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AGENDA OF THE SPECIAL COUNCIL MEETING

**To be held on Wednesday 14 August 2024 at 6.00pm
(virtual meeting)**

This meeting is scheduled to be held online only.

This meeting will also be livestreamed and may be accessed from Councils website www.darebin.vic.gov.au.

Public questions and submissions are not permitted at Special Council meetings.



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 ਵੈੱਸਲ 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.

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Agenda

ACKNOWLEDGMENT OF TRADITIONAL OWNERS

1. MEMBERSHIP

Cr. Susanne Newton (Mayor) (Chairperson)

Cr. Tim Laurence (Deputy Mayor)

Cr. Emily Dimitriadis

Cr. Gaetano Greco

Cr. Tom Hannan

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Susan Rennie

Cr. Julie Williams

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. COUNCIL'S OCCUPATIONAL HEALTH AND SAFETY RESPONSIBILITIES

5. CONSIDERATION OF REPORTS

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

Author: Acting General Manager Customer & Corporate
Chief People Officer

Reviewed By: Chief People Officer

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.

Officer Recommendation

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.

BACKGROUND / KEY INFORMATION

Contract labour is a key feature of Council's operations and is necessary to ensure service delivery and continuity for the community.

The current process for the engagement of contractors is undertaken at a local level, which presents some challenges in terms of tracking budget allocation, onboarding, approval processes and ensuring compliance checks such as Working with Children Checks (WWCC), Police Checks and other relevant assurances.

To ensure compliance, and deliver value for money for the community, officers are recommending that Council engages a third-party labour hire service, the PA Contract.

This service will be a central source for all contract labour and recruitment, providing transparency on Council expenditure, as well as compliance obligations. Council would use this service as the platform to engage 95% of contract labour and recruitment (when recruiting through agencies is preferred).

From May 2023 to June 2024, Council spent \$2,949,755 for contract labour.

Previous Council Resolution

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

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

4.3 We will transform our services and service delivery models to ensure they meet the current, emerging and future needs of our community

DISCUSSION

Procurement Process

Procurement Australia invited tenders from suitably qualified organisations to form a panel of providers to supply and deliver a range of recruitment, training and associated services to its members nationwide. The contract commenced on 1 January 2021 and ended 31 December 2023 with the potential for two (2) up to twelve (12) month options to extend.

The category that is applicable to this request is:

Category 4 – Managed Services Program (MSP) Providers for Contingent Labour This category is for the provision of Managed Services Program (MSP) solutions for contingent labour requirements for use by Members of Procurement Australia at their discretion. It seeks MSP providers offering Vendor Management System (VMS) software and software services.

Selection of panellist

The PA Contract features three suppliers with the ability to deliver the required services, with comparable scoring as part of the PA tendering process.

However, the preferred contractor is the only supplier which will advertise roles to the entire PA contracted list of suppliers. The other suppliers will only advertise roles within their own companies for candidate searches.

Further, the preferred supplier's rates are aligned with the PA schedule of rates, so there is no fluctuation, and it allows viability and oversight of the approval process and reporting.

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

From May 2023 to June 2024, Council spent \$2,949,755 for contract labour. A centralised service will provide council will greater value for money and visibility of labour hire expenditure.

Community Engagement

Not required for this contract.

• Overarching Governance Principles and Supporting Principles

- (a) Council decisions are to be made and actions taken in accordance with the relevant law;
- (e) innovation and continuous improvement is to be pursued;
- (f) collaboration with other Councils and Governments and statutory bodies is to be sought;
- (g) the ongoing financial viability of the Council is to be ensured;
- (i) the transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;
- (c) Council information must be understandable and accessible to members of the municipal community;

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

- (c) quality and costs standards for services set by the Council should provide good value to the municipal community;

COUNCIL POLICY CONSIDERATIONS**Equity, Inclusion, Wellbeing and Human Rights Considerations:**

In line with Darebin's Social and Sustainable Procurement Policy, the tender evaluation criteria gave weight to social initiatives and practices.

Economic Development and Cultural Considerations

No required for this contract.

Operational Impacts

The new service will provide a more efficient and cost-effective way to hire contract labour.

Legal and Risk Implications

Legal and probity issues were considered and managed by Procurement Australia.

IMPLEMENTATION ACTIONS

Once the contract is endorsed by Council, Officers would commence the implementation of the system in the first half of 2024/25.

RELATED DOCUMENTS

NIL

Attachments

Nil

DISCLOSURE OF INTEREST

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

5.2 MIGRATION PUBLIC ARTWORK ARTIST SELECTION**Author:** Art and Collections Coordinator**Reviewed By:** General Manager Community

EXECUTIVE SUMMARY

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

Officer Recommendation

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) 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.

BACKGROUND / KEY INFORMATION

Following a decision by Council, the Art & Collections unit are working with a Migration Artwork Community Reference Group on the design and delivery of a significant public artwork to elevate and reflect on the story of migration in Darebin.

In January 2024 Council endorsed a delivery model and timeline for this project, central to which is the key milestone of selecting an artist for this commission by August 2024.

To date Council officers have adhered to the endorsed project plan and timeline and have delivered the following agreed actions:

- Consultation with migrant and CALD community groups in Darebin.
- Development of a Community Reference Group comprised of community members with lived experience of migration, and CALD members of the Darebin Art & Heritage Advisory Committee.
- Development of an artwork Project Brief.
- Delivery of an expressions of interest (EOI) process to allow community members to nominate themselves for this opportunity.

- Supporting the Community Reference Group to determine a shortlist of artists from the applications received.
- Engaging the shortlisted artists to develop a detailed artwork concept for this commission.
- Supporting the Community Reference Group to review and assess the shortlisted artists' concept proposals.
- Sharing the assessment outcomes and recommended artist concept at Council Briefing on 5 August.

Community Reference Group

The community reference group who has supported this project from its inception, including assessing the shortlisted artist proposals, is comprised of the following members:

- Voula Psaroudis - Greek migrant who has lived in Darebin since 1975.
- Hanh Huynh-Pitts - Vietnamese migrant who has lived in Darebin for 37 years.
- Charlotte Watson - New Zealand migrant who lives, works and bases her art practice in Darebin.
- Suriyan Nalliah - Sri Lankan migrant who moved to Australia in 1981. Representative from the Darebin Ethnic Communities Council.
- Asha Bee Abraham - Chinese-Indian Singaporean migrant & representative from the Darebin Art & Heritage Advisory Committee.
- Victoria Jones - Scottish migrant & representative from the Darebin Art & Heritage Advisory Committee.
- Sarah Werkmeister - Darebin Council Curator.

Shortlisted artists

From the Expressions of Interest process, the Migration Artwork Community Reference Group shortlisted four applicants to progress to the concept development stage details of which are outlined in confidential **Appendix C**.

Concept proposals

As per public art industry guidelines as outlined by the National Association for the Visual Arts, the four shortlisted applicants were paid a fixed fee of \$3,000 each to develop a comprehensive concept proposal for this project including:

- A statement of artistic intent.
- Concept drawings or maquettes of the proposed work.
- Budget outlining fabrication, materials, project management and other associated expenditure.
- Details of any third parties or contractors likely to be involved.
- Indicative timeline, including design development, fabrication and installation.
- Indication of any anticipated maintenance requirements associated with the proposal, including specifications for all materials and mechanisms used within the Public Artwork.

On Wednesday 10 July the shortlisted artists presented their artwork concepts to the Community Reference Group, who assessed the presentations against the following criteria:

Assessment Criteria:

- Personal connection to or experience of the theme of migration 20%
- Creative engagement with the commission's themes and subject matter 20%
- Artistic Merit 20%
- Ability to develop concepts and communicate ideas aligned to the project brief 10%
- Demonstrated capacity to deliver a public artwork of this scale (or appropriate mentorship arrangement for emerging public artists) 20%
- Motivation and willingness to work in collaboration with Council to achieve a successful outcome 10%

Previous Council Resolution**24 April 2023**

That Council:

Notes that Council has identified prior a public art commission project, the installation of a civic art work that elevates and celebrates the history of migration to the municipality, and that this project has not been delivered.

Refers for consideration to the budget process for 2023/2024 the following;

c) The Multicultural Civic Artworks that elevates & celebrates the story of Migration

26 June 2023

That Council:

In accordance with section 94 of the Local Government Act 2020 adopts the 2023-24 Budget (incorporating the 4-year budget) (Appendix C) with the following amendments:

c) Include \$20k for the scoping out for a migration monument.

8 January 2024

That Council:

Endorses Migration Public Artwork Delivery Option 3 as outlined in Appendix A to progress the scoping study for the Migration Public Artwork as funded in the 2023/24 Council Plan and Budget.

Endorses Migration Public Artwork Funding Strategy Option 2 – refers consideration of whether to fund \$180,000 to commission the public art work to the 2024/25 Council Plan and Budget process for consideration and prioritisation against other capital priorities and community needs.

24 June 2025

That Council:

Requests that officers hold discussions with the preferred candidate for the Migration Public Artwork about the most appropriate and prominent location to place this artwork in the municipality and communicate this intention to shortlisted artists.

Allocates \$180,000 to commission the public art work as part of the 2024/25 capital budget.

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 1: Vibrant, Respectful and Connected

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 1: Vibrant, Respectful and Connected

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

1.2 We will help to build an inclusive and empowered community, where social cohesion and community harmony are fostered

1.3 We will embrace diversity and ensure everyone is included in our society, and no one is left behind – by combating discrimination, and championing equity, inclusivity and diversity

2.2 We will design and create public spaces where our people feel safe, welcome, and respected, including improving lighting and safety for people walking, wheeling, cycling and driving

DISCUSSION

As per the endorsed project plan for this commission, the Migration Artwork Community Reference Group have selected one applicant that they are recommending to Council as the recipient of this commission. Details of this are outlined in confidential **Appendix A**.

Assessment Panel feedback

The Community Reference Group considered whether the artistic concepts presented by the shortlisted artists reflect the many different stories, experiences, and perspectives of migration in Darebin, and whether the artwork is likely to be accessible, inclusive, and relevant to different migrant communities. Details of this assessment for the recommended candidate are outlined in confidential **Appendix A**.

Artwork location

On 24 June 2024 Council moved the following motion related to the Migration Public Artwork project:

Council requests that officers hold discussions with the preferred candidate for the Migration Public Artwork about the most appropriate and prominent location to place this artwork in the municipality and communicate this intention to shortlisted artists.

Officers notified all shortlisted artists of this intention and artists have confirmed their willingness to discuss location with officers should they be designated as the preferred artist. To date, officers have undertaken extensive site investigations into Preston Civic Precinct, consulting with the City Design, Parks, Facilities, and Capital Projects teams to determine restrictions on height, lighting and proximity to trees, heritage overlay, permits, public safety considerations, elevation plans, and underground services in the vicinity.

The shortlisted artists developed artwork concepts that respond specifically to the Preston Civic Centre location, with consideration of the height and size restrictions and other site features. All artists proposed a Gower Street location, located on a stretch of lawn close to the Gower/High Street intersection.

The preferred artist has indicated that they are happy for the artwork to remain sited in the Gower Street location. The artwork is interactive in nature and will likely attract children for climbing and play. Scoping will be undertaken to determine if appropriate play equipment standards, clearances and surface materials can be achieved within the constrained space.

Should an alternative location in Darebin be required the preferred candidate has indicated Reservoir being a preferred location. An additional month will need to be added to the delivery timeline should alternate location be required.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

Council has allocated \$180K in the 2024/2025 financial year for this project. \$160K will be paid to the successful artist for the design, fabrication and installation of the endorsed artwork. The remaining \$20K will be allocated to project management.

The artwork is intended to become part of Darebin's permanent Public Art Collection and will be an additional cultural asset that will be maintained and conserved for its intended lifespan through Darebin's annual Public Art Maintenance budget.

Longevity and durability of materials, and maintenance costs were one of the factors considered by the Community Reference Group when assessing the shortlisted artwork proposals.

Community Engagement

Community consultation has been undertaken extensively in the design and development of this project as well as in the Expressions of Interest process. A full communications strategy will be developed to support the announcement of the successful artist, as well as for the installation and launch of this public art commission.

COUNCIL POLICY CONSIDERATIONS

Environmental Sustainability Considerations (including Climate Emergency)

The principles of sustainability, durability, and minimising environmental impact have been embedded in the Migration Public Artwork project brief. The shortlisted artists have been asked to consider these principles in the development of their artwork concept. Sustainable building materials and artworks with minimal ongoing conservation requirements were looked on favourably by the assessment panel.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

Internal consultations were completed with the Equity & Diversity team who advised that engagement with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC) was critical to the planning and delivery of this project if Council was to uphold Council's commitments through the Statement of Commitment to Traditional Owners and Aboriginal and Torres Strait Islander people 2019, principle 1 of Towards Equality framework and Big action 4 of the Council plan 2021-2025. Consultation with the Wurundjeri Corporation has been undertaken.

Economic Development and Cultural Considerations

There are numerous economic and cultural outcomes of this project including place-making benefits, social connection, health and wellbeing for community members.

Operational Impacts

This project is being delivered by the Art & Collections unit in consultation with the Equity & Wellbeing, City Design, Economic Development and Parks & Open Spaces teams. Once installed, the ongoing maintenance and care of this work will be the responsibility of the Art & Collections unit and would be supported as part of this unit's annual public art maintenance schedule.

Legal and Risk Implications

Council follows specific processes for commissioning public art in Darebin that align with industry best practices. These processes, as outlined in Council's Public Art Guidelines, ensure the protection of intellectual and moral rights for artists and creative practitioners, and will be utilised in delivery of this project.

IMPLEMENTATION ACTIONS

Details

- Notify the successful artist that they have been awarded this commission.
- Hold conversation with the preferred artist about whether another prominent location in Darebin would be more suitable to their artwork than the originally proposed location.
- Enter into commissioning agreement.
- Notify all other artists.
- Migration Sculpture artwork created/fabricated.
- Migration Sculpture artwork installed.
- Migration Sculpture launch

Timeline

Two timeline options are possible, depending on artist preferences and scoping outcomes.

Option 1: Artwork installed in Preston Civic Precinct

Successful artist notified	28 August 2024
Discussion around preferred artwork location – no location change	28 August – 1 September 2024
Contract awarded and signed	2 September 2024
Creation of Migration sculpture	September 2024 – February 2025
Installation of Migration sculpture	February 2025
Public launch and celebration of Migration sculpture	March 2025

Option 2: Artwork installed in Alternate Location in Darebin

Successful artist notified	28 August 2024
Discussion around preferred artwork location – location change requested	28 August 2024 – 1 September 2024
Rescoping of alternate location including engineering and environmental reports as required	September 2024
Contract awarded and signed	1 October 2024
Creation of Migration sculpture	October 2024 – March 2025
Installation of Migration sculpture	March 2025
Public launch and celebration of Migration sculpture	April 2025

RELATED DOCUMENTS

NA

Attachments

- Migration Artwork Community Reference Group Recommendation (**Appendix A**) Confidential - enclosed under separate cover
- Migration Public Artwork Concept_Recommended Artist (**Appendix B**) Confidential - enclosed under separate cover
- Migration Public Artwork Assessment Matrix (**Appendix C**) Confidential - enclosed under separate cover
- Migration Public Artwork Concept_2 (**Appendix D**) Confidential - enclosed under separate cover
- Migration Public Artwork Concept_3 (**Appendix E**) Confidential - enclosed under separate cover
- Migration Public Artwork Concept_4 (**Appendix F**) 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.

**5.3 RESPONSE TO RESOLUTION OF 26 FEBRAURY 2024 -
NORTHCOTE AQUATIC AND RECREATION CENTRE
GRANT PUBLICITY****Author:** Corporate & Community Grants Officer**Reviewed By:** Acting General Manager Customer & Corporate

EXECUTIVE SUMMARY

This report in response to **For Action Item - 11.1 - Northcote Aquatic and Recreation Centre 26/2/2024**, specifically:

- (4) *Requests that officers prepare a brief report for Council consideration at the earliest possible opportunity on criteria that Council can use going forward to consider applying for and accepting grants including acknowledgement and publicity guidelines.*

Officer Recommendation

That Council notes the current state of acknowledgement and publicity conditions when applying for Federal and State grants.

BACKGROUND / KEY INFORMATION

This report in response to **For Action Item - 11.1 - Northcote Aquatic and Recreation Centre 26/2/2024**, specifically:

Previous Council Resolution

For Action Item - 11.1 - Northcote Aquatic and Recreation Centre 26/2/2024, specifically:

- (4) *Requests that officers prepare a brief report for Council consideration at the earliest possible opportunity on criteria that Council can use going forward to consider applying for and accepting grants including acknowledgement and publicity guidelines.*

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 1: Vibrant, Respectful and Connected

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 2: Prosperous, Liveable and Flourishing

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

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

DISCUSSION

Council does not currently have a criterion for applying and/or accepting grants that includes acknowledgement and publicity guidelines as these are determined by the grant provider.

Council does have a pre-grant application decision criterion that is based on:

- the scope and expectations in the grant application
- project strategic alignment.
- project readiness.
- the project schedule does not conflict with existing work.
- the resources (time & people) to deliver the project.
- co-funding requirements are within our budget.

Grant acknowledgements and publicity conditions are determined by the grant provider with limited scope to influence or change these conditions. Whilst the specific conditions may vary from grant to grant it is widespread practice for most Federal and State Government grants to include acknowledgements and publicity conditions.

The extracts below provide an example grant acknowledgement and publicity conditions that may be included in a Federal and State Government grant contract.

Federal Government Grants require the following:

The Australian Government logo should be used on promotional/communication materials related to your grant. The following written acknowledgment should also be used:

This/the [insert applicable term here: project/organisation/event], is supported by the Australian Government through funding from the XXX Program. The Australian Government logo will be provided to you following execution of the grant agreement. Further instructions around acknowledgments may be provided by the department over the duration of the grant agreement.

State Government Grants require the following:

Successful applicants must acknowledge the Victorian Government's support. Promotional guidelines form part of the funding agreement and include the requirement that all activities acknowledge Victorian Government support through logo presentation on any activity-related publications, media releases and promotional material. Successful applicants must liaise with the Department's program area to coordinate any public events or announcements related to the project.

At the time of applying for a grant it is not widespread practice for detailed acknowledgement and publicity conditions to be provided as part of the application process. Once a grant application is successful it is subject to the terms and conditions as stated by the grant provider. There is limited opportunity to influence or change these conditions.

Council will be undertaking a review of the Grants Program which is planned to commence between 2025 and 2026. This will provide an opportunity to explore funding percentage thresholds, triggers that could be put in place, expand on pre-grant application decision criteria and improve understanding of grant obligations for the acknowledgement and publicity guidelines.

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

N/A

Community Engagement

Discussions regarding this report has been had with Manager Recreation & Libraries and relevant staff.

Communications and engagement plan will be developed as part of the Grants Review project.

Other Principles for consideration

N/A

Overarching Governance Principles and Supporting Principles

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

Public Transparency Principles

(d) Public awareness of the availability of Council information must be facilitated

Strategic Planning Principles

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

Service Performance Principles

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

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

N/A

Equity, Inclusion, Wellbeing and Human Rights Considerations:

N/A

Economic Development and Cultural Considerations

N/A

Operational Impacts

N/A

Legal and Risk Implications

N/A

IMPLEMENTATION ACTIONS

Follow up from Councillor Briefing 3rd of June 2024.

RELATED DOCUMENTS

NIL

Attachments

Nil

DISCLOSURE OF INTEREST

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

5.4 CONTRACT AWARD CT202431 FLEET SERVICES & CONSUMABLES 2706-0224**Author:** Infrastructure Maintenance and Fleet Capital Project Officer**Reviewed By:** General Manager Infrastructure, Operations & Finance

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.

Officer Recommendation

That Council:

- (1) Utilises 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 s 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.

BACKGROUND / KEY INFORMATION

The Council's in-house Fleet Workshop is responsible to maintain a range of fleet items and require tyres, batteries, lubricants, other parts and accessories on a regular basis. Items that have reached the end of their useful life are disposed of through an auction company, in accordance with the Asset Disposal and Rationalisation Procedure (July 2020). Council also utilises a carpool management system to facilitate the booking of cars and e-bikes for business purposes.

The previous PA contract 2206/0221 for fleet consumables and services expired on 30 June 2024. The contract was well-regarded by all participating Councils and the suppliers consistently delivered satisfactory performance throughout the term of the contract.

Previous Council Resolution

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

ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Strategic Direction 3: Climate, Green and Sustainable

ALIGNMENT TO 2021-25 COUNCIL PLAN

Strategic Direction 3: Climate, Green and Sustainable

Strategic Direction 4 Responsible, Transparent and Responsive

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

2.11 We will support, promote, and attract diverse local businesses and industries

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

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

4.3 We will transform our services and service delivery models to ensure they meet the current, emerging and future needs of our community

DISCUSSION**Procurement Review**

A review of the procurement of parts, consumables and fleet services by Council officers established that the best method of procuring this service is to utilise the PA panel arrangement that market-tests a panel of suppliers with knowledge and capacity to deliver the required service. The benefit to the Council in purchasing via the PA panel arrangement includes:

- Better Value for money by offering a competitive advantage through the combined purchasing power for participating members across Australia.
- PA has run a comprehensive public tender process and established the contract, saving individual councils the time and expense of running separate processes.
- Social and sustainable procurement practices are embedded in all PA processes.
- Convenient, simple online access to the full range of PA contracts, supporting documents and suppliers via online portal.

Procurement Australia, Evaluation and Awarding**Request for Tender (RFT)**

Procurement Australia (PA) on behalf of participating members across Australia invited tenders from suitably qualified suppliers to form a panel of providers to supply and deliver a range of fleet services and consumables. A Request for Tender notice was advertised in the Sydney Morning Herald on Tuesday 6 February 2024 and in the Herald Sun on Wednesday 7 February 2024.

Categories

The ten categories for this contract are (refer to **Appendix B** – Tender Evaluation report 2706-0224 Fleet (incl. EV) Services and Consumables):

- Category 1 - Fleet management services (incl. vehicle leasing services)

- Category 2 - Electric vehicle (EV) consultancy services (incl. training/education)
- Category 3 - Electric vehicle (EV) charging infrastructure
- 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

Tender Evaluation (Procurement Australia)

Procurement Australia led the tender evaluation process on behalf of the participating members. All submissions were assessed to be conforming and pass the tender compliance criteria, including requirements for insurance, financial viability, OH&S and Conflict of Interest.

Responses were assessed against the below evaluation criteria

Technical Criteria

- Professional Competence, Corporate Governance & Social responsibility
 1. Relevant experience
 2. Performance capability
 3. Quality Practices
 4. Work Health and Safety
 5. Customer Focus

Price Criteria

1. Cost of services/consumables
2. Warranty
3. Payment Terms
4. Minimum Order Quantity/Value
5. Other Information Relevant to Pricing

The final evaluation outcome is included in **Appendix B** (Tender Evaluation report 2706-0224 Fleet (incl. EV) Services and Consumables).

Tender Evaluation (Darebin) and Ranking

A Darebin Tender Evaluation Panel (TEP) was established to consider the PA Tender Outcome.

The TEP comprised the following panel members:

- Infrastructure Maintenance and Fleet Capital Project Officer
- Fleet Management Lead
- Coordinator Infrastructure Maintenance and Fleet

Procurement oversight was provided by the Procurement & Contracts Business Partner.

The TEP met on 19 July 2024 and 25 July 2024, to review the evaluation report endorsed by Procurement Australia (PA) while also considering specific requirements.

The TEP assessed against the below evaluation criteria (refer to **Appendix A** – Confidential Report):

- PA Scoring
- Local Business
- Range of Product

Based on the review of the PA tender evaluation members report (**Appendix B**) and Darebin specific requirements, the TEP recommended the top ranked tenderers in each category (Refer to **Appendix A** – Confidential Report).

