



the place  
to live

# AGENDA OF THE SPECIAL COUNCIL MEETING

To be held on Monday 29 May 2023 at 6.00pm.

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

**This meeting is a scheduled hybrid meeting, at which both  
Councillors and members of the public may participate  
either in person or virtually.**

**This meeting will be livestreamed and may be accessed  
from Councils website [www.darebin.vic.gov.au](http://www.darebin.vic.gov.au).**



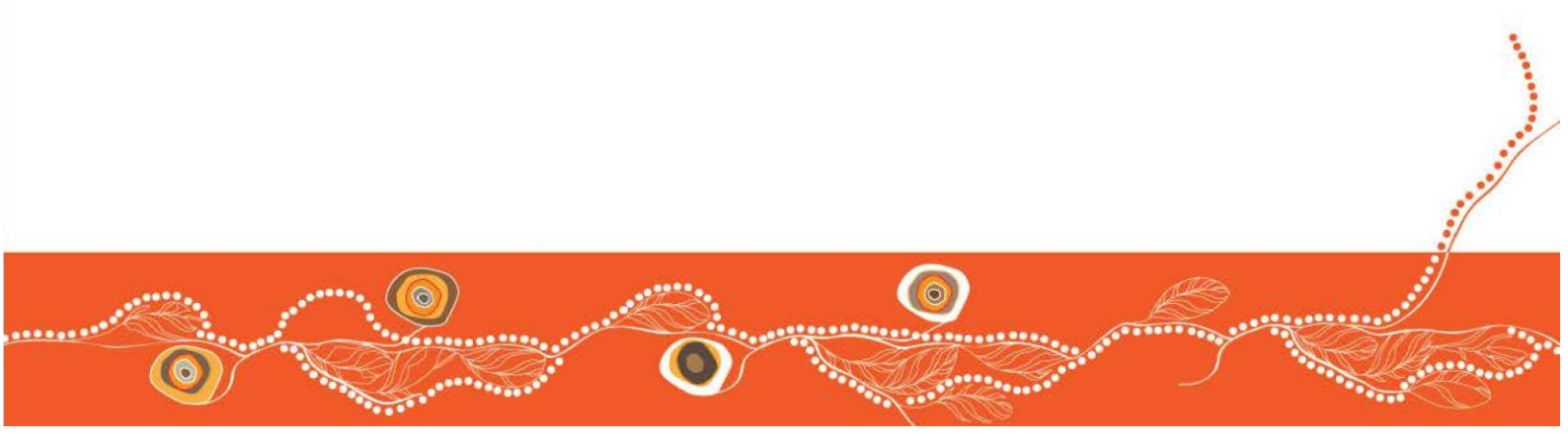
## **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN**

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.



(2)

### English

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

### Arabic

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

### Chinese

这些是市议会会议纪要。如需协助了解任何纪要项目，请致电8470 8888。

### Greek

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

### Hindi

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

### Italian

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

### Macedonian

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

### Nepali

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

### Punjabi

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

### Somali

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

### Spanish

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

### Urdu

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

### Vietnamese

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

---

# Table of Contents

---

<b>Item Number</b>		<b>Page Number</b>
<b>1.</b>	<b>OPENING OF MEETING AND MEMBERSHIP .....</b>	<b>1</b>
<b>2.</b>	<b>ACKNOWLEDGEMENT OF TRADITIONAL OWNERS.....</b>	<b>1</b>
<b>3.</b>	<b>APOLOGIES.....</b>	<b>1</b>
<b>4.</b>	<b>DISCLOSURES OF CONFLICTS OF INTEREST .....</b>	<b>1</b>
	<b>COUNCIL’S OCCUPATIONAL HEALTH AND SAFETY RESPONSIBILITIES.....</b>	<b>1</b>
<b>5.</b>	<b>CONSIDERATION OF REPORTS .....</b>	<b>2</b>
5.1	MUNICIPAL MONITOR REPORT AND DIRECTIONS FROM THE MINISTER FOR LOCAL GOVERNMENT .....	2
5.2	PARKING MANAGEMENT OPERATING PROCEDURES .....	52
5.3	GOVERNANCE REPORT MAY 2023 .....	73
5.4	PRESTON CITY OVAL CRICKET NETS .....	162
<b>6.</b>	<b>URGENT BUSINESS.....</b>	<b>180</b>
<b>7.</b>	<b>CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL .....</b>	<b>180</b>
<b>8.</b>	<b>CLOSE OF MEETING.....</b>	<b>180</b>

---



# Agenda

---

## **1. OPENING OF MEETING AND MEMBERSHIP**

Cr. Julie Williams (Mayor) (Chairperson)

Cr. Susanne Newton (Deputy Mayor)

Cr. Emily Dimitriadis

Cr. Gaetano Greco

Cr. Tom Hannan

Cr. Tim Laurence

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Susan Rennie

## **2. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

## **3. APOLOGIES**

## **4. DISCLOSURES OF CONFLICTS OF INTEREST**

## **COUNCIL'S OCCUPATIONAL HEALTH AND SAFETY RESPONSIBILITIES**

## 5. CONSIDERATION OF REPORTS

### 5.1 MUNICIPAL MONITOR REPORT AND DIRECTIONS FROM THE MINISTER FOR LOCAL GOVERNMENT

**Author:** General Manager, Governance and Engagement

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

---

#### EXECUTIVE SUMMARY

In a letter dated 7 April 2022, the former Minister for Local Government, the Hon Shaun Leane MP, informed Council that a municipal monitor would be appointed in accordance with section 179 of the *Local Government Act 2020*.

On 22 April 2022, the former Minister for Local Government appointed John Watson as Municipal Monitor for Darebin Council effective from that date and ending 31 January 2023 (approximately 9 months). An overview of the Terms of Reference is provided on p. 20 of **Appendix A**.

John Watson, appointed Municipal Monitor, attended Council meetings, Councillor briefings, Councillor only sessions, Good Governance sessions, CEO Employment Matters Committee meetings and Audit and Risk Committee meetings throughout the course of his term with Council.

On 7 February 2023, the Municipal Monitor submitted his report to the Minister for Local Government, the Hon. Melissa Horne MP (**Appendix A**).

On 21 April 2023, the Minister for Local Government, the Hon. Melissa Horne MP, provided Council with the report from the Municipal Monitor (**Appendix A**) accompanied by correspondence containing Governance Directions from the Minister in accordance with s175 of the *Local Government Act 2020*. The correspondence required response from Council no later than 24 April 2023 and outlined a series of actions requiring action from Council in the coming months with information to be provided within 4 weeks and 12 weeks in addition to quarterly reporting on Good Governance actions.

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

**That Council:**

- (1) Note on 22 April 2022 the former Minister for Local Government, the Hon. Shaun Leane MP, informed Council of the appointment of John Watson as Municipal Monitor and confirmed the terms of reference, effective from that date ending 31 January 2023.
- (2) Note the Terms of Reference for the appointment of the Municipal Monitor required a final report be provided to the Minister for Local Government after the end of the period of appointment, which outlined:
  - a. any steps or actions taken by the Council to improve its governance and the effectiveness of these steps and actions
  - b. any recommendations in relation to the exercise of any Ministerial power under the Act.

- (3) Note the Minister for Local Government, the Hon. Melissa Horne MP, provided Council a copy of the report prepared by John Watson, Municipal Monitor on 21 April 2023 (**Appendix A**) and that a copy of this report is available on the Local Government Victoria website.
- (4) Note the Minister for Local Government, the Hon. Melissa Horne MP provided Direction to Council on 21 April 2023 in accordance with section 175 of the *Local Government Act 2020* relating to Council's financial status and governance processes, directing Council to:
- a. Inform the Minister within 12 weeks how the council intends to address concerns raised by the Municipal Monitor about prioritising investment in information technology and suitable staff accommodation;
  - b. Provide the Minister with quarterly reports on the implementation of the Council's Good Governance Action Plan until the actions contained in the Plan are complete; and
  - c. Prepare and submit to the Minister within 4 weeks:
    - i. Financial statements in respect of the period 1 July 2022 to 31 December 2022;
    - ii. A detailed financial projection for the next 10 years of the Council's borrowing capacity and unrestricted cash; and
    - iii. An action plan on how Council proposes to address the financial sustainability issues contained in the report.
- (5) Note the Mayor was required to provide a response to the Minister for Local Government, the Hon. Melissa Horne MP, no later than 24 April. A response was provided confirming Council's intention to comply with the governance directions and confirming.
- (6) Note that Councillors have prepared an Action Plan in accordance with the Minister's governance direction, this Action Plan is due to be provided to the Minister on 18 May 2023 and will be published publicly as an Appendix to this report after submission.
- (7) Note the Minister for Local Government has confirmed they are considering options to implement the eight recommendations that have sector-wide implications through Local Government Victoria's future work program and legislative proposals and has noted one recommendation requires action from the Victorian Auditor-General and has provided a copy of the report to his effect.
- (8) Formally thank John Watson for his support to Council and Councillors during the term of his appointment as Municipal Monitor, through a letter from the Mayor.
- (9) Note the cost of the Municipal Monitor appointment to Council for the 1-2 days per week required during the term of appointment from 22 April 2022 to 31 January 2023 was \$100,958 incl. GST.
- (10) Note Minister Horne's Governance Direction and copy of the Municipal Monitor report was presented to Audit and Risk Committee at a special meeting on 10 May 2023.
- (11) Note the Audit and Risk Committee will receive status updates in relation to Minister Horne's governance Direction at their scheduled meetings.
-

**BACKGROUND / KEY INFORMATION**

On 14 January 2022, the former Minister for Local Government, the Hon. Shaun Leane MP wrote to the Darebin City Council regarding allegations that the Minister had received regarding perceived bullying and unacceptable Councillor conduct at Council.

All Councillors were provided a copy of this correspondence. In addition to discussions led by the Mayor with all Councillors, the concerns raised by the Minister were subject to discussion at the first Councillor Briefing of the year on 24 January 2022. This followed a meeting with the former Mayor, CEO and the former Minister for Local Government, the Hon. Shaun Leane MP, to discuss the concerns raised in the Minister's letter dated 14 January 2022.

On 23 February 2022, the former Mayor wrote to the Minister and confirmed that all Councillors had worked together to confirm they were united in their commitment to work together in the interests of best serving the community.

In a letter dated 7 April 2022 the former Minister for Local Government, the Hon Shaun Leane MP, informed Council of his intention to appoint a Municipal Monitor to assist Council with its implementation of improved governance practices and to develop a robust and transparent Chief Executive Officer recruitment process.

The Minister's powers relating to the appointment of Municipal Monitors and their powers are outlined in the *Local Government Act 2020*. An extract of the relevant sections is provided below.

**Division 3—Municipal Monitors****179 Municipal Monitor**

- (1) The Minister may appoint a person to be a Municipal Monitor to a Council.
- (2) The Minister must give the Council written notice of any appointment of a Municipal Monitor made to the Council under subsection (1) which specifies the amounts the Municipal Monitor is entitled to be paid and the terms of the appointment.
- (3) The Council must pay a Municipal Monitor the amounts specified in the notice under subsection (2).

**180 Functions of a Municipal Monitor**

A Municipal Monitor has the following functions—

- (a) to monitor Council governance processes and practices;
- (b) to advise the Council about governance improvements the Council should make;
- (c) to report to the Minister on any steps or actions taken by the Council to improve its governance and the effectiveness of those steps or actions;
- (d) to make recommendations to the Minister at the request of the Minister in relation to the exercise of any power under this Act or any other Act relating to governance matters in respect of the Council;
- (e) to investigate a matter referred to the Municipal Monitor by the Minister under section 225 and provide a report to the Minister;
- (f) to monitor and report to the Minister on any other matters determined by the Minister.

The former Minister for Local Government, the Hon. Shaun Leane MP appointed John Watson to be the Municipal Monitor for Darebin City Council on 22 April 2022 in accordance with section 179(1) of the *Local Government Act 2020*.

It is noted that the Hon. Melissa Horne MP was appointed the Minister for Local Government in June 2022.

### **Previous Council Resolution**

At its meeting held 26 April 2022, Council resolved (extract):

*That Council:*

- (1) *Notes the Governance Report – April 2022.*
- (6) *Notes the advice from the Minister for Local Government regarding the appointment of a Municipal Monitor'*

### **ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION**

Strategic Direction 1: Vibrant, Respectful and Connected

Strategic Direction 2: Prosperous, Liveable and Flourishing

Strategic Direction 3: Climate, Green and Sustainable

### **ALIGNMENT TO 2021-25 COUNCIL PLAN**

Strategic Direction 4 Responsible, Transparent and Responsive

### **DISCUSSION**

On 22 April 2022, the former Minister for Local Government, the Hon. Shaun Leane MP appointed John Watson as the Municipal Monitor for Council effective for a period effective from this date ending 31 January 2023.

The former Minister for Local Government informed Council that the role of the Municipal Monitor to the Council was to support the Council to address governance concerns raised with the Minister including:

- Alleged bullying, intimidation, and disrespectful behaviour between Councillors
- An overuse of meeting procedures resulting in the limiting of debate
- Alleged failures to comply with conflict of interest requirements
- Inadequate community engagement, and
- The processes used by the Council to appoint its ongoing Chief Executive Officer.

The former Minister for Local Government established Terms of Reference for the appointment of the Municipal Monitor, provided at **Appendix A – p.20**. The Terms of Reference (**Appendix A – p.20**) for the appointment of the Municipal Monitor required that a final report be provided to the Minister for Local Government within 7 days after the end of the period of appointment, which outlined:

- a. Any steps or actions taken by the Council to improve its governance and the effectiveness of this steps and actions
- b. Any recommendations in relation to the exercise of any Ministerial power under the Act.

It is noted that the Hon. Melissa Horne MP was appointed the Minister for Local Government in June 2022.

John Watson ended his term as Municipal Monitor on 31 January 2023.

A letter to the Mayor dated 20 April 2023, was received from the Minister for Local Government, the Hon. Melissa Horne MP, enclosing a copy of the report prepared by John Watson, Municipal Monitor dated 2 February 2023 (**Appendix A**). A copy was provided to the CEO.

### **Municipal Monitor Recommendations**

The report prepared by the Municipal Monitor to the Minister for Local Government (**Appendix A**) provided a number of findings and conclusions including, but not limited to:

- political and personal divisions between councillors are still present
- there was strong and robust debate, no bullying or intimidation by the chair or councillor was observed
- comments by some councillors towards or about staff and the organisation have been damaging and contrary to the Councillors Code of Conduct. A failure by other councillors to stand up for staff and the organisation was disappointing
- the council needs to give priority to securing the ongoing financial sustainability of the city
- the council needs to prioritise investment in information technology and suitable staff accommodation to ensure the capability to deliver necessary works and services for its community
- a range of findings relating to the Code of Conduct

The Municipal Monitors findings and conclusions led to recommendations, some of which require direct action by Council and some of which have sector wide implications for consideration by the Minister.

A copy of this report is available on the Local Government Victoria website.

In the written correspondence from the Minister for Local Government, the Hon. Melissa Horne MP, on 21 April 2023 the Minister provided Governance Direction to Council in accordance with section 175 of the *Local Government Act* in relation to the Council's financial status and governance processes, directing Council to:

- a. Inform the Minister within 12 weeks how the council intends to address concerns raised by the Municipal Monitor about prioritising investment in information technology and suitable staff accommodation;

- b. Provide the Minister with quarterly reports on the implementation of the Council's Good Governance Action Plan until the actions contained in the Plan are complete; and
- c. Prepare and submit to the Minister within 4 weeks:
  - i. Financial statements in respect of the period 1 July 2022 to 31 December 2022;
  - ii. A detailed financial projection for the next 10 years of the Council's borrowing capacity and unrestricted cash; and
  - iii. An action plan on how Council proposes to address the financial sustainability issues contained in the report.

The Minister's powers relating to Governance Directions and their powers are outlined in the *Local Government Act 2020*. An extract of the relevant sections is provided below.

### **Division 1—Governance directions**

#### **175 Minister may give direction**

- (1) The Minister may in writing direct the Council to amend, discontinue, replace or report on its governance processes and policies if—
  - (a) a person or body specified in subsection (2)(b) has advised the Minister that those governance processes and policies require improvement; and
  - (b) the Minister is satisfied that those governance processes and policies require improvement.
- (2) Without limiting the generality of subsection (1), the Minister may, in relation to any requirement that applies to a Council under this Act, direct the Council to do any or all of the following—
  - (a) adopt a good practice guideline issued by the Minister under section 87;
  - (b) adopt any recommendation made, or take any action recommended, by—
    - (i) a Municipal Monitor; or
    - (ii) the Chief Municipal Inspector; or
    - (iii) a Commission of Inquiry; or
    - (iv) the Ombudsman; or
    - (v) the IBAC.
- (3) If the Minister considers that it is necessary or appropriate in the public interest to do so, the Minister may, by a written direction, direct a Council to prepare and submit to the Minister within the period of 4 weeks after the direction is given to the Council—
  - (a) financial statements in respect of any part of the financial year as specified in the direction; and
  - (b) any other information relating to the financial status of the Council as specified in the direction.
- (4) Subject to subsection (5), the Minister may by a written direction, on the recommendation of a Municipal Monitor, the Chief Municipal Inspector, a Commission of Inquiry, the Ombudsman or the IBAC, direct a Council—
  - (a) not to employ a new Chief Executive Officer; or
  - (b) not to re-employ a Chief Executive Officer.

- (5) The Minister must not give a direction under subsection (4) unless the Minister is satisfied on reasonable grounds that the employment or re-employment of the Chief Executive Officer could result in—
- (a) a failure by the Council to provide good governance; or
  - (b) the Council acting unlawfully.
- (6) Any contract entered into by a Council or Chief Executive Officer in contravention of a written direction under subsection (4) is void.
- (7) A written direction under this section must be complied with.

#### **176 Failure to comply with written direction**

If the Council fails to comply with a written direction made under section 175, the Minister may take that failure to comply with the direction into account for the purposes of recommending the suspension of all the Councillors of the Council under this Act.

It should be noted that this report was prepared prior to the submission of the Action Plan and information required by the governance direction of the Minister for Local Government. In the interests of public transparency, the Action Plan will be published as an appendix to this report following its submission on 18 May 2023.

#### **Good Governance**

Prior to receiving the Minister Horne's written direction, Council has undertaken a series of development workshops, and implemented a range of policies. For example:

- Councillor Induction Refresher
- Working effectively together and conflict of interest
- Leadership and role of the Mayor
- Adopted a Councillor Occupational Health & Safety policy, and embedded Council's Occupational Health and Safety Responsibilities as a standard agenda item in Council meeting agenda
- Adopted a CEO Employment Matters Committee Charter that included OHS obligations for the Committee
- Developed a Community Complaints about a Councillor policy
- Adopted a Media and Social Media policy
- Dispute resolution training

### **CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES**

#### **Financial Management**

The total cost of the Municipal Monitor appointed by the Minister for Local Government for the term of appointment was \$100,958 incl. GST.



**Other Principles for consideration**

**Overarching Governance Principles and Supporting Principles**

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

**Public Transparency Principles**

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

**Strategic Planning Principles**

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

**Service Performance Principles**

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

**COUNCIL POLICY CONSIDERATIONS**

**Legal and Risk Implications**

In accordance with s179 and s180 of the *Local Government Act 2020*, the Minister for Local Government appointed John Watson as the Municipal Monitor for Darebin City Council on 22 April 2022.

In accordance with s175 of the *Local Government Act 2020*, the Minister for Local Government provided Governance Direction to Darebin City Council on 21 April 2023. In accordance with s176 of the *Local Government Act 2020*, if Council fails to comply with a written direction made under section 175, the Minister may take that failure to comply with the direction into account for the purposes of recommending the suspension of all the Councillors of the Council under this Act.

**IMPLEMENTATION ACTIONS**



- 18 May 2023                      Prepared and submitted to the Minister:
  - Financial statements in respect of the period 1 July 2022 to 31 December 2022;
  - A detailed financial projection for the next 10 years of the Council’s borrowing capacity and unrestricted cash; and
  - An action plan on how Council proposes to address the financial sustainability issues contained in the report.
- 13 July 2023                      Inform the Minister how the council intends to address concerns raised by the Municipal Monitor about prioritising investment in information technology and suitable staff accommodation.

- |                 |  |
|-----------------|--|
| 13 July 2023    | Provide the Minister with a quarterly report on the implementation of the Council's Good Governance Action Plan (unless all actions complete). |
| 13 October 2023 | Provide the Minister with a quarterly report on the implementation of the Council's Good Governance Action Plan (unless all actions complete). |

## RELATED DOCUMENTS

- Local Government Act 2020
- Councillor Code of Conduct
- Governance Rules

## Attachments

- Darebin Municipal Monitor Report to the Minister for Local Government (**Appendix A**)  
[↓](#) 
- Actions taken toward financial sustainability (**Appendix B**) [↓](#) 

## DISCLOSURE OF INTEREST

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

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

OFFICIAL: Sensitive

# Municipal Monitor appointed to Darebin City Council

## Report to the Minister for Local Government

### 1 Background

#### 1.1 Appointment

On 22 April 2022 the Minister for Local Government appointed me, John Watson as the Municipal Monitor to the Darebin City Council with Terms of Reference (Appendix 1) for a nine-month period ending 31 January 2023.

The Minister described the appointment as being in response to governance concerns raised with the Minister including:

- alleged bullying, intimidation, and disrespectful behaviour between councillors
- an overuse of meeting procedures resulting in a limiting of debate
- alleged failures to comply with conflict-of-interest requirements
- inadequate community engagement, and
- the processes used by the council to appoint its ongoing Chief Executive Officer

#### 1.2 Minister for Local Government's Letter to the Council

On 14 January 2022 the Minister for Local Government wrote to the Darebin City Council (Appendix 2) about correspondence received by the Minister regarding allegations of perceived bullying and unacceptable councillor conduct at the council. The Minister expressed concern that the matters raised may indicate a potential risk to good governance and cited concerns including –

- bullying, intimidation, and disrespectful behaviour between councillors
- an overuse of meeting procedures resulting in a limiting of debate, and
- general governance concerns, such as:
  - alleged failures to comply with conflict-of-interest requirements, and
  - inadequate community engagement

**The Minister requested that the council provide a written response to reassure the Minister that the council is committed to good governance and working together in the best interests of its community.** The Minister asked that the council respond by no later than Monday 28 February 2022 to specifically outline the actions it is taking to address the concerns.

#### 1.3 Council's Letter to the Minister for Local Government

On 23 February 2022 the mayor wrote responding to the Minister (Appendix 3) advising that a Good Governance Action Plan had been prepared in collaboration with all councillors, to support council's professional development and to promote and maintain a healthy and dynamic councillor environment on an ongoing basis. **The letter described the Good Governance Action Plan as a demonstration of the commitment of each councillor to working together in the interests of the community and leading excellence in governance for the remainder of the term.**

#### 1.4 Media Release by Councillors Laurence, Williams, Greco and Dimitriadis

The four councillors issued a media release (Appendix 4) headed 'On TUESDAY 29/3/22 THE GREENS RULING BLOC REJECTED THE CHANCE TO HEAL OUR DIVIDED COUNCIL!'. The release claimed many of the 9 elected councillors were locked out of the CEO Employment Matters Committee that would be short listing for the new CEO.

## 2 Darebin City Council – Some History and Context

### 2.1 Formation of the City

The Darebin City Council was formed out of Victorian local government amalgamations in 1994 with the merger of most of the former cities of Northcote and Preston, with the transfer of the portion of the City of Northcote south of Heidelberg Road to the Yarra City Council and minor adjustments with the former Cities of Coburg, Heidelberg, and the Shire of Diamond Valley.

### 2.2 History of Intervention

- **December 1996** – The Minister for Local Government announced a Commission of Inquiry into various matters relating to the affairs of the Council.
- **13 June 1997** – Governor in Council Order suspended the Councillors and appointed an administrator.
- **19 May 1998** – Local Government Act (Darebin City Council) Act 1998 dismissed the Councillors and continued the administrator and set the date of the next council election for 12 September 1998.
- **August 2013** – The Ombudsman annual Report tabled in Victorian Parliament recommended the state government monitor the council to ensure bad behaviour did not recur.
- **January 2014** – Municipal Monitor appointed to Darebin City Council to observe the council, identify any governance issues and work closely with the council to improve governance practices.
- **May 2015** – Further report to the Minister for Local Government by the Municipal Monitor.
- **25 June 2015** - Two Special Inspectors appointed by the Minister for Local Government to work with the council on a short-term basis.
- **20 November 2015** – Final Report to the Minister for Local Government by Inspectors of Municipal Administration.
- **December 2015** – Council agreed to undertake a series of reforms designed to bolster community confidence in the Council's governance and decision-making processes.
- **14 January 2022** – Minister for Local Government letter to council expressing concern about potential risk to good governance and asking for written response.
- **23 February 2022** – Council letter to the Minister for Local Government setting out at length all councillors' commitment to a Good Governance Action Plan.
- **22 April 2022** – Municipal Monitor appointed to Darebin City Council to monitor the governance processes and practices of the council.
- **14 November 2022** – Code of Conduct Arbitrator's report tabled at council requiring Cr Laurence to be suspended for two weeks and to make a public apology.

### 2.3 The Council's Electoral Arrangements

Prior to the 2020 council elections, there were nine councillors elected from three uniform multi member wards.

At the 2020 council elections, nine councillors were elected from nine single member wards. (Map – Appendix 5).

OFFICIAL SENSITIVE

## 2.4 The Current Councillors

Name	Ward name	Elected terms	Terms as Mayor and Deputy Mayor
Emily Dimitriadis	South East	2020-2024.	Not applicable.
Gaetano Greco	North East	2008-2012, 2012-2016, 2016-2020, 2020-2024.	Mayor: 2013 – 2014. Deputy Mayor: 2012-2013, 2017 and 2020-2021.
Tom Hannan	South	2020 - 2024.	Not applicable.
Tim Laurence	East	1996–1998, 1998-2002, 2008–2012, 2012-2016, 2016-2020, 2020-2024	Mayor: 2000-2001 and 2012-2013.
Trent McCarthy	South West	2008-2012, 2012-2016, 2016-2020, 2020-2024.	Deputy Mayor: 2021 – 2022.
Lina Messina	Central	2016-2020, 2020-2024	Mayor: 2020-2021, 2021-2022. Deputy Mayor: 2017-2018.
Susanne Newton	West	2016-2020, 2020-2024	Deputy Mayor: 2018-2019, 2019-2020 and 2022-2023.
Susan Rennie	South Central	2016-2020, 2020-2024	Mayor: 2018-2019 and 2019-2020.
Julie Williams	North Central	2012-2016, 2016-2020, 2020-2024	Mayor: 2022-2023. Deputy Mayor: 2013-2014.

## 2.5 Recent Council Mayoral Elections

2020 – 2021 Cr Lina Messina  
 2021 – 2022 Cr Lina Messina  
 2022 – 2023 Cr Julie Williams \*

The 2020-2021 and 2021-2022 Mayoral elections were each the result of different divisions of the council based broadly on political affiliations which in my opinion over those two years caused added difficulties in the functioning of the council. The 2022-2023 mayoral election was a unanimous decision arrived at after very difficult discussions between councillors and advice from myself ahead of the council meeting that there needed to be a clear decision and that all councillors then support whoever was elected.

## 3 Monitoring activities

### 3.1 The First Council Meeting

I first attended the council for the council meeting held on 26 April 2022. The meeting with a relatively small agenda to consider, commenced at 6.00 PM and ended over five hours later. The meeting was disorderly and punctuated by almost constant Points of Order and meeting procedure which were time consuming and without proper foundation or basis. There were also some allegations of conflict of interest by some councillors against other councillors. In my opinion the overuse of meeting procedure, seriously interfered with orderly debate. In my opinion councillors openly demonstrated a lack of respect for each other and the chair. It was also apparent in my opinion that there was a lack of trust between councillors. I was surprised when subsequently advised that it had been a better meeting than prior meetings. In my opinion it was one of the most difficult meetings I had witnessed in over 50 years involved in local government.

OFFICIAL - Sensitive

Also, in my opinion, the presence of a Municipal Monitor had little or no influence on councillor behaviour in the meeting.

### 3.2 Meeting with Each Councillor

I subsequently met one on one with each councillor during which I discussed my terms of reference. I also used the meetings to provide advice to each councillor relating to the council meeting I had attended.

### 3.3 Early Advice Provided to each Councillor Individually and Subsequently to All Councillors as a Group

- The need to respect the chair and each other
- To cease raising pointless and time-wasting and often 'Tit for Tat' like Points of Order
- To stop making public allegations against other councillors accusing them of acting with a conflict of interest

I also provided more basic advice to improve meeting arrangements and process to help save time.

### 3.4 Message to All Staff and Meetings with Staff

Early in my term as Municipal Monitor I emailed all staff advising them about my role and providing a copy of my Terms of Reference. I offered an open invitation for staff to contact me for a confidential discussion if they had any concerns about councillor behaviour and in particular any concerns about councillor interactions with staff and the health and safety of staff.

In response a small number of staff came forward. I also met with the Interim and then Acting CEO and senior council officers. A variety of concerns were expressed including the following direct quotes:

- 'Stress suffered when attending councillor briefing sessions, caused by the manner in which some councillors asked questions and intimidated staff'
- 'Some staff have required well-being assistance following interactions with councillors'
- 'General Managers being preoccupied with the needs of councillors'
- 'Reputation of Darebin is poor, and retention and recruitment of staff is made difficult'
- 'Computer systems need investment – Staff are stressed due to systems and processes not linked/talking to each other'
- 'Cascading issues down through organisation starting at the council level'
- 'Organisation at risk of collapsing'
- 'Many acting positions'
- 'Incident when a Councillor asked dismissive questions about staff consultation in the council chamber'
- 'Issues around personal information the council requires to be gathered to count community members involved in consultations – concern expressed by a consultant that the requirement for such information to be provided may be contrary to federal law'
- 'Councillors don't use briefing sessions properly to explore and ask questions about the matters being presented by staff'
- 'Projects that have taken many months of consultant costs – feel councillors don't fully understand and decisions sometimes follow views expressed to councillors by small numbers in community'
- 'Planning scheme audit overdue and council needs to make decisions'
- 'Problem of councillor amendments at last moment on complex planning matters – no time for officers at meetings to check properly and some decisions can't be implemented'

OFFICIAL - Sensitive

- 'Many senior staff leaving because of attacks in the council chamber'
- 'When you see the councillors fighting it's difficult for staff'
- 'Council has poor reputation around governance'
- 'Work done on some projects and then abandoned'
- 'Unsatisfactory process of the mayor being required to deal with resident complaints about councillors'
- 'Council asks for things that can't be delivered'
- 'Some staff have had enough and left Darebin'

I also met with the former Chief Executive Officer who is now the Chief Executive Officer at the Yarra City Council.

During my term I met regularly with the Mayor Councillor Lina Messina, the acting and later confirmed interim Chief Executive Officer Rachel Ollivier and following his appointment with the new Chief Executive Officer Peter Smith.

### 3.5 Feedback and Advice to Councillors

During my time as Municipal Monitor, I offered to provide advice and feedback to councillors individually. Several councillors took up the offer.

On other occasions, including leading up to and after the election of the new mayor in December 2022, I had councillors come to me distressed and sometimes in tears about the way they had or were being treated by some of their colleagues.

This was very clear evidence in my opinion that despite the councillors attempts to demonstrate outwardly all was well and they were working as one, they were not, and ill feelings and lack of trust towards one another were still very much present. On occasions my role necessitated being more akin to that of a counsellor to individual councillors rather than the role of Municipal Monitor to which I had been appointed.

## 4 Addressing the Terms of Reference (ToR)

### 4.1 Governance Processes and Practices of the Council with Regard to the Council's Councillor Code of Conduct (ToR 1a)

The council has a well-developed and comprehensive Code of Conduct to guide councillors in a range of matters including:

- Values
- Roles and Responsibilities
- Conflict of Interest
- Statutory Decision Making and Enforcement Responsibilities
- Fraud and Corruption
- Communication
- Standards of Conduct – which includes –
  - Treatment of Others
  - Compliance with Good Governance Measures
  - Working with CEO and Staff
- Children and Young People
- Fitness for Duty
- Use of Council Resources
- Gifts and Hospitality
- Occupational Health and Safety –
  - Sexual Harassment
  - Bullying, Vilification and Victimisation



OFFICIAL - Sensitive

- Dispute Resolution Procedures for Alleged Contravention of the Code (other than Standards of Conduct) – which includes –
  - Internal Inquiry Process
- Application During Election Period
- Relevant Legislation and Policies

The Code provides a good framework and guide for all the councillors to clearly understand how to behave or respond in a variety of circumstances. I formed the opinion that if all the councillors took the time to read, understand and genuinely commit to the code that they have adopted for themselves, then **there should be no excuse for poor behaviour or acting contrary to the code**. There are however weaknesses in the current Councillor Code of Conduct arrangements which I discuss in more detail under 4.4.

During the period April 2022 to December 2022, I was advised there were fifteen separate formal Code of Conduct applications for internal arbitration by councillors against each. Most applications were comprised of multiple, and in most cases many separate complaints with some complaints dating back to before the 2020 council elections. By December 2022, several of the applications had either been rejected, withdrawn or had been heard and either had a decision or a decision was pending. In addition, I was advised that there were a further eight applications that had lapsed prior to April 2022 in the term of the current council.

