

Council Meeting

Agenda

Tuesday, 22 August 2023

Council Chamber - Civic Centre
and via Videoconference

Information for Councillors and the community

ACKNOWLEDGEMENT OF COUNTRY

Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nations as the Traditional Owners and Custodians of these lands. We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region. We proudly share custodianship to care for Country together.



COUNCIL VISION

Whether you live here or visit, you will see how much we care for country, how inclusive and connected our communities are, and how sustainable balanced growth makes this the best place in the world.

VALUE OF HISTORY

We acknowledge that history shapes our identities, engages us as citizens, creates inclusive communities, is part of our economic well-being, teaches us to think critically and creatively, inspires leaders and is the foundation of our future generations.

COUNCILLOR COMMITMENT

We'll be truthful, represent the community's needs, be positive and responsive and always strive to do better.

OUR COUNCILLORS

Billanook Ward: Tim Heenan
Chandler Ward: David Eastham
Chirnside Ward: Richard Higgins
Lyster Ward: Johanna Skelton
Melba Ward: Sophie Todorov

O'Shannassy Ward: Jim Child
Ryrie Ward: Fiona McAllister
Streeton Ward: Andrew Fullagar
Walling Ward: Len Cox

CHIEF EXECUTIVE OFFICER & DIRECTORS

Chief Executive Officer, Tammi Rose
Director Built Environment & Infrastructure, Hjalmar Philipp
Director Communities, Jane Price

Director Corporate Services, Andrew Hilson
Director Planning and Sustainable Futures, Kath McClusky

GOVERNANCE RULES

All Council and Delegated Committee meetings are to be conducted in accordance with Council's Governance Rules, which can be viewed at: <https://www.yarraranges.vic.gov.au/Council/Corporate-documents/Policies-strategies/Governance-rules>

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Members of the community can participate in Council meetings in any of the following ways:

- making a verbal submission for up to 5 minutes on matters not listed on the agenda.
- submitting a question.
- speaking for up to 5 minutes to a specific item on the agenda. For planning applications and policy issues, the Chair will invite one person to speak on behalf of any objectors and one person to speak on behalf of the applicant. For other matters on the agenda, only one person will be invited to address Council, unless there are opposing views. At the discretion of the Chair, additional speakers may be invited for items of large interest.
- speaking for up to 5 minutes to a petition to be presented at a meeting.

For further information about how to participate in a Council meeting, please visit: <https://www.yarraranges.vic.gov.au/Council/Council-meetings/Submissions-questions-petitions-to-Council>

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The Minutes produced after each Council Meeting form the official record of the decisions made by Yarra Ranges Council.

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CONTACT US

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YARRA RANGES COUNCIL

**AGENDA FOR THE 588TH COUNCIL MEETING TO BE HELD ON TUESDAY
22 AUGUST 2023 COMMENCING AT 7.00PM IN COUNCIL CHAMBER, CIVIC
CENTRE, ANDERSON STREET, LILYDALE AND VIA VIDEOCONFERENCE**

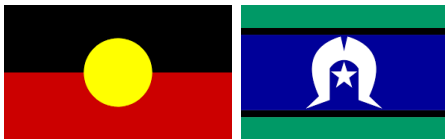
1. MEETING OPENED

2. ACKNOWLEDGEMENT OF COUNTRY

Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nations as the Traditional Owners and Custodians of these lands.

We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region.

We proudly share custodianship to care for Country together.



3. INTRODUCTION OF MEMBERS PRESENT

OUR COUNCILLORS

Billanook Ward: Tim Heenan
Chandler Ward: David Eastham
Chirnside Ward: Richard Higgins
Lyster Ward: Johanna Skelton
Melba Ward: Sophie Todorov
O'Shannassy Ward: Jim Child
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Director Built Environment & Infrastructure, Hjalmar Philipp
Director Communities, Jane Price
Director Corporate Services, Andrew Hilson
Director Planning & Sustainable Futures, Kath McClusky

4. APOLOGIES AND LEAVE OF ABSENCE

An apology for this meeting was received from Councillor Richard Higgins.

5. MAYORAL ANNOUNCEMENTS

6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Council Meeting held Tuesday 8 August 2023, as circulated, be confirmed.

7. CONFLICTS OF INTEREST

In accordance with Chapter 7, Rule 4, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

The Local Government Act 2020 defines two categories of conflict of interest:

- *a general conflict of interest, which is defined as "...a relevant person has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty", and*
- *a material conflict of interest, which is defined as "...a relevant person has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit may arise or the loss incurred (a) directly or indirectly; or (b) in a pecuniary or non-pecuniary form."*

In accordance with section 130 of the Local Government Act 2020, a conflict of interest must be disclosed in the manner required by the Governance Rules and the relevant person must exclude themselves from the decision-making process.

No Conflicts of Interest have been received prior to the Agenda being printed.

8. QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

In accordance with Chapter 3, Rules 57 and 59, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

A person may make a submission to Council on matters that are not listed on the Agenda. A submission may be on any matter except if it:

- (a) is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
- (b) is substantially the same as a submission made to a Council meeting in the preceding 12 months;
- (c) relates to confidential information as defined under the Act;
- (d) relates to the personal hardship of any resident or ratepayer; or
- (e) relates to any other matter which the Council considers would prejudice the Council or any person.

There were no Questions to Council received prior to the Agenda being printed.

9. PETITIONS

In accordance with Chapter 3, Rules 60, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

A person may submit a petition to Council on matters that are not listed on the Agenda. Every petition or joint letter submitted to Council must:

- a) identify a 'Lead Petitioner' who Council can correspond with;
- b) be legible and in permanent writing;
- c) be clear and state on each page the matter and action sought from Council. Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter;
- d) not be derogatory, defamatory or objectionable in language or nature;
- e) not relate to matters outside the powers of Council; and
- f) clearly state the names and addresses of at least seven (7) people who live, work, study or do business in the Municipal district.

There were no Petitions received prior to the Agenda being printed.

MUNICIPAL ASSOCIATION OF VICTORIA STATE COUNCIL - ENDORSEMENT OF MOTIONS

Report Author: Advocacy & Government Relationship Advisor

Responsible Officer: Chief Executive Officer

Ward(s) affected: (All Wards);

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

The Municipal Association of Victoria (MAV) will hold the next State Council meeting on Friday 13 October 2023. The MAV has called for councils to submit proposed motions to be considered at the meeting. If supported by the member councils, motions become resolutions and policy positions of the MAV.

RECOMMENDATION

That Council submit the following motions to the Municipal Association of Victoria (MAV) for consideration at the State Council meeting on Friday 13 October 2023:

- 1. That the MAV advocate to the Minister for Planning to consider permit exemptions for Rural Worker accommodation in the Green Wedge Zones and release of other reforms from the Planning for Melbourne's Green Wedge and Agricultural Land Review.***
- 2. That the MAV advocate to the Victorian Government to reinstate a broad strategic review of the School Crossing Supervisor Program, to address urgent outstanding issues, including***
 - (a) crossing supervisor staff shortages***
 - (b) regular unsupervised school crossings***
 - (c) unsustainable State Government funding model that puts increasing financial pressure on Councils.***
- 3. That the MAV advocate to the Victorian Government for a Maternal and Child Health Services policy that supports local government to implement a targeted service approach, as funding models and workforce challenges are preventing delivery of the full-service model.***

RELATED COUNCIL DECISIONS

Council submitted three motions to the last State Council meeting, held on 19 May 2023. All motions were endorsed by MAV members at the State Council meeting. The motions related to:

1. Support for the Public and Environmental Health sector to address workforce shortages and implement substantive changes in legislation and regulations.
2. Addressing critical sector-wide shortage in Statutory and Strategic Town Planning specialists.
3. Safety at public Council meetings, and the need for a coordinated response to managing disruptive and unsafe behaviour.

