2) Advocates for a connecting electric bus to be implemented as an interim measure between the present Route 11 terminus in West Preston and Reservoir Station;
 - (3) Writes to the Minister for Transport Infrastructure, Federal Member for Cooper, State Member for Preston and State Members for the Northern Metropolitan Region advising them of Council's decision and seeking support for Council's objectives.
-

BACKGROUND / KEY INFORMATION

This report is in response to a resolution of Council at its meeting held on 29 June 2020 requesting an urgent report on an advocacy plan to advocate for the extension of Tram Route 11.

The Route 11 tram runs up St Georges Road, Miller Street and Gilbert Road, terminating at the small Regent Street shopping strip in West Preston. Council has been advocating for decades for an extension of this route to Edwardes Street at Reservoir Station.

There have been several political commitments to fully or partially fund the extension at both state and national levels - most recently during the 2017 Northcote and 2018 Batman By-Elections.

Previous advocacy activities by Council include:

- Publishing an open letter in April 2019 to candidates for the seat of Cooper to commit to extending the route 11 tram to Reservoir Station in the context of the 2019 Federal Election
- Writing to all candidates for Cooper during the 2019 Federal Election asking them to commit to funding
- Conducting a community survey in 2010 which showed widespread support for the extension
- Successfully negotiating with the Level Crossing Removal Project to future-proof the new Reservoir Station for a future tram extension on Edwardes Street.

While the project has received periodic in-principle support from some MPs, successive state governments have failed to fund the project.

It is timely to renew advocacy efforts for two principal reasons:

1. Economic stimulus spending by the Federal and State Governments on major infrastructure projects to help stimulate the economy and create jobs in view of the COVID-19 economic recovery efforts; and
2. Council resolved at its 29 June 2020 meeting to support the construction of the Suburban Rail Loop, including new stations at Reservoir and Bundoora; the Route 11 would act as an important feeder service to this project.

Officers consider that positioning the Route 11 tram extension around these two current topics would give this project a greater chance of success.

Previous Council Resolution

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

'That Council receives an urgent report on an articulated strategy plan to advocate for the extension of Tram Route 11'

COMMUNICATIONS AND ENGAGEMENT

Consultation

The extension of Tram Route 11 has been an issue for the community for many decades. Council has advocated, on behalf of the community, for the extension on many occasions.

A 2009 resolution from Council requested officers develop an advocacy strategy for the extension of Route 11 (previously Tram Route 112). A community survey was conducted in early October 2010 which found an overwhelming support for the Tram Route extension.

Council strongly advocated for the extension at the previous state and national elections. This resulted in many candidates publicly supporting the project and some funding commitments made.

Communications

A communications plan will be developed. It will aim to reengage Darebin residents and businesses in the case for extending Tram 11 to amplify Council's advocacy, using mainstream and social media (e.g. sharing the stories of local project champions, online surveys, social media tiles, providing email templates to make it easy for residents to write to Ministers and MPs).

In the longer term, advocacy for Tram 11 will also form part of a broader public transport expansion advocacy campaign for Darebin.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 1 - A sustainable city

Goal 1.2: We will increase sustainable transport through safer streets for walking and cycling, and advocacy for public transport.

- Advocate to the Victorian Government to extend the number 11 tram route to Edwardes Street.

Environmental Sustainability Considerations

Climate Emergency

An improved transport corridor will promote mode shift in travel behaviour towards more safe and sustainable modes. The community survey undertaken in 2010 confirmed this, with 69% of those surveyed saying they would use their car less if the tram was extended.

Moving to public transport powered by renewable electricity will improve local health and amenity while reducing transport emissions, which for Darebin, represents 23% of all community greenhouse gas emissions (see emissions profile [here](#)).

Equity, Inclusion and Wellbeing Considerations

The extension would improve the public transport service to the local community by providing a missing link in the metropolitan transport network. This would also enhance connection and social inclusion of residents in Reservoir to the rest of Darebin and wider Melbourne.

This was highlighted in the survey with over 1,300 people saying they would benefit from a more frequent public transport service and closer public transport options. Respondents who reported disadvantage of some kind particularly valued having better access to health services.