In my opinion a culture had developed and had become entrenched within the councillor group so that immediate escalation to a formal internal arbitration application had become the first course of action rather than a process of last resort.

After a general discussion with the Principal Councillor Conduct Registrar at Local Government Victoria, I approached councillors that had initiated current code applications to ask them to consider withdrawing their applications in the interest of improving relationships between councillors and to help create a better environment ahead of the commencement of a new Chief Executive Officer.

Disappointingly, such was the level of feeling between councillors, that only two councillors with reciprocal applications between them agreed to withdraw those two complaints at that time.

Subsequently however and very late in my term as Monitor, a further five actions were withdrawn.

Of real concern was the failure of several councillors to confirm a clear recommitment to the Councillors Code of Conduct during a session on 14 October. This is further discussed under 4.7.

I formed the view that all councils (not just Darebin) would be better served by a consistent Code of Conduct which includes internal council mechanisms for resolving allegations of breaches of the Code of Conduct and allegations of misconduct or serious misconduct under the Act, that councillors must participate in before an application can be made under the Councillor Conduct framework in the Act.

Refer to 4.4 for further discussion on the subject of Councillor Codes of Conduct.



OFFICIAL SENSITIVE

## **4.2 The Council's Meeting Procedures and Decision Making, including Councillor Attendance and Conduct at Council Briefings, the Adequacy of the Council's Governance Rules and Councillor Adherence to the Governance Rules (ToR 1b)**

### **4.2.1 The Adequacy of Council's Governance Rules**

The council has a well-developed and comprehensive set of Governance Rules to guide councillors. The Rules were revised during 2022 to include new provisions relating to the conduct of virtual meetings.

I took the opportunity to suggest a number of changes to further improve the council's Governance Rules, all of which were accepted.

I formed the opinion that the problem was not with the Governance Rules but with misuse of the rules such as the overuse of points of order and meeting procedure prior to and when I first arrived.

### **4.2.2 Meeting Procedure, Conduct at Council Meetings and Decision Making**

As indicated earlier, the first council meeting I attended as Municipal Monitor had a small agenda, lasted over five hours, and was constantly punctuated and delayed by baseless points of order. It was in my opinion an example of a poor decision-making process.

After giving advice to councillors, individually and together, subsequent council meetings were for the most part better run with only occasional lapses into points of order and meeting procedures being raised. The absence of an overuse of meeting procedures enabled more fulsome debate.

It also became apparent over time, that the presence of a Municipal Monitor had a positive influence on councillors' behaviour.

For most matters coming before the council, the council is able to reach a unanimous decision. There have however been a small number of matters where the council has been deeply divided. These matters have notably included –

- The future use of the Northcote Golf Course
- If, when and to what extent the Reservoir Leisure Centre should be redeveloped

Even on some lesser matters however, the council sometimes really struggles to reach a final agreed position. There is a culture of multiple and quite often complex amendments being proposed in meetings. This results in a risk of decisions that can be open to different interpretations as to what they mean.

With this in mind, I suggested, and it was agreed by the council in the review of its Governance Rules to include that if a motion is unclear in its intent or may be subject to misinterpretation, the Chairperson must lay the motion on the table until the next Council Meeting when advice will be provided by the Chief Executive Officer as to the meaning of the motion as worded.

Notwithstanding this provision in the Governance Rules, I continued to observe what in my opinion were clumsy decision-making processes often still involving multiple amendments to officer recommendations and creating potential for uncertainty in interpretation of the resolution.

An example was the decision-making process at the council meeting on 19 December 2022. This was the first council meeting chaired by the new mayor and the last scheduled meeting where I would be present as Monitor.

OFFICIAL - Sensitive

It was a relatively small agenda but included two important good governance matters.

The first was a report including the review of Darebin's Community Engagement Policy, particularly about the collection of personal information. In February 2021 the council had adopted a new Community Engagement Policy **in which the council had added a requirement that participants provide personal information such a name (email address or postal address) and postcode.**

The report advised the council that **implementation of the personal information collection requirement had caused a significant impact on engagements undertaken and had raised a range of issues.** Officers reported **it was a barrier to participation. On average, one fifth of engagement participants choose not to participate because of the personal information collection requirement,** automatically excluding these individuals from participating in council engagement. The report further explained that the barrier to participation is increased when engaging with culturally and linguistically diverse community members. In developing the Multicultural Communications and Engagement Toolkit, one of the key pieces of feedback was the discomfort with providing personal information as a condition of the engagement process. There had been numerous examples since the adoption of the policy where CALD community groups declined requests.

In light of recent cyber-attacks, the demonstrated barrier to participation and privacy law implications, the report recommended that Darebin Council remove the requirement and instead only collect postcode.

In my opinion some councillors were uncomfortable with the recommendation and a process of in my opinion confusing amendments followed aimed at seeking to include collection of the same information from engagement participants on a voluntary basis. What should have been simple became complicated and included several meeting adjournments whilst councillors tried without success to make sense of it.

Despite the situation being an obvious candidate for laying it on the table pending clarification advice, it was not considered or utilised until I suggested it during one of the adjournments. Finally, after much wasted time the motion was laid on the table and the meeting was able to progress.

However only two agenda items later a similar situation developed when consideration of a report recommending that council –

- 1) Adopt and commits to a Councillor Media & Social Media Policy
- 2) Adopt and commits to a Councillor Occupational Health & Safety Policy, and
- 3) Adopt and commits to a Councillor Interaction Protocol.

An amendment was moved and seconded, to amongst other things, remove the word 'criticism' in two places in the Councillor Media & Social Media Policy which would have had the effect of appearing to allow councillors to be openly critical of staff and the organisation, and make the policy contradict the Councillors Code of Conduct. The debate again quickly deteriorated into confusion with several unsuccessful adjournment breaks to sort it out until finally a motion to lay it on the table for clarification by the CEO at a subsequent meeting was moved and carried.

In my appointment, the Minister referred to concerns of alleged bullying and intimidation between councillors. Whilst there were suggestions of bullying behaviour by the chair in meetings, I did not observe behaviour by either the Chair or councillors that I could describe as bullying and intimidation. What I did observe was quite robust debate on occasions and both Mayors Messina and Williams, needing to ask a councillor to lower their tone when

OFFICIAL - Sensitive

addressing a council meeting. In my opinion the call by the mayors was quite appropriate in the circumstances.

Quite separate to the question of was there bullying by councillors, there was an instance where there was what might be described as a 'campaign' of bullying of one councillor by members of the public using social media posts. The councillor had in a council meeting debate, quoted from a report in relation to the Reservoir leisure Centre which had triggered the community response. In my opinion it was a missed opportunity for some other councillors to demonstrate support for their colleague, even though they sat on the other side of the matter debated in the chamber.

#### 4.2.3 Councillor Attendance

Appendix 6 shows the attendance of each councillor at Ordinary Council meetings, Special Council Meetings, Planning Committee meetings, Submission Hearings, Councillor Briefing sessions, Governance Training and Good Governance Action Plan sessions during the period 23 November 2020 to December 2022.

**Not reflected in Appendix 6, was one Good Governance Action Plan session that disappointingly had to be abandoned on the day it was due to be held because of lack of attendance by most councillors.**

A low attendance record by some councillors is attributable in part to work requirements, health issues, parental leave, and approved Leave of Absence.

**Attendance at councillor briefing sessions was particularly low for some councillors.**

This pattern did not change, and I observed on several occasions, the mayor offering to try to find a better time for the sessions but without the offer being taken up.

**This was very disappointing as it is in the briefing sessions that councillors have the best opportunity to explore and ask questions about matters that will come before the council for decision.**

**Also of disappointment was the level of attendance at Good Governance Action Plan sessions.** Although the sessions were recorded for the benefit of councillors who had not attended in person, I am not confident about the level of take-up of this option. **This is even more disappointing given the very clear undertakings and commitment expressed on behalf of all councillors in the mayor's letter of 23 February 2022 to the Minister for Local Government describing the Good Governance Action Plan.**

I also noted that the council failed to provide a six-month report to the Minister on the implementation of the Good Governance Action Plan despite an undertaking to the Minister that it would provide one.

I noted and concurred with the following commentary included in the June 2022 Municipal Monitors Report on the Governance of the City of Yarra:

*'Councillors have an obligation under the Local Government Act to ensure that they understand the issues on which they are making decisions and that these decisions are made in the interests of the whole community. Many of the matters considered by Council are technically complex and/or ones on which there are a variety of views in the community. With the best will in the world, without discussions between themselves and with officers it is unlikely that the best decisions are made in the interest of the community.'*

Given the importance Councillor Briefing Sessions now play in the way in which councillors in Victorian Local Governments gain information to properly inform their formal decision making, it is notable that the Local Government Act 2020 provides no recognition or guidance for the operation or conduct of them. The Darebin Governance Rules only provide

OFFICIAL - Sensitive

for Ordinary and Special council meeting whilst the Local Government Act 2020 makes no such distinction and only provides for Council meetings.

It is common practice amongst councils to distinguish between normally scheduled council meetings as 'ordinary' council meetings and unscheduled or extra council meetings as 'special' council meetings. 'Ordinary' council meetings would be expected to attract a great public awareness and scrutiny whereas 'special' council meetings sometimes called at very short notice, may not attract the same public attention. Where legislation requires certain matters to be tabled at the next council meeting such as is the case with an Arbiters decision and statement of reasons, I consider that it should be tabled at the next 'ordinary' council meeting rather than a 'special' council meeting.

These are perhaps areas where Local Government Victoria could provide guidance to Victorian Local Governments. Also, as a lot of the material provided and discussed at Councillor Briefing meetings is sensitive and not all is subsequently made public, Local Government Victoria could also provide guidance to councils on how councils may maintain the confidentiality of information provided to and discussed at Councillor Briefing meetings, including where this information does not meet the definition of confidential information under the Local Government Act 2020.

#### **4.3 The Council's Policies and Processes related to the Appointment of an ongoing Chief Executive Officer, including the Council's CEO Employment Matters Committee (ToR 1c)**

Part of the background to my appointment as Municipal Monitor to the Darebin City Council was the conduct of a special council meeting on 14 April 2022 where one of two agenda items was the composition of the CEO Employment Matters Committee and processes to support the committee and proposed CEO recruitment process. Eight councillors were present with Councillor Newton recorded as an apology.

A motion was moved and seconded which in part provided –

*'2) Endorse the appointment of 7 Councillors to the CEO Employment Matters Committee (Cr's Dimitriadis, Greco, Laurence, McCarthy, Hannan, Rennie and Messina) for the duration of the recruitment of the CEO up to confirmation of appointment, acknowledging that Cr's Newton and Williams indicated at the March Council meeting they did not wish to be members of the Committee.*

*3) Note that further to the above composition, Council provide the opportunity for Cr's Williams and Newton to reconsider their interest in being part of the CEO Employment Matters Committee at any point throughout the process.'*

An amendment to remove 'for the duration of the recruitment of the CEO up to confirmation of appointment' from part 2) was lost on the casting vote of the Chair.

A further amendment for the whole of the motion to be –

*'That Council calls for a report to the next Council meeting to outline the framework for the recruitment of the CEO as endorsed by the CEO Employment Matters Committee, summarising the functions of the CEO Employment Matters Committee, the inclusion of all Councillors throughout the process and the decisions to be made by Council'*

was accepted by the original mover and seconder and became the substantive motion but before it could be put to a vote, the council minutes record that Councillors Dimitriadis, Greco, Laurence and Williams progressively **left the meeting thereby denying the ability to maintain a quorum and the meeting at that point failed.**

OFFICIAL - Sensitive

The undisposed business was listed for the next council meeting held on 26 April 2022 which was also the first meeting I attended as the Municipal Monitor. The matter was voted on and carried with the apparently controversial parts being settled as follows –

*'2) Endorse the appointment of 8 Councillors to the CEO Employment Matters Committee (Cr's Dimitriadis, Greco, Laurence, McCarthy, Hannan, Rennie, Williams and Messina) for the duration of the recruitment of the CEO up to confirmation of appointment, acknowledging that Cr Newton indicated at the March Council meeting she did not wish to be a member of the Committee.*

*3) Note that further to the above composition, Council provide the opportunity for Cr Newton to reconsider their interest in being part of the CEO Employment Matters Committee at any point throughout the process.'*

As Municipal Monitor I subsequently sat in on all meetings and deliberations of the CEO Employment Matters Committee other than the actual interviews of candidates for initially the selection of the Interim CEO and subsequently for the recruitment of the new CEO. On a number of occasions, the independent chair of the committee and myself needed to assist the councillors by providing advice about their responsibilities and the importance of choosing a CEO for Darebin now who should have the experience and strength to advise and guide the council in dealing with the difficult circumstances the council was in. The Committee needed to be refocussed several times.

Even when the recommendation from the committee came to the council for the final appointment decision, I found it necessary to intervene and again refocus the council on the importance of a unanimous decision and a preparedness by all councillors to support the new CEO.

#### **4.4 The Council's Policies, Processes, and Practices in relation to the Health and Safety of Councillors and Council Staff (ToR 1d)**

The Councillors Code of Conduct includes very specific provisions –

- Councillors commit to behaving courteously and respectfully in their dealing with Council staff, protecting their professional integrity and ensuring that neither offence nor embarrassment is caused when considering advice or recommendations.
- Councillors will not be publicly critical of the organisation
- Advise the CEO in a timely fashion of any concerns that a Council officer has acted contrary to a Council policy or decision, noting that any discussion pertaining to the performance of a Council officer must be held privately with the CEO in a constructive manner.

Unfortunately, several councillors despite the councillor group being advised not to on a number of occasions continued during the period of monitoring to allege systemic discrimination within the organisation.

Also, during the same period another councillor in my opinion inappropriately addressed or questioned staff causing unnecessary distress.

On another occasion video footage of an officer answering a question in a planning meeting was in my opinion inappropriately used on several social media platforms with wording that distorted the context and resulted in the officer suffering stress and leaving the organisation.

The social media postings were only removed after intervention by the interim CEO, and me as Monitor not once but twice to insist the posting on different platforms be removed. I formed the opinion that such comments and actions have caused considerable damage to the organisation and have contributed to staff stress, staff leaving and Darebin's reputation



OFFICIAL - Sensitive

as an employer also being damaged and making recruitment even more difficult in what was already a hard recruitment market.

I am also of the opinion that councillors who witnessed other councillors criticising the organisation and staff could have done more to challenge the offending behaviour by their councillor colleagues.

Having said other councillors could have done more, the problem in my mind exposes a weakness in the concept of the Councillors Code of Conduct. That weakness being that unless the matter relates to the types of misconduct defined under the Councillor Conduct framework in the Act, the only action available is the council's own internal process which if a councillor chooses not to participate in, lapses and has no consequences.

As all councils have been required by the Local Government Act 2020 to prepare and adopt a Councillors Code of Conduct, which must include the Standards of Conduct, for which there are legislated process for misconduct and serious misconduct, it raises the question, what really is the value of anything else a council puts into its code other than a token commitment without enforceable accountability.

Bad conduct is bad conduct wherever it might occur so I believe it is difficult to argue that the expectations for Councillor behaviour should be different in one municipality versus another depending on the individual councils' Councillors Code of Conduct. The Standards of Conduct go some way toward achieving consistency, but then each council is left to build its own Councillors Code of Conduct around them with different variations which at the end of the day may be unenforceable. I have therefore formed the view that the sector would be better served by a consistent Councillors Code of Conduct and one where even the 'lesser' problems or issues have a clear and consistent process that can lead to a meaningful outcome. These lesser issues could be still subject to a local facilitation process, but all done under the same rules. Based on my observations at Darebin, the fact that a councillor may choose not to participate in an internal arbitration process can result in the process being abandoned, is not satisfactory.

#### **4.5 The Council's Policies, Processes, and Practices related to the Management of Conflicts of Interest (ToR 1e)**

As Municipal Monitor I only observed a handful of occasions when councillors declared a conflict of interest. I had no evidence or reason to think that councillors failed to declare conflicts of interest.

I formed the opinion that the problem around conflict of interest at Darebin was the way some councillors in meetings and some people in the community on social media had made allegations that certain councillors had participated in a decision or taken some action in relation to a matter in which they had a conflict of interest.

As Monitor I advised all councillors individually and as a group of the risk of making such allegations. I advised them that the responsibility for deciding whether a conflict of interest should be declared, rests solely with the individual councillor.

If another person is concerned that a councillor has contravened the conflict-of-interest requirements under the Local Government Act 2020, then that person should report their concern to the Local Government Inspectorate.

Publicly alleging a councillor has a conflict of interest is a serious matter and runs the risk of a potentially very expensive defamation action against the person making the allegation. It was very noticeable that such allegations by councillors and by others on social media ceased after my giving this advice.

OFFICIAL - Sensitive

#### 4.6 Adequacy of Council's Community Engagement Policies, Processes, and Practices (ToR 1f)

In February 2021 the council adopted a new Community Engagement Policy. The policy was comprehensive and should have served the city well. **Unfortunately, in adopting the policy the council had added a requirement that participants be required to provide personal information such a name (email address or postal address) as well as postcode.**

On 19 December 2022 a report advised the council that **implementation of the personal information collection requirement had caused a significant impact on engagements undertaken and had raised a range of issues.** Officers reported **it was a barrier to participation.**

Regrettably as discussed in more detail under 4.2.2 the council failed to cleanly amend the policy and it is currently laid on the table for further advice and clarification in early 2023. I formed the opinion that notwithstanding the current council imposed 'personal information' flaw in the policy, officers have applied the policy as best that they can when undertaking community engagement.

#### 4.7 The Council's Policies and Practices that manage the interactions between Councillors and Council staff and Contractors, and compliance with those Policies and Practices (ToR 1g)

The relationship between councillors and staff has been explained to councillors a number of times including by the CEO and the Monitor to the extent that no councillor could claim ignorance. It is very clear in the Councillors Code of Conduct that if a councillor is concerned about or has a complaint about any council staff or the organisation, then they should raise the matter privately with the CEO.

Despite this clarity and numerous reminders, I continued to observe some councillors making allegations of systemic organisational discrimination. Another councillor was observed directing what were in my opinion critical comments and questions towards staff in meetings. Shortly after the commencement of the new Chief Executive Officer, he together with myself addressed a session with all councillors on 14 October 2022. The CEO used the opportunity to explain to councillors very clearly, his legal obligations and responsibilities for the staff within the organisation. He also made it very clear to the councillors that they must not criticize the staff or the organisation and that if a councillor has a concern, they must raise it privately with him.

At the same session I reminded the councillors of the reasons why a monitor had been appointed to the Darebin City Council. I referred to advice I had provided to the council since being appointed and how some of that advice had been heeded and some in my opinion had not or at least not by all councillors. Advice in this latter category included –

- Advice in the form of a request that Councillors involved in Code of Conduct complaints give serious consideration to withdrawing actions with a view to making a fresh start for the arrival of the new CEO.
- Advice to be careful about the use of social media which I considered had only partially been accepted.
- Advice to stop negative comments about the organisation and the staff. I advised the group that this matter concerned me the most. I advised the group that there had been in my opinion instances of very poor behaviour towards staff and the organisation.

I also reminded the councillors that staff have left and were leaving Darebin because of councillor behaviour. In a hard recruitment market, it was even harder at Darebin because the city had grown a poor reputation as a place to work.

OFFICIAL SENSITIVE

During the session, the CEO asked each councillor in turn to make a recommitment to the Councillors Code of Conduct. The responses proved to be highly emotional but very disappointing in the case of several **councillors who despite long responses, failed to express a clear recommitment to the Councillors Code of Conduct.**

A culture has existed at Darebin where in my opinion councillors have come to have unreasonable expectations of staff to respond to their requests, often at very short notice requesting information or the drafting of notices of motion or proposed amendments to report recommendations.

I observed staff responding to this culture which I could describe as being like ‘the more you get the more you want’, with amazingly fast turnaround including sometimes out of work hours and at the expense of their normal duties.

In my opinion the impact of the behaviour at the council level (the governing body) towards its own staff and organisation has severely damaged the council’s reputation as an employer.

At the time of writing this report, the vacancy rates within the organisation were reported as ‘still in excess of 20%’.

## **5. Any other Council Governance Policies, Processes, and Procedures (ToR 1h)**

### **5.1 The Financial Circumstances of the Darebin City Council**

In my opinion the financial circumstances of the City are not healthy and raise serious concerns about the Council’s priorities and its financial stewardship.

From my observations and financial information provided to me at my request, I have formed the opinion that unless the council takes some difficult and potentially unpopular decisions, the city’s financial sustainability is threatened within in the next few years. In my opinion this situation is the result of internal and external circumstances including failure to manage the impact of the rate cap and increasing costs of materials and labour in the current high inflation period, and council policies and decisions over time:

- Unlike most councils, Darebin has historically maintained a policy of providing most services in-house when most other councils to varying degrees, have outsourced many services. A consequence of the in-house model is being locked into inflexible higher labour costs.
- The council has undertaken significant borrowing making further borrowings in the short to medium term very difficult.
- Decisions on recent new infrastructure have been to deliver higher quality (e.g., green stars rating) when a lesser standard would have served the community just as well and had less financial impact.
- Recent decisions to invest in large high-quality projects appear not to have been taken with a sufficiently holistic view of the city’s wider investment needs. By this I mean there are a number of pressing needs for investment across the city but a wider approach as to how to address them all over time in a planned way has not occurred.
- The council does not appear to have placed sufficient importance on the Governance Principles in the Local Government Act 2020 and in particular –
  - Priority is to be given to achieving the best outcomes for the municipal community, including future generations
  - The economic, social, and environmental sustainability of the municipal district, ....
  - The ongoing financial viability of the Council is to be assured
- Similarly, I am concerned that the council has not placed adequate importance on the Financial Management Principles in the Local Government Act 2020 and in particular



OFFICIAL - Sensitive

that financial risks must be monitored and managed prudently having regard to economic circumstances.

Again, I noted comments by the Municipal Monitor to the Yarra City Council in his report on that council. He expressed the view that the Council requires continual oversight of its decisions to bring its budget to a sustainable position and that this should be done through the normal annual auditing process undertaken by the Victorian Auditor-General. The Monitor went on to recommend that the Minister write to the Auditor-General requesting that, in addition to his annual audit of the City of Yarra's accounts, that the Auditor-General undertake an annual performance review of the progress of Yarra towards financial sustainability until the Auditor-General is satisfied that the Council has achieved financial sustainability.

I have formed a similar conclusion with respect to the Darebin City Council.

## 5.2 The Cost of Councillor Behaviour

In my opinion the **costs** incurred by the city which can be **attributed to the behaviour of its councillors** are significant. Since the November 2020 council elections, in my assessment, a conservative calculation based on known and estimated costs **amounts to in excess of \$600,000.**

Costs include:

- Code of Conduct matters (Mediation between councillors, arbitration, and legal advice)
- Costs to council as a result of Local Government Inspectorate matters
- Integrity and Conduct Officer (internal and outsourced)
- Good Governance Action Plan
- Extra Governance induction sessions (in addition to standard mandatory induction processes)
- Governance legal advice
- Monitor
- High staff turnover costs (recruitment and induction) over and above what might be considered normal.

## 5.3 Priorities needed for the City

In my opinion, the council has failed to invest adequately in providing the staff of the city with the essential tools they need to function properly and to deliver services to the community. The council needs to establish and commit to a set of key priorities for the short to medium term:

- Restoration of the financial position of the city to a sound and long-term sustainable basis
- Priority investment in the fundamentals needed to ensure the city can properly function and provide governance for its community and delivery of the array of services provided. Those fundamentals requiring investment being:
  - Delivery of a digital transformation strategy
  - Provision of fit for purpose staff accommodation

Only when the steps are put in place to ensure these key priorities can be achieved, should the council look to making other new large capital infrastructure investments.

## 6. Appreciation to Councillors and Staff

I wish to record my appreciation for the way in which my presence as Municipal Monitor was received by the Councillors and Officers of the Darebin City Council. Councillors appeared to respect my presence and advice and Council Officers provided me with information and assistance without hesitation whenever I sought it.

OFFICIAL SENSITIVE

Towards the end of my term as Monitor, I was approached by a number of councillors who individually expressed their appreciation for the role I had performed and to express a desire that the term of monitor be extended with some suggesting six months. I advised those councillors that the latter was not a matter I could comment upon.

## **7. Findings and Conclusions**

- a) **The presence of a Monitor has positively influenced councillor behaviour. Notwithstanding this observation, political and personal divisions between councillors are still present.**
- b) **Code of Conduct –**
  - i. **Conflict issues between councillors would benefit from greater efforts to resolve problems before lodging an application with the Principal Councillor Conduct Registrar for an internal arbitration process.**
  - ii. **Conduct processes take too long to be resolved contributing to ongoing issues between councillors in the meantime.**
  - iii. **Sanctions that may be imposed by an Arbiter would have greater meaning and impact if any period of suspension had to include one ordinary or regular council after the council tabled the arbiter’s decision and statement of reasons.**
  - iv. **A requirement by an Arbiter for a councillor to undertake training would be more meaningful in some cases if the arbiter’s decision could include that the cost of the training be deducted from the councillor’s allowance.**
  - v. **An arbiter’s decision and statement of reasons would be more transparent to the community if required to be tabled at the next ‘ordinary’ council meeting rather than just the next council meeting which might be a special’ meeting.**
  - vi. **All councils might be better served by a consistent Code of Conduct with mechanisms to properly conclude even minor internal matters rather than see them lapse simply because a councillor chooses not to participate.**
- c) **Whilst there was strong and robust debate, no bullying or intimidation by the chair or councillors was observed.**
- d) **The attendance by some councillors at meetings was low even allowing for work commitments, health issues, parental leave, and approved leave of absence.**
- e) **‘Councillor Briefing’ Meetings –**
  - I. **There appears to be lack of clarity about the purpose and governance of ‘Councillors Briefing’ meetings.**

OFFICIAL SENSITIVE

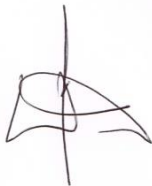
- II. There also appears to be a lack of clarity about how to maintain the confidentiality of information provided and discussed in 'Councillor Briefing' meetings where this information does not meet the definition of confidential information under the Local Government Act 2020 and is not subsequently included in a public council report.
- f) The council failed in its undertaking to the Minister, to provide the Minister with a six-month report on its implementation of the Good Governance Action Plan.
  - g) Comments by some councillors towards or about staff and the organisation have been damaging and contrary to the Councillors Code of Conduct. A failure by other councillors to stand up for staff and the organisation was disappointing.
  - h) A failure by several councillors to make a clear recommitment to the Councillors Code of Conduct when asked to do so by the new CEO was disappointing.
  - i) The council needs to give priority to securing the ongoing financial sustainability of the city.
  - j) Ratepayers have incurred high and unnecessary costs as a result of councillor behaviour.
  - k) The council needs to prioritise investment in information technology and suitable staff accommodation to ensure the capability to deliver necessary works and services for its community.
8. Recommendations for the Minister for Local Government
- a) That the sanctions that may be imposed by an arbiter on a finding of misconduct be expanded to include directing that a councillor is prevented from attending and participating at the next regular council meeting after the council tabled the arbiter's decision and statement of reasons.
  - b) That the sanctions that may be imposed by an arbiter on a finding of misconduct be expanded to include being able to direct that a councillor undertake training the cost of which must be deducted by the council from the councillor's allowance.
  - c) To provide better public transparency of arbiter determinations that –
    - a copy of an arbiter's decision and statement of reasons must be tabled at the next regular council meeting after the council received the copy of the arbiter's decision and statement of reasons, and
    - any apology a councillor is directed to make by an arbiter must be made at the next regular council meeting that the councillor attends.

OFFICIAL SENSITIVE

- d) That the Local Government Act 2020 be amended to provide for a consistent Code of Conduct for all councils which should include internal council mechanisms for resolving allegations of breaches of the Code of Conduct and allegations of misconduct or serious misconduct under the Act, that councillors must participate in before an application can be made under the Councillor Conduct framework in the Act.
- e) That measures be considered about how to ensure Code of Conduct applications are resolved in a timelier manner.
- f) That Local Government Victoria provide advice to councils about the purpose and governance of Councillor Briefing meetings and how councils may maintain the confidentiality of information provided at and discussed at Councillor Briefing meetings, including when it does not meet the definition of confidential information under the Local Government Act 2020.
- g) That there be an obligation on all councillors to initiate a formal Code of Conduct application when they observe any of the councillors openly criticising the council organisation or staff of the council.
- h) That all councillors be required annually at a regular council meeting to publicly declare and sign a recommitment to the Code of Conduct for Councillors and that a failure by a councillor to do so, result in them no longer being qualified to be a councillor.
- i) That pursuant to section 175 of the Local Government Act 2020, that the Minister direct the council:
- To prepare and submit to the Minister within the period of 4 weeks after the direction is given to the council –
    - a) financial statements for the period 1 July 2022 to 31 December 2022
    - b) a detailed financial projection for the next 10 years of its borrowing capacity and unrestricted cash and how the council proposes to address financial sustainability concerns
  - To advise the Minister within the period of 12 weeks after the direction is given to the council, how the council proposes to address the need to prioritise investment on information technology and suitable staff accommodation
  - To provide a quarterly report to the Minister on its progress implementing its Good Governance Action Plan
- j) That the council be advised that reports or complaints of inappropriate behaviour by councillors towards each other or by councillors towards the staff and organisation will be regarded seriously.

OFFICIAL SENSITIVE

- k) That the Minister write to the Auditor-General requesting that in addition to the annual audit of the Darebin City Council's financial accounts, the Auditor-General undertake an annual performance review of the progress of the council towards financial sustainability until the Auditor-General is satisfied that the council has achieved financial sustainability.



**John Watson**  
Municipal Monitor

Date: 2 February 2023

**Appendices –**

- 1 Municipal Monitor Terms of Reference
- 2 Minister for Local Government's Letter to the Council
- 3 Council's letter to the Minister for Local Government
- 4 Media Release by Councillors Laurance, Williams, Greco, and Williams
- 5 Ward Map of the Darebin City Council
- 6 Councillors Attendance at Meetings and Sessions

OFFICIAL - SENSITIVE

## SCHEDULE 2

**TERMS OF REFERENCE OF APPOINTMENT OF THE MUNICIPAL MONITOR TO DAREBIN CITY  
COUNCIL APPOINTED UNDER SECTION 179 OF THE LOCAL GOVERNMENT ACT 2020**

Without limiting the Municipal Monitor's functions and powers under sections 180 and 181, respectively, of the Act, the Municipal Monitor is:

1. To monitor the governance processes and practices of the Council, with specific regard to the following matters –
  - a. the Council's Councillor Code of Conduct;
  - b. the Council's meeting procedures and decision making, including Councillor attendance and conduct at Council briefings, the adequacy of the Council's Governance Rules and Councillor adherence to the Governance Rules;
  - c. the Council's policies and processes related to the appointment of an ongoing Chief Executive Officer, including the Council's CEO Employment Matters Committee;
  - d. the Council's policies, processes and practices in relation to the health and safety of councillors and Council staff;
  - e. the Council's policies, processes and practices related to the management of conflicts of interest;
  - f. the adequacy of Council's community engagement policies, processes and practices;
  - g. the Council's policies and practices that manage the interactions between Councillors and Council staff and contractors, and compliance with those policies and practices; and
  - h. any other Council governance policies, processes and practices.
2. To advise, and provide any relevant assistance and support, to the Council in relation to the improvement of the Council's governance processes and practices, with specific regard to the matters raised in clause 1.
3. To report to the Minister for Local Government, with respect to the matters in clause 1, on:
  - a. any steps or actions taken by the Council to improve its governance and the effectiveness of those steps or actions; and
  - b. any recommendations in relation to the exercise of any Ministerial power under the Act.

OFFICIAL - Sensitive



The Hon Shaun Leane MP

Minister for Local Government  
Minister for Suburban Development  
Minister for Veterans

121 Exhibition Street  
Melbourne, Victoria 3000 Australia  
Telephone: +61 3 8392 2240  
DX 210074

Ref: CMIN-2-21-13509

Cr Lina Messina  
Mayor  
City of Darebin  
PO Box 91  
PRESTON VIC 3072  
Lina.Messina@darebin.vic.gov.au

Dear Cr Messina

I have recently received several pieces of correspondence regarding allegations of perceived bullying and unacceptable councillor conduct at Darebin City Council.

I am concerned that the matters raised may indicate a potential risk to good governance at the Council. The concerns raised with me mention a specific council meeting of Monday 15 December 2021 and include:

- bullying, intimidation, and disrespectful behaviour between Councillors
- an overuse of meeting procedures resulting in a limiting of debate, and
- general governance concerns, such as:
  - alleged failures to comply with conflict-of-interest requirements, and
  - inadequate community engagement.

The *Local Government Act 2020* (the Act) includes a clear description of the role and responsibilities of councillors. Under the Act, the role of a councillor is to contribute to the strategic direction of the council, participate in council's decision making and to represent the interests of the whole municipality in that decision-making.

The Act also places responsibility on the Mayor and CEO of a council to assist and support councillors to understand and perform their roles, including in relation to the expected standards of conduct. It is my expectation that councillors will work cooperatively with the Mayor and CEO to ensure they understand and are performing their roles effectively.

