



**GREATER
DANDENONG**
City of Opportunity

AGENDA

MONDAY 26 JULY 2021

COUNCIL MEETING
Commencing at 7:00 PM

Statement - Coronavirus (COVID-19)

At the time of printing this Agenda the Council Meeting to be held on Monday 26 July 2021 will be closed to the public under the *COVID-19 Omnibus (Emergency Measures) Act 2020 and the Local Government Act 2020*.

To view the webcast and stay informed of the status of Council Meetings please visit Council's website.

COUNCIL CHAMBERS
225 Lonsdale Street, Dandenong VIC 3175

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	MEETING OPENING	1
1.1	ATTENDANCE	1
1.2	ACKNOWLEDGEMENT OF TRADITIONAL OWNERS OF THE LAND	1
1.3	OFFERING OF PRAYER	2
1.4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	2
1.5	DISCLOSURES OF INTEREST	3
1.6	ADOPTION OF AUDIT AND RISK COMMITTEE MEETING MINUTES	4
2	OFFICERS' REPORTS - PART ONE	6
2.1	DOCUMENTS FOR SEALING	6
	2.1.1 Documents for Sealing	6
2.2	DOCUMENTS FOR TABLING	8
	2.2.1 Petitions and Joint Letters	8
2.3	STATUTORY PLANNING APPLICATIONS	15
	2.3.1 Planning Decisions Issued by Planning Minister's Delegate - June 2021	15
	2.3.2 Planning Delegated Decisions Issued - June 2021	16
3	QUESTION TIME - PUBLIC	26
4	OFFICERS' REPORTS - PART TWO	28
4.1	CONTRACTS	28
	4.1.1 Contract No. 2021-38 Capital Works Annual Supply Contract (Schedule of Rates)	28
4.2	POLICY AND STRATEGY	43
	4.2.1 Legislative Compliance Policy	43

4.3	OTHER	67
4.3.1	Draft Minutes of Positive Ageing Advisory Committee Meeting - 10 June 2021	67
4.3.2	Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 15 & 28 June & 5 July 2021	75
4.3.3	List of Registered Correspondence to Mayor and Councillors	80
5	NOTICES OF MOTION	84
6	REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS	85
7	URGENT BUSINESS	86

1 MEETING OPENING

1.1 ATTENDANCE

Apologies

1.2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS OF THE LAND

Council acknowledges and pays respect to the past, present and future Traditional Custodians and Elders of this nation and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

1.3 OFFERING OF PRAYER

As part of Council's commitment to recognising the cultural and spiritual diversity of our community, the prayer this evening will be offered by Reverend Graeme Peters from the Saint James Anglican Church, Dandenong.

1.4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Meeting of Council held 12 July 2021.

Recommendation

That the minutes of the Meeting of Council held 12 July 2021 be confirmed.

1.5 DISCLOSURES OF INTEREST

Any interest that a Councillor or staff member has deemed to be significant and has disclosed as either a material or general interest is now considered to be a conflict of interest. Conflict of Interest legislation is detailed in Division 2 – Conflicts of Interest: sections 126, 127, 128, 129 & 130 of the *Local Government Act 2020*. This legislation can be obtained by contacting the Greater Dandenong Governance Unit on 8571 5216 or by accessing the Victorian Legislation and Parliamentary Documents website at www.legislation.vic.gov.au.

If a Councillor discloses any interest in an item discussed at any Council Meeting (whether they attend or not) they must:

- complete a disclosure of interest form prior to the meeting.
- advise the chairperson of the interest immediately before the particular item is considered (if attending the meeting).
- leave the chamber while the item is being discussed and during any vote taken (if attending the meeting).

The Councillor will be advised to return to the chamber or meeting room immediately after the item has been considered and the vote is complete.

1.6 ADOPTION OF AUDIT AND RISK COMMITTEE MEETING MINUTES

The Audit and Risk Committee held a meeting on 18 June 2021. Minutes of this meeting are presented to Council for adoption.

Recommendation

That the unconfirmed minutes of the Audit and Risk Committee meeting held on 18 June 2021 be adopted.

1.6 ADOPTION OF AUDIT AND RISK COMMITTEE MEETING MINUTES (Cont.)

Item	Topic
1	The Risk Management report was tabled to the Committee providing an update on several aspects of risk, including the status of Council's insurances and claims.
2	Reports were provided to the Audit and Risk Committee on Risk Management Strategy and Fraud & Corruption control.
3	Council tabled to the Committee its Council Financial Performance Report to the period ending 31 March 2021.
4	An update was provided to the Audit and Risk Committee on the Industrial Manslaughter legislation and Council's Hazard Register.
5	Council's Internal Auditor Crowe presented a status update on the Internal Audit program, which included a progress report and a summary of recent reports and publications which may have an impact on local government. Crowe tabled an Internal Audit Report on a review of Risk Management and Various Financial Controls.
6	The Audit and Risk Committee received a further update on the recent audit carried out on Council's storage of hazardous chemicals.
7	The Audit and Risk Committee considered the recent VAGO report into Sexual Harassment in Local Government.
8	The Committee received and noted the Audit & Risk Committee Recruitment Plan, the Audit & Risk Self-Assessment and the Audit & Risk Committee Charter Review.
9	The Audit and Risk Committee considered an annual report on Council's Gift and Travel Registers and Council's Leave liability report.

2 OFFICERS' REPORTS - PART ONE

2.1 DOCUMENTS FOR SEALING

2.1.1 Documents for Sealing

File Id:	A2683601
Responsible Officer:	Manager Governance

Report Summary

Under the Victorian Local Government Act, each Council is a body corporate and a legal entity in its own right. Each Council must therefore have a common seal (like any corporate entity) that is an official sanction of that Council.

Sealing a document makes it an official document of Council as a corporate body. Documents that require sealing include agreements, contracts, leases or any other contractual or legally binding document that binds Council to another party.

Recommendation Summary

This report recommends that the listed documents be signed and sealed.

2.1.1 Documents for Sealing (Cont.)

Item Summary

There are two [2] items being presented to Council's meeting of 26 July 2021 for signing and sealing as follows:

1. A letter of recognition to Kylie Stevenson, Community Services for 10 years of service to the City of Greater Dandenong; and
2. An Instrument of Appointment of Authorised Officer under the provisions of the *Local Government Act 1989*, the *Local Government Act 2020*, the *Environment Protection Act 1970*, the *Heritage Act 2017*, the *Infringements Act 2006*, the *Land Acquisitions and Compensation Act 1986*, the *Planning and Environment Act 1987*, the *Sex Work Act 1994*, the *Subdivisions Act 1988*, the *Victorian Civil and Administrative Tribunal Act 1998* and the Regulations made under each of those Acts; the Local Laws made under the *Local Government Act 1989*; and any other Act, Regulation or delegated legislation (including the Greater Dandenong Planning Scheme) which relates to the powers of the Council made under the provisions and enactments described. This instrument enables the following Council officer to carry out the statutory responsibilities of the above Acts and is subject to policy and delegations previously adopted by Council:
 - Zachary Ryan.

That the listed documents be signed and sealed.

2.2 DOCUMENTS FOR TABLING

2.2.1 Petitions and Joint Letters

File Id:	qA228025
Responsible Officer:	Director Corporate Services
Attachments:	Petitions and Joint Letters

Report Summary

Council receives a number of petitions and joint letters on a regular basis that deal with a variety of issues which have an impact upon the City.

Issues raised by petitions and joint letters will be investigated and reported back to Council if required.

A table containing all details relevant to current petitions and joint letters is provided in Attachment 1. It includes:

1. the full text of any petitions or joint letters received;
2. petitions or joint letters still being considered for Council response as pending a final response along with the date they were received; and
3. the final complete response to any outstanding petition or joint letter previously tabled along with the full text of the original petition or joint letter and the date it was responded to.

Note: On occasions, submissions are received that are addressed to Councillors which do not qualify as petitions or joint letters under Council's current Governance Rules. These are also tabled.

2.2.1 Petitions and Joint Letters (Cont.)

Petitions and Joint Letters Tabled

Council received one (1) new petition and no joint letters prior to the Council Meeting of 26 July 2021.

- A petition was received from 92 proponents for Dandenong Council to lift parking restrictions on Allan Street, Dandenong to allow people to shop. This petition has been forwarded to the relevant Council Business Unit/s for action.

N.B: Where relevant, a summary of the progress of ongoing change.org petitions and any other relevant petitions/joint letters/submissions will be provided in the attachment to this report.

Recommendation

That this report and Attachment be received and noted.

2.2.1 Petitions and Joint Letters (Cont.)

DOCUMENTS FOR TABLING

PETITIONS AND JOINT LETTERS

ATTACHMENT 1

PETITIONS AND JOINT LETTERS

PAGES 5 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 1000.

ORDINARY COUNCIL MEETING - AGENDA

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
16/07/21	<p>• Petition Text (Prayer)</p> <p>Dandenong Council to lift parking restrictions on Allan Street, Dandenong to allow people to shop.</p> <p>On April 28, you replied to my email. Since then we have been hoping that restrictions on the parking will be removed as soon as the front of the construction building is closed and no further truck entry is possible to the construction site. The entry of the construction has been closed for a while now. However, we did not see any change to our parking restrictions.</p> <p>All trucks or other vehicles now only work in parallel to the construction buildings and no turning is possible so we are not sure why there is still restriction on our side. We request you again to remove the restriction on our side as this has no impact on the construction now.</p> <p>This is of great trouble to us as indicated to you earlier.</p> <ol style="list-style-type: none"> 1. Our customer can not park at all. They have to park further away. 2. Our sales have drastically reduced as lots of our customers beyond Allan St. creek bridge come via car. 3. Our supplier has to park a block away (if they get the parking) and they struggle to deliver 100s of cases to our store. 4. Some of the suppliers have refused to deliver to our store now as it takes much longer than their allocated time. <p>Most of our customers/suppliers and neighbouring business owners are utterly frustrated with this and when I put out a petition for their support, 200 of them have signed the petition within day. The list is growing day by day. I hope the council will consider this request as a matter of urgency.</p> <p>Attachment: copy of 200 customers and suppliers putting their name to request parking restrictions.</p>	92	New	<p>Tabled at Council Meeting 26 July 2021</p> <p>16/07/2021 Responsible Officer – Senior Engineer, Transport Services</p> <p>16/07/2021 Acknowledgement Email sent to the head petitioner by Governance.</p> <p>16/07/2021 Response to the head petitioner: Hi Thanks for your e-mail. I have arranged for these signs to be switched back to the 1P restrictions that were in place prior to the works. I anticipate that this will happen next week. I note that due to the number of signatures on your petition, this will be tabled at the next Council meeting. I fully expect the signs to have been changed by then. Please feel free to contact me directly to discuss further. Regards.</p>

If the details of the attachment are unclear, please contact Governance on 8571 1000.

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	• Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
	THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK			

If the details of the attachment are unclear, please contact Governance on 8571 1000.

2.2.1 Petitions and Joint Letters (Cont.)

Date Received	• Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
	THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK			

If the details of the attachment are unclear, please contact Governance on 8571 1000.

2.2.1 Petitions and Joint Letters (Cont.)

THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK

If the details of the attachment are unclear, please contact Governance on 8571 1000.

2.3 STATUTORY PLANNING APPLICATIONS

2.3.1 Planning Decisions Issued by Planning Minister's Delegate - June 2021

File Id: qA280444
Responsible Officer: Director City Planning Design & Amenity

Report Summary

This report provides Council with an update on the exercise of delegation by Planning Minister's delegate.

No decisions were reported for the month of June 2021.

Recommendation

That the report be noted.

2.3.2 Planning Delegated Decisions Issued - June 2021

File Id:	qA280
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Planning Delegated Decisions Issued – June 2021

Report Summary

This report provides Council with an update on the exercise of delegation by Council officers.

It provides a listing of Town Planning applications that were either decided or closed under delegation or withdrawn by applicants in June 2021.

It should be noted that where permits and notices of decision to grant permits have been issued, these applications have been assessed as being generally consistent with the Planning Scheme and Council's policies.

Application numbers with a PLA#, PLN#.01 or similar, are applications making amendments to previously approved planning permits.

The annotation 'SPEAR' (Streamlined Planning through Electronic Applications and Referrals) identifies where an application has been submitted electronically. SPEAR allows users to process planning permits and subdivision applications online.

Recommendation

That the items be received and noted.

2.3.2 Planning Delegated Decisions Issued - June 2021 (Cont.)

STATUTORY PLANNING APPLICATIONS

PLANNING DELEGATED DECISIONS ISSUED – JUNE 2021

ATTACHMENT 1

**PLANNING DELEGATED DECISIONS ISSUED
JUNE 2021**

PAGES 9 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.3.2 Planning Delegated Decisions Issued - June 2021 (Cont.)