Disadvantaged communities in Darebin are less likely to own a car than other residents. This includes people with a disability and low-income households. Improving public transport access with an extension of the Route 11 tram would reduce transport disadvantage by providing improved access to jobs, services and education.

Cultural Considerations

There are several cultural precincts and facilities that would have enhanced access with an extension of this tram route. The proposed communications plan will ensure that CALD communities are specifically included in any further community engagement. This would include, where applicable:

- Translated materials into 12 languages
- Targeted engagement with CALD groups that would benefit from the project along or near the proposed route
- Close consultation with internal stakeholders from the Equity & Diversity Department, including conducting a comprehensive assessment of the plan from an equity perspective.

Economic Development Considerations

Providing greater transport access to Darebin increases the potential customer base for local businesses. The enhanced transport route would provide an opportunity to further encourage visits to and spending at the local shops in West Preston and Reservoir, who have been experiencing acute financial hardship during the COVID-19 pandemic.

Financial and Resource Implications

The advocacy tactics would be delivered within existing budget and resources. It is important to note that resource intensive activities, such as large-scale letterbox distribution of materials are not planned to be used as these are not achievable within the 2020-21 Budget.

Legal and Risk Implications

There are no legal implications to undertaking this advocacy.

The communications outlined in this report have been planned for a time that ensures that Council's obligations are met in regards to managing communications near this year's local government elections.

There may be a risk that the State Government does not agree that this is a priority during the COVID-19 pandemic. Clear communication about the benefits of the Route 11 extension, including economic stimulus, may mitigate this risk.

Operational Impacts

The communications and advocacy plan will not have any impact on operational matters. If Darebin's advocacy is successful and the State Government commits to implementing a short-term electric bus and / or extending the tram route, there will likely be impacts within the road

environment. That said, these are expected to be manageable and will result in improved transport outcomes.

DISCUSSION

Proposed advocacy approach

Officers recommend an advocacy approach that:

- sets out the case for extending Tram Route 11 using a combination of public facing advocacy methods and one-on-one engagement with Government decision makers and industry and community influencers
- requests that in the short-term, the State Government introduces a connecting bus service using an electric vehicle.

Introducing a direct, connecting bus service can quickly provide an improved service for residents and visitors, while gathering patronage data that can strengthen the case for a tram extension. The current bus route 527 is indirect, has a complex route and does not align to the Route 11 tram timetable. As a result, its usage as a connecting service is low.

Officers are proposing that Council asks that a new service be provided by an electric bus. An e-bus is cleaner and will provide a better experience for customers and residents living along the route.

Requesting an e-bus will also position Darebin as an advocate for moving to e-buses, which will significantly improve community health and reduce emissions. Victoria is arguably lagging in this transition, with only one electric bus currently being trialled. This contrasts to the NSW Government's commitment to convert all 8,000 buses to electric, and Brisbane City Council's recent procurement of 60 trackless electric buses.

Proposed key messages

A communications and advocacy plan will be developed. The following are the proposed key messages for this plan:

Proposed route

- The Route 11 tram runs up St Georges Road, Miller Street and Gilbert Road terminating at the small Regent Street shopping strip in West Preston.
- Council advocates for an extension of this route to Edwardes Street at Reservoir Station (Attachment 1).

Suburban Rail Loop (SRL) connection

- As Government moves to deliver the Suburban Rail Loop, the proposed route 11 extension gains new importance as a feeder connection into a new SRL station at Reservoir.
- Council supports the proposed SRL, including the two new stations at Reservoir and Bundoora, and we look forward to the improved accessibility it offers for residents in the west and north-west sections of Darebin
- The Route 11 extension – combined with the Suburban Rail Loop – will greatly improve transport connections for communities.

Interim e-bus service

- An interim connecting bus service will provide an immediate lift in public transport services for Darebin residents and visitors.
- Providing an electric bus is a clean alternative that will build the State's e-bus fleet as it moves towards a clean, modern public transport network.