Links to Council papers - [Motions 1 and 2](#); [Motion 3](#)

DISCUSSION

Purpose and Background

State Council is the MAV's governing body and is made up of representatives from each member council. State Council's powers include:

- determining the Rules of the Association
- electing the President and other members of the Board
- determining the Strategic Direction
- appointing the Auditor.

State Council meets twice a year, or more if needed. The MAV calls for councils to submit motions approximately two months in advance of State Council.

As decisions of State Council constitute policy directions of the MAV and remain active until the issue is resolved, motions should relate to either new policy directions, or variations to existing policy directions.

The MAV Rules require that motions: be of state-wide significance to the local government sector; link to the strategic outcomes in the MAV Strategy 2021-25; not be identical or substantially similar to a motion submitted to State Council at any of the previous four State Council meetings; and not seek to endorse a motion to be put to the Australian Local Government Association National General Assembly.

When submitting a motion, Council is required to identify whether the motion is supported by a council resolution.

The MAV Strategy 2021-25 identifies six strategic outcomes:

1. Economically sound councils
2. Healthy, diverse and thriving communities
3. Well-planned, connected and resilient built environment
4. Changing climate and a circular economy
5. Sector capability and good governance
6. Effective and responsive MAV.

Options considered

Council has considered various emerging issues and strategic risks impacting Council as an organisation as well as the broader community, and the suitability of these matters for advocacy through MAV State Council.

Recommended option and justification

Of the strategic risks and issues currently impacting Council and the community, the proposed motions have been determined as appropriately matched to the advocacy opportunity presented by State Council, in terms of both timing and MAV’s submission criteria.

The rationale for each proposed motion is provided below.

1. Addressing planning barriers for regional workers accommodation.

Motion	That the MAV advocate to the Minister for Planning to consider permit exemptions for Rural Worker accommodation in the Green Wedge Zones and release of other reforms from the Planning for Melbourne’s Green Wedge and Agricultural Land Review.
Rationale	<p>A lack of worker accommodation has created significant problems for industries across Victoria, particularly for agricultural businesses that have struggled to attract both permanent and seasonal workers.</p> <p>The Victorian Government’s recent announcement of an additional \$150 million for regional workers accommodation will go some way to addressing this problem.</p> <p>However, accommodation shortages will remain, particularly in regional parts of peri-urban areas where rural worker accommodation is subject to a planning permit process in the Green Wedge zones.</p> <p>The Commonwealth’s Pacific Australia Labour Mobility scheme (PALM scheme) – which is critical to facilitating the agricultural industry’s seasonal workforce – requires that host farmers and labour hire companies comply with any regulations required by the state, territory or local government/council (for example fire safety, overcrowding).</p>

	<p>Furthermore, in 2022, the Public Health and Wellbeing Act 2020 definition of prescribed accommodation was expanded to include accommodation provided as part of a labour agreement. This means that all farmers that provide accommodation to seasonal workers as part of their working agreement must be registered under the Act and comply with the minimum standards for prescribed accommodation outlined in the Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020.</p> <p>These requirements make it clear what is expected of farmers and labour hire providers. Combined with the Victorian Government’s investment, there is an opportunity to significantly increase supply of compliant accommodation for seasonal workers.</p> <p>However, if barriers embedded in the planning system remain, it can reasonably be expected that:</p> <ul style="list-style-type: none"> • Key businesses and industries will be unable to benefit the Victorian Government’s investment in workers’ accommodation. • Accommodation supply will continue to fall short of need, meaning businesses may be unable to participate in Commonwealth programs such as the PALM Scheme. • Agricultural industries of local, statewide and national significance will struggle to meet demand for their products.
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2. Strategic review into the School Crossing Supervisor Program

<p>Motion</p>	<p>That the MAV advocate to the Victorian Government to reinstate a broad strategic review of the School Crossing Supervisor Program, to address urgent outstanding issues, including:</p> <ul style="list-style-type: none"> • Crossing supervisor staff shortages • Regular unsupervised school crossings • Unsustainable State Government funding model that puts increasing financial pressure on Councils.
<p>Rationale</p>	<p>The safety of children walking safely to and from school is a priority for us all. That’s why it is imperative that we have a school crossing system that works.</p> <p>However, a survey of 40 Victorian Councils revealed 97% of municipalities have school crossings that are unsupervised due to operational challenges. At these locations, children are crossing roads without assistance and where poor driver behaviour impacts safety.</p> <p>Additionally:</p> <ul style="list-style-type: none"> • 82% regularly face crossing supervisor staff shortages, and • 87% of Councils surveyed consider the system no longer fit for purpose.

	<p>In 2016, the Labor Government committed to a review of the school crossing program. This review was welcomed by Local Government who were eager to work with the government on addressing the shortcomings in the program, including the current funding arrangements.</p> <p>Unfortunately, this review has not progressed, and remains urgently needed. A broad strategic review should address the key outcomes the program intends on achieving and an updated model that:</p> <ul style="list-style-type: none"> • Considers other models of services used in other jurisdictions, and their potential application in Victoria. • Strengthens State Government funding contribution towards the School Crossing Service to ensure it remains sustainable and cost effective. • Supports addressing challenges in recruiting and retaining crossing supervisors. • Delivers safety improvements and increased use of technology in and around crossings. • Funds safety improvement initiatives, including infrastructure treatments. • Promotes safety around schools to the broader community and road users.
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3. Targeted approaches to delivering Maternal and Child Health services

Motion	That the MAV advocate to the Victorian Government for a Maternal and Child Health Services policy that supports local government to implement a targeted service approach, as funding models and workforce challenges are preventing delivery of the full-service model.
Rationale	<p>The State Upper House will soon be undertaking an Inquiry into Local Government Finances.</p> <p>A key component of the inquiry will be to examine councils' capacity to undertake statutory obligations, including Maternal and Child Health (MCH) services.</p> <p>There are persistent challenges facing MCH services, including chronic workforce shortages and unsustainable funding models that have increasingly shifted costs onto Councils, alongside increased obligations.</p> <p>While the sector has advocated on these issues, in line with recent MAV State Council resolutions, the Victorian Government has not effectively addressed them.</p>

	<p>For instance, the sector has advocated for an increase to Key Age and Stage (KAS) consultation times to accommodate the substantial volume of additional requirements introduced over the past decade, as well as restoration of the universal 50:50 funding agreement. While the Victorian Government confirmed an increase to consultation hours from 6.75 to 8 in the 2023-24 Budget, it has not increased the MCH unit cost. As such, there remains a growing cost gap for councils and strain on an already stretched workforce.</p> <p>Given these challenges, it is critical that the inquiry considers:</p> <ul style="list-style-type: none"> • The changing policy context for MCH services. • Developing a policy or framework that provides: <ul style="list-style-type: none"> ○ flexibility, and enables Councils to implement targeted service approaches that prioritise access to families likely to gain the greatest benefit. ○ direction and support to maintain services through other innovative means, such as reallocating some KAS responsibilities to kindergarten services with the expansion of three-year-old kinder. <p>It is our recommendation that the MAV elevate these critical services challenges and innovation opportunities through the process of the inquiry, so that councils can continue to deliver quality services that are sustainable into the future.</p>
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FINANCIAL ANALYSIS

There are no financial implications associated with submitting a motion to the State Council.

APPLICABLE PLANS AND POLICIES

Council's participation in MAV State Council contributes to following action in the Council Plan:

- Consolidate and strengthen advocacy through evidence and stronger relationships to ensure other levels of government are effectively and efficiently engaged to support local services and programs.

RELEVANT LAW

Not applicable.

SUSTAINABILITY IMPLICATIONS

Economic Implications

Motion 1 seeks to achieve planning reform outcomes that would support the delivery of accommodation for rural workers in Yarra Ranges. If this advocacy were successful, there is potential for the region to attract investment from the Victorian Government and other sources to construct accommodation needed to house workers across key industries, particularly agriculture.

