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# MINUTES OF THE SPECIAL COUNCIL MEETING

Held at 6:00pm on Wednesday 14 August 2024

Released to the public on 20 August 2024

**LIVE STREAMING OF THE COUNCIL MEETING WAS MADE AVAILABLE ON  
COUNCIL'S WEBSITE.**



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

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

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

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

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



### English

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

### Arabic

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

### Chinese

这些是市议会会议纪要。如需协助了解任何纪要项目，请致电8470 8888。

### Greek

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

### Hindi

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

### Italian

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

### Macedonian

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

### Nepali

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

### Punjabi

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

### Somali

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

### Spanish

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

### Urdu

یہ کاؤنسل کی میٹنگ کی روداد کے نقاط ہیں۔ روداد 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.

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## MINUTES OF THE SPECIAL COUNCIL MEETING DAREBIN CITY COUNCIL ON WEDNESDAY 14 AUGUST 2024

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### THE MEETING OPENED AT 6.08PM

The Chairperson, Mayor Newton, made the following statement:

*This meeting has been scheduled as a Special Council Meeting pursuant to rule 1.1.2 of the Governance Rules. Due to the circumstances Council has given such public notice as is practicable. Council has had a number of commercial and contractual matters, and a confidential item requiring Council direction, some of which have arisen to be brought before Council and for which time is of the essence. This meeting has been called to consider 11 officer reports as listed in the agenda and for business continuity purposes it is necessary to resolve these matters before the scheduled Ordinary meeting of 26 August 2024.*

### ACKNOWLEDGMENT OF TRADITIONAL OWNERS

The Chairperson, Mayor Newton, opened the meeting with the following statement:

*I would like to start by acknowledging the Wurundjeri Woi-wurrung people, the Traditional Owners of this land and pay my deep respects to Elders past and present. I recognise their continuing connection to land, water and culture, and personally I also show my support for Treaty Victoria.*

### 1. PRESENT

#### **Councillors**

Cr. Susanne Newton (Mayor) (Chairperson)  
Cr. Emily Dimitriadis  
Cr. Tom Hannan  
Cr. Trent McCarthy  
Cr. Lina Messina (arrived at 6.14pm)  
Cr. Susan Rennie  
Cr. Julie Williams

#### **Council Officers**

Rachel Ollivier – Acting Chief Executive Officer  
Kylie Bennetts - General Manager Community  
Vanessa Petrie - General Manager City Sustainability and Strategy  
Enna Giampiccolo - Acting General Manager Customer and Corporate  
Felicity Walsh - Interim Manager Governance and Communications  
Georgina Steele – Acting Coordinator Governance Services

#### **Municipal Monitors**

Ross Millard

## 2. APOLOGIES

An apology was submitted by Cr. Tim Laurence.

Cr. Gaetano Greco was on an approved leave of absence.

## 3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

## 4. COUNCIL'S OCCUPATIONAL HEALTH AND SAFETY RESPONSIBILITIES

The Chairperson, Mayor Newton, made the following statement:

*Council has an occupational health and safety responsibility to ensure anyone attending tonight's virtual meeting, feels safe both physical and emotionally. I would like to remind everyone in attendance to be respectful of each other, and as outlined in our Governance Rules, please note the following:*

- *A Councillor or any other person who addresses the Meeting must do so in a courteous and respectful manner and must take direction from the Chairperson whenever called on to do so.*

## 5. CONSIDERATION OF REPORTS

### 5.1 CONTRACT AWARD CT202444 PROVISION OF MANAGED SERVICES PROVIDERS FOR CONTINGENT LABOUR

#### EXECUTIVE SUMMARY

This report seeks Council's approval to access the Procurement Australia (PA) contract 2312-0618, which offers recruitment, training and associated services at discounted rates.

Local councils have the option of appointing PA as their tendering agent to participate in various aggregated tendering and contracting opportunities. This allows councils to aggregate their expenditure and achieve greater economies of scale, leading to improved efficiencies and greater value for money across the sector.

The recommendation in this report will initiate a contract to provide contract labour for various roles across Council. The existing practice for labour hire is undertaken at a local level, rather than through a coordinated and managed service. The centralisation of labour hire will ensure greater visibility of activity and generate better value for money for Council.

Council's use of this PA contract satisfies and complies with Darebin's procurement processes and the *Local Government Act 2020*. The expected aggregated cost is likely to exceed operational delegations, and, therefore requiring Council endorsement.

This report seeks to appoint \_\_\_\_\_ under the PA contract 2312-0618 to provide contract labour as required.

The benefits of accessing this contract include compliance with the Local Government Act, and fixed discounted pricing that would not be available if solely tendered by Darebin Council.

<b>Officer Recommendation</b>
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**That Council:**

- (1) Endorses use of PA Contract 2312-0618 (Darebin reference CT202444) for the managed services for contingent labour from \_\_\_\_\_ until 31 December 2026.
- (2) Authorises the Chief Executive Officer (or their delegate) to notify PA and the supplier of Council's formal endorsement to utilise PA contract 2312-0618 as required, to fulfil its operational requirements.
- (3) Authorises the Chief Executive Officer (or their delegate) to review and approve options for one-year extension, subject to satisfactory performance and fulfillment of operational requirements.

**Motion**

**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. J Williams

**That Council:**

- (1) Endorses use of PA Contract 2312-0618 (Darebin reference CT202444) for the managed services for contingent labour from **Comensura Pty Ltd** until 31 December 2026.
- (2) Authorises the Chief Executive Officer (or their delegate) to notify PA and the supplier of Council's formal endorsement to utilise PA contract 2312-0618 as required, to fulfil its operational requirements.
- (3) Authorises the Chief Executive Officer (or their delegate) to review and approve options for one-year extension, subject to satisfactory performance and fulfillment of operational requirements.