Community support and outcomes

- Council, residents and other groups have advocated for the extension of the tram line for many decades. A 2010 community survey found significant support from residents.
- Improving public transport improves equity, inclusion and wellbeing for our communities.
- Improved frequency and accessibility of public transport would encourage greater use of trams, trains and buses, supporting Darebin to be a sustainable and healthy city.

COVID-19 response

- Federal and State Governments have responded to recent economic uncertainty brought on by COVID-19 by introducing stimulus packages on major infrastructure projects.

Undertaking the Route 11 extension would help stimulate the economy and create jobs in view of the COVID-19 economic recovery efforts.

OPTIONS FOR CONSIDERATION

Officers have considered three options for responding to this Notice of Motion:

Option A (recommended)	<ul style="list-style-type: none"> • Run tram extension advocacy campaign in early 2021 • Use route 11 advocacy campaign to prepare ground for broader transport advocacy later in 2021 • Seek electric bus as trial/'short-term' solution
Option B	<ul style="list-style-type: none"> • Run tram extension advocacy campaign in early 2021 • Only ask for tram extension
Option C	<ul style="list-style-type: none"> • Run full transport advocacy campaign in 2021 with tram extension fully incorporated as one item (not separated)

Officers recommend **Option A** for adoption by Council. It is considered that this best responds to the issues raised and the aims of Council in its strategic documents.

IMPLEMENTATION STRATEGY**Details**

Officers have worked to ensure a whole-of-Council implementation approach.

There are opportunities for Council to reframe its advocacy for this project and improve its chances of success considering recent events. These are:

1. Suburban Rail Loop
2. COVID-19 Pandemic
3. Reservoir level crossing removal.

These are reflected in the key messages presented above and in the officers' recommendation.

Finally, Officers will present a Darebin-wide public transport advocacy plan to Council for its consideration in early 2021. This plan will feature the Tram 11 extension.

Officers will prepare a detailed communications plan and advocacy campaign with assistance from Communications and Engagement.

Communication

This will be further detailed in a communications and advocacy strategy, based on the proposed key messages detailed above. This would be developed to be delivered within existing resources during the 2020-21 Financial Year.

Timeline

- Late 2020 – Officers prepare details and materials for transport advocacy campaign
- Early 2021 – Transport advocacy campaign plans would be implemented throughout 2021

Council will formally enter its caretaker period in September 2020. Under the *Local Government Act 2020*, Council's activities are limited during this time. Any significant external advocacy would likely be restricted during this time. As a result, officers recommend implementing any advocacy strategy after local government elections are completed.

RELATED DOCUMENTS

- Darebin Transport Strategy 2007 - 2027

Attachments

Nil

DISCLOSURE OF INTEREST

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

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

7.13 PARLIAMENTARY INQUIRY INTO ECOSYSTEM DECLINE**Author:** Senior Environment Officer - Biodiversity**Reviewed By:** General Manager City Sustainability and Strategy

EXECUTIVE SUMMARY

The Victorian Legislative Assembly Environment and Planning Committee is conducting a 'Parliamentary Inquiry into Ecosystem Decline'. The purpose of the inquiry is to examine and address Victoria's ecosystem decline and recommend solutions to improve the health of our state's ecosystems, recover our threatened flora and fauna, and preserve Victoria's unique natural heritage.

A submission to the Inquiry has been prepared with the support of expert community members from the Darebin Nature Trust and in consultation with the Darebin Creek Committee of Management.

The City of Darebin was the first to declare a climate emergency in 2016 and since then, over 100 local governments across Australia have declared a climate emergency.

In 2019, Darebin Council endorsed '*Breathing Space: Darebin's Open Space Strategy*' as a key component to addressing the climate emergency and to articulate of the importance of planning for biodiversity and increasing the conservation and improvement of habitat in Darebin.