Additionally, the councillor conduct framework under the Act has been strengthened through prescribed standards of conduct and an independent process for the appointment of arbiters to hear applications of misconduct. Where councillor conduct does not meet the expected standards, councils and councillors may make an application for a finding of

misconduct or serious misconduct against a councillor. I encourage councillors to use this framework as necessary to ensure appropriate councillor conduct.

Further, I remind the council that any concerns about potential breaches of the Act should be referred to the Local Government Inspectorate. The Inspectorate may be contacted via telephone on 1800 469 359 or via email at [inspectorate@lgi.vic.gov.au](mailto:inspectorate@lgi.vic.gov.au).

As these concerns have been raised with me by the community, I am requesting that Council provide me with a written response to reassure me that it is committed to good governance and working together in the best interests of its community. I ask that the Council specifically outline the actions it is taking to address these concerns and provide me with this response by no later than Monday 28 February 2022. After reviewing the response from the Council, I will consider whether further action is necessary.

In addition, I encourage councillors to contribute their ideas in response to the discussion paper developed as part of the Local Government Culture Project. The Project is designed to promote a more positive environment at councils, create more representative councils, improve governance, and enhance public trust. To read the discussion paper and make a submission visit <https://www.localgovernment.vic.gov.au/council-governance/local-government-culture-project>.

If you would like to discuss these matters, please contact Colin Morrison, Acting Executive Director, Local Government Victoria by phone on 0413 276 911 or via email at [colin.morrison@ecodev.vic.gov.au](mailto:colin.morrison@ecodev.vic.gov.au).

I also ask that you provide each councillor at the Council with a copy of this letter. Thank you for your time and commitment to the Council and I look forward to the Council's response.

Yours sincerely



**The Hon Shaun Leane MP**  
Minister for Local Government  
Minister for Suburban Development  
Minister for Veterans

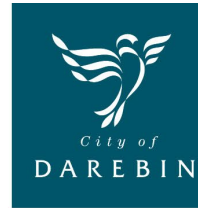
Date: 14 / 1 / 2022

cc Ms Sue Wilkinson, Chief Executive Officer  
cc Kat Theophanous



23 February 2022

Hon Shaun Leane MP  
 Minister for Local Government  
 Minister for Suburban Development  
 Minister for Veterans State Member for Eastern Metropolitan  
[shaun.lean@parliament.vic.gov.au](mailto:shaun.lean@parliament.vic.gov.au)



the place  
to live

Darebin City Council  
 ABN 75 815 980 52

Dear Minister Leane,

### CONFIDENTIAL

#### Overview

Thank you for your letter dated 14 January 2022, and for the opportunity to also have met on 24 January 2022, regarding perceived concerns and allegations that have been raised with you in relation to governance and code of conduct matters at Darebin City Council.

As discussed, Council takes seriously the concerns that have been raised, and we genuinely welcome the opportunity to engage with you, the State Government and Local Government Victoria (LGV) in relation to these matters. Since our meeting and as confirmed via Council's correspondence to you dated 31 January, I can reaffirm that as requested, your original correspondence has been provided to all Councillors.

Furthermore, I am also pleased to advise that this response has been prepared in consultation and collaboration with the broader Councillor group, including over two on line workshops.

In doing so, I am pleased to advise that Councillors are united in their commitment to working together in good faith to improve the culture and performance of the Councillor cohort in the interests of best serving the community and leading excellence in governance.

As part of this, it is acknowledged that each Councillor brings to Council their own life experience, professional expertise, community connections, political and philosophical affiliations. At Darebin, all Councillors are proudly passionate about their community and local issues and recognise that diverse and challenging conversations can contribute to a rich political and policy debates, which are the cornerstones of local democracy.

Notwithstanding this, I want to reassure you that Councillors also understand their overriding collective responsibility to endeavour to work as a "team", and that individually and cooperatively, they are committed to fulfilling their elected representative role in the interest of the entire municipality and the Darebin community.

**Postal Address**  
 PO Box 91  
 Preston VIC 3072  
 T 03 8470 8888  
 F 03 8470 8877  
[darebin.vic.gov.au](http://darebin.vic.gov.au)



**National Relay Service**  
[relayservice.gov.au](http://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 03 8470 8470

العربية

繁體中文

Ελληνικά

हिंदी

Italiano

Македонски

नेपाली

ਪੰਜਾਬੀ

Soomalii

Español

اردو

Tiếng Việt

In order to support and facilitate this commitment, I am delighted to inform you that a *Good Governance Action Plan* has been prepared in collaboration with Councillors, to support Council's professional development and to promote and maintain a healthy and dynamic Councillor environment on an ongoing basis.

This Plan also aims to respond to and address, the issues raised in your correspondence of 14 January 2022, to ensure that going forward Council continues to embed proactive steps and initiatives that continually encourage, foster and strengthen governance, compliance with the Councillor Code of Conduct and facilitate strategic leadership outcomes amongst Councillors.

To help inform and provide broader context around Council's *Good Governance Action Plan*, Councillors have also sought to provide you with an overview of the collective good work that we have successfully and largely unanimously achieved together during the duration of our current Council term for your consideration, including with respect to strategic leadership, capital works program delivery, Darebin's leadership through the Victorian Energy Collaboration (VECO), Council's COVID-19 Response initiatives, and our successful partnerships and project delivery with State Government.

## Background

Darebin Councillors have worked very collaboratively for the first year of this term, supported by a comprehensive induction program held in late 2020.

Over the course of this current Council term, there are many examples that demonstrate Councillors commitment to working together to successfully achieve and deliver outcomes for the community. These include;

- Strategic Leadership

For the first time in recent history at Darebin, in June 2021, Councillors voted to unanimously adopt;

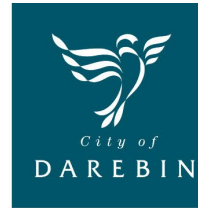
- Our ambitious Council Plan 2021-2025
- The 2041 Community Vision
- Council's Revenue and Rating Plan 2021-25
- 2021-22 Budget
- Council's ten-year Financial Plan 2021-31

Council views the unanimous support of these key strategic plans as a demonstration of the Councillor Group's commitment towards strategic leadership that is in the interests of the future of the City.

- Capital Delivery

As you are aware, the capital works program is an essential part of Council's stewardship role. It provides effective management and oversight of our infrastructure assets, gives the community access to vital facilities and services, and allows Council to administer resources and support for the community.

In September 2021, Council considered and noted the progress of the capital works program to the end of the financial year 2020/21 as part of the final report on the delivery of the Council Plan 2017/21.



the place  
to live

Darebin City Council  
ABN 75 815 980 52

**Postal Address**  
PO Box 91  
Preston VIC 3072  
T 03 8470 8888  
F 03 8470 8877  
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 03 8470 8470

العربية

繁體中文

Ελληνικά

हिंदी

Italiano

Македонски

नेपाली

ਪੰਜਾਬੀ

Soomalii

Español

اردو

Tiếng Việt

This was the fourth year of the Council Plan 2017/21, and the capital works program continued Council's strong investment in new and renewed infrastructure.

In the Annual Adjusted Budget 2020/21, Council committed \$49.79 million to its 2020/21 capital works program towards 57 projects and programs of work. Actual spend on the capital works program for 2020-21 was \$50.08 million which represents 100.01% of the portfolio budget.

Council is proud to advise that the final results for 2020-21 capital works delivery were the best ever in Darebin's history. This outcome is extraordinary when considering the significant disruptions and challenges associated with the COVID-19 Pandemic.

o Demonstrated Sector Leadership – Victorian Energy Collaboration (VECO)

Darebin is proud to have been the driving force behind VECO, the largest emissions reduction project undertaken by local government in Australia.

With a landmark 46 Councils taking part in a joint procurement project, VECO aggregates 45% of all Victorian council electricity supply to switch to 100% renewable energy.

This project highlights how Darebin's leadership has brought together large-scale co-operation and collaboration across the local government sector to transition to a renewable energy future.

The new electricity contract will help reduce costs, protect councils against energy market volatility, improve budget certainty, and reduce local government greenhouse gas emissions across Victorian councils.

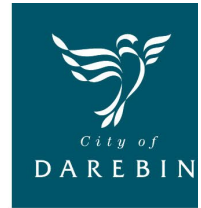
In addition, the wind farms linked to VECO have led to significant economic and community benefits for local communities in regional Victoria and for the State as a whole.

Council is extremely proud of our leadership to coordinate and lead a piece of work of this magnitude.

o COVID-19 Response

The COVID-19 Pandemic has created an unprecedented demand for Council supports and services and has reinforced the critical importance of local government in all of our lives, particularly in times of community distress.

Over the last 2 years Council has proudly implemented a range of multifaced and proactive measures to support our community and to compliment State support programs.



the place  
to live

Darebin City Council  
ABN 75 815 980 52

**Postal Address**  
PO Box 91  
Preston VIC 3072  
T 03 8470 8888  
F 03 8470 8877  
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 03 8470 8470

العربية

繁體中文

Ελληνικά

हिंदी

Italiano

Македонски

नेपाली

ਪੰਜਾਬੀ

Soomalii

Español

اردو

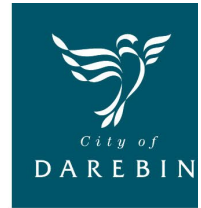
Tiếng Việt

Key initiatives in this respect have included;

- The implementation of an \$11.8 million COVID Community and Business Resilience and Recovery package in 2020/21 focusing on businesses and the parts of our community most in need.
- The provision of over \$300,000 for emergency food relief with local partners including the provision of grocery vouchers, 1300 food parcels and 2,000 meals in 2020/21.
- The introduction of the innovative *Love Local Voucher Program* in 2021/22 which supports and promotes our diverse local businesses and industries. This program aims to complement the various Federal and State financial relief initiatives for businesses, including JobSeeker, the Business Support Program and Working for Victoria and provided multiple benefits to support local economic and social outcomes. Rate payers and vulnerable community members such as jobseekers have been provided access to Council funded vouchers to spend locally, injecting much needed funds into the local economy.
- Support for more than 120 businesses through the extended outdoor dining project, facilitated thanks to State Government investment. As part of this, we helped facilitate 1300+ additional seats to local cafes, restaurants and bars.
- The commencement of a job matching service where hospitality job vacancies offered by local businesses were shared with the community (job seekers) through Darebin Hospitality Jobs Facebook and [Instagram](#) pages. This initiative is in partnership with the Darebin Hospitality Traders Association.
- The introduction of a Community Navigation Service (CNS), which has proved to be a vital resource in supporting our community. The CNS connects our community to any help, services or support they may need during this time.
- Extensive work to support our diverse community to get vaccinated including implementing a comprehensive vaccination campaign partnering with multicultural community organizations, including Spectrum Migrant Resource Centre, Islamic Society of Vic (Preston Mosque), DIVRS, DECC, Macedonian Community Welfare Association, Somali Council of Victoria. This includes funding bi-cultural workers for these organisations and have their community leaders as the face of the campaign.
- Delivering in Partnership with the State Government

Darebin has also been proudly partnering with State Government to successfully support and deliver a range of local infrastructure projects and community initiatives over the current Council term, including:

- \$60m Northcote Aquatic Centre (\$10m State Loan)
- \$34m Narrandjeri Indoor Stadium and Outdoor Netball Courts (\$3.3m State Investment)
- \$5.75m Aboriginal Women's Sport and Wellness Centre (\$5.35m State Investment)
- Delivering approximately \$5m of Sport and Recreation Victoria (SRV) investments towards local sporting clubs, lights, netball courts & female friendly facilities.



the place  
to live

Darebin City Council  
ABN 75 815 980 52

**Postal Address**  
PO Box 91  
Preston VIC 3072  
T 03 8470 8888  
F 03 8470 8877  
[darebin.vic.gov.au](http://darebin.vic.gov.au)



**National Relay Service**  
[relayservice.gov.au](http://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 03 8470 8470

العربية

繁體中文

Ελληνικά

हिंदी

Italiano

Македонски

नेपाली

ਪੰਜਾਬੀ

Soomalii

Español

اردو

Tiếng Việt

- The delivery of new parks and pocket parks, including Oakover Road (\$400K), Ruthven play space (\$200k), Penders Park play space (\$300k), Edwardes Lake (\$275k)
- The construction of a dedicated off lead dog area at Edwardes Lake (to be completed July 2022) including \$275,000 State funding under the Local Parks Program.
- The expansion of kindergarten capacity in Darebin including a \$150,000 Building Blocks Planning Grant from DET to support planning and design work for the potential expansion of three kindergarten and child care centres in Darebin. In addition, there is direct investment from DET to build a new kindergarten at Reservoir East Primary School with additional funding being contributed by Council for the inclusion of consulting rooms within the facility to enable integrated services to be delivered to families.
- Participation in the Reservoir Revitalisation Board and the delivery of \$1.47m of place-making projects in the Reservoir activity centre (mid-2022) plus a further \$0.37m in cultural events/initiatives
- Strong support for the State Government's new 'Home of the Matilda's' and 'Home of Rugby Union' Project at La Trobe University

### Darebin Councillor Code of Conduct 2021

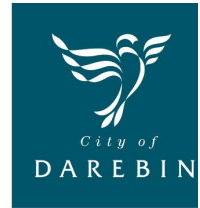
Also relevant to this response is the Darebin Councillor Code of Conduct 2021, which details the expectations of behavior and conduct for Darebin Councillors.

The Code was signed by every Councillor in 2020 and includes the values which underpin the way in which Councillors will work together, the Standards of Conduct as outlined in the Regulations, adherence to key policies that are relevant to the role of Councillors and the mechanisms through which interpersonal disputes between Councillors and allegations of misconduct will be addressed.

The Code is designed to foster a resilient and safe workplace culture by promoting constructive working relationships and communication, and by supporting timely, fair and respectful resolution of disputes and conflicts as they arise. The Code is a public commitment and declaration that Councillors are committed to working together.

As part of Councillors ongoing responsibility to modelling the values and behaviours outlined in the Code, a dedicated workshop will be held in the next three months to act as a refresher and to clarify any queries. This session will be facilitated by a partner from Maddocks Lawyers and forms part of the Council's *Good Governance Action Plan*.

A copy of Darebin's Councillor Code of Conduct 2021 is attached for your information.



the place  
to live

Darebin City Council  
ABN 75 815 980 52

**Postal Address**  
PO Box 91  
Preston VIC 3072  
T 03 8470 8888  
F 03 8470 8877  
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 03 8470 8470

العربية

繁體中文

Ελληνικά

हिंदी

Italiano

Македонски

नेपाली

ਪੰਜਾਬੀ

Soomalii

Español

اردو

Tiếng Việt



### Agreed Councillor Values

Collectively Councillors have also established shared values and actions that represent our commitment to ensuring respectful and productive working relationships throughout the Council term.

These are;

- We value each other and are committed to fostering a cohesive, respectful team and courteous and professional working relationships and raise any issues of concern with each other directly.
- We value Council staff and will be respectful in all of our dealings with them.
- We value the Darebin community and will work together to demonstrate leadership in the best interests of the whole of the City (not just wards), be inclusive, listen, respond and build trust.
- We are committed to maintaining high standards of personal and professional conduct where we respect differences and treat everyone with dignity and respect.
- We will be inclusive, open and transparent in our decisions and avoid creating false expectations.
- We will work hard to support each other to achieve our common goals and respect decisions made by Council.

An independently facilitated Councillor workshop will be held within the next three months as part of Council's ongoing commitment to these agreed values. This session will form part of a quarterly series of Councillor Only workshops designed to support a strong team culture. These sessions form part of the *Good Governance Action Plan*.

### Good Governance Action Plan – Commitments and Actions

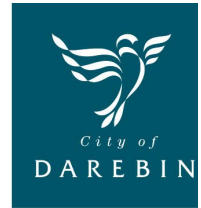
Professional development for Councillors and supporting team development on an ongoing basis is critical to enable the Council to work successfully together, positively support the organisation, make excellent decisions for the community and operate in a high performing environment.

Toward this, Councillors have worked together to agree a detailed *Good Governance Action Plan (Action Plan)*. The *Action Plan* is a demonstration of the commitment of each of the Councillors to working together in the interests of the community and leading excellence in governance for the remainder of the term.

The *Action Plan* also seeks to specifically addresses the matters outlined in your recent correspondence.

As noted above, using the *Good Governance Action Plan* as a guide for the remainder of the term, Councillors are committed to come together as a Council team with an independent facilitator regularly to;

- Reflect on progress towards agreed outcomes taking into account all views
- Listen and hear each other's concerns
- Understand Councillor beliefs, attitudes, relationships and behaviours
- Create the opportunity to be explicit and honest about identified issues



the place  
to live

Darebin City Council  
ABN 75 815 980 52

Postal Address  
PO Box 91  
Preston VIC 3072  
T 03 8470 8888  
F 03 8470 8877  
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 03 8470 8470

العربية

繁體中文

Ελληνικά

हिंदी

Italiano

Македонски

नेपाली

ਪੰਜਾਬੀ

Soomalii

Español

اردو

Tiếng Việt

- Understand examples of positive and negative behaviours in the context of Council team culture and the agreed Councillor Values and Behaviours
- Create a shared understanding of the issues and personal impact on people (wellbeing and safety)
- Make recommendations to improve culture and performance
- To review and re-set processes where required to ensure there is clarity, direction, opportunity and fairness for all
- To refresh and strengthen Councillors understanding and adherence to governance protocols including the Councillor Code of Conduct and the agreed Councillor Values and Behaviours

The *Good Governance Action Plan* is centred on the following three themes;

**Theme One – Promoting Excellence in Governance**

Updates from 2020 Councillor Induction Program and including at a minimum;

1. A full day workshop for all Councillors run by an independent facilitator and focused on;
  - Role of a Council and Councillors
  - Role of the Mayor and the Deputy Mayor
  - Managing confidentiality – including Councillor obligations
  - Meeting procedures – including additional training on Councils Governance Rules (valid points of order, use of Notices of Motion etc)
  - Conflict of interest requirements

This will be held before 30 June 2022.

2. Supported attendance at a variety of external training programs including the MAV's "*Chairing Meetings for Mayors*" and the AICD Company Directors Course or similar (under consideration).

**Theme Two – Working Together – A Cohesive Councillor Team Culture**

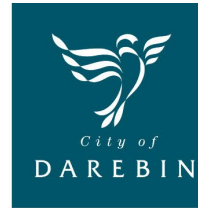
Includes at a minimum;

1. A commitment by all Councillors to the ongoing professional development program detailed in the *Good Governance Action Plan* aimed at strengthening and maintaining Councillor team effectiveness and culture guided by the agreed values (outlined above).

This will include quarterly sessions facilitated by an independent facilitator and attended by all Councillors focusing on various aspects of leadership and ways to positively support and strengthen Councillor team dynamics.

These will also act as a "health check" for the Councillor group.

2. The introduction of "post meeting reviews" aimed at delivering a path to continuous improvement for the Councillors working as a team. These will be checked against the agreed values and behaviours signed on to at the start of the term and facilitated by a different Councillor at the end of every session.



the place  
to live

Darebin City Council  
ABN 75 815 980 52

**Postal Address**  
PO Box 91  
Preston VIC 3072  
T 03 8470 8888  
F 03 8470 8877  
[darebin.vic.gov.au](http://darebin.vic.gov.au)



**National Relay Service**  
[relayservice.gov.au](http://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 03 8470 8470

العربية

繁體中文

Ελληνικά

हिंदी

Italiano

Македонски

नेपाली

ਪੰਜਾਬੀ

Soomalii

Español

اردو

Tiếng Việt

3. A joint review of the scheduling and content of Councillor Only Time (COT).
4. Formal dispute resolution training to be attended by all Councillors aimed at supporting Councillors to have difficult conversations and reaching resolution.
5. Supported attendance at a variety external training programs including the MAV's "Resilience and Wellbeing" training in August 2022.

### **Theme Three - Councillor Conduct**

Including addressing perceptions of bullying, intimidation and disrespectful behavior between Councillors in addition to;

1. Dedicated training on Health, Safety and Wellbeing and obligations under the OHS Act
2. Supported attendance at a variety external training programs including the MAV "Discrimination, Bullying & Harassment" before the end of the financial year.
3. Revisiting the training from induction 2020 in relation to Councils Media and Social Media Policy

### **Response to specific matters raised by the Minister for Local Government**

#### *"Bullying, intimidation, and disrespectful behaviour between Councillors"*

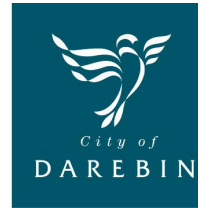
Darebin Councillors have reflected and wish to reaffirm their deep commitment to working constructively to address any challenges if they arise.

Further, Councillors will work to ensure that any concerns regarding bullying, intimidation and disrespectful behaviour between Councillors are avoided in the future.

Towards this, Councillors have developed the *Good Governance Action Plan* as outlined previously. This plan includes a strong commitment to using a strengths-based approach and supporting Councillors via a combination of formal training and facilitated "team" workshops for the remainder of the Councillor term.

As your letter states, *"Under the Act, the role of a councillor is to contribute to the strategic direction of the council, participate in council's decision making and to represent the interests of the whole municipality in that decision-making."*

Your expectation that *"... Councillors will work cooperatively with the Mayor and CEO to ensure they understand and are performing their roles effectively"* is also noted and acknowledged by all Councillors.



the place  
to live

Darebin City Council  
ABN 75 815 980 52

Postal Address  
PO Box 91  
Preston VIC 3072  
T 03 8470 8888  
F 03 8470 8877  
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 03 8470 8470

العربية

繁體中文

Ελληνικά

हिंदी

Italiano

Македонски

नेपाली

ਪੰਜਾਬੀ

Soomalii

Español

اردو

Tiếng Việt



I also wish to formally acknowledge and note your advice that “... the councillor conduct framework under the Act has been strengthened through prescribed standards of conduct and an independent process for the appointment of arbiters to hear applications of misconduct. Where councillor conduct does not meet the expected standards, councils and councillors may make an application for a finding of misconduct or serious misconduct against a councillor. I encourage councillors to use this framework as necessary to ensure appropriate councillor conduct.”

I am pleased to confirm that all councillors are well aware of the Act requirements and the provisions contained in the Councillor Code of Conduct in relation to dispute resolution and breaches of conduct. All councillors fully understand the expected standards of conduct and are committed to these.

Further, Councillors are well aware of the opportunity to report concerns or breaches of the Act to the Local Government Inspectorate.

As part of the Councillor Induction Program held in late 2020, Councillors participated in comprehensive training regarding the requirements of the Act (led by Mark Hayes, Partner Maddocks Lawyers) and the role and functions of the relevant integrity agencies (led by David Wolfe IBAC).

I also note that the *Good Governance Action Plan* includes ongoing professional development aimed at supporting Councillors understanding of their obligations under the OHS Act as well as Discrimination, Bullying & Harassment.

“Overuse of meeting procedures resulting in a limiting of debate”

Darebin Councillors have worked very constructively for the first year of this term. This is evidenced by the fact that between June and December 2021 more than 80 per cent of Council decisions were unanimous (83.3%).

As mentioned previously this includes the unanimous adoption of the Council Plan 2021-2025, 2041 Community Vision, the Council’s Revenue and Rating Plan 2021-25, 2021-22 Budget and the ten-year Financial Plan 2021-31, which we believe is a clear indication of Councils commitment to strategic leadership in the long-term interests of Darebin.

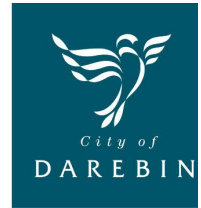
Notwithstanding this, as outlined previously, the *Action Plan* incorporates dedicated sessions designed to reaffirm Councillors understanding of the Councils Governance Rules in relation to Council meeting procedures to ensure that healthy debate is promoted and any perceived concerns in relation to the limiting of debate are avoided in the future.

General governance concerns, such as:

(a) Alleged failures to comply with conflict-of-interest requirements, and;

As outlined previously, I am pleased to confirm that all councillors are well aware of the Act requirements in relation to conflict of interest. Councillors regularly declare conflicts of interest and these are publicly recorded as required.

Further, Councillors are well aware of the opportunity to report concerns or breaches of the Act to the Local Government Inspectorate.



the place  
to live

Darebin City Council  
ABN 75 815 980 52

Postal Address  
PO Box 91  
Preston VIC 3072  
T 03 8470 8888  
F 03 8470 8877  
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 03 8470 8470

العربية

繁體中文

Ελληνικά

हिंदी

Italiano

Македонски

नेपाली

ਪੰਜਾਬੀ

Soomalii

Español

اردو

Tiếng Việt

As part of the Councillor Induction Program held in November to December 2020, Councillors participated in comprehensive training regarding the requirements of the Act (led by Mark Hayes, Partner Maddocks Lawyers) and the role and functions of the relevant integrity agencies (led by David Wolfe IBAC).

Again, these requirements will be revisited as part of the training included in the *Good Governance Action Plan*.

(b) Inadequate community engagement

Councillors are deeply committed to meaningful engagement with our community.

The Darebin Community Engagement Policy was endorsed in February 2021 and includes minimum standards of engaging with our diverse community and Aboriginal and Torres Strait Islander peoples. The Policy is applied to all engagements undertaken by Council.

Darebin's Community Engagement Policy reflects and is consistent with the community engagement requirements included in the Local Government Act 2020.

The Policy specifies that the level and type of consultation will vary depending on the circumstances including the significance and complexity of a matter, the level of interest and the impact and influence that stakeholders can have on decisions being made. We use the IAP2 Spectrum of Engagement which describes five levels of engagement linked to levels of influence – being Inform, Consult, Involve, Collaborate and Empower.

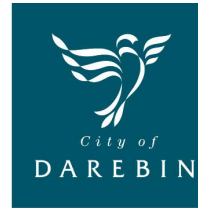
The policy seeks to ensure that we conduct our community engagement in a way that includes all voices in our diverse community by actively seeking to remove the barriers people and groups in the community might encounter. In particular we are working hard to strengthen our approach to engagement to ensure that the voices of our diverse community and those that traditionally experience barriers to participation are heard.

## Conclusion

On behalf of all Councillors I would like to express my appreciation for your interest in the City of Darebin and for the opportunity to demonstrate our commitment to good governance, continuous improvement, transparency and accountability in of our activities.

As previously outlined, Councillors have worked together to agree a detailed *Good Governance Action Plan* demonstrating our collective commitment to ongoing professional and team development for the remainder of the term.

I trust that this response satisfactorily addresses the concerns you have raised and note that it has been prepared in consultation with all Councillors over two on line workshops. Further I note that all Councillors have provided their support for me to write you on their behalf.



the place  
to live

Darebin City Council  
ABN 75 815 980 52

**Postal Address**  
PO Box 91  
Preston VIC 3072  
T 03 8470 8888  
F 03 8470 8877  
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 03 8470 8470

العربية

繁體中文

Ελληνικά

हिंदी

Italiano

Македонски

नेपाली

ਪੰਜਾਬੀ

Soomalii

Español

اردو

Tiếng Việt

I would welcome the opportunity to provide you with a further formal update in relation to the implementation of the *Good Governance Action Plan* in six months.

Council would also like to congratulate you on the Local Government Culture Review initiative which is currently underway. We look forward to understanding the review findings and opportunities for implementation at both the sector wide and local level.

Please do not hesitate to contact me directly on my 0419 750 504 if you require further information or would like to discuss this matter.

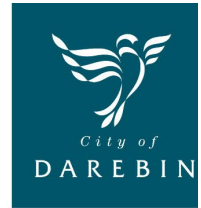
Yours faithfully,



Lina Messina  
**MAYOR**  
**CITY OF DAREBIN**

Attachment

- Darebin Councillor Code of Conduct 2021



the place  
to live

Darebin City Council  
ABN 75 815 980 52

**Postal Address**  
PO Box 91  
Preston VIC 3072  
T 03 8470 8888  
F 03 8470 8877  
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 03 8470 8470

العربية

繁體中文

Ελληνικά

हिंदी

Italiano

Македонски

नेपाली

ਪੰਜਾਬੀ

Soomalii

Español

اردو

Tiếng Việt

**MEDIA RELEASE !****ON TUESDAY 29/3/22 THE GREENS RULING BLOC REJECTED THE CHANCE TO HEAL OUR DIVIDED COUNCIL!**

We had no choice but to walk out of Darebin Council's monthly meeting.

We put up an important motion to ensure all Councillors were on the CEO Employment Matters Committee so we can work together for the community. This was thoughtlessly rejected.

Our balanced and democratic Motion would have allowed all elected Councillors to join the Committee that will be shortlisting the new CEO, since the unexpected departure of CEO Sue Wilkinson.

Our move towards harmony and unity was trashed by the Mayor and the Greens Ruling Bloc, who controversially seized control of the powerful CEO Employment Matters Committee last December. This was a toxic power grab that has triggered division on the Council ever since.

Darebin is a diverse community of culture, incomes and lifestyles and it is unconscionable that representatives of all 9 wards will NOT have an EQUAL say on hiring a new CEO.

Many of the 9 elected Councillors are now locked out of this Committee that controversially has an unelected sitting member with voting rights. This also means 5 out of 9 wards will NOT have a representative on this important Committee.

Excluding Councillors is not 'working together for better'! Our Community deserves more! We will continue to stand up for fairness, inclusiveness and good governance and for the Darebin community.

It is a crying shame that despite community outcry, the Greens Ruling Bloc has refused to share power and bring the Council together. Council can do better, we should do better, and we should work together, but it is clear this is not the intent of the Greens Ruling Bloc.

The Mayor must stop her repeated bias and now step up to show real leadership and some balance to bring the Council together, by ending her support of the unfair and undemocratic Greens power grab at Darebin.

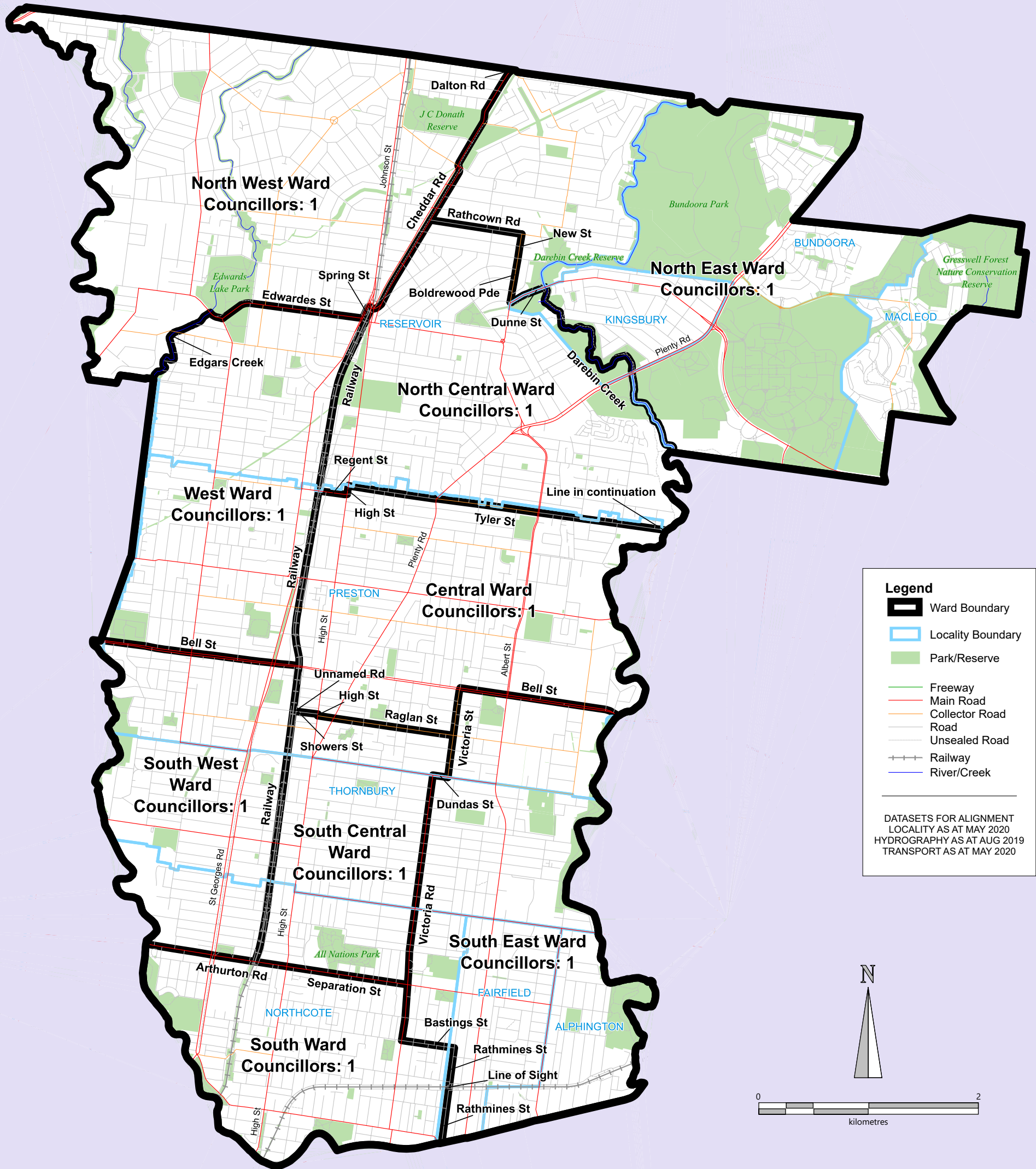
Cr. Tim Singh Laurence  
Cr. Julie Williams  
Cr. Gaetano Greco  
Cr. Emily Dimitriadis



# Darebin City Council

ELECTORAL STRUCTURE OF DAREBIN CITY COUNCIL

NOTE: By Order in Council under section 15(1)(a) and (b) of the Local Government Act 2020, the electoral structure of Darebin City Council is fixed as described in this plan.