THE MOTION WAS PUT AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

**Council Resolution****MINUTE NO. 24-125**

**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. J Williams

**That Council:**

- (1) Endorses use of PA Contract 2312-0618 (Darebin reference CT202444) for the managed services for contingent labour from Comensura Pty Ltd until 31 December 2026.
- (2) Authorises the Chief Executive Officer (or their delegate) to notify PA and the supplier of Council's formal endorsement to utilise PA contract 2312-0618 as required, to fulfil its operational requirements.
- (3) Authorises the Chief Executive Officer (or their delegate) to review and approve options for one-year extension, subject to satisfactory performance and fulfillment of operational requirements.

**CARRIED**

For: Cr's Newton, Dimitriadis, McCarthy, Rennie, Williams, and Hannan (6)  
Abstained: Cr. Messina (1)



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## 5.2 MIGRATION PUBLIC ARTWORK ARTIST SELECTION

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### EXECUTIVE SUMMARY

This report summarises the Expressions of Interest and assessment process undertaken to select an artist for the Migration Public Artwork Commission.

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

**That Council:**

- (1) Thanks, all artists that expressed an interest in the Migration Public Artwork and in particular the four shortlisted applicants that progressed to concept development stage.
- (2) Thanks, the Migration Artwork Community Reference Group for their support and guidance with this important project.
- (3) Notes the assessment undertaken by the Migration Artwork Community Reference Group and recommendation as outlined in confidential **Appendix A**.
- (4) Awards the Commission for the Migration Public Artwork to \_\_\_\_\_ for the work entitled \_\_\_\_\_.
- (5) Notes that Council officers will work with the recommended artist on the most appropriate prominent location for the artwork to be installed.
- (6) Note the progress of the Migration Public Artwork project implementation to date.
- (7) Note the action plan for the location selection, fabrication and installation of the Migration Public Artwork.
- (8) Authorises the Chief Executive Officer to release from confidence **Appendix A** at the earliest possible opportunity.

*6.23pm – Cr. Messina left the meeting.*

<b>Alternate Motion</b>
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**MOVED:** Cr. J Williams  
**SECONDED:** Cr. S Rennie

**That Council:**

- (1) Thanks all artists that expressed an interest in the Migration Public Artwork and in particular the four shortlisted applicants that progressed to concept development stage.
- (2) Thanks the Migration Artwork Community Reference Group for their support and guidance with this important project.
- (3) Notes the assessment undertaken by the Migration Artwork Community Reference Group and recommendation as outlined in confidential Appendix A.
- (4) Awards the Commission for the Migration Public Artwork to **James Nguyen** for the work entitled **SAFETYNET**
- (5) Notes that Council officers will work with the recommended artist on the most appropriate prominent location for the artwork to be installed.

- (6) Notes the progress of the Migration Public Artwork project implementation to date.
- (7) Notes the action plan for the location selection, fabrication and installation of the Migration Public Artwork.
- (8) Authorises the Chief Executive Officer to release from confidence Appendix A at the earliest possible opportunity
- (9) Requests that Council officers undertake a detailed risk and safety assessment prior to the installation of the Migration Public Artwork.**

THE ALTERNATE MOTION WAS PUT AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

<b>Council Resolution</b>
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**MINUTE NO. 24-126**

**MOVED: Cr. J Williams**  
**SECONDED: Cr. S Rennie**

**That Council:**

- (1) Thanks all artists that expressed an interest in the Migration Public Artwork and in particular the four shortlisted applicants that progressed to concept development stage.
- (2) Thanks the Migration Artwork Community Reference Group for their support and guidance with this important project.
- (3) Notes the assessment undertaken by the Migration Artwork Community Reference Group and recommendation as outlined in confidential Appendix A.
- (4) Awards the Commission for the Migration Public Artwork to James Nguyen for the work entitled SAFETYNET
- (5) Notes that Council officers will work with the recommended artist on the most appropriate prominent location for the artwork to be installed.
- (6) Notes the progress of the Migration Public Artwork project implementation to date.
- (7) Notes the action plan for the location selection, fabrication and installation of the Migration Public Artwork.
- (8) Authorises the Chief Executive Officer to release from confidence Appendix A at the earliest possible opportunity
- (9) Requests that Council officers undertake a detailed risk and safety assessment prior to the installation of the Migration Public Artwork.

**CARRIED**

For: Cr's Newton, McCarthy, Rennie, Williams, and Hannan (5)  
Abstained: Cr. Dimitriadis (1)



**5.4 CONTACT AWARD CT202431 FLEET SERVICES & CONSUMABLES 2706-0224**

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**PURPOSE**

This report seeks Council endorsement to access the Procurement Australia (PA) Contract 2706-0224 for the Supply and Delivery of a range of Fleet Services and Consumables. This contract will provide supply of fleet consumables and other services via a panel arrangement for an initial contract term of three (3) years and with a possible extension of a two (2) year period (1+1) at Council's discretion.

**EXECUTIVE SUMMARY**

Council owns over 500 fleet items which requires timely maintenance to ensure uninterrupted service delivery and minimise downtime. This report outlines the procurement process, evaluation methodology and assessment criteria used in selecting the panel of service providers across various categories.

Council has been provided an opportunity to participate in a collaborative tendering and contracting process through PA. This procurement opportunity has enabled local Councils across Victoria to pool their expenditure to achieve greater economies of scale, resulting in improved efficiencies and cost savings across the sector.

The Procurement Australia contract adheres to and complies with the Darebin Social and Procurement Policy.