It is recognised that local governments have a key role in working with communities to address ecosystem decline and biodiversity loss. However local government cannot deliver the change that is required alone. Therefore, Officers have drafted a submission for Council's consideration that includes the following:

1. That Council believes that protecting Victoria's threatened species and communities within and beyond Darebin's boundaries is important to ensure that we have a local area rich in biodiversity, clean air, healthy waterways and arable land for food production.
2. That the Victorian Government strengthen the legislative and planning framework to protect and enhance Victoria's environment, biodiversity and ecosystems.
3. That the Victorian Government show leadership in tackling biodiversity loss by recognizing threats to biodiversity through logging activities, duck hunting and catastrophic bushfire events.
4. That the Victorian Government recognise the weaknesses in threatened species legislation and fast track a review of the *Wildlife Act 1975*.
5. That the Victorian Government expand and improve government programs and funding to protect and enhance Victoria's environment and ecosystems.
6. That recommendations to changes to environmental legislation are adopted and not watered down under the guise of 'post-Covid-19 economic recovery'.
7. That Council is committed to climate action and recognises that we are in a state of climate emergency. Unless we restore a safe climate at emergency speed, there will be dramatic and negative impacts on our biodiversity.

8. That at the local government level, Council is committed to enhancing human health and wellbeing for current residents as well as preserving and enhancing our ecosystems for the benefit of future generations (of both wildlife and people).

Strengthening the protection of biodiversity and the environment will assist council and our community with mitigating the adverse impacts of biodiversity loss and ecosystem decline locally and will also contribute to environment protection across the state.

Recommendation

That Council endorses Darebin Council's submission to the Victorian Legislative Council Environment and Planning Committee's Parliamentary Inquiry into Ecosystem Decline included at **Appendix A**.

BACKGROUND / KEY INFORMATION

This report is in response to the 18 May 2020 Council Resolution to develop a Council submission – with input from Darebin Nature Trust – to the Parliamentary Inquiry into Ecosystem Decline.

On 6 May 2020 the Victorian Legislative Council Environment and Planning Committee (the Committee) commenced an inquiry into ecosystem decline in Victoria that will look at measures to restore habitats and populations of threatened and endangered species. The Committee invited written submissions from individuals and organisations addressing one or more of the issues identified in the following terms of reference:

- the extent of the decline of Victoria's biodiversity and the likely impact on people and ecosystems
- the adequacy of the legislative framework protecting Victoria's environment and ecosystems, particularly in the context of climate change impacts
- the adequacy and effectiveness of government programs
- opportunities to restore the environment while upholding First Peoples' connection to country.

The submission closing date is Monday, 31 August 2020.

All submissions are public documents (and may be published on the Committee's website) unless confidentiality is requested and granted by the Committee.

Council has sought to address each of the terms of reference in the Submission.

Previous Council Resolution

'At its meeting held on 18 May 2020, Council resolved:

'That Council:

"Seeks input from Darebin Nature Trust to develop a Council submission to the recently announced Parliamentary Inquiry into Ecosystem Decline"

COMMUNICATIONS AND ENGAGEMENT

Consultation

Officers sought input into the Inquiry from Darebin Nature Trust, Darebin Creek Management Committee (DCMC) and Merri Creek Management Committee (MCMC), as a recommended Action at the Darebin Nature Trust meeting held on 26 May 2020.

Council received a response from the DCMC to include in the Submission but the MCMC informed council that they would be preparing their own submission. Content was also received from the Darebin Nature Trust, who also provided the document outline and reviewed drafts of the submission.

The following officers were consulted as part of the project:

- Manager Climate Emergency & Sustainable Transport
- Manager Parks and Open Space
- Coordinator Open Space Revegetation
- Coordinator Climate Emergency and Environment Strategy
- Team Leader of Bushland Management Merri/Edgars Creeks
- Team Leader- Darebin Creek.

Communications

Note that all submissions will be published on the parliamentary website.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 1 - A sustainable city

Environmental Sustainability Considerations

The Inquiry provides Council the opportunity to engage with the Victorian Government on some of the steps that it can take to address ecosystem decline and support Victorian Communities in responding to a broad range of challenges, including recommendations that would support sustainable solutions to mitigate biodiversity loss in Darebin

Climate Emergency

The submission addresses the climate emergency as a key driver of ecosystem decline and recommends solutions to mitigate the impacts of a changing climate.

Equity, Inclusion and Wellbeing Considerations

The Submission recommends solutions that would benefit Darebin's diverse community.