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Collaboration

Section 109 (2) of the *Local Government Act 2020* requires that any report to the Council that recommends entering into a procurement agreement includes information about any opportunities for collaboration with other Councils or public bodies that may be available.

In relation to this procurement, Procurement Australia has collaborated on achieving value-for-money outcomes.

Financial Management

The anticipated expenditure through the Procurement Australia panel contract is between \$ _____ over five years. The contract does not commit the council to spending a specific amount through the panel arrangement.

Based on past spent and anticipated price increase in next 5 years, the projected expenditure over the next five years are as follows:

- Lubricants: up to _____ excluding GST
- Parts, tools, batteries and accessories: up to _____ excluding GST
- Tyres: up to _____ excluding GST
- Fleet Disposal: up to _____ excluding GST
- Pool Car Management: up to _____ excluding GST

In the new contract, the suppliers have offered a 10%-20% discount on the purchase of automotive spare parts, tools & accessories through this panel arrangement. The preferred tyre supplier has offered up to 50% discount off list price.

Community Engagement

Not Required for this contract

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;
- (f) collaboration with other Councils and Governments and statutory bodies is to be sought;
- (g) the ongoing financial viability of the Council is to be ensured;
- (i) the transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;
- (c) Council information must be understandable and accessible to members of the municipal community;

Strategic Planning Principles

- (c) Strategic planning must take into account the resources needed for effective implementation;
- (e) strategic planning must provide for ongoing monitoring of progress and regular reviews to identify and address changing circumstances;

Service Performance Principles

- (a) services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community;
- (c) quality and costs standards for services set by the Council should provide good value to the municipal community;

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

Environmental impacts have been taken into consideration for this contract which includes recycling of used parts and consumables.

The preferred supplier for tyres re-use tyre cases by retreading them with locally manufactured tread, that supports circular economy and offering a quality product with over 75% recycled materials. The manufacture of a retread tyre sees a 34% reduction in carbon emissions compared to the manufacture of a new tyre. They also offer tyres designed to significantly reduce rolling resistance resulting in less fuel consumption and lower CO2 emissions.

Furthermore, used waste oil collected from the inground tank at the Fleet workshop area is collected, refined and utilised to its full potential with minimal environmental impact. This helps to protect the environment while offsetting Australia's crude oil requirements.

This aligns with Strategic Objective 3.5 of the 2021-2025 Council Plan to reduce waste and stimulate a local circular economy, where waste resources are re-used rather than discarded. Council has also endorsed a Climate Emergency Plan 2024-2030 that aims to build a local circular economy that reduces waste and supply chain emissions.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

The Darebin Fleet Unit manages and maintains the fleet requirements for all functional units within the Council, serving the needs of over 160,000 residents in the City of Darebin. To ensure that fleet vehicles remain safe, reliable, and operational for extended periods, it is crucial to keep them in excellent condition. This maintenance is essential for delivering high-quality service to the community.

This contract will support the Fleet Unit in:

- Ensuring the availability of fleet consumables to minimise downtime and maintain uninterrupted service delivery to the community.
- Accessing fleet services, including disposal, to achieve value for money and enhance service quality.

Economic Development and Cultural Considerations

Preference will be given to the local suppliers or retail centres within the City of Darebin. Council services are frequently utilised by the local community with a high representation of elderly and culturally and linguistically diverse users. Well-maintained and reliable fleet plays a key role in offering those services.

Operational Impacts

The scheduled and reactive maintenance of the Council's fleet is critical to ensure:

- Uninterrupted service delivery and providing efficient and effective service to the community
- Align with good asset management practices
- Delivers value-for-money fleet services
- Effectively supports the workforce in the performance of duties.
- Aligns with other relevant Council plans and Strategies, e.g. Climate Emergency Plan

Legal and Risk Implications

Risk management plans have been utilised throughout the existing contracts and form part of the regular reporting on contract compliance. Any risks were satisfactorily managed.

IT Implications

In November 2023, Council's internal Information Technology (IT) Cyber Security team, People & Culture, and the Business Improvement teams were consulted to ensure that the process for the pool car booking system was secure and compliant with privacy standards.

Council plans to implement a new Enterprise Resource Planning (ERP) software system that will support automation and processes across the organisation. IT have confirmed in August 2024 that the IT implications from this procurement can only be assessed after the selection of Council's preferred ERP solution. As this procurement is an opt-in service, there is no obligation to continue with the service if incompatibility with ERP is discovered in the future and on this basis officers recommend proceeding and that there is flexibility to effectively transition to an integrated ERP at the appropriate time.

IMPLEMENTATION ACTIONS

Council officers will utilise the new contract from 1 September 2024 by opting in with the selected suppliers via Procurement Gateway.

Table 11: Planned Target Dates

Milestone/Tasks	Timeframe
Council resolution to utilise Procurement Australia (PA) Contract 2706-0224	26 August 2024
Contract Commencement	1 September 2024
Contract end date (as per PA contract dates)	30 June 2027
Provision for Contract Extension	2 years (1+1)

RELATED DOCUMENTS

- Social and Sustainable Procurement Policy
- Risk Management Policy
- Asset Disposal and Rationalisation Procedure (July 2020)
- *Motor Vehicles Standards Act 1989* (Australian Design Rules)
- Relevant Heavy Vehicle National Law and Regulations
- *Occupational Health and Safety Act 2004*

Attachments

- Contract Award CT202431 - Fleet Services and Consumables (PA Contract 2706-0224) (**Appendix A**) Confidential - enclosed under separate cover
- Procurement Australia (PA) Tender Evaluation Report (**Appendix B**) Confidential - enclosed under separate cover
- Darebin Tender Evaluation Matrix (**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.

5.5 PRESTON CENTRAL ACTIVITY CENTRE - ADVOCACY SUBMISSION

Author: Senior Strategic Planner

Reviewed By: General Manager City Sustainability and Strategy

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.

Officer Recommendation

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).

BACKGROUND / KEY INFORMATION

Over the past six years Council has progressed a significant level of strategic work for the Preston Activity Centre. This includes two community engagements, background and technical reports and a draft Structure Plan, Built Form Framework, and planning controls that contribute to the Council's C218dare planning scheme amendment application.

On 20 September 2023, the State government announced in their *Housing Statement* a rollout of the much-anticipated planning and housing reforms. The reform commits to the "Increase housing choice in activity centres" by delivering 60,000 homes within 10 activity centres, including Preston (High Street).

On 27 November 2023, the State government released for consultation a high-level framework for "Developing a new plan for Victoria" (Plan Victoria) which would build upon *Plan Melbourne*. It aims to address key areas of housing, transport, employment, and environmental sustainability for whole of the State and lays emphasis on activity centres and suburban rail loop precincts to accommodate significant portion of the State's housing needs.

To further reinforce this strategic shift towards increasing state-wide housing supply, on 14 June 2024, the State government released draft *Housing Targets* for all Victorian local government areas. *Plan for Victoria* and state-wide *Housing Targets* are each planned to be finalised by late 2024.

At a Council meeting on 18 December 2023, Council adopted the *draft Preston Central Structure Plan* and associated planning controls and resolved to request that the Minister authorise the commencement of Amendment C218dare to exhibit the documents to the community. Acknowledging the *Housing Statement*, Council also resolved to negotiate a Memorandum of Understanding (MoU) to govern its relationship with the State authorities to manage the planning for Preston Central. The Minister is yet to decide on C218dare.

Joint advocacy by Councils impacted by Activity Centre Program

In July, Mayors from Darebin, Hume, Kingston, Whittlesea, and Moonee Valley Councils released a joint communique to advocate for a collaborative approach between local and state governments to increase housing choice and affordability in key activity centres.

Relevant advocacy asks include:

- Develop partnership-models to share experiences, data, and expertise in a mutually cooperative environment.

- Implement Housing Statement initiatives with genuine processes for community engagement and capacity for joint decision-making on future plans and controls.
- Develop engagement and communication tools to gain public support for housing diversity and density.
- Engage industry and private sector to understand and remove construction barriers impacting delivery of housing supply.
- Seek Commonwealth government support through the National Housing Accord for a coordinated approach to growth and settlement.
- Seek State leadership on policy and planning tools that introduce inclusionary zoning mechanisms to increase social and affordable housing supply and implement pilot programs in suitable locations.
- Considering the limits of current infrastructure capacity in activity centres, align infrastructure delivery to population and housing growth by
 - Coordinating infrastructure planning across government departments.
 - Investing strategically in infrastructure, acknowledging Councils' limited financial capacity under a rate-capped regime.
 - Providing state-level support for value capture mechanisms to fund local infrastructure.
- Focus on placemaking to create vibrant places.
- Promote sustainable growth, high-quality design, and active transport to create walkable and connected communities.

In conclusion, affected Councils seek that the State government engage them before publicising plans for activity centres, improve infrastructure coordination across government agencies, and work collaboratively to secure Commonwealth government support.

Memorandum of Understanding

At its meeting on 18 December 2023, Council authorised the CEO to negotiate and execute an MoU with the DTP to progress planning for Preston Central and Preston South in accordance with Appendix H of the resolution. Key matters include

- Establishing an agreed project scope and governance model.
- An agreed set of partnership principles and outcomes to be achieved through the project.
- Integration between the planning for Preston Central and the Preston Market redevelopment.
- Developing place-making, civic realm, and transport plans for the activity centre.
- Initiating and funding a community-led, place making program, which may include a grant making element.
- Achieving value uplift through development to ensure Council can provide the infrastructure and open space needed by a growing community, including:
 - Research to identify required community infrastructure needs and preparation of a draft development contributions framework
 - Supporting Amendment C210dare – Open Space Contributions, and, introducing a higher future rate that is commensurate with the high quality, accessible open space needed now and into the future.

- Introduction of mandatory social and affordable housing contribution rates.
- Research to inform the preparation of a draft structure plan for Preston South.
- Development of new planning provisions and incentives to encourage high quality design and consolidation in 'residential transition areas.'
- Introducing the Elevating ESD standards to new development.

The MoU aims to streamline changes to planning provisions, align community messaging, and underscore the need for infrastructure investment to enhance the Centre and Darebin as a place of opportunity and choice. Council officers continue to engage with State representatives to negotiate and finalise the drafting of the MoU.

PREVIOUS COUNCIL RESOLUTION

At its meeting held on 18 December 2023, Council resolved:

- (1) *'That Council Adopts the draft Preston Central Structure Plan (2023) (Appendix A) and Preston Central Built Form Framework (2023) (Appendix B)*
- (2) *Requests the Minister for Planning authorise the preparation and exhibition of Amendment C218dare to the Darebin Planning Scheme (Appendices A-F) and supporting document (Appendix G), pursuant to section 8A of the Planning and Environment Act 1987*
- (3) *When authorised by the Minister for Planning, exhibit Amendment C218dare to Darebin Planning Scheme in accordance with notice requirements under section 19 of the Planning and Environment Act 1987*
- (4) *Seeks community stakeholder feedback as part of the exhibition period, on the draft Preston Central Structure Plan and proposed changes to the Darebin Planning Scheme.*
- (5) *Authorises the Manager City Futures to make changes to Amendment C218dare documentation prior to lodgement of the authorisation request with the Minister for Planning and/or exhibition period, where the changes do not affect the purpose or intent of the amendment.*
- (6) *Authorise the Chief Executive Officer to negotiate and execute a Memorandum of Understanding with the Department of Transport and Planning (DTP) to progress planning for Preston Central and Preston South, generally in accordance with Appendix H.'*

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

4.4 We will ensure major changes in our city achieve significant improvements in our City

DISCUSSION

Activity Centre Program Next Steps

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

Since January 2024, Council officers have met with VPA and DTP officials on various matters. These operational consultations are confidential, and if Council wishes to ask officers questions on these conversations, the matter must go into camera.

The first stage of State-led consultation involved post-card drops to select addresses near and within the Centre in April 2024, to inform the community about the AC Program. It was followed by a Community Reference Group meeting in May 2024.

The State Government's [Engage Victoria](#) platform notes that a second phase of community engagement is planned for July – August 2024. At this stage, no further public announcement has been made on the timing of further Activity Centre Program delivery.

Under the provisions of Section 20(4) of the *Planning and Environment Act 1987*, the Minister has the authority to bypass the standard amendment procedures and requirements outlined in sections 17, 18, and 19. This exemption can be invoked for several reasons including if it serves a public interest or if a standard pathway would result in delays.

It remains unclear whether draft provisions and planning material would be available to be commented upon by the community during the second phase of engagement.

It is important for the community to see that the draft Structure Plan and associated planning provisions, developed through multiple rounds of engagement, are brought to a logical conclusion and that their input is valued.

The Election Period limits the Council's ability to review submissions or make decisions. Should a decision making process be announced through the Election Period:

- Council cannot consider the matter, and
- There is a risk that the new, in-coming Council cannot consider the matter this calendar year.

Presenting submissions to an independent panel facilitates a transparent, well-intentioned amendment process that leads to informed recommendations to the Minister. To support this, the expert review report should be made public within 10 days of completion so the community can consider it.

Officers consider that deferring the Ministerial gazettal until early 2025 is advisable, and are recommending this as a key advocacy position. This would allow Council to consider and evaluate draft planning provisions and the recommendations from state agencies before final Ministerial approval is sought.

To plan for the scenario where the State Government makes a program delivery announcement (including community engagement) during the election period, officers are recommending Council consider and endorse key advocacy principles for Preston Central prior to moving into the Election Period.

Windfall Gains Tax

The Windfall Gains Tax (WGT) regime has been effective since July 1, 2023.

WGT is applicable to all land with a value uplift, where the difference in the capital improved value of the land before and after a rezoning (after considering any deductions), exceeds \$100,000. The tax rate is 62.5% for uplifts between \$100,000 and \$500,000, and 50% for uplifts of \$500,000 or more and must be paid by the owner by 30 years.

While WGT event is triggered by land rezoning, some land zones are exempt for WGT liability including residential land up to two hectares per owner, land used for charitable purposes or owned by universities, land zoned or rezoned to public use such as a Public Use Zone (PUZ), and land rezoned to rural zones (excluding rural living zones). Other exemptions apply to particular regions such as growth areas.

WGT implications for Civic Precinct

In 2006, along with the High Street commercial core, the Civic precinct of this Centre was rezoned from Public Use Zone (PUZ) to a Priority Development Zone (PDZ). This gave Council the flexibility to manage Council-owned land while facilitating a greater mix of uses for public benefit.

Council's collaborative initiative with housing providers to redevelop the Townhall Avenue site for new social housing is a good example of this planning outcome.

The PDZ is being phased out state-wide as per Ministerial Amendment VC148 (Planning Advisory Note 72, July 2018). Current C218dare amendment application now seeks to rezone the majority of land in PDZ to Activity Centre Zone (ACZ).

Despite the similarity between the PDZ and ACZ provisions, officers have confirmed that the proposed zoning change would trigger a WGT event. And similarly, should the State Government introduce controls via newer planning tools, it too would trigger a WGT event where Council may be liable to pay a WGT based on any value uplift afforded by the rezoning.

Council officers received indicative valuation advice on the likelihood of significant value uplift, and it is considered unlikely given the current provisions already allow significant redevelopment opportunity.

This precinct is one of the few significant development opportunities for Council owned land, providing a value uplift mechanism that could be used to respond to future community need. Reflecting the importance of this mechanism, officers are recommending that Council writes to the Minister to ask that the current or similar zoning remain.

Planning considerations

The recommended advocacy principles and outcomes reflect Council's previous decision-making for C218dare (refer to the December 2023 Council resolution in this report).

Strategic planning for the Centre must be holistic to ensure that future planning controls align with Council's draft Structure Plan, incorporating its vision, principles, and the Floor Area Ratio approach (as outlined in C218dare amendment application). The proposed controls should create a well-considered interface between the High Street commercial core and the newly adopted Preston Market precinct controls. Furthermore, high-quality design standards should be established that incentivise lot consolidation within residential transition areas in the Centre.

Council has long recognised the need to address public, social and affordable housing shortfalls in the Centre and the municipality. Introducing mandatory affordable housing planning mechanisms is essential to address this shortfall.

Additionally, planning controls should integrate value capture mechanisms and infrastructure contributions that are informed by a Community Infrastructure Needs Assessment, while complementing Council's existing Development Contributions Plan.

Council is party to the Council Alliance for a Sustainable Built Environment (CASBE) amendment and supports a comprehensive approach to development and connectivity by promoting sustainable transport and built environment outcomes. Planning provisions must incorporate built form controls that promote environmental sustainability. Such provisions should also be guided by Transport Assessment outcomes for encouraging public transport, as well as active and sustainable transport options within the Centre.

State and Federal funding opportunities should be leveraged to support the planning, piloting, and delivery of data-driven place-making initiatives aimed at stimulating the Centre. Enhancing public spaces through community-led initiatives, with a particular focus on streetscape improvements along High Street, is essential for socio-economic revitalisation of the Centre.

State funding must be directed towards increasing the capacity of public and active transport systems to serve the growing community effectively and provide alternatives to private car use.

To mitigate potential congestion and accommodate a growing population, expanding public and active transport infrastructure is crucial. Investing in these transport systems will help manage congestion and offer viable alternatives to private car use. This strategic investment is vital for ensuring a sustainable and well-connected urban environment.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

Funding for Council's proposed C218dare amendment was allocated in 2023-24. While Council submitted C218dare to the Minister in December 2023, the amendment did not gain authorisation from the Minister in 2023-24.

Council should only fund the amendment process if it is a process initiated and delivered by Council, as the Responsible Authority.

Community Engagement

Council has undertaken two stages of consultation on the Preston Central project in previous years.

State representatives are currently leading consultation as part of their AC Program. On 8 May 2024, a Community Reference Group (CRG) meeting led by DTP and VPA was held. It engaged with a select number of community members to discuss the AC Program broadly and Council's past engagement outcomes.

While the State Government has not yet announced its second phase consultation process, officers consider that the State should include Council's draft Structure Plan and other background documents in its consultation. This would offer continuity with previous engagements and provide certainty to affected landowners and stakeholders about changes proposed to the planning controls.

Other Principles for consideration

Overarching Governance Principles and Supporting Principles

(f) collaboration with other Councils and Governments and statutory bodies is to be sought;

Public Transparency Principles

(c) Council information must be understandable and accessible to members of the municipal community;

(d) Public awareness of the availability of Council information must be facilitated

Strategic Planning Principles

(d) strategic planning must identify and address the risks to effective implementation;

Service Performance Principles

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

COUNCIL POLICY CONSIDERATIONS

Environmental Sustainability Considerations (including Climate Emergency)

The recommended advocacy outcomes would support a more sustainable and liveable built form in Preston Central, such as through passive energy design, urban greening, and integrated water management.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

To foster greater transparency and accountability in this State-led process, it is recommended that Council advocate for inclusive community engagement following the principles of equity, inclusion, wellbeing, and human rights.

Economic Development and Cultural Considerations

Council's proposed planning controls, if implemented, would promote desired investment into the Centre by providing greater certainty to the community and potential developers regarding preferred development outcomes, particularly in the private realm.

To bring economic development and cultural vision to life, Council's draft Structure Plan identifies several place-based actions to enhance the civic realm, focusing significantly on transforming High Street commercial spine from a movement corridor to a vibrant "main street". Allowing the Council to finalise its draft Structure Plan would facilitate the establishment of an ongoing programme of civic and place-based investments into the Centre.

Council advocacy for coordinated state and federal investment via grant funding and seed grants to support project planning, piloting, and the delivery of place-making initiatives and civic infrastructure improvements within the Centre would assist in effectively translating the Structure Plan actions to place-based projects.

Operational Impacts

Additional officer resourcing may be required depending on the nature of State Government consultation, and, the Minister's response to Council's proposed C218dare amendment.

Legal and Risk Implications

A finalised MoU would govern Council's partnership arrangement with the State government, facilitating the parties working collaboratively towards piloting new controls.

IMPLEMENTATION ACTIONS

If the State Government undertakes further consultation during the Election Period, officers will use the endorsed advocacy outcomes to guide officer discussions, input and submission/s.

Consultation for the State Government's Plan Victoria closes in August 2024, and officers will table a draft submission for consideration at the 26 August Council meeting.

RELATED DOCUMENTS

Victoria's Housing Statement - [Victoria's Housing Statement | vic.gov.au \(www.vic.gov.au\)](https://www.vic.gov.au/victoria-housing-statement)

State Government's engagement landing page for Activity Centre Program (Preston) - [Activity Centre Program – Community Engagement Phase 1 | Engage Victoria](#)

Plan Victoria engagement landing page - [Consultation opens | Developing a new plan for Victoria | Engage Victoria](#)

Attachments

Nil

DISCLOSURE OF INTEREST

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

5.6 PROPERTY MATTERS - SALE OF MINOR ASSETS - 4/1 FURZER STREET, PRESTON**Author:** Coordinator Property Services**Reviewed By:** General Manager Infrastructure, Operations & Finance

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.

Officer recommendation

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.

BACKGROUND / KEY INFORMATION

Council is required to consider a range of property matters for decision. These include matters such as property acquisitions and disposals, statutory naming processes, Right of Way disposals, proposed Road declarations and leasing of Council property.

This report relates to the statutory procedures for the discontinuance and sale of a road.

Local Government Act

Council is required to undertake a two staged process of first resolving to discontinue a road and sell the land under clause 3 of Schedule 10 of the *Local Government Act 1989* Act and then propose the sale of the land under section 114 of the *Local Government Act 2020*.

The statutory procedures under section 114 of the *Local Government Act 2020* require that Council publish a notice of its intention to sell the Land on the Council's website and undertake a community engagement process in accordance with its Community Engagement Policy.

Consistent with Council's Community Engagement Policy which sets out that Council will undertake consultative engagement in relating to acquisition, sale or lease of land, and in order to provide a mechanism for feedback from interested parties, it is recommended that Council invite both written and verbal submissions on the proposal. Notice of intention to sell the Land will provide affected parties the right to lodge a written submission with Council. Submitters may request to be heard by Council prior to a decision being made to proceed, or otherwise with the proposal. Any verbal submissions received will be considered by Council's Hearing of Submissions Committee.

Previous Council Resolution

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

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

In July 2021, Council received an inquiry from the owners of 4/1 Furzer Street, Preston requesting the discontinuance and sale of part of a road, being the extension of Cobden Street, adjoining that property, shown hatched in the site plan in **Appendix A**.

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

The road appears to have been enclosed within three adjoining properties at units 3 and 4/1 Furzer Street and 48 McNamara Street, as shown in the plan of occupation in **Appendix B**.

This occupation has prevailed for many years and as such the land has not been used as a road for some time, as shown on the aerial view in **Appendix C**.

Once initial investigations confirmed the feasibility of the proposed discontinuance, Macquarie Lawyers was commissioned to undertake further consultation with a view to Council commencing the statutory procedures to facilitate the possible discontinuance and sale of the triangular section of road.

All immediate adjoining property owners have been informed of the proposal and no objections or issues have been raised. The dimensions and proposed allocation of the land are shown in the Title Plan TP971534E provided in **Appendix D**.

The owners of 4/1 Furzer Street, Preston have confirmed an interest in acquiring the land shown as Lot 1 in the Title Plan TP971534E in **Appendix D** at current market value, as well as agreeing to meet a 50% share of the reasonable costs associated with Council discontinuing and selling the road, in accordance with policy.

The owners of 3/1 Furzer Street and 48 McNamara Street have advised that they have no interest in acquiring the land they occupy. This land has been excluded from this proposal.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

Council's Valuer has placed a market value of \$32,637.00 (incl GST) on the 64.5m² of land shown as Lot 1 on Title Plan TP971534E intended to be sold to the owners of 4/1 Furzer Street, Preston.

Council's legal and administrative costs associated with undertaking the project are estimated at \$29,780.00 (incl GST). The owners will be meeting a 50% share of Council's costs. The land will also attract Council rates once transferred.