The projected total cost to Darebin over a five-year period is estimated to be between \_\_\_\_\_, based on historical expenditure and anticipated price increases over the next five years. The actual expenditure under this contract will be subject to future Council decisions regarding annual budget allocations and fleet improvement plans throughout the contract term.

The advantages of accessing this contract include:

1. Compliance under the Local Government Act 2020.
2. Procurement Australia ongoing support and assistance for the duration of the Contract.
3. Competitive pricing would not be available if solely tendered by Darebin City Council.
4. One panel of various contracted items with a panel of service providers to meet the Council's varying needs, demands and requirements.
5. Streamlined procurement process with each panel supplier, thereby reducing the procurement costs.

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

**That Council:**

- (1) Utilise the suppliers listed below under the Procurement Australia (PA) Contract 2706-0224 (Council reference – CT202431) for a period of three years ending 30 June 2027 with the potential with the potential for 2 years (1+1) optional extension each at Council's discretion:

Category	Supplier
Category 1 - Fleet management services	
Category 4 - Vehicle disposal services	
Category 5 - Automotive accessories	
Category 6 - Automotive spare parts	
Category 7 - Automotive batteries	
Category 8 - Lubricants, fluids, greases, and coolants	
Category 9 - Tools and workshop consumables	
Category 10 - Tyres	

- (2) Authorises the Chief Executive Officer (or delegate) to review and approve options for 2 years (1+1) subject to satisfactory performance reviews.
- (3) Delegates to the Chief Executive Officer (or delegate), to review and approve variations throughout the contract term.

<b>Motion</b>
---------------

**MOVED:** Cr. T Hannan  
**SECONDED:** Cr. J Williams

**That Council:**

- (1) Utilise the suppliers listed below under the Procurement Australia (PA) Contract 2706-0224 (Council reference – CT202431) for a period of three years ending 30 June 2027 with the potential with the potential for 2 years (1+1) optional extension each at Council's discretion:

Category	Supplier
Category 1 - Fleet management services	<b>Smart Fleet Management P/L</b>
Category 4 - Vehicle disposal services	<b>Pickles Auctions</b>

Category 5 - Automotive accessories	<b>Burson Automotive P/L</b>
Category 6 - Automotive spare parts	<b>Burson Automotive P/L GPC Asia Pacific t/as Repco Aus</b>
Category 7 - Automotive batteries	<b>Burson Automotive P/L</b>
Category 8 - Lubricants, fluids, greases, and coolants	<b>Castrol Australia Burson Automotive P/L</b>
Category 9 - Tools and workshop consumables	<b>Burson Automotive P/L</b>
Category 10 - Tyres	<b>Bridgestone Australia</b>

- (2) Authorises the Chief Executive Officer (or delegate) to review and approve options for 2 years (1+1) subject to satisfactory performance reviews.
- (3) Delegates to the Chief Executive Officer (or delegate), to review and approve variations throughout the contract term.

THE MOTION WAS PUT AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

<b>Council Resolution</b>
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**MINUTE NO. 24-128**

**MOVED:** Cr. T Hannan  
**SECONDED:** Cr. J Williams

**That Council:**

- (1) Utilise the suppliers listed below under the Procurement Australia (PA) Contract 2706-0224 (Council reference – CT202431) for a period of three years ending 30 June 2027 with the potential with the potential for 2 years (1+1) optional extension each at Council's discretion:

Category	Supplier
Category 1 - Fleet management services	Smart Fleet Management P/L
Category 4 - Vehicle disposal services	Pickles Auctions
Category 5 - Automotive accessories	Burson Automotive P/L
Category 6 - Automotive spare parts	Burson Automotive P/L GPC Asia Pacific t/as Repco Aus
Category 7 - Automotive batteries	Burson Automotive P/L
Category 8 - Lubricants, fluids, greases, and coolants	Castrol Australia Burson Automotive P/L
Category 9 - Tools and workshop consumables	Burson Automotive P/L
Category 10 - Tyres	Bridgestone Australia

- (2) Authorises the Chief Executive Officer (or delegate) to review and approve options for 2 years (1+1) subject to satisfactory performance reviews.
- (3) Delegates to the Chief Executive Officer (or delegate), to review and approve variations throughout the contract term.

**CARRIED UNANIMOUSLY**

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**5.5 PRESTON CENTRAL ACTIVITY CENTRE - ADVOCACY SUBMISSION**

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**EXECUTIVE SUMMARY**

The State Government released its Housing Statement in September 2023. The Housing Statement included the Activity Centre program, which aims to deliver an estimated 60,000 homes "...through a review of building heights and design requirements, and changes to existing rules to support appropriate development."

Preston (High Street) is one of the ten activity centres under the State-led Activity Centres Program (the AC Program).

In December 2023, Council adopted the draft Preston Central Structure Plan (2023) and Preston Central Built Form Framework (2023), and requested that the Minister for Planning authorise the preparation and exhibition of Amendment C218dare to the Darebin Planning Scheme, pursuant to section 8A of the Planning and Environment Act 1987.

The Minister for Planning (the Minister) is yet to decide on C218dare.

Phase one of the Activity Centre Program Community Engagement concluded on 29 April. The State Government's Engage Victoria website notes that a second phase of community engagement is planned for July – August 2024.

If a program announcement is made about delivery during the Local Government election period (including the second phase of consultation) there is a high risk that Council will not be able to consider the matter.

To prepare for this scenario, officers are recommending Council consider and adopt a set of advocacy outcomes and principles which would guide officer-level submissions and engagements, should these processes occur during the Election Period.