Cultural Considerations

The submission aims to articulate the need for the Victorian Government to take into account cultural considerations relating to ecosystem decline, such as the importance of engaging with Traditional Owners to understand the risks and opportunities to protect country, and the need to provide culturally appropriate and relevant programs.

Economic Development Considerations

The Submission outlines the need for greater support and leadership from the Victorian Government to appropriately address ecosystem decline and work towards solutions to facilitate ecosystem and species protection, restoration and recovery in Victoria. Future ecosystem decline is anticipated to be a significant risk for economic development in Australia, and Darebin by contributing to the climate emergency and biodiversity loss, and detrimental to social and cultural wellbeing.

There may be economic development opportunities, depending on what action is taken by the Victorian Government as a result of the Inquiry's recommendations. For example, significant new investment could occur via land restoration and threatened species management programs, waterway enhancement, localised food production and sustainable design.

Financial and Resource Implications

There were no budgetary requirements for the preparation of this Submission.

Legal and Risk Implications

There are no foreseen legal or risk implications associated with this making this Submission. However, it addresses an important risk as biodiversity loss is an existential threat to the health and well-being of our community.

Operational Impacts

The Submission is not expected to have an impact on operational matters.

DISCUSSION

The Victorian Legislative Assembly Environment and Planning Committee's 'Inquiry into Ecosystem Decline' is a welcomed opportunity to advocate for stronger action from the Victorian Government to protect Victoria's biodiversity.

Failure to address biodiversity loss, ecosystem decline and the extinction crisis will have detrimental outcomes for humanity, habitat and biodiversity. The overwhelming body of scientific evidence conclusively points to this and scientists have consistently warned that time is running out to act.

It is recognised that local governments have a key role in working with communities and other local stakeholders to mitigate impacts to biodiversity and the environment. Local governments have local knowledge and experience, understanding of community needs and vulnerabilities, and have a key role in shaping our urban landscapes and responding to emergencies. However local government cannot deliver the change that is required alone.

Council's submission at **Appendix A** recommends that the Victorian Government remove the burden of action from communities and councils by committing to and taking action at the state level. The submission calls on the Victorian Government to strengthen the legislative and planning framework to protect and enhance Victoria's environment and ecosystems. State Government programs need to be improved and expanded.

Making a submission to this Inquiry provides an opportunity for Council to put on the public record its views on the steps the Victorian Government could take to respond to ecosystem decline.

The report on the Inquiry, which will be tabled by the Environment and Planning Committee in the Legislative Assembly, requires the Victorian Government to respond to each of the Committee's recommendations. This will further the public debate and understanding of ecosystem decline and what needs to be done in response by all levels of government.

OPTIONS FOR CONSIDERATION

OPTION A (Recommended)

That Council endorses the submission to the Victorian Legislative Council Environment and Planning Committee's Parliamentary Inquiry into Ecosystem Decline.

OPTION B (Not Recommended)

That Council could endorse the submission with amendments.

(Note that due to the timeline, there is not time to substantially rewrite the submission.)

Option C (Not Recommended)

Not make a submission.

This would see Council forgo the opportunity to express to the Victorian Government its views.

Failure by the State and Federal governments to take action on ecosystem decline will make it difficult to address the risks sufficiently and will also see a greater burden of action fall to local government and individuals

IMPLEMENTATION STRATEGY

Details

If the Council decides to support the submission officers will take steps to formally lodge the submission with the parliamentary office.

Communication

All submissions will be published on the parliamentary website. After receiving submissions, the Committee will hold public hearings before tabling a report in the Victorian Parliament by 30 April 2021. The Victorian Government is given up to 6 months to respond in Parliament to the findings and recommendations of the Inquiry's Report.

Timeline

The submission closing date is Monday, 31 August 2020.