City of Greater Dandenong

Planning Delegated Decisions Issued from 01/06/2021 to 30/06/2021

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLA20/0291	PlnAppAmd	No	1/31 Dandenong Street DANDENONG VIC 3175	Hussain Bakhtiari	AMENDMENT TO: Use of the land for Car Sales and Motor Repairs and a reduction of the car parking requirement for Motor Repairs	Amend permit to allow motor repair services	Delegate	AmendPerm	03/06/2021	Dandenong
PLA20/0307	PlnAppAmd	No	77-79 Princes Highway DANDENONG SOUTH VIC 3175	C.M.V Wholesale Pty Ltd	AMENDMENT TO: Use of the site for a Truck Sales and Service Centre (Motor Vehicle Sales, with variations to Clause 156 of the Planning Scheme and Motor Repairs); Construct buildings and works in excess of 7 metres in height, to use for the purpose of Motor Vehicle Sales & Repairs, Create access to a Main Road Reservation; Reduction of the landscape setback, Construct building and works (access way) within 9 metres of the Main Road Reservation (98/628)	Amend permit, preamble and conditions to align with current planning scheme	Delegate	AmendPerm	07/06/2021	Dandenong
EANTOS					1				01/07/2021	

ORDINARY COUNCIL MEETING - AGENDA

2.3.2 Planning Delegated Decisions Issued - June 2021 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLA20/0313	PlanAppAmd	No	199-209 Chapel Road KEYSBOROUGH VIC 3173	209 Land Z Pty Ltd & Forest FGF Pty Ltd c/o Human Habitats	AMENDMENT TO: planning permit PLN19/0631, which allowed for 'Subdivision and development of the land for dwellings, removal of easements, removal of native vegetation and to display internally illuminated promotion sign'. The amendment seeks to amend the preamble, conditions and endorsed plans to allow the subdivision and development to be completed in stages and on retaining walls. (PLN19/0631)	Amend permit to allow staging of subdivision and development	Delegate	AmendPerm	10/06/2021	Keysborough South
PLA21/0003	PlanAppAmd	No	26-28 Souffle Place DANDENONG SOUTH VIC 3175	REMONDIS Australia Pty Ltd	AMENDMENT RECEIVED: Amendment to planning permit PLN10/0347, which allowed for 'developing a new land for industry (Liquid Waste Treatment Facility), with a reduction of the car parking requirement of Clause 52.06 of the planning scheme'. The amendment seeks to amend the endorsed plans and amend conditions on the permit. (PLN10/0347)	Amend permit to allow changes to plans and conditions including deletion of condition 10 and 11	Delegate	AmendPerm	24/06/2021	Dandenong
EANTOS									01/07/2021	
									2	

ORDINARY COUNCIL MEETING - AGENDA

2.3.2 Planning Delegated Decisions Issued - June 2021 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLA21/0029	PinAppAmd	No	Factory 4/10-36 Abbotts Road DANDENONG SOUTH VIC 3175	Goodman Property Services (Aust) Pty Ltd	AMENDMENT TO: Development of the land for earthworks, three (3) warehouses, use and development of the land for a food and drink premises and office, removal of native vegetation, reduction to the car parking requirements of Clause 32.06, removal of restrictive covenants, removal of easements, creation of drainage and sewer easements and associated works (PLN20/0141)	Amend permit conditions to include South East Water conditions and deletion of condition 1.14 stormwater drainage	Delegate	AmendPerm	29/06/2021	Dandenong
PLA21/0038	PinAppAmd	No	58 Leonard Avenue NOBLE PARK VIC 3174	ABS Design & Construction	AMENDMENT TO: Development of the land for three (3) dwellings comprising two (2) double storey dwellings and one (1) single storey dwelling to the rear (PLN18/0191)	Amend endorsed plans regarding Unit 1 living room windows, Unit 2 relocation of entry door and Unit 3 windows in living area	Delegate	AmendPerm	25/06/2021	Noble Park
PLA21/0070	PinAppAmd	No	48 Windsor Avenue SPRINGVALE VIC 3171	EGBC Pty Ltd	AMENDMENT TO: Development of the land for six (6) double storey dwellings, reduction of a visitor car space and varying (re-align) a sewerage/drainage easement (PLN21/0213)	Amend permit to allow addition of a condition relating to the easement	Delegate	AmendPerm	30/06/2021	Springvale Central
PLN20/0256	PinApp	No	81 Springvale Road SPRINGVALE VIC 3171	Chung Minh Ngo	Development of the land for two (2) double storey dwellings and to alter access to a Road Zone, Category 1	General Residential 1 Zone, 722sqm	Delegate	NOD	25/06/2021	Springvale North
PLN20/0301	PinApp	No	9 Backous Way NOBLE PARK VIC 3174	SOarc Freelance Designer	Development of the land for one (1) double storey dwelling to the rear of an existing dwelling, and construct and carry out works to the existing dwelling	General Residential 1 Zone, 821sqm	Delegate	PlanPermit	10/06/2021	Noble Park
EANTOS									01/07/2021	
									3	

2.3.2 Planning Delegated Decisions Issued - June 2021 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLN20/0356	PinApp	No	1/23 Egan Road DANDENONG VIC 3175	Bespoke Foods Pty Ltd	Use and development of the land for industry (food manufacturing) and a reduction in car parking requirements	Industrial 1 Zone, frozen food products	Delegate	NOD	23/06/2021	Dandenong
PLN20/0411	PinApp	No	22 Clive Street SPRINGVALE VIC 3171	Abacus Design & Planning	Development of the land for four (4) double storey dwellings	General Residential 1 Zone, 963.4sqm	Delegate	PlanPermit	10/06/2021	Springvale North
PLN20/0436	PinApp	No	49-57 Cahill Street DANDENONG SOUTH VIC 3175	Controltech Solutions Pty Ltd	Use and development of the land for the purpose of Materials Recycling	Industrial 2 Zone, materials recycling to produce crushed rock and sand	Delegate	PlanPermit	29/06/2021	Dandenong
PLN20/0508	PinApp	No	1/28-30 Ardgower Road NOBLE PARK VIC 3174	SDS Developments Pty Ltd	Development of the land for two (2) double storey dwellings	General Residential 1 Zone, 514sqm	Delegate	NOD	25/06/2021	Springvale North
PLN20/0516	PinApp	No	12 Mama Court NOBLE PARK VIC 3174	Planning & Design	Development of the land for three (3) double storey dwellings	General Residential 1 Zone, 751sqm	Delegate	PlanPermit	25/06/2021	Yarraman
PLN20/0529	PinApp	No	37 Ellendale Road NOBLE PARK VIC 3174	Architekton Ltd	Development of the land for five (5) double storey dwellings on a lot	No response to further information request	Delegate	Lapsed	10/06/2021	Yarraman
PLN20/0530	PinApp	No	36 Edvard Avenue DANDENONG VIC 3175	Clement Stone Town Planners	Development of the land for two (2) double storey dwellings	General Residential 1 Zone, 631sqm	Delegate	PlanPermit	11/06/2021	Cleeland
PLN20/0539	PinApp	No	86 Hemmings Street DANDENONG VIC 3175	Christopher Chatgoglou	Buildings and works (alterations to the existing building, facades and internal rearrangements)	Commercial 1 Zone, cafe	Delegate	PlanPermit	11/06/2021	Yarraman
PLN20/0541	PinApp	No	18 Wallace Avenue DANDENONG VIC 3175	Ario Arc Pty Ltd	Development of the land for one (1) double storey dwelling to the rear of an existing single storey dwelling and additions and alterations to the existing dwelling	General Residential 1 Zone, 673sqm	Delegate	PlanPermit	22/06/2021	Yarraman
PLN20/0556	PinApp	No	1/13 Kitchen Road DANDENONG SOUTH VIC 3175	Slyvester Kroyherr	Use the land for the purpose of Materials Recycling and a reduction in the car parking requirement associated with Materials Recycling	Industrial 1 Zone, 6068sqm, car dismantling facility	Delegate	NOD	08/06/2021	Dandenong

01/07/2021

4

EANTOS

2.3.2 Planning Delegated Decisions Issued - June 2021 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLN20/0557	PinApp	No	10 Jeffrey Street DANDENONG NORTH VIC 3175	Archiden Design & Consultancy	Development of the land for two (2) double storey dwellings	General Residential 1 Zone, 663sqm	Delegate	PlanPermit	22/06/2021	Cleeland
PLN20/0566	PinApp	No	26-30 Parsons Avenue SPRINGVALE VIC 3171	Stephen D'Andrea Pty Ltd	Development of the land for two (2) warehouse buildings	Industrial 1 Zone, 624sqm	Delegate	PlanPermit	29/06/2021	Springvale North
PLN20/0580	PinApp	No	20 Lawn Road NOBLE PARK VIC 3174	WILLIV Architecture	Development of the land for one (1) single storey dwelling to the rear of an existing single storey dwelling	General Residential 1 Zone, 631sqm	Delegate	PlanPermit	11/06/2021	Springvale Central
PLN20/0583	PinApp	No	25 Henry Street NOBLE PARK VIC 3174	SLBD Homes	The development of the land for five (5) double storey dwellings	General Residential 3 Zone, 984sqm	Delegate	NOD	28/06/2021	Noble Park
PLN21/0007	PinApp	No	15 Aegean Court KEYSBOROUGH VIC 3173	Bayside Architects	The development of the land for a building with a reduction of the car parking requirement	Industrial 1 Zone, 1766sqm	Delegate	PlanPermit	22/06/2021	Keysborough South
PLN21/0011	PinApp	No	1/22-24 Regent Avenue SPRINGVALE VIC 3171	TD Total Smash Repairs	Use of the land for panel beating and a reduction in car parking requirements	Industrial 1 Zone, panel beating	Applicant	Withdrawn	04/06/2021	Springvale Central
PLN21/0027	PinApp	No	17-19 Herbert Street DANDENONG VIC 3175	Greek Orthodox Community of Dandenong & Districts	Development of the land to construct and carry out works for two (2) single storey porch buildings and the use of the land as a car park associated with the existing place of worship.	No response to further information request	Delegate	Lapsed	24/06/2021	Cleeland
PLN21/0038	PinApp	No	33 Alexander Avenue DANDENONG VIC 3175	UXD Group	Development of the land for two (2) dwellings comprising one double storey dwelling to the rear of an existing single storey dwelling	No response to further information request	Delegate	Lapsed	25/06/2021	Yarraman
PLN21/0064	PinApp	No	31-41 National Drive DANDENONG SOUTH VIC 3175	Billi Jacobs Pty Ltd	Buildings and Works (Warehouse Extension)	Industrial 1 Zone, 6330sqm	Delegate	PlanPermit	17/06/2021	Dandenong
EANTOS					5				01/07/2021	

2.3.2 Planning Delegated Decisions Issued - June 2021 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLN21/0082	PinApp	No	49 James Street DANDENONG VIC 3175	ARPC Pty Ltd	Development of the land for three (3) dwellings (two double storey dwellings and one single storey dwelling to the rear)	General Residential 1 Zone, 741sqm	Delegate	PlanPermit	24/06/2021	Cleeland
PLN21/0101	PinApp	No	34 Stephenson Street SPRINGVALE VIC 3171	ABS Design & Construction Services	Development of the land for two (2) dwellings on a lot (one (1) double storey dwelling to the front and one (1) single storey dwelling to the rear)	General Residential 1 Zone, 585sqm	Delegate	NOD	24/06/2021	Springvale North
PLN21/0103	PinApp	No	24-30 Bend Road KEYSBOROUGH VIC 3173	Cadence Property Group Pty Ltd	Use and development of the land for warehouses, Signage (Business Identification), Reduction in Car Parking Requirements and Removal of Native Vegetation	Industrial 1 Zone, 37890sqm	Delegate	PlanPermit	24/06/2021	Keysborough South
PLN21/0124	PinApp	No	32 Red Gum Drive DANDENONG SOUTH VIC 3175	Kashmir Gogon	Use of the land for a Transfer Station with a reduction of the car parking requirement	Industrial 1 Zone, transfer station and reduction in car parking requirements	Delegate	PlanPermit	10/06/2021	Dandenong
PLN21/0137	PinApp	No	4-6 Clarke Road SPRINGVALE SOUTH VIC 3172	Troy Anderson	To display business identification signage	General Residential 1 Zone, business identification signage	Delegate	PlanPermit	25/06/2021	Springvale South
PLN21/0140	PinApp	No	111 Indian Drive KEYSBOROUGH VIC 3173	Plenty Valley Drafting	Buildings and Works (Office, Lab Area & Showroom)	Industrial 1 Zone, 572sqm (within existing building footprint)	Delegate	PlanPermit	17/06/2021	Keysborough South
PLN21/0143	PinApp	No	395-399 South Gippsland Highway DANDENONG SOUTH VIC 3175	Melbourne Marine	Signage (Business Identification)	Commercial 2 Zone, business identification	Delegate	PlanPermit	17/06/2021	Dandenong
PLN21/0147	PinApp	No	18 Heritage Drive SPRINGVALE VIC 3171	Abacus Design & Planning	Development of the land for two (2) double storey dwellings	No response to further information request	Delegate	Lapsed	07/06/2021	Springvale Central
PLN21/0148	PinApp	No	128-130 Hellen Valley Road DANDENONG SOUTH VIC 3175	Change Of Plan	Construction of buildings and works	Commercial 2 Zone, 455.37sqm	Delegate	PlanPermit	22/06/2021	Dandenong
PLN21/0166	PinApp	No	58 Ellen Street SPRINGVALE VIC 3171	AMS Pty Ltd	Subdivision of the land into three (3) lots SPEAR	Residential	Delegate	PlanPermit	03/06/2021	Springvale Central
EANTOS					6				01/07/2021	

2.3.2 Planning Delegated Decisions Issued - June 2021 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLN21/0169	PinApp/Vic	Yes	40 Sharon Road SPRINGVALE SOUTH VIC 3172	VicSurvey	Subdivision of the land into two (2) lots SPEAR (VICSMART)	Residential	Delegate	PlanPermit	22/06/2021	Springvale South
PLN21/0183	PinApp	No	150-180 Greens Road DANDENONG SOUTH VIC 3175	CS Town Planning Services	Buildings and works (store)	Industrial 1 Zone, 522sqm	Delegate	PlanPermit	04/06/2021	Dandenong
PLN21/0189	PinApp	No	14 Wifima Avenue DANDENONG VIC 3175	Alli Macdad Mokhtari	Subdivision of the land into two (2) lots SPEAR	Residential	Delegate	PlanPermit	07/06/2021	Yarraman
PLN21/0192	PinApp	No	3 Hughes Crescent DANDENONG NORTH VIC 3175	M J Reddie Surveys Pty Ltd	Subdivision of the land into three (3) lots SPEAR	Residential	Delegate	PlanPermit	11/06/2021	Cleeland
PLN21/0195	PinApp/Vic	Yes	1/3 Tower Court NOBLE PARK VIC 3174	Banamotive Car Care	Display business identification signs VICSMART	Industrial 1 Zone, business identification signage	Delegate	PlanPermit	22/06/2021	Noble Park
PLN21/0196	PinApp	No	18 Oak Grove SPRINGVALE VIC 3171	AMS Pty Ltd	Subdivision of the land into four (4) lots SPEAR	Residential	Delegate	PlanPermit	10/06/2021	Springvale Central
PLN21/0206	PinApp	No	74 Dunblane Road NOBLE PARK VIC 3174	Tripartite Pty Ltd	Subdivision of the land into nine (9) lots SPEAR	Residential	Delegate	PlanPermit	22/06/2021	Yarraman
PLN21/0210	PinApp/Vic	Yes	3 Commercial Drive DANDENONG SOUTH VIC 3175	Quality First Designs Pty Ltd	Development of the land for a warehouse building VICSMART	Industrial 1 Zone, 1024sqm	Delegate	PlanPermit	08/06/2021	Dandenong
PLN21/0213	PinApp	No	48 Windsor Avenue SPRINGVALE VIC 3171	Studio A2 Architects	AMENDMENT RECEIVED: Development of the land for six (6) double storey dwellings, reduction of a visitor car space and varying (re-align) a sewerage/drainage easement. SEE PLA21/0070	General Residential 1 Zone, 1392sqm	Delegate	PlanPermit	17/06/2021	Springvale Central
PLN21/0217	PinApp/Vic	Yes	15 Aspen Circuit SPRINGVALE VIC 3171	Centre Road Factory Pty Ltd	Buildings and works to construct a mezzanine floor and to reduce the car parking requirements VICSMART	Industrial 1 Zone & Urban Floodway Zone	Delegate	PlanPermit	02/06/2021	Springvale North