<b>Council Resolution</b>
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**MINUTE NO. 24-129**

**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. J Williams

**That Council:**

- (1) Supports the intent of the Victorian Government's Housing Statement and Activity Centre Program to update planning controls to ensure that more good quality homes can be built in Preston Central, as per Council's own Draft Preston Central Activity Centre Plan.
- (2) Welcomes the opportunity to partner with the State Government to improve planning and investment into the Preston Central Activity Centre.
- (3) Resolves that negotiations to support the proposed Memorandum of Understanding between the State Government and Council continue to ensure the best outcomes are achieved for the centre and community.
- (4) Resolves to advocate for the following principles and outcomes for the Central Preston Activity Centre:
  - a. **Process and engagement**



- i. Community input is critical to the success and vibrancy of our activity centres.
- ii. Decisions are informed by an inclusive and welcoming engagement and communications process that is designed to reach our diverse community, and that provides the opportunity for the community to write submissions to inform the outcomes of any planning changes.
- iii. Public transparency is achieved through an independent panel that considers submissions and draft planning controls and provides advice to the Minister on the final planning provisions. This report is publicly released within 10 days following submission.
- iv. Ministerial gazettal occurs in early 2025 at the earliest to allow independent review and for Councils to form a considered position on draft planning controls and outcomes of any independent advice, for the Minister to consider ahead of final approval.

**b. Planning outcomes**

- i. Planning controls are generally consistent with Council's draft Preston Central Structure Plan including its vision and principles and Floor Area Ratio approach as per C218dare.
- ii. Planning controls provide a considered interface between the commercial core and the newly adopted Preston Market precinct controls.
- iii. Value capture mechanisms and infrastructure contributions are built into planning controls, informed by a Community Infrastructure Needs Assessment. Any funding is collected by local government, or if centralised then mechanisms are in place to ensure investment is redirected to the local area. This is in addition to Council's current Development Contributions Plan.
- iv. Social and affordable housing shortfalls are mitigated through introduction of mandatory affordable housing planning mechanisms.
- v. High-quality design and controls are provided that incentivise lot consolidation within residential transition areas in the Centre.
- vi. Built form controls promote environmental sustainability and net zero communities as our built form legacy for decades to come.
- vii. Planning provisions are informed by transport assessment outcomes and promote public transport, active and sustainable transport in the Centre.

**c. Civic realm outcomes**

- i. State and Federal funding is available to support the planning, piloting and delivery of data-driven place-making initiatives that support economic revitalisation of the Centre.
- ii. Public spaces are enhanced through community-led place-based initiatives, with a focus on streetscape improvements along High Street.
- iii. State funding is available to increase the capacity of public and active transport needed to serve a growing community and mitigate congestion that will occur if there are no real alternatives offered to private car use.

- (5) Council delegates to the CEO the preparation and approval of a Council submission to the State Government in response to any state-led Activity Centre decision making, including a planning scheme amendment, in general accordance with the

- principles and outcomes for the Preston Central Activity Centre, as per Resolution (4).
- (6) Resolves to submit to the State Government that the current form of zoning (Priority Development Zone or similar) of the Civic Centre and other Council land within the centre be retained in any state-led planning scheme amendment, noting that it may be subject to the Windfall Gains Tax.
  - (7) Writes to the Minister for Planning, inviting the Minister to partner with Council to achieve the key principles in Resolution (4) and seek a decision on Council's Planning Scheme Amendment C218dare which proposes to implement *Draft Preston Central Structure Plan*, currently before the Minister.
  - (8) Writes to the relevant State Members of Parliament to share Council's priorities outlined at resolution (4).

**CARRIED UNANIMOUSLY**

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**5.6 PROPERTY MATTERS - SALE OF MINOR ASSETS - 4/1  
FURZER STREET, PRESTON**

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**EXECUTIVE SUMMARY**

This report relates to the commencement of the statutory procedures for the proposed discontinuance and sale of a road adjoining 4/1 Furzer Street, Preston shown in **Appendix A**. A further report will be presented to Council to complete the statutory process on the community engagement which at that time, Council will decide whether to endorse the proposed sale to the owners of 4/1 Furzer Street, Preston.

<b>Council Resolution</b>
---------------------------

**MINUTE NO. 24-130**

**MOVED: Cr. S Rennie**  
**SECONDED: Cr. J Williams**

**That Council:**

- (1) Commences the statutory procedures under section 206 and clause 3 of Schedule 10 to the Local Government Act 1989 to discontinue and sell the Road adjoining 4/1 Furzer Street, Preston, shown hatched in **Appendix A**, and section 114 of the Local Government Act 2020 to sell the land from the Road.
- (2) Gives public notice under section 223 of the Local Government Act 1989 and section 114 of the Local Government Act 2020 in the appropriate newspapers and on Council's website of the intention to discontinue the road and sell the land to the owners of 4/1 Furzer Street, Preston, by private treaty and transfer to itself any land from the road not sold in accordance with Council's Sale of Minor Assets Policy May 2022.
- (3) Invites both written and verbal submissions on the proposed discontinuance and sale, as part of its community engagement process and deals with any submissions received in line with the principles set out in section 223 of the Local Government Act 1989.
- (4) Notes that any submissions be considered by Council's Hearing of Submissions Committee at a meeting to be held on 9 December 2024 at 7.30 p.m.
- (5) Notes, if no submissions are received, a further report will be presented to Council on 12 December 2024 to consider completion of the statutory procedures, for the discontinuance and sale of the road to the owners of 4/1 Furzer Street, Preston.
- (6) Notes, that notwithstanding the present intention to sell the land to the owners of 4/1 Furzer Street, Preston, in the event that submissions are received from other adjoining property owners or interested parties, Council reserves the right to reallocate the manner in which the land is to be sold in accordance with the Sale of Minor Asset Policy 2022.