Community Engagement

Council would give public notice of its intention to discontinue the road, take title, sell the land, and invite submissions from affected parties. A public notice will be placed on Council's website and all abutting property owners will be provided with a notice which informs them of the proposal and their right to make a submission.

Submitters may request to be heard by Council at the scheduled Hearing of Submissions on 9 December 2024 at 7.30pm.

Thereafter a further report will be presented to Council. Council will consider any submissions and advise its decision on the proposed discontinuation and sale of the road and decide whether to endorse the proposed sale to the owners of 4/1 Furzer Street, Preston.

Council has a drain and Yarra Valley Water has a sewer within, or in close proximity to part of the land and both authorities will require an easement to be saved over part of the land if the road is discontinued.

Other Principles for consideration**Overarching Governance Principles and Supporting Principles**

(a) Council decisions are to be made and actions taken in accordance with the relevant law;

Public Transparency Principles

(c) Council information must be understandable and accessible to members of the municipal community;

Strategic Planning Principles

(d) strategic planning must identify and address the risks to effective implementation;

Service Performance Principles

(e) service delivery must include a fair and effective process for considering and responding to complaints about service provision.

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

The land is currently occupied as passive open space.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

There are no factors in this report which will impact on equity, inclusion, wellbeing and human rights considerations.

Economic Development and Cultural Considerations

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

Operational Impacts

There are no operational impacts for these items as the roads are unmade and under Council's Road Management Plan, it has no maintenance responsibilities with respect to these roads.

Legal and Risk Implications

Council have sought to mitigate any legal risk by engaging legal counsel to manage the statutory process for the discontinuance and sale of the roads and transfer of these parcels of land to the purchaser and/or Council.





IMPLEMENTATION ACTIONS

- Give public notice of Council's intentions to discontinue and sell the road on Council's website and giving written notification to adjoining property owners and occupiers.
- Report back to Council with Community feedback and for Council to consider whether to proceed with discontinuance and sale of the road.

RELATED DOCUMENTS

- *Local Government Act 1989*
- *Local Government Act 2020*
- *Road Management Act 2004*
- Sale of Minor Council Property Assets Policy 2022
- Toward Equality Framework

Attachments

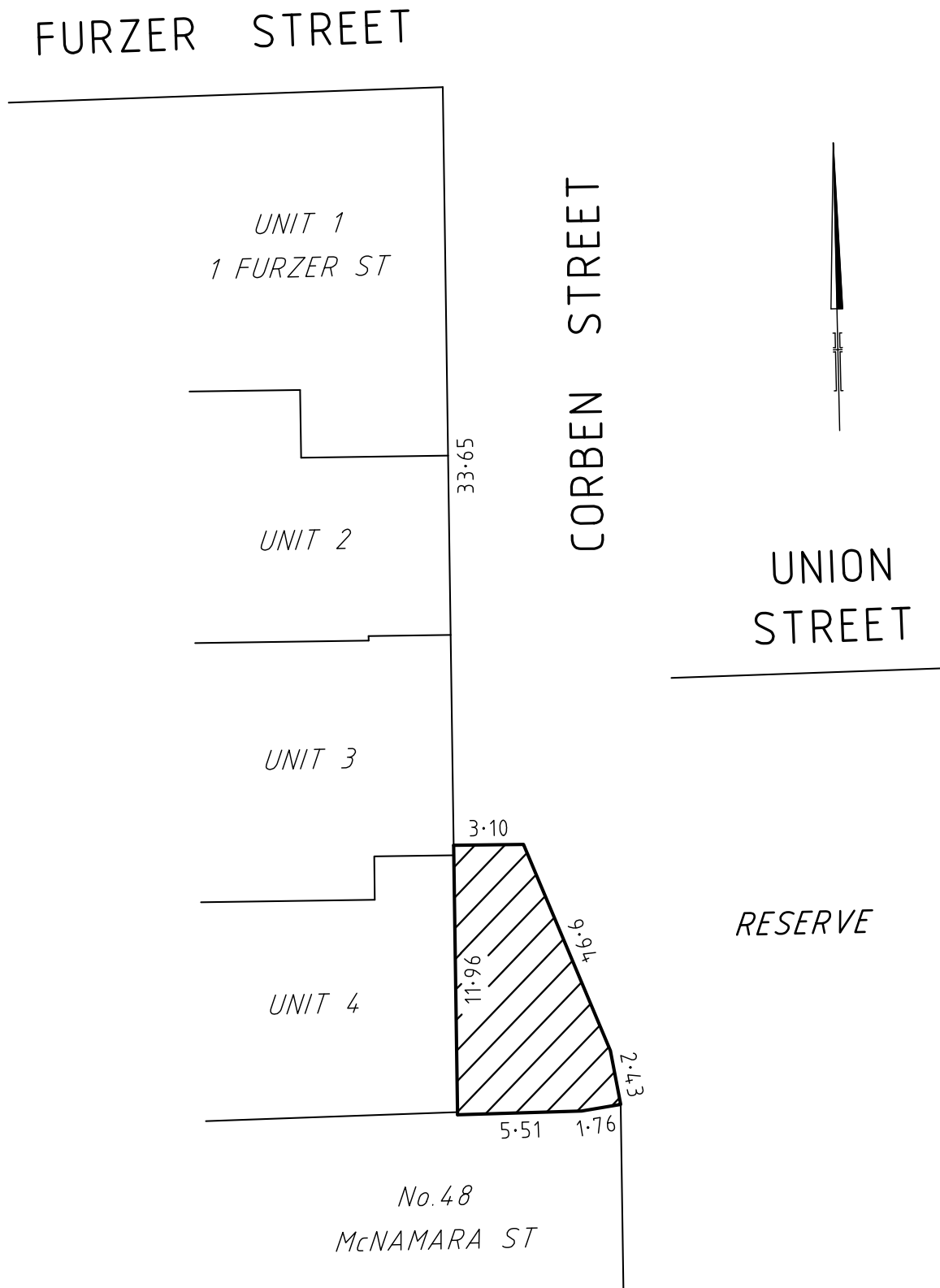
- Site Plans (**Appendix A**) [↓](#) 
- Plan of Occupation (**Appendix B**) [↓](#) 
- Aerial View (**Appendix C**) [↓](#) 
- Title Plan (**Appendix D**) [↓](#) 

DISCLOSURE OF INTEREST

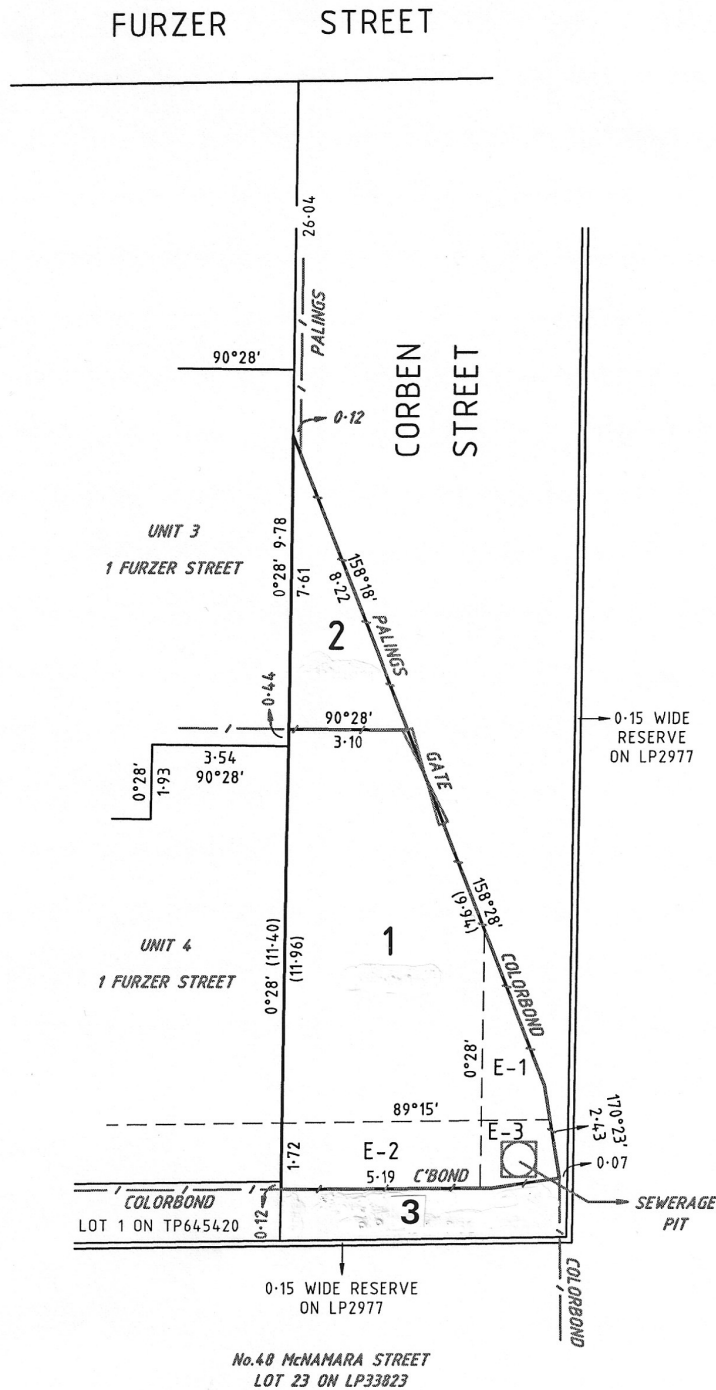
Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

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.

Appendix A



PLAN OF OCCUPATION



EASEMENT INFORMATION

EASEMENT REFERENCE	PURPOSE	WIDTH (METRES)	ORIGIN	LAND BENEFITED/IN FAVOUR OF
E-1 & E-3	AS PROVIDED FOR IN SEC.207C LGA 1989	SEE DIAGRAM	SEC.207C LGA 1989	YARRA VALLEY WATER
E-2 & E-3	AS PROVIDED FOR IN SEC.207C LGA 1989	SEE DIAGRAM	SEC.207C LGA 1989	DAREBIN CITY COUNCIL

BARKER MONAHAN
 A DIVISION OF TERRAIN CONSULTING GROUP PTY LTD
 SURVEYORS, DEVELOPMENT AND
 LOCAL GOVERNMENT CONSULTANTS
 418 HIGH STREET, KEW 3101
 P.O. BOX 3018 COTHAM 3101
 TELEPHONE 9478 6133 FAX 9470 5189
 EMAIL: survey@barkermonahan.com.au

REF. 21751 VERSION 01
 COMPUTER FILE: 21751 DISCUSSION.DWG DATE: 27/11/2023

SCALE 1:125
 0 1.25 2.50 3.75 5 6.25
 LENGTHS ARE IN METRES

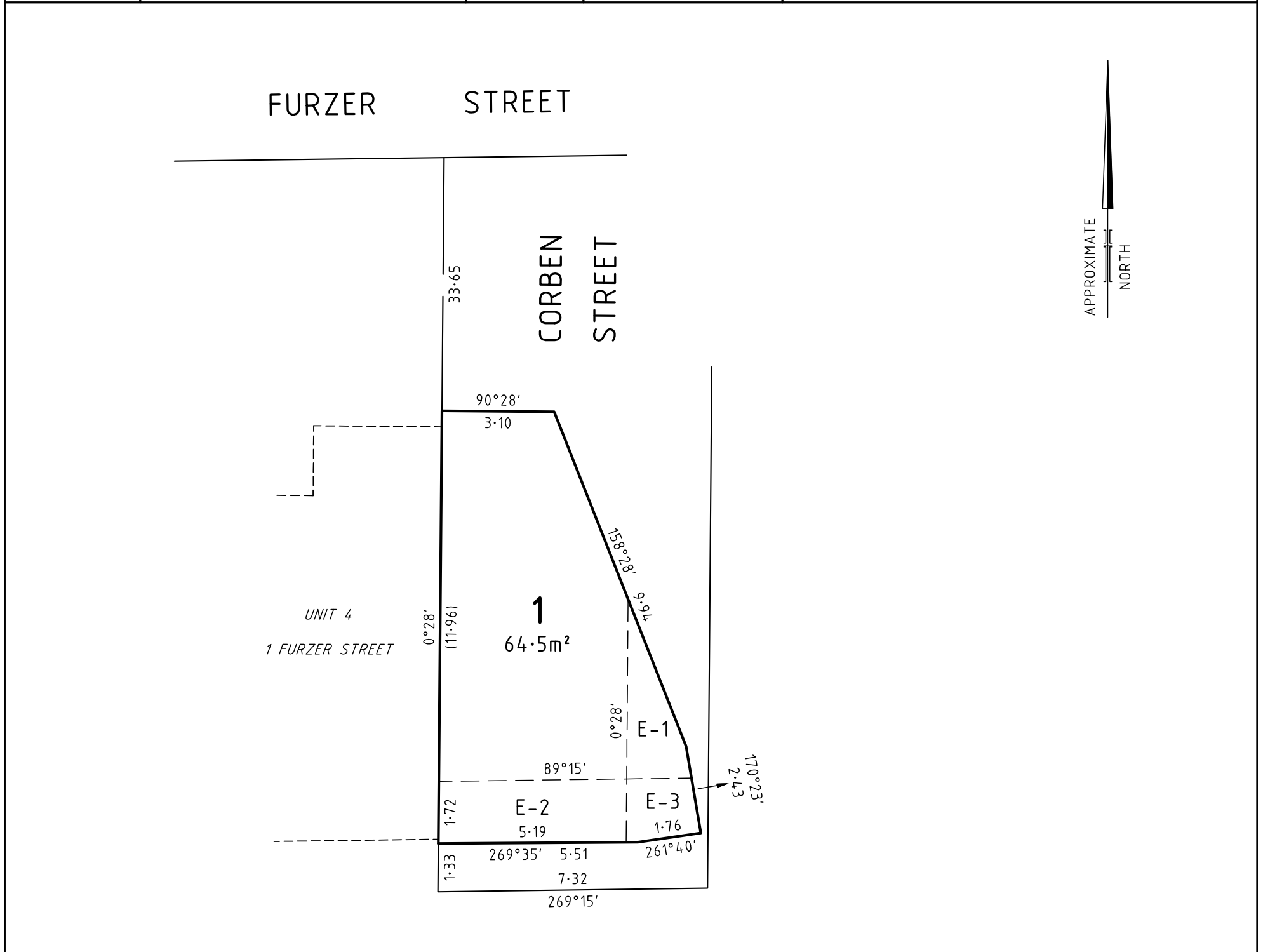
SHEET 1 OF 1 SHEET
 ORIGINAL SHEET SIZE: A3



TITLE PLAN	EDITION 1	TP971534E
LOCATION OF LAND PARISH JIKA JIKA TOWNSHIP - SECTION - CROWN ALLOTMENT - CROWN PORTION 148 (PART) LAST PLAN REFERENCE TP967720G DEPTH LIMITATION DOES NOT APPLY TITLE REFERENCE VOL.12164 FOL.419 MGA2020 CO-ORDINATES E 322 610 (APPROX. CENTRE OF LAND IN PLAN) N 5 822 385 ZONE 55	WARNING THIS PLAN REPRESENTS AN EXPECTED DIVISION OF LAND. ANY ONE LOT MAY NOT HAVE BEEN CREATED. CHECK THE LOT/PLAN INDEX FOR CURRENT INFORMATION.	NOTATIONS THIS PLAN IS NOT BASED ON SURVEY.

EASEMENT INFORMATION				
LEGEND E- ENCUMBERING EASEMENT OR CONDITION IN CROWN GRANT IN THE NATURE OF AN EASEMENT OR OTHER ENCUMBERANCE A- APPURTENANT EASEMENT R- ENCUMBERING EASEMENT (ROAD)				

EASEMENT REFERENCE	PURPOSE	WIDTH (METRES)	ORIGIN	LAND BENEFITED/IN FAVOUR OF
E-1 & E-3	AS PROVIDED FOR IN SEC.207C LGA 1989	SEE DIAGRAM	SEC.207C LGA 1989	YARRA VALLEY WATER
E-2 & E-3	AS PROVIDED FOR IN SEC.207C LGA 1989	SEE DIAGRAM	SEC.207C LGA 1989	DAREBIN CITY COUNCIL



SCALE 1:125 LENGTHS ARE IN METRES	LICENSED SURVEYOR ANDREW CLINTON SMITH SIGNATURE DATE / /	FILE NO : LGD DEALING CODE : LGA
SHEET 1 OF 1 SHEET ORIGINAL SHEET SIZE: A3 BARKER MONAHAN A DIVISION OF TERRAIN CONSULTING GROUP PTY LTD SURVEYORS, DEVELOPMENT AND LOCAL GOVERNMENT CONSULTANTS 418 HIGH STREET, KEW 3101 P.O. BOX 3018 COTHAM 3101 TELEPHONE 9478 6133 FAX 9470 5189 EMAIL: survey@barkermonahan.com.au	REF. 21751 VERSION 01 COMPUTER FILE: 21751 TP.DWG DATE: 20/11/2023	

**5.7 PROPERTY MATTERS - SALE OF MINOR ASSETS - 27
GEORGE STREET, RESERVOIR****Author:** Coordinator Property Services**Reviewed By:** General Manager Infrastructure, Operations & Finance

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.

Officer recommendation

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.

BACKGROUND / KEY INFORMATION

On 8 November 2000, Council resolved to discontinue the road situated between George, Pine, Henty and Edwardes Streets, Reservoir, and to sell the land by private treaty in accordance with Council policy. The discontinuance was gazetted in the Victoria Government Gazette on 7 June 2001 shown in **Figure 2** of **Appendix A**.

At the time, the abutting property owners were asked to confirm their interest in purchasing the land adjoining their property. Whilst several lots were sold and transferred, Lot 8 on title plan TP23509T remained unsold as neither owner expressed an interest in purchasing the land. As no agreement was reached regarding the sale and transfer of discontinued road, that parcel of land vests with Council.

In February 2023, Council received an inquiry from the owner of 27 George Street, Reservoir requesting to purchase land known as Lot 8 on title plan TP23509T. The land could be sold as one parcel or two equal parcels with the adjoining owners at 80 Pine Street, Reservoir. Council officers contacted the adjoining owners at 80 Pine Street, Reservoir who have not expressed any interest in purchasing.

The owner of 27 George Street, Reservoir has agreed, in principle, to purchase the land adjoining their property at market value as well as meeting 50% of the reasonable costs associated with the statutory process, should Council resolve to sell the land.

Previous Council Resolution

At its meeting held on 8 November 2000, Council resolved:

That Council:

Being of the opinion that the section of road shown hatched on the plan and situated at the rear of 66-88 Pine Street and 11-35 George Street, Reservoir, is not reasonably required as a road for public use and having complied with the requirements of Section 206 and Schedule 10 clause 3 of the Local Government Act 1989:

- (1) Discontinues the section of road.*
- (2) Directs that a notice be published in the Victoria Government Gazette.*
- (3) directs that the land from the road be sold by private treaty to the abutting property owners.*
- (4) Directs that the discontinuance will not affect the right, power or interest held by the Council and Yarra Valley Water Ltd. in connection with any sewers, drains, pipes, wires or cables under the control of those Authorities in or near the road.*
- (5) Directs that the seal of Darebin City Council be affixed to the necessary Transfer of Land documents.*

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

The owner of 27 George Street, Reservoir has confirmed an interest in acquiring the land shown in Figure 1 of **Appendix A** shown as Lot 8 on Title Plan TP23509T, for its current market value, as well as agreeing to meet a share of the reasonable costs associated with Council selling the road, in accordance with Council's Sale of Minor Assets Policy 2022.

The owner has further agreed to meet 50% of Council's costs associated with the statutory process to transfer the land, in accordance with Council's Sale of Minor Assets Policy 2022.

Council's Valuer has placed a market value of \$20,882.40 (including GST) on the approximately 42 square metres of the road proposed to be sold to the owner of 27 George Street, Reservoir.

The owner will also be meeting Council's costs associated with the transfer of land estimated at \$2,000.00 plus disbursements together with one half of the costs associated with the statutory procedures for the sale of the land pursuant to section 114 of the Local Government Act 2020 estimated at \$5,000.00.

The land will be subject to a drainage easement in favour of Yarra Valley Water and Council to ensure access rights are maintained and to allow for any future drainage works, if required.

All relevant external service authorities and the relevant internal Council Business Units have been consulted. Other than the requirement for a drainage easement in favour of Council and Yarra Valley Water, no other Council Business Units or external Service Authorities have objected to or placed any conditions upon the proposed discontinuance and sale.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Local Government Act

Council is required to undertake a two staged process of first resolving to discontinue a road and sell the land under clause 3 of Schedule 10 of the *Local Government Act 1989 Act* and then propose the sale of the land under section 114 of the *Local Government Act 2020*.

The statutory procedures under section 114 of the *Local Government Act 2020* require that Council publish a notice of its intention to sell the Land on the Council's website and undertake a community engagement process in accordance with its Community Engagement Policy.

Consistent with Council's Community Engagement Policy which sets out that Council will undertake consultative engagement in relating to acquisition, sale or lease of land, and in order to provide a mechanism for feedback from interested parties, it is recommended that Council invite both written and verbal submissions on the proposal.

Notice of intention to sell the Land will provide affected parties the right to lodge a written submission with Council. Submitters may request to be heard by Council prior to a decision being made to proceed, or otherwise with the proposal. Any verbal submissions received will be considered by Council's Hearing of Submissions Committee.

Financial Management

Council's Valuer has placed a market value of \$20,882.40 (incl GST) on the 42m² of land shown as Lot 8 on Title Plan TP23509T which is intended to be sold to the owner of 27 George Street, Reservoir.

The owner will also be meeting 50% of Council's legal and administrative costs associated with undertaking the project. The land will also attract Council rates once transferred.

Community Engagement

The immediate adjoining property owners being 80 Pine Street, Reservoir were consulted regarding this proposal and have not expressed any interest in purchasing the land.

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

Any submissions received would be heard by the Hearing of Submissions Committee and a further report would 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.

If Council does not receive any submissions from the notices, the CEO would facilitate, under delegation, the sale of the discontinued road to the owner of 27 George Street, Reservoir.

Other Principles for consideration

Overarching Governance Principles and Supporting Principles

(a) Council decisions are to be made and actions taken in accordance with the relevant law;

Public Transparency Principles

(c) Council information must be understandable and accessible to members of the municipal community;

Strategic Planning Principles

(d) strategic planning must identify and address the risks to effective implementation;

Service Performance Principles

(e) service delivery must include a fair and effective process for considering and responding to complaints about service provision.

COUNCIL POLICY CONSIDERATIONS

Environmental Sustainability Considerations (including Climate Emergency)

The land is currently occupied as passive open space.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

There are no factors in this report which will impact on equity, inclusion, wellbeing and human rights considerations.

Economic Development and Cultural Considerations

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

Operational Impacts

There are no operational impacts for these items as the roads are unmade and under Council's Road Management Plan, it has no maintenance responsibilities with respect to these roads.

Legal and Risk Implications

Council have sought to mitigate any legal risk by engaging legal counsel to manage the statutory process for the discontinuance and sale of the roads and transfer of these parcels of land to the purchaser and/or Council.

IMPLEMENTATION ACTIONS

- Commence the statutory process by giving notice of Council's intentions to sell the land on Council's website and written notification to adjoining property owners and occupiers.
- The sale of the discontinued road will be referred to the CEO to formalise the sale under delegation.