Social Implications

Motion 2 addresses the sustainability of the Councils' School Crossing Supervisor (SCS) program. This program is highly valued in the community for enhancing the safety of children and families travelling to and from schools, across busy roads and intersections. However, the cost of the service has become increasingly unsustainable for Councils to maintain, and there are broad opportunities to review and reform the service that would ensure it can be sustained.

Motion 3 addresses the sustainability of Councils' MCH services. This free universal primary health service is available for all Victorian families with children from birth to school age. It provides a comprehensive and focused approach for the promotion, prevention and early identification of the physical, emotional and social factors affecting young children and their families. Despite the success of the service and the high regard in which it is held, over the past decade MCH services have come under increasing financial and service delivery pressures, raising concerns about the ongoing sustainability of the service without some fundamental changes to the service structure.

Environmental Implications

Motion 1 calls for planning reforms that would enable the delivery of more accommodation options for Rural Workers within Green Wedge Zones (GWZs). GWZs have a significant role to play in protecting the environmental values and sustainability in Yarra Ranges and other regions across Victoria. These values have been considered and protected throughout the development of the proposed reforms.

COMMUNITY ENGAGEMENT

As the submission of motions to State Council is operational in nature and presents to change to Council's strategic direction, community engagement was not undertaken on this matter.

An internal process has been undertaken with Officers and Councillors to identify potential motions for submission. The proposed motions must support Council's existing strategies and Council Plan, which have been developed through community consultation and deliberative engagement processes.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

Motions 2 and 3 reflect and build on policy and advocacy positions that have been developed collaboratively with other Councils, specifically:

- Motion 2 – School Crossing Supervisor Program – reflects the advocacy campaign for SCSP reform, led by Monash City Council, developed and launched in 2022.
- Motion 3 – MCH services – builds on past research and advocacy efforts undertaken with other Councils in the Eastern Metropolitan Region.

RISK ASSESSMENT

Motion 1 supports the mitigation of:

- Strategic Risk (SR31): Insufficient planning and support for future generations and vulnerable communities, leads to poorly planned communities, inadequate distribution of services and infrastructure and inappropriate land uses, resulting in low levels of amenity for and trust from the community.

Motions 2 and 3 support the mitigation of:

- Strategic Risk (SR27) Financial: Council's financial viability or long-term stability is compromised, resulting in negative impact to service and infrastructure delivery.

CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

ATTACHMENTS TO THE REPORT

Nil

MAYOR, DEPUTY MAYOR AND COUNCILLOR ALLOWANCES - REMUNERATION ADJUSTMENT

Report Author: Coordinator Governance
 Responsible Officer: Director Corporate Services
 Ward(s) affected: (All Wards);

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

The item is to be considered at a Council meeting that is open to the public.

SUMMARY

This report summarises the recent annual adjustment to allowances payable to Mayors, Deputy Mayors and Councillors which are set by the Victorian Independent Remuneration Tribunal (the Tribunal). The consolidated Determination has been included in Attachment 1.

The revised allowances payable to the Mayor, Deputy Mayor and Councillors takes effect 1 July 2023.

RECOMMENDATION

That Council

- 1. Receives and notes the Consolidated Tribunal Determination No. 01/2022 as attached to this report.***
- 2. Note the Mayor, Deputy Mayor and Councillor revised allowances have been applied from 1 July 2023.***

RELATED COUNCIL DECISIONS

At its meeting of 26 April 2022 Council noted the initial determination set by the Tribunal.

DISCUSSION

Background

On 7 March 2022, in accordance with section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 (Vic)* (VIRTIPS Act), the Tribunal made the Allowance Payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022 (the Determination).

The Determination applies to all Mayors, Deputy Mayors and Councillors (Council members) in all Victorian councils.

The Tribunal is required to make annual adjustments to the values of allowances. On 30 June 2023, the Tribunal made the Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Annual Adjustment Determination 2023. This Determination adjusted the values of allowances with effect from 1 July 2023.

The Tribunal determined a 2 per cent increase to the values of the base allowances payable to Mayors, Deputy Mayors and Councillors. A 2 per cent increase has also been applied to the base allowance values which take effect on:

- 18 December 2023
- 18 December 2024 (Mayors and Deputy Mayors only)
- 18 December 2025 (Mayors and Deputy Mayors only).

Allowance	Commencing 1 July 2023	Commencing 18 December 2023	Commencing 18 December 2024	Commencing 18 December 2025
Mayor	\$126,958	\$130,390	\$133,822	\$137,253
Deputy Mayor	\$63,480	\$65,195	\$66,910	\$68,626
Councillors	\$38,316	\$39,390	To be determined	To be determined

The Determination also increased the value of the remote area travel allowance by 2 per cent.

A consolidated version of the Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022, incorporating changes made by

the 2022 and 2023 Annual Adjustment Determinations, is included in Attached 1 to this report for reference.

Recommended option and justification

It is recommended that the Council note the annual adjustment to allowances, the first of which takes effect 1 July 2023.

This procedure is mandated by law and was introduced in accordance with the *Local Government Act of 2020*. It aims to ensure parity and an impartial outcome in the administration of Councillor allowances.

FINANCIAL ANALYSIS

Councillor and Mayoral allowances are included in Council's annual operational budget and have been included in the current 2023-2024 Council approved budget.

APPLICABLE PLANS AND POLICIES

The payment of allowances supports the Mayor, Deputy Mayor and Councillors to perform their respective roles, which enables them to contribute to the strategic direction of Council through the development and review of key strategic documents, including the Council Plan.

No regional, state or national plans and policies are applicable to the recommendation in this report.

RELEVANT LAW

The review of allowances has been undertaken in accordance with section 39 of the *Local Government Act 2020* and section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 (Vic)*.

SUSTAINABILITY IMPLICATIONS

There are no economic, social or environmental implications arising from the recommendation in this report.

COMMUNITY ENGAGEMENT

No community engagement has been undertaken by Council in relation to this report.

In accordance with section 24(1) of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 (Vic)*, the Tribunal published a notice indicating its intention to make a Determination and invited submissions. Three submissions in total were received and can be accessed via the Victorian Government Website or by using this link:

<https://www.vic.gov.au/submissions-2023-local-government-annual-adjustment-determination>.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

No collaboration with other councils, Government, or statutory bodies was sought by Council.

The Tribunal considers the financial position and fiscal strategy of the State of Victoria and considers trends as informed by the Victorian and federal budgets. The Tribunal also includes the latest key economic indicators published by the Australian Bureau of Statistics to ensure the outcomes of the determination align with current trends and can withstand future economic trends.

RISK ASSESSMENT

The review of allowances has been undertaken in accordance with section 39 of the *Local Government Act 2020* and section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 (Vic)*. No material risks arise from the recommendation in the report as the review has followed a statutory process and the financial impact has been included in Council's 2023-24 adopted budget.

CONFLICTS OF INTEREST

In accordance with regulation 7(1)(g) of the *Local Government (Governance and Integrity) Regulations 2020*, Councillors are prescribed an exemption from having a conflict of interest on matters relating to *'the payment of allowances to the Mayor, Deputy Mayor or Councillors as provided for under section 39(6) of the Act'*.

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

ATTACHMENTS TO THE REPORT

1. Determination No. 01/2022, incorporating changes made by the 2022 and 2023 Annual Adjustment Determinations

Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 (Vic)

Part 3—Determination of the allowance payable to Mayors, Deputy Mayors and Councillors.

Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022

[varied by [2022] DCMA 01 and [2023] DCMA 01]

The *Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022* was made on 7 March 2022. This consolidated version includes variations made on 8 December 2022 [[2022] DCMA 01] and 30 June 2023 [[2023] DCMA 01].