**CARRIED UNANIMOUSLY**

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**5.7 PROPERTY MATTERS - SALE OF MINOR ASSETS - 27  
GEORGE STREET, RESERVOIR**

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**EXECUTIVE SUMMARY**

This report relates to the commencement of the statutory procedures for the sale of a discontinued road adjoining 27 George Street and 80 Pine Street, Reservoir, shown in **Figure 1** in **Appendix A**. This report recommends that Council endorse the proposed sale of the discontinued road to the owners of 27 George Street noting that a further community engagement process will be undertaken by officers and that any objection or submission received by council will be dealt with at a scheduled Hearing of Submissions Committee meeting.

If community submissions are received, a Hearing of Submissions meeting would take place and then a further report would be put to a Council meeting for final decision. If no community submissions are received, the matter would be referred to the CEO who will formalise the sale of the discontinued road under delegation.

<b>Council Resolution</b>
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**MINUTE NO. 24-131**

**MOVED:** Cr. J Williams  
**SECONDED:** Cr. S Rennie

**That Council:**

- (1) Commences the statutory procedures under section 114 of the Local Government Act 2020 to sell the land from the discontinued road adjoining 27 George Street and 80 Pine Street, Reservoir, shown hatched on the site plan in Figure 1, Appendix A and shown as Lot 8 on Title Plan TP23509T, to the owner of 27 George Street, Reservoir, by private treaty in accordance with Council's Sale of Minor Assets Policy May 2022.
- (2) Gives notice of its intention to sell the land on Council's website and in such notice, states, that Council proposes to sell the land from the former road to the owner of 27 George Street, Reservoir, by private treaty, in accordance with Council policy.
- (3) Invites both written and verbal submissions on the proposed sale and deal with any submissions received in line with the principles set out in section 223 of the Local Government Act 1989.
- (4) Notes that any submissions received be considered by Council's Hearing of Submissions Committee on 9 December 2024 at 7.30pm.
- (5) Notes that where any submissions are heard by the Hearing of Submissions Committee, a further report will be presented to Council to consider the findings from that Hearing and advise its decision on the sale of the discontinued road to the adjoining landowner.
- (6) Notes that if no submissions are received, a further report will be presented to the Chief Executive Officer, to confirm acceptance to the delegated responsibilities and to complete the statutory procedures for the sale of the land to the owner of 27 George Street, Reservoir, and sign all necessary documents for the sale of the land under delegation.
- (7) Notes that in the event that submissions are received from other adjoining property owners or interested parties, Council reserves the right to reallocate the manner in which the land is to be sold in accordance with Council's Sale of Minor Assets Policy May 2022.

**CARRIED UNANIMOUSLY**

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## 5.8 PROPERTY MATTERS – LEASING OF PART OF BUNDOORA PARK FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A TELECOMMUNICATION MONOPOLE

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### EXECUTIVE SUMMARY

The purpose of this paper is to seek Council's approval to amend terms and conditions offered to Amplitel Pty Ltd, to construct, operate and maintain a telecommunications monopole and battery extension cabinet at Snake Gully Drive, Bundoora Park.

Council, at its meetings dated 27 June 2022 and 26 September 2022, formally resolved to proceed with the initial proposal, however, the report did not clearly depict the requirement to lease two sections of the land to facilitate the light tower swap out and the installation of the equipment shelter and associated cabling. This report also recommends making further amendments to the 'air rights' granted to Amplitel, so they do not conflict with the licence already agreed for use of the sporting oval.

As some of these clarifications and amendments are key terms to the lease, Council must now consider whether it approves proceeding. If Council proceeds, a new community engagement process would be undertaken to highlight the correct site areas and any revised financial terms that have resulted in the delay of the construction of the light tower.

As Council is the appointed Committee of Management for this land, any lease would need to meet the requirements section 17D(1) of the *Crown Land (Reserves) Act 1978*. Council officers have already obtained a revised 'Grant of Purpose', 'Landowner Consent' and draft lease document from the Department of Energy, Environment and Climate Action to facilitate the changes required under the proposed terms.

The lease would also be drawn in line with Council's standard approach to key terms of a commercial based operation. Separately, a planning permit has also been considered and issued, and is valid for construction commencing by a date no later than June 2025 and to be completed by June 2027.

*The Acting Manager Property and Asset Strategy, advised that there was a minor amendment to point (1) of the officer recommendation shown in bold below.*

<b>Amended Officer Recommendation</b>
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**That Council:**

- (1) Note it has previously resolved, at its meetings dated 23 June 2022 and 26 September 2023 **2022**, to enter into a lease with Amplitel Ltd to lease part of Bundoora Park for the purposes on constructing, operating and maintaining a telecommunications monopole.
- (2) Notes that amendments to the site plans are needed to clarify the lease and as these are key terms, Council must consider if it wishes to proceed, and if so, it needs to undertake a community engagement process.
- (3) Commences the statutory procedures under section 115 to the *Local Government Act 2020* to lease part of the land located at Snake Gully Drive, Bundoora Park, to construct, operate and maintain a telecommunications monopole and battery extension cabinet shown hatched in Appendix A and Appendix B.

- (4) Gives notice on Council's website of the intention to lease the land in accordance with Council's Community Engagement Policy 2022.
- (5) Invites both written and verbal submissions on the proposed lease as part of its community engagement process and deal with any submissions received in line with the principles set out in section 115 to the *Local Government Act 2020*.
- (6) Notes that the submission process will commence after the conclusion of Council caretaker period (17 September 2024 – 25 October 2024).
- (7) Notes that any submissions will be considered by Council's Hearing of Submissions Committee at a meeting to be held in the Council Chamber on Monday 9 December 2024 at 7:30pm.
- (8) Notes if no submissions are received, a further report be presented to Council on 12 December 2024 to consider completion of the statutory procedures for the lease.
- (9) Notes that if submissions are received, a further report will be presented to Council in 2025 to consider completion of the statutory procedures for the lease.