01/07/2021

7

EANTOS

2.3.2 Planning Delegated Decisions Issued - June 2021 (Cont.)

Application ID	Category	VicSmart	Property Address	Applicant	Description	Notes	Authority	Decision	Decision Date	Ward
PLN21/0219	PinApp	No	7 Bass Court KEYSBOROUGH VIC 3173	Cranwest Pty Ltd & Limone Blue Pty Ltd c/- Steve Palmer Surveys Pty Ltd	Re-subdivision of existing lots SPEAR	Industrial	Delegate	PlanPermit	17/06/2021	Keysborough South
PLN21/0226	PinAppVic	Yes	20 Bass Court KEYSBOROUGH VIC 3173	Stephen D'Andrea Pty Ltd	The development of the land for a building VICSMART	Industrial 1 Zone, 1100sqm and warehouse	Delegate	PlanPermit	11/06/2021	Keysborough South
PLN21/0240	PinAppVic	Yes	53-55 Rodeo Drive DANDENONG SOUTH VIC 3175	SD Planning	Development of the land for a mezzanine and to reduce the car parking requirements VICSMART	Industrial 1 Zone, construction of mezzanine and reduction in car parking requirements	Delegate	PlanPermit	17/06/2021	Dandenong
PLN21/0252	PinApp	No	180 Railway Parade NOBLE VIC 3174	Michael & Natalia Samosir	Subdivision of the land into three (3) lots SPEAR	Residential	Delegate	PlanPermit	28/06/2021	Yarraman
PLN21/0258	PinApp	No	56 Noble Street NOBLE VIC 3174	Ken Su Kiam Lay & Anna Lay	Subdivision of the land into five (5) lots SPEAR	Residential	Delegate	PlanPermit	22/06/2021	Noble Park
PLN21/0261	PinAppVic	Yes	1/18 Crawford Avenue DANDENONG NORTH VIC 3175	Slawka Radovanovic	Subdivision of the land into two (2) lots SPEAR (VICSMART)	Residential	Delegate	PlanPermit	11/06/2021	Noble Park North
PLN21/0297	PinAppVic	Yes	427-441 Springvale Road SPRINGVALE VIC 3171	Greentline Group Pty Ltd	Buildings and works to construct a shade sail VICSMART	General Residential 1 Zone, 246sqm, construction of a shade sail at secondary school	Delegate	PlanPermit	28/06/2021	Springvale Central

55

01/07/2021

8

EANTOS

3 QUESTION TIME - PUBLIC

Question Time at Council meetings provides an opportunity for members of the public in the gallery to address questions to the Councillors, Delegates and/or officers of the Greater Dandenong City Council. Questions must comply with s. 4.5.8 of Council's Governance Rules.

QUESTIONS FROM THE GALLERY

Questions are limited to a maximum of three (3) questions per individual. Where time constraints deem it likely that not all questions can be answered within the time allowed for Question Time, the Mayor at his/her discretion may determine only the first question may be presented verbally with others deferred to be managed in the same manner as public questions not verbally presented. Priority will be given to questions that relate to items on the Council Agenda for that meeting. Questions including any preamble should not exceed 300 words.

b) All such questions must be received in writing on the prescribed form or as provided for on Council's website and at Ordinary meetings of Council. Where there are more than three (3) questions received from any one individual person, the Chief Executive Officer will determine the three (3) questions to be considered at the meeting.

c) All such questions must clearly note a request to verbally present the question and must be received by the Chief Executive Officer or other person authorised for this purpose by the Chief Executive Officer no later than:

- i) the commencement time (7.00pm) of the Ordinary meeting if questions are submitted in person; or
- ii) noon on the day of the Ordinary meeting if questions are submitted by electronic medium.

d) A question can only be presented to the meeting if the Chairperson and/or Chief Executive Officer has determined that the question:

- i) does not relate to a matter of the type described in section 3(1) of the *Local Government Act 2020* (confidential information);
- ii) does not relate to a matter in respect of which Council or a Delegated Committee has no power to act;
- iii) is not defamatory, indecent, abusive or objectionable in language or substance, and is not asked to embarrass a Councillor, Delegated Member or Council officer; and
- iv) is not repetitive of a question already asked or answered (whether at the same or an earlier meeting).

e) If the Chairperson and/or Chief Executive Officer has determined that the question may not be presented to the Council Meeting or Delegated Committee, then the Chairperson and/or Chief Executive Officer:

- i) must advise the Meeting accordingly; and
- ii) will make the question available to Councillors or Members upon request.

3 QUESTION TIME - PUBLIC (Cont.)

- f) The Chairperson shall call on members of the gallery who have submitted an accepted question to ask their question verbally if they wish.
- g) The Chairperson, Chief Executive Officer or delegate may then direct that question to be answered by a nominated Councillor or member of Council staff.
- h) No debate on, or discussion of, a question or an answer will be permitted other than for the purposes of clarification.
- i) A Councillor, Delegated Committee Member or member of Council staff nominated to answer a question may:
- i) seek clarification of the question from the person who submitted it;
 - ii) seek the assistance of another person in answering the question; and
 - iii) defer answering the question, so that the answer may be researched and a written response be provided within ten (10) working days following the Meeting (the question thereby being taken on notice).
- j) Question time for verbal presentations is limited in duration to not more than twenty (20) minutes. If it appears likely that this time is to be exceeded then a resolution from Council will be required to extend that time if it is deemed appropriate to complete this item.
- k) The text of each question asked and the response will be recorded in the minutes of the Meeting.

4 OFFICERS' REPORTS - PART TWO

4.1 CONTRACTS

4.1.1 Contract No. 2021-38 Capital Works Annual Supply Contract (Schedule of Rates)

File Id:	qA434097
Responsible Officer:	Director Business, Engineering & Major Projects
Attachments:	TENDER INFORMATION (CONFIDENTIAL)

1. Report Summary

This report outlines the tender process undertaken to select a panel of suitably qualified and experienced contractors for the provision of the Capital Works Annual Supply Contract within the City of Greater Dandenong. This is a Schedule of Rates based contract.

The initial contract term is three (3) years from the date of commencement, with an option to extend the contract by (2) two twelve-month extensions at the sole and absolute discretion of Council.

2. Recommendation Summary

This report recommends that Council awards Contract 2021-38 to a panel of twelve (12) contractors comprising; **Ace Infrastructure Pty Ltd, APS Drainage and Civil, Blue Peak Constructions Pty Ltd, Comar Constructions Pty Ltd, Delfino Paving Co Pty Ltd, Entracon Civil Pty Ltd, Fulton Hogan Industries Pty Ltd, Gondola Paving Pty Ltd, InfraFirst Pty Ltd, Linct Group Pty Ltd, Morisons Concreting Pty Ltd and Urban Civil Construction Group Pty Ltd.**

The estimated budget expenditure for this contract over the initial three year term is \$6,000,000 excluding GST. Services provided under this contract will be subject to Council's annual budget allocation for the projects and the grant funds (Local Roads Community Infrastructure, Roads to Recovery, Black Spot etc) receiving from other sources.

4.1.1 Contract No. 2021-38 Capital Works Annual Supply Contract (Schedule of Rates) (Cont.)

3. Background

The purpose of this contract is to create a panel of civil contractors who are suitable for small to medium sized civil projects or major works up to \$500,000 in value which are regularly completed by the City Improvement Department. This panel of contractors allows the process of delivering civil projects to be streamlined using pre-approved contractors and the rates provided in this contract. This can be especially useful for reactive or urgent works.

The scope of this contract covers 19 different components of civil work, all of which are regularly completed by Council. The successful contractors have included pricing for most of these schedules which allows Council to award projects involving a range of civil work to a single principal contractor.

The following schedules are included in this contract:

- Cold Planning
- Permanent Signs
- Line Marking
- Raised Reflective Pavement Markers
- Tactile Ground Surface Indicators
- Landscaping
- Surcharges
- Plant Hire
- Traffic & Other

- Drainage Pipes
- Drainage Pits
- A.G's & Conduits
- Excavations
- Pavements
- Kerbs and Edging
- Asphalt Works
- Spray Sealing
- Concrete Paving
- Saw Cutting

4. Tender Process

This tender was advertised in the Age Newspaper and on Council's website on Saturday 16 January 2021 and at the close of tenders at 2:00PM Tuesday 16 February 2021 nineteen (19) tender submissions were received as follows:

1. **Accomplished Plumbing Services Pty Ltd (APS Drainage and Civil)**
2. **Ace Landscape Services Pty Ltd**

4.1.1 Contract No. 2021-38 Capital Works Annual Supply Contract (Schedule of Rates) (Cont.)

3. **Ace Infrastructure Pty Ltd**
4. **All Waste Solutions Pty Ltd t/as AWS Civil**
5. **Blue Peak Constructions Pty Ltd**
6. **Comar Constructions Pty Ltd**
7. **Delfino Paving Company Pty Ltd**
8. **Entracon Civil Pty Ltd**
9. **Fulton Hogan Industries Pty Ltd**
10. **Gondola Paving Pty Ltd**
11. **InfraFirst Pty Ltd**
12. **KPC Plumbing and Drainage**
13. **Linct Group Pty Ltd**
14. **LJM Construction Pty Ltd**
15. **MACA Infrastructure Pty Ltd**
16. **Morisons Concreting Pty Ltd**
17. **Streetworks Pty Ltd**
18. **Ultimate Civil**
19. **Urban Civil Constructions Pty Ltd**

Tenderers were requested to submit a separate rate per item for the services specified in **Schedule 2 – Schedule of Rates**, of the tender documents. The Schedule of Rates prices specified are not subject to cost adjustment (rise and fall) in the first year of the contract term. Thereafter, the specified unit rate/prices shall be subject to cost adjustment in accordance with the Services General Conditions – Short Form and the Australian Bureau of Statistics Consumer Price Index.

5. Tender Evaluation

The evaluation panel consisted of Council's Coordinator Civil Projects, Senior Project Manager, Project Engineer, Contracts Officer and Senior Contracts Officer, with Occupational Health & Safety and Environmental Management consultants providing specialist advice.

The Tenders were evaluated using Council's Weighted Attributed Value Selection Method. The advertised evaluation criteria and the allocated weightings for evaluation are as follows:

	Evaluation Criteria	Weighting
1	Price	30%
2	Relevant Experience	30%
3	Capability	25%
4	Social Procurement	5%
5	Local Content	5%

4.1.1 Contract No. 2021-38 Capital Works Annual Supply Contract (Schedule of Rates) (Cont.)

6	Environmental	5%
7	OH&S Systems (Pass / Fail)	Pass / Fail
8	Environmental System (Pass / Fail)	Pass / Fail

The Evaluation Criteria 4 and 5 are given a Pass or Fail. The Evaluation Criteria 1 – 3 are given a point score between 0 and 5 as detailed in the following table.

Score	Description
5	Excellent
4	Very Good
3	Good, better than average
2	Acceptable
1	Marginally acceptable (Success not assured)
0	Not Acceptable

Each submission was assessed against all evaluation criteria, to ensure that the tenderers met the standards required for Council contractors. A fail in any criterion would automatically exclude tenderers from further consideration for this contract.

The tender submissions from the following tenderers were set aside as they did not complete all requested schedules and were therefore deemed non-conforming.

- **Ace Landscape Services Pty Ltd**
- **All Waste Solutions Pty Ltd t/as AWS Civil**
- **KPC Plumbing and Drainage**
- **LJM Construction Pty Ltd**
- **Streetworks Pty Ltd**
- **Ultimate Civil**

The tender submission from the following tenderer was set aside and deemed non-conforming as they listed 11 areas of clarification/non-conformance where they sought changes to the contract conditions.

- **MACA Infrastructure Pty Ltd**

4.1.1 Contract No. 2021-38 Capital Works Annual Supply Contract (Schedule of Rates) (Cont.)

The weighted attribute points scores resulting from the assessment are shown in the following table:

Tenderer	Price Points	Non-Price Points	OH&S	EMS	Total Score
Comar Constructions	0.73	2.74	PASS	PASS	3.47
Blue Peak Construct	0.77	2.67	PASS	PASS	3.44
APS Drainage & Civil	1.09	2.34	PASS	PASS	3.43
Morisons Concreting	0.74	2.59	PASS	PASS	3.33
Entracon Civil	0.58	2.74	PASS	PASS	3.32
Urban Civil	0.77	2.48	PASS	PASS	3.25
Delfino Paving	0.81	2.39	PASS	PASS	3.20
Gondola Paving	0.78	2.41	PASS	PASS	3.19
ACE Infrastructure	0.49	2.58	PASS	PASS	3.07
Fulton Hogan Industries	0.24	2.80	PASS	PASS	3.04
Infrafirst	0.89	1.95	PASS	PASS	2.84
Linct Group	1.15	1.48	PASS	PASS	2.63

Based on the above point scores the evaluation panel agreed that Contracts should be awarded to the above twelve contractors in the following work categories:

Major Works:

- Blue Peak Constructions
- Entracon Civil
- Delfino Paving
- ACE Infrastructure
- Fulton Hogan Industries

Drainage Works:

- Comar Constructions
- APS Drainage & Civil
- Entracon Civil
- Fulton Hogan Industries

4.1.1 Contract No. 2021-38 Capital Works Annual Supply Contract (Schedule of Rates) (Cont.)

Minor Works:

- Blue Peak Constructions
- Morisons Concreting
- Urban Civil
- Gondola Paving
- InfraFirst
- Linct Group

Note:

The higher the price score – lower the tendered price.