RELATED DOCUMENTS

- Ordinary Darebin Council Meeting Minutes 18 May 2020
- Minutes of the Darebin Nature Trust Meeting 16 - 26 May 2020
- Breathing Space: Darebin's Open Space Strategy 2019

Attachments

- Submission to Parliamentary Inquiry into Ecosystem Decline (**Appendix A**)

DISCLOSURE OF INTEREST

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

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

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

Nil

9. NOTICES OF MOTION

9.1 FUTURE USE OF THE FORMER RESERVOIR POLICE STATION

Councillor: Gaetano GRECO

NoM No.: 486

Take notice that at the Council Meeting to be held on 17 August 2020, it is my intention to move:

'That Council receives a Council report before the 31 December 2020 on the future use of the former Reservoir Police Station. The report should consider the potential purchase or transfer of parts of the land not owned by Council and options on how the site could be used to further enhance the Edwardes Street Shopping precinct. In preparing the report Officers should seek the input the Reservoir Traders Associations.'

Rationale

Part of the land on which the old police station is situated is owned by Council while the other section is owned by the state government. The land is strategically situated in the Edwardes Street shopping strip and should be put to some future use to enhance the activity of the shopping strip rather than remaining dormant.

Notice Received: 27 July 2020

Notice Given to Councillors 10 August 2020

Date of Meeting: 17 August 2020

Attachments

Nil

9.2 OPTIONS TO UPGRADE THE OLD RESERVOIR LIBRARY BUILDING**Councillor: Gaetano GRECO****NoM No.: 487**

Take notice that at the Council Meeting to be held on 17 August 2020, it is my intention to move:

“That Council notes the old Reservoir Library building has remained idle for a number of years now and that Council receives a report before the 31 December 2020 on options to upgrade the building for use by community members, especially young people and local community artist.”

Rationale

While the old library building may have some defects the report should consider options on how the building could be economically restored and used for community benefit. Particular attention should be given to providing space to young people and local artist who are and will continue to face the brunt of the COVID-19 economic down turn expected in the coming years. Revitalising the old building will also help bring more interest and attention to the shopping precinct.

Notice Received: 27 July 2020**Notice Given to Councillors 10 August 2020****Date of Meeting: 17 August 2020****Attachments**

Nil

9.3 **ENGAGEMENT OF LOCAL ARTIST TO PAINT SLOGANS ON COUNCIL FOOTPATH NEAR MANTRA BELL****Councillor:** Gaetano GRECO**NoM No.:** 488

Take notice that at the Council Meeting to be held on 17 August 2020, it is my intention to move:

‘That Council receive a report on initiatives to raise community awareness of the detention of refugees in the Mantra Bell Hotel including the option to engage local artists to paint large bold slogans on the Council footpath around the Mantra Bell Hotel and in the street surface in Hotham Street in support of the men being held in prison like detention at the Mantra Bell Hotel.’

Rationale

Council needs to do more to raise community awareness concerning the plight of the men currently being held in virtual prison like detention, particularly given they are being held within the Darebin municipality which is a Refugee Welcome Zone. This idea is inspired by the Black Live Matter where city councils painted on their streets large signs in support of the Black Lives Matter movement.

Notice Received: 27 July 2020**Notice Given to Councillors** 10 August 2020**Date of Meeting:** 17 August 2020**Attachments**

Nil

9.4 100TH ANNIVERSARY OF THE OPENING OF EDWARDES PARK LAKE AND THE BOATHOUSE**Councillor: Gaetano GRECO****NoM No.: 489**

Take notice that at the Council Meeting to be held on 17 August 2020, it is my intention to move:

That Council:

- (1) *Notes Edwardes Park Lake was officially opened in 1920, a 100 years ago, after the land was accepted as a gift from the Thomas Dyer Edwardes on behalf of the citizens of Preston. Notes the current Boathouse was officially opened 50 years ago on the 10th October 1970 replacing the original wooden boathouse which was destroyed by fire.*
- (2) *Receives a Council report in November 2020 on options to mark the 100th anniversary of the opening of the lake park and the 50 year old boathouse. The report should take into consideration Covid-19 restrictions and appropriate means and timing of mark these two important anniversaries.'*

Rationale

Edwardes Lake Park is used by over 250,000 people a year making it one of the most popular park and lake areas in the north. Given it was established 100 years ago and that the current Boathouse was opened 50 years ago it is highly appropriate to mark the anniversary of these two major community assets.