Electoral boundaries are aligned to the VicMap spatial data files as defined in the legend on this map. These boundaries will be provided to DELWP for inclusion in the VicMap Admin dataset by 31 July 2020. This electoral structure was published on the Victoria Government Gazette No. G 27 Thursday 9 July 2020.

Map prepared by:

Data use:  
 Copyright © 2020 - State Government Victoria, Department of Environment, Land, Water & Planning

Disclaimer: This content is provided for information purposes only. While every effort has been made to ensure accuracy and authenticity of the content, the Victorian government does not accept any liability to any person for the information provided.

OFFICIAL - SENSITIVE

**APPENDIX 6 - COUNCILLORS MEETING/SESSION ATTENDANCE RECORD FOR THE PERIOD 23 NOVEMBER 2020 TO 19 DECEMBER 2022**

Meeting Type	Cr Dimitriadis^	Cr Greco	Cr Hannan	Cr Laurence	Cr McCarthy	Cr Messina	Cr Newton^	Cr Rennie	Cr Williams
<b>Ordinary Council</b>	Attended 24 Apology 1 L of A* 1	Attended 25 L of A 1	Attended 26	Attended 26	Attended 25 L of A 1	Attended 26	Attended 25 L of A 1	Attended 26	Attended 26
<b>Special Council</b>	Attended 10 Apology 3 L of A 1	Attended 12 Apology 1 L of A 1	Attended 14	Attended 13 Apology 1	Attended 13	Attended 13 Apology 1	Attended 12 Apology 1 L of A 1	Attended 14	Attended 13 Apology 1
<b>Planning Committee</b>	Attended 10 Apology 5	Attended 13 Apology 1 L of A 1	Attended 14 Apology 1	Attended 13 Apology 2	Attended 15	Attended 12 Apology 3	Attended 13 L of A 2	Attended 14 Apology 1	Attended 13 L of A 2
<b>Submission Hearings</b>	Attended 2 Apology 1	Attended 3	Attended 3	Attended 2 Apology 1	Attended 2 Apology 1	Attended 3	Attended 3	Attended 3	Attended 2 Apology 1
<b>Councillors Briefing</b>	Attended 56 Apology 9	Attended 56 Apology 5 L of A 4	Attended 65	Attended 28 Apology 32 L of A 4 Suspension 1	Attended 59 Apology 5 L of A 2	Attended 61 Apology 4	Attended 60 L of A 5	Attended 64 Apology 1	Attended 59 Apology 4 L of A 2
<b>Governance Training</b>	Attended 3	Attended 3	Attended 3	Attended 0 Absent 3	Attended 3	Attended 3	Attended 3	Attended 3	Attended 2 Absent 1
<b>Good Governance Action Plan*</b>	Attended 3 Apology 1 L of A 2	Attended 5 L of A 1	Attended 6	Attended 2 Apology 1 Absent 3	Attended 6	Attended 6 Absent 1	Attended 5	Attended 6	Attended 5 Apology 1
<b>Totals</b>	Attended 108 Apology 20 L of A 4 Absent 0 Suspension 0	Attended 117 Apology 6 L of A 8 Absent 0 Suspension 0	Attended 131 Apology 1 L of A 0 Absent 0 Suspension 0	Attended 84 Apology 37 L of A 4 Absent 6 Suspension 1	Attended 123 Apology 6 L of A 3 Absent 0 Suspension 0	Attended 123 Apology 8 L of A 0 Absent 1 Suspension 0	Attended 122 Apology 1 L of A 9 Absent 0 Suspension 0	Attended 130 Apology 2 L of A 0 Absent 0 Suspension 0	Attended 120 Apology 7 L of A 4 Absent 1 Suspension 0

\* L o A - Leave of Absence

\* Table does not include one Good Governance Action Plan Session abandoned due to lack of attendance

^ LoA and Apologies includes Parental Leave

OFFICIAL - SENSITIVE

OFFICIAL - SENSITIVE

APPENDIX 6 - COUNCILLORS MEETING/SESSION ATTENDANCE RECORD FOR THE PERIOD 23 NOVEMBER 2020 TO 19 DECEMBER 2022

⊗ LoA - Leave of Absence

\* Table does not include one Good Governance Action Plan Session abandoned due to lack of attendance

^ LoA and Apologies includes Parental Leave

OFFICIAL - SENSITIVE

## ACTIONS TAKEN TOWARD FINANCIAL SUSTAINABILITY

### UP TO 17 MAY 2023

Key actions already taken:

DATE	ACTION
23 Sep 19	Open Space Levy - Council resolved to formally request that the Minister for Planning authorise, prepare and exhibit Amendment C186dare to the Darebin Planning Scheme.
24 Feb 20	Open Space Levy - Council considered all submissions received to Amendment C186dare and referred submissions to an independent planning hearing.
28 Jun 21	10-year Financial Plan adopted by Council.
30 Sep 21	Open Space Levy - Council exhibited Amendment C186dare from 30 Sep 21 – 31 Oct 21.
22 Nov 21	Waste Cost Recovery - Council resolved to separate waste collection service fees from general rates
26 Apr 22	Investment and Treasury Policy adopted by Council
23 May 22	Risk Management Policy adopted by Council
26 Jun 22	Revenue and Rating Plan adopted by Council and declaration of the Kerbside Waste Service Charge and Public Waste Service Rate
1 Jul 22	Separation of waste cost recovery from general rates introduced through the introduction of a Kerbside Waste Service Charge and Public Waste Service Rate, saving a projected \$26m gap in cost recovery over 10 yrs.
1 Aug 22	Year 1 Service Review program commenced (Council Plan strategic action)
1 Sep 22	Development of an IT Strategy commenced
12 Sep 22	Open Space Levy - The Planning Committee resolved to not refer the additional submissions received to the Panel and to inform the Panel of this decision; to further investigate the projected open space needs within Darebin for a longer period than previously modelled (through to at least 2041); and to immediately commence a new planning scheme amendment to remove content within the schedule to Clause 53.01.
Dec 22	IT Strategy, Strategic Principles established
23 Jan 23	Councillor Briefing on long term financial outlook
30 Jan 23	Councillor Briefing on long term financial outlook and financial sustainability
31 Jan 23	Special Audit and Risk Committee Meeting – report on Financial Sustainability
24 Jan – 28 Feb	KPMG peer review of long-term financial assumptions
24 Jan – Apr	KPMG ERP Business Case development commenced (IT investment)
6-26 Feb 23	Community consultation and submission process for the 2023-24 Budget undertaken.
Mar 23	The Developer Contributions Plan (DCP) received Ministerial approval and came into effect from March 2023.
16 Feb 23	Special Audit and Risk Committee meeting – report in Financial Sustainability and IT investment
19 Feb 23	Councillor Workshop – 10-year Financial Plan review, Council Plan review, Budget, Capital Works
14 Mar 23	Hearing of Submissions Committee meeting – Submissions on the draft 23-24 Budget (incorporating the 4-year budget)
15 Mar 23	Special Audit and Risk Committee Meeting – report on Financial Sustainability including benchmarking with other northern region Council assumptions and ERP Business Case update.
19 Mar 23	Audit and Risk Committee meeting – report on financial performance and approach to Committee oversight on 10-year Financial Plan and Revenue and Rating Plan; Report on VAGO External Audit Strategy 2022/23.



## COUNCIL MEETING

22 MAY 2023

DATE	ACTION
	Audit and Risk Committee meeting – Update on the development of the IT Strategy and the Strategic Principles established.
	Councillor Workshop – 10-year Financial Plan review, 10-year Capital Works program, Council Plan review, Budget
3 April 23	Councillor Briefing – Budget submissions, operating projects, efficiencies and deliberative engagement approach, capital works program
	Inclusion of provision of investment for staff accommodation works in the 4 year Capital Works program
10 Apr 23	Deliberative engagement to inform the 10-year Financial Plan commenced
	Councillor Briefing – 10-year Financial Plan, Future Fund, Borrowing Policy Principles, Council budget, Risk Management Policy and revised Risk Appetite Statements
17 Apr 23	Councillor Briefing with KPMG on ERP Business Case for IT investment
19 Apr 23	Councillor workshop – Council Plan and Council Plan Action Plan, Operating Project Portfolio
24 Apr 23	Adoption of the Risk Management Policy, incorporating full risk appetite statements with adjustment to incorporate unrestricted cash
26 Apr 23	Councillor Briefing on Revised Council Plan and Council Plan Action Plan, Waste Charge, Rates Financial Hardship Policy, Revenue and Rating Plan, ERP Business Case
1 May 23	Councillor Briefing on 10-year financial assumptions, 10-year profile, Fees and Charges
8 May 23	Councillor Briefing on 10-year Financial Plan document and Draft 23/24 Budget document
10 May 23	Special Audit and Risk Committee meeting to review the revised draft 10-year Financial Plan and revised draft Revenue and Rating Plan to establish Committee recommendation to Council. Report on the Municipal Monitor's report and Governance Direction provided by the Minister for Local Government. Update on ERP Business Case included. Note the Committee recommended the 10-year Financial Plan and Revenue and Rating Plan be endorsed by Council to proceed to community consultation and requested that the Committee oversee the delivery of actions by Council required by the Direction provided by the Minister for Local Government.
13 May 23	Planned deliberative engagement to inform the revised 10-year Financial Plan and revised Council Plan ended.
16 May 23	Draft revised 10-year Financial Plan & draft revised Revenue and Rating Plan released publicly through the Council meeting agenda.
	Draft 2023-24 Budget (incorporating the 4 year budget) released publicly through the Council meeting agenda.
	Draft revised Council Plan released publicly through the Council meeting agenda

## ACTIONS TAKEN TOWARD FINANCIAL SUSTAINABILITY

FROM 18 MAY 2023 – 30 JUNE 2024

Key actions already taken:

DATE	ACTION
18 May 23	Response to the Minister required: <ul style="list-style-type: none"> <li>- Financial statements in respect of the period 1 July 22 to 31 December 22</li> <li>- A detailed financial projection for the next 10 years of the Council's borrowing capacity and unrestricted cash</li> <li>- An action plan on how Council proposes to address the financial sustainability issues contained in the report.</li> </ul>
22 May 23	Draft revised 10-year Financial Plan, draft revised Revenue and Rating Plan, draft revised Council Plan reported to Council for endorsement to proceed to community exhibition. Draft 2023-24 Budget (incorporating the 4 year budget) reported to Council to proceed to community exhibition.
23 May 23	Community exhibition commences – 10-year Financial Plan, Revenue & Rating Plan, Rates Financial Hardship Policy, Council Plan, Council Plan Action Plan
Post May 23	Enterprise Bargaining expected to conclude
20 Jun 23	Final Draft 10-year Financial Plan, Revenue and Rating Plan & Council Plan reported to Audit & Risk Committee Draft Borrowing Policy reported to Audit & Risk Committee for recommendation to Council to endorse to proceed to consultation Revised Audit & Risk Committee Work Plan reported with amendment to include twice annual review of 10-year Financial Plan assumptions – September to review in advance of budget development & March to monitor. Draft IT Strategy reported to the Audit and Risk Committee for review and feedback.
26 Jun 23	Draft 10-year Financial Plan, Revenue and Rating Plan & Council Plan reported to Council for adoption Draft 23/24 Budget (incorporating the 4 year Budget) reported to Council for adoption Draft 4 year Revenue and Rating Plan reported to Council for adoption Draft Council Plan and Draft 23-24 Council Plan Action Plan reported to Council for adoption
1 Jul 23	Year 2 Service Review program established (Council Plan strategic action) Stage 2 development of the ERP Business
13 Jul 23	Response to the Minister required: <i>Inform the Minister how the council intends to address concerns raised by the Municipal Monitor about prioritising investment in information technology and suitable staff accommodation.</i>
24 Jul 23	Draft Borrowing Policy reported to Council for endorsement to proceed to community consultation Draft IT Strategy reported to Council (no later than this date)
Jul – Aug 23	Annual Performance Review to be undertaken by Victorian Auditor-General's Office (VAGO) in alongside the annual external audit
28 Aug 23	Draft Borrowing Policy reported to Council for adoption
11 Sep 23	Audit & Risk Committee meeting: Review of Annual Financial Statements, Performance Statement and Governance & Management Checklist. Review of 10-year Financial Plan assumptions to inform drafting of 24-25 Budget.
25 Sep 23	Annual Financial Statements, Performance Statement and Governance and Management Checklist reported to Council.

## COUNCIL MEETING

22 MAY 2023

DATE	ACTION
27 Nov 23	Quarterly Performance Report including review of financial assumptions in 10-year Financial Plan reported to Council
4 Dec 23	Audit and Risk Committee meeting
26 Feb 24	Quarterly Performance Report including review of financial assumptions in 10-year Financial Plan reported to Council
25 Mar 24	Annual review of 10-year Financial Plan and Revenue and Rating Plan reported to Audit and Risk Committee (in accordance with Work Plan change June 23)
27 May 24	Quarterly Performance Report including review of financial assumptions in Financial Plan reported to Council
24 Jun 24	Council decision on ERP project and IT investment planned for no later than this date.
30 Jun 24	2024-25 Service Review Program finalised for commencement

## 5.2 PARKING MANAGEMENT OPERATING PROCEDURES

**Author:** Acting Coordinator Sustainable Transport

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

---

### EXECUTIVE SUMMARY

This Council report:

- Provides information about Council's parking management operating procedure
- Recommends updating Council's procedure to:
  - Improve clarity about how decisions are made, while mitigating safety risks associated with parking demand.
  - Establish two distinct processes, depending on the level of parking demand in a street over a 4-hour period.
- Responds to two Council resolutions that called for reports that outline Council's current approach to parking management, provide advice for specific alternative options, and called for other alternatives to be considered.

Effectively managing on-street parking improves safety, access and the performance of Darebin's transport network.

In almost all cases, when officers consider parking changes, the affected community is asked for their input. Decisions are guided by what legislation requires Council to consider and do, by nationally accepted road management standards and codes, and by relevant Council policies and strategies (for example, the *Darebin Transport Strategy* and *Community Engagement Policy*).

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

**That Council**

- (1) Notes this report.
- (2) Authorises the CEO to update the existing internal parking change operating procedure to:
  - a) Ensure clear and transparent consultation and communication when engaging the community about parking issues and potential parking changes
  - b) Update the process to align with *Austroads Guide to Traffic Management Part 11: Parking*, so that when parking demand is measured at or above 85% for a 4-hour period, a change will be made to parking controls to mitigate safety risks and access challenges
  - c) Introduce a new process to support community-initiated changes to on-street parking where there is moderate demand, comprised of the following steps:
    - i. at least 2 properties on the affected street requests a parking change

- ii. parking demand is measured, and if between 70% and 84% of parking spaces over a 4-hour period are occupied, an initial survey is sent to immediately affected properties asking if consideration of a change to parking is supported, and what parking issues are being experienced
  - iii. *immediately affected properties* are defined to be those properties within 100m of the proposed changes to parking
  - iv. if at least  $\geq 25\%$  of immediately affected properties respond to the survey and,  $\geq 60\%$  of respondents confirm they would like a parking change, Council will prepare one parking change proposal option. If this response rate and level of support is not achieved, further consideration of a parking change would not proceed
  - v. If the test above is met, a second survey that puts forward the parking change proposal and asks if this change is supported or not, is sent to all immediately affected properties
  - vi. Council will implement the proposed parking change if  $\geq 25\%$  of all immediately affected properties respond to the second survey, and,  $\geq 60\%$  of survey respondents support the change
- (3) Ensure that Council's Transport Engineers continue to have discretion to investigate road safety and access risks, and to implement any transport and parking controls that are required to address safety risks.
- 

## BACKGROUND / KEY INFORMATION

Parking controls are used to maintain and improve safety, access, and an efficient transport network. They also help the community share a limited resource.

Council, through resolutions at its 24 October and 28 November meetings, has raised several questions about parking management. Information responding to these questions are included at **Appendix A and B**.

As Darebin grows and changes there will be more demand for car parking. Pressure will be greatest around destinations like activity centres and train stations. More information about this can be found at **Appendix C** – 'Factors Influencing Parking Demand in Darebin'.

Safety and access problems start to occur if 85% or more of all available street parking spaces are full. When this happens, a change to the way parking is managed may be needed.

If car parking spaces on a street are nearly always full:

- cars can continue to slowly circulate the area looking for a space. This increases local traffic on roads which is a safety risk for pedestrians and cyclists, and increases noise and air pollution
- people who live in an older house with no off-street parking may not be able to park close to their home
- people may park cars illegally which blocks driveways and sight-lines at intersections and pedestrian / school crossings
- the road space may not be wide enough for residents, emergency vehicles, buses and waste trucks to enter and pass

- people who have limited mobility – which may be due to living with a disability, age, looking after young children – may need to walk long distances, or not be able to get to their destination
- deliveries to properties might not be able to be made
- people who can't find a spot near their destination might 'give up' which could reduce economic activity in activity centres, social isolation or care not being provided.

Parking change management is administered by Council's transport engineers. Officers manage parking changes by using statutory powers and functions delegated to them, following an internal procedure.

Parking restrictions are reviewed, and changes are considered when:

- a safety or access problem caused by high parking demand or unsafe parking is identified
- a resident and/or business asks for a change to be made in their street, and the street is experiencing high parking demand
- it is a planning permit requirement
- a major development or project changes parking demand and supply (for example, Level Crossing Removal Projects).

In all circumstances, for Council to discharge its obligations under the *Road Management Act*, it is required that the Coordinator Sustainable Transport retains delegation to make and implement parking changes *at their discretion* when a safety or access problem needs immediate action.

### Previous Council Resolution

At its meeting held on 24 October 2022, Council resolved:

*That Council;*

- (1) *Notes the current process that residents can apply to Council for review of parking restrictions in their street.*
- (2) *Receives a report at the first meeting in February 2023 that reviews the current operating procedures and considers other options for residents to apply for parking restrictions in Darebin streets. The report should include, but not be limited to considerations of the following.*
  - a. The processes that other Councils have for residents to review parking restrictions in their streets and what the previous practice was in Darebin.*
  - b. The current criteria used by Officers to make a decision that parking restrictions will be installed in a street.*
  - c. The considerations Officers use that results in a net loss of parking spaces in a street.*
  - d. The pros and cons of allowing residents where the street is subject to the proposed restrictions to make a recommendation to Council under a deliberative consultation process.*
  - e. The suitability of a process requiring over 50% of residents in an affected street to agree to the introduction of parking restrictions and conversely the removal of existing restrictions only to occur by agreement of more than 50% of the affected street.*

- f. *Any cost implications to residents, owners and businesses of the proposed options above.*

At its meeting held on 28 November 2022, Council resolved:

*That Council*

- (1) *Receives a report at the March 2023 Council meeting that:*
- a) *Outlines options for an engagement plan on parking matters to include Community workshops and facilitated community and councillor sessions.*
  - b) *Outlines options for establishing a community advisory group for 12 months to provide input on parking matters.'*

At its meeting held on 27 March 2023, Council resolved a procedural motion:

*'That Council defer Item 9.4 Parking Management Operating Procedures, with the substantive motion as moved by Cr. Greco and seconded by Cr. Laurence below, to be tabled at the next Council Meeting, 24 April 2023:*

*That Council*

- (1) *Notes this report and Council's current process for managing parking.*
- (2) *Endorse the following amendments to Council's current process as follows:*
- a. *Transport engineers will have discretion to make a safety or access assessments, and if needed implement a parking change, using their professional judgement and expertise, informed by many codes, standards, guides, statutory rules, as well as Council strategies and policies. In these instances, residents in the street and affected area will receive clear communication that transparently describes why such proactive safety or access parking changes are needed.*
  - b. *Where the residents seek a request for an investigation to install parking restrictions in their street, 25% of owners and residents of the affected street and area need to apply to Council to request an investigation to install parking restrictions in that street.*
  - c. *Council Transport Engineers assess the application and if the average parking demand in that street is more than 85% for a period of 5 hours (as per the Austroads Guide to Traffic Management, as well as best practice approach), then Council is to investigate whether parking restrictions are appropriate for that street. Where the '85% occupancy' rule fails, Council will not proceed with investigating the street and applicants be advised accordingly.*
  - d. *If Council is to investigate the street, Council must survey the owners and residents in the impacted street and nearby area to determine the level of support.*
  - e. *Council will only install the restrictions if:*
    - i. *at least 25 per cent of the affected area responds, and*
    - ii. *at least 60 per cent of the responses are in support of the proposal.*
  - f. *Council then advises all owners and residents (included the surveyed owners) of the street and area, of the outcome of the survey.*
  - g. *If supported, the parking restriction signage will be installed in four to six weeks.*
- (3) *Updates the 'Request for Parking Change' form and the council website to advise applicants that if their street does not meet the '85% occupancy' rule, Council will not proceed with investigating the street.*

- (4) *Authorises the CEO to update the parking change operating procedure to implement the processes at points 2 a., b., c., d., e (i) (ii), f., and g. above'*

At its meeting held on 24 April 2023, Council resolved:

*'That Council:*

- (1) Note that at the March Council meeting Item 9.4 Parking Management Operating Procedures was laid on the table until the next Council Meeting, 24 April 2023.*
- (2) Refers the Parking Management Operating Procedures for further discussion at a Councillor briefing session scheduled for 1 May 2023.*
- (3) Note a report on the Parking Management Operating Procedures will come back to Council at its scheduled meeting on 22 May 2023.'*

## **ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION**

Strategic Direction 2: Prosperous, Liveable and Flourishing

## **ALIGNMENT TO 2021-25 COUNCIL PLAN**

Strategic Direction 2: Prosperous, Liveable and Flourishing

## **ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES**

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

## **DISCUSSION**

### ***How does Darebin currently manage on-street parking?***

If there are no safety, access or demand problems, officers do not install parking signs. Around 92.5% of Darebin's road network does not have parking signs.

High on-street parking demand in Darebin is managed by:

- installing and enforcing parking signs that state who may park where, for how long, and sometimes, for what purpose
- by issuing permits to eligible residents that allow them to park for as long as they need in time restricted areas along residential streets
- setting parking planning permit conditions for new developments (noting that council's ability to set parking conditions is constrained to some extent by the Victorian Planning Scheme).

The aim of managing parking is to:

- provide and maintain a safe, accessible and efficient transport system
- provide priority access for people who need it most, like people living with a disability or people with no off-street parking
- help the community share a resource where, in some places, there is not enough to meet demand.



Officers use an evidence-based engineering approach to review parking changes, and their assessment is guided by relevant legislation, regulations, national and state transport standards and codes, and Council strategies and policies.

An important parking principle for managing parking is '85% occupancy.' This is because when more than 85% of spaces are full, safety and access problems start to occur. The *Austrroads Guide to Traffic Management Part 11: Parking* considers parking occupancy above 85% as 'at capacity'.

#### Safety and access problems

Sometimes, safety and access problems that are caused by car parking pressures need to be actioned quickly. These issues are addressed proactively and as quickly as possible. In most cases, officers will ask the affected community for feedback on the parking changes needed.

Sometimes the community may not always agree with parking changes that are needed to reduce road safety risks and access risks. When this happens, details of why the change is needed are provided.

#### What is Council's *Parking Investigation Process* for residential streets?

For all non-critical-safety related parking change requests, the *Parking Investigation Process* is followed. It combines an evidence-based engineering assessment with an engagement process that involves the local community at each step of decision making.

An investigation will only start if:

- A customer submits a 'Request for Parking Change' form that is signed by at least one other resident or business on the street, *and*
- Technical data and a site visit confirms that the street has high parking demand (more than 85% of spaces used across a 5 hour period), *or*
- A planning permit requires the parking investigation to take place, *or*
- A major development or project changes parking demand and supply (for example, the Level Crossing Removal Projects).

The process is described on Darebin's website [here](#) and as follows:

Step	Action
Step 1	Investigate collected data and measure parking demand for the area. If parking demand is determined to be high, Council will start the investigation.
Step 2	Consult with local residents and businesses to understand their needs, challenges and access requirements.
Step 3	Council will consider input from the community and prepare a proposed parking plan.
Step 4	Council will seek feedback on the proposed plan from the community by asking residents and property owners to fill out a survey.
Step 5	Feedback will be considered and a decision will be made on how to proceed using parking data, community feedback and technical analysis.
Step 6	Communicate its decision and make changes to signage if applicable.

In some cases, parking changes may be installed as a 1-year trial. This provides an opportunity for residents to experience how the changes may affect them, and adjustments can be made before changes are made permanent.

The decision to investigate parking changes is made on a street by street basis. If there are different streets requiring an investigation located in close proximity, officers may 'bundle up' these streets into small study areas. This allows officers to understand the network effect of potential parking changes, and to work more efficiently.

Sometimes the community living and working in nearby streets are consulted, even if there was no request made to change parking in these streets. This is because changing parking restrictions in one street, may change the parking demand in near-by streets. Inviting residents and businesses in near-by streets to provide feedback allows for a more detailed understanding of parking needs and issues in the area.

***Considerations officers use that results in a net loss of parking spaces in a street***

When parking plans are prepared as part of the parking investigation process, or, to respond to an urgent safety/access problem, any net loss of parking is minimised or avoided where possible.

Sometimes parking changes reduce the available parking spaces on a street. This is because:

- Safety or operational needs restrict parking spaces, for example:
  - *No Stopping zones* for safety reasons such as preventing parking on the inside of bends

- *Loading or Accessible parking zones* – parking is not ‘lost’ however only certain users have access
- *Car Share Pods* to implement Council’s [Car Share Policy](#), with the support of the community.
- Signs are installed to make it clear that ‘informal’ parking (illegal parking that does not comply with the road rules) is not allowed:
  - ‘informal’ might include cars parking on bends, next to solid white lines, near intersections or between driveways where there is less than a 10.8 metre gap for 2 cars, or 5.4 metres for a single car
  - Council needs to address this parking behaviour with signs because a) it doesn’t align with the Road Rules; and b) it creates a safety risk
  - while this isn’t a loss of legal parking, it may be perceived by the community as a net loss of parking.

Sometimes parking spaces are reduced to make way for retail activity centre upgrades, economic activation projects like pop-ups, and installing accessible tram stops and bus stops. Parking loss is minimized through the design process, but sometimes, a trade-off is needed to achieve other outcomes that Council is striving to achieve.

### ***Improvements to Council’s existing Parking Management Operating Procedure***

Following further analysis and discussions with Councillors at briefing sessions, it is recommended that the current parking management process is updated. This update would establish two distinct processes, depending on the level of parking demand in a street over a 4-hour period. If endorsed by Council, Council’s internal parking management operating procedure will be updated to reflect the below.

Both the high and moderate parking processes would be initiated if Council receives a request supported by at least 2 properties.

#### Streets with High Parking Demand 85%+

<b>Step 1</b>	Investigate – If parking demand is determined to be high (85%+ spaces over 4 hours occupied), Council will start the investigation.
<b>Step 2</b>	Consult with local residents and businesses to understand their needs, challenges and access requirements.
<b>Step 3</b>	Council will consider input from the community and prepare a proposed parking plan. Where possible, two options will be created to achieve the same safety and access benefit to allow some choice by those affected.
<b>Step 4</b>	Council will seek feedback on the proposed plan(s) from the community by asking all impacted residents and property owners to fill out a survey. <ul style="list-style-type: none"> <li>● <i>No minimum response rate or minimum level of support is required in the survey</i></li> </ul>
<b>Step 5</b>	Feedback will be considered, and a decision will be made on how to proceed using parking data, community feedback and technical analysis.
<b>Step 6</b>	Communicate Council’s decision and make changes to signage

Streets that have high parking demand over a prolonged period (4 hours) are at risk of poor safety outcomes and access problems and a change needs to occur in order for Council to maintain a safe road. This principal aligns with *Austrroads Guide Part 11: Parking*.

While no minimum response rate will be required, Officers will work with residents and the wider community in developing a parking plan(s) that considers their needs. There may situations where two options can be proposed by Council for the community to consider.

Streets with Moderate Parking Demand 70- 84% over 4 hours

<b>Step 1</b>	Investigate – If parking demand is determined to be moderate (70-84% of all spaces occupied over 4 hours), Council will start the investigation.
<b>Step 2</b>	Survey immediately affected local residents and businesses to understand if they support considering a parking change, their needs, challenges and access requirements.
<b>Step 3</b>	If 25% of all immediately affected* properties respond to the survey, and 60% support considering a parking change, Council will consider input from the community and prepare a proposed parking plan.
<b>Step 4</b>	Council will seek feedback on the proposed plan from the community by asking all immediately impacted residents and property owners to complete a survey. For change to occur the parking survey must achieve: <ul style="list-style-type: none"> <li>• Minimum 25% response rate and at least 60% in favour of change</li> </ul>
<b>Step 5</b>	Council advises the community of survey outcome
<b>Step 6</b>	Make changes to signage if applicable
*	Where immediately affected properties are defined to be those properties within 100m of the proposed changes to parking

Where there are streets still waiting to go through a parking change process that have high parking demand, these streets will have priority over the moderate parking demand streets.

**Consultation on the above processes**

For both scenarios it is recommended that all impacted residents regardless of whether they are eligible for parking permits or not are consulted. This is considered a fair approach and will allow officers to consider the needs of all residents when developing a parking plan. It is important that impacted residents have an opportunity to provide feedback on proposed changes.

Properties on both sides of the road that have a frontage to the area where the changes are proposed will be invited to give their feedback. Both property occupiers and property owners will be consulted.

Where relevant, officer judgement will be used to consider seeking input from nearby schools, businesses, medical or higher education centres.

## CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

### Financial Management

The Sustainable Transport Unit's current operating budget has funding to progress between 6 and 10 parking change requests (single streets, and small local area studies that 'bundle' requests) per year. This includes data collection, printing, posting and translation services.

The recommended changes discussed above can progressed using the current operating budget.

### Community Engagement

Parking change investigation process will continue to include at least four touch points with the community:

1. Request for change received with description of preferred solution
2. Identifying needs consultation stage
3. Community feedback on the proposed parking plan
4. Notification of final parking plan.

A letter informing residents why Council is investigating parking in their street, a parking permit information leaflet, and a step by step guide about the parking change process is sent to residents, with a link to an electronic survey (paper surveys can be sent on request and translation services are available).

Contact can be made over the phone during the engagement process to responsible officers. When additional participation rates are needed to inform the parking proposal, door knocking is undertaken on a case by case basis.

All communications will clearly and transparently explain the need for change.

### Overarching Governance Principles and Supporting Principles

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

### Public Transparency Principles

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

### Strategic Planning Principles

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

### Service Performance Principles

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

## **COUNCIL POLICY CONSIDERATIONS**

### **Environmental Sustainability Considerations (including Climate Emergency)**

Parking management can influence local air pollution. When there is high demand, cars circulate and idle while looking for a parking space. This results in higher exhaust pipe emissions from internal combustion engine cars.

Recent research from Melbourne Climate Futures shows that car exhaust pollution may cause more than 11,000 premature adult deaths every year across Australia.

When reviewing parking changes, opportunities are looked for:

- Increasing canopy cover when it doesn't result in a net parking loss, which helps reduce the urban heat island effect
- Identifying suitable locations for car share spaces which supports residents to not require second or third car.

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

Any method for managing parking – when demand is greater than supply - increases access for some and reduces it for others. Decisions are about deciding who should be prioritised. Even decisions not to control parking have wellbeing, fairness and equity outcomes.

Residents have different access to transport based on where they live – those near trains and trams and generally closer to the city have better ability to get around without a car, and this is why rates of car ownership are lower in these areas. These areas are also close to shops and services making walking and cycling more accessible for residents.

### **Economic Development and Cultural Considerations**

Managing parking restrictions around activity centres has the potential to positively or negatively impact local businesses and is one of the factors that is considered when any change is proposed.

A careful balance is needed between providing access to residents, those with permits and access to the services for visitors or traders. Where affected, businesses are included in local consultations to understand their needs.

### **Operational Impacts**

Currently there is a backlog of requests for parking changes on local roads. This backlog is being worked through, but some residents will continue to experience delays as parking changes need to be balanced with other transport services.

When parking controls are changed the work systems that support parking enforcement must be updated.

## Legal and Risk Implications

Council is given the authority to:

- Install parking restriction signs through the *Local Government Act 1989*
- Enforce parking signs under the *Victorian Road Safety Rules 2017*, which are made under the *Road Safety Act 1986*.

These statutory powers and functions must be used while having regard to transport legislative objectives and decision-making principles, for example, the objective of safety, health and wellbeing. Road safety and liability risks for Council would be created if a safety problem is identified that could be remedied with parking controls, and a solution can't be implemented due to a Council resolution.

Parking restrictions are an engineering decision because they are a tool that effects how the transport network performs. Engineering is a registered profession in Victoria. This means Victorians can only make engineering-like decisions and undertake engineering work if they are:

- registered to provide professional engineering services in a prescribed area of engineering
- working within engineering standards and codes
- supervised by a registered professional engineer with competency in the relevant area (in this case, transport engineering).

The Sustainable Transport Coordinator is a registered professional engineer.