The higher the non-price score – represents better capability and capacity to undertake the service.

6. Financial Implications

As this is a schedule of rates contract which is not directly linked to any project, there are no immediate financial implications. Projects awarded under this contract will need to be assessed on a case by case basis using the tendered rates and the approved budget for each project.

Schedule of Rates ***A schedule of rates contract is one under which the amount that is payable to the contractor is calculated by applying an agreed schedule of rates to the quantity of work that is performed.***

7. Social Procurement

ACE Infrastructure

ACE commits that (unless a specialist skill or the capacity is not available locally), all works will be undertaken by a local labourer and direct employees residing in the region. This project will create employment opportunities for both skilled and unskilled construction workers to deliver the scope. Based on their program for this project, they anticipate that the onsite labour force will be approximately **5** at its peak.

Anticipated positions created within the project will involve:

- Labourers (2)
- Operators (2)
- Project Manager (1)
- Supervisor (1)

4.1.1 Contract No. 2021-38 Capital Works Annual Supply Contract (Schedule of Rates) (Cont.)

ACE is committed to continuously building long-term business throughout Victoria, and they have provided both direct and indirect employment for hundreds of local people since establishment in 1971. As a long-term member of the Victorian community and industry, ACE actively engages with a number of Victorian businesses to foster relations and identify how they can provide further opportunities to support growth in the region.

ACE focusses on hiring direct employees as part of their business operations, looking at current and future needs, not on a project-by-project basis. They invest significant time in training new engineers on our systems, with the view that their skills and knowledge will grow as they stay with the company.

The financial benefit to their approach will also filter down to the suppliers, contractors and employees employed in the supply chain.

APS Drainage & Civil

APS aims within being awarded this contract to employ more people within diverse communities, including from ethnic cultural backgrounds, provide employment to more females in the civil work space and an older demographic where they can contribute to a safe working environment.

Blue Peak Construction

Blue Peak Constructions will achieve greater value for money for ratepayers. They aim to work closely with local business. Furthermore, they are open to hire locals to stimulate the local economy.

Comar Constructions

The social outcomes will be defined by the scope of the works listed in the tender.

Delfino Paving

Being awarded this contract will allow them to continue to be part of the City of Greater Dandenong, the businesses and the local people. A relationship that has been developed over many years.

Entracon Civil

On gaining this contract, Entracon sees a mutually beneficial social outcome for both employer and employee.

Entracon gains a valuable employee and in turn provides work and income for a member of the municipality who may or may not for whatever reason have found employment difficult to obtain.

If this is the case, such employment can have a ripple effect throughout the person's life, affecting not only their life but also their family and community.

4.1.1 Contract No. 2021-38 Capital Works Annual Supply Contract (Schedule of Rates) (Cont.)

Fulton Hogan Industries

The social outcomes Fulton Hogan will deliver from gaining this contract is to work with their specialist partners and through the supply chain to create opportunities for employment and training for marginalised and/or economically disadvantaged groups, and actively promote the participation of social enterprises in the provision of goods and services for the contract.

Gondola Paving

Gondola Paving gives preference where possible to suppliers that are inclusive employers of disabled, long term unemployed and disadvantaged minority groups regardless of ethnicity and age. Gondola Paving pledges where possible to purchase from suppliers that are owned by Aboriginal and Torres Strait Islander people. Gondola Paving demonstrates corporate responsibility and follows Council's objectives of ensuring procurement practises are sustainable but providing social benefit to the wider local community. Gondola Paving employs staff regardless of ethnicity and age and provides opportunity to the long term unemployed, indigenous and those with a disability.

InfraFirst

This is a project that will benefit the broader community. To deliver an outstanding and sustainable product for our community completely resonates with our tag line 'We Deliver for the Community.'

They will provide employment opportunities for a graduate engineer and a casual labourer for the duration of the project, we look to resource these positions from within the community.

In addition to these roles, they will provide opportunities for local suppliers, plant operators and sub-contractors to engage in this contract.

They aim to ensure our social responsibilities to the environment by minimising waste through careful and efficient planning and use of all materials and energy.

Furthermore, they will purchase sustainable products wherever feasible. These include recycled or low environmental impact products and energy from renewable sources.

Linct Group

No response provided.

Morisons Concreting

Our company will provide concreting services which enhances the pedestrian and safety aspects for persons residing in the City of Greater Dandenong. They support local businesses and provide employment to local persons, including over 50's and disabled, where they can while ensuring the safety aspects required for our works.

As a large percentage of their work group reside in the City of Greater Dandenong, they therefore bring extensive local knowledge of environment, working locations and local businesses and their ability to provide quality materials on time.

4.1.1 Contract No. 2021-38 Capital Works Annual Supply Contract (Schedule of Rates) (Cont.)

Urban Civil

The anticipated social outcomes that our enterprise will deliver from gaining this contract are:

- Returning profits into the local community as much as possible, by supporting local retailers and suppliers in many different ways, some of which include purchasing our plant, equipment, vehicles, consumables from local suppliers.
- Continuing to financially support a charity which provides support to marginalised groups within the Dandenong community, Southern Migrant & Refugee Centre.
- Hiring marginalised locals.
- Improving community spaces through the work that we do for council.

8. Local Industry

The recommended contractors have indicated the percentage estimates shown below that they intend to spend at Greater Dandenong businesses in the form of labour, materials, plant, supervision, and subcontracts.

	PERCENTAGE OF LOCAL CONTENT (%)			
Contractor	Labour	Materials	Plant	Supervision
ACE Infrastructure	60	40	60	30
APS Drainage & Civil	50	90	90	50
Blue Peak Construction	80	90	100	80
Comar Constructions	100	TBD by extent of works	TBD by extent of works	100
Delfino Paving	50	50	80	20
Entracon Civil	80	70	100	80

	PERCENTAGE OF LOCAL CONTENT (%)			
Fulton Hogan Industries	100	85	90	100
Gondola Paving	100	100	100	100
InfraFirst	Not provided	Not provided	Not provided	Not provided
Linct Group	60	50	80	60
Morisons Concreting	100	100	100	100
Urban Civil	40	25	20	15

4.1.1 Contract No. 2021-38 Capital Works Annual Supply Contract (Schedule of Rates) (Cont.)

9. Consultation

Contract 2021-38 Capital Works Annual Supply was a publicly advertised contract. In compliance with the Local Government Act 2020 (VIC) and Local Government Regulations 2015, Council has advertised this tender in the relevant newspapers (The Age), Council's website and via VendorPanel.

10. The Overarching Governance Principles of the *Local Government Act 2020*

Section 9 of the *Local Government Act 2020* (the LGA 2020) states that a Council must in the performance of its role give effect to the overarching governance principles. When a

tender process is undertaken it is fundamentally underpinned by the following overarching governance principles:

- Section 9(a) of the LGA2020 - Council decisions are to be made and actions taken in accordance with the relevant law;
- Section 9(b) of the LGA2020 - Priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- Section 9(c) of the LGA2020 - the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- Section 9(e) of the LGA 2020 - innovation and continuous improvement is to be pursued;
- Section 9(f) of the LGA 2020 - collaboration with other councils and governments and statutory bodies is to be sought;
- Section 9(g) of the LGA2020 - the ongoing financial viability of the Council is to be ensured; and
- Section 9(i) of the LGA2020 - the transparency of Council decisions, actions and information is to be ensured.

In giving effect to the overarching governance principles above, the following supporting principles are also considered throughout any tender process:

- Section 89 of the LGA2020 - the strategic planning principles; and
- Section 1010 of the LGA 2020 - the financial management principles.

11. Victorian Charter of Human Rights and Responsibilities

Council, Councillors and members of Council staff are a public authority under the *Charter of Human Rights and Responsibilities Act 2006* and, as such, are all responsible to act in accordance with the *Victorian Charter of Human Rights and Responsibilities 2006* (the Charter).

All matters relevant to the Victorian Human Rights Charter have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Included in the tender submissions, successful contractors have completed the Modern Slavery Questionnaire, Questionnaire for Potential Contractors (Fair work) and the Victorian Child Safe Standards Questionnaire (Schedule 9).

4.1.1 Contract No. 2021-38 Capital Works Annual Supply Contract (Schedule of Rates) (Cont.)

The responses provided to these statements by all successful contractors were assessed and determined to be satisfactory in the context of the Victorian Charter of Human Rights and Responsibilities.

12. The Gender Equality Act 2020

The *Gender Equality Act 2020* came into operation on 31 March 2021 and requires councils to take positive action towards achieving workplace gender equality and to promote gender equality in their policies, programs and services.

Included in the submission for this tender, contractors were required to address Councils Social Employment opportunities (Schedule 7B). This includes questions to address Council's Diversity, Access and Equity Policy.

The responses provided to these statements by all successful contractors were assessed and determined to be satisfactory in the context of the Gender Equality Act.

13. Climate Change and Sustainability

One of the overarching governance principles of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

In January 2020, this Council joined a growing number of cities around Australia and declared a "Climate and Ecological Emergency" and committed this Council to emergency action on climate change. Council has developed a Climate Change Emergency Strategy and Action Plan 2020-30 to help the City of Greater Dandenong become a resilient, net zero carbon emission city with an active community prepared for the challenges of changing climate.

Included in the submission for this tender, contractors were required to address Councils Statement of Environmental (Schedule 7C). This includes questions to assess if the contractors' attitude towards sustainability is in line with Councils Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 and the requirements of the *Local Government Act 2020*

The responses provided by all successful contractors were assessed and determined to be a satisfactory in the context of Climate change and Sustainability.

14. Conclusion

At the conclusion of the tender evaluation process, which included a range of internal assessments and public tender clarifications, the evaluation panel agreed to appoint the following contractors onto the 2021-38 Capital Works Annual Supply Contract. These contractors represent a mix of small medium and large civil contractors with a range of preferred projects (mixed civil, road reconstruction, drainage etc.)

4.1.1 Contract No. 2021-38 Capital Works Annual Supply Contract (Schedule of Rates) (Cont.)

Successful Contractors:

- Ace Infrastructure
- APS Drainage & Civil
- Blue Peak Constructions
- Comar Constructions
- Delfino Paving
- Entracon Civil
- Fulton Hogan Industries
- Gondola Paving
- InfraFirst
- Linct Group
- Morisons Concreting
- Urban Civil

The successful contractors represented the best value outcome for Council and should be accepted for the following reasons.

- 1) Successful tenderers were conforming and provided fair and reasonable contract rates.
- 2) Contractors have experience working with Victorian government authorities and private organisations on similar construction projects.
- 3) All contractors level of experience, staff resources and sub-contractor selection was determined to be appropriate.
- 4) Received a Pass for their Occupational Health and Safety (OH&S) and Environmental Management Systems.
- 5) Contractors are registered and pre-qualified with Rapid Global (Council's Contractor Risk Management Compliance database).
- 6) Reference checks for unknown companies were undertaken receiving positive recommendations.

15. Recommendation

That Council:

1. **awards Contract 2021-38 to a panel of twelve (12) contractors comprising; Ace Infrastructure Pty Ltd, APS Drainage and Civil, Blue Peak Constructions Pty Ltd, Comar Constructions Pty Ltd, Delfino Paving Co Pty Ltd, Entracon Civil Pty Ltd, Fulton Hogan Industries Pty Ltd, Gondola Paving Pty Ltd, InfraFirst Pty Ltd, Linct Group Pty Ltd, Morisons Concreting Pty Ltd and Urban Civil Construction Group Pty Ltd for a schedule of rates; and**

4.1.1 Contract No. 2021-38 Capital Works Annual Supply Contract (Schedule of Rates) (Cont.)

- 2. signs and seals the contract documents when prepared.**

4.1.1 Contract No. 2021-38 Capital Works Annual Supply Contract (Schedule of Rates) (Cont.)

REPORT

26 July 2021

Contract No. 2021-38 Capital Works Annual Supply Contract (Schedule of Rates) - UPDATED (Cont.)

CONTRACTS

**CONTRACT NO. 2021-38 CAPITAL WORKS ANNUAL
SUPPLY CONTRACT (SCHEDULE OF RATES)**

ATTACHMENT 1

**TENDER INFORMATION
(CONFIDENTIAL)**

PAGES 2 (including cover)

This attachment has been deemed confidential by the Chief Executive Officer under section 3(1) of the *Local Government Act 2020* and has not been provided within the Public Agenda.

4.2 POLICY AND STRATEGY

4.2.1 Legislative Compliance Policy

File Id:	A7639358
Responsible Officer:	Manager Governance
Attachments:	Draft Legislative Compliance Policy

1. Report Summary

Council's internal auditor Crowe Horwath audited Council's legislative compliance in July 2019. At the time, the auditor recommended that a both legislative compliance policy and a delegations policy be developed to formalise and represent Council's existing legislative compliance and delegation practices and processes. A policy has now been developed to address these recommendations, incorporating the auditor's recommendations into one policy - the Legislative Compliance Policy.

2. Recommendation Summary

This report recommends that Council adopts the proposed Legislative Compliance Policy as provided in Attachment 1 to this report.

4.2.1 Legislative Compliance Policy (Cont.)

3. Background and Discussion

In 2019, Council's internal auditor, Crowe Horwath, conducted a review of Council's legislative compliance and noted the absence of an overall legislative framework to address compliance across the organisation and subsequently recommended that officers develop both a legislative compliance policy and a delegations policy.

Greater Dandenong City Council is, and has always been, committed to conducting its business and activities lawfully and in a manner that will enhance the core values defined by its REACH principles. Council's REACH principles outline how we interact with our community. They are Respectful, Engaged, Accountable, Creative and Honest. These particularly embody Council's willingness to be seen as an organisation of integrity, fairness and excellence. All members of staff are expected to adhere to high ethical standards when acting on behalf of Council and to strictly comply with all relevant legislation. Legislative and governance processes and systems can ensure this compliance and in turn assist the community to understand that the organisation always acts in accordance with its REACH principles.