<b>Motion</b>
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**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. J Williams

**That Council:**

- (1) Note it has previously resolved, at its meetings dated 23 June 2022 and 26 September 2022, to enter into a lease with Amplitel Ltd to lease part of Bundoora Park for the purposes on constructing, operating and maintaining a telecommunications monopole.
- (2) Notes that amendments to the site plans are needed to clarify the lease and as these are key terms, Council must consider if it wishes to proceed, and if so, it needs to undertake a community engagement process.
- (3) Commences the statutory procedures under section 115 to the *Local Government Act 2020* to lease part of the land located at Snake Gully Drive, Bundoora Park, to construct, operate and maintain a telecommunications monopole and battery extension cabinet shown hatched in Appendix A and Appendix B.
- (4) Gives notice on Council's website of the intention to lease the land in accordance with Council's Community Engagement Policy 2022.
- (5) Invites both written and verbal submissions on the proposed lease as part of its community engagement process and deal with any submissions received in line with the principles set out in section 115 to the *Local Government Act 2020*.
- (6) Notes that the submission process will commence after the conclusion of Council caretaker period (17 September 2024 – 25 October 2024).
- (7) Notes that any submissions will be considered by Council's Hearing of Submissions Committee at a meeting to be held in the Council Chamber on Monday 9 December 2024 at 7:30pm.
- (8) Notes if no submissions are received, a further report be presented to Council on 12 December 2024 to consider completion of the statutory procedures for the lease.
- (9) Notes that if submissions are received, a further report will be presented to Council in 2025 to consider completion of the statutory procedures for the lease.

THE MOTION WAS PUT AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

**Council Resolution****MINUTE NO. 24-132**

**MOVED:** Cr. S Rennie  
**SECONDED:** Cr. J Williams

**That Council:**

- (1) Note it has previously resolved, at its meetings dated 23 June 2022 and 26 September 2022, to enter into a lease with Amplitel Ltd to lease part of Bundoora Park for the purposes on constructing, operating and maintaining a telecommunications monopole.
- (2) Notes that amendments to the site plans are needed to clarify the lease and as these are key terms, Council must consider if it wishes to proceed, and if so, it needs to undertake a community engagement process.
- (3) Commences the statutory procedures under section 115 to the *Local Government Act 2020* to lease part of the land located at Snake Gully Drive, Bundoora Park, to construct, operate and maintain a telecommunications monopole and battery extension cabinet shown hatched in Appendix A and Appendix B.
- (4) Gives notice on Council's website of the intention to lease the land in accordance with Council's Community Engagement Policy 2022.
- (5) Invites both written and verbal submissions on the proposed lease as part of its community engagement process and deal with any submissions received in line with the principles set out in section 115 to the *Local Government Act 2020*.
- (6) Notes that the submission process will commence after the conclusion of Council caretaker period (17 September 2024 – 25 October 2024).
- (7) Notes that any submissions will be considered by Council's Hearing of Submissions Committee at a meeting to be held in the Council Chamber on Monday 9 December 2024 at 7:30pm.
- (8) Notes if no submissions are received, a further report be presented to Council on 12 December 2024 to consider completion of the statutory procedures for the lease.
- (9) Notes that if submissions are received, a further report will be presented to Council in 2025 to consider completion of the statutory procedures for the lease.

**CARRIED UNANIMOUSLY**

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## 5.9 FAIR ACCESS POLICY ROADMAP (RECREATION FACILITIES) - RECOMMENDATION FOR MINOR UPDATE TO POLICY

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### EXECUTIVE SUMMARY

Women and girls are underrepresented in community sport – as participants, coaches, officials and administrators. In 2023-24, 29% of participants and 35% of teams were women and girls in Darebin community sport activities.

The State Government introduced the Fair Access Policy Roadmap (Roadmap), in alignment with Victoria's *Gender Equality Act 2020*, to deliver gender equitable access to publicly owned community sports infrastructure across Victoria and help level the playing field for women and girls.

Compliance with the Roadmap requires the following:

- From 1 July 2024, Victorian Government funding criteria for community sport infrastructure to require gender equitable access and use policies (or equivalent) to be in place.
- By 1 October 2024, all local governments in Victoria to have gender equitable access and use policies (or equivalent) in place for community sports infrastructure.
- By 1 July 2027, more women and girls report equitable access to community sports infrastructure and improved experiences participating in community sport.

A minor update to the *Sporting Fees, Charges and Occupancy Agreement Policy* will address these requirements and ensure Council remains eligible for future grant funding programs. This update will be followed by a wholistic review of the policy (including consultation with sporting clubs with a view to incentivise diverse participation more strongly through the performance subsidy program) as resolved by Council in April 2024.

Darebin City Council has been a leader in gender equity for many years. To highlight achievements and understand the state of play in Darebin, officers have prepared *Towards Gender Equality for Community Sport in Darebin (Appendix A)*.

<b>Council Resolution</b>
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**MINUTE NO. 24-133**

**MOVED:** Cr. E Dimitriadis  
**SECONDED:** Cr. S Rennie

**That Council:**

- (1) Celebrates the positive impact of collaborative partnership approaches by Darebin sports clubs, recreation facilities, State Sporting Associations and the State Government with Council to increase the number of women and girls participating in community sport and recreation within Darebin.
- (2) Notes there is more collaborative work to be done to further improve this state of play and implement the State Government's Fair Access Policy Roadmap.
- (3) Adopts the *Sporting Fees, Charges and Occupancy Agreement Policy 2024* attached at **Appendix B** to this report.