RELATED DOCUMENTS

- *Local Government Act 1989*
- *Local Government Act 2020*
- *Road Management Act 2004*
- Sale of Minor Council Property Assets Policy 2022
- Toward Equality Framework

Attachments

- Site Plan (**Appendix A**) [↓](#) 

DISCLOSURE OF INTEREST

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

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

Figure 2 – Victoria Government Gazette Notice – 7 June 2001

DAREBIN CITY COUNCIL
Road Discontinuance

Pursuant to section 206 and schedule 10, clause 3 of the **Local Government Act 1989**, the Darebin City Council, at its ordinary meeting held on 8 November 2000, formed the opinion that the road at the rear of 66 to 88 Pine Street and 11 to 35 George Street, Reservoir and shown by hatching on the plan below, is not reasonably required as a road for public use and resolved to discontinue the road and to sell the land from the road by private treaty to the abutting property owners.

The road is to be sold subject to the right, power or interest held by Darebin City Council and Yarra Valley Water Limited in the road in connection with any sewers, drains or pipes under the control of those authorities in or near the road.

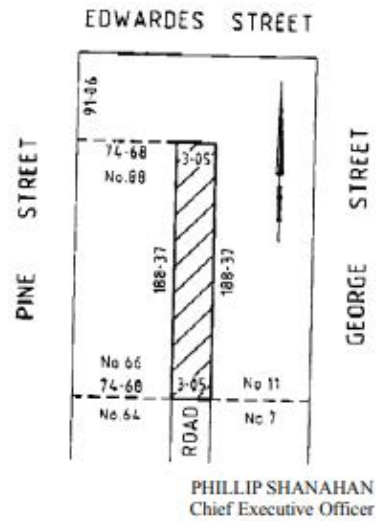


Figure 3 - Aerial View



5.8 PROPERTY MATTERS – LEASING OF PART OF BUNDOORA PARK FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A TELECOMMUNICATION MONOPOLE**Author:** Coordinator Property Services**Reviewed By:** General Manager Infrastructure, Operations & Finance

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.

Officer Recommendation

That Council:

- (1) Notes it has previously resolved, at its meetings dated 23 June 2022 and 26 September 2023, 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.
-

BACKGROUND / KEY INFORMATION

Snake Gully Drive, Bundoora Parks is situated on Crown Allotment 15H Parish of Keelbundora (15H\PP2856). Darebin City Council (Council) are the appointed Committee of Management (CoM) in accordance with the *Crown Land (Reserves) Act 1978*.

Amplitel Ltd (*'Amplitel'*) are proposing to swap out an existing 30m high sporting oval light pole with a 35m concrete telecommunications monopole within the southwestern corner of the Bundoora Park oval. The proposal will also require the construction of a new equipment shelter and associated cabling that will be in close proximity of Council's sporting pavilion and carparking area. The location has been specifically chosen to minimise the impact on the aesthetics of the reserve and enable suitable connections to the closest electrical pits. The construction of the facility will be monitored by Council and all works will be undertaken in accordance with the permit and tenants work consent forms. Additional OHS signage will be installed to ensure the safe operation of the facility when being accessed by Council and Amplitel contractors.

Council officers have also ensured that Amplitel are responsible for remounting the existing floodlighting at their current height and orientation and that all works will be undertaken so that they will not adversely affect users of the oval. The on-going maintenance of the lights will remain a Council responsibility whilst the structural and maintenance of the pole will remain a responsibility of Amplitel.

The monopole is proposed to provide for the installation of the new 4G and 5G network that is currently being rolled out across Australia. It is also proposed to provide much needed capacity relief for the existing Telstra facilities surrounding Bundoora and carry new local cellular traffic in its vicinity. Surrounding sites have been expanded to their 3G maximum capability and the proposed site is required to meet the traffic demand.

Amplitel is a new company related to Telstra which holds the assets and operations of the business following Telstra's recent sale of a non-controlling stake in its mobile towers business. It is important to note that Amplitel is the infrastructure arm and does not hold the rights afforded to telecommunication carriers under the *Telecommunications Act 1997*.

Previous lease agreement

No lease agreement currently exists.

Previous Council Resolution

On 26 September 2022, Council:

Having given notice of intention under section 115 of the Local Government Act 2020 to lease the land at Snake Gully Drive, Bundoora Park:

- (1) *Note that public submissions were invited on the proposed lease with Amplitel Pty Ltd in accordance with Section 115 of the Local Government Act 2020.*
- (2) *Enter into a lease with Amplitel Pty Ltd for part of the land at Snake Gully Drive, Bundoora Park, under the following commercial terms:*
 - (a) **Term:** 20 years
 - (b) **Indicative Commencement Date:** 1 July 2022
 - (c) **Lease Area:** 5000mm x 2500mm (including monopole and associated battery extension cabinet)
 - (d) **Permitted Use:** *Provision of a telecommunication facility including installation, inspection, maintenance, construction, excavation, replacement, repair, renewal, alteration, upgrade, cleaning, operation, access to and from, and removal of facility on the land at the end of the term (excluding the sports field lighting pole which would revert to Council). This includes providing a new sports field lighting pole.*
 - (e) **Commencing rent:** \$27,810 plus GST per annum.
 - (f) **Rent review:** *Market rent review every three years on the anniversary of the Commencement Date. A fixed increase of 3% in intervening years.*
 - (g) **Special Conditions:**
 - i. *Amplitel to work with the affected sporting clubs to determine an agreed timeframe for the installation that works with the sporting season and fixtures.*
 - ii. *Amplitel are responsible for the ongoing maintenance of the pole and light.*
 - iii. *Amplitel to ensure that the telecommunications equipment will not interfere with the working capacity or the ongoing maintenance of the light.*
 - iv. *At the conclusion of the Term, Amplitel are responsible for removing the telecommunications equipment and the monopole will revert to Council.*

On 27 June 2022, Council:

1. *Noted the proposal received from Amplitel Ltd to lease part of Bundoora Park for the purposes on constructing, operating, and maintaining a telecommunications monopole.*
2. *Endorsed the proposal to proceed to community engagement.*
3. *Noted that a further report will be provided to Council for decision following community consultation.*

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

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

2.5 We will invest in services and the built environment to improve access for our residents and visitors

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

4.3 We will transform our services and service delivery models to ensure they meet the current, emerging and future needs of our community

DISCUSSION

Service delivery

The monopole is proposed to provide for the installation of the new 4G and 5G network that is currently being rolled out across Australia. It is also proposed to provide much needed capacity relief for the existing Telstra facilities surrounding Bundoora and carry new local cellular traffic in its vicinity. Surrounding sites have been expanded to their 3G maximum capability and the proposed site is required to meet the community's demand.

Proposal

Amplitel Ltd (*'Amplitel'*) are proposing to swap out an existing 30m high sporting oval light pole with a 35m concrete telecommunications monopole within the southwestern corner of the Bundoora Park oval. The proposal will also require the construction of a new equipment shelter and associated cabling that will be in close proximity of Council's sporting pavilion and carparking area. The location has been specifically chosen to minimise the impact on the aesthetics of the reserve and enable suitable connections to the closest electrical pits.

Under the revised terms of the Heads of Agreement, Amplitel are seeking a lease on following the proposed terms:

Term: 20 years

Indicative Commencement Date: 1 March 2025 (updated proposal)

Lease Area: Monopole (4500mm x 4500mm) & Equipment cabinet (5000mm x 2500mm)

Permitted Use: Provision of a telecommunication facility including installation, inspection, maintenance, construction, excavation, replacement, repair, renewal, alteration, upgrade, cleaning, operation, access to and from, and removal of facility on the land at the end of the term (excluding the sports field lighting pole which would revert to Council). This includes providing a new sports field lighting pole.

Commencing rent: \$27,810 plus GST per annum.

Rent review: Market rent review every three years on the anniversary of the Commencement Date. A fixed increase of 3% in intervening years.

Outgoings / utilities / legal costs

All maintenance costs are payable by Amplitel, including rates, taxes, and insurance. Each party pays its own legal costs.

Maintenance

All structural and non-structural maintenance and repairs will be carried out by Amplitel (with exception to the remounted light fittings).

Special Conditions:

1. Amplitel to work with the affected sporting clubs to determine an agreed timeframe for the installation that works with the sporting season and fixtures.
2. Amplitel are responsible for the ongoing maintenance of the pole, however, Council will be responsible for the ongoing maintenance of the light fittings.
3. Amplitel to ensure that the telecommunications equipment will not interfere with the working capacity of the lights.
4. At the conclusion of the Term, Amplitel are responsible for removing the telecommunications equipment and the monopole will revert to Council.

Commercial rent proposed

A commercial rent let is recommended. The primary purpose of this lease would be to enable a business use. Therefore a commercial rent is appropriate and an appropriate way to ensure that this lease delivers community benefit to the Darebin community. This community benefit would be in the form of a financial return that can be used for community purposes.

Legislation:

Section 115(1) of the *Local Government Act 2020* (LGA) grants power to Council to lease land up to 50 years. If it is proposed that the term of the lease is more than 10 years, section 115(4) of the LGA requires undertake a community engagement process in accordance with the Council's community engagement policy in respect of the proposal before entering into the lease.

As Council is the appointed CoM for this land, any lease would need to meet the requirements section 17D(1) of the *Crown Land (Reserves) Act 1978*. Specifically, the land can be leased for a maximum period of 21 years with the approval of the Victorian Minister for Energy, Environment and Climate Change.

Carriers are also to comply with the requirements of the *Telecommunications Act 1997* when proposing to install a monopole or swap out of the existing light tower as a 'high impact' facility. Essentially, carriers are required to provided landowners with sufficient notice and seek consent on the preferred locations and terms. These may also be captured under a planning permit. Carriers are afforded an exemption when seeking to erect equipment shelters within low impact sites such as the footprint of high voltage towers.

Amplitel has applied for a planning permit for this proposal. It has been advertised and there were no objections received. The final decision to approve a planning permit has been delayed until there is a decision about whether or not a lease will be issued.

Sensitivities:

The monopole and battery extension cabinet are proposed to provide for the installation of the new 4G and 5G network that is currently being rolled out across Australia.

Despite being deemed safe by leading experts such as Australia's Chief Medical Officer, Professor Brendan Murphy, concerns about the safety of 5G has been raised by minority groups in Australia in the recent past. This pole is more than 100m from homes, which reduces the risk of community concerns relating to this proposed location.

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

If approved, the commencing rent will be set at \$27,810 plus GST per annum. A market rent review will occur every three years with a set 3% in intervening years. Amplitel will be required to pay outgoings, including electricity supply. Amplitel will be required to install a separate meter at Amplitel's cost.

If approved, Amplitel will pay all costs associated with the planning, construction and installation of the telecommunication facility and all costs associated with the installation of one sports field lighting pole including Council's consultant fees and any necessary permit requirements. Amplitel will also be required to pay any legal fees for lease document preparation, negotiation, and/or execution.

If approved, the monopole will revert to Council ownership at the end of the lease.

Community Engagement

Council officers have previously undertaken a six-week community engagement process which included notification to 75 nearby residents/property owners, sporting clubs and general posters/flyers that directed interested parties to Darebin' Your Say page.

Whilst submissions were received in respect to potential health concerns and the aesthetics of the land, each were subsequent addressed, and the matter moved forward to a final recommendation in September 2022 (and subsequent resolution).

Council must comply with its community engagement policy, which has a set of principles, and a minimum level of standards that are either consultative or deliberative.

Whilst Council has satisfied its initial requirement for the community engagement, it must now seek further engagement on the correction of lease areas required to facilitate the light tower swap out and the installation of the equipment shelter and associated cabling. It also must amend the 'air rights' granted to Amplitel, so they do not conflict with the licence already agreed for use of the sporting oval.

It is noted that a public notice will be published on Council's website, seeking submissions on:

The principal terms of the lease will be:

1. A term of 20 years, commencing on 1 February 2025.
2. A commencement rent of \$27,810 per annum (plus GST).
3. Rent to be reviewed annually by a fixed increase of 3% per annum.

4. Construction, operation and maintenance of the telecommunications monopole, battery extension cabinet and associated cabling are the responsibility of the Tenant. Council will be responsible for the ongoing maintenance of the light fittings only.
5. Outgoings and other statutory charges are payable by the Tenant.

A person may make a submission on the proposal.

Any submissions received will be considered by at a Hearing of Submissions Committee at a meeting to be held in the Council Chamber on Monday 9 December 2023 at 7:30pm.

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 and that a further report be presented to Council.

If submissions are received, a further report will be presented to Council in 2025 to consider completion of the statutory procedures for the lease.

Council officers may seek to provide direct community engagement to small businesses and traders, clubs (sporting, crafts etc), community members, neighbouring residents and Council staff. This is noted as discretionary given that the proposal has already been endorsed and the public notice seek submissions on the administrative corrections only.

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;
- (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

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

Service Performance Principles

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

COUNCIL POLICY CONSIDERATIONS

Environmental Sustainability Considerations (including Climate Emergency)

The Assessment Criteria contained in the Leasing and Licensing Policy sets out that any application to Lease or Licence Council property must have regard to Council's cultural alignment with Darebin's values and community, quality, environmental and sustainable objectives outlined in the Council Plan.

The draft Policy further advises that it should be read in conjunction with council's Climate Emergency Policy 2017.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

The Statement of the commitment to Traditional Owners and Aboriginal and Torres Strait islander people 2019 recognises that Darebin stands on unceded Wurundjeri Woi-wurrung land. Similarly, under section 19.2 of the Victorian *Charter of Human Rights and Responsibilities Act 2006* Traditional Owners and custodians have a right to “maintain their distinctive spiritual, material and economic relationship with [their] land and waters.”

An Equity Impact Assessment was undertaken on the draft Leasing & Licensing Policy on 24 March 2023. This provides the overarching assessment that will cover the development of the telecommunication lease.

Economic Development and Cultural Considerations

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

Operational Impacts

The Bundoora Park Junior Football Club and Bundoora Park Cricket Club use the oval and the adjacent clubrooms. If approved, the affected sportsground lights will not be in operation during the construction period (approximately two weeks). If approved, Amplitel’s build contractor would be required to work with Council officers and the Clubs to develop a schedule that minimises the impact on sports oval operation.

Council will need to ensure that any maintenance matters undertaken by a Tenant or Licensee are carried out by professional tradespersons and in accordance with Tenant works consent form. These works will include:

- Construction and Architectural Plans and specifications
- Structural Plans and specifications
- Electrical Plans and specifications
- Mechanical Plans and specifications
- Fire Services Plans and specifications
- Hydraulic Plans and specifications
- Landscaping Plans and specifications
- Hazardous Materials Report – Division 6
- Works Program
- Planning Permit
- Building Permit
- Quantity surveyors report, if required by Council
- Land Contamination audit, if required by Council
- Builder’s Public Liability insurance cover (not less than \$20M) and Workcover certification
- Working with Childrens Certification
- Amplitel’s community engagement program
- Environmental EME Report

The sporting oval light is within a short distance of the carpark. This will limit impacts to the park if the lease is approved.

Legal and Risk Implications

Council will need to ensure that the design and construction of the facility will need to be undertaken in accordance with the permit and conditions approved by DEECA. Any maintenance undertaken by the Tenant or Licensee must be undertaken in compliance with Occupational Health and Safety regulations and sufficient notice provided by both parties.

IMPLEMENTATION ACTIONS

1. Seek Council endorsement on the proposed lease – August 2024
2. Proceed to Community Engagement – November 2024
3. Evaluation of Community Engagement responses – November/December 2024
4. 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.
5. 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.
6. If submissions are received, a further report will be presented to Council in 2025 to consider completion of the statutory procedures for the lease.
7. Execute lease agreements – January/February 2024 (subject to approval by the delegate for the Minister for Energy, Environment and Climate Change)

Subject to both approvals, a lease will be prepared by an external legal provider.



RELATED DOCUMENTS

This policy should be read in conjunction with Council's:

- 2021-2025 Council Plan
- 2021-2031 10 Year Financial Plan
- 2023-24 Annual Budget
- Community Engagement Policy 2021
- Breathing Space – The Darebin Open Space Strategy
- Toward Equality Framework – Darebin City Council's Equity, Inclusion and Human Rights Framework 2019-2029
- Climate Emergency Policy 2017

These can be accessed from the intranet under Council policies and strategies.

Attachments

- Property Matters - Leasing Park of Bundoora Park - Amplitel - Sports Oval Light. **(Appendix A)** [↓](#) 
- Property Matters - Leasing Park of Bundoora Park - Amplitel - Construction Drawings. **(Appendix B)** [↓](#) 

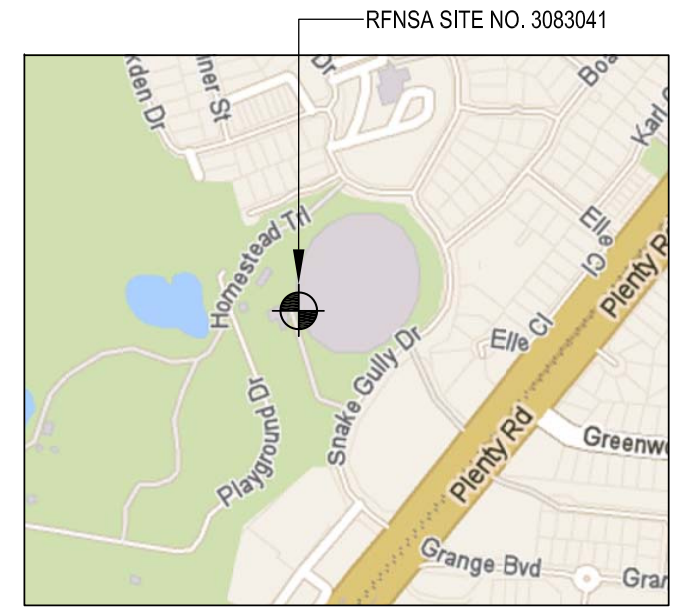
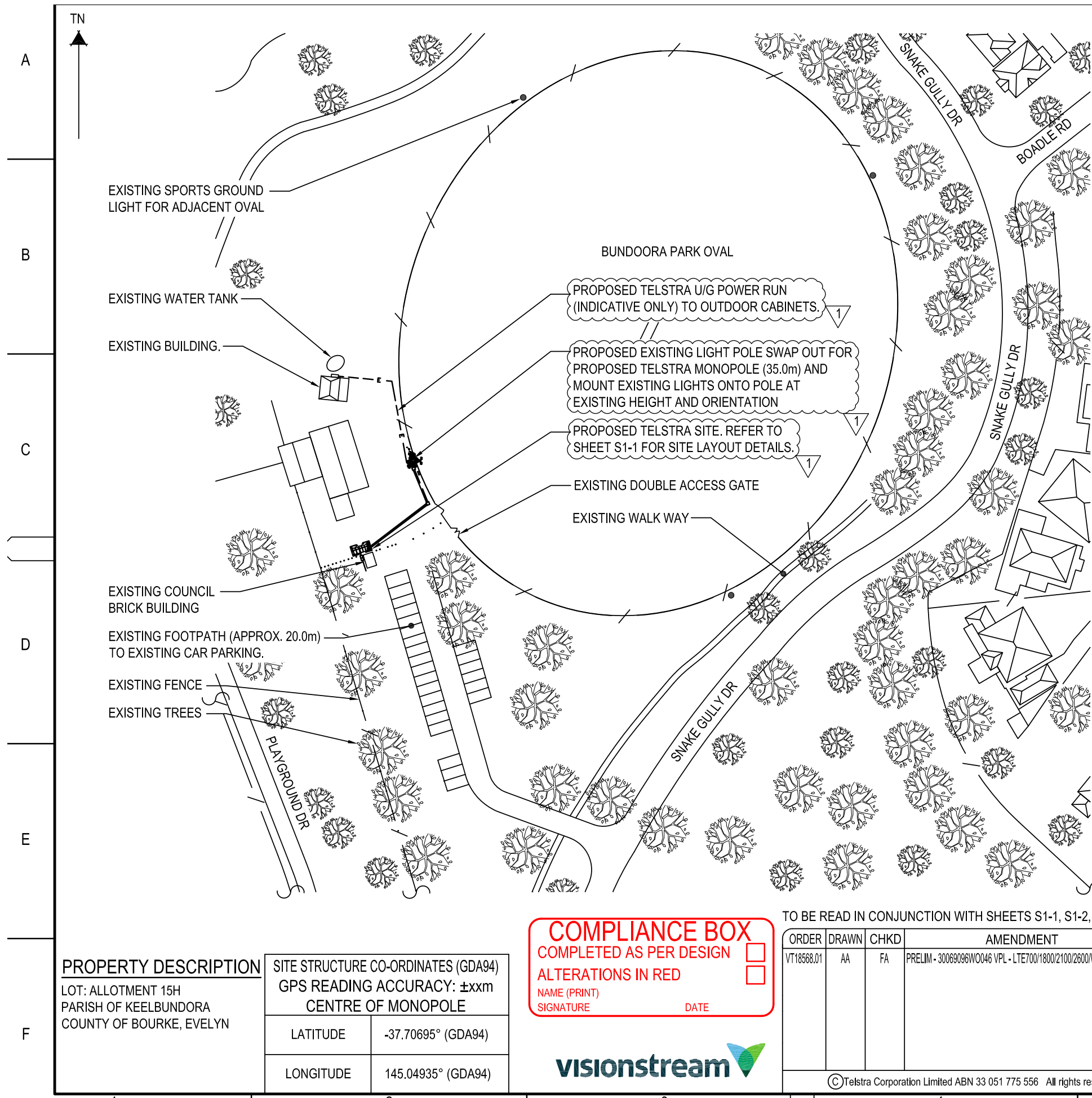
DISCLOSURE OF INTEREST

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.

Attachment 1 – Photograph showing existing sports oval light



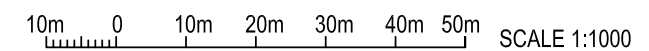


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LOCALITY PLAN
NOT TO SCALE

SITE ACCESS

SCALE 1:1000



PRELIMINARY

TO BE READ IN CONJUNCTION WITH SHEETS S1-1, S1-2, S3 & S3-1.