The proposed Legislative Compliance Policy provided in Attachment 1 to this report formalises Council's approach to legislative compliance and the responsibilities that attach to various levels within the organisation. It also satisfies the recommendations of the internal auditor. The proposed policy focuses on two major areas of risk for Council in legislative compliance. These are:

- compliance with all laws and regulations relevant to Council and which impact the day-to-day activities of Council; and
- the consistent administration of delegations and authorisations for staff within the organisation who are responsible for undertaking powers, duties and functions on behalf of Council or the Chief Executive Officer.

4. Proposal

The proposed policy will apply predominantly to the Chief Executive Officer and all staff of the Greater Dandenong City Council.

However, the role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community and must, in the performance of its role, give effect to the overarching governance principles outlined in the *Local Government Act 2020*. As elected representatives, Councillors are required to act in accordance with the Councillor Code of Conduct, the *Local Government Act 1989* and *Local Government Act 2020*. This proposed policy therefore provides the elected representatives of Council with an assurance that the organisation's legislative requirements are being met with a coordinated, consistent and considered approach.

The proposed policy primarily covers the major instruments of legislation that Council operates under. Appendices 1 and 2 within the proposed policy list the wide range of legislative instruments and regulatory statutes that Council must comply with. This list is subject to change as instruments of legislation are continually developed, updated and amended.

4.2.1 Legislative Compliance Policy (Cont.)

Council's Compliance Register sets obligations for many instruments of legislation across Council particularly those in areas of higher risk such as the *Local Government Act 1989* and the *Local Government Act 2020*. (Note: At the time the policy was developed the Compliance Register does not cover the *Building Act 1993* or the *Planning and Environment Act 1987*.) The number of legislative compliance obligations is currently determined by resources available.

5. Financial Implications

The digital management systems utilised in managing obligations (RelianSys) and the subscription to the Maddocks Delegations and Authorisation Service is a Governance cost that is budgeted for annually. Both systems ensure that Council is kept informed of any legislative updates and that changes can be made immediately when they are required so that Council is not exposed to any legislative or compliance risk.

6. Consultation

The proposed policy is essentially administrative in nature and is for internal use only. As such, there is no requirement to consult with the community in relation to its content prior to Council adoption. It will, however, be placed on Council's website to give a level of assurance to the community that the organisation's legislative requirements are being met with a coordinated, consistent and considered approach.

The proposed policy was presented to, and endorsed by, Council's Audit and Risk Committee on Friday 5 March 2021.

Council's Staff Consultative Committee has also provided input to the proposed policy.

7. Community Plan 'Imagine 2030' and Council Plan 2017-21 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted to see for themselves and the City in 2030, the result was the Greater Dandenong Community Plan 'Imagine 2030'. This report is consistent with the following community visions:

Community Plan 'Imagine 2030'

People

- *Pride – Best place best people*

Opportunity

- *Education, Learning and Information – Knowledge*
- *Leadership by the Council – The leading Council*

8. Council Plan 2017-21

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four years. This report is consistent with the following goals:

4.2.1 Legislative Compliance Policy (Cont.)

Opportunity

- *An open and effective Council*

9. The Overarching Governance Principles of the *Local Government Act 2020*

Section 9 of the *Local Government Act 2020* (the Act) states that a Council must, in the performance of its role, give effect to the overarching governance principles. The proposed policy gives effect to the overarching governance principles by:

- complying with the relevant law (section 9(a) of the Act);
- giving priority to achieving the best outcomes for the municipality, including future generations (section 9b of the Act). The proposed policy ensures that in relation to the *Local Government Act 1989* and *Local Government Act 2020* and other instruments of legislation, Councillors and Council officers are continually made aware of their legislative obligations. Council's internal audit program ensures an organisation-wide mechanism for the continued improvement of Council's programs and services.
- the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is promoted (section 9(c) of the Act). The proposed policy has no impact on the economic and social sustainability of the municipal district as it is essentially an organisation operational policy but has considered climate change and sustainability in its preparation;
- innovation and continuous improvement has been pursued (section 9(e) of the Act). The proposed policy incorporates monitoring and tracking of Council's internal audit program which specifically looks to review and improve Council services, processes and programs. It has also made provision for evaluation, monitoring and review of the policy;
- collaboration with other Councils and Governments and statutory bodies has been sought (section 9(f) of the Act). A number of best practice model policies were consulted in developing the proposed policy along with Australian Standards as referenced in section 12 of the proposed policy; and
- transparency of Council decisions, actions and information is ensured by the enactment of this policy (section 9(i) of the Act). The proposed policy will be made available to the public on Council's website once adopted by Council.

In giving effect to the overarching governance principles, a Council must also take into account the community engagement principles (section 56 of the Act), the public transparency principles (section 58 of the Act), the strategic planning principles (section 89 of the Act), the financial management principles (section 101 of the Act), and the service performance principles (section 106 of the Act).

The proposed policy is essentially operational and discretionary and responds to internal audit recommendations. While it is crucial that Council decisions are transparent and open to scrutiny, there is no legal requirement for consultation with the community, however under Council's Public Transparency Policy, it will be published on Council's website once it is adopted. This policy has no new financial impact on Council and the resources required to manage and administer it are allocated from existing resource budgets.

4.2.1 Legislative Compliance Policy (Cont.)

10. Victorian Charter of Human Rights and Responsibilities

Council, Councillors and members of Council staff are a public authority under the *Charter of Human Rights and Responsibilities Act 2006* and, as such, are all responsible to act in accordance with the *Victorian Charter of Human Rights and Responsibilities 2006* (the Charter).

All matters relevant to the Victorian Human Rights and Responsibilities Charter have been considered in the preparation of this report and are consistent with the standards set by the Charter.

11. The Gender Equality Act 2020

The *Gender Equality Act 2020* came into operation on 31 March 2021 and requires councils to take positive action towards achieving workplace gender equality and to promote gender equality in their policies, programs and services.

Council's Diversity, Access and Equity Policy and the *Gender Equality Act 2020* have been considered in the preparation of this report. The proposed policy does not have a direct and significant impact on members of the Greater Dandenong community therefore a gender impact assessment is not required.

The proposed policy is purely administrative in its nature and does not have the potential to influence broader social norms and gender roles nor does not benefit any one gender group over any other.

12. Consideration of Climate Change and Sustainability

One of the overarching governance principles of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

In January 2020, this Council joined a growing number of cities around Australia and declared a "Climate and Ecological Emergency" and committed this Council to emergency action on climate change. Council has developed a Climate Change Emergency Strategy and Action Plan 2020-30 to help the City of Greater Dandenong become a resilient, net zero carbon emission city with an active community prepared for the challenges of changing climate.

This proposed policy has no impact on Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 or the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability. It is essentially administrative in nature and the systems used to monitor compliance and delegations are digital with minimal hard copy requirements.

13. Related Council Policies, Strategies or Frameworks

There are several Council documents that are related to the proposed policy as follows:

- Greater Dandenong City Council Staff Code of Conduct;
- Greater Dandenong City Council Instruments of Delegation; and
- Greater Dandenong City Council Public Transparency Policy.

4.2.1 Legislative Compliance Policy (Cont.)

14. Recommendation

That the Legislative Compliance Policy as provided in Attachment 1 to this report be adopted.

4.2.1 Legislative Compliance Policy (Cont.)

POLICY AND STRATEGY

LEGISLATIVE COMPLIANCE POLICY

ATTACHMENT 1

**DRAFT
LEGISLATIVE COMPLIANCE POLICY**

PAGES 18 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.2.1 Legislative Compliance Policy (Cont.)



Legislative Compliance Policy

Policy Endorsement:	Endorsement required by Council		
Policy Superseded by this Policy:			
Directorate:	Corporate Services		
Responsible Officer:	Manager Governance		
Policy Type:	Discretionary on recommendation by Internal Auditor		
File Number:		Version No:	
1 st Adopted by Council	Minute No.	Last Adopted by Council:	Minute No.
Review Period:	Bi-ennially	Next Review:	March-July 2023

4.2.1 Legislative Compliance Policy (Cont.)

This page has been left intentionally blank.

DRAFT

4.2.1 Legislative Compliance Policy (Cont.)

TABLE OF CONTENTS

1.	POLICY PURPOSE.....	4
2.	BACKGROUND.....	4
3.	SCOPE	5
4.	DEFINITIONS	5
5.	POLICY	6
5.1	LEGISLATIVE OBLIGATION MANAGEMENT.....	6
5.2	INTERNAL AUDIT OBLIGATION MANAGEMENT	6
5.3	MANAGEMENT OF THE COMPLIANCE REGISTER.....	7
5.4	MANAGEMENT OF OTHER REGISTERS	7
5.5	DELEGATIONS AND AUTHORISATIONS	7
6.	RESPONSE TO THE OVERARCHING GOVERNANCE PRINCIPLES OF THE LOCAL GOVERNMENT ACT 2020.....	8
7.	CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 – COMPATIBILITY STATEMENT	9
8.	RESPONSE TO THE GENDER EQUALITY ACT 2020	9
9.	CONSIDERATION OF CLIMATE CHANGE AND SUSTAINABILITY	9
10.	RESPONSIBILITIES.....	9
10.1	COUNCILLORS	9
10.2	CHIEF EXECUTIVE OFFICER (CEO) AND EXECUTIVE MANAGEMENT TEAM	9
10.3	MANAGER GOVERNANCE	10
10.4	MANAGER PEOPLE AND PROCUREMENT SERVICES	10
10.5	AUDIT AND RISK COMMITTEE.....	10
10.6	DIRECTORS AND MANAGERS	10
10.7	RESPONSIBLE OFFICERS.....	11
10.8	ALL STAFF	11
11.	REPORTING, MONITORING AND REVIEW	12
11.1	REPORTING	12
11.2	MONITORING AND REVIEW.....	12
12.	REFERENCES AND RELATED DOCUMENTS	12
12.1	LEGISLATION	12
12.2	RELATED COUNCIL AND OTHER POLICIES, PROCEDURES, STRATEGIES, PROTOCOLS, GUIDELINES	12
13.	APPENDIX 1 – MAJOR INSTRUMENTS OF STATE LEGISLATION RELEVANT TO COUNCIL	13
14.	APPENDIX 2 – MAJOR INSTRUMENTS OF FEDERAL LEGISLATION RELEVANT TO COUNCIL	16
15.	APPENDIX 3 – IMPLEMENTING COUNCIL’S LEGISLATIVE COMPLIANCE FRAMEWORK	17

4.2.1 Legislative Compliance Policy (Cont.)

1. POLICY PURPOSE

This policy:

- responds to an internal audit recommendation to formalise existing Council processes and practices in legislative compliance and the administration of delegations;
- provides a uniform framework approach to ensure compliance with all laws, regulations, industry and internal codes of conduct relevant to Council and which impact on the day-to-day activities of Council;
- promotes a functional compliance culture at Council by outlining the compliance responsibilities of those within the organisation;
- upholds and promotes best practice governance practices within Council; and
- provides assurance to Council and the wider community that the organisation is actively attentive to its legislative compliance obligations, considers impacts of changes and ensures that these are embedded in practice and procedures across the organisation.

2. BACKGROUND

Greater Dandenong City Council has a responsibility to identify and comply with a range of legislative and regulatory requirements.

The Australian Standard ISO 19600:2015 (Compliance Management Systems) states that:

“An effective, organisation-wide compliance management system enables an organisation to demonstrate its commitment to compliance with relevant laws, including legislative requirements, industry codes and organisational standards, as well as standards of good corporate governance, best practices, ethics and community expectations.”

Council’s internal auditor reviewed Council’s legislative compliance practices and processes in July 2019 and recommended that both a legislative compliance policy and delegation policy be developed and implemented to formalise and represent Council’s existing legislative compliance and delegation practices and processes. This policy responds to those internal audit recommendations by incorporating the two policy requirements into one holistic policy.

Council is committed to conducting its business and activities lawfully and in a manner that will enhance the core values defined by its REACH principles. Council’s REACH principles outline how we interact with our community. They are Respectful, Engaged, Accountable, Creative and Honest. These particularly embody Council’s willingness to be seen as an organisation of integrity, fairness and excellence. All members of staff are expected to adhere to high ethical standards when acting on behalf of Council and to strictly comply with all relevant legislation. Legislative and governance processes and systems can ensure this compliance and in turn assist the community to understand that the organisation always acts in accordance with its REACH principles.

Council’s legislative compliance framework consists of:

- this policy (Legislative Compliance Policy) which outlines the scope and objective of the legislative requirements and compliance management framework, accountabilities and responsibilities to maintain that framework and the management process of reviewing and updating Council’s Instruments of Delegation;

4.2.1 Legislative Compliance Policy (Cont.)

- supporting procedures, forms and registers that are a legislative requirement for Council and complement management and administrative governance functions;
- responsibilities for ensuring compliance with particular legislative obligations; and
- responsibilities for ensuring compliance with internal audit recommendations to ensure best practice and continuous improvement.

3. SCOPE

This policy applies predominantly to the Chief Executive Officer and all staff of Greater Dandenong City Council.

The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community and must, in the performance of its role, give effect to the overarching governance principles outlined in the *Local Government Act 2020*. As elected representatives, Councillors are required to act in accordance with the Councillor Code of Conduct and the *Local Government Act 1989* and *Local Government Act 2020*. This policy therefore provides the elected representatives of Council with an assurance that the organisation's legislative requirements are being met with a coordinated, consistent and considered approach.

This policy primarily covers the major instruments of legislation that Council operates under. Appendix 1 lists the wide range of legislative instruments and regulatory statutes that Council must comply with. This list is subject to change as instruments of legislation are developed, updated and amended regularly.


Council's Compliance Register sets obligations for many instruments of legislation across Council particularly those in areas of higher risk such as the *Local Government Act 1989* and the *Local Government Act 2020*. At the time of this policy development the Compliance Register does not cover the *Building Act 1993* or the *Planning and Environment Act 1987*. The number of legislative compliance obligations is currently determined by resources available.