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Part 1 – Legal matters and definitions

1. **Title:** This Determination is the *Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022* and is made under Part 3 of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* (Vic) by the Victorian Independent Remuneration Tribunal.

2. **Effective date:** This Determination takes effect on 18 December 2021.

3. Definitions

3.1 Terms not defined in this Determination have the same meaning as in the *Local Government Act 2020* (Vic), unless the contrary intention appears.

3.2 In this Determination, unless the contrary intention appears:

Council member means a Mayor, Deputy Mayor or Councillor of a Council;

Eligible Local Governing Body means a Council whose Council members are employees for the purposes of *Superannuation Guarantee (Administration) Act 1992* (Cth) (as amended or replaced from time to time) and are entitled to Superannuation Guarantee Contributions under that Act, by virtue of the Council having made a resolution under section 446-5 of Schedule 1 of the *Taxation Administration Act 1953* (Cth) (as amended or replaced from time to time);

VIRTIPS Act means the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* (Vic);

Superannuation Guarantee Contribution means the minimum superannuation payments that an employer is required to make to a superannuation fund on an employee's behalf so as to avoid the superannuation guarantee charge under the *Superannuation Guarantee (Administration) Act 1992* (Cth) (as amended or replaced from time to time).

4. Coverage and application

- 4.1 This Determination sets the value of the amount of the allowance payable to Council members.
- 4.2 The value of the amount of the allowance payable to a Council member is comprised of two parts:
- (a) a base allowance, which varies according to Council allowance categories, set in Part 3 of this Determination
 - (b) subject to eligibility requirements, a Remote Area Travel Allowance set in Part 4 of this Determination.

Part 2 – Council allowance categories

5. Council allowance categories

- 5.1 In accordance with section 23A of the VIRTIPS Act, Schedule A of this Determination provides for a Council allowance category for each Council.
- 5.2 The value of the base allowance that a Council member is entitled to, set in Part 3 of this Determination, varies depending on the Council allowance category of their Council.

Part 3 – Base allowance for Council members

[varied by [2022] DCMA 01 and [2023] DCMA 01]

6. Council members entitled to a base allowance

- 6.1 Each Council member is entitled to a base allowance. A Council member is only entitled to receive one base allowance for any particular period of service.

7. Value of the base allowance for Mayors

[7.1 substituted by [2023] DCMA 01]

- 7.1 The values of the base allowances for Mayors are:
- (a) from 1 July 2023 until 17 December 2023, the values set out in Table 1
 - (b) from 18 December 2023 until 17 December 2024, the values set out in Table 2

(c) from 18 December 2024 until 17 December 2025, the values set out in Table 3

(d) from 18 December 2025, the values set out in Table 4.

[Tables 1–4 substituted by [2023] DCMA 01]

Table 1: Value of the base allowance for Mayors, by Council allowance category, 1 July 2023 until 17 December 2023

Council allowance category	Value of allowance (\$ per annum)
Category 1	79,492
Category 2	102,650
Category 3	126,958
Category 4 – Melbourne City Council	253,920

Table 2: Value of the base allowance for Mayors, by Council allowance category, 18 December 2023 until 17 December 2024

Council allowance category	Value of allowance (\$ per annum)
Category 1	81,641
Category 2	105,424
Category 3	130,390
Category 4 – Melbourne City Council	260,782

Table 3: Value of the base allowance for Mayors, by Council allowance category, 18 December 2024 until 17 December 2025

Council allowance category	Value of allowance (\$ per annum)
Category 1	83,789
Category 2	108,200
Category 3	133,822
Category 4 – Melbourne City Council	267,646

Table 4: Value of the base allowance for Mayors, by Council allowance category, from 18 December 2025

Council allowance category	Value of allowance (\$ per annum)
Category 1	85,937
Category 2	110,973
Category 3	137,253
Category 4 – Melbourne City Council	274,508

8. Value of the base allowance for Deputy Mayors

[8.1 substituted by [2023] DCMA 01]

8.1 The values of the base allowances for Deputy Mayors are:

(a) from 1 July 2023 until 17 December 2023, the values set out in Table 5

(b) from 18 December 2023 until 17 December 2024, the values set out in Table 6

(c) from 18 December 2024 until 17 December 2025, the values set out in Table 7

(d) from 18 December 2025, the values set out in Table 8.

[Tables 5–8 substituted by [2023] DCMA 01]

Table 5: Value of the base allowance for Deputy Mayors, by Council allowance category, 1 July 2023 until 17 December 2023

Council allowance category	Value of allowance (\$ per annum)
Category 1	39,746
Category 2	51,325
Category 3	63,480
Category 4 – Melbourne City Council	126,959

Table 6: Value of the base allowance for Deputy Mayors, by Council allowance category, 18 December 2023 until 17 December 2024

Council allowance category	Value of allowance (\$ per annum)
Category 1	40,819
Category 2	52,713
Category 3	65,195
Category 4 – Melbourne City Council	130,391

Table 7: Value of the base allowance for Deputy Mayors, by Council allowance category, 18 December 2024 until 17 December 2025

Council allowance category	Value of allowance (\$ per annum)
Category 1	41,894
Category 2	54,100
Category 3	66,910
Category 4 – Melbourne City Council	133,823

Table 8: Value of the base allowance for Deputy Mayors, by Council allowance category, from 18 December 2025

Council allowance category	Value of allowance (\$ per annum)
Category 1	42,969
Category 2	55,487
Category 3	68,626
Category 4 – Melbourne City Council	137,254

9. Value of the base allowance for Councillors

[9.1 varied by [2023] DCMA 01]

9.1 The values of the base allowances for Councillors are:

- (a) from 1 July 2023 until 17 December 2023, the values set out in Table 9
- (b) from 18 December 2023, the values set out in Table 10.

[Tables 9 and 10 substituted by [2023] DCMA 01]

Table 9: Value of the base allowance for Councillors, by Council allowance category, 1 July 2023 until 17 December 2023

Council allowance category	Value of allowance (\$ per annum)
Category 1	25,650
Category 2	31,980
Category 3	38,316
Category 4 – Melbourne City Council	57,473

Table 10: Value of the base allowance for Councillors, by Council allowance category, from 18 December 2023

Council allowance category	Value of allowance (\$ per annum)
Category 1	26,368
Category 2	32,877
Category 3	39,390
Category 4 – Melbourne City Council	59,085

Part 4 – Remote Area Travel Allowance

[varied by [2022] DCMA 01 and [2023] DCMA 01]

10. Remote Area Travel Allowance

[10.1 varied by [2022] DCMA 01 and [2023] DCMA 01]

10.1 If a Council member normally resides more than 50 kilometres by the shortest possible practicable road distance from the location or locations specified for the conduct of ordinary, special or committee meetings of the Council, or any municipal or community functions which have been authorised by Council resolution for the Council member to attend, the Council member is entitled to be paid an allowance of \$45.90 for each day on which one or more meetings or authorised functions were attended by the Council member, up to a maximum of \$5,738 per annum.

Part 5 – Other matters

11. Allowance inclusive of superannuation entitlements

11.1 The value of the allowance payable to a Council member is inclusive of any Superannuation Guarantee Contribution amount, or equivalent, that may be payable under Commonwealth law to the Council member with

respect to their service in that office (for example, due to the Council member's Council being an Eligible Local Governing Body).

12. Annual indexation of allowances

12.1 For the purpose of s. 23A(5)(b) of the VIRTIPS Act, the values of allowances set in this Determination will be annually adjusted by the Determinations made by the Tribunal under s. 23B of the VIRTIPS Act.