It is important to note that where the Council decides to depart from an officer's recommendation, (such as an engineer's professional advice regarding traffic related matters,) that the decision is made in recognition of any risks, liabilities or adverse consequences that may flow from that departure.

## IMPLEMENTATION ACTIONS




If Council supports the recommendation to update the Parking Management Operator Procedure, the changes will be made and authorised by the CEO. Upon authorisation, any requests that have yet to start the engagement with the community to understand the parking challenges will go through the new process. Existing parking change processes that have started will continue and not be re-started.

Communication enhancements will be made to increase transparency around why and how parking changes are made.

**Relevant documents**

- Darebin Transport Strategy 2007-2027
- Darebin Safe Travel Strategy 2018-2028
- Darebin Car Share Policy 2014
- Darebin Community Engagement Policy
- Towards Equality
- Austroads Guide to Traffic Management Part 11: Parking
- Australian Standard 1742.11:2016 Manual of uniform traffic control devices Part 11: Parking Controls
- Road Safety Road Rules 2009
- Road Management Act 2004
- Professional Engineers Registration Act 2019
- Integrated Transport Act 2010

**Attachments**

- Response to 24 October 2022 Council Resolution regarding parking change operating procedures (**Appendix A**) [↓](#) 
- Information responding to Council Resolution on 28 November 2022 engagement options (**Appendix B**) [↓](#) 
- Factors Influencing Parking Demand in Darebin (**Appendix C**) [↓](#) 

**DISCLOSURE OF INTEREST**

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

The Officer reviewing this report, having made enquiries with relevant members of staff, reports no conflicts of interest.



Appendix A – Information responding to Council Resolution on 24 October 2022

At its meeting held on 24 October 2022, Council resolved:

***That Council;***

- (1) *Notes the current process that residents can apply to Council for review of parking restrictions in their street.*
- (2) *Receives a report at the first meeting in February 2023 that reviews the current operating procedures and considers other options for residents to apply for parking restrictions in Darebin streets. The report should include, but not be limited to considerations of the following.*
  - a. *The processes that other Councils have for residents to review parking restrictions in their streets and what the previous practice was in Darebin.*
  - b. *The current criteria used by Officers to make a decision that parking restrictions will be installed in a street.*
  - c. *The considerations Officers use that results in a net loss of parking spaces in a street.*
  - d. *The pros and cons of allowing residents where the street is subject to the proposed restrictions to make a recommendation to Council under a deliberative consultation process.*
  - e. *The suitability of a process requiring over 50% of residents in an affected street to agree to the introduction of parking restrictions and conversely the removal of existing restrictions only to occur by agreement of more than 50% of the affected street.*
  - f. *Any cost implications to residents, owners and businesses of the proposed options above.*

Response to Council resolution

***How does Darebin currently manage on-street parking?***

Refer to main report

***How did Darebin previously manage parking change requests?***

Before late 2019, Council considered parking change requests received by residents, but using a different process:

- Residents were required to organise a submission to Council that had the support of least 50% or more of properties on the street
- Officers would then distribute a 'public opinion' survey to residents to vote on several options that often included a 'do nothing' option and one or two parking options e.g. 2P or 3P
- The results of the public opinion survey were then made available to residents and the option with the greatest level of support was implemented.

In some cases the need for parking change was considered to address identified safety or access issues.

This former process wouldn't be compliant without modification with current obligations. There are several drawbacks of this approach and the operational changes made in 2019 were designed to overcome key drawbacks and ensure council's practice aligned with its community engagement commitments and road management obligations. Key issues included:

- It lacked a robust evidence-based assessment of need and solutions with oversight of a registered professional engineer, and therefore it did not align with accepted transport engineering codes.
- Many residents expressed concern with the previous process and felt acquiring 50% of the street to sign a petition was an onerous and unsafe exercise.
- It tended to prompt an 'us versus them' community dynamic based on whether people thought their parking access would get better or worse with the options. Sometimes this pitched home owners against renters or long-term residents against recent ones. This undermined community connection and worked against a number of council's social and community objectives.
- Putting forward a 'do nothing option' in all cases is not always possible – in some cases it is essential that safety and access problems be addressed for Council to meet its obligations.

#### ***How do other Councils manage on-street parking?***

The parking management policies of some other metropolitan Melbourne municipalities have been reviewed.

This review has confirmed that Darebin's current process is consistent with many of these councils. Darebin in fact has an additional consultation stage to understand the parking problem residents are experiencing.

However, one major difference between Darebin and most other inner Councils, is that Darebin does not charge parking metre fees for off-street or on-street parking.

While subtle differences exist between municipalities, broadly all Councils adopt a process that includes the following stages:



Some Councils have adopted minimum survey response rates of 10-25%. If response rates received are less than this, there are generally two ways other Councils proceed with the investigation:

- In residential areas the proposal to install or alter the parking controls is abandoned
- If the proposed changes are needed to proactively respond to a safety or access problem, the changes are assumed to be of little importance to the community, and so the changes are implemented.

Some Councils require 55%-80% of responses to be in support of the proposal for the proposed changes to proceed. A support rate this high makes it likely for objections and escalations, and it creates a conflict between Council's obligations to ensure a safe outcome overseen by a registered engineer.

***Considerations officers use that results in a net loss of parking spaces in a street***

Refer to main report

***The pros and cons of allowing residents where the street is subject to the proposed restrictions to make a recommendation to Council under a deliberative consultation process***

Darebin's Community Engagement Policy defines deliberative engagement as "...a process that involves an informative and engaging dialogue with an inclusive, diverse and genuine representation from our community...Participants...provide recommendations and feedback which is reviewed and considered for adoption by Council." The Policy also states that if deliberative engagement is used, Council needs to be able to meet the level of influence and promise.

The following assessment is provided regarding whether a deliberative engagement model is appropriate:

#### **Benefits**

- A deep, collaborative discussion could help foster an understanding of parking needs from a transport network perspective and public good, and could share all aspects of parking decision making with participating community members
- Could help overcome a common situation where residents only put forward a view about what their own personal parking needs are, and instead, supports selected community members to put forward recommendations that maintain or increase public good outcomes like safety and access, and other resident's needs.

#### **Challenges**

- Would need additional annual budget. Costs are estimated at \$50,000 per street / small local area request, which would be an annual cost of \$300,000 to \$500,000 to maintain current service levels. (Officers currently deliver 6 - 10 streets/small local areas each year within existing operating budget)
- It would be difficult for the panel to represent the diversity of a street and surrounding streets due to the small sample size
- Equity and transparency concerns around a small group of residents deciding if and what parking controls should be implemented in a street
- Participation is likely to be easier and of more interest for some residents than others and there would be equity effects of this. For example, residents with more time may be better able to contribute the substantial time to participate, businesses may find it hard to make time to participate, and it could be challenging to identify visitors or customers to participate.
- It is possible that the scope of recommendations made by community could be wider than parking restrictions – it is common for things like changes to parking permits, changes to road infrastructure or removal of trees to be ideas contributed in these types of community discussions. This could add a level of complexity and cost to managing this process.

#### **Limitations**

- The recommendations put forward by the deliberating group may not be supported by the Transport Engineering Coordinator (a registered professional engineer) if they don't maintain or enhance safety, access and effectiveness of road network, or don't align with statutory requirements, transport codes and Council policies.
- Therefore because of Council's road management obligations, a panel could only operate at the *involve* level. *Collaborate* and *empower* would not be possible.

***The suitability of a process requiring over 50% of residents in an affected street to agree to the introduction of parking restrictions and conversely the removal of existing restrictions only to occur by agreement of more than 50% of the affected street.***

Based on previous experience, a requirement of 50% of a street to participate in engagement and to agree to a change is unworkable. Average participation rates in parking consultations range from 10-20%.

In order to discharge its obligations under the Road Management Act, Council needs to make parking changes when high demand is creating safety risks, and access and network performance problems.

To only make a parking change when 50% or more of a street is in support creates both road safety risks and liability risks for Council. This is because it would prevent officers from using their professional expertise and delegations to manage Darebin's road network and fix a known safety, accessibility and network problem.

***Any cost implications to residents, owners and businesses of the proposed options above***

Refer to main report

Appendix B - Information responding to Council Resolution on 28 November 2022

At its meeting held on 28 November 2022, Council resolved:

***That Council***

*Receives a report at the March 2023 Council meeting that:*

- (b) Outlines options for an engagement plan on parking matters to include Community workshops and facilitated community and councillor sessions.*
- (c) Outlines options for establishing a community advisory group for 12 months to provide input on parking matters*

Response to Council resolution

***Outlines options for an engagement plan on parking matters to include Community workshops and facilitated community and councillor sessions***

Refer to main report

***Establish a community advisory group on parking matters***

Community advisory groups can add value to strategic projects and ongoing advice on matters Council prioritises, however they also require Council to cover the costs to run them. There are currently 16 advisory committees.

Parking management is operational and must balance engineering considerations (including relevant standards) and community need.

On balance, Officers do not recommend establishing a community advisory group to provide input into parking management matters.

The following challenges and limitations have been identified if a community advisory group on parking matters were to be established:

- The length of time to assess parking change requests would increase from 6 months to 8 months
- Supporting the advisory committee would require 1 month of an officers' time (approximately \$8000) each year, and \$1000.
- It raises equity concerns in relation to a select minority group of residents having input on parking matters that involve many residents, or in locations where they do not live or have prior experience.
- It would be difficult for the group to represent the diversity of a street and surrounding streets due to the small sample size
- The recommendations put forward by the advisory group may not be supported by the Transport Engineering Coordinator (a registered professional engineer) if they don't maintain or enhance safety, access and effectiveness of road network, or don't align with statutory requirements, transport codes and Council policies.
- Views on parking management may continue to be divided without agreement or a clear way forward.

## Appendix C – Factors Influencing Parking Demand in Darebin

Population growth - which in turn influences car ownership and housing growth - is a major driver of increased parking demand.

The most recent data projects a population of 215,360 by 2041. There are around 75,000 private vehicles in Darebin, 50,000 of these are associated with detached dwellings. It's estimated that there are around 14,000 that use on-street parking.

Car ownership in Darebin is increasing, which contrasts to the greater Melbourne trend of decreased ownership. 'Cars owned per 100 people' is still less than the Greater Melbourne average. Darebin's car ownership profile currently is:

- no car -13.5%
- 1 car - 45.2%
- 2 or more – 41.3%.

Car ownership is lowest in the Preston Triangle and along the High Street train and tram corridor. There are pockets of Darebin with high (20 - 40%) incidence of no car ownership that coincide with areas experiencing high rates of disadvantage, including East Reservoir and Kingsbury.<sup>1</sup>

Dwelling type influences the use of on-street parking. An analysis of ABS and the Victorian Integrated Survey of Travel and Activity indicate that:

- Separate houses (low density) constitute 80% of all on-street parking in Darebin
- Flats and apartments (high density) account for 5% of all on-street parking
- Terrace/Townhouses (medium density) accounts for 15%, and changes in this area is what is likely to drive growth in demand.

---

<sup>1</sup> Correlation assessed from data presented in "Darebin Parking Strategic Review July 2018" available at <https://www.yoursaydarebin.com.au/parkingstrategy/widgets/245182/documents>, and SEIFA index, available at <https://profile.id.com.au/darebin/seifa-disadvantage-small-area>



In the 5 years preceding 2018:

- Low density housing declined by 6%
- Medium density housing was the largest increase with 5,000 new dwellings
- High density grew by 84%, but from a low base.

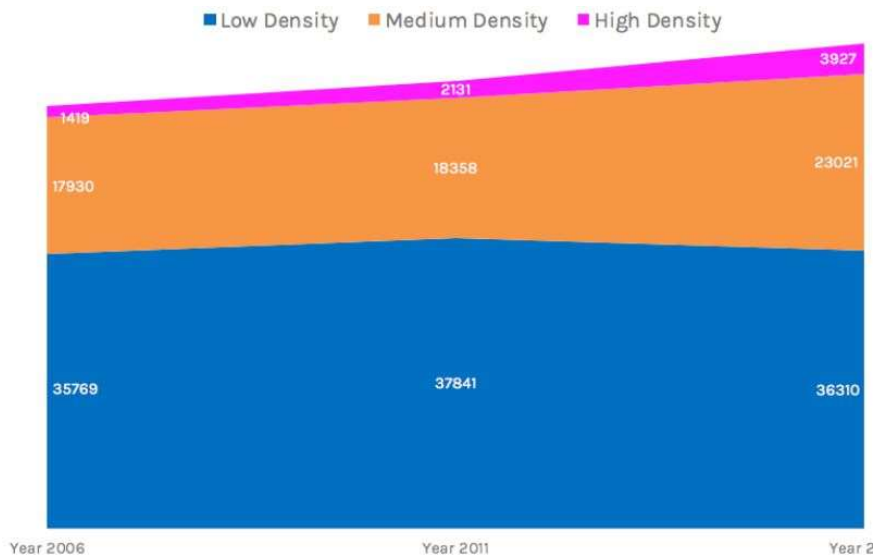


Figure 1: Total number of dwelling type in Darebin 2006-2016 (Source: ABS 2016)

Other surveys indicate that 25 to 40% of residential on-site parking on private property is vacant or used for storage.

Trips into Darebin also generate parking demand:

- there are 34,500 daily commutes to Darebin, and 22% use on-street parking.
- workers account for 7,500 on-street spaces
- around 1,500 spaces are used by train commuters
- there is limited information about activity centre use. A 2014 study of High Street Thornbury found almost half of all visitors walked, 18% drove. However, surveyed traders thought around 70-90% of visitors drove.

Population growth in Darebin is expected to continue, which will increase demand for parking is expected to increase with drivers looking for more parking – at an amount equivalent of 2,000 more on street parking spaces every ten years (equivalent to 2.3 MCGs).

**5.3 GOVERNANCE REPORT MAY 2023****Author:** Senior Governance Services Officer**Reviewed By:** General Manager, Governance and Engagement

---

**EXECUTIVE SUMMARY**

- Summary of attendance at Councillor Briefings (**Appendix A**)
- Reports by Mayor and Councillors
- Councillor Expenses Report for the quarter from 1 January to 31 March 2023 (**Appendix B**)
- Audit and Risk Committee Meeting Summary Minutes (**Appendix C**)
- Attendance at the ALGWA National Conference by Mayor, Cr. Julie Williams
- Changes to Planning Committee meeting on Tuesday 13 June 2023 and Council meeting on Monday 24 July 2023
- Hearing of Submissions Committee meeting – Tuesday 13 June 2023 at 7.30pm
- Change to location of Council meeting – 24 July 2023
- Review of S6 Instrument of Delegation to members of Council staff (**Appendix D**)

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

**That Council:**

- (1) Notes the Governance Report – May 2023.
- (2) Notes the Summary of attendance at Councillor Briefings at **Appendix A** to this report, for incorporation in the minutes of this meeting.
- (3) Notes that reports by Mayors and Councillors submitted prior to the meeting and circulated to Councillors, will be incorporated in the minutes of this meeting.
- (4) Notes the Councillor Expenses Report for the quarter from 1 January to 31 March 2023 at **Appendix B** to this report.
- (5) Notes the Audit and Risk Committee Meeting Summary Minutes at **Appendix C** to this Report.
- (6) Notes the attendance of Mayor, Cr. Julie Williams at the ALGWA National Conference held from 17 to 20 May 2023 at a total cost of \$2342, comprised of \$1400 conference fee and \$942 accommodation.
- (7) Notes that a fully virtual Hearing of Submissions Committee meeting will be held at 5.30pm on Tuesday 13 June 2023 to hear submitters in relation to the proposed discontinuance and sale of the road at the rear of 34 to 54 May Street and 29 to 47 Bayliss Street and adjoining 2 Clara Street, Preston.
- (8) Resolves that the Planning Committee meeting to be held on Tuesday 13 June 2023 at 6.30pm be amended to be held as a fully virtual meeting.
- (9) Resolves to hold the Council meeting on 24 July 2023 at 6pm, in the Council Chamber as a hybrid meeting.

- (10) In the exercise of the powers conferred by Section 11 of the *Local Government Act 2020* (the Act) and the other legislation referred to in the attached Instrument of Delegation, resolves:
- a) To delegate to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in the '*Instrument of Delegation to members of Council staff (S6)*' (**Appendix D**) the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
  - b) Adopts and affix Council's Common Seal to the following Instrument of Delegation provided as an attachment to this report:
    - Instrument of Delegation from Council to members of Council Staff (S6) (**Appendix D**);
  - c) That this instrument come into force immediately the Common Seal of Council is affixed.
- (11) Resolves to hold a Special Council Meeting on Monday 29 May 2023 at 6pm in the Council Chamber as a hybrid meeting to consider a report relating to 'Preston City Oval Cricket Nets' and to allow submissions to be made prior to the item being considered.
- 

## BACKGROUND / KEY INFORMATION

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

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

In accordance with best practice, good governance principles, transparent and account reporting, officers deem it appropriate to consolidate governance / administrative type nature reports into one standing report to provide a single reporting mechanism for a range of statutory compliance, transparency and governance matters. This also ensure compliance with the requirements of the *Local Government Act 2020* ('the Act'), Council's Governance Rules and related regulations.

Additionally, this report incorporates matters including, but not limited, to reporting of advisory committees, items relating to the delegation of Council powers, policy and strategy reporting, and the reporting on Councillors' expenses.

### Previous Council Resolution

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

## ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 1: Vibrant, Respectful and Connected

## ALIGNMENT TO 2021-25 COUNCIL PLAN

---

Strategic Direction 4 Responsible, Transparent and Responsive

## **ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES**

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

## **DISCUSSION**

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

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

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

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

The summary of the meeting should include:

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

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

- Councillor Briefing Session – 3 April 2023
- Councillor Briefing Session – 11 April 2023
- Councillor Briefing Session – 17 April 2023
- Councillor Workshop Session #1 – 19 April 2023
- Councillor Workshop Session #2 – 26 April 2023

### **Reports by Mayor and Councillors**

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

**Councillor Expenses (1 January 2023 to 31 March 2023)**

Councillor Expenses Report for the period from 1 January 2023 to 31 March 2023, are included at **Appendix B** to this report. The Councillor Expenses report will also be made available on Council's website.

**Audit and Risk Committee Meeting Summary Minutes**

The summary minutes for the Audit and Risk Committee meeting held on 20 March 2023 is provided at **Appendix C** to this report for transparency for both Council and the Darebin Community.

The above summaries relate to a range of governance and legislative requirements. If there are any questions regarding councillor requests for leave (if applicable), this item will need to be deferred to the confidential section of the agenda.

**ALGWA National Conference**

The Australian Local Government Women's Association National Conference is held annually and brings councillors and officers together from across Australia, to advance female participation in Local Government and put a spotlight on issues facing women in the sector. This year's Conference is being held at Cape Schanck, Mornington Peninsula.

Mayor Julie Williams attended this year's conference after obtaining in principle agreement via email from Councillors beforehand.

The cost breakdown is as follows:

- Conference Fee - \$1400
- Accommodation - \$942

**Hearing of Submissions Committee meeting – Tuesday 13 June**

At its meeting on 22 August 2022, Council resolved to commence the statutory procedures under section 206 and clause 3 of Schedule 10 to the *Local Government Act 1989* to discontinue and sell two 3.05m wide roads and a 0.17 to 0.30m wide reserve (revenge strip) at the rear of 34 to 54 May Street and 29 to 47 Bayliss Street and adjoining 2 Clara Street, Preston and that any submissions be considered by Council's Hearing of Submissions Committee at a meeting to be held at the next available Council meeting, following the closure of submissions.

Two submitters have requested to be heard in relation to their submissions and as such a Hearing of Submissions Committee has been scheduled to be held on Tuesday 13 June 2023 at 5.30pm (prior to the Planning Committee meeting). This meeting will be a fully virtual meeting.

**Planning Committee meeting – Tuesday 13 June 2023 and Council Meeting – Monday 24 July 2023**

At its meeting on 22 August 2022, Council adopted its schedule of Council and Planning committee meetings for 2023. This schedule included specifying the location of the meeting and the conduct of the meetings as 'wholly in person' or 'hybrid'.

The Planning Committee meeting to be held on Tuesday 13 June 2023 was scheduled to be a 'wholly in person' meeting, however as a number of Councillors, including the Mayor will be attending the Australian Local Government Association National General Assembly in Canberra from 13-16 June 2023, this meeting will need to be amended to a fully virtual meeting.

The Council meeting to be held on Monday 24 July 2023 was scheduled to be an 'off-site' meeting to be held in Northcote. Northcote Town Hall is currently unable to be utilised due to current maintenance works being undertaken and there is not alternative site of sufficient capacity available. As such it is proposed to hold this meeting in the Council Chamber in Preston as hybrid meeting.

### **Review of existing Council Delegations**

It is essential and in the interests of effective governance to encourage the delegation of decision making to the lowest competent level within the organisation. This will achieve the best use of the abilities of elected Councillors and Officers, ensure cost effective use of resources, and promote the development of efficient and effective management. Authority and responsibility are inseparable. Those with responsibility for a task or function should always have the authority to carry it out effectively. Those with authority should always be responsible for its wise and prudent use. Delegations cannot, however, remove from the Council and senior management the ultimate accountability for the affairs of Council.

Council subscribes to the Maddocks Lawyers Authorisations and Delegations Service, which provides biannual advice regarding legislative amendments and the provision of template instruments which are then tailored to the organisational requirements.

Based on the recent release of the updated Instruments of Delegation from the Maddocks, a review of the Instrument of Delegation to members of Council staff (S6) has been undertaken through a coordinated review process involving relevant staff from across the organisation.

The S6 Instrument of Delegation has been checked for accuracy, the appropriateness of the delegation and alignment with the organisational structure. The updated S6 Instrument of Delegation is attached at **Appendix D** to this report.

## **CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES**

### **Financial Management**

Expenditure reported in this paper falls within budget.

### **Community Engagement**

Not applicable

### **Other Principles for consideration**

#### **Overarching Governance Principles and Supporting Principles**

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

**Public Transparency Principles**

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

**Strategic Planning Principles**

Not applicable.

**Service Performance Principles**

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

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

Nil

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

Nil

**Economic Development and Cultural Considerations**

Nil

**Operational Impacts**

Nil

**Legal and Risk Implications**

Nil

**IMPLEMENTATION ACTIONS**





The Quarterly Councillor Expenses Report (1 October 2022 to 31 December 2022) and the S6 Instrument of Delegation will be published on the Darebin website.

**RELATED DOCUMENTS**

- Councillor Support and Expenses Policy 2021
- *Local Government Act 1989 (Vic)*
- *Local Government Act 2020 (Vic)*



**Attachments**

- Summary of Meetings - 22 May 2023 (**Appendix A**) [↓](#) 
- Q3 Councillor Expenses - 1 January 2023 - 31 March 2023 (**Appendix B**) [↓](#) 
- 20 March 2023 ARC Meeting Summary Minutes (**Appendix C**) [↓](#) 
- Instrument of Delegation to members of Council staff (S6) (**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 conflicts of interest in a matter to which the advice relates.

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



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

<b>MEETING DETAILS:</b>	<b>Title:</b>	Councillor Briefing Session
	<b>Date:</b>	3 April 2023
	<b>Location:</b>	Hybrid: - In person – Chamber - Virtual*
<b>PRESENT:</b>	<b>Councillors:</b>	Mayor Williams, Cr. Newton*, Cr. Hannan, Cr. McCarthy, Cr. Rennie, Cr. Dimitriadis*, Cr. Laurence, Cr. Greco*, Cr. Messina*,
	<b>Council Staff:</b>	Peter Smith, CEO Vanessa Petrie, Acting General Manager City Sustainability and Strategy Kylie Bennetts, General Manager Community Jodie Watson, General Manager Governance & Engagement (item 4.1 & 4.2) Rachel Ollivier, General Manager City Sustainability and Strategy Sam Hewett, General Manager Operations & Capital Jacinta Stevens, Manager Corporate Governance (Item 4.1) Julie Wyndham, Coordinator Corporate Strategy (Item 4.1) Sadiq Mohammad, Chief Finance Officer (Items 4.2/4.3) Enna Giampiccolo, Manager Communications Engagement & Customer Experience (Item 4.3)
	<b>Other:</b>	
<b>APOLOGIES:</b>		

The Meeting commenced 4pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4.1	<b>Council Plan Action Plan Priorities 23/24</b>	No Disclosures
4.2	<b>Submissions (hearing submissions) to be included in the 23/24 budget</b>	No Disclosures
4.3	<b>Approach to deliberative engagement</b>	No Disclosures
4.4	<b>General Business</b>	EBA update – designated confidential by the CEO  Citizenship Ceremonies update

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
		Preston Market update MIC update Cr McCarthy declared a direct conflict of interest and left at 6.38pm prior to update and questions

The Meeting concluded at 6.42pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Jacinta Stevens
	<b>Officer Title:</b>	Manager Corporate Governance



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

<b>MEETING DETAILS:</b>	<b>Title:</b>	Councillor Briefing Session
	<b>Date:</b>	11 April 2023
	<b>Location:</b>	Hybrid: - In person – Chamber - Virtual*
<b>PRESENT:</b>	<b>Councillors:</b>	Mayor Williams, Cr Newton*, Cr. Hannan*, Cr. McCarthy*(4.15pm), Cr, Rennie, Cr Dimitriadis*, Cr Laurence*(4.30pm), Cr Greco*, Cr Messina*
	<b>Council Staff:</b>	Peter Smith, CEO Vanessa Petrie*, Acting General Manager City Sustainability and Strategy (item 4.0 & 4.3) Kylie Bennetts, General Manager Community Jodie Watson, General Manager Governance & Engagement (item 4.1 & 4.2) Sam Hewett, General Manager Operations & Capital Jacinta Stevens, Manager Corporate Governance (item 4.2) Sadiq Mohammad, Chief Finance Officer (item 4.2) (4.25pm) Allan Middlemast, Acting Manager Climate Emergency & Sustainable Transport (item 4.3) Kathryn Pound, Manager City Development (item 4.0) (item 4.3)(5.38pm) Brad Spinks Enna Giampiccolo (item 4.3)(5.38pm)
	<b>Other:</b>	Julie Wyndham, Coordinator Corporate Strategy (4.25pm)
<b>APOLOGIES:</b>		

The Meeting commenced 4.09pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4.0	<b>Pre-Planning Committee Questions &amp; Briefing</b>	Cr Messina declared an indirect interest re: Planning Committee Meeting, confidential item 7.1 - Proposed Proponent-led Planning Scheme Amendment - 24 Leinster Grove, Northcote as she lives in close proximity to the area and left the discussion at 4.25pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4.1	Risk Management Policy	No disclosures
4.2	Planning and Budgeting Brief	No disclosures Cr Hannan left online discussions (4.52pm), switched to mobile and arrived in chamber (4.28pm) Cr Laurence left online during discussions (5.29pm) and arrived in chamber (5.30pm)
4.3	Preston Market update	No disclosures Kathryn Pound, & Enna Giampiccolo, Julie Wyndham left briefing (5.54pm)
4.4	General Business	No disclosures on either item Enterprise Bargaining / Industrial action - Jodie Watson provided update  Cashflow / Borrowings – Jodie Watson provided update

The Meeting concluded at 6.03pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b> <b>Officer Title:</b>	Jacinta Stevens Manager, Corporate Governance



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

<b>MEETING DETAILS:</b>	<b>Title:</b>	Councillor Briefing Session
	<b>Date:</b>	17 April 2023
	<b>Location:</b>	Hybrid: - In person – Chamber - Virtual*
<b>PRESENT:</b>	<b>Councillors:</b>	Mayor Williams, Cr. Newton*, Cr. Dimitriadis*, Cr. Greco*, Cr. Hannan*, Cr. Laurence* (5.40pm), Cr. McCarthy(5.10pm*, 5.31pm in chamber), Cr. Messina* (4.17pm), Cr. Rennie,
	<b>Council Staff:</b>	Peter Smith, CEO Vanessa Petrie, Acting General Manager City Sustainability and Strategy Kylie Bennetts, General Manager Community Jodie Watson, General Manager Governance & Engagement Sam Hewett, General Manager Operations & Capital Jacinta Stevens, Manager Corporate Governance Chad Griffiths, Manager City Futures (item 4.2) Lalitha Koya, Manager Information Services (item 4.4) (5.01pm-7.08pm) Enna Giampiccolo, Manager Communications, Engagement & Customer Experience (item 4.4) (5.01pm-7.08pm) Daryl Whitfort, CFO (item 4.4)(5.01pm-7.08pm)
	<b>Other:</b>	KPMG - Dr Robert Guerrero*, Kar Limx, Peter Marczenko*(lead partner)(5.01pm-(7.08pm))
<b>APOLOGIES:</b>		

The Meeting commenced 4.02pm

Meeting adjourned at 4.40pm – reconvened at 5.01pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4.1	<b>Contaminated Land Management Framework - update</b>	No Disclosures
4.2	<b>Planning Policy Framework Translation</b>	No Disclosures
4.3	<b>Council Meeting Agenda Discussion/Questions</b>	No Disclosures
4.4	<b>ERP Business Case</b>	No Disclosures Presentation commenced 5.01pm

The Meeting concluded at 7.12pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b> <b>Officer Title:</b>	Jacinta Stevens Manager Corporate Governance
---------------------------------	---	---





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

<b>MEETING DETAILS:</b>	<b>Title:</b>	Councillor Workshop Session
	<b>Date:</b>	19 April 2023
	<b>Location:</b>	Hybrid: - In person – Chamber - Virtual*
<b>PRESENT:</b>	<b>Councillors:</b>	Mayor Williams, Cr. Newton*, Cr. Dimitriadis*, Cr. Greco*, Cr. Hannan, Cr. Laurence, Cr. McCarthy*, Cr. Messina* (5.30pm), Cr. Rennie*
	<b>Council Staff:</b>	Peter Smith, CEO Vanessa Petrie, Acting General Manager City Sustainability and Strategy Kylie Bennetts, General Manager Community Jodie Watson, General Manager Governance & Engagement Sam Hewett, General Manager Operations & Capital Jacinta Stevens, Manager Corporate Governance Julie Wyndham, Corporate Strategy Officer
	<b>Other:</b>	
<b>APOLOGIES:</b>		

The Meeting commenced 5.01pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
	<b>Council Plan Action Plan</b>	No Disclosures
	<b>Operating Projects</b>	No Disclosures

The Meeting concluded at 7.04pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Jacinta Stevens
	<b>Officer Title:</b>	Manager Corporate Governance



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

<b>MEETING DETAILS:</b>	<b>Title:</b>	Planning and Budgeting Briefing
	<b>Date:</b>	26 April 2023
	<b>Location:</b>	Hybrid: - In person – Chamber - Virtual*
<b>PRESENT:</b>	<b>Councillors:</b>	Mayor Williams, Cr. Newton (commenced virtual, left 5.30pm, returned 5.58pm, arrived in chamber 6.15pm), Cr. Dimitriadis*, Cr. Greco (6.30pm), Cr. Hannan, Cr. Laurence (6.20pm), Cr. McCarthy (5.10pm), Cr. Messina Cr. Rennie
	<b>Council Staff:</b>	Peter Smith, CEO Vanessa Petrie, Acting General Manager City Sustainability and Strategy (5pm-8pm) Kylie Bennetts, General Manager Community (5pm-8pm) Jodie Watson, General Manager Governance & Engagement (5pm-8pm) Sam Hewett, General Manager Operations & Capital (5pm-8pm) Jacinta Stevens, Manager Corporate Governance (5pm-8pm) Julie Wyndham, Corporate Strategy Officer (5pm – 7pm) Daryl Whitfort, Acting Chief Financial Officer (5pm – 7pm)
	<b>Other:</b>	
<b>APOLOGIES:</b>		

The Meeting commenced at 5.02pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Council Plan and Council Plan Action Plan 23/24	No disclosures were made.
2	Waste Charge, Rates Financial Hardship Policy and Revenue and Rating Plan	No disclosures were made.
3	Draft Borrowing Policy	No disclosures were made.

## SUMMARY OF MEETINGS – PUBLIC RECORD (CONT)

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4	2023/24 Capital Budget	No disclosures were made.
5	Monitor Report	No disclosures were made.

The Meeting concluded at 8.10pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Jacinta Stevens
	<b>Officer Title:</b>	Manager Corporate Governance

## Councillor Expenses - Q3 1 January 2023 - 31 March 2023 (If applicable GST is excluded)

	Cr Dimitriadis	Cr Greco	Cr Hannan	Cr Laurence	Cr McCarthy	Cr Messina	Cr Newton (Deputy Mayor)	Cr Rennie	Cr Williams (Mayor)	Total
										\$
Councillor Allowances	9,685	9,685	9,685	9,685	9,685	9,229	16,062	9,685	32,124	115,523
Mobile (Usage & Data Plan)	95	136	95	136	95	136	95	95	95	982
Internet (Laptop/Ipad)	41	41	41	41	41	41	41	41	41	368
Travel (Cabcharge/misc travel expenses)						140				140
Family care										-
Conferences/training (Inc. all related costs/travel/meals/accom)							15,090			15,090
Functions/events										-
Subscription										-
Stationary/equipment										-
Mayoral Vehicle									4,133	4,133
<b>Total net expenses</b>	<b>9,821</b>	<b>9,862</b>	<b>9,821</b>	<b>9,862</b>	<b>9,821</b>	<b>9,546</b>	<b>31,288</b>	<b>9,821</b>	<b>36,393</b>	<b>136,236</b>

NOTE: Cr Messina Allowance adjusted for Mayoral overpayment in November 2022

NOTE: Cr Newton's approved attendance for the Williamson Community Leadership Program 2023 (per Council Resolution - 26 November 2022)

Telephone and internet charges are recorded in the month they are incurred. All other expenses are reported on a cash basis.