PROPERTY DESCRIPTION LOT: ALLOTMENT 15H PARISH OF KEELBUNDORA COUNTY OF BOURKE, EVELYN	SITE STRUCTURE CO-ORDINATES (GDA94) GPS READING ACCURACY: ±xxm CENTRE OF MONOPOLE	
	LATITUDE	-37.70695° (GDA94)
	LONGITUDE	145.04935° (GDA94)

COMPLIANCE BOX
COMPLETED AS PER DESIGN
ALTERATIONS IN RED
NAME (PRINT) _____
SIGNATURE _____ DATE _____



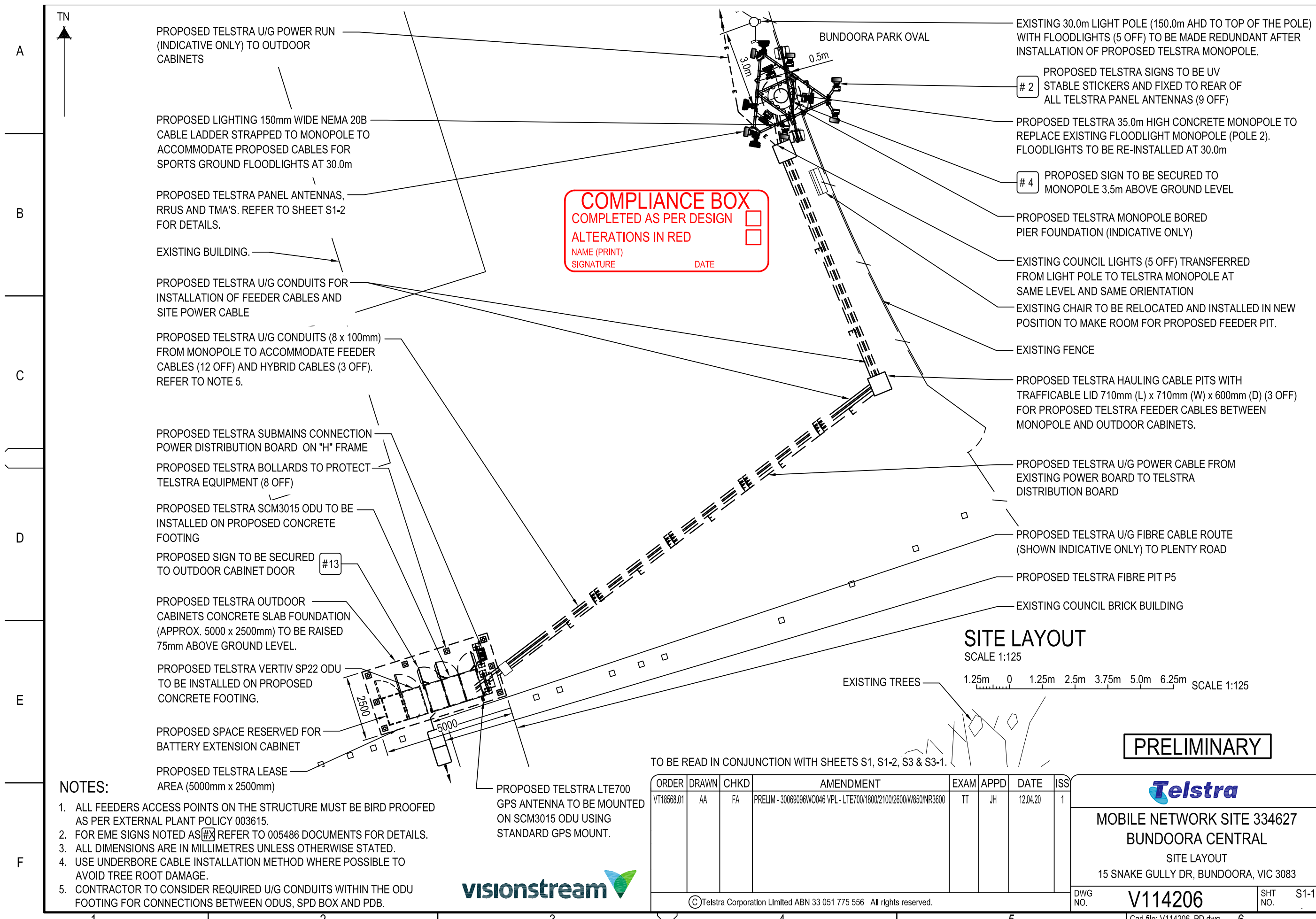
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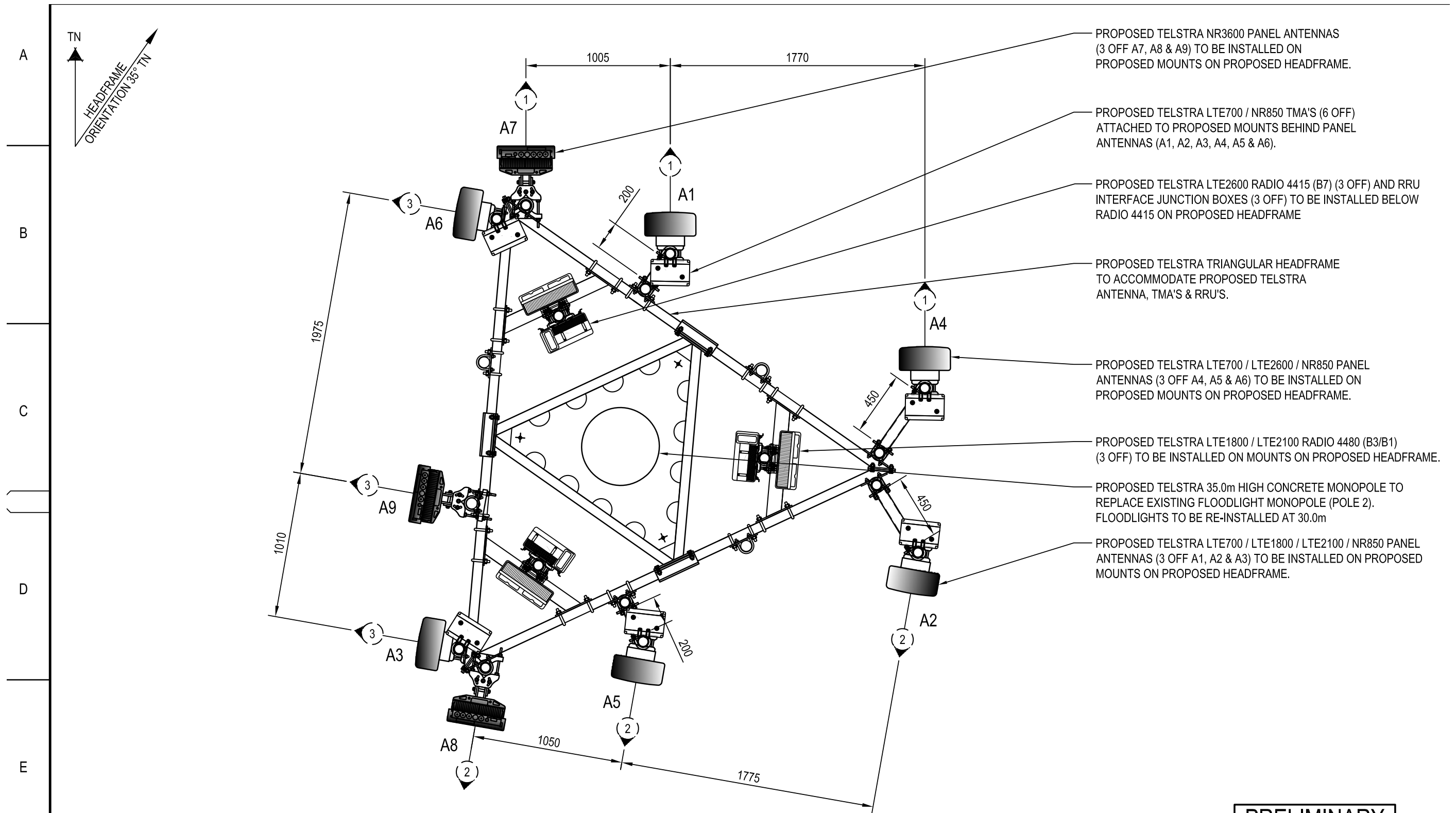
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Telstra

MOBILE NETWORK SITE 334627
BUNDOORA CENTRAL
SITE ACCESS AND LOCALITY PLAN
15 SNAKE GULLY DR, BUNDOORA, VIC 3083

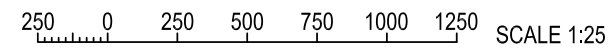
DWG NO. **V114206** SHT NO. **S1**





ANTENNA LAYOUT AT EL 35.67m & 35.0m
AND RADIO LAYOUT AT EL 35.5m

SCALE 1:25



COMPLIANCE BOX
COMPLETED AS PER DESIGN
ALTERATIONS IN RED
NAME (PRINT) _____
SIGNATURE _____ DATE _____



TO BE READ IN CONJUNCTION WITH SHEETS S1, S1-1, S3 & S3-1.

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
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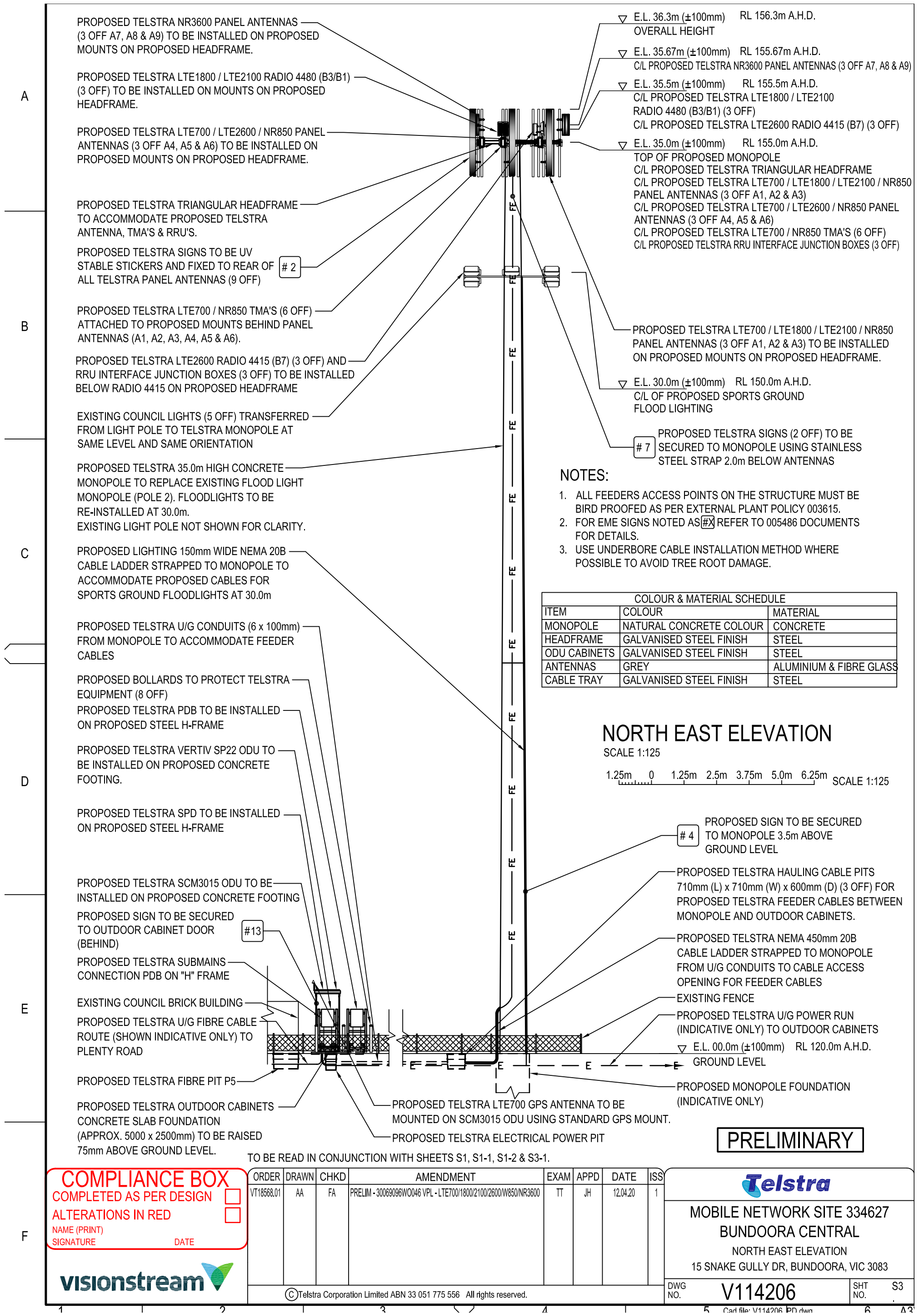
PRELIMINARY



MOBILE NETWORK SITE 334627
BUNDOORA CENTRAL
ANTENNA LAYOUT
15 SNAKE GULLY DR, BUNDOORA, VIC 3083

DWG NO. **V114206** SHT NO. S1-2

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NOTES:

1. ALL FEEDERS ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
2. FOR EME SIGNS NOTED AS #X REFER TO 005486 DOCUMENTS FOR DETAILS.
3. USE UNDERBORE CABLE INSTALLATION METHOD WHERE POSSIBLE TO AVOID TREE ROOT DAMAGE.

COLOUR & MATERIAL SCHEDULE		
ITEM	COLOUR	MATERIAL
MONOPOLE	NATURAL CONCRETE COLOUR	CONCRETE
HEADFRAME	GALVANISED STEEL FINISH	STEEL
ODU CABINETS	GALVANISED STEEL FINISH	STEEL
ANTENNAS	GREY	ALUMINIUM & FIBRE GLASS
CABLE TRAY	GALVANISED STEEL FINISH	STEEL

NORTH EAST ELEVATION

SCALE 1:125
 1.25m 0 1.25m 2.5m 3.75m 5.0m 6.25m SCALE 1:125

PRELIMINARY

TO BE READ IN CONJUNCTION WITH SHEETS S1, S1-1, S1-2 & S3-1.

COMPLIANCE BOX
 COMPLETED AS PER DESIGN
 ALTERATIONS IN RED
 NAME (PRINT) _____
 SIGNATURE _____ DATE _____

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
VT18568.01	AA	FA	PRELIM - 30069096/W0046 VPL - LTE700/1800/2100/2600/NR850/NR3600	TT	JH	12.04.20	1

Telstra
 MOBILE NETWORK SITE 334627
 BUNDOORA CENTRAL
 NORTH EAST ELEVATION
 15 SNAKE GULLY DR, BUNDOORA, VIC 3083



A

B

C

D

E

F

TELSTRA ANTENNA CONFIGURATION TABLE					
ANTENNA No	ANTENNA TYPE & SIZE H x W x D	ANTENNA ACTION REQUIRED	ANTENNA HEIGHT C/L A.G.L.	ANTENNA BEARING (x°T)	SECTOR NO. & TECHNOLOGY
A1	T1002L6R011 PANEL 2680 x 355 x 165mm	INSTALL	35.0m	0°	S1: LTE700 / S1: NR850 S1: LTE700 / S1: NR850
					S1: LTE1800 / S1: LTE2100 S1: LTE1800 / S1: LTE2100
					S1: LTE1800 / S1: LTE2100 S1: LTE1800 / S1: LTE2100
A2	T1002L6R011 PANEL 2680 x 355 x 165mm	INSTALL	35.0m	190°	S2: LTE700 / S2: NR850 S2: LTE700 / S2: NR850
					S2: LTE1800 / S2: LTE2100 S2: LTE1800 / S2: LTE2100
					S2: LTE1800 / S2: LTE2100 S2: LTE1800 / S2: LTE2100
A3	T1002L6R011 PANEL 2680 x 355 x 165mm	INSTALL	35.0m	280°	S3: LTE700 / S3: NR850 S3: LTE700 / S3: NR850
					S3: LTE1800 / S3: LTE2100 S3: LTE1800 / S3: LTE2100
					S3: LTE1800 / S3: LTE2100 S3: LTE1800 / S3: LTE2100
A4	T1002L6R011 PANEL 2680 x 355 x 165mm	INSTALL	35.0m	0°	S1: LTE700 / S1: NR850 S1: LTE700 / S1: NR850
					S1: LTE2600 S1: LTE2600
					S1: LTE2600 S1: LTE2600
A5	T1002L6R011 PANEL 2680 x 355 x 165mm	INSTALL	35.0m	190°	S2: LTE700 / S2: NR850 S2: LTE700 / S2: NR850
					S2: LTE2600 S2: LTE2600
					S2: LTE2600 S2: LTE2600
A6	T1002L6R011 PANEL 2680 x 355 x 165mm	INSTALL	35.0m	280°	S3: LTE700 / S3: NR850 S3: LTE700 / S3: NR850
					S3: LTE2600 S3: LTE2600
					S3: LTE2600 S3: LTE2600
A7	ERICSSON AIR6488 PANEL 810 x 400 x 200mm	INSTALL	35.67m	0°	S1: NR3500 S1: NR3500
A8	ERICSSON AIR6488 PANEL 810 x 400 x 200mm	INSTALL	35.67m	190°	S2: NR3500 S2: NR3500
A9	ERICSSON AIR6488 PANEL 810 x 400 x 200mm	INSTALL	35.67m	280°	S3: NR3500 S3: NR3500
A200	GPS ANTENNA KRE 101 2082/1 Ø68 x 96	INSTALL	BASE OF GPS 2.5m	0°	-

COMPLIANCE BOX

COMPLETED AS PER DESIGN

ALTERATIONS IN RED

NAME (PRINT) _____

SIGNATURE _____ DATE _____

PRELIMINARY

TO BE READ IN CONJUNCTION WITH SHEETS S1, S1-1, S1-2 & S3.

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
VT18568.01	AA	FA	PRELIM - 30069096W0046 VPL - LTE700/1800/2100/2600/WR850/NR3600	TT	JH	12.04.20	1



MOBILE NETWORK SITE 334627
BUNDOORA CENTRAL
 ANTENNA CONFIGURATION TABLE
 15 SNAKE GULLY DR, BUNDOORA, VIC 3083

DWG NO.	V114206	SHT NO.	S3-1
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Card file: V114206 PD.dwg

5.9 FAIR ACCESS POLICY ROADMAP (RECREATION FACILITIES) - RECOMMENDATION FOR MINOR UPDATE TO POLICY**Author:** Recreation Planner**Reviewed By:** General Manager Community

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)*.

Officer Recommendation

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.

BACKGROUND / KEY INFORMATION

State Government’s Fair Access Policy Roadmap

The Roadmap encourages Victorian Councils to implement gender equitable access and use policies by 1 October 2024. Council policies should focus on ensuring women and girls can fully participate in and enjoy the benefits of community sport through fair access to local facilities. The Roadmap implementation is supported by the Office for Women in Sport and Recreation (OWSR).

Officers worked with OWSR to review Council’s existing policy. OWSR advised that some elements of the policy required an update and a measurable action plan to comply with Roadmap expectations. An updated proposed *Sporting Fees, Charges and Occupancy Agreement Policy* is attached (**Appendix B**).

This policy (last updated in 2016) sets out how Council allocates sporting facilities, pavilions and ovals within Darebin and includes related fees and charges, and key conditions for agreements.

Council’s sector-leading Performance Subsidy Program is a key component of the policy. The subsidy provides financial incentives to encourage sporting clubs to achieve increased participation, social equity and inclusion, and good governance targets. Women and girls participation are embedded in two criteria: Participation and Governance.

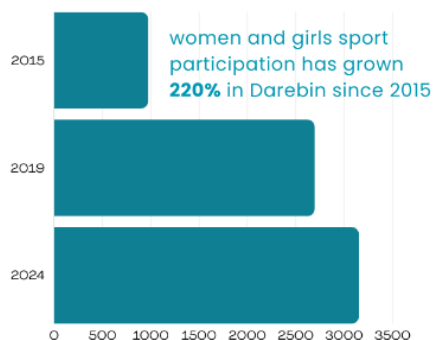
This policy is one lever Council can use to encourage and support diverse and gender inclusive participation in sport.

- 1. Community sports infrastructure and environments are genuinely welcoming, safe, and inclusive
- 2. Women and girls can fully participate in all aspects of community sport and active recreation, including as a player, coach, administrator, official, volunteer and spectator
- 3. Women and girls will have equitable access to and use of community sport infrastructure:
 - a. of the highest quality available and most convenient
 - b. at the best and most popular competition and training times and locations
 - c. to support existing and new participation opportunities, and a variety of sports
- 4. Women and girls should be equitably represented in leadership and governance roles
- 5. Encourage and support all user groups who access and use community sport infrastructure to understand, adopt and implement gender equitable access and use practices
- 6. Prioritise access, use and support to all user groups who demonstrate an ongoing commitment to gender equitable access and use of allocated community sport infrastructure

Women and girls’ participation in Darebin

The number of women and girls playing sport has grown significantly in the past decade. In 2023-24, 29% of participants and 35% of teams are women and girls in Darebin community sport activities. Women and girls’ participation has increased by 220% from 2015-16, when 974 women and girls were sporting participants.

Additionally, Narrandjeri Stadium, Darebin Community Sports Stadium, Northcote Aquatic and Recreation Centre and Reservoir Leisure Centre are reporting between 44-55% women and girls’ participation.



Council has been successful in supporting and encouraging women and girls' sporting participation through a range of initiatives. Key highlights include:

- In 2018, Council entered into a 4-year Promoting Women and Girls in Sport Partnership Agreement with the Darebin Women's Sports Club to support Darebin Falcon's participation in the Victorian Football League Women's competition.
- In 2021, after consultation with the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, Narrandjeri Stadium was chosen as the official name of the new multi-sports stadium built at John Cain Memorial Park. The name means 'Women Leader' in Woi-Wurrung language. The Expression of Interest for Court Usage evaluation criteria prioritised women and girls' participation which has led to thriving women and girls participation rates at the site.
- In 2023-24, 90% of Get Active in Darebin participants are women.
- In 2023, Football Victoria and Council hosted a Women and Girls Football Extravaganza Day at the Home of the Matildas (La Trobe University, Bundoora) to capitalise on the significant interest generated by the Matildas during the Women's World Cup. Over 400 women and girls participated in GO Girls and GO Soccer Mums introductory sessions, tours of the facility and social competitions.
- In January 2024, Council and North Metro Cricket Association hosted a Girls into Cricket Gala Day with Cricket Victoria and Women's Big Bash cricketers to introduce girls to cricket and connect them with four local clubs to establish a local junior girl's cricket competition.

More information on achievements can be found in *Towards Gender Equality for Community Sport in Darebin (Appendix A)*.

There is still work to be done in Darebin. Sixteen tenanted sports clubs (24%) do not currently offer teams or programs for women and girls; these are mainly cricket clubs.

There are increasing numbers of women participating in committee, coaching and officiating roles, however, they are still underrepresented when compared with men.

Since 2019-20, Council has completed six sporting pavilion redevelopments and two building renewal upgrade projects that include gender inclusive facility improvements such as change amenities and social spaces. Two gender-inclusive pavilion redevelopments are in progress: John Hall Reserve (construction underway) and KP Hardiman Reserve (construction tender commencing shortly). These facility improvements contribute to supporting welcoming, safe, and inclusive community sport environments for women and girls in Darebin.

Previous Council Resolution

This matter 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 1: Vibrant, Respectful and Connected

Strategic Direction 2: Prosperous, Liveable and Flourishing

ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES

1.3 We will embrace diversity and ensure everyone is included in our society, and no one is left behind – by combating discrimination, and championing equity, inclusivity and diversity

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

ACTIONS

1-6: Support and promote a significant increase in participation in Darebin's sports clubs, in particular, for Aboriginal and Torres Strait Islander peoples, women, girls, people of all abilities, and multicultural and diverse communities.

1-7: Encourage and reward sporting and leisure groups/sporting teams that use Council's recreation spaces, by reducing user fees to those that demonstrate inclusion for Aboriginal and Torres Strait Islander peoples, women, girls, people of all abilities, and multicultural and diverse communities.

DISCUSSION

Two options have been identified in response to the Roadmap requirements:

Option 1: Policy update (Recommended)

Officers propose a minor update to the existing *Sporting Fees, Charges and Occupancy Agreements Policy* (2016) to meet the minimum requirements of the Roadmap by 1 October 2024. This will ensure Council is aligned with the Roadmap expectations and remains eligible for upcoming State Government grant funding programs.

The recommended policy update includes:

- Strengthening language and intent in a number of sections in relation to gender equity and social inclusion in sport.
- Including a Fair Access Action Plan as an addendum to the Policy.

A wholistic review would then occur in 2025 as resolved by Council in April 2024 to address the elements outlined below in Option 2.

The proposed policy is attached (**Appendix B**).

Option 2: Do nothing and update the policy in 2025 (Not Recommended)

Delaying an update to the policy would mean Council would not meet the 1 October 2024 deadline to comply with Roadmap requirements. As a result, Council would be ineligible for State Government grant funding programs until a compliant policy is updated and adopted.

This full policy review will include:

- Consultation with community and stakeholders including sports clubs, relevant sporting associations and government departments.
- Fully incorporating fair access principles and policy feedback from OWSR.
- Considering and updating the performance subsidy program to ensure gender inclusion and diverse participation is incentivised more strongly.

- Updating the access and allocation criteria to ensure casual, seasonal and annual agreements reflect Council and club commitments, and desired outcomes related to gender equity and inclusion.
- Understanding and considering the foundations for relevant fees and charges and formulas.
- Developing an implementation plan through to 2027 that includes education and support for sports clubs.

Additional actions

As well as addressing gender equity through an updated policy, officers also recommend the following actions:

- **Outdoor Sports Infrastructure Framework (OSIF)** – OSIF was updated with an increased focus on gender inclusion in 2022 but not submitted for endorsement by Council. Officers propose a further review and update to OSIF to ensure it fully supports and is aligned with an updated *Sporting Fees, Charges and Occupancy Agreements Policy*.
- **Sports participation data collection** – there is a need to improve sporting participation data collection, particularly in relation to gender and communities at risk of exclusion, as well as capture information about other forms of participation including committee roles, coaching and officiating. Officers will consider how best to capture and track this information, efficiently and effectively.