Schedule A — Council allowance category for each Council

[Tables in Schedule A varied by [2022] DCMA 01]]

Category 1

Category 1	
Alpine Shire Council	Mansfield Shire Council
Ararat Rural City Council	Mount Alexander Shire Council
Benalla Rural City Council	Murrindindi Shire Council
Buloke Shire Council	Northern Grampians Shire Council
Central Goldfields Shire Council	Pyrenees Shire Council
Corangamite Shire Council	Borough of Queenscliffe
Gannawarra Shire Council	Southern Grampians Shire Council
Hepburn Shire Council	Strathbogie Shire Council
Hindmarsh Shire Council	Towong Shire Council
Indigo Shire Council	West Wimmera Shire Council
Loddon Shire Council	Yarriambiack Shire Council

Category 2

Category 2	
Bass Coast Shire Council	Maroondah City Council
Baw Baw Shire Council	Mildura Rural City Council
Bayside City Council	Mitchell Shire Council
Campaspe Shire Council	Moira Shire Council
Colac Otway Shire Council	Moorabool Shire Council
East Gippsland Shire Council	Moyne Shire Council
Glenelg Shire Council	Nillumbik Shire Council
Golden Plains Shire Council	South Gippsland Shire Council
Greater Shepparton City Council	Surf Coast Shire Council
Hobsons Bay City Council	Swan Hill Rural City Council
Horsham Rural City Council	Wangaratta Rural City Council
Latrobe City Council	Warrnambool City Council
Macedon Ranges Shire Council	Wellington Shire Council
Maribyrnong City Council	Wodonga City Council

Category 3

Category 3	
Ballarat City Council	Knox City Council
Banyule City Council	Manningham City Council
Boroondara City Council	Melton Shire Council
Brimbank City Council	Monash City Council
Cardinia Shire Council	Merri-bek City Council
Casey City Council	Moonee Valley City Council
Darebin City Council	Mornington Peninsula Shire Council
Glen Eira City Council	Port Phillip City Council
Frankston City Council	Stonnington City Council
Greater Bendigo City Council	Whitehorse City Council
Greater Dandenong City Council	Whittlesea City Council
Greater Geelong City Council	Wyndham City Council
Hume City Council	Yarra City Council
Kingston City Council	Yarra Ranges Shire Council

Category 4 – Melbourne City Council

Category 4 – Melbourne City Council
Melbourne City Council

RECOMMENDATIONS - JAPARA REPORT

Report Author: Executive Officer Partnerships & Community Building
Responsible Officer: Director Communities
Ward(s) affected: Walling;

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

In line with Local Government Act, Section 9(2)(i) to ensure transparency of Council decisions, actions and information, this item is to be considered at a Council meeting that is open to the public.

SUMMARY

In December 2022 CMF Consulting was engaged to undertake a review of the funding and lease agreements between Council and Japara Inc (Japara). The scope of the review included the facilities and funding that make up the Kilsyth Community Hub managed by Japara Inc.

The review, including the final report was overseen by a Project Reference Group (PRG) comprising Council officers and Japara board representatives. The review recommendations propose changes to the lease agreements, increased facility operational funding and improved relationship management and governance. The review also includes proposed changes in ownership of assets and some changed responsibilities for maintenance of the Kilsyth Community Hub (the Hub).

The recommendations have financial implications for Council that relate to changed maintenance responsibilities and hub management arrangements for this and potentially future Council community hubs.

This report outlines a summary of the review findings and provides relevant recommendations.

RECOMMENDATIONS

That Council

1. ***Receive and note the summary of recommendations arising from the review of funding and facility agreements for the Kilsyth Community Hub and***
2. ***Endorse the development and alignment of a new lease and facility agreements between Council and Japara that incorporates:***
 - (a) ***An increase to the operational funding to Japara to manage the Hub on Council's behalf to \$85,000 per annum with annual increments based on the rate cap increase.***
 - (b) ***Improvements to performance KPIs and monitoring to enable improved management of the Hub relationship and outcomes.***
 - (c) ***Alignment of the Kilsyth Hub and the Bridge House leases in terms of timing and duration and alignment with the Neighbourhood House funding term.***
 - (d) ***Changes to reflect the actual maintenance costs and responsibilities of both parties.***

RELATED COUNCIL DECISIONS

At the 22 September 2022 meeting, Council endorsed the following:

1. Providing Japara Neighbourhood House Inc with a one-off stay of the funding reduction of \$4,579, proposed as part of the 2022 - 2026 Neighbourhood House Partnership Grant equalisation of funding process for all Neighbourhood Houses. Maintaining the Japara Neighbourhood House funding for Neighbourhood House activities at \$41,255 for the 2022-23 financial year.
2. Providing Japara Neighbourhood House Inc with a one-off stay of funding reduction of \$2,500 outlined in their Hub Management Partnership Funding Agreement (1 July 2018 - 30 June 2023), maintaining funding for 2022-23 financial year at \$70,000.
3. Undertaking a review of Yarra Ranges Council's financial, operational, and relational agreements and interactions with Japara Neighbourhood House to provide recommendations that support the ongoing viability of Japara Neighbourhood House and the services it provides to the community.

DISCUSSION

This report and the Hub Review findings have implications for ensuring appropriate funding to enable the Hub to thrive and support community development and other services to the community.

Purpose and Background

The facilities managed by Japara form a community Hub servicing Kilsyth, Montrose, and the broader Yarra Ranges community. Whilst neighbourhood house services are provided within this Hub, the management of the facilities, services and user groups within the Hub are more substantive than typical neighbourhood houses.

Following meetings and feedback from Japara in September 2021 and June 2022 regarding significant challenges being experienced by Japara due to COVID impacts, Council resolved to undertake a review of agreements between the parties and funding provided by Council.

A Project Reference Group (PRG) was set up which comprised three Japara Board members and officers from Creative & Connected Communities, Facilities and Social Infrastructure Planning.

The Hub comprises the following services:

- Japara Neighbourhood House (including Senior Citizens)
- Japara Early Learning Services (Occasional Care)
- U3A Yarra Ranges
- Maternal and Child Health
- Learn Local (Adult Community and Further Education and training courses).

The consultant reviewed financial and other data, conducted interviews with partners, and engaged with Board members on the PRG and Council representatives to develop the recommendations in the report.

Review recommendations and officer responses

The review notes a shared intention of Council and Japara for local community to be the key beneficiaries of the investment made by Council in these facilities where programs and services are delivered that engage, build social cohesion and benefit the community as well as provide high quality facilities for a range of community uses.

The recommendations are contained in the summary table (Attachment One).

High level responses to the recommendations and key impacts are outlined below and in the financial analysis section of this report.

Maternal and Child Health (MCH)

Some operational improvements and changes are recommended in the report which Council and Japara will work through together. These relate to cost sharing arrangements for utilities, real time invoicing, inclusion of the service use in the facility agreement and venue bookings outside core MCH service delivery. The

Review also proposes additional signage to the MCH and Occasional Childcare buildings. Further, it is recommended that arrangements be reviewed annually.

Procurement

Council's Procurement Policy is made under section 108 of the Local Government Act (2020) and provides guidance relating to sourcing strategies that ensure all purchases promote open and fair competition and value for money. Section 9.2 of the policy allows exemption from a competitive procurement process if there is a proven monopoly or specialised market, or where the work is highly specialised.

Furthermore, an exemption may be granted (in accordance with financial delegations) when it can be demonstrated that Council is still obtaining Value for Money in the process adopted. Japara Neighbourhood House Inc have a proven, long standing, and deep connection with the local Kilsyth communities which provides them with a specialist market knowledge, monopoly, and highly specialised service offering.

As such, an exemption from a competitive EOI process to operationalise the Neighbourhood House service is warranted in this instance. Overall, directly engaging Japara Neighbourhood House Inc will provide value for money, increase community connections and is in line with Council's procurement policy.

FINANCIAL ANALYSIS

This section of the report considers the budgetary considerations and impacts of the Review recommendations.