Internet charges are included under Mobile Usage and Data Plan

Reimbursements to Council include payments from Councillors owed for a range of previous months which were paid for within this quarter

Further explanation of the expense categories is available in the City of Darebin Councillor Support and Expenses Policy 2021.



the place  
to live

# SUMMARY MINUTES OF THE AUDIT & RISK COMMITTEE MEETING

Held on Wednesday 20 March 2023 at Darebin Civic  
Centre, 350 High Street Preston 09:00 AM





**MONDAY 20 MARCH 2023  
COUNCIL CHAMBERS (NGURUNGAETA ROOM) – DAREBIN CIVIC  
CENTRE 350 HIGH STREET PRESTON**

*(Between 9:13 AM and 9:33 AM, in-camera discussion was held)*

**Attendees**

**Members**

- Lisa Tripodi (Independent External Member) (Chairperson) *(arrived 09:10 AM)*
- Dr. Marco Bini (Independent External Member) #
- Jonathan Kyvelidis (Independent External Member)
- Cr. Julie Williams (Committee Member)
- Cr. Lina Messina (Committee Member)

**Internal Auditor**

- Kapil Kukreja – Partner, HLB Mann Judd *(arrived 09:10 AM)*
- Mark Holloway – Partner, HLB Mann Judd

**External Auditor**

- Josh Porker – Principal, RSD Audit # *(attended 10:05)*
- Daniel Distiller – Manager, RSD Audit # *(attended 10:05)*

**Council Officers – Regular Attendees**

- Peter Smith – Chief Executive Officer
- Jodie Watson – General Manager Governance and Engagement
- Rachel Ollivier – General Manager City Sustainability and Strategy
- Sam Hewett – General Manager Operations and Capital
- Kylie Bennetts – General Manager Community
- Jacinta Stevens – Manager Corporate Governance
- Bobbie-Lea Bright - Coordinator Risk and Improvement
- Lalitha Koya – Manager Information Services (Item 6.3)
- Sadiq Mohammad – Chief Finance Officer (Item 7.1)
- Kathryn Pound – Manager City Development (Item 8.1)
- Vanessa Petrie – Manager Climate Emergency and sustainable Strategy (Item 8.1)
- Yvette Fuller – Manager People and Culture (Item 8.2)

**Council Officers – Invited Guests**

- Anton Fernando – Cyber Security Specialist (Item 6.3)
- Winston Fernando – Cyber Security Specialist (Item 6.3)
- Vicky Guglielmo – Manager Creative Culture and Events (Item 9.2)

**Minutes**

- Ilker Destan – Audit and Compliance Officer

# These participants attended virtually

**DISCLAIMER:**

The information contained in this report is designated confidential by the Chief Executive Officer as it is confidential information for the purposes of Section 3(1) of the Local Government Act 2020 because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released. This ground applies because of the sensitive and varied nature of the information received and considered by the Audit & Risk Committee from time-to-time which can pertain to external stakeholders also.





**AUDIT & RISK COMMITTEE MEETING MINUTES****20 MARCH 2023****1. WELCOME & ACKNOWLEDGEMENT OF COUNTRY**

The Chair presented the Acknowledgement of Country and welcomed the Committee members and all attendees present at the meeting.

**2. APOLOGIES**

- Cr. Lina Messina – Councillor Member

**3. DISCLOSURES OF CONFLICTS OF INTEREST**

None declared.

Although not a conflict, The Chair mentioned her recent appointment to the Audit and Risk Committee of two other Councils.

**4. CONFIRMATION OF THE MINUTES OF THE PREVIOUS AUDIT COMMITTEE MEETING**

The Committee approved the minutes as a true and correct record of the previous meeting held 12 December 2022.

**5. CEO QUARTERLY UPDATE (VERBAL)**

The Audit and Risk Committee noted the verbal update provided by the CEO.

**6. STANDING REPORTS****6.1 ACTIONS ARISING FROM PREVIOUS MEETING**

1. The Audit and Risk Committee noted the status of the action items from the previous meeting.

**KEY FINDING**

- Management will continue to work towards the completion of the open actions and provide an update at the 19 June 2023 meeting.

**6.2 COMMITTEE WORK PLAN REPORT**

The Audit and Risk Committee noted and received:

- 1) the Committee Work Plan Report
- 2) the Councillor's Gifts, Benefits and Hospitality Register for the period of 1 July 2022 – 31 December 2022
- 3) the Staff Gifts, Benefits and Hospitality Register for the period of 1 July 2022 – 31 December 2022
- 4) the Councillor's expenses for the period of 1 July 2022 – 31 December 2022
- 5) the CEO credit card expenses for the period of 1 July 2022 – 31 December 2022

**AUDIT & RISK COMMITTEE MEETING MINUTES****20 MARCH 2023****KEY FINDINGS**

- Council is taking appropriate actions to comply with the latest legislative changes.
- Management has adequate controls in place to manage and record offers and receipt of Gifts, Benefits and Hospitality.
- Management has adequate controls in place to oversee and report on Councillor Expenses.
- CEO Credit Card transactions are in accordance with relevant policies and reflect appropriate expenditure.

**6.3 INFORMATION SERVICES REPORT**

1. The Audit and Risk Committee noted the Information Services Report.

**KEY FINDINGS**

- Management have taken appropriate action to mitigate the high risks in IT.
- 2022/23 Information Services projects are addressing key risks including Cyber Security, IT Disaster Recovery and Data Governance.
- An IT Strategy is being developed to ensure future technology spend is aligned to business needs.

**7. FINANCIAL REPORTS****7.1 QUARTERLY FINANCIAL REPORT**

The Audit and Risk Committee notes and receives:

- 1) the Quarterly Financial Report
- 2) the Financial Report for the (6) months ended 31 September 2022
- 3) the approach to oversight and monitoring of the long-term financial plan assumptions

The Audit and Risk Committee endorsed:

- 4) The inclusion of the 10-year Financial Plan to the Committee Work Plan, along with the Revenue and Rating Plan for an annual review in March
- 5) The inclusion of twice annual monitoring of long-term financial plan assumptions against current year at the March and September meetings to the Committee Work Plan.

**KEY FINDINGS**

- Council is monitoring and managing its financial position and key controls. A thorough review has been undertaken of the finance as part of the Q2 mid-year review and the 2023-24 annual budget process.
- Management have taken steps to strengthen the periodic monitoring of 10-year financial plan assumptions.
- The assessment of upcoming Australian Accounting Standards did not identify any material impact on 2022/23 annual financial reports.

**7.2 VAGO EXTERNAL AUDIT STRATEGY 2022-23**

1. The Audit and Risk Committee noted and received the Audit Strategy Memorandum – Darebin City Council for the financial year ending 30 June 2023.

**KEY FINDING**

- VAGO Service Provider; RSD Audit on behalf of the Victorian Auditor General's Office will deliver the external audit of Darebin City Council for the year ending 30 June 2023.

**AUDIT & RISK COMMITTEE MEETING MINUTES****20 MARCH 2023****8. RISK MANAGEMENT****8.1 QUARTERLY RISK MANAGEMENT REPORT**

1. The Audit and Risk Committee noted the Quarterly Risk Management Report.

**KEY FINDINGS**

- Actions taken to manage Council's risks are adequate and strengthened by the representation of several key reportable findings, and the presentation of Council's strategic and operational risks.
- The actions taken to ensure that material risks have been dealt with are adequate and are helping to embed risk management practices throughout the organisation.
- We are starting to see an increase in staff awareness and maturity and continue to work with the organisation to bridge the gap surrounding Council's risk profile including the introduction of the Strategic Risk and Internal Audit Committee.
- Current emphasis is being placed on identifying where the gaps are in the current fraud, prevention and control systems and actions put in place to address the gaps.
- Council continue to prioritise the legacy building matters and take the appropriate action to reduce our liability exposure.
- Management has acted to ensure effective management of contaminations risks.
- Actions taken to manage climate risks are adequate.
- There are improvement and compliance opportunities in Council's private pool and spa safety services.

**8.2 QUARTERLY SAFETY REPORT**

1. The Audit and Risk Committee noted the Quarterly Safety Report and the Safeguarding Children Policy.

**KEY FINDING**

- Management has adequate measures in place to support and monitor health, safety and wellbeing across the workforce.

**9. INTERNAL AUDIT****9.1 INTERNAL AUDIT PROGRAM STATUS & AUDIT SCOPES FOR APPROVAL**

1. The Audit and Risk Committee noted and received the Internal Audit Status Report.

**KEY FINDING**

- HLB Mann Judd will continue to the delivery of the 2022/2023 Internal Audit Program.

**9.2 COMPLETED INTERNAL AUDITS**

The Audit and Risk Committee noted:

- 1) the Completed Internal Audits Report
- 2) the Revised Final Report of the Review of Events Management
- 3) the Final Report of the Review of Community Engagement Framework with Control Effectiveness in Multi-Sports Stadium Project and COVID Response

**AUDIT & RISK COMMITTEE MEETING MINUTES****20 MARCH 2023****KEY FINDING**

- The 2022/23 Internal Audit Program will continue to be delivered.

**9.3 THREE-YEAR ROLLING AND ANNUAL STRATEGIC INTERNAL AUDIT PLAN**

The Audit and Risk Committee

- 1) noted the Three-Year Rolling and Annual Strategic Internal Audit Plan report, and
- 2) endorsed the Draft Internal Audit Plan 2023/24 and current Assurance Map to provide to the appointed Internal Auditor for further refinement.

**KEY FINDING**

- The Assurance Map is used to inform the development of the Strategic Annual Internal Audit Plan and the accompanying three-year rolling internal audit program that sets the future direction for Council's internal audit program.

**9.4 OUTSTANDING AUDIT ACTIONS STATUS REPORT**

1. The Audit and Risk Committee noted the Outstanding Audit Actions Status Report.

**KEY FINDING**

- Management are progressing the completion of outstanding audit actions, with some delays experienced in achieving completion as expected.

**9.5 RECENT REPORT AND PUBLICATIONS**

1. The Audit and Risk Committee noted the Recent Report and Publications Report and Management comments.

**KEY FINDING**

- Management have reviewed recent reports and publications related to issues of management controls, integrity and continuous improvement that impact the local government sector and initiated actions to mitigate Council's risk in response.

**10. GOVERNANCE****10.1 COMMITTEE MANAGEMENT REPORT**

The Audit and Risk Committee

- 1) noted the Committee Management Report and
- 2) endorsed the Draft 2022/2023 Annual Committee Survey.

**KEY FINDING**

- Management have adequate structural resourcing in place to support the work of the Committee and the internal audit function.

**AUDIT & RISK COMMITTEE MEETING MINUTES****20 MARCH 2023****10.2 LGPRF 2022/23 MID YEAR REPORT**

1. The Audit and Risk Committee noted the LGPRF 2022/23 Mid-Year Results Report.

**KEY FINDING**

- Majority (70%) of the service indicators are tracking either stable or improving.

**11. OTHER BUSINESS**

Manager Corporate Governance provided an update on the tendering process. CEO requested an external member of the Committee be involved in the Post Tender Interview. The Chair declared a conflict of interest with the nominated firm. Other external members of the Committee accepted supporting the management with the interview.

**12. NEXT MEETING**

The next meeting of the Audit Committee will be held at 9:00am 19 June 2023 in the Council Chambers, Darebin Civic Centre, 350 High Street Preston.

**13. CLOSE OF MEETING**

As there was no further business, the Chair closed the meeting at 12:03 pm

---

**Signed: Lisa Tripodi (Chair)**

**Date:** 20 March 2023



***S6 Instrument of Delegation to Members of Council Staff***

**Darebin City Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**



## INSTRUMENT OF DELEGATION MEMBERS OF COUNCIL STAFF

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that reference in the Schedule are as follows:

Acronym	means	Title
Admin – P&B	means	All Administration Staff – Planning and Building
AA	means	Appeals Advocate
AMCD	means	Assistant Manager City Development
BSO(B&P)	means	Business Support Officer (Business and Performance)
BSO(HP)	means	Business Support Officer (Health Protection)
CAS	means	Coordinator Asset Strategy
CEO	means	Chief Executive Officer
CFO	Means	Chief Finance Officer
CG&C	means	Coordinator Graffiti & Compliance
CHP	means	Coordinator Health Protection
CI&FM	means	Coordinator Infrastructure and Fleet Maintenance
CPD	means	Coordinator Priority Development
CSP	means	Coordinators Statutory Planning
CSTP	means	Coordinator Strategic Planning
CST	Means	Coordinator Sustainable Transport
CW&DRRC	means	Coordinator Waste & DRRC
EHT	Means	Environmental Health Technician
GMC	means	General Manager Community
GMCS&S	means	General Manager City Sustainability and Strategy
GMG&E	means	General Manager Governance and Engagement
GMO&C	means	General Manager Operations and Capital

HPO	means	Health Protection Officer
MBS	means	Municipal Building Surveyor
MC&MP	means	Manager Capital & Major Projects
MCD	means	Manager City Development
MCF	means	Manager City Futures
MCG	means	Manager Corporate Governance
MCS&C	means	Manager City Safety and Compliance
MCW	means	Manager City Works
MCE&ST	means	Manager Climate Emergency and Sustainable Transport
MP&AS	means	Manager Property & Asset Strategy
PIO	means	Planning Investigation Officer
PDP	means	Priority Development Planner
PSP	means	All Principal Statutory Planners
SCL	means	Subdivision Customer Liaison
Service Manager or Coordinator	means	The Manager or Coordinator responsible for Council service or facility
SEHO	means	Senior Environmental Health Officer
SO	means	Subdivision Officer
SP	means	All Statutory Planners
SPA	means	Statutory Planning Assistants
SPIO	means	Senior Planning Investigation Officer
SSO	means	Senior Subdivision Officer
SSP	means	All Senior Statutory Planners
STDP	means	Student Planner
STE	Means	Senior Transport Engineer
STP	means	All Strategic Planners
TE	means	All Transport Engineers
TLB&P	means	Team Leader Business and Performance
TLCP&P	means	Team Leader Community Projects & Programs
TLLL	means	Team Leader Local Laws
TLTP	means	Team Leader Transport Planning
TLTS1	means	Team Leader Transport Safety

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 24 May 2023; and



3.2 the delegation:

- 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
- 3.2.2 revokes the delegation issued by Council on 28 November 2022 ;
- 3.2.3 remains in force until varied or revoked;
- 3.2.4 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
- 3.2.5 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

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

- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
- 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a:
  - (a) policy; or
  - (b) strategy
 adopted by Council;
- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

The COMMON SEAL of )  
 DAREBIN CITY COUNCIL )  
 was affixed on \_\_\_\_\_ )  
 with the authority of the Council: )

**Signed** by the Mayor in the presence of )  
 )

Witness .....

Date: .....

**Signed** by the Chief Executive Officer of Council in the presence of )  
 )

Witness .....

Date: .....

---

## INDEX

DOMESTIC ANIMALS ACT 1994 .....	1
FOOD ACT 1984 .....	2
HERITAGE ACT 2017 .....	7
LOCAL GOVERNMENT ACT 1989 .....	8
PLANNING AND ENVIRONMENT ACT 1987 .....	9
RESIDENTIAL TENANCIES ACT 1997 .....	41
ROAD MANAGEMENT ACT 2004 .....	42
PLANNING AND ENVIRONMENT REGULATIONS 2015 .....	51
PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016 .....	52
RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020.....	53
ROAD MANAGEMENT (GENERAL) REGULATIONS 2016 .....	56
ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015.....	58

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s.41A(1)	power to declare a dog to be a menacing dog	GMCS&S, MCS&C, TLB&P, TLLL	Council may delegate this power to a Council authorised officer.

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	CHP, SEHO, HPO	If s 19(1) applies.
s.19(2)(b)	power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CHP, SEHO, HPO	If s 19(1) applies.
s.19(3)	power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CEO	If s 19(1) applies. Only in relation to temporary food premises or mobile food premises.
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b): (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	GMCS&S, CHP, SEHO, HPO, EHT	If s 19(1) applies.
s.19(6)(a)	duty to revoke any order under s 19 if satisfied that an order has been complied with	SEHO, HPO, CHP, EHT	If s 19(1) applies.
s.19(6)(b)	duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with	CHP, SEHO, HPO, EHT	If s 19(1) applies.
s.19AA(2)	power to direct, by written order, that a person must take any of the actions described in (a)-(c).	CHP, SEHO, HPO	Where Council is the registration authority.
s.19AA(4)(c)	power to direct, in an order made under s19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	Not delegated	Note: the power to direct the matters under s 19(4) (a) and (b) is not capable of delegation and so such directions must be made by a Council resolution.
s.19AA(7)	duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	CHP, SEHO, HPO, EHT	Where Council is the registration authority.
s.19CB(4)(b)	power to request a copy of records	CHP, SEHO, HPO, EHT,	Where Council is the registration authority.
s.19E(1)(d)	power to request a copy of the food safety program	CHP, SEHO, HPO, EHT	Where Council is the registration authority.
s.19EA (3)	Function of receiving copy of revised food safety program	CHP, SEHO, HPO, EHT, BSO(HP)	Where Council is the registration authority.

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19GB	power to request a proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CHP, SEHO, HPO, EHT, BSO(HP)	Where Council is the registration authority.
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	CHP, SEHO, HPO	Where Council is the registration authority.
s19IA(2)	Duty to give written notice to the proprietor of the premises	CHP, SHE, HPO	Where Council is the registration authority.  Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	CHP, SEHO, HPO,EHT	Where Council is the registration authority.
s19N (2)	Function of receiving notice from the auditor	CHP, SEHO, HPO, EHT, BSO(HP)	Where Council is the registration authority.
s.19NA(1)	power to request food safety audit reports	CHP, SEHO, HPO,EHT	Where Council is the registration authority.
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	CHP	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	CHP	Except for an assessment required by a declaration under s 19C or an inspection under s 38B(1)(c) or 39.
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CHP, SEHO, HPO,EHT	Where Council is the registration authority.
s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CHP, SEHO, HPO,EHT	Where Council is the registration authority.
s.19W(3)(b)	power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CHP, SEHO, HPO,EHT	Where Council is the registration authority.

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	power to register or renew the registration of a food premises	CHP, SEHO, HPO,EHT	Where Council is the registration authority.  Refusal to grant/or renew the registration of a food premises must be ratified by Council or the CEO (see section 58A (2)).
s. 36A	power to accept an application for registration or notification using online portal	CHP, SEHO, HPO, EHT, BSO(HP)	Where Council is the registration authority
s.36B	duty to pay the charge for use of online portal	CHP, SEHO, HPO	Where Council is the registration authority
s.38AA(5)	power to (a) request further information or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CHP, SHE, HPO, EHT	Where Council is the registration authority.
s.38AB(4)	power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	CHP	Where Council is the registration authority.
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38A(4)	power to request a copy of a completed food safety program template	CHP, SEHO, HPO,EHT	Where Council is the registration authority.
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	CHP, SEHO, HPO,EHT	Where Council is the registration authority.
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of s 38A	CHP, SEHO, HPO, EHT	Where Council is the registration authority.
s.38B(2)	duty to be satisfied of the matters in s 38B(2)(a)-(b)	CHP, SEHO, HPO, EHT	Where Council is the registration authority.
s.38D(1)	duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	CHP, SEHO, HPO, EHT	Where Council is the registration authority.
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	CHP, SEHO, HPO, EHT	Where Council is the registration authority.
s.38D(3)	power to request copies of any audit reports	CHP, SEHO, HPO, EHT, BSO(HP)	Where Council is the registration authority.

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38E(2)	power to register the food premises on a conditional basis	CHP	Where Council is the registration authority. Not exceeding the prescribed time limit defined under S 38E(5)
s.38E(4)	duty to register the food premises when conditions are satisfied	CHP, SEHO, HPO, EHT	Where Council is the registration authority.
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	CHP, SEHO, HPO, EHT	Where Council is the registration authority.
s. 38G(1)	power to require notification of change of the food safety program type used for the food premises	CHP, SEHO, HPO, EHT	Where Council is the registration authority
s. 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	CHP, SEHO, HPO, EHT	Where Council is the registration authority
s. 38G(4)	power to require the proprietor of the food premises to comply with any requirement of the Act	CHP, SEHO, HPO, EHT	Where Council is the registration authority
s. 39 (2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	CHP, SEHO, HPO, EHT	Where Council is the registration authority
s.39A	power to register or renew the registration of a food premises despite minor defects	CHP, SEHO, HPO, EHT	Where Council is the registration authority. Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	CHP, SEHO, HPO, EHT	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	CHP, SEHO, HPO, EHT	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	CHP	Where Council is the registration authority.
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	CHP, SEHO, HPO, EHT	Where Council is the registration authority.
s.40D(1)	power to suspend or revoke the registration of food premises	CHP	Where Council is the registration authority. In consultation with the GMSC&S. Action must be ratified by Council.
s. 40E	Duty to comply with direction of the Secretary	CHP, SEHO, HPO, EHT, BSO(HP)	
s. 40F	power to cancel registration of food premises	CHP, SEHO, HPO, EHT, BSO(HP)	Where Council is the registration authority
s. 43	Duty to maintain records of registration	CHP, SEHO, HPO, EHT, BSO(HP)	Where Council is the registration authority
s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, or renewing registration of a component of a food business	CHP, SEHO, HPO, EHT	Where Council is the registration authority.
s.43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CHP, SEHO, HPO, EHT	Where Council is the registration authority.
s.45AC	Power to bring proceedings	CHP, SEHO	
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CHP, SEHO	Where Council is the registration authority. In consultation with the GMCS&S.



HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.116	power to sub-delegate the Executive Director's functions, duties or powers	MCD, AMCD	<p>Must first obtain the Executive Director's written consent.</p> <p>Council can only sub-delegate if the instrument delegation from the Executive Director authorises sub- delegation.</p> <p>'Executive Director' means the Executive Director of Heritage Victoria.</p>

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.185L(4)	Power to declare and levy a cladding rectification charge	CEO <sup>2</sup>	Council has not entered into any cladding rectification charge agreements.

<sup>2</sup> The only member of staff who can be a delegate in Column 3 is the CEO.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.4B	power to prepare an amendment to the Victorian Planning Provisions	MCD, AMCD, MCF, CSTP	If authorised by the Minister.
s.4G	function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	GMCS&S, MCD, AMCD, MCF	
s.4H	duty to make amendment to the Victorian Planning Provisions available in accordance with public availability requirements	MCF, CSTP, STP	
s.4I (2)	duty to make a copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	MCF, CSTP	
s.8A(2)	power to prepare an amendment to the planning scheme where the Minister has given consent under s 8A	MCF, CSTP	
s.8A(3)	power to apply to the Minister to prepare an amendment to the planning scheme	GMCS&S, MCF, MCD, AMCD	
s.8A(5)	function of receiving notice of the Minister's decision	GMCS&S, MCF, MCD, AMCD	
s.8A(7)	power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	MCF, CSTP	
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	Not delegated	
s.12(3)	power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	MCF, CSTP	
s.12B(1)	duty to review the planning scheme	MCF, CSTP	
s.12B(2)	duty to review planning scheme at direction of the Minister	MCF, CSTP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12B(5)	duty to report findings of a review of the planning scheme to the Minister without delay	MCF, CSTP	
s.14	Duties of a Responsible Authority as set out in s 14 (a)-(d)	MCD, AMCD, MCF, CSP, CPD	
s.17(1)	duty of giving a copy of an amendment to the planning scheme	MCF, CSTP, STP, SCL, STDP, Admin - P&B	
s.17(2)	duty of giving a copy of a s 173 agreement	MCD, AMCD, MCF, CSP, CPD, PSP, PDP, AA, SSP, SP, STP	
s.17(3)	duty of giving a copy of amendment, explanatory report and relevant documents to Minister within 10 business days	GMCS&S, MCD, AMCD, CSP, CPD, PSP, PDP, AA,	
s.18	duty to make an amendment etc. available in accordance with public availability requirements	MCF, CSTP, STP	Until the proposed amendment is approved or lapses
s.19	power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	MCD, AMCD, MCF	
s.19	function of receiving notice of preparation of an amendment to a planning scheme	GMCS&S, MCF, MCD, AMCD,	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s.20(A)	Power to apply to Minister to prepare an amendment in a prescribed class	GMCS&S	To allow officers to apply to Minister to carry out an amendment to the Darebin Planning Scheme for prescribed classes of fix ups to the Darebin Planning Scheme  These are always administrative and minor in nature and require no notice through the Act.
s.20(1)	power to apply to Minister for exemption from the requirements of s 19	GMCS&S, MCD, AMCD, MCF	Where Council is a Planning authority

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.20(2) GMCS&S	Power to apply to Minister for a planning scheme amendment exemption from the requirements of s 19	GMCS&S	To allow officers to apply to Minister to carry out an amendment to the Darebin Planning Scheme for fix-up amendments that require no notice.
s.20(4)	Power to apply to Minister to prepare a planning scheme amendment to exempt themselves from notice requirements of s 19	GMCS&S	To allow officers to apply to Minister to carry out Ministerial amendment for an interim heritage overlay where Council has already resolved to seek an interim heritage overlay.  This is for the time before an interim heritage overlay is approved by the Minister, if any demolition requests come in where we need to lodge a fresh amendment request in order to suspend demolition S29A requests under the Building Act.
s.21(2)	duty to make submissions available in accordance with public availability requirements	MCF, CSTP, STP	Relates to planning scheme amendments.  Until the end of 2 months after the amendment comes into operation or lapses
s.21A(4)	Duty to publish notice	MCF, CSTP, STP	
s.22 (1)	duty to consider all submissions received before the date specified in the notice	Not delegated	Except submissions which request a change to the items in s.22(5)(a) and (b).  Council/Planning Committee decision required.
s.22 (2)	Power to consider a late submission  Duty to consider a late submission, if directed by the Minister	GMCS&S, MCF, CSTP	
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	MCF, CSTP,	
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	MCF, CSTP, STP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.24	function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	MCD, AMCD, MCF CSP, CPD, CSTP, PSP, PDP, AA, SSP, SP, STP	
s.26(1)	power to make a report available for inspection in accordance with the requirements set out in s 197B of the Act	MCD, AMCD, MCF, CSP, CPD, CSTP, PSP, PDP, AA, SSP, SP, STP	
s.26(2)	duty to keep the report of panel available in accordance with public availability requirements	MCF, CSTP, STP	During the Inspection period
s.27(2)	power to apply for exemption if panel's report is not received	MCD, AMCD, MCF	
s.28 (1)	duty to notify Minister if abandoning an amendment	GMCS&S, MCD, AMCD, MCF	Note: the power to make a decision to abandon an amendment cannot be delegated.
s. 28(2)	duty to publish notice of the decision on Internet site	MCD, AMCD	
s. 28(4)	duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	MCD, AMCD	
s.30(4)(a)	duty to say if an amendment has lapsed	MCF, CSTP, STP	
s.30(4)(b)	duty to provide information in writing upon request	MCF, CSTP, STP	
s.32(2)	duty to give more notice if required	MCF, CSTP, STP	
s.33(1)	duty to give more notice of changes to an amendment	MCF, CSTP, STP	
s.36(2)	duty to give notice of approval of amendment	MCF, CSTP, STP	
s.38(5)	duty to give notice of revocation of an amendment	MCF, CSTP, STP	
s.39	function of being a party to a proceeding commenced under s 39 and duty to comply with a determination by VCAT	MCF, CSTP, STP	
s.40(1)	function of lodging copy of approved amendment	MCF, CSTP, STP	
s.41 (1)	duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	MCF, CSTP, STP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.41 (2)	duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	MCF, CSTP, STP	
s.42 (2)	duty to make copy of planning scheme available in accordance with the public availability requirements	MCF, CSTP, STP	
s.46AAA	duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	Not applicable	Where Council is a responsible public entity and is a planning authority.  Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect limited number of Councils.
s.46AW	function of being consulted by the Minister	GMCS&S, MCD, AMCD, MCF	Where Council is a responsible public entity.
s.46AX	function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy  power to endorse the draft Statement of Planning Policy	GMCS&S, MCD, AMCD, MCF	Where Council is a responsible public entity.
s.46AZC2	to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	GMCS&S, MCD, AMCD, MCF, CSTP	Where Council is a responsible public entity.
s.46AZK	duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	GMCS&S, MCD, AMCD, MCF, CSTP	Where Council is a responsible public entity.
s.46GI(2)(b)(i)	power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	GMCS&S, CFO	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency.
s.46GJ(1)	function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	GMCS&S, CFO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GK	duty to comply with a Minister's direction that applies to Council as the planning authority	GMCS&S, MCD, AMCD, MCF	
s.46GN(1)	duty to arrange for estimates of values of inner public purpose land	GMCS&S, MCD, AMCD, MCF, CFO	
s.46GO(1)	duty to give notice to owners of certain inner public purpose land	GMCS&S, MCD, AMCD, MCF	
s.46GP	function of receiving a notice under s 46GO	GMCS&S, MCD, AMCD, MCF, CFO	Where Council is the collecting agency.
s.46GQ	function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	GMCS&S, MCD, AMCD, MCF, CFO	
s.46GR(1)	duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	GMCS&S, MCD, AMCD, MCF, CSTP	
s.46GR(2)	power to consider a late submission duty to consider a late submission if directed to do so by the Minister	GMCS&S, MCD, AMCD, MCF, CSTP	
s.46GS(1)	power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	GMCS&S, MCD, AMCD, MCF, CFO	
s.46GS(2)	duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	GMCS&S, MCD, AMCD, MCF, CFO	
s.46GT(2)	duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	GMCS&S, MCD, AMCD, MCF, CFO	
s.46GT(4)	function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	GMCS&S, MCD, AMCD, MCF, CFO	
s.46GT(6)	function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	GMCS&S, MCD, AMCD, MCF, CFO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GU	duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	Not delegated.	
s.46GV(3)	function of receiving the monetary component and any land equalisation amount of the infrastructure contribution power to specify the manner in which the payment is to be made	GMCS&S, MCD, AMCD, MCF, CFO	Where Council is the collecting agency
s.46GV(3)(b)	power to enter into an agreement with the applicant	GMCS&S, MCD, AMCD, MCF, CFO	Where Council is the collecting agency
s.46GV(4)(a)	function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	GMCS&S, MCD, AMCD, MCF, CFO	Where Council is the development agency
s.46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	GMCS&S, MCD, AMCD, MCF, CFO	Where Council is the collecting agency
s.46GV(7)	duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	GMCS&S, MCD, AMCD, MCF, CSTP	
s.46GV(9)	power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	GMCS&S, MCD, AMCD, MCF, CFO	Where Council is the collecting agency
s.46GX(1)	power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	GMCS&S, MCD, AMCD, CSP CPD	Where council is the collecting agency
s.46GX(2)	duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	GMCS&S, MCD, AMCD, CSP CPD	Where Council is the collecting agency
s.46GY(1)	duty to keep proper and separate accounts and records	GMCS&S, MCD, AMCD, CFO	Where Council is the collecting agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GY(2)	duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	GMCS&S, MCD, AMCD, CFO	Where Council is the collecting agency
s.46GZ(2)(a)	duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	MCD, AMCD	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s.46GZ(2)(a)	function of receiving the monetary component	MCD, AMCD	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s.46GZ(2)(b)	duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	MCD, AMCD	Where Council is the collecting agency under an approved infrastructure contribution plan This provision does not apply where Council is also the relevant development agency
s.46GZ(2)(b)	function of receiving the monetary component	MCD, AMCD	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s.46GZ(4)	duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	GMCS&S, CFO	Where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZ(5)	duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	GMCS&S, MCD, AMCD	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s.46GZ(5)	function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	GMCS&S, MCD, AMCD	Where Council is the development agency specific in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GZ(7)	duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	MCD, AMCD, CFO	Where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZ(9)	duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan responsible for the use and development of that land	MCD, AMCD, CFO	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s.46GV(4)  Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s.46GZ(9)	function of receiving the fee simple in the land	MCD, AMCD	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s.46GZA(1)	duty to keep proper and separate accounts and records	MCD, AMCD, CFO	Where Council is a development agency under an approved infrastructure contributions plan
s.46GZA(2)	duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	MCD, AMCD, CFO	Where Council is a development agency under an approved infrastructure contributions plan
s.46GZB(3)	duty to follow the steps set out in s 46GZB(3)(a)–(c)	CFO, MCD, AMCD	Where Council is a development agency under an approved infrastructure contributions plan
s.46GZB(4)	duty, in accordance with requirements of the VPA to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CFO, MCD, AMCD, MCG	If the VPA is the collecting agency under an approved infrastructure contributions plan  Where Council is a development agency under an approved infrastructure contributions plan
s.46GZD(2)	duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	CFO, MCD, AMCD	Where Council is a development agency under an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GZD(3)	duty to follow the steps set out in s 46GZD(3)(a) and (b)	CFO, MCD, AMCD	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CFO, MCD, AMCD	Where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZE(2)	duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	MCD, AMCD, CFO	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s.46GZE(2)	function of receiving the unexpended land equalisation amount	MCD, AMCD, CFO	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s.46GZE(3)	duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3) (a) and (b)	CFO	Where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZF(2)	duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	MCD, AMCD, CFO	Where Council is the development agency under an approved infrastructure contributions plan
S.46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	MCD, AMCD, CFO	Where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	Function of receiving proceeds of sale	MCD, AMCD, CFO	Where Council is the collection agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the development agency