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

Should Council not endorse an updated policy to address Roadmap requirements, Council would be ineligible for State Government sport and recreation grants until this requirement is met.

Given the financially constrained environment, the full policy review in 2025 will include considering the foundations (linkages and logic) of the fees and charges, capital and operating expenditure relating to sporting agreements and sports field allocations and tracking participation and community benefit outcomes relating to community sport.

The recommended update to the Policy will not impact Council's budget.

Community Engagement

Officers have been working with OWSR to better understand Roadmap requirements and attended industry workshops and communities of practice sessions. OWSR provided feedback on Council's current policy which has been considered and implemented by officers as appropriate to our context.

A full community and stakeholder engagement plan will be developed for the full review of the *Sporting Fees, Charges and Occupancy Agreements Policy* in 2025.

Other Principles for consideration

Overarching Governance Principles and Supporting Principles

- (h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making;

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

- (d) strategic planning must identify and address the risks to effective implementation;

Service Performance Principles

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

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

Environmental sustainability is a key consideration relating to future use of sporting fields and redevelopment and renovation of pavilions and sporting infrastructure. These considerations will be addressed through the 2025 review of the *Sporting Fees, Charges and Occupancy Agreements Policy*.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

Officers undertook an Equity and Gender Impact Assessment to ensure an equity, accessibility and gendered lens was applied to both the current *Sporting Fees, Charges and Occupancy Agreements Policy* (2016) and the *Outdoor Sports Infrastructure Framework* (2020). The outcomes of this assessment will support the 2025 review of the policy and associated documents.

Towards Gender Equality for Community Sport in Darebin (Appendix A) includes further information relating to these considerations.

Operational Impacts

The recommended option is a minor update of the Policy to address Roadmap requirements, and, as such, there are no operational impacts. The full review of the policy and associated documentation in 2025 will consider Service Level Agreements and be undertaken in collaboration with relevant operational teams.

Legal and Risk Implications

The recommended option is a minor update of the Policy to address Roadmap requirements. Officers have deliberately not changed sections of the Policy to ensure there is no risk to current stakeholders without appropriate consultation.

The key risk is that without an updated Policy addressing Roadmap requirements, Council would be ineligible for State Government sport and recreation grants until this requirement is met.

IMPLEMENTATION ACTIONS



Details and Timelines

- Submit adopted Policy to OWSR to meet Roadmap requirements [if adopted]
- Implement 2024-25 Action Plan
- Full review of *Sporting Fees, Charges and Occupancy Agreements Policy* and related documentation in 2025

RELATED DOCUMENTS

- *Sporting Fees, Charges and Occupancy Agreements Policy* (2016)
- Fair Access Policy Roadmap

Attachments

- Towards Gender Equality for Community Sport in Darebin (**Appendix A**) [↓](#) 
- DRAFT Sporting Fees, Charges and Occupancy Agreement Policy - August 2024 (**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.



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TOWARDS GENDER EQUALITY FOR COMMUNITY SPORT IN DAREBIN

State of Play Report | August 2024

TOWARDS GENDER EQUALITY FOR COMMUNITY SPORT IN DAREBIN

1.0 EXECUTIVE SUMMARY

Women and girls are underrepresented in sport participation – as players, coaches, officials and in leadership roles within community sport and sports clubs, including in Darebin.

Darebin is making progress with 29% of community sport participants and 35% of teams being women and girls in 2023-24. To accelerate women and girls' participation rates, the State Government introduced the *Fair Access Policy Roadmap* to deliver fair access within community sport for all genders.

To address Fair Access requirements, it is recommended Council respond using policy levers and an action plan to support local sports clubs and organisations to become more gender inclusive. The first recommended action is to update Council's *Sporting Fees, Charges and Occupancy Agreement Policy* (2016) to recognise and increase the focus on addressing gender equity in access and usage of community sport infrastructure in Darebin.

This report explores:

- Key insights and trends relating to gender equity in community sport.
- Requirements to meet the State Government's Fair Access Policy Roadmap for all genders, and how Darebin can respond.
- The state of play for how Council and sporting clubs support and deliver gender-equitable access and participation for women and girls in sport.
- Identification of issues and opportunities relating to gender-equitable usage and access policy implementation.

Key recommendations include:

- Minor update to the *Sporting Fees, Charges and Occupancy Agreement Policy* accompanied by a 1-year measurable action plan to meet fair access criteria.
- Wholistic review of *Sporting Fees, Charges and Occupancy Agreement Policy* and action plan in 2025 along with related documentation.
- Review and update the *Outdoor Sports Infrastructure Framework* to further strengthen and apply a gender equity lens to the assessment matrix and identify relevant gaps.
- Improve sporting participation data collection of underrepresented groups including gender and collect relevant gender data on other roles within sporting clubs.
- Deliver a workshop in 2024 to bring local clubs and sporting bodies together to understand the Fair Access Policy Roadmap requirements, challenges and opportunities to aspire to gender-equitable access and use for Council's sporting facilities.
- Support Darebin sports clubs to develop Women and Girls Action Plans to implement change.



TOWARDS GENDER EQUALITY FOR COMMUNITY SPORT IN DAREBIN

2.0 BACKGROUND

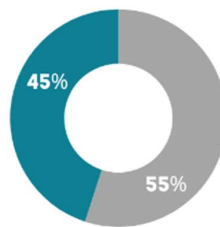
2.1 INTRODUCTION

Despite being half the general population, women and girls are still underrepresented in community sport – as participants, coaches, officials, and off-field administration.

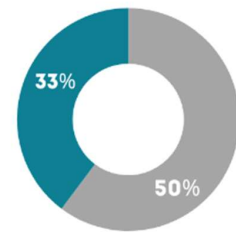
A recent [VicHealth study on Victorian participation in organised sport](#) (2022) showed that even though overall organised sport participation is slowly increasing post-COVID, men and boys are participating at almost twice the rate of women and girls.



Recent [Ausplay data](#) (2022-23) shows one-third of women aged 15+ are participating in sport-related activity, which is 17% less than men. The most popular sports for women and girls nationally are netball, basketball, swimming, football (soccer) and tennis with 14% of women aged 15+ participating in a non-playing role such as coaching or volunteering; this is 10% less than males. When specifically looking at coaching, there are 20% less women than men in national sports coaching roles.



women participate 10% less than men in non playing roles



women 15+ participate 17% less than men in sport activity

The biggest motivators for women are fitness, mental health, fun and social reasons. The top barriers for women are poor health, not enough time or too many commitments, along with cost/affordability, venue accessibility and safety. According to VicHealth and La Trobe University’s [Doing Sport Differently](#) principles, activities to address these challenges include [beginner friendly, social sport programs](#) such as [Cardio Tennis](#) and [GO Soccer Mums](#).

The [Change Our Game State of Play Report](#) (2023) explored sporting club environments for women, relating to culture, leadership and non-playing roles. The current environments are showing a clear imbalance towards men, with 33% of women considering leaving a club due to this imbalance, greater opportunities for men and inequitable treatment. Two in three people agreed that sporting clubs and organisations need to work towards better gender balance.



people believe men are 4 times more likely than women to get opportunities to coach



report men have more opportunities to be in executive committee positions at clubs



1 in 3 women have considered leaving a club due to inequitable treatment



who play community sport experience or see gender imbalance at their club

The [2015 Victorian Government Inquiry into Women and Girls in Sport and Active Recreation](#) shed light on gender inequality and outlined a way forward for the Victorian sports and recreation sector. The Office for Women in Sport and Recreation (OWSR) was created in 2017 to lead the recommendations with the industry and develop [Change Our Game](#) initiatives to bridge the gender gap, boost sport participation on-field and create more off-field leadership opportunities for women. Recommendations include enhancing and reforming built

TOWARDS GENDER EQUALITY FOR COMMUNITY SPORT IN DAREBIN

environments, equitable facility usage policies, gender balance in sport governance and recruitment, on- and off-field participation pathways, education and training, marketing and role models.

Councils have a role to play in changing the game for gender equality in community sport through a partnership approach with State Government, State Sporting Associations (SSAs), local sports leagues and associations, sporting clubs and other recreation and leisure centres.

2.2 STATE GOVERNMENT'S CHANGE OUR GAME AND FAIR ACCESS POLICY ROADMAP

OWSR is responsible for driving the five-year plan through a series of ['Change Our Game'](#) initiatives.

The Fair Access initiative aims to improve equitable access and experiences at community sports facilities and clubs for women and girls by 2027. Councils are encouraged to take a lead in reviewing and developing gender-equitable access and use policies to ensure women and girls can fully participate in and enjoy the benefits of community sport, with fair opportunity and access to their local sporting facilities.

There are six key principles for Councils to consider (see right).

The State Government is incentivising Councils to undertake gender impact assessments on relevant policies, and update and adopt these policies to collectively drive this change.

Fair Access criteria to ensure alignment and remain eligible for State Government sports grant funding is:

- Update and adopt gender-equitable access and use related policy by 1 October with a set review date.
- Demonstrate links to Fair Access policy principles in adopted policy updates.
- Demonstrate how Council will effectively drive gender-equitable access and use of community sports infrastructure to improve the outcomes for women and girls.
- Adopted policy is measurable, with SMART goals and a focus on more women and girls having gender equitable access and experiences by 2027.



2.3 RELATED DAREBIN STRATEGIC POLICIES AND FRAMEWORKS

Council has a range of strategic objectives and actions in place, along with two key policy levers to address gender equity in community sport.

Sporting Fees, Charges and Occupancy Agreement Policy (last updated and adopted in 2016) focuses on how Council's sporting grounds and facilities are allocated, related fees and charges, and key conditions for agreements. This policy is overdue for review and update.

TOWARDS GENDER EQUALITY FOR COMMUNITY SPORT IN DAREBIN

Outdoor Sports Infrastructure Framework (adopted in 2020) guides and informs future asset and capital planning priorities linked to Council's short and long-term financial plans. The aim is to ensure Council's sporting infrastructure is fit-for-purpose and meets community sporting needs. Featured infrastructure in OSIF includes sporting pavilions, sports field lighting, fields of play and cricket training facilities. Priorities are determined using an assessment matrix which scores facility condition and functionality, participation outcomes (including women and girls) and community needs and benefits.

Council's Plan and integrated Municipal Health and Wellbeing Plan (2021-2025) has strategic objectives and actions to support inclusion and gender equity in our community and local sporting environments:

- Strategic Objective 1.7 and related actions: We will continue to be a local government leader in the prevention of violence against women, and gender equity
- Action 1-6: Support and promote a significant increase in participation in Darebin's sports clubs, in particular, for Aboriginal and Torres Strait Islander peoples, women, girls, people of all abilities, and multicultural and diverse communities.
- Action 1-7: Encourage and reward sporting and leisure groups/sporting teams that use Council's recreation spaces, by reducing user fees to those that demonstrate inclusion for Aboriginal and Torres Strait Island peoples, women, girls, people of all abilities, and multicultural and diverse communities
- Participation in sport and recreation has a number of benefits which address Council's Health and Wellbeing Priorities including the impacts of sedentary lifestyle, mental health, loneliness and social isolation and community safety for all genders.

Towards Equality Framework (2019-2029) puts equity, inclusion and human rights at the heart of our Council work, and helps strive for a just society by reducing disadvantage, standing against discrimination and sharing resources equitably, in partnership with the community, local agencies and organisations such as sports clubs.



3.0 STATE OF PLAY DISCUSSION

This section looks at the state of play of Darebin's policy and community sports landscape with regards to access and participation of women and girls.

3.1 COUNCIL POLICY STATUS

Council's two key policy documents and frameworks (outlined in section 2.3) which address sporting allocations and sporting infrastructure planning have not been updated recently to meet the State Government's Fair Access Policy Roadmap criteria.

OWSR provided feedback and advice to Council officers on the compliance of the 2016 policy against Fair Access Policy Roadmap criteria and requirements.

TOWARDS GENDER EQUALITY FOR COMMUNITY SPORT IN DAREBIN

Council’s current Performance Subsidy Program encourages gender inclusion, with a strong emphasis on women and girls’ participation in playing and off-field roles such as committee membership or coaching. Officers believe this is compliant with the Fair Access Policy Roadmap requirements. A wholistic review of the policy in 2025 (including consultation with sporting clubs with a view to incentivise diverse participation more strongly through the performance subsidy program) was resolved by Council in April 2024. This review will also include how to further strengthen gender equality with sports clubs.

In 2022, a review was undertaken of the *Outdoor Sports Infrastructure Framework (2020)*, which identifies Council priorities in community sporting facility development. When next reviewed and updated, officers will undertake a gender impact assessment and further strengthen the gender lens in the assessment matrix to align with one or more Fair Access principles and ensure women and girls participation and access is further embedded in decisions relating to improving Darebin’s community sporting facilities.

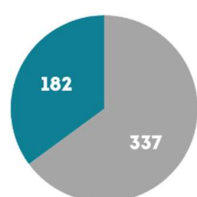
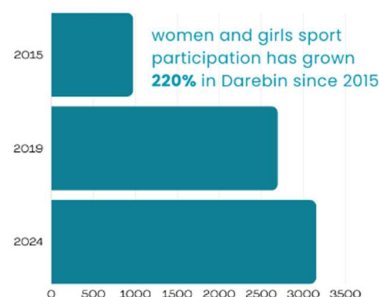
3.2 WOMEN AND GIRLS SPORT PARTICIPATION IN DAREBIN

Women and girls can participate in all aspects of community sport and active recreation in Darebin, including as a player, coach, administrator, volunteer, official, umpire and spectator. However, there is not true equity in each category and work is needed to progress this.

WOMEN AND GIRLS’ PARTICIPATION TRENDS

Playing Participation

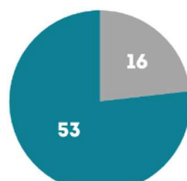
In 2023-24, there are 69 tenant sporting clubs with 10,714 registered total participants playing organised sport at Council-managed facilities. In terms of gender, 29% of players (3,155) and 35% of teams are women and girls playing in various leagues across a range of different sports. These numbers have grown in Darebin within the past decade, up 220% from 2015-16 where there were only 974 women and girls sporting participants.



35% of Darebin sports club teams are women and girls



28/40 Darebin sports clubs have women in committee and coaching roles



76% of Darebin sports clubs offer women or girls sports teams



2,732 Get Active in Darebin participants were women in 23/24

The continued growth in participation among women and girls can be largely attributed to club development to create more inclusive environments, each sport’s efforts to introduce and promote pathways, social and competitive opportunities in recent years, capital investment in creating more gender-inclusive facilities as well as the increased profile of women’s sport in the media and elite level competitions to inspire and encourage, such as the Matildas national football (soccer) team.

Within Darebin, 76% of clubs currently field women or girls’ teams; however, these teams only represent 35% of sports teams in total. The growth in the past decade has been driven in traditionally male-dominated sports like AFL and soccer, while sports like athletics, hockey and tennis have long-established strong women and girls participation. Cricket has relatively low women and girls participation and should be an increased focus for Council.

TOWARDS GENDER EQUALITY FOR COMMUNITY SPORT IN DAREBIN

Women and girls' participation at Darebin's other recreation facilities is:

- Narrandjeri Stadium – 54%
- Darebin Community Sports Stadium – 48%
- Northcote Aquatic and Recreation Centre – 55%
- Reservoir Leisure Centre – 44%
- Bundoora Park Golf Course – 18%
- Northcote Public Golf Course – 20%

The recent State Government Inner-city Netball Facilities Program introduced new outdoor netball court capacity to Darebin which has attracted women and girls to train and play. This is an example where improving infrastructure and capacity has increased women and girls' participation in Darebin.

There is work to do with the 16 sports clubs (24%) who are not offering teams or organised programs for women and girls; these are largely cricket clubs. There is also a need to increase focus on attracting and encouraging women and girls to play golf.

Darebin Outdoor Sports Club Participation Data 2024				
Sport	No. of tenant clubs	Total participants	% women & girls participants	% Diff 2024 vs 2019
Netball	3	218	63%	
Athletics	2	128	45%	+2%
Hockey	1	310	39%	-4%
Soccer	10	2,868	38%	+9%
Tennis	7	827	37%	-3%
Bowls	2	111	36%	+5%
Basketball	1	155	35%	=
AFL	14	3,290	28%	=
Rugby Union	1	147	24%	+4%
Baseball	3	242	16%	+3%
Gridiron	1	95	16%	-30%
Cycling	1	99	15%	-3%
Cricket	22	2,158	14%	-2%
Total	69	10,714	29% (3,155)	+5% (2,770)

Off field participation: Women in community sports club leadership and governance

Twenty-eight of 40 clubs (70%) have women on their committees and in coaching positions as reported as part of the latest performance subsidy program submissions. Progress is being made in Darebin but when looking deeper across club executive positions (President, Secretary, Treasurer) and Council Liaison roles, there is a low number of women in leadership roles in Darebin sports clubs.

There is also a lack of data, as recent submissions have not asked clubs to provide the gender of their committee members or coaching and officiating groups. This information is required to better understand the state of play.

3.3 PARTICIPATION ACTIVITIES AND SUCCESS STORIES IN DAREBIN

Council runs a number of activities and programs to support sports clubs and the community to encourage women and girls' participation:

- In 2018, Council entered into a 4-year Promoting Women and Girls in Sport Partnership Agreement with the Darebin Women's Sports Club to support Darebin Falcon's participation in the Victorian Football League Women's competition. Council contributed \$300,000 to deliver improved outcomes and pathways for women and girls from grassroots to their VFLW program. The club provides opportunities to participate in AFL, soccer and cricket and they grew their player base to over 700 players during this time. The Falcons are an industry leader and one of the largest women and girls sports clubs in Australia.
- In 2021, after consultation with the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, Narrandjeri Stadium was chosen as the official name of the new multi-sports stadium built at John Cain Memorial Park. The name means 'Women Leader' in Woi-Wurrung language. The Expression of Interest for Court Usage evaluation criteria prioritised women and girls' participation which has led to thriving women and girls' participation rates at the site.

TOWARDS GENDER EQUALITY FOR COMMUNITY SPORT IN DAREBIN

- Council provided \$200,000 in Sports COVID-Recovery Grants to local sports clubs and organisations to support inclusive participation including women and girls, club capacity building and community engagement initiatives.
- In January 2024, Council and North Metro Cricket Association hosted a Girls into Cricket Gala Day with Cricket Victoria and Women's Big Bash cricketers to introduce girls to cricket and connect them with four local clubs to establish a local junior girl's cricket competition.
- Council's Get Active in Darebin program is partnering with sports clubs and leisure facilities to offer introductory free 8-week beginner-friendly sports programs. In the past 12 months, 81 sport and active recreation programs have been offered with 3,036 participants attending; 90% of these participants are women. In the Autumn 2024 timetable, programs offered included social badminton, fitness bootcamp, casual pickleball, cardio tennis, pilates, zumba, walking groups and social table tennis. This is helping women to get active in a welcoming, fun and social environment with opportunities to continue after the program's completion.
- Darebin's major leisure facilities have focused on programs and initiatives for women and girls. In 2023-24, highlights included All Female Futsal Program, Skate Nights, International Women's Day activation and yoga, IDAHOBIT Day Basketball Come n Try and Queer Sporting Alliance basketball league for LGBTIQ+ all gender participants. Ladies' clinics and 'Wellness Wednesday' sessions have also been held for women at Northcote and Bundoora Park Golf Courses.



Northern Falcons Soccer Club based in Thornbury has been a local success story in recent years. They have developed their women and girls' program from three girls teams and around 40 players in 2021, to field four girls teams and their first women's senior team this season, with a total of 122 participants.

The club has worked closely with Football Victoria's Club Changer development program to gain support and direction on how to build women's teams and suitable support structures and environment within the club.

The women and girls base has grown through proactive club leadership, positive word of mouth, leveraging relationships in the clubs with parents, and connection to local schools. The club has also benefitted from recently upgraded lighting at GH Mott Reserve to build training capacity times and spaces.



In 2023, Football Victoria and Council hosted a **Women and Girls Football Extravaganza Day** at the **Home of the Matildas** (La Trobe University, Bundoora) to capitalise on the significant interest generated by the Matildas during the Women's World Cup. Over 400 women and girls participated in GO Girls and GO Soccer Mums introductory sessions, tours of the facility and social competitions.

The Go Girls and Go Soccer Mums come and try sessions were supported by five Darebin soccer clubs who all provided expert coaches and volunteer staff to facilitate the sessions with positive first experiences and showcased their club pathways and how to keep playing.

Women and girls' soccer participation is continuing to increase in Darebin with events such as this, and momentum from the Women's World Cup, where Council hosted a welcome for the Jamaican national team.



TOWARDS GENDER EQUALITY FOR COMMUNITY SPORT IN DAREBIN

3.4 COMMUNITY SPORTS INFRASTRUCTURE AND ENVIRONMENTS IN DAREBIN

One of the Fair Access principles is 'community sports infrastructure and environments are genuinely welcoming, safe, and inclusive'. Strategically, Council considers outdoor sports infrastructure planning through our *Outdoor Sports Infrastructure Framework (2020)*.

In recent years due to the increased demand and challenges with women and girls' access and participation in community sport, poor facilities have increasingly become a barrier, and players are dropping out of sport or are not attracted to play. SSA and State Government guidelines are helping to address this by providing guidelines on gender inclusive change facilities, safety measures and building capacity of places to play.



OUTDOOR SPORTS INFRASTRUCTURE PROGRESS

Since 2019-20, Council has completed six sporting pavilion redevelopments and two building renewal upgrade projects that include gender-inclusive facility improvements such as change amenities and social spaces. Two gender-inclusive pavilion redevelopments are in progress: John Hall Reserve (construction underway) and KP Hardiman Reserve (construction tender commencing shortly). These facility improvements contribute to supporting welcoming, safe, and inclusive community sport environments for women and girls in Darebin.

Council's building renewal program has also contributed gender-inclusive improvements to sporting pavilions and facilities such as change room and social space refurbishments at LE Cotchin Pavilion (2020) and TW Blake Pavilion (2022).

Additionally, Council has recently delivered seven sports lighting projects which have added additional capacity to pitches and grounds to support women and girls. Supported by the State Government's Inner City Netball Program, Council delivered six new netball and tennis courts at John Cain Memorial Park and Reservoir High School in 2020. These developments assist local clubs to cater for new women and girls' teams to train and play.

Although Council is making progress in improving local sporting infrastructure, sports clubs have identified that modern, fit-for-purpose, female friendly facilities are crucial to attracting and retaining participants. In a 2022 club survey, 43% of clubs rated pavilions as 'needing a lot of improvement' and female-friendly facilities were one of their biggest challenges as they aren't meeting current needs.

3.5 GENDER IMPACT ASSESSMENT OF CURRENT COUNCIL POLICY

Council officers conducted an equity and gender impact assessment (EIA/GIA) in June 2024 on the existing *Sporting Fees, Charges and Occupancy Agreement Policy (2016)* [EIA reference no.147]. Feedback from this assessment has influenced the current proposed update and will shape the upcoming review and update of the policy in 2025. Undertaking this EIA/GIA meets the minimum requirement of the *Gender Equality Act (2020)*.

TOWARDS GENDER EQUALITY FOR COMMUNITY SPORT IN DAREBIN

An equity impact assessment (EIA) was also conducted in August 2022 on the adopted Outdoor Sports Infrastructure Framework (2020) with considerations identified for its future review [EIA Objective reference: A6518825].

3.6 INDUSTRY TRENDS

Councils are progressing in adopting updated fair access and allocation policies and developing action plans for implementation. OWSR have supported this by providing forums and regular communities of practice sessions for Councils to learn from each other to progress their work.