Operational Impacts

Increasing the operational contribution for the Hub from the current amount of \$70,000 to \$85,000 per annum results in an increase in operational expenditure of \$15,000 (plus rate cap increases annually) commencing from 1 July 2023. This increase can be accommodated within the adopted 2023-24 budget. The current operational funding agreement ends on 30 Dec 2023.

Neighbourhood House funding for Japara will remain in place at \$36,676 per annum in line with the Council decision in 2022 to equalise funding at this level for all Houses. The Neighbourhood House funding is currently in place until June 2027.

Capital/Asset Management Impacts

Between 2018 and 2022 Council delivered \$77,716 of reactive maintenance and \$4,000 in routine or planned maintenance. This includes items which were within the maintenance schedule of the lease agreement. As a comparison, for the same period Belgrave Hub reactive maintenance was \$69,944 and Chirnside Park Hub was \$63,659.

With consideration of Occupational Health and Safety and financial factors, where in some cases specialised equipment is needed to complete maintenance items, a range of works had to be completed by Council on an ad hoc basis even though responsibility for this work is part of the lease agreement. Lease agreements that better reflect which party is responsible for which items of maintenance is recommended.

The proposed changes to responsibilities for maintenance items may result in a budget impact to Council. Council's asset maintenance works will be budgeted for and administered in line with updated lease agreements which will reflect actual maintenance required to keep the Hub at an appropriate standard for community use. Future planned asset upgrades and renewal will be considered through the asset management program.

Asset Gifting Rescinded

The recommendations propose Council rescind the terms of the asset gifting made in 2014 which handed all assets to Japara Inc. It is common practice for assets to be gifted to an organisation taking on the operation of a Council facility, however Japara provided feedback that ownership of the assets has a negative impact on their financial position. The assets being returned were valued at \$368,000 at the time of original handover.

This change raises the matter of renewal of the assets over time and requires considered asset planning for the facility by Council.

Lease

There are no financial impacts from aligning Lease Agreements for The Hub and the Bridge (across the road from the Kilsyth Community Hub and also managed by Japara).

The current Hub lease expires in December 2023 while the Bridge lease is in overhold. Officers recommend keeping separate leases but aligning the leases and the operational funding agreement in timing and duration.

APPLICABLE PLANS AND POLICIES

This report contributes to the following strategic objective(s) in the Council Plan:

Connected and Healthy Communities - communities are safe, resilient, healthy, inclusive, and socially well connected. Quality services are accessible to everyone.

Quality Infrastructure and Liveable Places - quality facilities and infrastructure meet current and future needs. Places are well planned and are hubs of activity that foster wellbeing, creativity, and innovation.

Other relevant Council strategies and policies related to this report are:

- Health and Wellbeing Strategy - The Hub supports social connection and good mental wellbeing.
- Creative Communities Strategy - supports cultural and creative engagement.
- Equity, Access, and Inclusion Strategy - accessible and inclusive of people with disability.
- Child and Youth Strategy - home to services supporting families.
- Healthy and Active Ageing Plan - U3A, Seniors and other programs supporting older adults.

The YRIgnite Strategy alignment is direct:

- Community is at the heart of all we do. Our goal is for our diverse communities to be at the heart of every decision and service we deliver, to ensure we are meeting the needs and hopes of our communities.

RELEVANT LAW

Japara has a range of regulations and legislation it complies with: Child Safe Standards, Charter of Human Rights and Responsibilities, OHS and regulations for the provision of early childhood programs. The scope of the review does not include these regulations, rather the focus is on improvements to the agreements between Council and Japara and changes to funding.

SUSTAINABILITY IMPLICATIONS

Economic Implications

The Kilsyth Community Hub will have a small positive impact on the local economy. It engages tutors and staff including from the local area. The provision of Occasional Child Care at the Hub may support parents and encourage women to return to the workforce. Quality childcare services support literacy and numeracy development and can have a long-term impact on employability. Similarly Learn Local programs support employment pathways.

Social Implications

A central role for Neighbourhood Houses is providing opportunities for social connection. The community development activities funded through Council's Neighbourhood House Partnership Funding has the shared objectives of:

- Inclusion, Participation, Connection and Capacity Building

The Hub and its many services and activities offer social support across ages and life stages, social connection to strengthen mental wellbeing, skills development, and the opportunity for people from all backgrounds and abilities to participate in their

community. Neighbourhood Houses traditionally help build a sense of belonging and resilience through their activities.

Environmental Implications

The review raised the high cost of utilities and the need to look for additional renewable power sources, including heating and hot water. Council will undertake further assessment to understand the renewable energy expansion opportunities.

COMMUNITY ENGAGEMENT

The scope of the review did not include the broader Japara community.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

The project required collaboration with other areas of the Council: Property and Facility Management, Maternal and Child Health, Family, Children and Youth and Urban Parks. Officers have briefed the other major funding partner for Japara, the Department of Families, Fairness and Housing.

RISK ASSESSMENT

Risk	Mitigation
Relationship Management	Conduct regular partnership meetings to review performance, address issues and concerns and seek to maximise opportunities to support the community through the operations at the Hub.
Governance	Develop KPI's which are relevant and ensure accountability for meeting the measures with processes in place to address KPI's that have not been met. Schedule regular Partnership Governance meetings to review KPIs.
Changes to maintenance schedules in the Lease Agreements	Maintain internal communication and collaboration between teams with responsibilities related to the Hub. Undertake analysis of the likely cost of reactive and routine maintenance of the Hub and plan accordingly. Develop a longer-term renewal plan in consultation with Hub partners. Costs related to asset management of Council's Hubs to be considered. Facilities Maintenance team to consider cost implications of the proposed changes for other Council

Risk	Mitigation
	facilities.
Return of Assets to Council ownership	<p>Not taking back ownership of the assets has a risk of assets deteriorating over time due to renewal not taking place.</p> <p>Management of assets to be included in the asset renewal planning process.</p> <p>Whilst this has no immediate financial implication to Council, it does raise the matter of renewal of the assets over time and requires asset planning for the facility.</p> <p>Consideration of the implications for other facilities.</p>
Reputational damage to Council	<p>Implement endorsed recommendations within the agreed timeframes.</p> <p>Regular meetings with key Japara contacts to monitor progress.</p> <p>Strict adherence to updated KPI's ensuring Japara accountability.</p>

ATTACHMENTS TO THE REPORT

1. Japara Review Recommendation Summary

ATTACHMENT 1 – JAPARA REVIEW SUMMARY OF RECOMMENDATIONS

Leases

<i>Recommendations</i>	<i>Actions</i>
Consider the same lease for the Hub and Bridge House i.e., terms and conditions, schedules, with the timing of the lease consistent with the Facility Agreement.	Leases remain separate however are aligned in timing and duration.
That maintenance, repair or replacement schedules are reasonable in relation to the Not-for-Profit sector and do not place an undue burden of responsibility.	Leases will be updated to better reflect responsibilities of each party with regards maintenance.
That a proactive approach is undertaken with planning for capital maintenance, replacement, and upgrade to ensure facilities continue to meet community needs.	Capital maintenance, replacement and upgrade will be incorporated into the new leases.

Asset Management

<i>Recommendation</i>	<i>Actions</i>
That Council consider the rescinding of the asset gifting letter, and the terms of the Facility Agreement and Lease guide all asset management responsibilities, insurance and ownership responsibilities based on the principle that the facility manager role is a steward of assets owned by council for community benefit and council is the owner of its assets. The facility manager to record the assets it owns.	Ownership of the assets will be returned to Council including responsibility for renewal and insurance.
That Council consider an assessment of the potential to decrease operating costs and decrease environmental impacts through the installation of solar panels and other infrastructure at the Kilsyth Hub.	Council will undertake further assessment to understand the renewable energy expansion opportunities.