4. DEFINITIONS

Unless otherwise specified within this policy, the following words and phrases are defined to mean the following in terms of this policy.

Authorisation	A member of staff is appointed to a particular statutory position and then has certain powers by virtue of that position. They are then an "authorised" officer for the purposes of carrying out certain powers under a particular instrument of legislation.
Council	The 11 elected councillors representing the City of Greater Dandenong.
Delegation	A member of Council staff is empowered to take action on Council's behalf. The decision of the delegate is "deemed" to be a decision of Council.
Compliance Register	RelianSys software utilised to monitor Council's compliance with relevant instruments of legislation, monitor compliance with internal audit obligations, track updated required delegations and track updated required authorisations.

4.2.1 Legislative Compliance Policy (Cont.)



Obligation	An action within the Compliance Register that is allocated to a Responsible Officer for action and sign off attestation about how it has been completed (if an actual obligation) or understood (if an awareness obligation). Note that some obligations are only for the awareness of Responsible Officers and do not require any action. Obligations are repeated on a regular cycle (developed in accordance with the risk and requirements of the obligation by the Governance Unit) so that sign off attestations are required on a cyclical basis.
Responsible Officer	A member of Council staff who has been allocated an obligation from the Compliance Register.
Sign Off Attestation	Clear, articulate and meaningful details about how an obligation has been completed (complies) so that the Executive Management Team and Audit and Risk Committee will understand and be assured that the Responsible Officer has undertaken their responsibilities in relation to the obligation.

5. POLICY

5.1 LEGISLATIVE OBLIGATION MANAGEMENT

As a large and complex statutory authority, Council has a significant number of compliance obligations. Council must comply with over 100 statutory acts and their associated regulations. The *Local Government Act 1989* and the *Local Government Act 2020* and associated regulations are the principal governing instruments of legislation relevant to Council.

To ensure that Council can comply with its obligations, it is important to identify all the legislative instruments which impose a legislative obligation. Compliance obligations may require, but are not limited to, reporting, accreditation, registration, licensing, compliance with deadlines, provision of services, restrictions, limitations or financial obligations. Council's obligations are maintained in an on-line Compliance Register with each obligation allocated to the responsible officer. The Compliance Register maps Council's obligations to Responsible Officers, maps changes or amendments in the legislation, provides a sign-off attestation process for Responsible Officers and also provides a complete audit trail for each obligation.

The register is reviewed quarterly to:

- monitor substantive changes in legislative requirements;
- assess time frames for signing off obligations;
- allocate new obligations; and
- follow-up overdue obligations, particularly those in areas of potential risk.

5.2 INTERNAL AUDIT OBLIGATION MANAGEMENT

Council has a structured internal audit program undertaken by an independent auditor which regularly reviews and audits Council's services, programs and processes in line with a strategic continuous improvement plan set by the Executive Management team in conjunction with the Audit and Risk Committee.

4.2.1 Legislative Compliance Policy (Cont.)

For each audit, Council's internal auditor makes a number of recommendations that are added to the Compliance Register as internal audit obligations. The Compliance Register maps these internal audit actions to each Responsible Officer, provides a quarterly sign off attestation for Responsible Officers and provides a complete audit trail for each obligation until it is completed (complies).

5.3 MANAGEMENT OF THE COMPLIANCE REGISTER

The Compliance Register is managed, administered and maintained by Council's Governance Unit on behalf of the Chief Executive Officer.

5.4 MANAGEMENT OF OTHER REGISTERS

In conjunction with the *Local Government Act 2020*, the Governance Unit manages, administers and maintains statutory registers or summaries, including, but not limited to, the following:

- Authorisations Register;
- Conflicts of Interest Register;
- Councillor Gift Register;
- Delegations Register;
- Inspection of Documents Register;
- Staff Gift Register;
- Summary of Personal Interest Returns; and
- Travel Register.

Public access to these documents is prescribed under the *Local Government Act 2020* and Council's Public Transparency Policy.

5.5 DELEGATIONS AND AUTHORISATIONS

Council is responsible for carrying out various duties, functions and powers under a range of State legislation and Council's Local Laws. The practice of delegation originates in the need to remove formal Council consideration of matters that are essentially of a routine nature or of such a nature that a professionally qualified person must undertake them. As such, delegation is an important administrative tool which allows for the efficient and effective function of the organisation.

Section 11 of the *Local Government Act 2020* provides for Council, by Instrument of Delegation to delegate to the CEO or members of a delegated committee and power, duty or function under this Act or any other Act (other than certain powers, duties and functions as specified in the Act). Council therefore delegates many duties, functions and powers to the CEO.

Section 47 of the *Local Government Act 2020* provides for the CEO to then delegate, by Instrument of Delegation, any power, duty or function conferred by this Act or any other Act that has been delegated to the CEO by Council, to a member of Council staff. (This action was previously called sub-delegation.)

In conjunction with, but not the same as, delegations, authorisations are also required so that professional council officers can be appointed to particular statutory positions and are "authorised" with certain powers by virtue of that position.

4.2.1 Legislative Compliance Policy (Cont.)

Council engages two external services on a biannual basis to provide updated advice on legislation affecting Council's various Instruments of Delegation and Authorisation. Legal advice ensures that all acts that are relevant to Council's operations are covered regularly and RelianSys software provides a management tool and templates for the Instruments to be generated in different formats and as required.

Council keeps updated Instruments of Delegation (Delegations Register) and makes them available to all staff on its Intranet. The Governance Unit monitors legislation for any changes to ensure all areas of Council are not exposed to any risk.

6. RESPONSE TO THE OVERARCHING GOVERNANCE PRINCIPLES OF THE LOCAL GOVERNMENT ACT 2020

Section 9 of the *Local Government Act 2020* (the Act) states that Council must, in the performance of its role, give effect to the overarching governance principles. This policy gives effect to these principles by:

- complying with the relevant law (section 9(a) of the Act);
- giving priority to achieving the best outcomes for the municipality, including future generations (section 9b of the Act). This policy ensures that in relation to the *Local Government Act 1989* and *Local Government Act 2020* and other instruments of legislation, Councillors and Council officers are continually made aware of their legislative obligations and Council's internal audit program ensures an organisation-wide mechanism for the continued improvement of Council's programs and services;
- the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is promoted (section 9(c) of the Act). This policy has no impact on the economic and social sustainability of the municipal district as it is essentially an organisation operational policy but has considered climate change and sustainability in its preparation (see section 9 of this policy);
- innovation and continuous improvement has been pursued (section 9(e) of the Act). This policy incorporates monitoring and tracking of Council's internal audit program which specifically looks to review and improve Council services, processes and programs. It has also made provision for evaluation, monitoring and review of the policy (see section 11 of this policy);
- collaboration with other Councils and Governments and statutory bodies has been sought (section 9(f) of the Act). A number of best practice model policies were consulted in developing this policy along with Australian Standards as referenced in section 12 of this policy; and
- transparency of Council decisions, actions and information is ensured by the enactment of this policy (section 9(i) of the Act). The policy will be made available to the public on Council's website once endorsed by Council.

In giving effect to the overarching governance principles, a Council must also take into account the community engagement principles (section 56 of the Act), the public transparency principles (section 58 of the Act), the strategic planning principles (section 89 of the Act), the financial management principles (section 101 of the Act), and the service performance principles (section 106 of the Act).

This policy is essentially operational and discretionary and responds to an internal audit recommendation. While it is crucial that Council decisions are transparent and open to scrutiny, there is no legal requirement for consultation with the community, however under Council's Public Transparency Policy, it will be published on Council's website once it is endorsed. This policy has no financial impact on Council and the resources required to manage and administer it are allocated from existing resource budgets.

4.2.1 Legislative Compliance Policy (Cont.)



7. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 – COMPATIBILITY STATEMENT

The *Victorian Charter of Human Rights and Responsibilities Act 2006* has been considered in relation to whether any human right under the Charter is restricted or interfered with in any way by enacting any part of this policy. It is considered that this policy is consistent with the rights outlined in the Charter.

8. RESPONSE TO THE GENDER EQUALITY ACT 2020

The *Gender Equality Act 2020* and Council's Diversity, Action and Inclusion Policy have been considered in the preparation of this policy but are not relevant to its contents as it is purely administrative in nature. No particular groups that are based on gender are considered to be impacted either positively or negatively by this policy.

9. CONSIDERATION OF CLIMATE CHANGE AND SUSTAINABILITY

Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 and the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability have been considered in the preparation of this policy but are not relevant to its contents. The policy is purely administrative in nature and the methods by which this policy is implemented are purely driven by electronic means. No paper needs to be generated to action any of the reporting requirements within this policy.

10. RESPONSIBILITIES

The following details the key actions, reviews and reports required by Council's Legislative Compliance Framework. It details who is responsible for each activity and the required timing. Independent review may be sought from time to time to confirm that Council's approach to compliance is consistent with best practice.

10.1 COUNCILLORS

As elected representatives, Councillors are required to act in accordance with the Councillor Code of Conduct and the *Local Government Acts 1989 and 2020*. The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community and must, in the performance of its role, give effect to the overarching governance principles outlined in the *Local Government Act 2020*. This policy provides Council with assurance that the organisation's legislative requirements are being met.

10.2 CHIEF EXECUTIVE OFFICER (CEO) AND EXECUTIVE MANAGEMENT TEAM

The Chief Executive Officer (CEO) has the ultimate delegated responsibility for legislative compliance across and within the organisation. The CEO is responsible for leading a compliance culture across the organisation through promoting and supporting the Legislative Compliance Policy. In order to efficiently discharge these responsibilities, the CEO delegates some of the powers, duties and functions required to other staff within

4.2.1 Legislative Compliance Policy (Cont.)

the organisation. The CEO and Executive Management Team will annually review compliance activities for the coming year and identify any key risk management issues.

10.3 MANAGER GOVERNANCE

The Manager Governance, on behalf of the CEO, has overall responsibility for the control and coordination of the Compliance Register and coordinating the broad and general legislative compliance framework across the organisation. Specifically the Manager Governance is responsible for:

- managing and maintaining Council's Compliance Register and Instruments of Delegation;
- managing and maintaining Council's statutory registers referred to in this policy;
- developing and implementing Council's Legislative Compliance Framework under this policy;
- identifying, in conjunction with Managers and Responsible Officers, compliance requirements and training needs and promoting awareness of compliance obligations;
- providing advice to relevant staff and Responsible Officers about new or changed legislation, its content and application to Council where appropriate;
- identifying and reviewing legislative obligations and the nomination of Responsible Officers;
- reporting compliance breaches to the Chief Executive Officer and ensuring that appropriate and timely corrective actions are undertaken;
- reviewing the currency and effectiveness of this policy;
- reviewing the current status of compliance actions, potential or actual breaches of legislation or this policy and other relevant issues of high risk;
- ensure staff are aware of Council's Legislative Compliance Policy and their obligations under this policy;
- conducting regular compliance audits as required by the CEO; and
- reporting to the Chief Executive Officer and Audit & Risk Committee in the manner outlined within this policy or in any manner requested.

10.4 MANAGER PEOPLE AND PROCUREMENT SERVICES

The Manager People and Procurement Services has responsibility for ensuring that Council's position descriptions refer to a role's legislative requirements, compliance obligations and any delegated powers, duties or functions relevant to a particular role.


10.5 AUDIT AND RISK COMMITTEE

Under the *Local Government Act 2020*, the Audit and Risk Committee must monitor the compliance of Council policies, monitor Council financial and performance reporting, monitor and provide advice on risk management and fraud prevention systems and controls and oversee internal and external audit functions.

10.6 DIRECTORS AND MANAGERS

Directors and senior managers are responsible for ensuring that appropriate resources, systems and processes are in place to implement this policy across the organisation, comply with legislative and regulatory requirements within their specific areas of operational responsibility and ensure that any potential or actual legislative non-compliance has been identified and is being managed appropriately. Specifically they are responsible for:

4.2.1 Legislative Compliance Policy (Cont.)

- 
- promoting an ethical and positive compliance culture in relation to the organisation's legislative responsibilities and encouraging behaviours that create and support Council's Legislative Compliance Policy;
 - ensuring those in their directorate and/or unit are made aware that they are expected to comply with this policy, are aware of its existence and understand what is required of them;
 - remaining aware of the compliance obligations (including monitoring for changes in legislation and regulation) within their areas of control;
 - ensuring that compliance continues to be maintained, including providing advice to other staff within their units as required;
 - ensuring appropriate education and training for those required to implement, oversee and comply with legislative compliance;
 - reporting non-compliance or potential non-compliance to the Manager Governance;
 - developing specific controls and strategies or corrective actions to manage significant risks of non-compliance or breaches in their unit in a timely manner;
 - certifying compliance for their area of control if and when required;
 - identifying and reviewing legislative obligations and nomination of Responsible Officers when requested to do so by the CEO or Manager Governance;
 - monitoring legislative compliance responsibilities in position descriptions and in relevant discussions at performance reviews; and
 - monitoring compliance with the relevant legislation and related Council policies.

Commitment must be demonstrated by all senior officers by making themselves fully aware of the organisation's legislative obligations within their area of accountability or span of control.

10.7 RESPONSIBLE OFFICERS

In addition to the above responsibilities, Responsible Officers will work closely with the Manager Governance and have direct responsibility for responding to legislative obligations within the Compliance Register. Specifically they will:


- monitor identified legislation and regulations for change and ensure that compliance continues to be maintained, including providing advice to other staff within their units as required;
- signing-off on all obligations (both legislative and internal audit) allocated to them in a timely manner and seeking assistance and guidance from their direct manager when needed to ensure they understand the requirements and legislation they must comply with to undertake their duties;
- remaining aware of the compliance obligations (including monitoring for changes in legislation and regulation) within their areas of control;
- assisting the Manager Governance to allocate any obligations and advise on appropriate timeline and frequency of those obligations; and
- assisting to promote an ethical and positive compliance culture in relation to the organisation's legislative responsibilities and encourage behaviours that create and support Council's Legislative Compliance Policy.