OWSR have the 'Change Our Game' initiative with grants and programs supporting gender equality in sport. This includes:

- Community Activation Grants which provide sporting clubs and organisations up to \$10,000 annually to support initiatives to develop women and girls' participation, capability and community leaders.
- Professional Development Scholarships Program which supports women to access professional development to develop and strengthen specialist skills necessary to their roles in the sport and active recreation sector, placing them in the best position to obtain and thrive in leadership roles.
- Research projects that guide the industry in key issues facing women and girls in sport such as media coverage, Muslim women's sport participation, and coaching pathways.

In approaching this policy work, the focus for other Councils has been on creating gender-equitable environments and facility usage through policy and actions based on the Fair Access Policy Roadmap principles.

Trends include:

- Incorporating a club commitment to fair access, and/or women and girls participation outcomes as a criteria for receiving a sporting ground allocation from Council.
- Incentivising women and girls' participation through subsidies or discounts on rental or team fees.
- A strong focus on club education and support to help understand and deliver fair access initiatives, including development of gender or inclusion action plans by sports clubs.
- Requiring clubs to develop gender equity action plans as part of the allocation requirement or as an incentive for a fee discount, with support and education provided by Councils, leagues and SSAs.
- Creating networking groups or workshops to support women in leadership roles on club committees or boards.



State Sporting Associations (SSAs) are beginning to address fair access for gender including:

- Engaging with Councils to understand their policy requirements for clubs, so SSAs can understand and play their role.
- SSA initial focus is on promoting the policy roadmap, engaging on equitable competition fixturing, promoting courses in coaching and officiating for women, club development programs on women and girls' participation and leadership.
- AFL Women and Girls Community Football Charter is a national program engaging local clubs to pledge their commitment to support women and girls in AFL community clubs. The pillars of the commitment are opportunity, visibility, access and investment. Resources and recognition are provided by the AFL.

TOWARDS GENDER EQUALITY FOR COMMUNITY SPORT IN DAREBIN

- Cricket Victoria recently hosted a club workshop in April 2024 at Preston City Oval to discuss building and sustaining women and girls' player pathways. In addition to this, a survey is being conducted with over 2,000 registered participants to understand fair access with their player base. The survey is exploring match and training schedules, comfort and safety at their club facility, and how welcomed and included they feel in community cricket.
- Football Victoria's Game Changer Program is a club development program that features modules in women and girls' participation, diversity and inclusion to build capacity of clubs with resources and support to improve club environments and operations.
- Carlton Football Club recently hosted a 'Carlton Respects Game' to create community awareness for violence against women and link back to their existing community programs.

TRENDS IN SPORTS INFRASTRUCTURE AND ACCESS

Fair Access principles include women and girls will have equitable access to, and use of infrastructure of quality and convenience, at the best times and locations, supporting new participation opportunities. More broadly, there have been challenges for women and girls players and teams to be provided the same level of access as men and boys teams to change facilities, main grounds/courts, scheduling of training and matches at suitable times.



STATE GOVERNMENT'S FEMALE FRIENDLY FACILITY GUIDELINES

In 2021, Sport and Recreation Victoria launched [industry guidelines](#) to assist with the planning and design of sporting infrastructure to ensure key female friendly design elements are considered. These guidelines are used for the planning and design phase of any new or redeveloped sporting pavilion in Darebin, and will be used for future audits of sporting pavilions.

The guidelines cover unisex and comfortable toilets, showers and change areas as well as baby changing amenities, close and well-lit pathways to pavilion, car parking and playing fields, increasing the number of changerooms to allow for equitable scheduling, and multi-use internal community space to encourage social connection.

4.0 ISSUES, RISKS AND OPPORTUNITIES

The following issues, risks and opportunities have been identified:

NOT MEETING STATE GOVERNMENT REQUIREMENTS BY OCTOBER 2024 DEADLINE

The State Government's Fair Access Policy Roadmap requires Councils to update and adopt relevant access and use policies to support gender equitable access and usage for women and girls by 1 October 2024.

Should Council not endorse an updated policy to address Roadmap requirements, Council would be ineligible for State Government sport and recreation grants until this requirement is met.

EDUCATION AND SUPPORT OF SPORTS CLUBS TO UNDERSTAND AND IMPLEMENT CHANGE FOR BETTER GENDER EQUALITY IN COMMUNITY SPORT

Local sports clubs will be key to delivering gender equality in community sport and increasing participation of women and girls. Without an updated policy and linked action plan, the status quo will remain. Although there are early adopters of this change, some clubs may not build the culture and practices to improve gender equitable access and participation.

TOWARDS GENDER EQUALITY FOR COMMUNITY SPORT IN DAREBIN

There is an opportunity for Council to collaborate with local leagues and SSAs on awareness, education and training of Fair Access Policy Roadmap, challenges and opportunities relating to gender equality in sport and bring club administrators and leaders on the journey. OWSR are also offering assistance with education programs.

INFRASTRUCTURE IMPACT ON CREATING WELCOMING AND SAFE ENVIRONMENTS TO ENCOURAGE AND RETAIN PARTICIPATION

Sports clubs and participants are saying that current non-gender-inclusive facilities are a barrier to attract and retain women and girls participants. Without continued investment in making sporting facilities gender-inclusive and improve sports lighting to maximise their capacity, women and girls' participation numbers will likely stagnate.

There is an opportunity to review and update the Outdoor Sports Infrastructure Framework to ensure Council continues to address the need for sports facilities to be gender inclusive, aiming to remove 'lack of suitable facilities' as a barrier to women and girls participation in Darebin.

DEALING WITH FACILITIES APPROACHING OR AT CAPACITY DUE TO THE GROWTH IN WOMEN AND GIRLS SPORT

A number of Darebin sports clubs are reporting they are at capacity at their current ground or pitch, delivering traditional formats of their sport that may affect the ability to grow participation for women and girls into the future.

There is an opportunity for Council to consult and collaborate with clubs, leagues and SSAs on the way sport is delivered. Clubs and sports could consider reducing the number of training sessions, shorter match formats, etc. that enable more participation capacity as well as consider providing social and beginner friendly participation formats that attract women.

BALANCING ALLOCATION CRITERIA WITH INCENTIVE-BASED PERFORMANCE SUBSIDY PROGRAM

In working towards gender equality, Councils have taken mixed approaches between incentive-based and mandatory criteria based. There are risks associated with enforceable mandatory criteria where clubs who don't deliver gender equality actions and women/girls participation aren't able to receive an allocation and operate their club next season. This could generate a strong response from clubs, cause some clubs to fold or restrict participation in the short-term.

There is an opportunity to continue to use incentivised approaches such as the performance subsidy program to encourage change in a more positive way and reward clubs financially. However, at least a commitment to action for fair access should be considered as a mandatory criteria as part of a moderate approach. It may be reasonable for every sports club to demonstrate they are working on fair access actions to develop an inclusive environment for women and girls.



TOWARDS GENDER EQUALITY FOR COMMUNITY SPORT IN DAREBIN

POTENTIAL COMMUNITY AND CLUB RESISTANCE WHEN PRIORITISING WOMEN AND GIRLS

Feedback from other Councils implementing fair access policies recently indicate there can be resistance from some community members and club officials who don't believe in, understand or support the policy change.

There is an opportunity to collaborate with SSAs and leagues on educating and raising awareness, and celebrating champions of change – individual, team or club stories of success demonstrating gender equity to empower others. Additionally, it is important to ensure the engagement phase of the 2025 policy review considers all feedback and involves key stakeholders in the policy journey.



5.0 RECOMMENDATIONS

In developing and delivering improved gender equality for community sport in Darebin, and ensuring Council align and meet Fair Access Policy Roadmap requirements, officers recommend:

- **Undertake a minor update of the current *Sporting Fees, Charges and Occupancy Agreements Policy (2016)* to meet the minimum requirements of the Fair Access Policy Roadmap Criteria by 1 October 2024.**
This will ensure Council is aligned with Roadmap expectations and eligible for upcoming State Government grant funding programs. This would include:
 - Strengthening language and intent in a number of sections in relation to gender equity and social inclusion in sport.
 - Including a Fair Access Action Plan with at least one measurable target
- **Undertake a wholistic review of the *Sporting Fees, Charges and Occupancy Agreements Policy* in 2025.**
This full policy review will include:
 - Consultation with community and stakeholders including sports clubs, relevant sporting associations and government departments.
 - Incorporating fair access principles and policy feedback from OWSR.
 - Considering and updating the performance subsidy program to ensure gender inclusion and diverse participation is incentivised more strongly.
 - Updating the access and allocation criteria to ensure casual, seasonal and annual agreements reflect Council and club commitments, and desired outcomes related to gender equity and inclusion.
 - Understanding and considering the foundations for relevant fees and charges and formulas.
 - Developing an implementation plan through to 2027 that includes education and support for sports clubs.
- **Review and update the *Outdoor Sports Infrastructure Framework (OSIF)* – OSIF was updated with an increased focus on gender inclusion in 2022 but not submitted for endorsement by Council. Officers propose a further review and update to OSIF to ensure it fully supports and is aligned with an updated *Sporting Fees, Charges and Occupancy Agreements Policy*.**
- **Improve sports participation data collection** – there is a need to improve sporting participation data collection, particularly in relation to gender and communities at risk of exclusion, as well as capture information about other forms of participation including committee roles, coaching and officiating. Officers will consider how best to capture and track this information, efficiently and effectively.

TOWARDS GENDER EQUALITY FOR COMMUNITY SPORT IN DAREBIN

- **Deliver a workshop/s** in 2024-25 (as part of the policy action plan) to bring local clubs and sporting bodies together to understand and educate them on the Fair Access Policy Roadmap, challenges and opportunities to aspire to gender-equitable access and use for Council's sporting facilities. This would be expanded to include sports clubs based at Council's stadiums and leisure facilities.
- **Support Darebin sports clubs to develop women and girls action plans to implement change.**
As a follow up to the workshop:
 - Council officers support each club to develop an action plan with initiatives to support women and girls' participation on- and off-field, and welcoming and inclusive environments.
 - Council partner with local sports leagues and SSAs on sport specific development and training programs, events, activations and promotions that educate and support clubs relating to gender equity, women and girls on- and off-participation, scheduling, etc.
- **Consider embedding Fair Access principles** into relevant documentation including Club Kit, lease and license agreements.
- **Identify champions of change in the Darebin sports community** – identify and leverage success stories of individuals, teams and clubs that champion gender equality. This could be used in club forums, social media and enewsletters to help bring the community and sports clubs on this journey in a positive way.



Sporting Fees, Charges and Occupancy Agreement Policy

Adopted 2014,
Revised 2016,
Amended 2024

Policy Owner/ Sponsor	Manager Recreation and Libraries General Manager Community
Date Effective	1 September 2024
Next Review	2025
Version Number and Document ID	V6 (A7610646)



Section 1	Introduction
<p>Purpose</p>	<p>The <i>Sporting Fees, Charges and Occupancy Agreement Policy</i> (Policy) seeks to encourage and support participation, access and use of Darebin's community sports infrastructure and contributes to building a stronger, healthier and happier community where everyone is welcome, valued and respected.</p> <p>Council's <i>Towards Equality Framework</i> strengthens this Policy to support people and groups who experience discrimination and disadvantage, including Aboriginal and Torres Strait Islander peoples, children, older people, culturally and linguistically diverse people, migrants and refugees, women and girls, lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) people, people with a disability, young people and people experiencing poverty, including intergenerational disadvantage.</p> <p>This Policy aims to deliver a clear, consistent, transparent and equitable approach to allocating and charging applicable fees for the use of community sports and leisure sports fields/reserves, pavilions and facilities in the City of Darebin.</p>
<p>Scope</p>	<p>This Policy applies to the allocation and related occupancy agreements, fees and charges of Council's sports and leisure facilities, pavilions and ovals.</p> <p>The Policy's Performance Subsidy Program and allocation criteria supports Council to take positive action through tenant clubs and organisations to achieve equitable and inclusive access and participation, leadership and governance roles regardless of age, background or ability.</p>
<p>Objectives</p>	<p>Council resolved this Policy for fees, charges and occupancy agreements for Council-owned sporting and recreational venues based on the following broad objectives:</p> <ul style="list-style-type: none"> • To provide greater transparency and correspondence between the fees that are levied and the venue facilities provided. • To provide incentives for sporting clubs to achieve increased participation focused on social inclusion and gender equity, good governance and financial sustainability targets. • To balance the need for sustainable and equitable revenue collection with incentives to achieve participation targets. • To encourage shared use of sporting infrastructure by other community groups. • To reflect the organisation's capacity to generate revenue, and make sustainable payments for venue access, and to encourage capital co-contributions. <p>To achieve these objectives, this Policy was developed and is based on the size and quality of the venue provided and incorporates performance subsidies targeting increased social inclusion and participation by people and groups who experience discrimination and disadvantage, while rewarding good governance and financial sustainability.</p>
<p>Background</p>	<p>Participation in sport and recreation has a number of benefits which address Council's Health and Wellbeing Priorities including the impacts of sedentary lifestyle and physical health, mental health and wellbeing, loneliness and social isolation, and community safety.</p> <p>Darebin City Council caters to a wide range of sports and currently maintains a diverse portfolio of outdoor sporting venues.</p>



Section 1	Introduction
<p>Background</p>	<p>These include:</p> <ul style="list-style-type: none"> • 29 outdoor sporting reserves servicing outdoor sports such as cricket, Australian rules football, soccer and rugby. • 2 lawn bowling facilities. • 1 outdoor asphalt track cycling velodrome. • 8 tennis facilities comprising 41 separate courts. • 1 six-lane athletic track with provision for jumps, javelin and shot-put field events. • 1 baseball facility with one hard surface and one turf diamond. • 1 hockey facility with synthetic pitch. • 7 outdoor netball courts. <p>The Policy sets out the fees applicable for the hire of all sports and leisure facilities, pavilions and ovals within the City of Darebin.</p> <p>The sports ground fee structure used for this policy assumes the recovery of a percentage (approximately 15%) of the maintenance costs for the reserve.</p> <p>A suite of occupancy agreements have been created to meet the needs of user groups while providing Council with a level of monitoring and control with respect to user performance and community access.</p>

Section 2	Policy Statements
<p>Casual Bookings & Occupancy Agreements</p>	<p>Casual use agreements and allocations allow persons or organisations to use parkland, buildings and sporting facilities for a one-off or limited number of daily usages.</p> <p>Casual access eligibility criteria</p> <p>To be eligible for a casual occupancy agreement:</p> <ul style="list-style-type: none"> • Applicant must be an incorporated body with an appropriate level of public liability insurance. • Access must be for the purposes of sport and recreation or other use deemed appropriate by Council. <p>Key access conditions</p> <ul style="list-style-type: none"> • Access between 9am and 4pm unless otherwise approved in writing by an appropriate Council officer. • Access to grounds will be subject to ground condition, relevant ground usage caps and availability. • Access to the playing surface and public toilets only. • No access to change rooms and amenities unless negotiated with an appropriate Council officer and the tenant club. • Approved casual access will also be subject to Sporting Reserves Conditions of Use Casual Ground Hire. <p>Fees for casual access</p> <p>Casual access fees are based on the following bookable venue types:</p> <ul style="list-style-type: none"> • Turf ovals or pitches – Neighbourhood, Local, District or Regional. • Athletics track at Edwardes Lake Park, Reservoir. • Hockey pitch at KP Hardiman Reserve, Kingsbury.



Section 2	Policy Statements
<p>Casual Bookings & Occupancy Agreements</p>	<ul style="list-style-type: none"> Outdoor netball courts at JE Moore Park, Merri Park. Tennis courts at McDonnell Park, Northcote. <p>Fee structures are determined by hiring organisation type:</p> <ul style="list-style-type: none"> Community group, club or organisation. Commercial or elite organisations or clubs. Local schools – no charge. <p>It should be noted that:</p> <ul style="list-style-type: none"> Synthetic surface charges reflect the higher replacement and maintenance costs associated with the venues and are in line with similar fees charged by other Councils. Fees are reviewed and set annually as part of Council’s budget process and published on Council’s website.
<p>Seasonal Occupancy Agreements</p>	<p>Seasonal agreements allow persons or organisations to use parkland, buildings and sporting facilities for the duration of a winter and/or summer season of competition over a period of six to twelve months. Seasonal changeover occurs annually in March (summer to winter) and September (winter to summer).</p> <p>The seasonal agreement is the preferred base arrangement for sporting club access to facilities in Darebin, with conditions outlined in Darebin’s Club Kit.</p> <p>Seasonal access eligibility criteria</p> <p>To be eligible for a seasonal occupancy agreement allocation:</p> <ul style="list-style-type: none"> Applicant must be an incorporated body with an appropriate level of public liability insurance. Applicant’s previous utilisation of facilities must have conformed to Council’s behavioural, maintenance, waste and litter management expectations, strategic priorities including fair access and Club Kit Conditions of Use. Applicant must have no unpaid user charges. This includes utilities, ground fees and overdue capital co-contributions. Applicant must be registered with and play within a competition run or sanctioned by the relevant State Sporting Association (SSA). Applications by deliverers of junior development or starter programs (e.g. AFL Auskick, Cricket Blast, Soccer Mini Roos) may be submitted and processed under the umbrella of an affiliate tenant club. <p>Priority for allocation of seasonal access agreements</p> <p>Where there is a competing demand for access to a particular sporting facility, allocation will be determined by a panel of Council officers convened by the Senior Coordinator Recreation and Leisure.</p> <p>Allocation will be guided by the following criteria:</p> <ul style="list-style-type: none"> Proportion of participants residing in Darebin. This criterion will attract a weighting of 35%. Demonstrated inclusive practice and increasing participation of under-represented target groups from Council’s <i>Towards Equality Framework</i>. This criterion will attract a weighting of 50%. Capital contributions made to developing and improving the facility within the past four seasons. This criterion will attract a weighting of 15%.



Section 2	Policy Statements
<p>Seasonal Occupancy Agreements</p>	<ul style="list-style-type: none"> Not-for-profit community groups will be given priority of access over any commercial applicants. <p>Ground allocations encourage sharing resources, space and/or times of use where the demand for facilities is strong.</p> <p>Fees for seasonal access</p> <p>The fee structure for seasonal access is based on three components – a pavilion access charge plus a ground charge that forms the base fee. The base fee may be reduced by a performance subsidy component.</p> <p>The diagram below demonstrates how seasonal fees are calculated.</p> <div data-bbox="496 734 1145 853" data-label="Diagram"> <p style="text-align: center;"> Pavilion access charge + Ground charge - Performance subsidy = Total fee </p> </div> <p>Pavilion Access charge</p> <p>The pavilion access charge establishes a link between the fees paid by the user group and the quality, amenities and size of the pavilion.</p> <p>A figure of 0.15 per cent of the building’s insurable value has been calculated to retain revenue recoup of approximately 15 per cent of maintenance. Larger, better-appointed facilities record a higher value and, therefore, attract a higher pavilion access charge.</p> <p>User groups accessing sporting pavilions on a seasonal basis will pay 50 per cent of the annual pavilion access charge where access is limited to a summer or winter season.</p> <p>To further encourage sharing of pavilion facilities, the pavilion access charge will be apportioned between sharing parties where pavilion facilities are co-tenanted in the same season. Apportionment will be based on the number of user groups using the facility simultaneously.</p> <p>The insurable value of Council owned buildings is reviewed annually by Council officers.</p> <p>Ground charge</p> <p>Ground charges reflect the amenity, service level and support infrastructure at each category level of the reserve hierarchy. All grounds in the City of Darebin have been assigned a ground rating and respective fee by Council:</p> <ul style="list-style-type: none"> Regional District Local Neighbourhood <p>For each ground rating, there are four fee types based on the number of tenants sharing the use of the ground and/or facility:</p> <ul style="list-style-type: none"> Sole use – 100% of the fee. Shared use – 75% of sole use fee. Additional oval sole use – 50% of sole use fee. Additional oval shared use – 38% of sole use fee. <p>It should be noted that:</p> <ul style="list-style-type: none"> Fees are reviewed and set annually as part of Council’s budget process and published on Council’s website. Council may re-classify grounds to Regional Level and levy the associated ground fees where facilities are required to be prepared to premier or



Section 2	Policy Statements															
<p>Performance Subsidies</p>	<p>state-level competition standards – i.e. National Premier League (NPL), Victorian Football League (VFL) and Victorian Premier Cricket (VPC).</p> <p>Upon clubs meeting specific performance requirements, they become eligible for performance subsidies. The level of performance subsidy applicable is based on the following criteria:</p> <ol style="list-style-type: none"> 1. Women and girls' participation 2. Inclusive participation 3. Participation 4. Women's committee and capacity building 5. Club Governance 6. Council Engagement 7. Community Engagement <p>Sporting fee performance subsidy application process</p> <p>Tenant clubs will be annually assessed for performance subsidies based on the criteria. Clubs will be required to complete an online sporting fee performance subsidy application form by the specified due date to determine the performance subsidy applicable for each season.</p> <p>Council officers will assess and score club performance against the criteria to determine the subsidy level (discount) and fees payable for a season.</p> <p>Note:</p> <ul style="list-style-type: none"> • Late applications will not be accepted, unless an extension has been granted by Council officers. • Evidence must be provided where required. • All membership/participation data must relate to the current playing season. • Any activities recorded must have been undertaken in the past 12 months. • Council officers maintain the final right of authority in determining the subsidy level (discount) and fees due. <p>Scoring</p> <p>Based on the assessment criteria, tenant clubs will receive a total score, and the level of performance subsidy for which the group may be eligible will depend on the number of points gained. The levels of performance subsidy discount are shown below.</p> <p>Levels of fee subsidies</p> <table border="1" data-bbox="496 1624 1059 1863"> <thead> <tr> <th>Level</th> <th>Score</th> <th>Fee subsidy</th> </tr> </thead> <tbody> <tr> <td>Gold</td> <td>85+</td> <td>50%</td> </tr> <tr> <td>Silver</td> <td>70-84</td> <td>25%</td> </tr> <tr> <td>Bronze</td> <td>55-69</td> <td>10%</td> </tr> <tr> <td>No subsidy</td> <td>0-54</td> <td>0%</td> </tr> </tbody> </table> <p>Eligibility for subsidies</p> <ul style="list-style-type: none"> • Community sporting clubs with seasonal, licence or lease sporting occupancy agreements with Council are eligible. • Only not-for-profit community sporting clubs are eligible to apply for, and receive, performance subsidies. 	Level	Score	Fee subsidy	Gold	85+	50%	Silver	70-84	25%	Bronze	55-69	10%	No subsidy	0-54	0%
Level	Score	Fee subsidy														
Gold	85+	50%														
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Section 2	Policy Statements										
<p>License Agreements</p>	<p>A licence is a form of permission to enter and use land or a facility for an agreed purpose for a stated period. The licensee does not have exclusive use of the facility, allowing Council to allocate to other user groups at different times and for access by the general public.</p> <p>Licence Agreement access eligibility criteria:</p> <p>A licence will be the preferred arrangement where user groups:</p> <ul style="list-style-type: none"> • Have an exemplary access history over at least five seasons, including gender inclusive equitable access and inclusive participation outcomes. • Wish to secure a longer period of tenancy in exchange for a partnership program or capital contribution to develop a facility. Capital contributions made by the club towards a project must be paid in full before the commencement of the project. • Demonstrate financial resources to ensure continued operational viability and sustainability. • Not-for-profit community groups will be given priority of access over any commercial applicants. <p>Length of tenure</p> <p>License agreements will be for a standard period of three years, with options to extend for a further one or two periods of three years (3 + 3 or 3 + 3 + 3). This will depend on the duration of the partnership program and/or the extent of capital contribution.</p> <p>The following contribution threshold will be used to determine the length of tenure for longer-term license agreements:</p> <table border="1" data-bbox="520 1240 1129 1473"> <thead> <tr> <th>Capital contribution</th> <th>Length of agreements</th> </tr> </thead> <tbody> <tr> <td><\$10,000</td> <td>Season</td> </tr> <tr> <td>\$10,000 - <\$50,000</td> <td>Three years</td> </tr> <tr> <td>\$50,000 - \$100,00</td> <td>Six years</td> </tr> <tr> <td>Over \$100,000</td> <td>Nine years</td> </tr> </tbody> </table> <p>Where clubs negotiate longer-term agreements based on participation partnership programs, the tenure of the agreement would match the expected duration of the participation program.</p> <p>Fees for licenced access</p> <p>Fees for licenced access to sporting facilities are calculated as per seasonal access above.</p> <p>Fees are reviewed and set annually as part of Council's budget process and published on Council's website.</p> <p>Maintenance obligations for tennis and sporting club tenants of tennis courts and synthetic playing surfaces</p> <p>Tennis or sporting club tenants of tennis or synthetic playing surfaces have specific maintenance and capital infrastructure obligations, in some cases in partnership with Council.</p> <p>The tenant club and Council have specific obligations to maintain, repair or renew assets such as court/synthetic surfaces, sports lighting, fencing and gates.</p>	Capital contribution	Length of agreements	<\$10,000	Season	\$10,000 - <\$50,000	Three years	\$50,000 - \$100,00	Six years	Over \$100,000	Nine years
Capital contribution	Length of agreements										
<\$10,000	Season										
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Over \$100,000	Nine years										