Facility Operations Funding

<i>Recommendations</i>	<i>Actions</i>
That a new three year plus two-year (3+2) agreement is developed which aligns the options of the occupancy lease with options for renewal based on the principle of consistency and security of tenure and funding.	This term will be set for the new agreement and aligned with the leases.
That the underlying tone and premise of the Facility Agreement is that of trust and genuine partnership to deliver a wide range of benefits to the community and that the primary objective is community use.	This sentiment will be incorporated into the new Facility Agreement.
That effective performance measures are jointly developed and agreed and are reviewed every six months to check whether performance measures are on track and any actions are put in place to rectify if required.	Performance measures will be reviewed and revised. Six monthly review meetings set to monitor progress.
That funding renewal process is commenced one year in advance of Facility Agreement end to ensure security and confidence for employment and facility management responsibilities.	Renewal commencement will be set at one year in advance within the new Facility Agreement.
That the Facility Agreement is included in Council's grant management system with a dedicated council officer responsible for oversight with authority to liaise across council functions for effective outcomes.	The Facility Agreement will be included in Council's grant management system.
That the funding level of \$85,000 plus an incremental increase for the five years of the Facility Agreement is used as an indicative starting point for consideration and negotiation between the parties.	An increase to \$85,000 operational funding will be set with an annual increase proposed to be in line with the annual rate rise.
That consideration is given to a set of principles embedded into the Facility Agreement to guide future review of funding levels including enhanced public or community access, security of facility management, acknowledgement of external factors that may result in reduction of use by the community.	In the development of the new Facility Agreement, this will be considered.

Maternal and Child Health (MCH)

<i>Recommendations</i>	<i>Actions</i>
<p>That arrangements in place for Maternal and Child Health Services (MCH) delivered at the Kilsyth Hub be included in the new Facility Agreement replacing the current MOU.</p> <p>That arrangements be reviewed annually.</p>	<p>MCH arrangements with the facility manager will be incorporated into the new Facility Agreement with a requirement to review arrangements annually.</p>
<p>Operational improvements and changes are recommended in the report relating to cost sharing arrangements for utilities, real time invoicing and venue bookings outside core MCH service delivery.</p>	<p>In consultation with the facility manager, cost sharing will be determined and revised where required for inclusion in the new Facility Agreement.</p> <p>In consultation with facility manager, updated processes will be implemented regarding advising on schedule changes and venue hire outside of the agreed schedule.</p>
<p>That MCH advises the facility manager, where practical, of changes to service rescheduling within their agreed usage.</p>	<p>MCH and the facility manager will engage to agree on process.</p>
<p>That way finding and signage for the MCH service is improved to assist service users to find their way to the service and within the Early Years centre (occasional care).</p>	<p>This will be reviewed and improved if required.</p>

CT7246 PAVEMENT AND LINEMARKING SERVICES

Report Author: Executive Officer Infrastructure Maintenance
Responsible Officer: Director Built Environment & Infrastructure
Ward(s) affected: (All Wards);

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

Confidential information is contained in Attachment 1. This information relates to contractual matters and contains commercially sensitive information including, but not limited to, the name of tendering parties, the evaluation panel members, the tendered prices, and the evaluation of the tenders received against the published evaluation criteria.

Any disclosure of the information included within the confidential attachment to this report could be prejudicial to the interests of the Council or other parties. If discussion of this information is required, the Council is recommended to resolve that the item be deferred to the confidential section of the agenda when the meeting is closed to members of the public in accordance with Section 3(1)(g)(i)(g)(ii) of the Local Government Act 2020.

This report seeks Council approval to award a contract that complies with the Section 108 of the Local Government Act 2020

SUMMARY

This report summarises the evaluation process and seeks Council approval for two tenderers to be accepted onto a panel of providers for the Provision of Pavement and Linemarking Services CT7246.

The initial contract term is for three (3) years with the option to extend the contract for two (2) additional terms of two (2) years each.

The recommendation on this report has been formally endorsed by the evaluation panel.

RECOMMENDATION

That

1. ***Council resolves to accept the following providers onto a panel for CT7246 Pavement and Line Marking Services for an initial period of three (3) years:***
 - (a) ***Roadside Services and Solutions Pty Ltd. (ABN: 33 137 851 837)***
 - (b) ***The Trustee for Supersealing Unit Trust. (trading as Supersealing) (ABN: 22 868 781 289)***
2. ***The Director of Built Environment & Infrastructure be delegated the authority to sign contract documents.***
3. ***The Director of Built Environment & Infrastructure be delegated authority to extend the contract term by two periods of two years each.***
4. ***The confidential attachment to this report remains confidential indefinitely as it relates to matters specified under Section 3(1) (g)(i), (g)(ii) of the Local Government Act 2020.***

RELATED COUNCIL DECISIONS

Not applicable.

DISCUSSION

Purpose

To seek Council approval to enter into contracts for the provision of Pavement and Linemarking Services under contract CT7246 with the recommended Tenderers outlined in this report.

Background

The objective of this contract is to ensure that Council has a panel of contractors capable of carrying out Pavement and Linemarking Services. These services are an essential element of delivering works on Council's infrastructure.

The Evaluation Panel opted to create a panel of suppliers for this service to ensure continuity of service. Previously, Council had a sole provider for line marking services which, at times, led to delays in provision of the services due to availability. Having a panel will mitigate the risk of reliance on a sole contractor to deliver these critical services.

The initial contract term is for three (3) years with the option to extend the contract for two (2) additional terms of two (2) years each.

This tender process has been conducted in accordance with the requirements of Council's Procurement Policy.

A single stage open tender was selected as the procurement methodology. An advertisement calling for tenders was placed in The Age newspaper on Saturday 20 May. Tenders closed on Wednesday 14 June and five (5) submissions were received.

Tenders were assessed for conformity with the tender documents and no tenders were eliminated due to non-conformance. The Evaluation Panel scored tenders against pre-established evaluation criteria.

A summary of the mandatory requirements and evaluation criteria is as follows:

Mandatory Requirements:

- Is an acceptable legal entity
- Has met the insurance requirements
- Will be compliant with Rapid Global prior to Contract Award
- Tender has been received in full prior to tender closing time
- Lodged in electronic form using Council's e-tendering portal.

Evaluation Criteria:

Evaluation Criteria	Weighting
Capability and Capacity	25%
Commitment to Quality and Sustainability	25%
Timeframes	10%
Price	40%

Options considered

The Panel Contract services is considered complimentary to existing in-house service arrangements.

Recommended option and justification

Following the evaluation process in accordance with the Evaluation Plan, the tender evaluation panel are unanimous in their decision to recommend two (2) contractors to the panel for CT7246 Pavement and Line Marking Services:

- *Roadside Services & Solutions Pty Ltd*
- *The Trustee for Supersealing Unit Trust. (trading as Supersealing)*

A detailed breakdown of the evaluation process is provided within the Confidential Attachment to this report.

FINANCIAL ANALYSIS

The budget for CT7246 Provision of Pavement and Linemarking Services is an operational budget item. The budget has been set at \$294,500 for the 2023/2024 financial year.

Following the conclusion of the year the services and budget requirement will be reviewed and adjusted if necessary through the annual budget approval process.

APPLICABLE PLANS AND POLICIES

This report contributes to the following strategic objectives in the Council Plan:

- High Performing Organisation
- Quality Infrastructure and Liveable Places
- Connected and Healthy Communities.

RELEVANT LAW

This report seeks Council approval to award a contract that complies with Section 108 of the *Local Government Act 2020*.

SUSTAINABILITY IMPLICATIONS

Sustainability has been considered as part of the project specification and evaluation process. The tenderers have responded to sustainability implications satisfactorily.

COMMUNITY ENGAGEMENT

Not applicable

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

Key staff members within Council were consulted about the content of the specifications and about the governance requirements for the tender evaluation process.

No collaboration with other Councils, Government or Statutory Bodies was sought.