10.8 ALL STAFF

All staff generally have a responsibility to ensure that their activities on behalf of Council comply with all applicable laws. All staff are responsible for:

- compliance with all relevant legislation;
- adherence to the compliance obligations relevant to their position;

4.2.1 Legislative Compliance Policy (Cont.)

- 
- performing their duties in a lawful and safe manner;
 - undertaking training as required on compliance activities and initiatives;
 - undertaking corrective actions to compliance breaches in a timely manner;
 - reporting and escalating compliance concerns, issues, complaints and failures;
 - referring to relevant Council policies or having a discussion with their manager before acting if they are uncertain as to what is legally compliant behaviour in a given situation; and
 - familiarising themselves with Council policies concerning compliance within specific areas of legislation that affect their workplace and activities.

11. REPORTING, MONITORING AND REVIEW

11.1 REPORTING

The Compliance Register monitors all major legislative obligations as outlined in this policy and a compliance report will be submitted to the Executive Management Team and the Audit and Risk Committee annually.

The Compliance Register monitors and manages all internal audit obligations until they are completed and a progress report against all internal audit obligations is provided to the Executive Management Team and the Audit and Risk Committee quarterly.

11.2 MONITORING AND REVIEW

Regular reporting to both the Executive Management Team and Audit and Risk Committee will provide regular indicators of the effectiveness of this policy in raising awareness levels and developing a functional compliance culture across the organisation. The policy will be reviewed every two years to ensure it remains current with any legislative requirements and a survey will be undertaken of staff prior to review so that any improvements or adaptations can be incorporated.

12. REFERENCES AND RELATED DOCUMENTS

12.1 LEGISLATION

- *Local Government Act 1989*
- *Local Government Act 2020*

12.2 RELATED COUNCIL AND OTHER POLICIES, PROCEDURES, STRATEGIES, PROTOCOLS, GUIDELINES

- AS ISO 19600:2015 *Compliance Management Systems*
- Crowe Horwath Legislative Compliance Review, July 2019
- Greater Dandenong City Council Staff Code of Conduct
- Greater Dandenong City Council Instruments of Delegation
- Greater Dandenong City Council Public Transparency Policy
- Greater Dandenong Enterprise Bargaining Agreement

4.2.1 Legislative Compliance Policy (Cont.)

13. APPENDIX 1 – MAJOR INSTRUMENTS OF STATE LEGISLATION RELEVANT TO COUNCIL

The major instruments of State legislation that Council operates under are listed, but are not limited to, the below. Instruments of legislation are updated from time to time, names may change and requirements may be altered. New legislation may also be developed that becomes relevant to Council.

- *Aboriginal Heritage Act 2006*
- *Associations Incorporation Reform Act 2012*
- *Building Act 1993*
- *Building Interim Regulations 2017*
- *Building Regulations 2018*
- *Catchment and Land Protection Act 1994*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Child Wellbeing and Safety Act 2005*
- *Children Youth and Families Act 2005*
- *Climate Change Act 2010*
- *Climate Change Act 2017*
- *Conservations, Forest and Lands Act 1987*
- *Country Fire Authority Act 1958*
- *Country Fire Authority Regulations 2014*
- *Cultural and Recreational Lands Act 1963*
- *Dangerous Goods Act 1985*
- *Dangerous Goods (Explosives) Regulations 2011*
- *Development Victoria Act 2003*
- *Disability Act 2006*
- *Domestic Animals Act 1994*
- *Domestic Building Contracts Act 1995*
- *Drugs Poisons and Controlled Substances Regulations 2017*
- *Education and Care Services National Law Act 2010*
- *Educations and Training Reform Act 2006*
- *Electoral Act 2002*
- *Electrical Safety Act 1998*
- *Emergency Management Act 1986*
- *Emergency Management Act 2013*
- *Environment Protection Act 1970*
- *Equal Opportunity Act 2010*
- *Estate Agents Act 1980*
- *Family Violence Protection Act 2008*
- *Fences Act 1968*
- *Filming Approval Act 2014*
- *Fines Reform Act 2014*
- *Fires Services Property Levy Act 2012*
- *Flora and Fauna Guarantee Act 1984*
- *Food Act 1984*
- *Freedom of Information Act 1982*
- *Gambling Regulation Act 2003*
- *Gender Equality Act 2020*
- *Graffiti Prevention Act 2007*
- *Health Records Act 2001*
- *Heavy Vehicle National Law Application Act 2013*
- *Heritage Act 1995*
- *Housing Act 1983*

4.2.1 Legislative Compliance Policy (Cont.)

- *Impounding of Livestock Act 1994*
- *Independent Broad-Based Anti-Corruption Commission Act 2011*
- *Infringements Act 2006*
- *Infringement Regulations 2016*
- *Land Acquisition and Compensation Act 1986*
- *Land Acquisition and Compensation Regulations 2010*
- *Land Act 1958*
- *Liquor Control Reform Act 1998*
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Local Government (General) Regulations 2015*
- *Local Government (Governance and Integrity) Regulations 2020*
- *Local Government (Long Service Leave) Regulations 2012*
- *Local Government (Planning and Reporting) Regulations 2014*
- *Magistrates Court Act 1989*
- *Major Transport Projects Facilitation Act 2009*
- *Mineral Resources (Sustainable Development) Act 1990*
- *National Parks Act 1975*
- *Occupational Health and Safety Act 2004*
- *Occupational Health and Safety Regulations 2007*
- *Occupational Health and Safety Regulations 2017*
- *Pipelines Act 2005*
- *Planning and Environment Act 1987*
- *Planning and Environment (Fees) Regulations 2016*
- *Planning and Environment Regulations 2015*
- *Privacy and Data Protection Act 2014*
- *Public Interest Disclosures Act 2012*
- *Public Health and Wellbeing Act 2009*
- *Public Health and Wellbeing Regulation 2009*
- *Public Records Act 1973*
- *Racial and Religious Tolerance Act 2001*
- *Rail Safety Act 2006*
- *Residential Tenancies Act 1997*
- *Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010*
- *Road Management Act 2004*
- *Road Management (General) Regulations 2016*
- *Road Management (Works and Infrastructure) Regulations 2015*
- *Road Safety Act 1986*
- *Road Safety Road Rules 2009*
- *Road Safety Road Rules 2017*
- *Road Safety (General) Regulations 2009*
- *Road Safety (Traffic Management) Regulations 2009*
- *Road Safety (Vehicles) Regulations 2009*
- *Rooming House Operators Act 2016*
- *Second-Hand Dealers and Pawnbrokers Act 1989*
- *Sex Work Act 1994*
- *Sheriff Act 2009*
- *Sport and Recreation Act 1972*
- *Subdivision Act 1986*
- *Subdivision (Fees) Regulations 2016*
- *Subdivision (Procedures) Regulations 2011*
- *Subdivisions (Registrar's Requirements) Regulations 2011*
- *Summary Offences Act 1966*
- *Taxation Administration Act 1997*

4.2.1 Legislative Compliance Policy (Cont.)



- *Transfer of Land Act 1958*
- *Transport (Safety Schemes Compliance and Enforcement) Act 2014*
- *Urban Renewal Authority Victoria Act 2003*
- *Valuation of Land Act 1960*
- *Victoria Grants Commission Act 1976*
- *Victorian Data Sharing Act 2017*
- *Victorian Energy Efficiency Target (Project-Based Activities) Regulations 2017*
- *Victorian Environmental Assessment Council Act 2001*
- *Victorian Inspectorate Act 2011*
- *Victorian Planning Authority Act 2017*
- *Victorian State Emergency Service Act 2005*
- *Water Act 1989*

4.2.1 Legislative Compliance Policy (Cont.)



14. APPENDIX 2 – MAJOR INSTRUMENTS OF FEDERAL LEGISLATION RELEVANT TO COUNCIL

The major instruments of Federal legislation that Council operates under are listed, but are not limited to, the below. Instruments of legislation are updated from time to time, names may change and requirements may be altered. New legislation may also be developed that becomes relevant to Council.

- *Age Discrimination Act 2004*
- *Australian Human Rights Commission Act 1986*
- *Disability Discrimination Act 1992*
- *Fair Work Act 2009*
- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*
- *Work Health and Safety Act 2011*

4.2.1 Legislative Compliance Policy (Cont.)

15. APPENDIX 3 – IMPLEMENTING COUNCIL'S LEGISLATIVE COMPLIANCE FRAMEWORK



4.3 OTHER

4.3.1 Draft Minutes of Positive Ageing Advisory Committee Meeting - 10 June 2021

File Id:

Responsible Officer:

Director Community Services

Attachments:

Draft Minutes of Positive Ageing Advisory
Committee Meeting on 10 June 2021

1. Report Summary

At the Council meeting held 23 April 2018, Council resolved in part to *invite Advisory Committees and Reference Groups to submit meeting minutes for Council endorsement*. This resolution also allowed interested Councillors (and those that attend these Committees and Reference Groups) to speak to the meeting about items discussed at these meetings.

2. Recommendation Summary

This report recommends that the draft Minutes of the Positive Ageing Advisory Committee meeting provided in Attachment 1 to this report be noted and endorsed by Council.

4.3.1 Draft Minutes of Positive Ageing Advisory Committee Meeting - 10 June 2021 (Cont.)

3. Background and Proposal

Greater Dandenong Council is represented on a wide range of Committees, Reference Groups and Advisory Groups which frequently reflect the interests of individual Councillors in serving the broader community in their role. A full listing of these appointments is confirmed each November at Council's Annual meeting to elect the Mayor and Deputy Mayor and is available via Council's website.

The resolution of Council made on 23 April 2018 provides for Minutes of meetings held by Advisory Committees and Reference Groups to be submitted to Council for information purposes, for noting and for endorsement (not adoption).

As such, the draft Minutes are provided as Attachment 1 to this report.

There are no financial implications associated with the development and submission of this report.

4. Community Plan 'Imagine 2030' and Council Plan 2017-2021 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted to see for themselves and the City in 2030, the result was the Greater Dandenong Community Plan 'Imagine 2030'. This report is consistent with the following community visions:

Community Plan 'Imagine 2030'

People

- *Pride – Best place best people*
- *Cultural Diversity – Model multicultural community*
- *Outdoor Activity and Sports – Recreation for everyone*
- *Lifecycle and Social Support – The generations supported*

Place

- *Sense of Place – One city many neighbourhoods*
- *Safety in Streets and Places – Feeling and being safe*
- *Appearance of Places – Places and buildings*
- *Travel and Transport – Easy to get around*

Opportunity

- *Education, Learning and Information – Knowledge*
- *Jobs and Business Opportunities – Prosperous and affordable*
- *Tourism and visitors – Diverse and interesting experiences*
- *Leadership by the Council – The leading Council*

4.3.1 Draft Minutes of Positive Ageing Advisory Committee Meeting - 10 June 2021 (Cont.)

5. Council Plan 2017-21

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four years. This report is consistent with the following goals:

People

- *A vibrant, connected and safe community*
- *A creative city that respects and embraces diversity*

Place

- *A healthy, liveable and sustainable city*
- *A city planned for the future*

Opportunity

- *A diverse and growing economy*
- *An open and effective Council*

6. The Overarching Governance Principles of the *Local Government Act 2020*

Section 9 of the *Local Government Act 2020* (LGA2020) states that a Council must in the performance of its role give effect to the overarching governance principles.

The establishment of the Positive Ageing Advisory Committee and the work that it undertakes gives particular consideration to the following overarching governance principles:

- priority is given to achieving the best outcomes for the municipal community, including future generations (section 9(b) of the LGA2020);
- the municipal community is engaged in strategic planning and strategic decision making – many advisory committees and reference groups have community members as participants (section 9(d) of the LGA2020);
- innovation and continuous improvement is pursued (section 9(e) of the LGA2020);
- collaboration with other councils, governments and statutory bodies is sought – many advisory committees and reference groups have representatives attending from these organisations (section 9(f) of the LGA2020);
- the ongoing financial viability of Council is ensured (section 9(g) of the LGA2020);
- regional, state and national plans and policies are taken into account in strategic planning and decision making – diverse representation within these groups ensures this occurs (section 9(h) of the LGA2020); and
- the transparency of Council decisions, actions and information is ensured by this regular reporting mechanism (section 9(i) of the LGA2020).

4.3.1 Draft Minutes of Positive Ageing Advisory Committee Meeting - 10 June 2021 (Cont.)

7. Victorian Charter of Human Rights and Responsibilities

All matters relevant to the Victorian Charter of Human Rights and Responsibilities have been considered in the preparation and are consistent with the standards set by the Charter.

8. The *Gender Equality Act 2020*

The *Gender Equality Act 2020* came into operation on 31 March 2021 and requires councils to take positive action towards achieving workplace gender equality and to promote gender equality in their policies, programs and services.

Council's Diversity, Access and Equity Policy and the *Gender Equality Act 2020* have been considered in the preparation of this report but are not relevant to its contents because it is a reporting mechanism only.

The report does not have the potential to influence broader social norms and gender roles nor does it benefit any one gender group over any other.

9. Consideration of Climate Change and Sustainability

One of the overarching governance principles of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

In January 2020, this Council joined a growing number of cities around Australia and declared a "Climate and Ecological Emergency" and committed this Council to emergency action on climate change. Council has developed a Climate Change Emergency Strategy and Action Plan 2020-30 to help the City of Greater Dandenong become a resilient, net zero carbon emission city with an active community prepared for the challenges of changing climate.

This report has no impact on Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 or the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability because it is purely administrative in nature and is a reporting mechanism only.

10. Recommendation

That Council notes the draft Minutes of meeting for the Positive Ageing Advisory Committee as provided in Attachment 1 to this report.

4.3.1 Draft Minutes of Positive Ageing Advisory Committee Meeting - 10 June 2021 (Cont.)

OTHER

**DRAFT MINUTES OF POSITIVE AGEING ADVISORY COMMITTEE
MEETING**

ATTACHMENT 1

**POSITIVE AGEING ADVISORY
COMMITTEE MEETING
HELD ON 10 JUNE 2021**

PAGES 4 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.3.1 Draft Minutes of Positive Ageing Advisory Committee Meeting - 10 June 2021 (Cont.)