Section 2	Policy Statements
	<p>These are to be clearly outlined in the respective License Agreement with Council.</p>
<p>Lease Agreements</p>	<p>A Lease is a contract under which a tenant (or lessee) is granted exclusive possession of property for an agreed period in return for rental fees.</p> <p>Leases will be restricted to a relatively small number of venues where single users, such as bowls clubs, have exclusive use or management responsibilities for the entire year.</p> <p>Leases are subject to relevant laws and regulations, in particular:</p> <ul style="list-style-type: none"> • The <i>Local Government Act 2020</i> legislates restrictions on the maximum duration of leases and specifies advertising requirements for leases of 10 years or more and for properties with rental fee value of more than \$100,000 per annum. • The <i>Retail Leases Act 2003</i> controls leases for premises that are used wholly or predominantly for retail goods and services. <p>Lease agreement access criteria</p> <p>Eligibility for the granting of lease agreements will be determined by the following:</p> <ul style="list-style-type: none"> • Where the facility is occupied by one user group exclusively. • That the organisation is a legal entity registered under appropriate legislation such as the Associations Incorporations Act 2012. • That the organisation has an Australian Business Number (ABN). • That the organisation is financially viable, with annual financial statements provided to Council, audited according to relevant legislative requirements. • That the organisation complies with relevant legislation governing its activities and holds any licenses or registration certificates required for continued operation. • That the organisation has a committee or team of management and appropriate governance arrangements with established accountability and reporting methods to the Council, its members and/or the community. • That the organisation has a business plan for the period of the lease detailing current and projected access hours, participation and memberships, social inclusion and gender equity initiatives, revenue and expenditure forecasts. • That there are reasonable grounds to believe a need or demand exists for the service or activity to be provided. • That the facility use is consistent with Council's vision, mission and goals as stated in the Council Plan. • That the service or activity can be accessed by groups targeted in Council's <i>Towards Equality Framework</i>, with strategies in place to review and remove barriers to participation. • That the proposed use of the facility is suitable for the nature and location of the site. <p>Length of tenure</p> <p>Length of tenure will be negotiated taking into account the particular circumstances of the facility and tenant, including capital investment and long-term planning, and the intended use of the facility in line with the vision and goals</p>



Section 2	Policy Statements												
<p>Lease Agreements</p>	<p>of the Council Plan and Leisure Strategy. Length of tenure will be guided by the following principles:</p> <ul style="list-style-type: none"> The preferred lease term will be five years. Terms longer than five years may be offered where a prospective tenant invests or has invested significantly in a fixed asset (such as a building or playing surface) and/or assumes a portion of maintenance of the asset. The term offered will be calculated with reference to the projected asset life and the capital contribution by the tenant. Options to extend will be broken into periods of no longer than five years, with options for the tenant to review on the same terms and conditions dependent on meeting community benefit criteria and continued demand for the activity and service. Terms up to ten years or longer may be offered for categories of tenants who do not meet these criteria but are identified by the Council from time-to-time as requiring long-term planning certainty. <p>Fees for lease access</p> <p>The rental fees for lease access will be calculated as per the following table.</p> <table border="1" data-bbox="497 990 1179 1335"> <thead> <tr> <th>Category</th> <th>Users type</th> <th>Basis for rental calculation</th> </tr> </thead> <tbody> <tr> <td>Category 1</td> <td>Lease for commercial purposes only – no community benefit</td> <td>Market rental plus 50% for loss of community benefit</td> </tr> <tr> <td>Category 2</td> <td>Lease for commercial purposes with community benefit</td> <td>Market rental – no discount</td> </tr> <tr> <td>Category 3</td> <td>Lease for non-profit community use</td> <td>As per Seasonal and Licence Agreements</td> </tr> </tbody> </table>	Category	Users type	Basis for rental calculation	Category 1	Lease for commercial purposes only – no community benefit	Market rental plus 50% for loss of community benefit	Category 2	Lease for commercial purposes with community benefit	Market rental – no discount	Category 3	Lease for non-profit community use	As per Seasonal and Licence Agreements
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Category 1	Lease for commercial purposes only – no community benefit	Market rental plus 50% for loss of community benefit											
Category 2	Lease for commercial purposes with community benefit	Market rental – no discount											
Category 3	Lease for non-profit community use	As per Seasonal and Licence Agreements											
<p>Miscellaneous Charges</p>	<p>Utility charges</p> <p>All tenant clubs will continue to be responsible for the payment of utilities in accordance with the occupancy agreement terms and conditions.</p> <p>Security bonds</p> <p>A key security bond of \$50 will be payable for casual users wishing to be issued a key to public toilets attached to pavilions, repayable on the return of keys.</p> <p>A security bond of \$400 per season will be payable by seasonal and licence agreement holders as an incentive for user groups to maintain venues in good order. The bond will be repaid at the completion of the season following the return of all keys, an inspection of the venue and a review of the club's record of behaviour.</p> <p>Where a security bond is revoked due to behavioural issues, non-return of keys or unsatisfactory cleaning or maintenance, the bond will be increased by \$100 in the following season. Clubs with a continual poor record may be denied a ground allocation in the following season.</p>												



Governance	
Parent Strategy/ Plan	Leisure Strategy
Related Documents	<p>This Policy complements other key Council strategic documents for the delivery of sport and recreational opportunities across the municipality. These include:</p> <ul style="list-style-type: none"> • <i>Leisure Strategy</i> • <i>Outdoor Sports Infrastructure Framework</i> • <i>Council Plan</i> including Municipal Health and Wellbeing Plan • <i>Breathing Space – The Darebin Open Space Strategy</i> • <i>Toward Equality Framework</i>
Supporting Procedures and Guidelines	<ul style="list-style-type: none"> • <i>Club Kit: A guide for sports clubs in Darebin</i> for operational procedures and processes relating to sporting allocations and agreements, fees and charges.
Legislation/ Regulation	<p>This Policy enables integration of relevant requirements of the:</p> <ul style="list-style-type: none"> • <i>Local Government Act 2020</i> • <i>Gender Equality Act 2020</i> • <i>Retail Leases Act 2003</i> • <i>Public Health and Wellbeing Act 2008</i> • Tenants are legal entities registered under appropriate legislation such as the <i>Associations Incorporations Act 2012</i> • and other relevant legislative frameworks.



Addendum: 2024-25 Action Plan				
Actions	Fair Access principle/s	Timeframe	Key Performance Indicator (KPI)	Responsibility, Stakeholder/s
<p>Sports Club Education:</p> <p>Educate and communicate to sports clubs Fair Access principles, gender equity challenges in sport, and practical examples of implementation of change.</p>	3, 5	2024-25	<p>Deliver 1 sport development workshops on Fair Access Policy Roadmap and gender equity in community sport</p> <p>90% of Darebin tenant sports clubs attend</p> <p>5+ of Darebin non-tenant sports clubs attend</p> <p>3+ relevant articles in The Leisure Review</p> <p>1+ relevant item on Darebin webpage</p>	<p>Recreation Development Officer</p> <p>All sports clubs in Darebin</p>
<p>Sports Club Gender Action Plans:</p> <p>Each sports club supported to develop a Gender Action Plan to support women and girls participation as an outcome from sport club development workshops</p>	5, 6	2024-25	<p>Each (65) tenant club with a seasonal, license or lease agreement provided support to undertake and submit a gender impact assessment as part of their allocation or performance subsidy application.</p> <p>At least 40% of tenant clubs develop a gender action plan and submit via IMS by June 2025.</p>	<p>Recreation Development Officer</p> <p>Tenant sporting clubs</p>
<p>Capacity Building Partnerships:</p> <p>Initiate partnerships with leagues and SSAs to support and educate clubs on gender inclusivity, connect to training/accreditation and leadership courses/programs.</p>	5	2024-25	<p>Initiate partnership discussions with Football Victoria, AFL, Cricket Victoria, Tennis Victoria, Proud to Play, VicSport.</p> <p>Identify and promote 3+ women's training and leadership programs to sports clubs if available.</p>	<p>Recreation Development Officer</p> <p>State Sporting Associations, local leagues and industry bodies.</p>
<p>Champions of Change:</p> <p>Highlight success stories in gender equity in sport through social media and The Leisure Review.</p>	4	2024-25	<p>Create and publish at least 4 articles and/or videos by June 2025.</p>	<p>Recreation Development Officer</p> <p>Sports clubs</p>
<p>Supporting Increased Participation:</p> <p>Support sport clubs to deliver gender inclusive participation, good governance, and safe and welcoming environments.</p>	1, 3	2024-25	<p>Partner with or develop 1+ campaigns, event or activation to encourage increased participation</p> <p>4+ sports club driven programs in Get Active in Darebin to target women and girls' sport.</p>	<p>Recreation Development Officer</p> <p>Participation and Inclusion Officer</p> <p>Sports clubs</p>

**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
Option 1 Supplier declaration without compliance check. (Appendix B)	<p>A – Supplier Declaration becomes a mandatory criterion</p> <p><i>Submission scored as a Pass or Fail.</i></p> <p>Pass - progresses to Evaluation stage.</p> <p>Fails - disqualified from Evaluation stage.</p> <p>(no submission or no response including reference to a generic statement on company website)</p> <hr/> <p>B – Supplier Declaration becomes a scored criterion (10% weighting)</p> <p><i>Submission scored as a 10 for submission and 0 for no submission</i></p> <p>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.</p>
Option 2 Outsourced Assessment by specialised consultant. (10% weighting)	<p>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.</p> <p>The self-declaration would be provided to the consultant for further review and direct engagement with supplier, if deemed necessary.</p>
Option 3 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.
-

BACKGROUND / KEY INFORMATION

Reviewed in 2021, Council's Social and Sustainable Procurement Policy (**Policy**) vision is to achieve social, economic, and environmental value and benefit for our community in line with the *Victorian Local Government Act 2020 ("Act")*. Implementation of Council's Policy requires a balanced approach which needs to consider each of these principles, and work within commercial laws.

The current Policy meets the requirements of s108 (1) and (2) by specifying the following principles irrespective of the value and complexity of that procurement:

- Value for Money;
- Sustainability (social, economic and environmental);
- Open and fair competition;
- Accountability;
- Risk management; and
- Probity and transparency

To achieve this vision, customised evaluation criteria are tailored to considered contracts which address opportunities to ensure Council procurement decisions incorporate social, environmental, and local economy considerations.

However, the time required for the Policy review has impacted the two tenders referred to in **Appendix A** with serious business continuity issues and financial risks.

Previous Council Resolution

At its meeting held on 26 February 2024, Council resolved (in part):

That Council:

- 1) *Receives and notes the response to the Urgent Business Item from the Ordinary Council Meeting held on 18 December 2023 to explore options for Council to consider ending contracts with companies and suppliers that support the illegal occupation of Palestine or profit from it, especially companies which supply equipment to the Israeli Defence Force.*
- 2) *Acknowledges 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.*
- 3) *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.*
- 4) *As part of the review of the Social and Sustainable Procurement Policy, undertake significant consultation including with relevant Advisory Committees including the Darebin Interfaith Council.*
- 5) *Ends the contract at expiry.*
- 6) *Authorises the CEO to make any transitional arrangements necessary to meet business needs during procurement of new contracts and report back to Council on any risks or delays.*

At its meeting held on 18 December 2023, Council resolved (in part):

'That Council....

- (6) Notes that boycotts, divestment, and sanctions are legitimate, non-violent tactics used by individuals, organisations, and governments to pressure foreign governments over human rights abuses and war crimes, including the illegal occupation of Palestinian territories.*
- (7) Receives a report at the next Council meeting to explore options for Council to consider ending contracts with companies and suppliers that support the illegal occupation of Palestine or profit from it, especially companies which supply equipment to the Israeli Defence Force.*

This matter 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

1.8 We will work towards a discrimination-free, and systemic racism-free Darebin, and reduce the impact of poverty and disadvantage

DISCUSSION

Policy challenges and effectiveness

Local The options outlined in the paper are all designed to meet Council's obligations under the Government Act. Other than the 'no change' option, these all send market signals to suppliers and potential suppliers. They use the procurement process to preference suppliers that deliver the social outcomes sought in Council's resolution.

Given the complexity and interconnected nature of global supply chains, none of the options identified is expected to be fully robust. No option has been identified that would achieve this. Note also that Council's ability to consider tenderers responses relates to the legal entity that submits a tender.

Procurement approach

- Two separate open market tenders are proposed to be undertaken through a transparent and competitive process in accordance with the current Policy and any process selected by Council as a result of this report. Three options have been described below for the Council's consideration, including option 3 which applies Council's current policy with no change.
- A declaration approach (**Appendix B**) is proposed for options 1 and 2 in order to seek assurance from all suppliers on the extent to which the supplier has direct affiliation or association with international military forces (government or non-government), manufacturer or weapons used in war, and organisations that benefit from illegal occupation and human rights abuses.
- Evaluation of the tender submissions would be undertaken in accordance with normal procurement practices whereby each submission would be assessed and scored against selection criteria resulting in a preferred tenderer recommendation.

Declaration approach and interpretation of resolution

Based on Council's resolution, an assurance in the form of a declaration is proposed to be sought from all suppliers in Options 1 and 2 as follows:

That "The supplier does not have a direct affiliation or association with international military forces (government or non-government), manufacturer of weapons used in war, and organisations that benefit from illegal occupation and human rights abuses."

This declaration is interpreted to have the following meanings:

- **Direct affiliation or association:** this means a direct legal entity relationship between the suppliers either as a supplier, investor or receiver of goods/services etc. For the avoidance of doubt, this will exclude indirect relationships as holding companies, subsidiaries and other legal entity structures of the supplier based in Australia and/or overseas.

- **International military forces (government or non-government):** this means international military forces with the exception of the Australian Defence Force and its allies. Where a supplier has indicated a direct association or affiliation to the Australian Defence Force and/or its allies, the self-declaration would be considered as having no direct association or affiliation for scoring purposes and a score of 10% would be applied. Allies to Australia are defined via formal security relationships which may change from time to time. At time of writing these are identified at [Australia's security relationships – Parliament of Australia \(aph.gov.au\)](https://aph.gov.au) and include: bilateral security relationships including with the US, Japan and NZ. Allies do not include countries with which Australia has less formal security relationships such as dialogues or funding relationships.
- **Manufacturers of weapons used in war:** this means any manufacturer of weapons that supply international military forces (noting this excludes Australian manufacturers of weapons who supply the Australian Defence forces and/or its allies).
- **Illegal occupation and human rights abuses:** Will be interpreted in line with Victorian Charter of Human rights and Responsibilities (2006), Equal Opportunity Act (2010), Racial and Religious Tolerance Act (2001) and the Change or Suppression (Conversion) Practices Prohibition Act (2021).

Social Objectives Assessment Options

Various options have been provided in the table below, each option has identified risks and potential benefits to operationalise the Policy change.

Options	Implementation option	Pros	Cons
Option 1 Supplier declaration without compliance check. (Appendix B)	A – Supplier Declaration becomes a mandatory criterion <i>Submission scored as a Pass or Fail.</i> Pass - progresses to Evaluation stage. Fails - disqualified from Evaluation stage. (no submission or no response including reference to a generic statement on company website)	<ul style="list-style-type: none"> • Supplier declares compliance across their supply chain (declared and signed in accordance with Corporations Act authorisation). • After establishment could be managed within current Council resourcing. • Lowest implementation cost. • If passed, No impact on staff determining a supplier's eligibility to progress to Evaluation stage. • Suppliers will be asked to re-submit the declaration as part of the contract appraisal. If they fail during the contract management stage, then an exit process could start after an option to remedy the issue. 	<ul style="list-style-type: none"> • Suppliers may not provide a correct declaration as they do not have the ability to monitor across the global supply chain. • May prevent supplier for tendering for goods and services. • May prevent suppliers entering long term contract. • Without compliance checks during the contract term. • Likely a tenderer would proceed even if they don't have full information.
	B – Supplier Declaration becomes a scored criterion (10% weighting) <i>Submission scored as a 10 for submission and 0 for no submission</i> Score allocated within the within the overall 25% social/sustainable weighting as	<ul style="list-style-type: none"> • As above, and in addition: • All tenders go through to the evaluation stage. 	<ul style="list-style-type: none"> • Similar to above except that the approach creates a strong 'incentive' and 'weighting' for better suppliers rather than a 'knock out' approach. Minimises the risk of failing to identify any or many suppliers in some categories..

	stated in the current Policy. Subject to the interpretations of key words as noted in the report		
Option 2 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. The self-declaration would be provided to the consultant for further review and direct engagement with supplier, if deemed necessary.	<ul style="list-style-type: none"> • Technical assessment would remain with Council. • No additional in-house resources would be used to assess. • Due diligence will assess modern slavery and human rights 	Cost estimated of \$84,000 for specialist assessment services: <ul style="list-style-type: none"> • One off estimated establishment cost of \$36,000 • Estimated cost \$6,000-10,000 per tender assessment (\$48,000 total) • There remain challenges with verifying data - even expert assessments may be challenged with availability of independent evidence. • due diligence will assess only according to modern slavery and human rights incl. this specific resolution (not specific to the full resolution) • Procurement process expected to take longer, increasing business continuity risks and potential costs
Option 3 Current policy applied	No change to process	<ul style="list-style-type: none"> • No change 	<ul style="list-style-type: none"> • No change

CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

Financial Management

Procurement’s role in achieving value for money

Council’s Policy (Clause C) outlines the requirements of S108(2) of the Act and aims to:

- Seek to promote open and fair competition and provide value for money.
- Provide clear guidelines to the Council to allow consistency and control over procurement activities;
- Demonstrate accountability to ratepayers and residents;
- Provide guidance on ethical behaviour in public sector procurement;
- Demonstrate the application of best practice in procurement activities;
- Demonstrate the consideration of sustainability in procurement with respect to social, economic and environmental factors;
- Increase the probability of obtaining the best outcome for the municipal community when procuring goods and services; and
- Seek to undertake collaborative procurement in accordance with section 2.3.4 of the policy;

The competitive tender process undertaken would be in compliance with the policy and Local Government Act, 2020 framework primarily to ensure the process would deliver value for money in a fair, open and transparent manner.

Costs associated with delay in tendering

There is an urgent need to proceed to tender for business continuity and to mitigate significant risks including financial risks.

Risk of failing to attract any suppliers

For some categories of service or goods, where many suppliers are multinational, it may be hard for any suppliers to guarantee their global supply chain achieves Council's request. They may choose not to tender, and Council could struggle to attract competitive or any offers. If this were to occur in the tender process, a further report would be put to Council to consider how it wished to proceed.

Implementation costs of options

There are implementation costs associated with the options as highlighted above.

Community Engagement

In line with the February resolution officers have undertaken engagement with the Interfaith Committee and the Welcoming Cities Reference Group members to assist inform a review of the Social and Sustainable Policy.

No engagement has been undertaken in relation to the two specific upcoming tenders.

Other Principles for consideration

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

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

(d) strategic planning must identify and address the risks to effective implementation;

Service Performance Principles

(c) quality and costs standards for services set by the Council should provide good value to the municipal community;

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

There are no environmental sustainability considerations in this report.

Equity, Inclusion, Wellbeing and Human Rights Considerations:

The implementation of Council's Social and Sustainable Procurement Policy includes specific evaluation and assessment to the engagement of suppliers, vendors and partners will take into account equity, inclusion and wellbeing outcomes in the best interests of the Darebin community.

Economic Development and Cultural Considerations

The Social and Sustainable Procurement Policy aims to ensure Council receives quality and the value for money of the goods and services procured into a broader understanding of economic impact and economic value add.

Engagement of suppliers, vendors and partners that demonstrate corporate responsibility through social and environmental outcomes will continue to facilitate positive local economic outcomes. This will be strengthened through engagement with local businesses on how they can work with Council to achieve better community outcomes.

Operational Impacts

Operational impacts have been outlined in confidential **Appendix A**

Legal and Risk Implications

Detailed risk implications in relation to further delaying the procurement of these tenders have been outlined in the confidential Appendix A.


IMPLEMENTATION ACTIONS

Subject to Council decision based on proposed actions presented

RELATED DOCUMENTS

1. Social and Sustainable Procurement Policy 2021-2025

Attachments

- Appendix A - Upcoming Procurement Tenders Confidential (**Appendix A**) Confidential - enclosed under separate cover
- Appendix B Supplier Self Declaration (**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.

RETURNABLE SCHEDULE [X]

<u>Supplier Self Declaration Compliance Requirement</u>	
Respondents are requested to comply with the following: “Darebin City Council actively seek assurance from all suppliers by way of self-declaration on the extent to which the supplier does not have a direct affiliation or association with international military forces (government or non-government), manufacturer of weapons used in war, and organisations that benefit from illegal occupation and human rights abuses.”	
Question. 1. Does your organisation have a direct affiliation or association with: 1) <i>Any international military forces (government or non-government); and</i> 2) <i>Any manufacturer of weapons used in war.</i>	Response: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>(If “Yes” please provide more details below). Please add additional pages, if necessary.</i> <hr/>
2. Does your organisation benefit from illegal occupation and human rights abuses.	Response: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>(If “Yes” please provide more details below). Please add additional pages, if necessary.</i> <hr/>
Executed by [insert] in accordance with Section 127 (1) of the <i>Corporations Act 2001</i> : Legal company name: ACN: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> Signature of Director Print full name </div> <div style="width: 45%;"> Signature of Director/Company Secretary Print full name </div> </div>	

6. URGENT BUSINESS

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

In accordance with Section 66(2) of the *Local Government Act 2020*, Council may resolve to close the meeting to members of the public to consider the following items, deemed to be confidential in accordance with Section 3(1) of the Act for the reasons indicated:

7.1 Planning Matter - receipt of legal advice

This item is designated 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.

CLOSE OF MEETING TO THE PUBLIC

Recommendation

That in accordance with section 66(2) of the *Local Government Act 2020*, Council resolves to close the meeting to members of the public to consider the items designated confidential on the basis that the matters are confidential in accordance with Section 3(1) of the Act.

RE-OPENING OF MEETING TO THE PUBLIC

Recommendation

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


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
darebin.vic.gov.au

 **National Relay Service**
relayservice.gov.au

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service.

 **Speak your language**
T 8470 8470

العربية	Italiano	Soomalil
繁體中文	Македонски	Español
Ελληνικά	नेपाली	اردو
हिंदी	ਪੰਜਾਬੀ	Tiếng Việt