RISK ASSESSMENT

A risk assessment for the project was developed. This has been considered as part of project design, contract terms and conditions, and the evaluation process.

CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

ATTACHMENTS TO THE REPORT

1. Confidential Attachment – CT7246 Pavement and Line Marking Services Council Evaluation Report

Confidential Item

11. COUNCILLOR MOTIONS

In accordance with Chapter 3 Division 4 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

There were no Councillor motions received prior to the Agenda being printed.

12. ITEMS THROUGH THE CHAIR

13. REPORTS FROM DELEGATES

14. DOCUMENTS FOR SIGNING AND SEALING

In accordance with Clause 87 of the Meeting Procedures and Use of Common Seal Local Law 2015, as prescribed by Section 14(2)(c) of the Local Government Act 2020.

There were no Documents for Signing and Sealing listed for this meeting prior to the Agenda being printed.

15. INFORMAL MEETINGS OF COUNCILLORS

Report Author: Governance Officer
 Responsible Officer: Director Corporate Services
 Ward(s) affected: All Wards

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public

SUMMARY

Chapter 8, Rule 1, of the Governance Rules requires that records of informal meetings of Councillors must be kept and that the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting tabled at the next convenient Council meeting and recorded in the Minutes of that Council meeting.

An 'informal meeting of Councillors' is defined in the Governance Rules as a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

The records for informal meetings of Councillors are attached to the report.

RECOMMENDATION

That the records of the Informal Meetings of Councillors, copies of which are attached to the report, be received and noted.

ATTACHMENTS TO THE REPORT

1. 1 August 2023 - Council Briefing
2. 1 August 2023 - Council Forum
3. 4 August 2023 - Sustainable Environment Advisory Committee Meeting.

Informal Meeting of Councillors

Public Record



Meeting Name:	Council Briefing	
Date:	1 August 2023	Start Time:6.15pm Finish Time: 6.25pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale and via video conference	
Attendees:	Councillors:	Jim Child, Andrew Fullagar, Johanna Skelton, David Eastham, Richard Higgins and Tim Heenan
	Via Zoom:	Len Cox
	CEO/Directors:	Tammi Rose, Kath McClusky, Clint Hong (Acting Jane Price), Hjalmar Philipp and Andrew Hilson
	Officers:	Gina Walter
Apologies	Sophie Todorov, and Fiona McAllister	
Disclosure of Conflicts of Interest:	Nil	
Matter/s Discussed:	This briefing covered the following items of business to be considered at the 08 August 2023 Council Meeting.	
	10.1	Resource Recovery and Waste Services Policy
	10.2	CT7307 - Victorian Telecommunications Services (VTS) State Purchase Contract DPC-ICT-03-2020/21
	10.3	Tender for the Provision of Training Services for Health, Safety and Wellbeing, Professional Development, and Diversity, Equity and Inclusion
	10.4	Tree Matter at 3457 Warburton Highway, Warburton
	10.5	CT6835 – Provision of Traffic Management Services
	10.6	CT 2912 - Landscape Operational Services
	Completed By:	Gina Walter

Informal Meeting of Councillors

Public Record



Meeting Name:	Council Forum	
Date:	1 August 2023	Start Time: 7.03pm Finish Time: 10.20pm
Venue:	Council Chamber, Civic Centre, Anderson Street, Lilydale and via video conference	
Attendees:	Councillors:	Jim Child, Andrew Fullagar, Johanna Skelton, David Eastham, Fiona McAllister, Richard Higgins and Tim Heenan
	Via Zoom:	Len Cox
	CEO/Directors:	Tammi Rose, Kath McClusky, Clint Hong (Acting Director Communities), Hjalmar Philipp and Andrew Hilson
	Via Zoom:	Jane Price (until 8.45pm)
	Officers:	Gina Walter, Sarah Candeland, Tracey Varley, Joanne Hammond, Paul Mechelen, Jarrod Reid, Ben Waterhouse, Isha Scott, Kim O'Connor, Phil Murton, Helen Ruddell, Nathan Islip
	Via Zoom:	Jane Price, Alanna Ford, Cindy Dunbar
Apologies	Externals:	Leigh Harry (YRT Chair) Simon O'Callaghan (YRT CEO)
	Sophie Todorov	
Disclosure of Conflicts of Interest:	The Chief Financial Officer, Tammi Rose, declared a conflict of interest in Item 7 as it relates to matters of her employment.	
	2.1	Action and Agreement Record from 18 July 2023
	2.2	Councillor Discussion Time
	2.3	Japara Hub Recommendations
	2.4	Yarra Ranges Tourism Management Plan Update
	2.5	Township Amenity - Service Levels
	2.6	Tree Matter At 3457 Warburton Highway, Warburton
	2.7	Municipal Association of Victoria - State Council - Motion Discussion
	3.0	For Noting
	3.1	General Procurement Update - Built Environment & Infrastructure
	3.2	Outstanding Action Items Forum & Council
	3.3	Indicative Forum & Council Meeting Schedule
	4	Mayor & CEO Update

Assembly of Councillors

Public Record



Completed By:	5	General Business
	6	Late Items and Urgent Business
	7	CEO Employment Matters – Confidential Item
	Gina Walter	

Informal Meeting of Councillors

Public Record



Meeting Name:	Sustainable Environment Advisory Committee	
Date:	03 08 2023	Start Time: 5.40 Finish Time: 8.30
Venue:	Civic Centre, Anderson Street and via Videoconference	
Attendees:	Councillors: Cr Johanna Skelton, Cr Andrew Fullagar	
	Other attendees: Monika Winston (YRC), Graham Brew (YRC), Melanie Birtchnell (member), Lucy Gilchrist (member), Graeme George (member), Bec Brannigan (member), Jonathan Gay (member), Lauren Dwyer (member), Laurence Gaffney (member), Peter Martin (member), Ross Bleazby (Melbourne Water), Justin Foster (DEECA)	
	CEO/Directors:	
	Officers: Suzanne Burville (YRC)	
Apologies	Cr Tim Heenan (YRC), Jess Rae (YRC), Kym Saunders (YRC), Tom Meek (YRC), Amanda Smith (YRC), Clinton Muller (member), Ron Sawyer (member)	
Disclosure of Conflicts of Interest:	None	
Matter/s Discussed:	1.1	Resource Recovery Updates
	1.2	Meeting catering
Completed By:	Suzanne Burville	

16. URGENT BUSINESS

In accordance with Chapter 3 Rule 24 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

17. CONFIDENTIAL ITEMS

In accordance with Chapter 3 Rule 24 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

There were no Confidential Items listed for this meeting.

18. DATE OF NEXT MEETING

The next meeting of Council is scheduled to be held on Tuesday 12 September 2023 commencing at 7.00pm, at Council Chamber, Civic Centre, Anderson Street, Lilydale and via videoconference.



In providing for the good governance of its community, Councillors are reminded of their obligation to abide by the provisions as set within the Local Government Act 2020 and the Code of Conduct for Councillors.

When attending a Council Meeting, Councillors should adhere to the procedures set out in the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

The following is a guide for all Councillors to ensure they act honestly, in good faith and in the best interests of Yarra Ranges as a whole.

1. Councillors will respect the personal views of other Councillors and the decisions of Council.
2. Councillors may publicly express their own opinions on Council matters but not so as to undermine the standing of Council in the community.
3. The Mayor is the official spokesperson for Council.
4. Councillors will incur expenditure in a responsible manner and in accordance with the Councillor Expenditure and Policy.
5. Councillors will avoid conflicts of interest and will always openly disclose any direct and indirect interests where they exist.
6. Councillors will act with integrity and respect when interacting with Council staff and members of the public.
7. Councillors will demonstrate fairness in all dealings and conduct and be open with and accountable to the community at all times.
8. Councillors will conduct themselves in a manner that does not cause detriment to Council or the Yarra Ranges community.