**CARRIED UNANIMOUSLY**



## 5.10 UPCOMING PROCUREMENT (X 2) - TENDER EVALUATION PROCESS OPTIONS AND AUTHORISATION TO COMMENCE PROCUREMENT ACTIVITY

### EXECUTIVE SUMMARY

Council resolved on 26 February 2024 that Council *"Reviews and updates Council's Social and Sustainable Procurement Policy to provide detailed guidance on the process to operationalise the social outcome principle, which is currently contained in this policy, particularly in relation to companies that benefit from illegal occupations, international military forces (government or non-government) and human rights abuses."* and *"Authorises the CEO make any transitional arrangements necessary to meet business needs during procurement of new contracts and report back to Council on any risks or delays."*

Policy work is in progress to implement the resolution, however it has proven very difficult to identify robust, effective, compliant policy options that would have the intended effect. This is in a large part due to the complex, interconnected nature of the global supply chain and very limited verifiable data sources. Given these challenges, work to operationalise the social outcome principle has been delayed.

In February Council *"Acknowledge[d] Council does not have definitive data to determine if any current contracts support or profit from the occupation; however based on desktop research Council may have one contract with a company listed as possibly meeting this criteria"* and it resolved that Council *"ends the contract at Expiry"*. This contract has ended.

There are two upcoming tenders (**Appendix A**) which are essential and it is urgent that these services be tendered for. Officers are seeking direction as to the approach Council wishes to take for these tenders specifically.

It is recommended that Council proceed to tender. The services are essential and there are serious business continuity and financial risks with further delaying the tender. It is further recommended that Council refer the review of the Procurement Policy to the new Council in 2025.

Three options to operationalise the social outcome principle for the purposes of these two tenders are outlined below for consideration:

Options	Implementation option
<b>Option 1</b> Supplier declaration without compliance check. <b>(Appendix B)</b>	<b>A – Supplier Declaration becomes a mandatory criterion</b> <i>Submission scored as a Pass or Fail.</i>  <b>Pass</b> - progresses to Evaluation stage. <b>Fails</b> - disqualified from Evaluation stage. (no submission or no response including reference to a generic statement on company website)
	<b>B – Supplier Declaration becomes a scored criterion (10% weighting)</b> <i>Submission scored as a 10 for submission and 0 for no submission</i>

Options	Implementation option
	Score allocated within the within the overall 25% social/sustainable weighting as stated in the current Procurement Policy. Scoring will consider the interpretation of key words of the declaration as noted in this report.
<b>Option 2</b> Outsourced Assessment by specialised consultant. (10% weighting)	Scorecard for social/ sustainable and partial tender evaluation conducted by external specialised consultant) pursuant to the submission of the self-declaration and validation questionnaire to be developed in collaboration with the consultant.  The self-declaration would be provided to the consultant for further review and direct engagement with supplier, if deemed necessary.
<b>Option 3</b> Current policy applied	Evaluate these tenders based on Council's current policy with no change to process

### Officer Recommendation

**That Council:**

- (1) Notes that
  - a) Council previously resolved (in part) that Council *“Reviews and updates Council’s Social and Sustainable Procurement Policy to provide detailed guidance on the process to operationalise the social outcome principle, which is currently contained in this policy, particularly in relation to companies that benefit from illegal occupations, international military forces (government or non-government) and human rights abuses.”*
  - b) Council must prepare and adopt a Procurement Policy under S108 of the Local Government Act 2020, that amongst other things *“promotes open and fair competition and provide value for money“ and “which specifies the description of the criteria to be used by the Council to evaluate whether a proposed contract provides value for money”*
  - c) Under the Local Government Act 2020, Council must review its Procurement Policy at least once during each 4-year term of the Council, and that this review is due in 2025.
- (2) Notes that the current Council Social and Sustainable Procurement Policy meets the requirements above by specifying the following principles irrespective of the value and complexity of that procurement:
  - a) Value for Money;
  - b) Sustainability (social, economic and environmental);
  - c) Open and fair competition;
  - d) Accountability;
  - e) Risk management; and
  - f) Probity and transparency;
  - g) And ensuring that processes and procedures apply these principles by establishing weighted assessment criteria that enable an appropriate balance of the principles to the purchasing decision;
- (3) Notes that divestment is a legitimate strategy to support human rights, however there is

significant complexity, and policy challenges in identifying options for this in practice with complex global supply chains.

- (4) Notes that a review of the whole Social and Sustainable Procurement Policy is scheduled for the next Council Term in 2025.
- (5) Refers to the upcoming whole Social and Sustainable Procurement Policy Review further review of the specific review as per Council's resolution of 26 February 2024 which resolved that Council (in part) that Council: *"Reviews and updates Council's Social and Sustainable Procurement Policy to provide detailed guidance on the process to operationalise the social outcome principle"*;
- (6) Authorises the CEO (or delegate) to operationalise the social outcome principle using Option \_\_\_\_\_ for the two tenders described in Appendix A of this report, including authorising any additional expenditure required as outlined in the discussion section of this report.
- (7) Notes that the decisions about the outcome of the two tenders will be made in line with the current "Instrument of Delegation" which sets out the financial value of procurement decisions made by elected councillors at a meeting of Council, and the value at which the CEO (or their delegate) is delegated to make procurement decisions.