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GZF(4)	duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	MCD, AMCD, CFO	Where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZF6	duty to make the payments under section46GZF(4) in accordance with s 46GZF(6)(a) and (b)	CFO, MCD, AMCD	Where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZH	power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	CFO	Where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZI	duty to prepare and give a report to the Minister at the times required by the Minister	MCD, AMCD, CFO	Where Council is a collecting agency or development agency
s.46GZK	power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	MCD, AMCD, CFO	Where Council is a collecting agency or development agency
s.46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB(2)	MCD, AMCD, CFO	
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SSO	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	MCD, AMCD, MCF, CSP, CPD	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	MCD, AMCD, MCF, CSP, CPD	
s.46O(1)(a) & (2)(a)	power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	MCD, AMCD, MCF, CSP, CPD, MBS	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	MCD, AMCD, MCF, CSP CPD,	
s.46P(1)	power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CHP, MCF, CSP CPD,	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	MCD, AMCD, MCF	
s.46Q(1)	duty to keep proper accounts of levies paid	MCD, AMCD, MCF	
s.46Q(1A)	duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	MCD, AMCD, CSP CPD,	
s.46Q(2)	duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc.	MCD, AMCD, MCF, CSP CPD,	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	MCD, AMCD, CSTP, CSP, CPD, MC&MP	Only applies when levy is paid to Council as a 'development agency'.
s.46Q(4)(c)	duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	MCD, AMCD, CSP CPD,	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister.
s.46Q(4)(d)	duty to submit to the Minister an amendment to the approved development contributions plan	GMCS&S, MCD, AMCD, MCF	Must be done in accordance with Part 3.
s46Q(4)(e)	duty to expend that amount on other works etc.	MCD, AMCD, MCF, MC&MP	With the consent of, and in the manner approved by, the Minister.
s.46QC	power to recover any amount of levy payable under Part 3B	MCD, AMCD, MCF	
s.46QD	duty to prepare report and give a report to the Minister	GMCS&S, MCD, AMCD, MCF	Where Council is a collecting agency or development agency.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46V(3)	duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period	Not applicable	
s.46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period	Not applicable	
s.46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	Not applicable	
s.46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements	Not applicable	
s.46Y	duty to carry out works in conformity with the approved strategy plan	Not applicable	
s.47	power to decide that an application for a planning permit does not comply with that Act	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SO, SSO	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	MCD, AMCD, CSP, CPD, PSP, SSP, SP, SPA, SO, SSO, SCL, STDP, Admin - P&B	
s.49(2)	duty to make register available for inspection in accordance with the public availability requirements	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SO, SSO, SCL, STDP, Admin - P&B	
s.50(4)	duty to amend applications	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SO, SSO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.50(5)	Power to refuse to amend application	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SO, SSO	
s.50(6)	Duty to make note of amendment to application in register	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SO, SSO	
s.50A(1)	power to make amendment to application	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SO, SSO	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SO, SSO	
s.50A(4)	duty to note amendment to an application in register	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SO, SSO, SCL, STDP, Admin – P&B	
s.51	duty to make a copy of an application available for inspection in accordance with the public availability requirements	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO, SCL, STDP, Admin – P&B	
s.52(1)(a)	duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.52(1)(b)	duty to give notice of the application to other municipal Council where appropriate	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SO	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.52(1)(ca)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
PLANNING AND ENVIRONMENT ACT 1987			



Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.52(1)(cb)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SO	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.52(3)	power to give any further notice of an application where appropriate	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.53(1)	power to require the applicant to give notice under s 52(1) to persons specified by it	MCD, AMCD, CSP, CPD, PSP, SSP, SP, SPA, SSO, SO	
s.53(1A)	power to require the applicant to give the notice under s 52(1AA)	MCD, AMCD, CSP, CPD, PSP, SSP, SP, SPA, SSO, SO	
s.54(1)	power to require the applicant to provide more information	CHP, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.54(1A)	duty to give notice in writing of information required under s 54(1)	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.54(1B)	duty to specify the lapse date for an application	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und s 54A(3)	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.55(1)	duty to give copy application, together with the prescribed information to every referral authority specified in the planning scheme	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO, SCL, STDP, Admin - P&B	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	MCD, AMCD, CSP, CPD, PSP, PDP, AA,	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO, SCL, STDP, Admin - P&B	
s.57(5)	duty to make a copy of all objections available in accordance with the public availability requirements	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO, SCL, STDP, Admin - P&B	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to s 57A(5)	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SO SSO,	
s.57A(5)	power to refuse to amend application	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.57A(6)	duty to note amendments to application in register	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO, SCL, STDP, Admin - P&B	
s.57B(1)	duty to determine whether and to whom notice should be given	CMCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57B(2)	duty to consider certain matters in determining whether notice should be given	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.57C(1)	duty to give copy of amended application to referral authority	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO, SCL, STDP, Admin - P&B	
s.58	duty to consider every application for a permit	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.58A	power to request advice from the Planning Application Committee	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.60	duty to consider certain matters	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s60(1A)	power to consider certain matters	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.61(1)	power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i> .  In accordance with Council's Planning Committee Charter.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Not applicable	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	Not applicable	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.62(1)	duty to include certain conditions in deciding to grant a permit	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.62(2)	power to include other conditions	MCD, AMCD, CSP, CPD, PSP, SSP, SP, SPA, SSO, SO	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SO	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	MCD, AMCD,	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.62(6)(b)	duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SO, SCL, STDP, Admin - P&B	This provision applies also to a decision to grant an amendment to a permit – see s 75
s.64(3)	duty not to issue a permit until after the specified period	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	This provision applies also to a decision to grant an amendment to a permit – see s 75
s.64(5)	Duty to give each objector a copy of an exempt decision	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	This provision applies also to a decision to grant an amendment to a permit – see s 75
s.64A	duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under s 57	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO, SCL, STDP, Admin - P&B	
s.66(1)	duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO, SCL, STDP, Admin - P&B	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO, SCL, STDP, Admin - P&B	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority.
s.66(4)	duty to give a recommending referral authority notice a copy of its decision to refuse any permit	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO, SCL, STDP, Admin - P&B	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit.
s.66(6)	duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO, SCL, STDP, Admin - P&B	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit.
s.69(1)	Function of receiving application for extension of time of permit	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO, SCL, STDP, Admin - P&B	
s.69(1A)	function of receiving application for extension of time to complete development	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO, SCL, STDP, Admin - P&B	
s.69(2)	power to extend time	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.70	duty to make copy permit available in accordance with the public availability requirements	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO, SCL, STDP, Admin - P&B	
s.71(1)	power to correct certain mistakes	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.71(2)	duty to note corrections in register	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO, SCL, STDP, Admin - P&B	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.73	power to decide to grant amendment subject to conditions	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	In accordance with Council's Planning Committee Charter
s.74	duty to issue amended permit to applicant if no objectors	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SO	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO, SCL, STDP, Admin - P&B	
s.76A(1)	duty to give relevant determining referral authorities copy of an amended permit and copy of notice	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO, Admin - P&B	
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO, SCL, STDP, Admin - P&B	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority.
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO, Admin - P&B	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit.
s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO, SCL, STDP, Admin - P&B	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit.
s.76D	duty to comply with direction of Minister to issue amended permit	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.83	function of being respondent to an appeal	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.83B	duty to give or publish notice of application for review	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO, SCL, STDP, Admin - P&B	
s.84(1)	power to decide on application at any time after an appeal is lodged against failure to grant a permit	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	In accordance with Council's Planning Committee Charter.
s.84(2)	duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.84(3)	duty to tell Principal Registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.84(6)	duty to issue permit on receipt of advice within 3 business days	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.84AB	power to agree to confining a review by the Tribunal	MCD, AMCD, CSP, CPD, PSP PDP, AA,	
s.86	duty to issue a permit at order of Tribunal within 3 business days	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	MCD, AMCD, CSP, CPD, PSP, PDP, AA,	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SPIO, PIO	
s.91(2)	duty to comply with the directions of VCAT	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.93(2)	duty to give notice of VCAT order to stop development	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPIO. PIO	
s.95(3)	function of referring certain applications to the Minister	GMCS&S, MCD, AMCD, CSP CPD,	
s.95(4)	duty to comply with an order or direction	MCD, AMCD, CSP,CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	Relevant Service Manager	In consultation with the MP&AS.
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	Relevant Service Manager	In consultation with the MP&AS
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	MCD, AMCD, MCF, CSP CPD,	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	MCD, AMCD, MCF, CSP, CPD, PSP, PDP, AA, SSP, SP, SSO, SO, SPA	
s.96F	duty to consider the panel's report under s 96E	MCD, AMCD,	
s.96G(1)	power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	MCD, AMCD, MCF, CSP, CPD, PSP, PDP, AA, SSP, SP, SSO, SO, SPA	
s.96H(3)	power to give notice in compliance with Minister's direction	MCD, AMCD, MCF, CSP CPD,	
s.96J	Duty power to issue permit as directed by the Minister	MCD, AMCD, MCF, CSP, CPD,, PSP, PDP, AA, SSP, SP, SSO, SO, SPA	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96K	duty to comply with direction of the Minister to give notice of refusal	MCD, AMCD, MCF, CSP, CPD, PSP, PDP, AA, SSP, SP, SSO, SO, SPA	
s. 96Z	duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate	GMCS&S, MCD, AMCD	
s.97C	power to request Minister to decide the application	GMCS&S, MCD, AMCD, CSP CPD,	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	MCD, AMCD, MCF, CSP, CPD, PSP, PDP, AA, SSP, SP, SSO, SO, SPA, Admin – P&B	
s.97G(3)	function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	MCD, AMCD, CSP, CPD,	
s.97G(6)	duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SSO, SO, SPA, SCL, STDP, Admin – P&B	
s.97L	duty to include Ministerial decisions in a register kept under section 49	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, , SSO, SO, SPA, SCL, STDP, Admin – P&B	
s.97MH	duty to provide information or assistance to the Planning Application Committee	MCD, AMCD, CSP, CPD, PSP, PDP, AA,	
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	MCD, AMCD, CSP, CPD,	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SSO, SO, SPA	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97Q(4)	duty to comply with directions of VCAT	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	MCD, AMCD, CSP, CPD, PSP, SSP, SP, SPA, SSO, SO, SCL, STDP, Admin - P&B	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	GMCS&S, MCD, AMCD	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	GMCS&S, MCD, AMCD	
s.101	function of receiving claim for expenses in conjunction with claim	GMCS&S, MCD, AMCD	
s.103	power to reject claim for compensation in certain circumstances	GMCS&S, MCD, AMCD	
s.107(1)	function of receiving claim for compensation	GMCS&S, MCD, AMCD	
s.107(3)	power to agree to extend time for making claim	GMCS&S, MCD, AMCD	
s.113 (2)	Power to request a declaration for land to be proposed to be reserved for public purposes		
s.114(1)	power to apply to the VCAT for an enforcement order	MCS&C, CCC, MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPIO, PIO	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA	
s.120(1)	power to apply for an interim enforcement order where s 114 application has been made	MCS&C, CCC, MCD, AMCD, CSP, CPD, SPIO, PIO	Subject to prior discussion with the GMCS&S.
s.123(1)	power to carry out work required by enforcement order and recover costs	MCS&C, CCC, SPIO, MCD, AMCD, CSP, CPD	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	Not delegated.	Except Crown land.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.129	function of recovering penalties	MCD, AMCD, MCS&C, CCC, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SPIO, PIO, SCL, STDP, Admin – P&B, , TLB&P, BSO(B&P)	
s.130(5)	power to allow person served with an infringement notice further time	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SPIO, PIO, MH&C, MCS&C, CCC, TLB&P	
s.149A(1)	power to refer a matter to the VCAT for determination	MCD, AMCD, CSP CPD, MCS&C, CCC,	
s.149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement	MCD, AMCD, CSP, CPD, PSP, PDP, AA	
s.156	duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156 (3) and power to abandon amendment or part of it under s 156(4)	MCD, AMCD, MCF, CSTP, STP	Where Council is the relevant planning authority.
s.171(2)(f)	power to carry out studies and commission reports	MCD, AMCD, MCF, CSTP, STP	
s.171(2)(g)	power to grant and reserve easements	MCD, AMCD, CSP, CPD	
s.172C	power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	Not delegated.	Where Council is a development agency specified in an approved infrastructure contributions plan
s.172D(1)	power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	Not delegated.	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s.172D(2)	power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	Not delegated.	Where Council is the development agency specified in an approved infrastructure contributions plan



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.173(1)	power to enter into agreement covering matters set out in s 174	CEO, GMCS&S, MCD, AMCD, MCF	
s.173(1A)	power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	Not delegated.	Where Council is the relevant responsible authority
---	power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	MCD, AMCD, CSP, CPD, PSP, PDP, AA	
---	power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	MCD, AMCD, CSP, CPD, PSP, PDP, AA	
s.177(2)	power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, GMCS&S, MCD, AMCD, MCF	
s.178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, GMCS&S, MCD, AMCD, MCF	
s.178A(1)	function of receiving application to amend or end an agreement	MCD, AMCD, CSP, CPD, PSP, PDP, AA SSP, SP, SPA, SSO, SO, SCL, STDP, Admin – P&B	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	MCD, AMCD, CSP, CPD, PSP, SSP, SP, SSO, SO, SPA	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	MCD, AMCD, CSP, CPD, PSP, PDP, AA SSP, SP, SSO, SO, SPA	
s.178A(5)	power to propose to amend or end an agreement	MCD, AMCD, CSP, CPD, PSP, PDP, AA SP, SSO, SO, SPA	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	MCD, AMCD, CSP, CPD, PSP, PDP, AA SSP, SP, SSO, SO, SPA	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	MCD, AMCD, CSP, CPD, PSP, PDP, AA SSP, , SP, SSO, SO, SPA	
s.178C(2)	duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	MCD, AMCD, CSP, CPD, PSP, PDP, AA SSP, SP, SSO, SO, SPA	
s.178C(4)	function of determining how to give notice under s 178C(2)	MCD, AMCD, CSP, PSP, PDP, AA SSP, SP, SSO, SO, SPA	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	MCD, AMCD, CSP, PSP, PDP, AA SSP, SP, SSO, SO, SPA	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	MCD, AMCD, CSP, PSP, PDP, AA SSP, SP, SSO, SO, SPA	If no objections are made under s 178D. Must consider matters in s 178B.
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	MCD, AMCD, CSP, CPD, PSP, PDP, AA SSP, , SP, SSO, SO, SPA	If no objections are made under s178D Must consider matters in s78B
s.178E(2)(c)	power to refuse to amend or end the agreement	MCD, AMCD, CSP, CPD, PSP, PDP, AA SSP, SP, SSO, SO, SPA	If no objections are made under s178D Must consider matters in s.178B
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	MCD, AMCD, CSP, CPD, PSP, PDP, AA , SSP, SP, SSO, SO, SPA	After considering objections, submissions and matters in s.178B
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SSO, SO, SPA	After considering objections, submissions and matters in s.178B

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	MCD, AMCD, CSP, CPD	After considering objections, submissions and matters in s.178B.
s.178E(3)(d)	power to refuse to amend or end the agreement	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SSO, SO, SPA	After considering objections, submissions and matters in s.178B.
s.178F(1)	duty to give notice of its decision under s 178E(3)(a) or (b)	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SSO, SO, SPA	
s.178F(2)	duty to give notice of its decision under s 78E(2)(c) or (3)(d)	MCD, AMCD, CSP, CPD	
s.178F(4)	duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, , SP, SSO, SO, SPA	
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SSO, SO, SPA	
s.178H	power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	MCD, AMCD, CSP, CPD	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, , SP, SSO, SO, SPA	
s.179(2)	duty to make a copy of each agreement available in accordance with the public availability requirements	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, , SP, SSO, SO, SPA	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	MCD, AMCD, CSP, CPD	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SSO, SO, SPA	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SSO, SO, SPA	
s.182	power to enforce an agreement	MCD, AMCD, CSP, CPD, PIO	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA, SSO, SO	
s.184F(1)	power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	MCD, AMCD, CSP, CPD, PSP, SSP, SP, SSO, SO, SPA	
s.184F(2)	duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SSP, SP, SSO, SO, SPA	
s.184F(3)	duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SSP, SP, SSO, SO, SPA	
s.184F(5)	function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SSO, SO, SPA, SCL, STDP, Admin – P&B	
s.184G(2)	duty to comply with a direction of the Tribunal	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, , SP, SSO, SO, SPA	
s.184G(3)	duty to give notice as directed by the Tribunal	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSPM, SP, SSO, SO, SPA, SCL, STDP, Admin – P&B	
s.185B (1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	MCD, AMCD, CSP, CPD	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.198(1)	function to receive application for planning certificate	Not applicable.	In the metropolitan area, planning certificates are issued by the Department of Transport, Planning and Local Infrastructure.
s.199(1)	duty to give planning certificate to applicant	Not applicable.	In the metropolitan area, planning certificates are issued by the Department of Transport, Planning and Local Infrastructure.
s.201(1)	function of receiving application for declaration of underlying zoning	Not applicable.	
s.201(3)	duty to make declaration	Not applicable.	
-	power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA	
	power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	MCD, AMCD, CSP, CPD, PDP, PSP, PDP, AA, SSP, SP, SPA	
	power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	MCD, AMCD, CSP, , CPD, PSP, PDP, AA, SSP, SP, SPA	
-	power to give written authorisation in accordance with a provision of a planning scheme	MCD, AMCD, CSP, CPD, PSP, PDP, AA, SSP, SP, SPA	
s.201UAB(1)	function of providing the Victoria Planning Authority with information relating to any land within municipal district	MCD, AMCD, MCF	
s.201UAB(2)	duty to provide the Victoria Planning Authority with information requested under S 201UAB(1) as soon as possible	MCD, AMCD, MCF	

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	MCD, AMCD, HPO, SEHO, CHP, EHT	
s.522(1)	power to give a compliance notice to a person	MCD, AMCD, HPO, SEHO, CHP	
s.525(2)	power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	GMCS&S	
s.525(4)	duty to issue identity card to authorised officers	MCD, AMCD, GMCS&S	
s.526(5)	duty to keep record of entry by authorised officer under s 526	MCD, AMCD, BSO(HP)	
s.526A(3)	function of receiving report of inspection	MCD, AMCD, HPO, BSO(HP), CHP, SEHO	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	MCD, AMCD	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	GMCS&S, GMG&E, GMO&C, MP&AS	Obtain consent in circumstances specified in s 11(2).
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	Not delegated	
s.11(9)(b)	duty to advise the Registrar	GMCS&S, GMG&E, GMO&C,MP&AS	
s.11(10)	duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	GMCS&S, GMG&E, GMO&C, MP&AS	Subject to section 11 (10A).
s.11(10A)	duty to inform Secretary to Department of Environment, Land Water and Planning or nominated person	GMCS&S, GMG&E, GMO&C, MP&AS	Where Council is the coordinating road authority.
s.12(2)	power to discontinue road or part of a road	Not delegated.	Where Council is the coordinating road authority.
s.12(4)	duty to publish, and provide copy, notice of proposed discontinuance	GMG&E, MP&AS,	Power of the coordinating road authority where it the discontinuing body. Unless s (11) applies.
s.12(5)	duty to consider written submissions received within 28 days of notice	GMG&E, MP&AS	Duty of the coordinating road authority where it is the discontinuing body. Unless s 12 (11) applies.
s.12(6)	function of hearing a person in support of their written submission	GMG&E, MP&AS	Function of coordinating road authority where it is the discontinuing body. Unless s 12 11) applies.
s.12(7)	duty to fix the day, time and place of meeting under s 12 (6) and to give notice	GMG&E, MP&AS	Duty of the coordinating road authority where it is the discontinuing body. Unless s 12 (11) applies.
s.12(10)	duty to notify of decision made	GMG&E, MP&AS	Duty of coordinating road authority where it is the discontinuing body. Does not apply where an exemption is specified in the regulations or given by the Minister.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	GMCS&S, GMG&E, GMO&C, MP&AS	Power of the coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate.
s.14(4)	function of receiving notice from the Head, Transport for Victoria	GMCS&S, MCE&ST	
s.14(7)	power to appeal against a decision of the Head, Transport for Victoria	GMCS&S, MCE&ST	
s.15(1)	power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	GMCS&S, GMG&E	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMCS&S, GMG&E	
s.15(2)	duty to include details of arrangement in public roads register	GMG&E, MP&AS	
s.16(7)	power to enter into an arrangement under s 15	GMCS&S, GMG&E	
s.16(8)	duty to enter details of determination in the public roads register	GMG&E, MP&AS	
s.17(2)	duty to register public road in public roads register	GMG&E, MP&AS	Where Council is the coordinating road authority.
s.17(3)	power to decide that a road is reasonably required for general public use	GMCS&S, GMG&E, MP&AS, MCE&ST	Where Council is the coordinating road authority.
s.17(3)	duty to register a road reasonably required for general public use in public roads register	GMG&E, MP&AS	Where Council is the coordinating road authority.
s.17(4)	power to decide that a road is no longer reasonably required for general public use	GMCS&S, GMG&E, MP&AS	Where Council is the coordinating road authority.
s.17(4)	duty to remove road no longer reasonably required for general public use from public roads register	GMG&E, GMCS&S, MP&AS, MCE&ST	Where Council is the coordinating road authority.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18(1)	power to designate ancillary area	GMCS&S, GMO&C	Where Council is the coordinating road authority, and obtains consent in circumstances specified in s 18(2).
s.18(3)	duty to record designation in the public roads register	GMG&E, MP&AS	Where Council is the coordinating road authority.
s.19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	GMG&E, MP&AS	
s.19(4)	duty to specify details of discontinuance in public roads register	GMG&E, MP&AS	
s.19(5)	duty to ensure public roads register is available for public inspection	GMG&E, MP&AS	
s.21	function of replying to request for information or advice	GMG&E, MP&AS, CAS	Obtain consent in circumstances specified in s 11(2).
s.22(2)	function of commenting on proposed direction	GMCS&S, GMG&E	
s.22(4)	duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	GMCS&S, GMG&E	
s.22(5)	duty to give effect to a direction under s 22.	GMCS&S, GMG&E	
s.40(1)	duty to inspect, maintain and repair a public road.	GMO&C, MCW, CG&C MP&AS, CAS	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	GMO&C, MCW, MP&AS, CAS	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	GMO&C, MP&AS, CAS, MCW	
s.42(1)	power to declare a public road as a controlled access road	GMCS&S, MCE&ST	Power of coordinating road authority and Sch 2 also applies.
s.42(2)	power to amend or revoke declaration by notice published in Victoria Government Gazette	GMCS&S, MCE&ST	Power of coordinating road authority and. Sch 2 also applies.
s.42A(3)	duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	GMG&E, GMCS&S, MP&AS, MCE&ST	Where Council is the coordinating road authority. If road is a municipal road or part thereof.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.42A(4)	power to approve the Minister's decision to specify a road as a specified freight road	GMCS&S, MCE&ST	Where Council is the coordinating road authority. If road is a municipal road or part thereof and where the road is to be specified a freight road.
s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	GMCS&S, GMO&C, MCE&ST, MCW	Where Council is the responsible road authority, infrastructure manager or works manager.
s.48M(3)	function of consulting with the relevant authority for purposes of developing guidelines under s 48M	GMCS&S, GMO&C, MCW, MCE&ST	
s.49	power to develop and publish a road management plan	MCW & MP&AS	
s.51	power to determine standards by incorporating the standards in a road management plan	MCW & MP&AS	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMO&C, MCW MP&AS	
s.54(2)	duty to give notice of proposal to make a road management plan	GMO&C, MCW, MP&AS	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	GMO&C, MCW	
s.54(6)	power to amend road management plan	GMO&C, MCW	
s.54(7)	duty to incorporate the amendments into the road management plan	GMO&C, MCW	
s.55(1)	duty to cause notice of road management plan to be published in the Victoria Government Gazette and newspaper	GMO&C, MCW, MP&AS	
s.63(1)	power to consent to conduct of works on road	GMO&C, MC&MP MCW, MCE&ST, CST, TLTP, TLTS1, STE, TE	Where Council is the coordinating road authority.
s.63(2)(e)	power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	GMO&C, MC&MP, MCW, CIM&S	Where Council is the infrastructure manager.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.64(1)	duty to comply with cl 13 of Sch 7	GMO&C, MC&MP, MCW	Where Council is the infrastructure manager or works manager.
s.66(1)	power to consent to structure etc	GMCS&S, GMO&C, MCE&ST, MC&MP	Where Council is the coordinating road authority.
s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	GMCS&S, GMO&C, MCD, AMCD, MCF, MCE&ST, MC&MP	Where Council is the coordinating road authority.
s.67(3)	power to request information	GMCS&S, GMO&C, MCD, AMCD, MCF, MCE&ST, MC&MP, CST, TLTP, TLTS1, STE, TE	Where Council is the coordinating road authority.
s.68(2)	power to request information	GMCS&S, GMO&C, MCD, AMCD, MCF, MCE&ST, MC&MP, CST, TLTP, TLTS1, STE, TE	Where Council is the coordinating road authority.
s.71(3)	power to appoint an authorised officer	CEO, GMG&E	
s.72	duty to issue an identity card to each authorised officer	GMG&E, MCG	
s.85	function of receiving a report from an authorised officer	GMCS&S, GMO&C	
s.86	duty to keep a register re s 85 matters	GMO&C	
s.87(1)	function of receiving complaints	GMCS&S, GMO&C	
s.87(2)	duty to investigate complaint and provide report	GMCS&S, GMO&C	
s.96	power to authorise a person for the purpose of instituting legal proceedings	GMCS&S, GMO&C	
s.112(2)	power to recover damages in court	GMCS&S, GMO&C	
s.116	power to cause or carry out inspection	GMO&C, MC&MP, MCW	.



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.119(2)	function of consulting with the Head, Transport for Victoria	GMCS&S, GMO&C, MCE&ST, MC&MP, CST	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	GMO&C, MC&MP, MCW	
s.120(2)	duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	GMO&C, MC&MP, MCW, MCE&ST, CST, TLTP, TLTS1, STE, TE	
s.121(1)	power to enter into an agreement in respect of works	GMO&C, MC&MP, MCW, CIM&S, MG&P, MCE&ST, CST	
s.122(1)	power to charge and recover fees	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM, CST, TLTP, TLTS1, STE, TE	
s.123(1)	power to charge for any service	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CIM&S, CST, TLTP, TLTS1, STE, TE	
Sch 2 CI 2(1)	power to make a decision in respect of controlled access roads	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM, CST, TLTP, TLTS1, STE, TE	
Sch 2 CI 3(1)	duty to make policy about controlled access roads	GMCS&S, MCE&ST	
Sch 2 CI 3(2)	power to amend, revoke or substitute policy about controlled access roads	GMCS&S, MCE&ST	
Sch 2 CI 4	function of receiving details of proposal from the Head, Transport for Victoria	GMCS&S, MCE&ST	
Sch 2 CI 5	duty to publish notice of declaration	GMCS&S, GMO&C, MCE&ST, MG&P	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Sch 7, CI 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM, CST, TLTP, TLTS1, STE, TE	Where Council is the infrastructure manager or works manager.
Sch 7, CI 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM, CST, TLTP, TLTS1	Where Council is the infrastructure manager or works manager.
Sch 7, CI 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM, CST, TLTP, TLTS1	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure.
Sch 7, CI 9(2)	duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM, CST, TLTP, TLTS1	Where Council is the infrastructure manager or works manager.
Sch 7, CI 10(2)	where Sc 7 CI 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM, CST, TLTP, TLTS1	Where Council is the infrastructure manager or works manager.
Sch 7 CI 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM, CST, TLTP, TLTS1	Where Council is the coordinating road authority.
Sch 7 CI 12(3)	power to take measures to ensure reinstatement works are completed	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM, CST, TLTP, TLTS1	Where Council is the coordinating road authority.
Sch 7 CI 12(4)	duty to ensure that works are conducted by an appropriately qualified person	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM, CST, TLTP, TLTS1	Where Council is the coordinating road authority.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Sch 7 CI 12(5)	power to recover costs	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM, CST, TLTP, TLTS1	Where Council is the coordinating road authority.
Sch 7, CI 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Sch 7, CI 13(2)	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM	Where Council is the works manager.
Sch 7 CI 13(2)	power to vary notice period	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM	Where Council is the coordinating road authority.
Sch 7, CI 13(3)	duty to ensure works manager has complied with obligation to give notice under Sch 7, CI 13(1)	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM CST	Where Council is the infrastructure manager.
Sch 7 CI 16(1)	power to consent to proposed works	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM, CST, TLTP, TLTS1, STE, TE	Where Council is the coordinating road authority.
Sch 7 CI 16(4)	duty to consult	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM , CST, TLTP, TLTS1	Where Council is the coordinating road authority, responsible authority or infrastructure manager.
Sch 7 CI 16(5)	power to consent to proposed works	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM, CST, TLTP, TLTS1, STE, TE	Where Council is the coordinating road authority.
Sch 7 CI 16(6)	power to set reasonable conditions on consent	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM , CST, TLTP, TLTS1, STE, TE	Where Council is the coordinating road authority.
Sch 7 CI 16(8)	power to include consents and conditions	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM , CST, TLTP, TLTS1, STE, TE	Where Council is the coordinating road authority.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Sch 7 Cl17(2)	power to refuse to give consent and duty to give reasons for refusal	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CIM&S, CST, TLTP, TLTS1, STE, TE	Where Council is the coordinating road authority.
Sch 7 Cl 18(1)	power to enter into an agreement in relation to	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM , CST, TLTP, TLTS1, STE, TE	Where Council is the coordinating road authority.
Sch 7 Cl 19(1)	power to give notice requiring rectification of works	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM, CST, TLTP, TLTS1	Where Council is the coordinating road authority.
Sch 7 Cl 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM	Where Council is the coordinating road authority.
Sch 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	GMCS&S, GMO&C, MCE&ST, MC&MP, MCW, CI&FM, CST, TLTP, TLTS1, STE, TE	Where Council is the coordinating road authority.
Sch 7A Clause 2	power to cause street lights to be installed on roads	GMCS&S, GMO&C, MCE&ST, MC&MP	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road.
Sch 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	GMCS&S, GMO&C, MCE&ST, MC&MP	Where Council is the responsible road authority.
Sch 7A Cl 3(1)(e)	duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	GMCS&S, GMO&C MCE&ST, MC&MP	Where Council is the responsible road authority.
Sch 7A Cl (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cl 3(2) and 4	GMCS&S, GMO&C, CE&ST, MC&MP	Duty of Council as the responsible road authority that installed the light (re: installation costs) and where Council is the relevant municipal Council (re: operating costs).

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.6	function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme.	GMCS&S, MCF, CSTP, STP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	MCD, AMCD, MCF, CSTP, CSP, CPD, PSP, PDP, AA, SSP, SP, STP	
r.25(a)	duty to make copy of matter considered under s 60 (1A)(g) in accordance with the public availability requirements	MCD, AMCD, MCF, CSTP, CSP, CPD, PSP, PDP, AA, SSP, SSO, SO, SP, SPA, STP	Where Council is the responsible authority.
r.25(b))	function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available in accordance with the public availability requirements	MCD, AMCD, MCF, CSTP, CSP, CPD, PSP, PDP, AA, SSP, SSO, SO, SP, SPA, STP, SCL, STDP, Admin - P&B	Where Council is not the responsible authority but the relevant land is within Council's municipal district.
r.42	function of receiving notice under s 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	MCF, CSTP, STP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority.