Notice Received: 27 July 2020**Notice Given to Councillors 10 August 2020****Date of Meeting: 17 August 2020****Attachments**

Nil

**9.5 FUTURE BUDGET IMPACTS OF ANY INCREASES OR FALLS
IN DAREBIN COUNCIL'S WORKCOVER PREMIUMS****Councillor: Tim LAURENCE****NoM No.: 490**

Take notice that at the Council Meeting to be held on 17 August 2020, it is my intention to move:

'That Officers report back to Councillors before the 31 December 2020 with a report in relation to our past and current Council budget periods that details current trends and future budget impacts of any increases or falls in Darebin Council's WorkCover Premiums.'

Notice Received: 27 July 2020**Notice Given to Councillors 10 August 2020****Date of Meeting: 17 August 2020****Attachments**

Nil

10. URGENT BUSINESS

10.1 PROPOSED INTERVENTION BY THE MINISTER FOR PLANNING IN RELATION TO PUBLIC HOUSING PROJECTS IN RESERVOIR

Council has been advised by the Department of Environment, Land, Water and Planning (DELWP) that the Building Victoria's Recovery Taskforce (BVRT) is recommending that the Minister for Planning intervene in two recent planning application decisions made by Council in relation to DHHS, public housing projects at Nisbett and Clingin Streets Reservoir. The reason for the BVRT suggesting the Minister Planning Intervene follows a request from DHHS to remove a number of conditions on the proposed planning permits relating to ESD and landscape improvements.

Council has been asked to make a submission on this recommendation, officers are preparing an urgent report to enable a response to this recommendations that will be circulated prior to the next meeting

11. REPORTS OF STANDING COMMITTEES

Nil

12. RECORDS OF ASSEMBLIES OF COUNCILLORS

12.1 ASSEMBLIES OF COUNCILLORS HELD

Section 80A of the Local Government Act 1989 which outlined the requirements to be observed in respect to Assemblies ie

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

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

was repealed on the 1 May 2020 by the *Local Government Act 2020*.

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

Officers anticipate that the issue of public transparency and accountability in relation to forums involving Councillors previously defined as Assemblies of Councillors will be addressed in the Councils Governance Rules which must be adopted by the 1 September 2020.

Until the Governance Rules are developed and adopted by Council the 'regime' previously followed will continue in the interests of good governance.

An Assembly of Councillors record was kept for:

- Councillor Briefing – 27 July 2020
- Darebin Interfaith Council – 6 August 2020
- Councillor Briefing – 10 August 2020

Recommendation

That the record of the Assembly of Councillors held on 27 July and 6 & 10 August 2020 and attached as **Appendix A** to this report, be noted and incorporated in the minutes of this meeting.

Attachments

- Assembly of Councillors - 17 August 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

The Chief Executive Officer, has designated the following items to be confidential:

14.1 Level Crossing Removal Project Asset Management

This item is designated confidential because it is a contractual matter pursuant to Section 66 and of the Act.

14.2 Mantra Bell City Planning Permit

This item is designated confidential because it is a legal advice pursuant to Section 66 of the Act.

14.3 Contractual Matter

This item is designated confidential because it is a contractual matter pursuant to Section 66 of the Act.

CLOSE OF MEETING

Recommendation

That in accordance with section 66 of the *Local Government Act 2020*, Council resolves to close the meeting to members of the public to consider the items designated confidential by the Chief Executive Officer on the basis that these matters are confidential for the following reasons

14.1 Level Crossing Removal Project Asset Management

This item is confidential as it deals with information that would prejudice the Councils position in commercial negotiations if prematurely released

14.2 Mantra Bell City Planning Permit

This item is confidential as it deals with information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person

14.3 Contractual Matter

This item is confidential as it deals with information which if released would result in the unreasonable disclosure of information about any person or their personal affairs

RE-OPENING OF MEETING

Recommendation

That the meeting be re-opened to the members of the public.


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

 **National Relay Service**
relayservice.gov.au

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service.

 **Speak your language**
T 8470 8470

العربية	Italiano	Soomalil
繁體中文	Македонски	Español
Ελληνικά	नेपाली	اردو
हिंदी	பென்சீ	Tiếng Việt