<b>Motion</b>
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**MOVED:** Cr. T Hannan  
**SECONDED:** Cr. L Messina

**That Council:**

- (1) Notes that
  - a) Council previously resolved (in part) that Council *"Reviews and updates Council's Social and Sustainable Procurement Policy to provide detailed guidance on the process to operationalise the social outcome principle, which is currently contained in this policy, particularly in relation to companies that benefit from illegal occupations, international military forces (government or non-government) and human rights abuses."*
  - b) Council must prepare and adopt a Procurement Policy under S108 of the Local Government Act 2020, that amongst other things *"promotes open and fair competition and provide value for money"* and *"which specifies the description of the criteria to be used by the Council to evaluate whether a proposed contract provides value for money"*
  - c) Under the Local Government Act 2020, Council must review its Procurement Policy at least once during each 4-year term of the Council, and that this review is due in 2025.
- (2) Notes that the current Council Social and Sustainable Procurement Policy meets the requirements above by specifying the following principles irrespective of the value and complexity of that procurement:
  - a) Value for Money;
  - b) Sustainability (social, economic and environmental);
  - c) Open and fair competition;
  - d) Accountability;
  - e) Risk management; and

- f) Probity and transparency;
  - g) And ensuring that processes and procedures apply these principles by establishing weighted assessment criteria that enable an appropriate balance of the principles to the purchasing decision;
- (3) Notes that divestment is a legitimate strategy to support human rights, however there is significant complexity, and policy challenges in identifying options for this in practice with complex global supply chains.
- (4) Notes that a review of the whole Social and Sustainable Procurement Policy is scheduled for the next Council Term in 2025.
- (5) Refers to the upcoming whole Social and Sustainable Procurement Policy Review further review of the specific review as per Council's resolution of 26 February 2024 which resolved that Council (in part) that Council: "Reviews and updates Council's Social and Sustainable Procurement Policy to provide detailed guidance on the process to operationalise the social outcome principle";
- (6) Authorises the CEO (or delegate) to operationalise the social outcome principle using Option **1B** for the two tenders described in Appendix A of this report, including authorising any additional expenditure required as outlined in the discussion section of this report.
- (7) Notes that the decisions about the outcome of the two tenders will be made in line with the current "Instrument of Delegation" which sets out the financial value of procurement decisions made by elected councillors at a meeting of Council, and the value at which the CEO (or their delegate) is delegated to make procurement decisions.

<b>Council Resolution</b>
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**MINUTE NO. 24-134**

**MOVED:** Cr. T Hannan  
**SECONDED:** Cr. L Messina

**That Council:**

- (1) Notes that
- a) Council previously resolved (in part) that Council "*Reviews and updates Council's Social and Sustainable Procurement Policy to provide detailed guidance on the process to operationalise the social outcome principle, which is currently contained in this policy, particularly in relation to companies that benefit from illegal occupations, international military forces (government or non-government) and human rights abuses.*"
  - b) Council must prepare and adopt a Procurement Policy under S108 of the Local Government Act 2020, that amongst other things "*promotes open and fair competition and provide value for money*" and "*which specifies the description of the criteria to be used by the Council to evaluate whether a proposed contract provides value for money*"
  - c) Under the Local Government Act 2020, Council must review its Procurement Policy at least once during each 4-year term of the Council, and that this review is due in 2025.
- (2) Notes that the current Council Social and Sustainable Procurement Policy meets the requirements above by specifying the following principles irrespective of the value and complexity of that procurement:

- a) Value for Money;
  - b) Sustainability (social, economic and environmental);
  - c) Open and fair competition;
  - d) Accountability;
  - e) Risk management; and
  - f) Probity and transparency;
  - g) And ensuring that processes and procedures apply these principles by establishing weighted assessment criteria that enable an appropriate balance of the principles to the purchasing decision;
- (3) Notes that divestment is a legitimate strategy to support human rights, however there is significant complexity, and policy challenges in identifying options for this in practice with complex global supply chains.
- (4) Notes that a review of the whole Social and Sustainable Procurement Policy is scheduled for the next Council Term in 2025.
- (5) Refers to the upcoming whole Social and Sustainable Procurement Policy Review further review of the specific review as per Council's resolution of 26 February 2024 which resolved that Council (in part) that Council: "Reviews and updates Council's Social and Sustainable Procurement Policy to provide detailed guidance on the process to operationalise the social outcome principle";
- (6) Authorises the CEO (or delegate) to operationalise the social outcome principle using Option 1B for the two tenders described in Appendix A of this report, including authorising any additional expenditure required as outlined in the discussion section of this report.
- (7) Notes that the decisions about the outcome of the two tenders will be made in line with the current "Instrument of Delegation" which sets out the financial value of procurement decisions made by elected councillors at a meeting of Council, and the value at which the CEO (or their delegate) is delegated to make procurement decisions.

**CARRIED UNANIMOUSLY**

## 6. URGENT BUSINESS

Nil.

## 7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

### CLOSE OF MEETING TO THE PUBLIC

Council Resolution

MINUTE NO. 24-135

MOVED: Cr. J Williams  
SECONDED: Cr. T McCarthy

**That** in accordance with section 3(1) of the *Local Government Act 2020*, the meeting be closed to members of the public to consider the following items on the basis that these matters are confidential for the following reasons :

#### 7.1 Planning Matter - receipt of legal advice

This item is confidential because it is legal privileged information, being information to which legal professional privilege or client legal privilege applies, pursuant to Section 3(1) (e) of the Act.

**CARRIED UNANIMOUSLY**

The meeting was closed to the members of the public at 7.43pm.

*The Council considered and resolved on confidential report Item 7.1 which had been circulated to Councillors with the Council Agenda Paper.*

### RE-OPENING OF MEETING TO THE PUBLIC

Council Resolution

MINUTE NO. 24-136

MOVED: Cr. T McCarthy  
SECONDED: Cr. S Rennie

**That** the meeting be re-opened to the members of the public.

**CARRIED UNANIMOUSLY**

The meeting was re-opened to the members of the public at 7.51pm.

## 8. CLOSE OF MEETING


The meeting closed at 7.51pm.

**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**  
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