<b>PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r.19	power to waive or rebate a fee relating to an amendment of a planning scheme	MCF, CSTP	
r.20	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	MCD, AMCD, CSP, CPD	
r.21	duty to record matters taken into account and which formed the basis of the decision to waive or rebate a fee under r 19 or 20	MCD, AMCD, CSP, CPD	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.7	Power to enter into a written agreement with a caravan park owner	MCD, AMCD, CHP, SEHO	
r.10	Function of receiving application for registration	MCD, AMCD, HPO, CHP, SEHO, BSO(HP)	
r.11	Function of receiving application for renewal of registration	MCD, AMCD, HPO, CHP, SEHO, BSO(HP)	
r.12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	MCD, AMCD, HPO, SEHO, CHP	
r.12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MCD, AMCD, HPO, SEHO, CHP	
r.12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	MCD, AMCD, HPO, SEHO, CHP, BSO(HP)	
r.12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MCD, AMCD, CHP	
r.12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	MCD, AMCD, HPO, CHP, SEHO	
r.12(4) & (5)	Duty to issue certificate of registration	MCD, AMCD, BSO(HP), CHP	
r.14(1)	Function of receiving notice of transfer of ownership	MCD, AMCD, HPO, BSO(HP), SEHO, CHP	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</b>			
r.14(3)	power to determine where notice of transfer is displayed	MCD, AMCD, HPO, SEHO, CHP	
r.15(1)	duty to transfer registration to new caravan park owner	MCD, AMCD, HPO, SEHO, CHP	
r.15(2)	duty to issue a certificate of transfer of registration	MCD, AMCD, CHP, BSO(HP)	
r.15(3)	power to determine where certificate of transfer of registration is displayed	MCD, AMCD, HPO, SEHO, CHP	
r.16(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	MCD, AMCD, CHP	
r.17	duty to keep register of caravan parks	MCD, AMCD, BSO(HP), CHP,	
r.18(4)	power to determine where the emergency contact person's details are displayed	MCD, AMCD, HPO, SEHO, CHP	
r.18(6)	power to determine where certain information is displayed	MCD, AMCD, HPO, SEHO, CHP	
r.22(1)	duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	MCD, AMCD, HPO, SEHO, CHP	
r.22(2)	duty to consult with relevant emergency services agencies	MCD, AMCD, HPO, SEHO, CHP	
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	MCD, AMCD, HPO, SEHO, CHP	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	MCD, AMCD, HPO, SEHO, CHP	
r.25(3)	duty to consult with relevant floodplain management authority	MCD, AMCD, HPO, SEHO, CHP	
r.26	duty to have regard to any report of the relevant fire authority	MCD, AMCD, HPO, SEHO, CHP	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	MCD, AMCD, HPO, SEHO, CHP	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
r.40	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	MCD, AMCD, HPO, SEHO, CHP, BSO(HP)	
r.40(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MCD, AMCD, CHP	
r.41(4)	function of receiving installation certificate	MCD, AMCD, HPO, BSO(HP), CHP, SEHO	
r.43	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MCD, AMCD, CHP	
Sch 3 cl 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	MCD, AMCD, CHP	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.8(1)	duty to conduct reviews of road management plan	GMO&C, MCW	
r.9(2)	duty to produce written report of review of the road management plan and make report available	GMO&C, MCW	
r.9(3)	duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	GMO&C, MCW	Where council is the coordinating road authority
r.10	duty to give notice of an amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	GMO&C, MCW, GMG&E, MPBIMP&AS	
r.13(1)	duty to publish notice of amendments to road management plan	GMO&C, MCW	Where Council is the coordinating road authority
r.13(3)	duty to record on road management plan the substance and date of effect of any amendment	GMO&C, MCW	
r.16(3)	power to issue a permit	MC&MP, MCW, CI&FM, MCE&ST, CST, TLTP, TLTS1, STE, TE	Where Council is the coordinating road authority
r.18(1)	power to give written consent re damage to road	GMCS&S, MCE&ST	Where Council is the coordinating road authority
r.23(2)	power to make a submission to Tribunal	GMCS&S, MCS&C, MCE&ST	Where Council is the coordinating road authority
r.23(4)	power to charge a fee for application under s 66(1) of the Road Management Act	GMCS&S, MCS&C, MCE&ST, CST, TLTP, TLTS1, STE, TE	Where Council is the coordinating road authority
r.25(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	MCW, CWO, MCE&ST	Where Council is the responsible road authority
r.25(2)	power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	MCW, CWO, MCE&ST,	Where Council is the responsible road authority

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.25(5)	power to recover in the Magistrates' Court, expenses from the person responsible	MCW, CWO, MCE&ST,	

<b>ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.15	power to exempt a person from requirement under cl 13(1) of Sch 7 of the Act to give notice as to the completion of those works	MC&MP, MCE&ST, CST	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act.
r.22(2)	power to waive whole or part of fee in certain circumstances	MC&MP, MCE&ST, CST, TLTP, TLTS1, STE	Where Council is the coordinating road authority.

**5.4 PRESTON CITY OVAL CRICKET NETS****Author:** Senior Coordinator Recreation and Leisure**Reviewed By:** General Manager Community

---

**EXECUTIVE SUMMARY**

In July 2020, Council adopted *Preston Reconnected*, which has informed advocacy in relation to design objectives for the Level Crossing Removal Project (LXRP) in Preston. *Preston Reconnected* included an objective to relocate the cricket nets as the Preston City Oval cricket net site was temporarily occupied for the construction of the Preston LXRP.

An agreement has been reached with LXRP to relocate the nets. The terms of this agreement are confidential and referenced in confidential **Appendix C**.

Design of new cricket nets commenced in 2020-21 with the intention to construct in 2021-22. As outlined in this report, the project has been delayed for a range of reasons including the time required to select and assess a new location for the cricket nets given a range of site constraints. Assessment and due diligence activities identified one viable location: the southeast corner at Bruce and Mary Streets. Designs were finalised and the project went to tender for construction earlier this year. The tender is currently paused while Council considers the project.

Communication informing residents about the changes and anticipated construction timeframes resulted in community feedback and concerns about the removal of the playground, impact on the use of public space, removal of trees, installation of cricket nets and the impact on community safety and amenity of Bruce and Mary Streets. Officers have sought to understand community concerns while balancing the needs of the Preston Cricket Club and Preston City Oval's joint purpose as a sports field and public open space.

Key considerations for Council:

- Should the cricket nets be rebuilt at Preston City Oval?  
Cricket Australia guidelines indicate 'outdoor training nets are a core facility component across all levels of cricket... The primary function of cricket nets is to enable both batter and bowler skill and technique development.'
- Location of the cricket nets and proposed playground removal  
A range of locations were explored and assessed. With safety as the most important consideration, aligning with Cricket Australia Guidelines around pitch orientation and shadowing, officers have assessed that the only viable option is the southeast corner.  
The removal of the play equipment and park is offset by the new playground and open space at the end of Bruce Street.
- Cost of the project and the number of cricket nets provided  
There has been a significant increase in costs since the project was originally scoped. Three options, with different funding requirements, are provided for Council in this report.

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

- (1) Notes the outcome of site investigations undertaken by officers to replace the Preston City Oval cricket net site that was temporarily occupied for the Preston Level Crossing Removal Project (LXRP) from 2021-2023.
- (2) Notes the Preston Cricket Club need for cricket nets and the impact that not having these facilities onsite at Preston City Oval for an extended period is having on club operations.
- (3) Notes concerns by some members of the community about the project, particularly the location of the cricket nets in the southeast corner, removal of a playground and park, and the associated impact on local amenity.
- (4) Notes the petition opposing the demolition of mature trees and removal of publicly accessible open green space for the purpose of enclosed cricket nets submitted to Council at its meeting held on 22 May 2023.
- (5) Endorses the southeast corner of Preston City Oval as being the only viable option available for cricket nets at this site given the range of site constraints.
- (6) Notes that the only viable option in the southeast corner requires the removal of play equipment and a park located at the corner of Bruce and Mary Streets and the removal of trees.
- (7) Notes that since Council initially estimated costs, market testing has identified costs are expected to be higher than the original estimates.
- (8) Given Council's current financial position, requests the Chief Executive Officer re-scope the project (option 2) and seek competitive market design and construct proposals to enable Council to consider funding requirements of this project alongside other capital projects as part of finalising the 2023-24 Budget in June 2023.
- (9) Requests the Chief Executive Officer explore ways to minimise the number of trees that would need to be removed on the southeast corner of the site and opportunities to smooth the edges of the project, should Council agree to allocate funding to this project when it finalises its 2023-24 budget.
- (10) Endorses the confidential recommendation in **Appendix C**.
- (11) Requests the Chief Executive Officer advise Preston Cricket Club and the lead petitioner of Council's decision.

**BACKGROUND / KEY INFORMATION**

Preston Cricket Club has been a Preston City Oval (PCO) tenant for more than 150 years. In the 2022-23 season, there were 180 players across five teams including junior programs:

- Ninety participants are Darebin residents
- Ninety participants are from a culturally diverse background (born overseas or from a non-English cultural, religious or ethnic background)
- Five participants are Aboriginal and/or Torres Strait Islander people
- Sixteen girls have signed up for the upcoming junior winter academy
- The club also supports participants from low socio-economic circumstances.

Cricket nets are integral to support training, skill development and match preparation. During the summer season, approximately 190 players (including opposition teams) use the nets for formal training and warm-ups for at least 11 hours per week. Pre-season training from August involves up to 60 players using the cricket nets for three hours each Sunday. Ad hoc use by community members also occurs but usage is not tracked.

The club has completed two seasons without its home ground training nets which were removed as part of the Preston LXP in 2021. The lack of cricket nets has significantly affected player recruitment and retention, the lifeblood of any sports club. Council offered access to alternative training facilities, where possible, and seasonal fees and charges were waived across both years to compensate for the lack of access to appropriate training facilities.

The most recent cricket nets were built in 1971 in the southwest corner of the site and comprised two synthetic pitches and six turf pitches. The cricket nets were formerly (from approximately 1890) in the southeast corner.

Council is using Cricket Australia guidelines to meet design and safety requirements: training nets must be built in a north-south orientation with 12-14 metres run up. The guidelines recommend at least three synthetic and eight turf pitches for a ground supporting a sub-district cricket club. Due to budget and space constraints on the site, this number of pitches can't be delivered – using a like-for-like model, two synthetic pitches and six turf pitches, could be accommodated on site.

Design for this project commenced in 2020-21 with the building of the cricket nets scheduled to be delivered in 2021-22. Unfortunately, the project has been impacted by delays due to various issues, including:

- Considerations of locations to meet Cricket Australia guidelines and like-for-like replacement of pitches.
- Soil testing undertaken as part of due diligence works identified Category B Reportable Priority Waste Material in and near the mound at the southern end of the ground. This would have created an additional \$850,000 in soil management costs. As a result, officers reassessed all potential locations. Options submitted to Council in this report avoid those known locations.
- When reconsidering the southwest corner, officers identified that the elevated railway encroaches on the southwest corner, creating shadows over the previous cricket net location creating a safety issue for players and impacting growing conditions for the turf wickets. These factors ruled out the southwest corner as an option.
- Trees in the southeast corner requiring arborist advice to consider removal which led to further consideration of alternative locations to avoid tree removal. Council's Arborist confirmed trees in southeast corner could be considered for removal with mitigation strategies e.g., a tree replacement plan.
- Confirmation of funding and budget to deliver project.

### **Previous Council Resolution**

At its meeting held on 20 July 2020, Council adopted *Preston Reconnected*, which has informed Council's advocacy in relation to the Level Crossing Removal Project. *Preston Reconnected* includes the following objective: 'New public spaces are seamlessly integrated with existing open spaces such as Preston City Oval (including relocating the cricket nets) and Cramer Street Pocket Park.'

## ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 2: Prosperous, Liveable and Flourishing

## ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 4 Responsible, Transparent and Responsive

## ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

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

## DISCUSSION

### Options for consideration

Officers put forward three options for Council consideration:

#### Option 1: Construct like-for-like cricket nets with two synthetic and six turf pitches

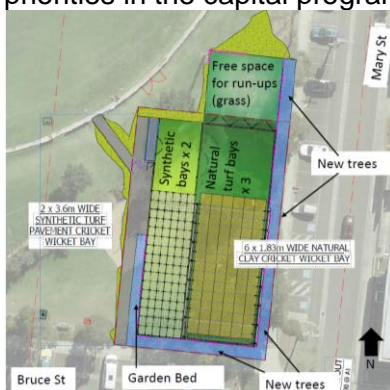
This option would deliver a like-for-like solution for the Preston Cricket Club. The synthetic pitches and cricket nets would be available for community use outside club training and warm-up allocations.

This option avoids known locations of soil contamination following due diligence testing.

A tree replacement plan has been developed by Council's Planning Arborist and Project Manager and is included as **Appendix A**. The plan provides specific locations, species and numbers which would result in 70 plants replacing the 30 trees (1 high-value, 29 low-to medium-value) needing to be removed at the proposed cricket net location. Unfortunately, the mature trees on the southern edge of the site in the southeast corner cannot be saved in either option 1 or 2.

This option has already been designed and tendered so would be the quickest way to deliver the project. Officers would use best efforts but could not guarantee the new cricket nets would be in place for the upcoming 2023-24 cricket season, due to timing relating to contract award and execution, potential supply issues within the construction industry and scheduling.

Council initially estimated costs and agreed funding with the LXP and at the time, both organisations had the intent that this would cover the relocation costs in full. Since then, market testing has identified costs are expected to be higher than the original estimates. As a result, the funding amount agreed is no longer expected to cover full costs of relocation. This funding gap is a significant challenge given Council's current financial constraints and other priorities in the capital program.





Option 2: Construct cricket nets with up to four synthetic pitches

This option would deliver up to four synthetic cricket pitches and nets. The synthetic pitches and cricket nets would be available for community use outside club training and warm-up allocations.

Council does not have a design for this option. Council's current tender and design documentation, issued in a tender under evaluation, will require considerable rescoping of design documentation, site plans and bill of quantities costings. Issuing the existing tenderers with rescoped ground works, soil management costs and only synthetic pitches will give clarity and certainty of cost. If rescoped documentation is not responded to by current tenderers, then officers will need to issue a new tender to attract a larger competitive pool of tenderers with specialised synthetic pitch expertise. This would include options to value manage the delivery, pending allocated budget.

It is unlikely that Council would be able to deliver cricket nets for the upcoming 2023-24 cricket season and would need to provide alternative arrangements for the Preston Cricket Club as per the past two years. Officers would use best efforts to deliver this project as quickly as possible. This option would not deliver a like-for-like solution for the Preston Cricket Club.

This option avoids known locations of soil contamination following due diligence testing and maximises the retention of trees. Turf maintenance would be slightly reduced under this option, given the synthetic surface.

A tree replacement plan has not been developed for this option at this stage. Council's Arborist advises that most mature trees would remain on the eastern side of the cricket nets, retaining canopy coverage and amenity. Unfortunately, the mature trees on the southern edge of the site in the southeast corner cannot be saved in either option 1 or 2. Officers recommend that this work is undertaken should Council wish to test the market on Option 2. Officers would seek community feedback on opportunities to smooth the edges of the site.

This option provides Council with greater flexibility to consider what may be able to be provided within Council's current financial constraints and other priorities in the capital program.

Option 3: Do nothing

Under this option, no cricket nets would be provided at PCO. This would not meet the needs of the Preston Cricket Club, who would be severely impacted by the lack of permanent training facilities at their home ground.

Council has already sunk costs into the current design and resourcing into the current tender, which would be cancelled. This option could result in reputational damage to Council in the cricket and wider sporting sector as well as the construction market.

The playground and trees would remain.

Implications for the confidential agreement between LXP and Council would need to be considered.

In any of the options listed above, Council may wish to consider allocating \$20,000 to resurface the Mayer Park synthetic cricket net pitches in the 2023-24 budget (with high priority) for Preston Cricket Club to use as an alternative training facility should in cricket nets not be available at Preston City Oval for all or some of the 2023-24 season.

### **Challenges in relocating the cricket nets on the site**

A key challenge in relocating the cricket nets has been identifying and selecting a suitable location within the site while considering soil contamination and the potential removal of significant trees.

Officers considered and assessed the following locations:

- Northeast corner: insufficient space and would require the relocation of the scoreboard and Band Hall. The Band Hall is a contributory element to the broader Preston City Oval precinct and is included within the Heritage Overlay of the Darebin Planning Scheme Amendment C108 (Part 1) [Ref: City of Darebin Heritage Study (2011)].
- Northwest corner: unsuitable as there are two existing buildings, including public toilets. This space may be used in a future pavilion redevelopment or future open space to better integrate with open space created by the LXP works.
- Southeast corner: like-for-like cricket nets could be accommodated in the location of the existing playground, with significant tree removal approved by arborist report with replacement planting. Soil testing undertaken as part of due diligence works identified Category B Reportable Priority Waste Material near the mound at the south end of ground. This would create an additional \$850,000 in soil management costs, so the playground location was explored. The LXP have established a new playground 200 metres away at the end of Bruce Street, as part of the new open space near the elevated railway.
- Southwest corner: the elevated railway encroaches the corner, causing shadows to be cast over the previous cricket net location, creating a safety issue for players and impacting the growing conditions for the natural turf wickets.
- Following community feedback, various locations around the southern edge of the oval with run-ups from the playing surface. Using the Cricket Australia guidelines, the training nets must be built in a north-south orientation. Soil testing undertaken as part of due diligence works identified Category B Reportable Priority Waste Material in and near the mound at the southern end. This would create an additional \$850,000 in soil management costs. On-ground run-ups would also contribute to increased maintenance requirements for the playing surface to support both cricket and football seasons, require reconstruction of drainage and irrigation systems on the oval and reconfiguration of the oval fence.

### Tree management and removal

Following the identification of the southeast corner as the preferred site, Council's Arborist confirmed there are 29 low to medium value trees and one high-value tree that would be impacted by the cricket nets.

A tree replacement plan has been developed by Council's Planning Arborist and Project Manager, pending a decision on the exact location and configuration of the cricket nets. Officers have explored repositioning the cricket nets in option 2 for consideration to save some mature trees on the site. The mature trees on the southern edge of the site in the southeast corner cannot be saved in either options 1 or 2 outlined above.

An updated tree replacement plan (**Appendix A**) has been developed by Council's Planning Arborist and Project Manager for option 1. The plan provides specific locations, species and numbers resulting in 70 plants replacing the 30 trees (1 high-value, 29 low to medium-value) needing to be removed at the proposed cricket net location.

*Banksia integrifolia* "Sentinel" species have been chosen to surround the cricket nets for their screening capabilities and growth habits; these evergreen trees can reach between 2-4 metres in height with a spread to 1 metre, depending on growing conditions. Encroachment into the nets, pitches and footpath by branches and roots is less likely and can be managed. Once matured, the trees will provide a natural year-round screen between the cricket nets and street frontages.

A tree replacement plan has not been developed for option 2 at this stage. Officers recommend that this work is undertaken should Council wish to test the market on Option 2.

### Playground removal

The only viable location for replacement cricket nets would require the removal of the play equipment and park located at the corner of Bruce and Mary Streets.

The playground was implemented in 2007 for \$150,931 as part of the PCO Masterplan Stage 2 works. Sport and Recreation Victoria (SRV) contributed \$50,000 to the works via a Community Facility Funding grant. SRV have advised there are no impediments to the removal of the playground due to the lapsed time since implementation under the grant agreement.

The PCO play equipment is targeted at children aged 2-12 years old, with most equipment intended for younger children. The playground is approximately 5-10 years from reaching the end of its useful life. Relocation of this equipment could be considered but would come with costs equal to establishing a new playground.

Images: Bruce and Mary Street play equipment



The new playground created by LXP at the end of Bruce Street is designed for children aged under 4 to 12 years old. Council could consider adding more play equipment suitable for younger children to the new park in the future, however, would need to consider the cost of this against other capital works priorities.

Image: New playground at the end of Bruce Street



## CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

### Financial Management

An agreement has been reached with LXP to relocate the nets. The terms of this agreement are confidential and referenced in confidential **Appendix C**.

Market testing has identified costs are expected to be higher than original estimates. This funding gap is a significant challenge given Council's current financial constraints and other priorities in the capital program.

Funding would need to be allocated for this project as part of finalising the 2023-24 Budget in June 2023.

### Community Engagement

The Preston Cricket Club has been consulted throughout the process, including the previous cricket net removal stage and the design stage. Club consultation commenced in 2021 on the original design and has been continued through to the current design which was tendered in early 2023.

With PCO also hosting VFL games in winter, the AFL were consulted to understand the impact of turf training wickets on playing surfaces. Safety concerns were raised regarding turf conditions and cricket wicket construction. This has been reinforced by recent issues with PCO turf not being ready for the start of the winter season.

Prior to the tender being released, officers undertook an 'inform' approach to community communication on the project as there were no other locations that could be considered. Inform was chosen as the community had no ability to influence the location of the cricket nets given the constraints listed in this report.

A letter-drop for residents surrounding PCO was undertaken in February 2023 to inform them of the project scope, cricket net location and tentative construction timelines. In hindsight, the letter could have provided more information explaining why that location was chosen and the inherent challenges with the site.

Community feedback to date focuses on the removal of the children's playground and impact on use of public space, removal of trees, installation of cricket nets and the impact on community safety and amenity of Bruce and Mary Streets.

It should be noted that while some open space on the south-east corner will be lost to new cricket nets, the previous location of nets on the south-west corner has been returned as publicly accessible open space resulting in no net loss of open space.

Officers met with one of the interested landowners to further understand concerns.

A letter was submitted by the club to Council on 10 May 2023 (**Appendix B**).

A petition opposing the demolition of mature trees and removal of publicly accessible open green space for the purpose of enclosed cricket nets was submitted to Council at its meeting held on 22 May 2023. This petition contained 175 hand signatures and 62 online signatures. Officers have fully considered this petition when compiling this report.

### **Overarching Governance Principles and Supporting Principles**

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

### **Public Transparency Principles**

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

### **Strategic Planning Principles**

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

### **Service Performance Principles**

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

## **COUNCIL POLICY CONSIDERATIONS**

### **Environmental Sustainability Considerations (including Climate Emergency)**

Council's Arborist confirmed there are 29 low to medium-value trees and one high-value tree that would need to be removed should the cricket nets be rebuilt in the southeast corner as option 1. The removal of these 30 trees would be offset with 70 new trees planted.

A tree replacement plan has not been developed for option 2 at this stage. However, Council's Arborist advises that most mature trees would remain on the eastern side of the cricket nets, retaining canopy coverage and amenity.

Unfortunately, the mature trees on the southern edge of the site in the southeast corner cannot be saved in either option 1 or 2.

Replacement public open space has been created by the LXP, with additional green space constructed at the former location of the cricket nets in the southwest corner of the site.



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

No equity impact assessment (EIA) has been undertaken for this project as it is replacing previously existing infrastructure. The provision of cricket nets would support the club's efforts to increase gender inclusive participation.

**Economic Development and Cultural Considerations**

Not applicable to this project, however, the wider Preston LXP works have been developed considering these influences.

**Operational Impacts**

Council's Parks and Open Space team has been engaged in the project as a key stakeholder given their operational responsibility for maintaining PCO, including the cricket nets. The team provided specification requirements for the design and tender of this project, including but not limited to the proposed location, access requirements from the oval and to the nets, equipment storage and considerations for potential tree removal requirements.

**Legal and Risk Implications**

In relation to the agreement reached with LXP to relocate the nets, a Deed of Settlement and Release is ready to be executed between LXP and Council, pending Council's decision – the terms of the deed are confidential.

Soil testing undertaken as part of due diligence works identified Category B Reportable Priority Waste Material in and near the mound at the southern end of the ground. This would create an additional \$850,000 in soil management costs. Options submitted to Council avoid those known locations.



**IMPLEMENTATION ACTIONS**

- Further information provided to residents and those who provided specific feedback on the project.
- Re-scope works and undertake further market testing, subject to Council decision.
- Provide the results of market testing to Council to consider as part of finalising the 2023-24 Council Budget and 4-year capital program.

**RELATED DOCUMENTS**

- Cricket Australia Community Cricket Facility Guidelines (2015)
- AFL Preferred Facility Guidelines (2019)

**Attachments**

- Tree Replacement Plan (Option 1) (**Appendix A**) [↓](#) 
- Letter from Preston Cricket Club - 10 May 2023 (**Appendix B**) [↓](#) 
- Preston Level Crossing Removal Project and Darebin City Council (**Appendix C**)  
**Confidential - enclosed under separate cover**

**DISCLOSURE OF INTEREST**

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

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

# Preston City Oval Cricket Nets Tree replacement plan May 2023

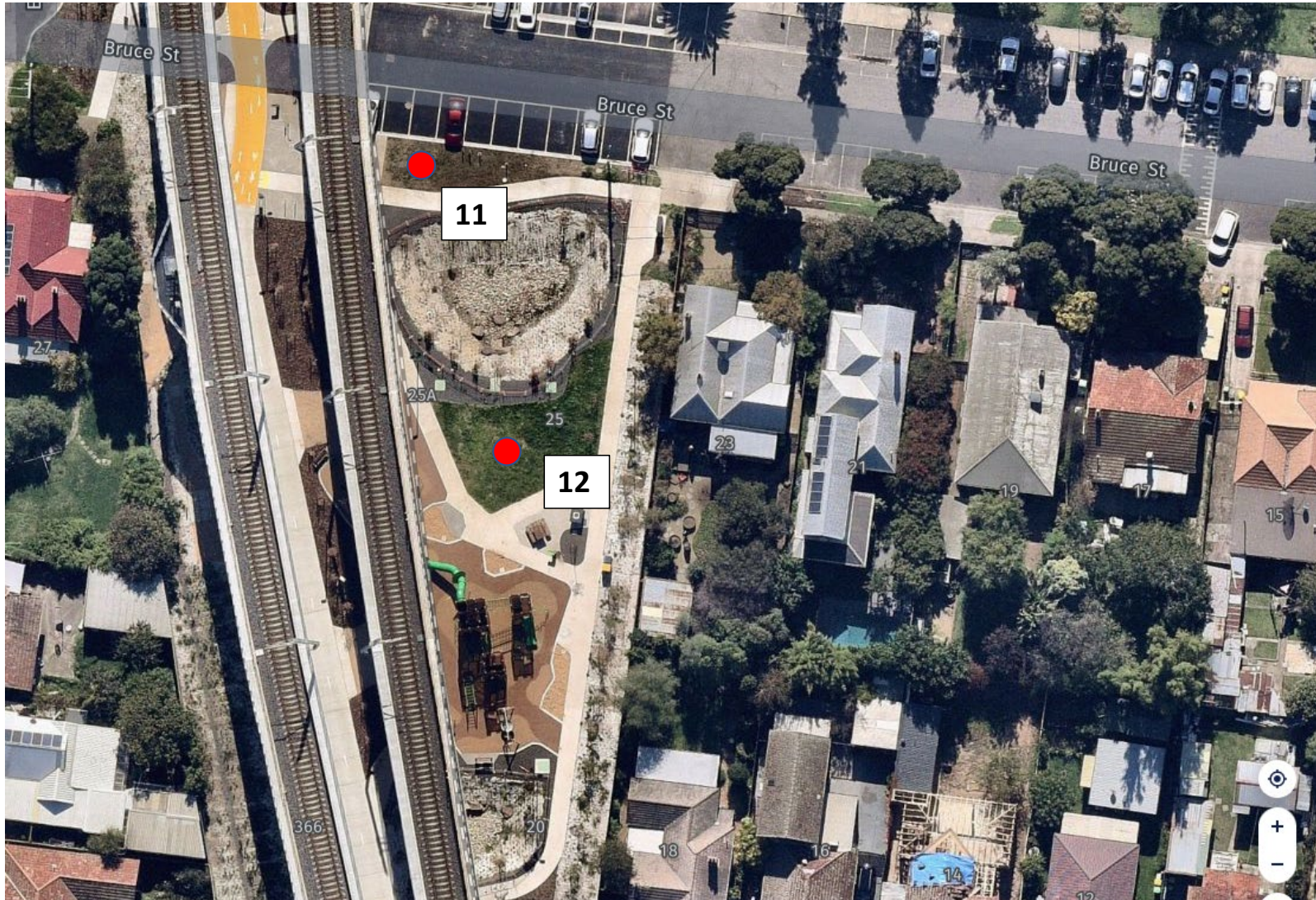






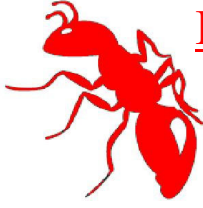






Location	Number of trees	Proposed species
1	2	Spotted Gum ( <i>Corymbia maculata</i> )
2	1	Chinese Elm ( <i>Ulmus parvifolia</i> )
3	1	Chinese Elm ( <i>Ulmus parvifolia</i> )
4	1	Chinese Pitachio ( <i>Pistacia chinensis</i> )
5	20	Options: Kurrajong ( <i>Brachychiton populneus</i> x <i>discolor</i> "Griffith Pink") Kurrajong ( <i>Brachychiton populneus</i> x <i>acerifolius</i> "Bella Pink") Species may need to be adjusted to suit the space and the existing trees
6	1	Dwarf Yellow Bloodwood ( <i>Corymbia eximia</i> "Nana")
7	1	Morton Bay Fig ( <i>Ficus macrophylla</i> )
8	1	Morton Bay Fig ( <i>Ficus macrophylla</i> )
9	38	Banksia ( <i>Banksia integrifolia</i> "Sentinel") – 2m spacing
10	2	Turkey Oak ( <i>Quercus cerris</i> )
11	1	Chinese Pitachio ( <i>Pistacia chinensis</i> )
12	1	Chinese Elm ( <i>Ulmus parvifolia</i> )
<b>TOTAL</b>	<b>70</b>	

Note: Species and quantities may need to be adjusted at a later stage depending on availability of stock or if site conditions are changed



## PRESTON CRICKET CLUB INC.

[www.prestoncricketclub.com.au](http://www.prestoncricketclub.com.au) ABN - 61 835 798 847

**‘The Bullants’**

Established circa 1860

Victorian Sub-District Cricket Association since 1922

Preston City Oval, Cramer Street, Preston  
Postal :8 The Mews, West Preston, VIC, 3072  
Email: [prestoncc1860@gmail.com](mailto:prestoncc1860@gmail.com)

**10 May 2023**

**Cr J Williams, Mayor, City of Darebin**

**Cr S Newton, Deputy Mayor**

**Councillors: E Dimitriadou, G Greco, T Hannan, T Laurence, T McCarthy  
& L Messina**

**Mr P Smith, Chief Executive Officer, City of Darebin**

**Mr S Hewett, General Manager Operations & Capital**

**Ms K Bennetts, General Manager Community**

**Ms M McCarten, Acting Manager, Recreation & Facilities**

**Mr S Dissakarunaratne, Team Leader Leisure Services**

**Mr M Pogemiller, Senior Co-ordinator Recreation & Leisure**

### **Proposed Cricket Nets – Preston City Oval**

We are writing to you in relation to the above Project which we understand is being reviewed and which may now be cancelled in the next few weeks.

This decision has devastated our club members and will have a serious impact on the viability of the club in the short-term and its continued existence in the longer term.

The effect of the decision is that the club will not have access to any practice facilities at Preston City Oval for the third successive year which will seriously undermine our ability to conduct proper training and coaching and this in turn has a flow-on impact on our ability to recruit talented young players who are the life blood of any sporting club.

It was the Committee’s very clear understanding that after a lengthy process which started in August 2021, an agreed decision on the design and scope for an installation of Cricket Nets to be on a like-for-like basis of the former Practice Area which was located in the South-East corner of the Preston City Oval, had been reached between the Council and Club representatives, was approved by Council, publicly advertised to tender and a successful tender contractor appointed.

We now learn that the project may not proceed but without having been provided with any explanation as to the reasoning for the decision or offered any indication of an alternative location.

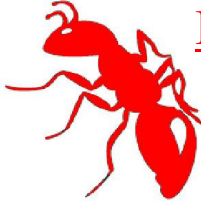
**President- Michael Hayes**

**Secretary- Penny Young**

**Treasurer- Garry Robinson**







## PRESTON CRICKET CLUB INC.

[www.prestoncricketclub.com.au](http://www.prestoncricketclub.com.au) ABN - 61 835 798 847

**‘The Bullants’**

Established circa 1860

Victorian Sub-District Cricket Association since 1922

Preston City Oval, Cramer Street, Preston  
Postal :8 The Mews, West Preston, VIC, 3072  
Email: [prestoncc1860@gmail.com](mailto:prestoncc1860@gmail.com)

The impact of this decision can not be overstated in terms of what it has already done, but also in what it will continue to do in its impact on the club’s ability to function cohesively as a senior turf cricket club, the effect on officials’ and players’ morale and in its capacity to recruit, promote and provide the coaching and support to junior girls and boys in the wider community.

At present the club does not have a coach or 1<sup>st</sup> XI captain and is unlikely to appoint either from outside the club since we are obliged to advise prospective applicants of the lack of training facilities and a number of interested people have as a consequence withdrawn their applications.

In the longer term the project was intended to be a general shared facility available for the use of other young people and the Community generally.

As to the ongoing viability of the club, it should be realised that this situation will present the club with probably the greatest crisis it has faced in its 150 year history at Preston City Oval.

It should be noted that the club responded in good faith 3 years ago when first approached to give up its training and practice area to the LXR project in return for a replacement area being provided on a like-for-like basis of equivalent standard: that assurance has not only not been kept but we find that the former practice area has simply been re-sown and is now a fully grassed area which is not being utilised, and furthermore the LXR project has constructed a wire mesh fence across the practice area which forms part of the ground and is therefore part of the original Crown Land grant for the Preston City Oval.

It would therefore now appear that training for the coming cricket season which is scheduled to commence in late August, and with the season commencing in October will have to again be held at an Indoor centre which cost \$13,000 in the pre-season last year and will probably exceed \$16,000 on the same basis for this year.

In conclusion this situation we have outlined can only be described as an unmitigated disaster for the Club and we seek an urgent meeting with senior management of Council and a commitment to urgent action.

M F Hayes  
President

C R Norris  
Club Liaison Officer

President- Michael Hayes

Secretary- Penny Young

Treasurer- Garry Robinson



**6. URGENT BUSINESS**

**7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL**


**8. 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](mailto:mailbox@darebin.vic.gov.au)  
[darebin.vic.gov.au](http://darebin.vic.gov.au)

 **National Relay Service**  
[relayservice.gov.au](http://relayservice.gov.au)

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service.

 **Speak your language**  
T 8470 8470

العربية	Italiano	Soomalil
繁體中文	Македонски	Español
Ελληνικά	नेपाली	اردو
हिंदी	ਪੰਜਾਬੀ	Tiếng Việt