Advisory Committee or Reference Group Name: Positive Ageing Advisory Committee
Date of Meeting: 10 June 2021
Time of Meeting: 1.30-3.30pm
Meeting Location: Virtually via Microsoft Teams

Attendees:

Committee: Julie Klok, Maria Erdeg, Morrie Hartman (part), Shirley Constantine, Milena France, Christine Green, Merle Mitchell, Erica Moulang

Council Officers: Mandy Gatliff (Chair), Tracey Macleod, Jenny Vong (minute taker)

Apologies: Carol Drummond, Jayne Kierce, Deputy Mayor Cr Sophie Tan

Guest speaker: Wendy Dunstan (Outside the Square Creative Consulting)

Minutes:

Item No.	Item	Action	Action By
1.	Welcome and Introductions Welcome from the Chair		
2.	Previous Minutes & Business Arising <ul style="list-style-type: none"> • Draft February 2021 minutes were accepted – moved Maria Erdeg and seconded Erica Moulang • Apologies noted 		
3.	Consultation for the Proposed Dandenong Community Hub The Consultant provide background on the Dandenong Community Hub project in central Dandenong. The proposed multi-purpose community hub will provide a range of complementary services in a single accessible location with a range of shared facilities and functions for the community, groups and organisation. The Committee contributed feedback on what the facility should include such as: <ul style="list-style-type: none"> • A venue where you can access local services, activities and information about other services • Community focused for social connections and interactions • A safe, open, welcoming and accessible environment for all • Community garden and open greenery space • Ample carpark space • Multicultural as well as multigenerational 	Provide any further ideas to the Manager Community Care	Committee Members

If the details of the attachment are unclear please contact Governance on 8571 5235.

ORDINARY COUNCIL MEETING - AGENDA

4.3.1 Draft Minutes of Positive Ageing Advisory Committee Meeting - 10 June 2021 (Cont.)

	<p>focused</p> <ul style="list-style-type: none"> • Multipurposed to accommodate a range of activities such as crafts, exercise classes, cooking and eating spaces • A celebration of central Dandenong <p>The Committee emphasised the proposed hub should not replicate what is offered at the Dandenong Library and the Dandenong Neighbourhood House and similar facilities but compliment and offer a diverse range of facilities.</p> <p>The Consultant advised at this stage the proposed location is at the back of the market area near Pioneer Memorial Gardens. The Committee discussed the need to retain the open space but develop the area with better lighting, seating and improve safety within the area. One suggestion for location is the park under the bridge.</p>		
4.	<p>Federal Budget response to Aged Care Royal Commission</p> <p>A factsheet on the Government's aged care reform plan had been distributed to PAAC members prior to the meeting.</p> <p>Discussion was held on several of the reform plan including:</p> <ul style="list-style-type: none"> - Assistance to simplify the process to empower senior Australians to navigate and make informed decisions - Value and grow the aged care workforce - In residential care the average care minutes will be mandated to 200 minutes per day including 40 minutes of a registered nurse time by 2022. This will require a significant increase to the present Aged Care workforce. The Committee is interested on how this will be achieved and accountable. It has been noted that there was no staff care ratio in this reform plan. - The Committee acknowledged the importance of obtaining information and resources for individuals to make an informed decision. It was considered that as our community is culturally diverse and socio-economically disadvantaged, access to information may be difficult. - One of the key issues across all aged care services is the current lack of adequately qualified staff. The sector is perceived to have poor pay and conditions and demanding workloads which could indicate to prospective staff that working in the aged care sector is not a valued occupation. - The Committee recognised that the reform plan addressed some of the issues within 		

If the details of the attachment are unclear please contact Governance on 8571 5235.

ORDINARY COUNCIL MEETING - AGENDA

4.3.1 Draft Minutes of Positive Ageing Advisory Committee Meeting - 10 June 2021 (Cont.)

	the aged care sector, however detailed information on how these plans will be implemented are required to ascertain how these will be achieved.		
6.	<p>Other business: Discussion was held on how the process on QR check ins is working for older residents. The Committee was advised it has now been simplified with having only one app- Services Victoria with the app remembering your details and in many venues having a staff member at the front to assist individuals check in.</p> <p>However, there is still a level of difficulty in checking in with individuals not having a smart phone. Whilst there are pen and paper sign in options available at some venues the information on the paper sign in still needs to be electronically inputted into the Services Victoria app.</p> <p>The Committee recommended simple information sessions would greatly assist.</p> <p>Seniors Festival week will be held in October. This year it is anticipated that events will be held both virtually and face to face. The Committee has been asked to consider possible activities to discuss at the next meeting.</p> <p>Day trips will commence again once restrictions allow. The Positive Ageing Team Leader advised a new record was set with an outing being sold out in 23 minutes after it was advertised.</p>	<p>Investigations into possible information sessions</p> <p>Add to next meeting agenda</p> <p>Noted</p>	<p>Manager Community Care</p> <p>Coordinator Community Access</p>
7.	<p>Next Meeting Thursday 12 August</p>		

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.3.2 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 15 & 28 June & 5 July 2021

File Id: fA25545
Responsible Officer: Manager Governance

1. Report Summary

As part of Council's ongoing efforts to improve transparency in Council processes, matters discussed at Councillor Briefing Sessions & Pre-Council Meetings (other than those matters designated to be of a confidential nature) are reported on at Council meetings.

The matters listed in this report were presented to Councillor Briefing Sessions & Pre-Council Meetings in June and July 2021.

2. Recommendation Summary

This report recommends that the information contained within it be received and noted.

4.3.2 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 15 & 28 June & 5 July 2021 (Cont.)

3. Background

The Executive Management Team and associated staff at Greater Dandenong City Council host Councillor Briefing Sessions and Pre-Council Meeting on a regular basis (weekly) to inform Councillors about the work officers are undertaking, share information, obtain feedback and discuss strategies and options for current and future work.

To ensure transparency in this process matters discussed at Councillor Briefing Sessions and Pre-Council Meetings (other than those matters designated to be confidential under the *Local Government Act 2020*) are reported on at Council meetings. This report represents matters discussed at the Councillor Briefing Sessions & Pre-Council Meetings in June and July 2021.

4. Matters Presented for Discussion

Item		Councillor Briefing Session/Pre-Council Meeting
1	<p>General Discussion</p> <p>Councillors and Council officers briefly discussed the following items:</p> <ul style="list-style-type: none"> a) Future of Aldi site adjacent to Dandenong Market. b) Upcoming ALGA National Conference. c) Agenda items for the Council Meeting of 15 June 2021. 	15 June 2021
2	<p>General Discussion</p> <p>Councillors and Council officers briefly discussed Agenda items for the Council Meeting of 28 June 2021.</p>	28 June 2021
3	<p>Engineering 101 – Tree Management</p> <p>This information session provided Councillors with an overview on how Council's Parks team manage the public realm of Council's urban forests. Councillors were informed about key processes related to the management of street and park trees.</p>	5 July 2021

4.3.2 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 15 & 28 June & 5 July 2021 (Cont.)

4	<i>Children's Plan (2021-2026)</i> Councillors were presented with details regarding the development of the draft Children's Plan 2021-2026 which was informed by an extensive evidence-base study, including, but not limited to, consultations with children and families, benchmarking of local service providers, consultation with internal Council departments and review of other strategic plans, strategies and policy frameworks at a local, state and federal level to align activities for children (0-13 years) and their families. This plan is intended to proceed to a future Council meeting for endorsement.	<i>5 July 2021</i>
5	<i>Draft Biodiversity Action Plan</i> Councillors were presented with the Draft Biodiversity Action Plan 2021 - 2026 prior to it undergoing community consultation.	<i>5 July 2021</i>
6	<i>General Discussion</i> Councillors and Council officers briefly discussed the following items: a) Proposal to sell land in Dandenong (Cr Dark declared a Conflict of Interest in this item and left the room during its discussion). b) Opening of the Springvale & District Historical Society. c) Possible future land purchase by Council (Cr Dark declared a Conflict of Interest in this item and left the room during its discussion). d) Agenda items for the Council Meeting of 15 June 2021. e) A CEO/Councillors only session was conducted (CONFIDENTIAL).	<i>5 July 2021</i>

5. Apologies

- Cr Loi Truong submitted an apology to the Pre-Council Meeting on 15 June 2021.
- Cr Jim Memeti and Cr Loi Truong submitted apologies to the Councillor Briefing Session on 5 July 2021.

4.3.2 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 15 & 28 June & 5 July 2021 (Cont.)

6. Community Plan 'Imagine 2030' and Council Plan 2017-2021 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted to see for themselves and the City in 2030, the result was the Greater Dandenong Community Plan 'Imagine 2030'. This report is consistent with the following community visions:

Community Plan 'Imagine 2030'

Opportunity

- *Education, Learning and Information – Knowledge*
- *Leadership by the Council – The leading Council*

Council Plan 2017-21

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four years. This report is consistent with the following goals:

Opportunity

- *An open and effective Council*

7. The Overarching Governance Principles of the *Local Government Act 2020*

Section 9 of the *Local Government Act 2020* (LGA2020) states that a Council must in the performance of its role give effect to the overarching governance principles.

Reporting on matters discussed at Councillor Briefing Sessions and Pre-Council Meetings gives effect to the overarching governance principles (in particular, section 9(i) of the *Local Government Act 2020*) in that the transparency of Council actions and information is ensured.

8. Victorian Charter of Human Rights and Responsibilities

All matters relevant to the Victorian Charter of Human Rights and Responsibilities have been considered in the preparation and are consistent with the standards set by the Charter.

9. The *Gender Equality Act 2020*

The *Gender Equality Act 2020* came into operation on 31 March 2021 and requires councils to take positive action towards achieving workplace gender equality and to promote gender equality in their policies, programs and services.

Council's Diversity, Access and Equity Policy and the *Gender Equality Act 2020* have been considered in the preparation of this report but are not relevant to its contents because it is a reporting mechanism only. The report does not have the potential to influence broader social norms and gender roles nor does it benefit any one gender group over any other.

4.3.2 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 15 & 28 June & 5 July 2021 (Cont.)

10. Consideration of Climate Change and Sustainability

One of the overarching governance principles of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

In January 2020, this Council joined a growing number of cities around Australia and declared a “Climate and Ecological Emergency” and committed this Council to emergency action on climate change. Council has developed a Climate Change Emergency Strategy and Action Plan 2020-30 to help the City of Greater Dandenong become a resilient, net zero carbon emission city with an active community prepared for the challenges of changing climate.

This report has no impact on Council’s Declaration on a Climate and Ecological Emergency, Council’s Climate Change Emergency Strategy 2020-2030 or the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability because it is purely administrative in nature and is a reporting mechanism only.

11. Recommendation

That:

- 1. the information contained in this report be received and noted; and**
- 2. the information discussed at the above listed Councillor Briefing Session that was declared confidential in Item 6(e) under section 3(1) of the *Local Government Act 2020* remains confidential until further advisement unless that information forms the subject of a subsequent Council report.**

4.3.3 List of Registered Correspondence to Mayor and Councillors

File Id:	qA283304
Responsible Officer:	Manager Governance
Attachments:	Correspondence Received 5-16 July 2021

Report Summary

Subsequent to resolutions made by Council on 11 November 2013 and 25 February 2014 in relation to a listing of incoming correspondence addressed to the Mayor and Councillors, Attachment 1 provides a list of this correspondence for the period 5-16 July 2021.

Recommendation

That the listed items provided in Attachment 1 for the period 5-16 July 2021 be received and noted.

4.3.3 List of Registered Correspondence to Mayor and Councillors (Cont.)

OTHER

**LIST OF REGISTERED CORRESPONDENCE TO
MAYOR AND COUNCILLORS**

ATTACHMENT 1

**CORRESPONDENCE RECEIVED
5-16 JULY 2021**

PAGES 3 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.3.3 List of Registered Correspondence to Mayor and Councillors (Cont.)

Objective
 CONNECTED. COLLABORATIVE. COMMUNITY.

Correspondences addressed to the Mayor and Councillors received between 05/07/21 & 16/07/21 - for officer action - total = 2

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Assigned
A letter from a Springvale resident regarding several issues that need attention in the Springvale area.	12-Jul-21	13-Jul-21	fA221791	Mayor & Councillors EA
A letter from an Endeavour Hills resident to Councillor Milkovic regarding a parking infringement incurred at Dandenong Basketball Stadium.	12-Jul-21	13-Jul-21	fA221793	Mayor & Councillors EA

NB: Users assigned may have changed by the time of the Council Meeting. Correct at time of report production only.

4.3.3 List of Registered Correspondence to Mayor and Councillors (Cont.)



Correspondences addressed to the Mayor and Councillors received between 05/07/21 & 16/07/21 - for information only - total = 2

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Assigned
A letter from a Liberty Swing Sales Company regarding the installation of liberty swings in Council parks.	08-Jul-21	08-Jul-21	A7864716	Mayor & Councillors EA
A letter from the Minister for Planning advising of approval of the Car Parks for Commuters Project - Designation of Project Area under Section 95 of the Major Transport Projects Act 2009.	30-Jun-21	14-Jul-21	A7876644	Mayor & Councillors EA

NB: Users assigned may have changed by the time of the Council Meeting. Correct at time of report production only.

5 NOTICES OF MOTION

A notice of motion is a notice setting out the text of a motion proposed to be moved at the next relevant meeting. It must be in writing, signed by a Councillor, and be lodged with the Chief Executive Officer in sufficient time for him or her to give each Councillor at least 72 hours notice of such notice.

The guidelines for submitting a notice of motion to a Council meeting are included in the current Council's Governance Rules

6 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS

At each Ordinary Meeting of Council all Councillors will have the opportunity to speak for exactly four (4) minutes on any meetings, conferences or events they have recently attended.

If a Councillor chooses to speak, the name of the conference/event and the Councillor will be noted in the Minutes for that meeting. If a Councillor requires additional information on the conference/event to be listed in the Minutes, they must submit it in writing to a Member of Governance by 9am the day following the meeting.

Question time is provided to enable Councillors to address questions to the Administration. The guidelines for asking questions at a Council meeting are included in the current Governance Rules.

7 URGENT BUSINESS

No business may be admitted as urgent business unless it:

- a. Relates to or arises out of a matter which has arisen since distribution of the Agenda.
- b. Cannot safely or conveniently be deferred until the next ordinary meeting and unless agreed to by a majority of those Councillors present at the meeting.